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Intersecting regimes of oppression, social critique, and 'thick' justice for lesbian and gay people

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Introduction

The gender and sexuality politics terrain in Denmark is currently marked by deep divisions. One the one hand governmental proclamations and mainstream media celebrate the public presences of women, lesbians, gays, and transgender people (Mathiessen, 2017; The Danish Government, 2016; The Ministry of Immigration and Integration, 2015). Recent changes, such as trans peoples' right to change the gender on their IDS, same-sex marriage rights, and more gender equality, are cast as testimonies of a linear progress brought about by a successful politics of equality and new forms of national belonging, defined by 'woman- and homo-friendliness'. In contrast misogyny, homo- and trans phobia are ascribed to other countries and racialized groups of immigrants.[1] On the other hand radical queer, transgender, feminist, anti-racist communities, and voices within the main organization, LGBT Denmark, foreground extant sexist, heterosexist and racist structures plus the marginalization of transgender people and bisexuals (Bissenbakker et al., 2014; Everyday Sexism Project Denmark, 2017; LGBT Denmark, 2017b; QueerPower, 2017). Stressing intersecting inequalities

of gender, gender identity, sexuality, race, class and nation, this position questions the scope of change. Hence, modalities of subordination and domination, alongside visions of equality and justice have become highly contested.

Focusing on the case of lesbian and gay people[2] here[3], aiming to contribute normative analysis and evaluation to these political conflicts, I make three arguments. Firstly, society offers what I propose to call thin' justice (formal equality) rather than 'thick' justice (substantive equality)[4]. The latter requires granting lesbian and gay citizens equivalent rights and immunities, along with their effective implementation; equal cultural respect; an effective political voice and the situating of the vindication of equality within the domain of democratic contestation; redistributive interventions, alongside the elimination of sexual oppression itself. Secondly, perhaps counter-intuitively the achievement of 'thin' justice may promote, provided certain conditions, the reaching of a 'thick(er)' justice over time. Thirdly, because the intersectional dimension of sexual justice cannot be separated from racial, gender, and age-related justice[5], different groups of lesbians and gays need something different to function as equal citizens. Apart from a few studies (Albæk, 1998; Stormhøj, 2007, 2015; Ussing, 2002), these issues have not been discussed in the Danish context in a political-theoretical perspective[6], and none have applied an approach of intersectionality.

The article makes three key contributions to the field of feminist and sexuality-related political theory: 1) Challenging a pervasive dualism in terms of the politics of formal equality - with proponents claiming its progressiveness (e.g. Roseneil et al., 2013; Seidman, 2001), and opponents its regressiveness (e.g. Duggan, 2003; Eng, 2010; Spade, 2015; Warner, 1999) - I want to contribute to an emerging third position, arguing that both inclusion and transformation are needed to expand justice for lesbians and gays (Weeks, 1998) (see also Stychin, 2001). Extending this position by suggesting the idea of what I call 'a politics of small steps'(referring to law reforms and changes that promote social betterment in the present, yet also transform the 'frames' of inclusion) allows me to consider the relationship between the pursuit of formal equality and substantial equality as a dynamic one that may approach the ideal of 'thick' justice over time; 2) Capitalizing on feminist theorization of 'thick' justice, especially Nancy Fraser's work which is theoretical, as she has not carried out empirical analyses, this article applies her theory to a specific context, thereby nuancing and revising it. Furthermore, Fraser's crafting of justice within a framework of radical democracy offers an understanding of justice as a battleground between the state and lesbian and gay movements. Expanding this notion, I propose considering the temporality of justice, whereby it is turned into a process that may be limited or expanded in acts of struggle: the idea of creating justice by social movements' continuing performing or claiming it. A further analytical gain of Fraserian theory is its attention to economic injustices, thus

contributing to an underexplored area in much of the literature on sexual citizenship[7] and justice[8] (Richardson, 2017: 218) (exceptions are, e.g. Bell and Binnie, 2000; Evans, 1993; Spade, 2015; Young, 1990); 3) Using the lens of intersectionality paves the way for analyzing the specificities and varying degrees of constrain on the agency of different groups of lesbians and gays, thus addressing a gap in sexuality-related political theory.

