Essentializing motherhood The Ukrainian woman in policy debates

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Gender norms and the Ukrainian state

Any discussion of gender relations and gender discourses in a post-Soviet country starts by relating it to the lasting traces of the state socialist gender regime, subsequent advances of nationalist neo-traditionalism, and, perhaps, growing neoliberal influences and their ambiguous gender impact (Buckley 1997; Ashwin 2000; Gal and Kligman 2000a; Zhurzhenko 2001; Zherebkina 2002). More recent discussions of the gender and gendered transformations in the region, including larger Eastern and Central Europe, address anti-gender movements and politics (Grzebalska and Pető 2018; Korolczuk and Graff 2018; Verloo 2018), consequences of state nationalism for families and women (Zhurzhenko 2008, 2012; Gapova 2016), and women's political mobilizations (Rubchak 2015; Khromeychuk 2016; Mayerchyk 2015; Król and Pustułka 2018). The questions that this article engages with are how relations between the state and citizens are (re)negotiated through (re)construction of gender expectations and categories in the context of post-Soviet Ukraine in the process of »nation-building,« the free market, and neoliberal transformations.

In this paper I analyze the Ukrainian labor and welfare policies and policy discourses in an attempt to disentangle the changing and persistent ways in which concepts of gender and welfare are constituted. In the context of post-socialist transformations, gendered discourses, particularly discourses on reproduction, are commonly used to reconstitute the political authority of the newly formed (welfare) states and newly accentuated nations (Gal and Kligman 2000b). Using the Ukrainian case as an example,

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I seek to examine sticky essentialist images of women articulated and perpetuated by state actions in the changing conditions of »transition.«

The Ukrainian state gender regime is characterized by a combination of emancipatory and traditionalist messages (Rubchak 2015; Zhurzhenko 2012). For example, a number of laws on the promotion of gender equality and women's rights and on the prevention of discrimination and domestic violence have been adopted.¹ Besides that, the women of Ukraine comprise a large share of the country's labor force (47.9%), while they also have a higher education rate (State Statistics Service of Ukraine 2016, 75, 232). There is an underrepresentation of women in the parliament and central government, but at the level of local municipalities women are overrepresented (Martsenyuk 2015, 18-22). At the same time, the state discourse is dominated by concerns with a »demographic crisis« (Zhurzhenko 2012), and women are mostly portrayed as mothers. The discursive regime of »compulsory motherhood,«² that I argue for in this paper results in a prioritization of women's reproductive and caring roles; meanwhile, other social contributions, such as paid work and political engagement, are undervalued or even actively discouraged. According to attitude studies, family orientation and care work are prioritized by women as well, who themselves reflect on their failure to live up to the social expectations of hegemonic devoted motherhood in the conditions when their economic participation is essential for the survival of their families (Strelnyk 2017a, 156-61).

Ideological and institutional legacies of the extensive Soviet welfare state conflict with neoliberal pressures from within and from outside the country. In addition, traditionalist gender and family norms inherent to the nationalist rhetoric might conflict with images of economically and politically active women. In this paper I illustrate how motherhood is constructed as a central necessary aspect of women's position as a subject

Law No. 2866-IV, Sep. 8, 2005; Cabinet of Ministers, Directive No. 1834, Dec. 27, 2006; Law No. 2789-III, Nov. 15, 2001.

² This term was coined by Shchurko (2012) in relation to gender politics in Belarus.

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in Ukraine and how it is negotiated and fitted into these political circumstances. Concerning the intersection of labor and welfare policies, women's working commitments are subjected to a necessary assessment against their primary responsibility of mothering. Motherhood is conceptualized as a social contribution that can be materially remunerated and encouraged in a variety of ways as well as normatively valued or policed (Brush 2002; Lewis 1997). In the conditions of the dominant nationalist ideology and the so-called »demographic crisis,« motherhood becomes (or rather continues to be) an obligation to the state and the nation (Yuval-Davis 1997; Chernova 2013). Therefore, the questions that I strive to explore are how the state's expectations of motherhood are constructed in multiple policy areas, and how this construction is preserved and modified through policy reforms in the conditions of individualization, neoliberalism, and conservatism. The contestation is that the essentialization of mothering, as a biological function of woman's body, enables its truly »compulsory« nature in texts and discourses of pronatalist policies.

The paper is structured in the following way. After I briefly outline the methodological approach and the data, I position the Ukrainian state gender regime in relation to Soviet gender politics and to political processes taking place in the post-socialist region in order to highlight the specificity of Ukrainian gender transformations. I continue by outlining changes in legal regulations of mothering from 1990 to 2015, which foreground the construction of the regime of »compulsory motherhood,« which I analyze by looking at policy discourses. The analysis suggests that childlessness is understood as a defect of a woman's body, which is vulnerable to certain social circumstances, as emphasized in policy discussions.

Theoretical conceptualization and methodological approach

The state, as a set of loosely coupled institutions, practices, and discourses, is the key actor institutionalizing gender relations, norms, and ideals (Connell 1990; Haney 2000). Under the conditions of state socialism, the boundary between private and public was somewhat blurry and intentionally drawn to include most of family life in the sphere of interest and

of direct control by state institutions. In the post-Soviet period, this boundary, as an expression of the understanding of the relations between the state and women (families), has been at the core of the political discussions I analyze in this paper. On the one hand, ideas about gender relations are articulated and institutionalized in these texts and these discussions. On the other hand, approached from the post-structuralist perspective, these laws, policies, and norms voiced by state actors are constructed in relation to the societal gender order. As Gal and Kligman (2000b, 4) argue, »[...] ideas about the differences between men and women shape the ways in which states are imagined, constituted and legitimated.«

Post-socialist transformation in the region has been characterized by diverse, but consistently gendered, processes and discourses. In the conditions of unprecedented upheaval, gendered images and norms often grounded in the imagined past and the newly reconstituted ideas of the »common good« based on it become central to the projects of the state- and nation-building. In such conditions women can be legitimately constructed was certain kinds of citizens whose roles and responsibilities may be defined through politically useful categories (such as biology/nature, social norms, or liberal ideologies of the rational subject)« (Rivkin-Fish 2006, 153). For a country like Ukraine, in the midst of the »national project,« political consolidation, external aggression, and an internal military crisis, issues of reproduction gain existential importance-not only reproduction of humans, but also reproduction of social and cultural structures (Erel 2018). The conceptualization of motherhood changes in connection to its place in the state welfare system while it remains equally central to womanhood.

To grasp a model of motherhood and an ideal of »mother« promoted by the state, I turn to state welfare and labor policies and policy discussions in the parliament. Combining labor regulation and welfare provision to families with children and/or mothers in my analysis allows me to understand the (child)care regime and the gender regime taking shape in Ukraine. The welfare state is »the social face of the state,« which is »a particular state form, whereby the public authorities garner resources and assume responsibility for organizing their redistribution« (Daly and Rake 2003, 14). The welfare system operates through interpretative structures, redistributive structures, or some combination of the two (Fraser 1989), which, when applied to the concept of care, provide a variety of expectations and demands of a woman subject. Labor regulations illustrate the relations of these norms to the sphere of paid employment, to expectations of work, and/or to the ideal of the working citizen.

Methodologically, the study uses post-structuralist policy analysis with a focus on gendered norms and subject positions (Allan 2008; Bacchi 2000, 2009). This approach tackles policy as a cultural product and as a process of culture formation (Shore and Wright 1997). Researchers working within this framework ask different questions: »What's the problem represented to be?« (Bacchi 2009), »How does a policy mean?« (Yanow 1996), and what discursive formations constrain and enable policy unfolding (Fimyar 2014). Relying on insights from these endeavors, I am interested in the gendered norms institutionalized in policy texts and gender idea(l)s articulated in policy discussions, ultimately constituting gendered subject positions embedded in the welfare regime (Brush 2002, 163; Adams and Padamsee 2001). The benefit of this approach to my study is that it allows me to argue that the policy in focus is not only shaped by the »instrumental logic« of economic rationale in conditions of post-socialist transition, but is based to a great extent on a gender ideology (Chernova 2013, 89). Policy discussions supplement my analysis with norms and idea(l)s that do not always translate into policy actions; instead, they outline boundaries of the sayable-the subject that is »unintelligible.«

Discourse (Foucault 1972) is a constellation of related statements that form a system of meaning (Ball 1993, 2015), but at the same time, discourse is not present in the object (text, interaction); instead it enables it to appear: »discourse is the conditions under which certain statements are considered to be the truth« (Ball 2013, 19). It »rules in certain ways of talking about a topic [...], it >rules out limits and restricts other ways of talking« (Hall 1997, 72). Policy discourses are conversations on the reconceptualization of gender norms, a »symbolic product built into the cultural semantics of the political moment« (Gapova 2016, 88) which

frame and guide policy-making. An understanding of policy as a discourse »provides that policy regulates social relations primarily through positive or productive means by discursively producing subjectivities, hierarchies, and taxonomies for understanding the social world« (Allan 2008, 10). The duality between policy text and policy discourse (Ball 1993, 2015) allows me to define the discursive regime of »compulsory motherhood« in the specific context of my research interest as a set of (re)produced statements that define the relationships between woman, motherhood, and good mothering; as conditions under which statements about women's reproductive choices, social roles, and life goals are made sense of using certain strategies, for example, essentialization of motherhood.

Any discourse and particularly any policy/legal discourse in the area of welfare redistribution is a process of (re)producing subject positions, of assigning social positionality by becoming »properly« male and female (Smart 1992; Adams and Padamsee 2001; Brush 2002; Butler 1990). Subject positions are »constituted through a range of multiple and competing discourses and systems of meaning [...], which are further supported by social institutions and discursive practices« (Allan 2008, 8). Whereas the law and policies aim at »fixing« subjects, political discussions fill them with examples and controversies and show how they are constructed and used as tools for political struggles. Historically, reproduction is constructed in the political discourse as a »defining role for a >woman,« the ontological basis of this role is motherhood (as a biological function)« (Gapova 2016, 117). The bodily capacity of reproduction is significant for all positions women occupy in society. In this paper I conceive of the essentialization of motherhood as a discursive strategy used to construct multiple subject positions of women, even »counter-hegemonic« (Heller 1996) ones that are barely spoken of-e.g., as non-mothers.

In order to select my material I started with a few fundamental texts, such as the law »On State Assistance to Families with Children«³ and the Labor Code,⁴ followed these laws through all of the amendments, including the

³ Law No. 2811-XII, Nov. 21, 1992.

⁴ Code of Laws No. 322-VIII, Dec. 10, 1971.

ones that failed, and expanded my search by including the »connected documents« listed for each law in the official database of the Ukrainian parliament.⁵ I analyzed laws, legislative proposals, policy texts such as official ministerial directives, supporting documents such as explanatory notes to legislative proposals, and transcripts of policy discussions in the parliament and of hearings on the topic. I also traced policy changes from 1990 to 2015, analyzed changing structures of welfare provision to families in need, families with (many) children, the system of social insurance and protection, and changing expectations both of the state to provide and of women to mother. These policy changes and policy discourses are positioned within a larger process of political transformation, guided and shaped by the projects of nation-building and neoliberalization.

For decades feminist scholars in sociology and history focused their research on mothering practices and maternal agency (Rich 1995; O'Reilly 2008; Neyer and Bernardi 2011). I do not aim at refuting or ignoring their advances by excluding mothers' perspectives, but instead focus on the top-down enforcement of the institution of motherhood. My choice of the research field-Ukrainian state policy-making and the parliamentexplains the absence of multiple voices competing to define how to mother because representatives of civil society are rarely invited to speak in the parliamentary space or as part of public policy deliberations, and when they are, they are hand-picked by the political actors in power.⁶ The flexible yet persistent regime of »compulsory motherhood« functions so that hegemonic policy discourses on motherhood and reproduction are institutionalized and disruptive maternal practices remain invisible and illegitimate, at least at the level of formal politics. Policy discussions in the parliament function less like debates and more like legitimations of a certain state action and as an arena for political conflicts unfolding between interest groups. The topics of the discussions I analyzed beget consensus, which leads to unsupported promises and lack of conflict. The

⁵ Verkhovna Rada of Ukraine, official web portal, http://iportal.rada.gov.ua/.