Positions on the politics of formal equality

Scholars disagree on the achievements and pitfalls of a politics of formal equality, the template for including LGBT people in contemporary Western societies. Included in the brief review to follow are Ammaturo (2017), Andersen (2009), Bamforth (1997), Bech (2002), Bell and Binnie (2000), Brown (2006), Butler (2004), Duggan (2003), Eng (2010), Evans (1993), Kaplan (1997), Petersen (2012), Phelan (2001), Richardson and Monro (2012); Roseneil et al. (2013), Rydström (2011), Seidman (2001), Spade (2015), Warner (1999), and Weeks (1998). In analyzing this literature, I identify four major positions: A view stressing the politics as 1) progressive, 2) regressive, 3) ambivalent, and 4) as potentially transformative over time, with each position containing various sub-positions. Writers within the first position stress the progressive, yet incomplete, social inclusion and legal equality of lesbians and gays (Bech, 2002; Roseneil et. al, 2013; Seidman, 2001). This process has brought about more life chances to

homosexuals (Roseneil et al., 2013); made living as a homosexual less strenuous, and sexual identity less significant, socially and individually as a result of normalization (Bech, 2002; Seidman, 2001); contributed to transforming key social institutions (marriage and family) (Bech, 2002); and challenged the normativity and naturalness of heterosexuality (Roseneil et al., 2013).

Besides the ineffectiveness of formal-legal measures in addressing oppression (Bamforth, 1997; Phelan, 2001; Spade, 2015), for some writers within the second position, the rhetoric of the freedoms and rights of the individual is key to current neoliberalism's discipline, encouraging homosexuals to become 'ordinary citizens' by including them into the intimate realm, consumption, and the national order (Duggan, 2003; Eng, 2010; Evans, 1993; Petersen, 2012). The point is that neoliberal inclusion upholds normative frameworks and can block the pursuit of substantive equality. Another key point is that entitlements are conditioned by the sexual citizen behaving in specific ways (privatized, de-eroticized and domesticated), whereby sexual dissidence is neutralized (Ammaturo, 2017; Bell and Binnie, 2000; Duggan, 2003; Evans, 1993; Warner, 1999). Moreover, a crucial problem is how neoliberalism's sexual politics enacts its own exclusions and hierarchizations along axes, most importantly, of race and class (Ammaturo, 2017; Eng, 2010; Spade, 2015). A final problem is how the regime of formal equality depoliticizes, construing inequalities as individual, natural, or

cultural making them more difficult to address (Brown, 2006; Richardson and Monro, 2012; Spade, 2015).

The third position, the ambivalent, weighs pros et cons against each other foregrounding the gains of formal equality (less suffering, more life chances and protections) as compared with its absence (cruelty, expulsion etc.). Concurrently, it insists on the normalizing effects of this politics and its contributions to sustaining status quo (Andersen, 2009; Butler, 2004; Kaplan 1997; Rydström, 2011).

The fourth position claims the need of both civic inclusion in order to counter the reinforcement of present inequalities in citizenship and of continuing critique of these inclusionary frames (Weeks, 1998). Suggesting the idea of 'a politics of small steps', I indicate how formal equality initiatives may pave the way for more transformative politics to become possible over time. Propelling such a progressive spiral which cumulatively alters the terrain of later justice struggles, depends on contextual factors, which I discuss later.

Theorizing 'thick' justice for lesbians and gays, and its structural impediments in Denmark

My articulation of ´thick´ justice feeds on an expansive conception of justice as developed by feminist thinkers (Fraser, 1997; 2003a; 2003b; 2009; Nussbaum, 1999; Young, 1990), foregrounding three interrelated aspects: (i) justice comprises all aspects

of institutional organization, insofar as they are potentially subject to collective decision. (ii) Democracy is both a component and a condition of justice. (iii) Justice encompasses both negative and positive liberty.[9] Nancy Fraser proposes a tripartite theory of justice, grounded in culture, economy, and politics, corresponding with recognition, redistribution and representation. In order to illuminate the often hidden intertwinements between the different forms of injustice, it aims to investigate every practice from the perspective of recognition, redistribution and representation. Drawing on her approach, I argue that lesbians and gays suffer from all three forms of injustice[10], though in varying degrees, implying that justice can only be achieved by simultaneously remedying all of these.