⁶ For more on Ukrainian parliamentary politics and civil society, see Hrycak 2005, 2006; Rubchak 2012.

relationship between the state and its citizens is always that of contestation with various levels of enforcement, negotiation, and disobedience. By focusing on the norms articulated by political actors and institutionalized by state actions, I do not negate the gap between these norms and internalized ideas or practiced behaviors; instead, I give the level of state rhetoric the attention it deserves and connect it to state actions. In this paper I deconstruct political discourses by carrying out a systematic analysis of the contextually specific gender norms and ideas as presented in policy discussions, texts, and actions. I entertain an idea of »non-mothering« as a disruptive practice, creating a potential subject position within the discourse, but I do agree with Butler that agency is »a reiterative or rearticulatory practice, immanent to power, and not a relation of external opposition to power« (2014, 15). What is missing from the norm of womanhood is not acceptance of the illusive subject »choosing« to opt out in opposition to »compulsory motherhood,« but the multiplicity of legitimate ways women can do both femininity and mothering.

The Ukrainian gender regime: Between state socialism and nationalism

Since the 1960s the Soviet gender regime encouraged and enabled women to combine paid employment and childcare through welfare services and benefits (Harden 2009). The central subject of Soviet politics was a working mother, and her contribution to social reproduction was emphasized (Chernova 2013, 131). This arrangement, despite its extensive and nearly universal welfare provision based on women's rights as mothers and workers, did not challenge gender roles at home. For the contract of working mother to »work,« the state relied on women fulfilling traditionalist expectations when it came to care and family work while also complying with expectations of the Soviet worker-citizen (Zdravomyslova and Temkina 2012). Ultimately, the literature suggests that the Soviet regime deprived anybody and everybody of independent subjectivity while creating special relations of »dependency« with women-citizens (Gapova 2016, 123; Chernova 2013, 105). The Soviet state was notorious in its regulation of living bodies through centralized interventions, localized institutions such as hospitals and schools, and through internalized disciplining (Prozorov

2016; Stella 2015; Kaganovsky 2008). The boundary between public and private was constructed in such a way that motherhood and mothers' bodies were an object of state intervention through regulation of reproductive rights, medicalization, and access to contraceptives (Chernova 2013, 93–97), which resulted in »almost complete de-individualization and de-personification of the woman« (Strelnyk 2017a, 22).

The post-socialist Ukrainian gender regime is under the effect of two main forces—neoliberalism and nationalism (Zhurzhenko 2008). However, neither of these ideologies brings a strict repertoire of welfare interventions to the table. Instead, nationalism and neoliberalism serve as »ideological frameworks for renegotiation of the welfare reforms« (Zhurzhenko 2008), at times merging and reforming each other, all while being engaged in the reconstruction of gender norms.

Part of the transitional policy in Ukraine was to privatize family life, de-institutionalize childcare, and create conditions within which »women can be simply women,« the so-called »domestication of women« (Gapova 2016; Strelnyk 2017a). These changes were promoted under the umbrella of nationalist ideology as an attempt to revitalize the »natural« gender order of the traditional Ukrainian family in contrast to the »artificial« Soviet one and traditional gender norms in contrast to women's emancipation and equality between the sexes. Besides that, the myth of »Ukrainian matriarchy,« central to the nationalist ideology, affirming that womenmothers originally occupied a respected and central position in the family and in public life, provided an alternative to the Soviet equality of the sexes (Pavlychko 2002; Zhurzhenko 2001a). However, Gapova suggests this »invention of tradition« legitimized women's exclusion from »capitalist competition,« substituted for the »symbolic power« of »idealized motherhood« (2016, 12–13).

Throughout these changes in the gender regime, the »demographic crisis« discourse has been the dominant framework for problematizing reproduction in state discourses (Zhurzhenko 2012). Population decline became a symptom of larger problems—a crisis of society in the midst of dramatic transformation and a crisis of family and morality. In conditions of social disruption and uncertainty motherhood remained an issue of a national concern, »linked to issues of women's sexual, reproductive, and professional practices on the one hand, and national survival on the other« (Rivkin-Fish 2006, 152).

Despite free market transformation and advances of neoliberal ideology legitimizing the process of post-socialist transition (Zhurzhenko 2001), its impact on welfare and gender policy discourses has had limited success. Sporadic implementation of means-testing for social benefits and attempts at »optimization« of the benefit system as a whole have been undermined, as I illustrate in this paper, by the ideology of state paternalism, which has supported the state pronatalist and family policies. Unlike »shock therapy« in Poland, the Ukrainian state has kept its responsibility »to support families« and encourage motherhood through financial provisions, which were especially generous in the 2000s. Due to this different temporality of somewhat common socio-political changes in the region, the neoconservative development in Ukraine that I point to in this paper, specifically since 2011, is of a different kind than the neoconservative, illiberal anti-gender political movement in Central and Eastern Europe, which has a distinctly anti-neoliberal and anti-colonial character (Grzebalska and Pető 2018; Korolczuk and Graff 2018). In Central and Eastern Europe, »anti-genderism« equates neoliberalism with individualism and globalization with the colonial expansion of neoliberal elites, basing its oppositional stance on these discursive strategies (Korolczuk and Graff 2018). Ukrainian gender conservatism also proposes »moral« solutions to social problems of family care, however, it implies reduced state intervention and »privatization« of reproduction in order to »finally« produce the »independent economic subject.« In Ukraine the neoliberal ideology came to the forefront in state politics shortly before Euromaidan and was accompanied by neoliberal welfare cuts in 2014. Since 2011 the dominant political discourse in welfare and labor policy discussions »constitute(s) every human being as a self-entrepreneur« (Muehlenhoff 2017, 156), »tasked with improving and leveraging its competitive positioning,« (Brown 2015, 10) collectively understood as human capital with a range of potentials for the state to invest in-demographic, working, upbringing potentials.

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The Euromaidan events had distinct gender characteristics as a social protest (Onuch and Martsenyuk 2014) and gender consequences as political processes (Phillips 2014; Mayerchyk 2015). My research shows that since Maidan, the Ukrainian welfare state has been cut back, discussions in the parliament have gained an ultra-nationalist and ultra-conservative character, and gender terminology has been rejected. The framing of post-Maidan politics as revolutionary allowed the formation of a distinctly gendered discourse. As this paper illustrates, the neoliberal discourse is tied to neoconservatism in Ukraine with the family as its main subject, which means that women's reproductive role is prioritized over their contribution as workers and that their concerns as citizens are confined by the needs and concerns of the family. The case of Ukraine presents an example of conservative gender transformation which neither opposes nor fully embraces neoliberalism. Instead, it is a national maternalist regime with the family considered to be the subject of the neoliberal project.

In the light of these recent events and despite considerable literature on the post-Soviet gender transformation, there are very few studies on gender norms, ideals, and subject construction which consistently use a post-structuralist approach to analyze Ukrainian policy and political discourses (Zhurzhenko 2008; Zherebkina 2002). Instead, the topic features sporadically in analyses of other cultural outlets such as propaganda art (Bazylevych 2010), public opinion and attitudes (Strelnyk 2017a), or analysis of policy actions (Perelli-Harris 2008). The literature on the current neoconservative turn in gender politics in European countries is growing, with Ukraine still being a rare case study (Strelnyk 2017b). This paper focuses on Ukrainian social policies and the construction of motherhood, as a specific case of the Europe-wide neoconservative turn with distinct temporal relations between nationalism and neoliberalism in the conditions of crisis politics.

»Compulsory motherhood«: Essentialization of motherhood in social policies

Motherhood in welfare and labor policies

In this part of the paper, I discuss legal norms in labor regulations and welfare provisions based on reproduction, care, and needs of families with children underpinning the discourses on motherhood.

The regulation of women's work is problematized in Ukrainian politics and has been addressed in a chapter on »the work of women« in the Labor Code⁷ adopted in the Soviet Union in 1971. This regime of special treatment prohibits women from working in certain professions which involve excessive physical work (over 500 kinds of working activities⁸) and are believed to lead to harmful effects on reproductive functions. Mothers of children under 14 and single mothers have the right to additional vacation days, and single mothers are protected against dismissal. Mothers of young children (up to three years old) and pregnant women cannot be asked to work at night, do overtime, or go on business trips. As the law was changed over the years, most of these »special protection« measures were extended to include other members of the family who »actually take care of the child« if the mother is absent or sick. This arrangement safeguards the female employee's role of primary caretaker, and the father and anyone else remain secondary providers of care. However, if they do become primary caretakers, which needs to be confirmed by the mother or by her absence, it will be acknowledged at the workplace. Women's bodies are marked by their reproductive potential and function, regardless of women's actual status and their expression of interests or demands as working mothers. The flat-rate paid childcare leave for three years that all women, employed or not, are eligible for, is included in the working time relevant for the pension calculation. However, the social contributions employed women pay into the pension fund

⁷ Code of Laws No. 322-VIII, Dec. 10, 1971.

⁸ Ministry of Health, Decree No. 256, Dec. 29, 1993.

during this period are usually significantly smaller; this negatively affects the pensions women can expect.

In order to update labor legislation, the state has adopted a range of laws such as »On Work Payment,«9 »On Vacation,«10 and »On Mandatory State Social Insurance.«¹¹ However, any attempt to develop a new cohesive code of labor laws was stalled until the latest one in 2014,¹² which despite wide social debate and protests remains on the agenda, and its second hearing was scheduled for this year. In terms of regulating women's work, this text has one significant amendment-the introduction of the category of a »worker with family responsibilities« preserving all of the entitlements formerly reserved for women workers. At the same time, the application of these norms has been somewhat liberalized, with some restrictions being mitigated by the written consent of the employee. Still, fathers or other working members of the family can make use of these prerogatives only if the mother is absent or unable to use them herself. Somebody else's right to protections at the workplace might be enabled, but only as long as the default subject-the working mother-is not making use of the right.

In welfare law, women also constitute a special category of citizens closely connected to children and therefore in need of special assistance and protection. This leads to a range of welfare provisions which are explicitly or implicitly reserved for women with children.

After the end of the Soviet Union, state welfare provision in Ukraine, particularly provision to families with children regulated by the law on state assistance adopted in 1993,¹³ has been reduced: service provision has been underfunded and financial provision has been minimal. However, the state formally preserved its obligation to provide most benefits and

- 11 Law No. 1105-XIV, Sep. 23, 1999.
- 12 Draft Law No. 1658, Dec. 27, 2014.
- 13 Law No. 2811-XII, Nov. 21, 1992.

⁹ Law No. 108/95-BP, Mar. 24, 1995.

¹⁰ Law No. 504/96-BP, Nov. 15, 1996.

services, which signaled that despite its current inability to fulfill the role of »social welfare state,«¹⁴ the promise would be kept when circumstances allow.

According to the initial version of the law »On State Assistance to Families with Children,« women (employed, self-employed, unemployed, students, and military personnel) were entitled to 70 days of paid maternity leave before childbirth and 56 days thereafter. The payments, equivalent to the amount of the mother's official income from her employer, came from the state insurance fund or from the welfare office in case of unemployment. In addition, all mothers were eligible for one-time assistance upon childbirth and to three-year childcare leave during which time non-working¹⁵ women received 50% of the minimum salary and others 100%. In the case of employed mothers or students, this could be taken over by another member of the family, if proof from place of employment or studies was provided. Single mothers, mothers of many children, and low-income families had access to additional benefits. All of these benefits were small in amount and often underpaid in the 1990s.

In 1998 Ukraine adopted the law »On Mandatory State Social Insurance.«¹⁶ By 2001 assistance to employed parents was covered by this insurance in cases of »temporal loss of employability,« including pregnancy and child-care. Unemployed and non-working parents, as well as single mothers and families with many children, were covered by the law »On State Assistance to Families with Children,« which settled these benefits as social assistance and made it easier for politicians to condition them on income. These efforts were framed as welfare reforms, aimed at achieving high levels of efficiency and increasing targeted assistance to those labeled as »the truly

¹⁴ The Constitution of Ukraine (1996, art. 1) proclaimed Ukraine »a social welfare state,« which means it »guarantees economic and social human and citizen rights and freedoms and corresponding state responsibilities« (Vorotin 2009, 3).

¹⁵ A non-working person is someone who is not officially employed, not a student, and is not registered at the unemployment office.

¹⁶ Law No. 1105-XIV, Sep. 23, 1999.

needy.« Besides that, introduction of mandatory state insurance meant that only officially employed persons whose employers paid contributions in their name and on the fully declared salary to the state insurance fund were eligible to sizeable benefits.