Fraser (2003a: 36) forwards a radical equalitarianism: the equal participation of all in social life, with which she evaluates society's institutional arrangements. Cultural value patterns produce unequal relations of recognition between groups, generating a status hierarchy that denies some actors equal participation. Achieving justice requires changing these patterns so that they convey equal respect for all. Relevant here is Fraser's (2003a) analysis of heterosexism: heteronormative value patterns produce status inequalities causing a systemic oppression of homosexuals, including making sexual differences invisible. Such patterns are institutionalized in laws and policies and organize everyday practices. In the economic order, an uneven distribution of resources and burdens violate justice by denying some people the means

and opportunities to participate on an equal standing. The remedy is redistribution. Thinking from the horizon of radical democracy, unequal access to representation and decision-making procedures within all institutional settings that enable or constrain members' actions produces various forms of political misrepresentation. These forms hamper justice by denying some people their equal say in terms of common affairs and in their framings. Democratization is needed (Fraser, 2009). Importantly, as the three forms of oppression are empirically intertwined, they can amplify each other producing either disempowering or empowering spirals.

Because of the contextual and temporal nature of heteronormativity (Brown, 2012; Ryan- Flood, 2009), Fraser's analysis of heterosexism, which I take to be USA-based and to reflect the social-sexual regime of the past, needs revision to capture the current social standing of lesbians and gays in Denmark. Research (Edelberg, 2011; Nyegaard, 2017; Rydström, 2007, 2011; Søland, 1998; Von Rosen, 2007) testifies that, during the twentieth century, the repression of homosexuals has been weakening, though not without backlashes. Key nation-specific factors include: a welfare state characterized by a tradition of egalitarianism that institutionalizes social rights independently on family relationships; a strong faith in the legitimacy of state-intervention; cultural changes redefining marriage, family and sexuality; a bottom-up formative process, building on a participatory model of citizenship that enables lesbian and gay movements to influence political power; a political culture of consensus in

favor of solving social problems scientifically[11] and requiring compromises across the political spectrum; a decrease of traditionalistic political parties; and a lesbian and gay movement, strategically promoting tolerance, accept, and equality rather than confrontation, and working with rather than against authorities, with the latter three factors weakening opposition to lesbian and gay right claims. These factors paved the way for Denmark's early move toward decriminalization (1930) of homosexuality (Rydström, 2007). In tandem with the particular role played by European institutions in promoting a human rights based protection and equality agenda (Ammaturo, 2017; Roseneil et al., 2013), they have also laid the ground for subsequent developments: anti-discrimination legislation and laws recognizing same-sex relationships and parenting that came about from the late 1980s.

Fraser's theory also needs updating to match sexual politics trends of neoliberalism, accelerating in the 1990s in Denmark (Pedersen, 2011: 22): the partial and conditional inclusion and equality of certain groups of lesbian and gay citizens. These moves are accomplished by a process of normalization that integrates homosexuals, provided that they conform to dominant racial (white), cis-gender, sexual, familial, and work practices (Petersen, 2012); a process of purification that tries to free the homosexual from the mark of otherness (Richardson, 2005), yet, a mark that will stick because of the weight of history, and which leaves her/him continually prey to exclusion (Stormhøj, 2015); and a process of recoding the notion of homosexual

liberation as access to conventional life (Edelberg, 2014; Petersen, 2012). Importantly, these trends do not displace the older one of repression. Rather, they coexist, I suggest, in various combinations within different institutional fields, and produce their own field-specific dynamic of inclusion (the privileged) and discrimination (the vulnerable and dissidents).