In 2005 Viktor Yushchenko, the new president elected after the »Orange Revolution,« introduced an increase of the one-time assistance to families with children,¹⁷ which became a flagship of family policy and made Ukrainian welfare support to mothers among the most generous in the world (Perelli-Harris 2008). The size of this benefit was increased by a factor of 11 and amounted to 8,500 UAH, approximately 1,700 USD at the time. The payment was made in two parts: 40% in one installment after birth and the rest divided into monthly payments for a year.¹⁸ Besides, the benefit was relocated to the realm of social protection and the same amount was granted to all, regardless of employment history or any other criteria. This universal provision of a considerable amount of money to mothers virtually without conditions was framed as part of the state's effort to raise birth rates and to compensate families for their »nationally important« reproductive work. In the 2008 budget bill¹⁹ the amount of assistance was adjusted for inflation and multiplied by two for the second child and by four for the third and every following child in the family. The second part of the amount paid was distributed during 24 or 36 months after the birth of the second or third child, respectively. This benefit, as a symbol of the president's and the new government's focus on the national project of Ukrainian democracy and on Ukrainian children and families in conditions of a widely discussed »demographic crisis« became one of the main policy projects of the post-revolutionary government. In 2010 the mechanism of benefit calculation was institutionalized in the law and connected to the minimum subsistence level. In 2004 the benefit amounted to three minimum subsistence levels and it grew to 30 minimum subsistence levels by 2011.

¹⁷ Program of the Government n0001120-05, Feb. 4, 2005.

¹⁸ Law No. 2505-IV, Mar. 25, 2005.

¹⁹ Law No. 107-VI, Dec. 28, 2007.

The Maidan protests and the following political, economic, and military crises presented Ukrainian politicians and Ukrainian society with another disruptive moment in history. On the one hand, it meant that the political legitimacy, economic viability, and ideological cohesiveness of the Ukrainian state were in question. On the other hand, it meant that the state had an opportunity, if not the necessity, to reinvent itself—again. In my opinion this reinvention was of a nationalist and neoliberal nature in terms of welfare and gender politics.

In spring of 2014 a law to »counteract economic catastrophe« was adopted,²⁰ which proposed major changes to Ukrainian tax law and several welfare provisions. This law fixed the one-time benefit upon childbirth in absolute numbers, making it susceptible to inflation, which reached 40% in 2015; equalized the payment per child, irrespective of the number of children the family already had; and abolished the childcare payment available for up to three years. These cuts did not provoke any public protests or debate. The »social« aspect of this law was »insignificant« compared to corporate tax and other changes in accordance with IMF requirements. I would like to argue here that the policy discourse had already been transformed by then, making this cut possible and legitimizing it to politicians and the public. The state paternalism of previous decades was already delegitimized as the last legacy of the Soviet regime, encouraging the population to be passive. The post-Maidan regime change was the main contributing factor which allowed for the newly elected members of the parliament and the government to distance themselves from the old regime, including the policies of paternalism and pronatalism.

»Compulsory motherhood« in policy discourses

In this part of the paper I focus on several policy discussions in order to illustrate the construction of the hegemonic regime of »compulsory motherhood,« which essentially means that all women are already (future) mothers and that voluntary non-motherhood is unthinkable. In order to make this point I illustrate how mothering is a function of the (healthy)

²⁰ Law No. 1166-VII, Mar. 27, 2014.

body in the context of the gradually expanding meaning and expectations of motherhood under the influence of nationalist and neoliberal ideologies.

In the 1990s the government issued several policy documents addressing the state's intention to protect working women from the inevitable hardships that the transition to the free market would bring, due to their caring and reproductive responsibilities. The economic transition and the free market specifically were believed to be »objectively« discriminatory for them.²¹ In 1990 the Ukrainian Supreme Council of the USSR adopted a decree²² »On urgent measures in order to improve the position of women, to protect motherhood and childhood, to strengthen the family.« This decree was designed to provide short-term relief in the current situation and to anticipate the deteriorating conditions, especially for women, as an »unprotected group of the population.« In 1991 the Ukrainian Republican Council proposed another regional program²³ by the same name which problematized women's high rates of employment, their engagement in »heavy manual work,« and their lack of qualifications to compete on the free market. Besides that, the program highlighted that women were dissatisfied with the quality of state childcare and 62% of them believed that small children should be taken care of at home. This narrative of women-mothers who work too much in poor conditions, whose situation will inevitably worsen during the transition to capitalist free market, and who would prefer to stay at home with their small children, continued throughout the 1990s. In this narrative the state legitimized preserving and even expanding protective labor regulations for women and introducing longer, three-year childcare leave.

In 1999 a new »concept« on the improvement of the position of women²⁴ was proposed and in 2001 a national strategy.²⁵ The same narrative still

^{21 »}The Concept on Improving Women's Position,« Draft Parliament Decree No. 5630, Feb. 22, 1999.

²² USSR Supreme Council Decree No. 1420-I, Apr. 10, 1990.

²³ Ukrainian Republican Council Decree No. 716-XII, Feb. 13, 1991.

²⁴ Draft Parliament Decree No. 5630, Feb. 22, 1999

²⁵ Draft Law No. 3076-1, Feb. 22, 2001.

prevailed in these two texts. Women were believed to be »objectively« worse off than men participating in economic relations under the free market rules due to »fulfilling their reproductive function.« The national strategy addressed how important women's paid labor is to the national economy, but also warned of growing numbers of women working in conditions that do not correspond with safety standards and, therefore, harm their health:

There is a need for a program to gradually reduce women's employment in the industries. The first step for this program would be to reduce working time for women from 40 to 36 hours per week, later—to create an effective system of social protection for women who raise children, to increase financial remuneration for men who provide for families with women who do not work. Clearly, such a program [is oriented toward the future; OT], but it is possible already today to reduce working time for women, increase paid vacation time, and begin scientific development of the mechanism to relieve women from performing hard labor.²⁶ (»National strategy on the improvement of the position of women,« V. V. Kostytskii, Draft Law, No. 3076-1, Feb. 22, 2001)

The goal of state actions was to reduce women's engagement in paid employment through legal regulation of their working hours and by making alternative options more attractive—such as staying at home on childcare leave. The possibility of introducing such an action program was conditioned on the future economic development of the state, while centralized reduction of women's working hours was believed not to cause any financial consequences to the national economy. The impact of the free market on socially disadvantaged groups could only be cushioned with special protective measures described above, but not prevented, according to these policy documents. At the same time, with privatization and the growing shadow economy, fewer and fewer tools were available for the state to enforce these measures.

²⁶ All translations from Ukrainian and Russian were done by the author, keeping as close to the original as possible.

In the beginning of the 2000s, the »demographic crisis« discourse came to dominate social policy discussions in the parliament. The problem was defined as rapid population decline determined by very low birth and high mortality rates. Besides that, Ukraine was a country of emigration, which intensified after the borders opened and economic situation in the country deteriorated.

In the previous section I already suggested that according to labor regulations all women were (potential) mothers. Then a good question to ask would be how politicians made sense of demographic problems with »compulsory motherhood« the dominant framework, which I continue to argue for throughout this paper. Here is an example of the representative of the Communist Party asking the same question in the framework of the regime change. This and following quotes are from the deliberation of the amendment to the law »On State Assistance to Families with Children,«²⁷ which I discussed in the previous section.

We all witnessed that during the socialist regime there was no need to discuss such legislative proposals and worry so much about our future generation and our mothers, who do not give birth today, unfortunately. [...] Please, explain to me [addressing Udovenko, former member of the government, Minister of Foreign Affairs; OT], I do not understand why this is happening in such a big and rich country [as ours] with our generation. (L. Y. Pasechna, Communist Party of Ukraine, May 31, 2000)

Although alarmist demographic concerns were part of public discourse as early as the 1970s (Rivkin-Fish 2006), the speaker hinted that the emergence of the acute demographic problems was tied to the deterioration of socio-economic conditions during the post-socialist transformation. Here demographic problems are »our« problems, state problems, as a nation. It was not the fault of individual decisions; instead, it was a social problem in need of a public solution. By referring to women »who do not give birth« as mothers, she firstly indicated the »normal« order of

²⁷ Discussion of Legislative Proposal No. 5039, Feb. 1, 2000, http://iportal .rada.gov.ua/meeting/stenogr/show/2508.html.

things, when all women (can) become mothers; and secondly, she said when they do not, then there was ground for alarm for the future of the whole society. Women possess a specific »conciseness« as mothers, irrespective of them being a mother or not in the present (Kaminer 2014). All women were future mothers, she claimed, and in the past the socialist state succeeded in creating favorable conditions for women to realize themselves as mothers. The Ukrainian state was failing, despite being so »big and rich,« i.e., having all the reasons to succeed.

Women's bodies and women's health are directly connected to children's health, which makes it a necessary object of state policy and a priority for state assistance, according to the author of the law from the National-Democratic Party in this quote from the same discussion:

According to the current law, this assistance [maternity benefit; OT] is provided in the amount of the average monthly income [of the mother]. This leads to a question: what about students, whose (state) stipend is 10 UAH, or unemployed mothers? Because in the last months of pregnancy one needs to eat enough, the health of the future child depends on this. What is cheaper for the state: to provide assistance or to then spend funds on medical treatment? I think this is not a point for discussion. (G. Y. Udovenko, People's Movement of Ukraine, May 31, 2000)

The subject of student-mother was evoked here to illustrate how small this assistance would be, due to the small state stipend students receive. In statements like this the state is portrayed as providing the most indispensable resources for the most vulnerable—pregnant women and mothers of small children. The »demographic crisis« discourse expresses quite literal concerns with nutrition and living conditions, which have existential effects on mothers' and children's lives. During the discussion of the legislative proposal on state assistance to poor families in 2002²⁸ M. V. Melnychuk from the Socialist Party of Ukraine stated that having one child cost 700 UAH (132 USD) and asked what the state gave back

²⁸ Discussion of Legislative Proposal No. 1368, July 12, 2002, http://iportal .rada.gov.ua/meeting/stenogr/show/1536.html.

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to the young mother who had a child. Therefore, from another side of the political spectrum, state assistance to families (with children) was considered to be a reward for the mother for having a child, irrespective of the social conditions she lived in or her income, for one thing, because having a child in Ukraine always puts a family at risk of poverty; for another, because it is a contribution to nation-building, which should be rewarded. Voices from these two political positions agreed on the necessity to extend welfare provision to mothers and to use financial incentives to stimulate birth rates. On the one hand, a call for comprehensive welfare provision for women-mothers in need from the right and a call for financial reward to women for childbirth from the left signify that biopolitical paternalism and pronatalism in Ukraine are products of the nationalist ideology behind the parent-state. On the other hand, the paternalistic welfare state ideology is based on the premise that financial assistance is there to remedy vulnerability of the body to poverty in an effort to ensure a higher level of production of (healthy) children.

While »non-mothering« was implicitly at the core of the state discussions on reproduction, it was understood in terms of childlessness caused by certain circumstances that impacted women's ability to have children. Women were imagined to be too sick and poor to have as many children as they would like, therefore, the state's role was to provide minimal resources to sustain women-mothers and their children. Reproductive behavior was reduced to an immediate reaction to the economic dimension of social circumstances. There is a conceptual difference in making sense of reproduction in terms of »choices« and »planning,« even embedded in social circumstances, or in terms of conditions that determine behavior. Living and economic conditions, family situation, or value orientation could influence reproductive choices. Instead Ukrainian politicians proposed to regard low fertility as directly impacted by these conditions. While pregnant bodies were imagined as the most vulnerable and the most in need, mothers »who do not give birth« under the effect of poverty and sickness experience childlessness as a special type of bodily vulnerability in social circumstances.

During the parliamentary hearings on »Protection of Children's Rights« in 2005²⁹ a member of the parliament positioned the recently introduced one-time assistance to families with children in connection to the health and »quality« of the future population, to women's health, and family values:

How should the state formulate the policy which meets the interests of the people, enables the formation of the normal »gene pool« and the creation of a powerful intellectual social class that could be later passed on to our state? Money does not facilitate birth rates. [...] In reality the birth rate depends on the state of society, on the material provision of the family, and on the family's skills to bring up children. [...]