Summing up, the extent and speed of processes of legal equality and civic inclusion in Denmark have been relative fast, yet follow a general North-western European trend (Petersen, 2012). Still, because these processes are modeled by hegemonic norms, they leave many aspects of inequality unchanged, make substantial equality for lesbians and gays precarious, and render facets of their social life insecure with anti-discrimination legislation remaining insufficient (Edelberg, 2014; Rydström, 2011; Stormhøj, 2009, 2015)

In revising Fraser's theory, I also profit from feminist intersectional perspectives. In line with Fraserian thinking, a macro-group level approach to intersectionality[12] foregrounds social structures and common location within power relations (positionality), thus addressing the fact of interlocking systems of oppression (Collins, 2015; Crenshaw, 1994). My main focus will be on the intersection of heterosexism, sexism, and racism. Sexism refers to the tendency of devaluing traits associated with the feminine (Lorber, 2011). Following Anthias and Yuval-Davis (1992) and Hervig (2015), racism denotes discourses and other social practices that

privilege traits linked with 'whiteness', and, in turn, disprivilege expressions associated with people of color, or ethnic, national and religious minority groups, constructed as 'the others'. These entanglements may account for how life conditions and experiences of lesbians and gays are shaped by various axes of advantage/disadvantage that produce complex inequalities.

(In)justices for lesbians and gays

To assess the justice of social arrangements, the following analysis is designed as a confrontation between 'is' and 'ought': the evaluation of empirical relations of recognition and representation with the norm of equal participation. The examples selected demonstrate aspects of the relations of recognition embedded in educational settings and in regulatory and legal institutions dealing with migrants; relations of representation in school and asylum policy; and, the economic effects of these relations.[13] These areas are selected, because they allow evaluating the limit/opportunity of the scheme of formal equality, and how transformation may be produced; represent relatively underexplored areas; reflect the timeliness of the debates, and because of empirical availability. As knowledge on lesbians and gays' social conditions in Denmark is limited and fragmentary[14], the latter has been decisive. The material is found in case studies and surveys. Concerning timeliness, the combatting of bullying in schools has recently become a political priority (Hansen et al., 2014). As to the current

refugee crisis, a growing number of asylum seekers are framing their claims in terms of persecution on the ground of sexual orientation (LGBT Asylum, 2015). Because norms shaping relations of recognition and representation are area-specific, generalizations based on these examples cannot be made. The patterns found may ground future research in areas resembling the ones selected.

       The first area concerns relations of recognition in educational settings, and the political influence of LGBT NGO's on anti-bullying policies. Heterosexist bullying (injuring name-calling and physical attacks) is indicator of misrecognition, as is public inaction when it comes to such behavior. Recent research shows mixed results: schools are supportive as well as particularly problematic places for young lesbians and gays. Today, they meet a more 'homo'-affirmative climate than did previous generations (Graugaard et al., 2015) and have more positive experiences with schools peers and staff (FRA, 2009[15]; Gransell and Hansen, 2009). Still, the high level (63 %) of closeting during schooling before the age of 18 (FRA, 2013) combined with the widespread practice of normalization questions schools' inclusiveness. In the FRA survey (2013), 26 % of young lesbians and gays answer that they often experience heterosexist bullying in schools; 40 % that they experience it sometimes; and, around 50 % experience others often being harassed on grounds of sexual orientation. The high level of harassment reported is related to younger peoples' dependent position making it difficult for them to choose those with whom they interact in school. Foregrounding the

social aspect, Hansen (2011) explains bullying as 'the need to belong to the 'normal''' which is urgent in youth. One way of 'doing' belonging is by engaging in practices punishing sexualities outside the boundaries of normative heterosexuality, which is a way of demonstrating especially masculine identity (Messerschmidt, 2012). Particularly among high school boys, a high level of disapproval of same-sex practice is found (Sex & Society, 2011). Approaching bullying through the lens of intersectionality[16], homophobia interacts with sexism in various ways, only some of which can be discussed here. Physical attacks used by bullying males, attempting to teach gays to be 'real men', i.e. someone who can return aggression, may be read as homophobic sexism. And boys appearing 'soft or shy', thereby demonstrating insufficient commitment to male values, risk sexist, homophobic victimization where the perpetrator bullies in manners traditionally directed towards girls (gossip, intentional exclusion etc.) (Daley et al., 2007). Because boys are often more severely punished when behaving 'queerly' due to their role in maintaining male privileges, gay youth is more inclined to closet than young lesbians are (Messerschmidt, 2012). In terms of the level of bullying experienced, boys become victims to bullying in schools twice as often as girls do, and also perceive the school climate as more intolerant towards them than lesbians do (FRA, 2013). While girls can engage in behavior beyond the 'traditional' feminine because of the valorization of masculinity, still, lesbian youth may experience

sexual assault as males raise doubt about their lesbianism or make a pass at them, both instances that may be conceptualized as sexist homophobia (Daley et al., 2007).

Several works (FRA, 2009; Hansen, 2014; National Institute of Public Health, 2014) demonstrate that stress, isolation, lack of feeling safe, poor school performance, absenteeism, and dropping out of school are some of the effects of sexist and/or heterosexist misrecognition. With school curricula often ignoring the issue of homosexuality (FRA, 2016; Sex & Society, 2011), this lack reinforces the isolation of lesbian and gay youth, as does representing heterosexuality as the only 'natural' and valuable option. Viewed from the angle of redistribution, high levels of absenteeism and modest grades can lead to reducing the chances of lesbian and gay youth entering into higher education and may translate into economic hardship. Gransell and Hansen (2009) show how disempowering spirals of low level or lack of education, marginal labor market position or unemployment, and economic problems may occur.

Since 2000, political efforts to prevent and combat bullying in schools have increased (National Institute of Public Health, 2014: 98). Yet, currently only 78% of primary and lower secondary schools have developed anti-bullying strategies, though they are mandatory (DCUM, 2017). None recognize heterosexist bullying and assaults on grounds of non-conforming gender behavior (FRA, 2016). Teachers lack the awareness, incentives, and skills to acknowledge and tackle these issues (FRA, 2016). And practices involved in naturalizing heterosexuality (framing it as inborn, or as

transhistorical. See Butler, 1990) are left unaddressed by school authorities (Engel and Houe, 2014; Sex & Society, 2011). There is an urgent need for systematic training of teachers and school staff (Engel and Houe, 2014); yet, authorities are reluctant referring to constrains due to cutback (FRA, 2016). Generally, bullying becomes individualized, requiring only interpersonal conflict-solving and mutual trust-building (Hansen, 2016). However, LGBT NGOs' and other organizations engaged in combatting discrimination, and forming partnerships with public authorities (LGBT-Youth, 2017; Norm Storm Troops, 2016; Sex & Society, 2017), continually attempt to promote a 'thicker' justice, which would frame the problem of bullying as a structural one that would require institutional solutions (FRA, 2009; Hansen, 2016). Still, this partnership has proven successful in identifying gender and sexuality-related bullying (Sex & Society, 2011), and in changing the view on same-sex practices among youth over time (FRA, 2009).

The second area concerns asylum policy focusing on its relations of representation and recognition. Importantly, the handling of (lesbian and gay) refugees and asylum seekers is a complex process situating a multiplicity of actors (immigration authorities, caseworkers, NGO's, lawyers, and asylum seekers) in networks of power, knowledge, and law (Drud-Jensen and Knudsen, 2008).[17] Migration laws have been repeatedly tightened since 2000 (Myong and Bissenbakker, 2014) as 3. World migrants are cast as threats to the socio-cultural stability and welfare of the country and as costs (Ammaturo, 2017). While supra-national court decisions offer improved protection of

LBGT migrants (Ammaturo, 2017), research points to areas of deep concern, only some of which can be discussed here. Their situation when coming to Denmark is given a low priority politically, though they are considered as especially vulnerable by supranational agencies (FRA, 2017), and face particular difficulties when applying for asylum, when they are deported, or during integration (Knudsen, 2011; LGBT Asylum, 2015; see also Sältenberg, 2016). Racist and heterosexist assumptions play out in various ways in terms of application procedure. Two are central: ignorance of lesbian and gay ways of living, and/or the use of heteronormative frames of interpretation; and, the deployment of Western understandings of sexuality. In the country of origin reports, information about homosexuality which is part of the assessment process, is often extremely scarce, based on heteronormative notions, and does not include the voices of local-based LG NGOs, if they exist at all (Knudsen, 2011: 112). Often, the credibility of asylum seekers is called into question, because only certain racialized/Westernized identities and practices are intelligible (e.g. having a stable homosexual identity and a consistent sexual activity, and framing one's story within the discourse of 'coming out'); because authorities perceive lesbian and gay people stereotypically (e.g. assuming that gays behave womanly), and lack knowledge to handle sensitive issues around gender and sexual orientation (Knudsen, 2011; LGBT Asylum, 2015, 2017; Provencher, 2011). Moreover, heterosexism and racism sometimes interact with blindness to gender-specific oppression. When information about homosexuality is