Our task today is to create the state policy that would enable a woman to give birth to a healthy child. It means that a woman has a right to free medical examination and free genetic analysis to make sure that the child is healthy, so that the child has spirituality and intellectual development. [...] We will try to ensure in the budget that investment in people's health and in the intellect and development of children is prioritized. (L. P. Suprun, National Democratic Party, June 7, 2005)

This statement underlines the national and societal importance of births and »child quality« for the state itself. Women's reproductive health before and during pregnancy is a fundamental aspect contributing to the »gene pool.« Given the rather liberal abortion law in Ukraine,³⁰ the concern with the »quality« of children in this statement suggests an approach which would approve of aborting an unhealthy child in order to guarantee »a normal gene pool« by making use of the »free genetic analysis.« This concept includes not only genetic diversity and health, but is also connected to intellectual capacity and some form of moral constitution. Reproduction

²⁹ Parliamentary hearings, »Protection of Children's Rights: Protection of Motherhood and Childhood, «June 7, 2005, http://static.rada.gov.ua /zakon/skl4/par_sl/sl070605.htm.

³⁰ Law No. 2801-12, Nov. 19, 1992.

in the name of the nation-state is reproduction of healthy individuals, where health is connected to intellectual and moral development. »Upbringing potential,« understood as the capacity to birth physically healthy children and invest time and money into raising them »properly,« belongs to middle-class families in this discourse, and from this point on it is subjected to direct state involvement.

Despite this emphasis on economic well-being for the »good family,« women's economic activity is not a solution to families lagging behind, but faced with growing expectations. Instead, working remains a contributing factor negatively affecting women's vulnerable bodies, undermining the basic expectation of health for desired reproduction.

The policies issued in the 1990s and discussed above were concerned with women's health because of its connection to the children's or future children's health. Protective labor regulations were framed as protecting women's health, while being part of the Labor Code. By using mother's health as a proxy for children's health (not only children already born, but also future children), engagement in paid employment could be framed as dangerous and excessive for all women, while the nation-state had full authority to regulate it on behalf of children.

Discussions or policy proposals that explicitly address creating opportunities for women to combine working and caring for their children are very rare. Instead, improvement of mothers' working conditions by increasing the number of yearly vacation days for women is common. The two kinds of activities most women need to engage in—working and caring—are barely ever brought together in one policy or discussed side by side in the parliament. One of the exceptions is an amendment to a law proposed in 2004³¹ and initially framed as a work-care reconciliation policy. It proposed to pay a full childcare benefit for three years in case the mother returns to work so that she can spend the money to hire wa private childcare

³¹ Draft Laws No. 6464, No. 6464-1, No. 6464-2, Dec. 23, 2004.

specialist (nanny).« The policy debate around this proposal³² illustrates prioritization of caring over working, the importance of the »contact« between a mother and a child, and the importance of motherhood for the construction of womanhood.

The humanistic character of this legal initiative is due to the author's intentions to legally ensure the European norm of creating favorable conditions for a woman to realize her right to choose, because until now no one has asked the Ukrainian woman whether she wants to realize her original, God-given right or dedicate herself to her career; or use her intellectual potential in another way, combining things with motherhood.

Unfortunately, the Ukrainian woman from the beginning of time, being self-reliant and highly moral, for 70 years, if not more, had only one right except the obligation of having children—to work hard. [...]

In case this law is adopted, will it not become a step backward after several hard steps forward made by the state toward mothers, which women could only dream about for decades and even hundreds of years before? Would our society not lose something from such innovations? Because even the most professional nanny will not replace contact between the mother and a baby in that most tender period of life. (I. M. Rishnjak, People's Party, Oct. 21, 2005)

In the statement above, a member of the center-left party framed the legislative proposal as a state endeavor to provide women with a choice. The choice was between being a full-time mother on the one hand and combining motherhood with employment before the child turns three years old on the other. The »contact« between the mother and a young child is always talked about as something transcendent and at the same time immediate. It is not care, it is contact which demands young children

³² Discussion of Legislative Proposals No. 6464, No. 6464-1, No. 6464-2, Oct. 21, 2005, http://iportal.rada.gov.ua/meeting/stenogr/show/1978 .html.

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to be inseparable from their mothers. Motherhood is implied as the main responsibility of women, of all women, regardless of time, whether it is back in Soviet times, even prior to that (»from the beginning of time«) or in the »European« future. Although motherhood can be combined with other ways of using »intellectual potential,« this option does not seem to be optimal to the speaker. He said that »unfortunately« for at least 70 years (implying the Soviet period) or even longer, women had to combine motherhood with work, and maybe even had to prioritize work. On the one hand, the speaker praised the legislative proposal for its »humanistic« and »European« character, on the other, he questioned if it might become a step backward for Ukrainian society after steps forward, such as increasing one-time assistance to families with children earlier that year. By the end of the statement, the issue of women choice had lost its centrality, and the loss or gain of society had become the main issue at stake. The proposal was never framed as an attempt to encourage women to make use of private childcare options instead of public ones while returning to work earlier. On the contrary, the state wanted to expand its financial assistance, initially framed as compensation of lost income to women for the period of childcare, to include working mothers as well.

This amendment was later vetoed by the president and a new version was adopted three years later. It was framed as financial assistance to mothers in difficult circumstances who go back to work before their childcare leave ends. Similarly to the conclusion that Chernova (2012, 301) drew for Russian family policy, the Ukrainian state was not interested in providing opportunities to reconciliate work and care. Bound by the idea that women's work has a negative influence on the quality and amount of care provided to children, which consequently influences their health, such proposals to acknowledge and expand options for working mothers were undercut. Work is always something women have to do, due to poverty, and the state's role is to create conditions in which women do not have to work, at least when their children are young.

By 2015 the proposal from the 1999 to improve women's position at work by reducing their working hours to 36 per week found its second life in an amendment to the labor law,³³ which is still awaiting discussion in the parliament, and it is framed in the following way:

Today there is a problem in Ukraine of unsatisfactory children's health, which directly depends on the health of the mother, as every second pregnant woman is ill (diseases of the heart, kidneys, blood vessels). Besides that, the number of babies born sick depends extensively on unsatisfactory material and working conditions [of the mother; OT] (daily physical and psychological exhaustion of women, emotional pressure). (Explanatory note to legislative proposal No. 2523a, Sep. 22, 2015)

Essentializing motherhood, making it an »original right« for women, then conditioning it on fulfillment of expanding expectations, including genetic health and socio-economic well-being, prioritizes it in the context of employment. Using a health discourse on top of bodily »contact« between a mother and a child allows the state to expand the scope of its legitimate intervention on behalf of women themselves and on behalf of children to the sphere of employment.