available in the country of origin reports, the homosexual is often assumed to be a male figure, and also based on racialized knowledge, to be able to practice 'his' sexuality in a gay subculture, wherefore lesbians suffer from discursive erasure, which may have serious repercussions (Drud-Jensen and Knudsen, 2009: 54-55). Though lesbians risk persecution in their home country, if their sexual identities are disclosed, they are assumed to enjoy the same subcultural autonomy, and therefore risk being denied asylum. When deported, lesbians may also risk, on their return, so-called correctional rape, often by relatives and acquaintances, and often on the request of their close family (Hojem, 2009: 8). There are no special accommodations facilities for lesbians and gays in terms of reception conditions, though they are victims of both racist, sexist, and homophobic harassment and violence, often without reporting the abuses and authorities not recording them (FRA, 2016; LGBT Asylum, 2017). The scarcity of research makes assessing the prevalence of the patterns found difficult; yet, research does suggest a lack of equal concern for colored lesbians and gays, who are ignored, silenced, and delegitimized if their identities and experiences do not fit the normalized definitions and criteria of the Danish state. These injustices may, in part, explain a higher level of rejection of lesbian and gay asylum seekers than among other groups of applicants (LGBT Asylum, 2015). The low prioritizing of lesbian and gay asylum seekers results in a lack of economic resources for gathering and assessing country of origin

information and for training of caseworkers (FRA, 2017). NGO's engaged in this group of refugees only survive by private donations.

While recently succeeding in having prosecution on grounds of sexual orientation recognized as a basis for asylum[18], yet, because of increasingly restrictive laws, LGBT Denmark is no longer represented at The Refugee Appeals Board making final decisions on granting asylum (Knudsen, 2011; LGBT Asylum, 2015). Evaluated by the standard of democratic justice, this and other NGOs still have their say when new laws or amendments are introduced. Yet, they are not accorded a voice in final decision-makings; do not have the opportunity to test the legitimacy of the decisions made or to criticize color-, sexuality-, and gender-blind knowledge. Nonetheless, the continuing calls to justice enacted by the collective agency of NGOs, contesting the boundaries of the historically specific asylum regime by airing various injustices, do have (as the small successes testify) and may have future transformative effects, influencing political power and the public opinion.

Concluding discussion

In conclusion, I focus on two concerns: the intersectional nature of (in)justice, and the struggles for 'thick(er)' justice. The lens of intersectionality suggests forms of inequality - misrecognition, misrepresentation, and maldistribution – that produce hierarchies of disempowerment, along lines of racial, gender, and age differences.

Recognizing these inequalities legally and politically implies rejecting the idea that 'one-size-fits-all'. Rather, 'thick(er)' justice requires questioning the white, Westernized, hetero, male, cis-gendered etc. foundation of the extant standard of justice, alongside demanding both differentiated (based on particular needs) and universal (based on the common humanity of all) measures to redress injustices.

Making 'a politics of small steps' transformative by cumulatively changing the terrain of later justice struggles is an ongoing process that LGBT movements have participated in for a long time through their acts of justice, such as critique and will to compromise. My analysis and the research of others indicate conditions for the success of such transformation: the formation of partnerships between LGBT movements (and other civil society associations facing equivalent problems) and public authorities, in control of the former, based on their problem representations (Field, 2007; Pedersen, 2005). LGBT organizations also need to engage strategically with reformist politics, combined with continuing critiquing its premises, pressing for ongoing reforms (Langdridge, 2013; Stormhøj, 2015), and to hold authorities accountable for the security, well-being, and rights of lesbians and gays (Field, 2007). Moreover, in order to reduce the malign effects of marginalization leaving some lesbians and gays with the burden of vulnerability, fostering ties of solidarity in lesbian and gay communities is needed (Stormhøj, 2015). Transformation also depends on access to the media, which are key to the framings of justice claims; the formation of

alliances with center-left political parties and cultural elites offering advocacy; and, a responsive state encouraging citizens' involvement from below (Hobson, 2003; Rydström, 2011). Yet, with the retrenchment of the Danish welfare state and the rise of neoliberalism, there is a risk of reinforcing racial and gender-normative hierarchies and processes of normalization within lesbian and gay communities, and of blocking off more critical and collective claims to a 'thick(er) justice on behalf of LGBT movements.

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[1] For critique of this mainstream position, see Andreassen (2005), Petersen (2012) and Stormhøj (2015).

[2] Lesbian and gay communities are both socially heterogeneous and homogeneous: internally divided by multiple social differences (gender, race, class, age etc.); and, as Iris Young (1995) argues, exist as a 'seriality', an anonymous 'fakticität' produced by differentiations in social conditions and practices between 'homosexuals' and 'heterosexuals'. I use the term 'homosexual' when it is an appropriate differentiation from 'heterosexual', and speak of lesbian and gay movements when the social collectivity becomes a political group. Today, LGBT Denmark is the main organization. Only recently, this organization has included the interests of bisexuals and transgender people (LGBT Denmark, 2017a). Throughout its history, in the main, its claim-making has served the interests of (male) homosexuals (Rydström, 2011).

[3] Though I recognize the risk of reinforcing the marginalization of bisexuals, transgender people, and other minoritized sexualities (intersex, asexual etc.), the lack of sufficient empirical material, covering both areas investigated here, and the different histories of political organizing and claim-making of these groups preclude including them in my analysis. This highlights the necessity of further research.

[4] Formal equality translates into equal legal rights, protections, and responsibilities. Substantial equality refers to equality in capabilities, depending on both eliminating oppression and providing conditions for citizens to function as equals.

[5] My empirical material precludes exploration of social class.

[6] Yet, sociological (Bech1997, 2002), queer theoretical (Petersen, 2012) and historical-legal (Edelberg, 2011; Von Rosen, 1989, 2007) research has been done on the conditions of (male) homosexuals.

[7] The literature on sexual citizenship is heterogeneous, the concept multi-faceted, and its meaning plural (Richardson, 2017). A salient strand foregrounded here takes the term to refer to processes of inscribing different social, especially sexual minoritized groups, into the nation by offering or denying them access to rights, belonging, and power (e.g. Richardson, 2000).

[8] The concept designates principles that can be used to organize political institutions and frame policies in order to foster justice for various sexual groups.

[9] Negative freedom is about avoiding oppression. Positive freedom concerns the conditions enabling equal agency.

[10] The analyses to follow substantiate this argument.

[11] A medical definition of homosexuality has been crucial to the legitimation and inclusion of same-sex sexualities. See Nyegaard (2017).

[12] See Christensen and Siim (2006) for an overview of approaches.

[13] Stormhøj (2007, 2009, 2015) investigates lesbian and gays' conditions in terms of inclusion/discrimination in family law, civil society, the labor market, and in the combatting of hate crimes and aids.

[14] This lack points to a power/knowledge nexus. The epistemic void accompanying marginal groups, such as homosexuals, indicates their low political priority.

[15] FRA is the official abbreviation of the European Union Agency for Fundamental Rights.

[16] Danish research addresses gender and age (National Institute of Public Health, 2014; Schott and Søndergaard, 2014), but not gender identity, sexual orientation, and race. While some of the other investigations used here attend to race, their design precludes an analysis focusing on intersections with racism.

[17] International refugee law, UNHCR guidelines, and EU directives set standards for Denmark (Hojem, 2009). According to the latter, lesbians and gays seeking asylum due to persecution on grounds of sexual orientation in the EU member states can be recognized as refugees as belonging to 'a particular social group' (FRA, 2009). Though Denmark had opted out of this directive, since 2012 Danish authorities have recognized LGBT refugees as such a group. The Danish Aliens Act offers two other options: refugees may be granted either a permanent residence permit with protection status, if they risk death penalty, inhuman, or degrading treatment in case they return to their country of origin; or, a temporary protection status, if the refugees are not persecuted on an individual basis, but need protection due to violations in their home country (The Ministry of Immigration, Integration and Housing, 2016).

[18] See note 17.

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