Starting in 2011 the policy discourse on reproduction and family has been changing under the influence both of neoliberal ideology, which has undermined state paternalism and state welfare benefits to all families with children, and of conservative nationalism, which has promoted the idea of the traditional family and family values. This tendency has further intensified since the Maidan events of 2013–2014 and the war in Eastern Ukraine. The independent traditional Ukrainian family, »physically and spiritually healthy,« has become a »moral« solution to demographic problems (J. P. Syzenko, Deputy Minister of Family Affairs, Youth, and Sports, Sep. 21, 2011).³⁴ While previously, the low birth rate was a social problem mostly understood as embedded in the disadvantageous socio-economic conditions of Ukrainian society, responsibility has now been

³³ Draft Law No. 2523a, Aug. 25, 2015.

³⁴ Parliamentary hearings, »The Institution of Family in Ukraine: Position, Problems, and Solutions, «Sep. 21, 2011. http://static.rada.gov.ua/zakon /skl6/11session/par_sl/sl2109111.htm.

individualized, with emphasis on »supporting the self-functioning family« in order to stimulate reproductive and »labor potential« (ibid.). The values and morality of individuals have been targeted as problematic. For the subject of the woman-mother, this means that the state's concerns with her reproductive health and her physical and »moral« capacity to birth and raise »good« children are from now on embedded in concerns with »family values« and lack thereof.

Moral and physical health are perpetually connected. Now poor moral health is the reason for reproductive shortcomings, which sometimes result in physical health issues such as sexually transmitted diseases, instead of poor physical reproductive health being an obstacle for childbirth because it has been affected by the disastrous socio-economic situation. The moral and physical health of children is influenced by the class position of their parents, connected to the »upbringing potential« of families. Politicians propose using the church, the media, and school to propagate »the right kind of morality« to safeguard the family. This suggestion sounded especially effective in the 2015 hearing on family policy.³⁵ This hearing took place after the 2014 economic crisis and welfare cuts. Politicians had no legitimate position from which to argue for sustaining or expanding state welfare provisions. During a three-hour long hearing, only three statements were made which encouraged expansion of state welfare provision, and none that explicitly condemned the welfare cuts of the previous year. These hearings were characterized by active participation of representatives of the church and nationalist politicians who promoted the conservative rhetoric of traditional family values and insisted on cooperation between governmental and non-governmental institutions in this task. The moralizing conservative rhetoric on »the spirituality, morality, and health of Ukraine« completely dominated the discussion, with multiple statements referring to God and the Bible (P. J. Unguryan, National Front, June 17, 2015).

³⁵ Parliamentary hearings, »Family Policy of Ukraine—Goals and Tasks,« June 17, 2015, http://static.rada.gov.ua/zakon/new/par_sl/sl1706115.htm.

In the last five years, motherhood has been reconstructed as an individual and moral responsibility that cannot and should not be encouraged by financial means. Instead, it should be supported through proper education and discursive creation of the domestic private space of the family. This »moral« obligation is still equally grounded in the woman's nature, in her body, due to the immanent connection between physical and moral health when it comes to reproduction, creating yet another kind of vulnerability potentially interfering with mothering. Throughout the material analyzed, the »healthy spirit of the Ukrainian family« serves as a proxy for the right kind of reproductive choices by heterosexual officially married couples of middle class nationals. Within such a framework, motherhood is imposed through traditional gender roles based on the essentialization of women's reproduction and through ideologically charging it with patriotic and national importance.

The nation at war needs new warriors, which makes reproduction a good Ukrainian woman's moral duty. Since the 1990s reproductive function has ceased to be solely a function of a body—anybody—anymore. It is a function of a morally healthy individual who is conscious of all the effort it will take to »properly« raise a child and is doing it anyway.

Conclusion

The goal of this paper was to start a conversation on how motherhood is constructed in Ukrainian politics and how it is supported by labor regulations and state welfare assistance. Motherhood, which is always assumed and prioritized as a special responsibility of female citizens, is understood as a function of women's bodies, which eventually expanded to include social and family circumstances that influence the »health« of this mothering body. The regime of compulsory motherhood has evolved in the context of the Ukrainian state's becoming—national becoming, economic becoming, and geopolitical becoming. Motherhood has evolved from a function of a healthy body to a function of a morally healthy independent family. Nevertheless, maternal expectations are still extrapolated to all women based on biology—on physical capacity and, therefore, the social obligation to give birth. This is a generally typical strategy to treat motherhood in politics, especially in the context of nation-building (Yuval-Davis 1997). Biological reductionism of motherhood is the primary aspect of traditional gender norms which validate women's immediate connection to a child and their primary caretaker role (Grosz 2011). Women's bodies are signified as vulnerable in changing social circumstances which negatively influence their capacity to fulfill the demands of essentialized reproduction. Bodily vulnerability legitimizes certain state interventions attempting to solve demographic problems.

From a feminist perspective, the underlying problem with such a gender regime is that essentialized motherhood is used to »maintain women's inferior social and economic status as ›objects‹ and to deny them the right to determine their position« (Neyer and Bernardi 2011, 6). Notwith-standing the rise in conservative ideology throughout the period of Ukrainian policy-making and possibly before that in the Soviet Union, the subject position of the woman-mother has been constructed in such a way that it lacks the basic capacity to designate agency to women, yet they still recognize themselves in this subject position.

Framing family values and morals inherent to the ideal of the Ukrainian traditional family in terms of (moral) health passed on to children could be regarded as a strategy to legitimize state intervention. The discourse of health colonizes the policies I analyzed and expands aspects of social life that can and should be regulated by state actions for the benefit of women and children. When women-mothers in the discourse of the »demographic crisis« were deemed too unhealthy to have children at the desired level in the 1990s, then their and their children's consumption, income level, housing, and medical care were to be examined. When later on children's health also meant the conditions in which they were raised, including education, then mothers' health and their capacity to provide the desired national upbringing would be addressed. Finally, in recent years, health, which has been used to naturalize and fix the possession of values and morals that the state is after has been made sense of in terms of focusing on reforming school curricula, censoring media, and involving religious organizations to influence the population, instead of targeting groups that might be already lost for the ambiguous project of »the new Ukrainian.«

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