

**AN IDEAL VICTIM:
GENDERING THE LEGAL SUBJECT IN DOMESTIC
VIOLENCE POLITICS AND DISCOURSES.
SUPRANATIONAL AND (UKRAINIAN) NATIONAL
LEVELS**

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*Submitted to
Central European University
Department of Gender Studies*

In partial fulfillment for the degree of Master of Arts in Gender Studies.

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Budapest, Hungary
2008

Abstract

This thesis deals with the way domestic violence is addressed at the UN supranational and Ukrainian national levels. More particularly, it addresses the construction of the female subject in discourses and legislation on domestic violence on both levels and looks for the reasons of such representation. The thesis thus examines state discursive practices and the link between the state, NGOs, and international donors in conceptualizing policies related to women's issues – domestic violence in particular. The thesis concentrates on the manifold nature of political reasoning which results in marginalization of domestic violence on the Ukrainian state agenda. It argues that the state's construction of the female subject in the context of domestic violence is targeted not at representing women's interests but at legitimizing state politics.

Acknowledgements

Dedicated to my Mom – a very strong Woman and loving Friend.

My Love and Gratitude to:

Anna Loutfi – one of the most inspiring Professors and the best Supervisor ever.

My Friends – Ira Gurska, María Lis Baiocchi, Mini Aga, Sali Tsopurashvili, Kai Assauov and Dryadd Ronso, Mada Rogoz, Manuel Mireanu, Jennifer Eidum Zinchuk, Kathryn Burden, Caroline Garret , Olya Chygrynets, and Julia Zhinchenko – for the precious gift of friendship.

Special Appreciation to:

Meghan Simpson – for encouragement and good advice.

Veronica Vasterling and Deborah Rosenfelt – for understanding and support.

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Introduction

The issue of domestic violence has gained political visibility on the Ukrainian state level in the aftermath of active feminist involvement in promoting women's rights at the supranational UN level. In 1993, the UN General Assembly adopted the Declaration on the Elimination of Violence Against Women (DEVAW). The Declaration admits that violence against women occurs in different social realms: state, community and family. It recognizes the inequalities of women as a result of “historically unequal power relations between women and men that are perpetuated, *inter alia*, by gender violence.”¹ DEVAW holds states responsible for the prevention, investigation and punishments of violent acts towards women.

In 2000 the Minnesota Advocates for Human Rights' published a report on the situation of domestic violence in Ukraine. The report states that domestic violence is a very widespread problem in modern Ukrainian society. It is present at all social levels, involving women of different social and age groups. The report concludes, however, that the Ukrainian government has failed to fulfill its obligations under international human rights law to protect women from domestic violence.²

This thesis deals with the problem of domestic violence, the way it is addressed on the supranational UN and Ukrainian national levels. In the thesis, I refer to domestic violence as a part of violence against women.³ Thus my definition of domestic violence is based on the definition of violence against women in DEVAW. I conceptualize domestic violence as any

¹ Declaration on the Elimination of Violence Against Women (DEVAW), preamble, cl6. qtd in Otto, Dianne. “Disconcertin 'Mascullinities': Reinventing the Gender Subject(s) of International Human Rights Law.” In *International Law; Modern Feminist Approaches*. Ed. Doris Buss and Ambreena Manji. 121. Portland, Ore.: Hart Publishing, 2005.

² Minnesota Advocates for Human Rights, *Domestic Violence in Ukraine*, December 2000, <<http://www.mnadvocates.org/sites/608a3887-dd53-4796-8904-997a0131ca54/uploads/Ukrainereport.pdf>> (05 May 2008).

³ Due to the constraints related to time and spacing as well as relevance to the topic, the thesis deal predominantly with women undergoing domestic violence. Domestic violence, however, affects different members of the household. The issue requires further analysis.

act of violence that is caused by hierarchal power relations⁴ within the household and results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty.

In the course of the thesis I look at different framings of the issues and the reasons and implication for these framings for people undergoing domestic violence. I am particularly interested in the way the female subject of domestic violence is constructed on supranational and national legislative levels. Further, I look how the construction of the legal female subject is legitimized through the discursive practices of the state reports preceding and following this legislation. I explore what happens to women's experience in anti-domestic violence policy-making; how much importance is given to the interests of women undergoing domestic violence⁵ by the political actors who claim to represent these women's interests. I look for political reasoning involved in anti-domestic violence policy-making and campaigns. In other words, I seek the causes for the marginalization of domestic violence on the Ukrainian state agenda. I claim that this marginalization is legitimized through the particular framing of the issue as the one belonging to the "private" realm. I also argue that this framing became possible through the trivialization of women's experience of domestic violence and through the legislative construction of the female subject that would correspond to this particular framing.⁶

In this thesis I will look at (A.) the reasons for the discrepancies in framing domestic violence and constructing a female subject on the supranational UN and Ukrainian national levels; (B) I will also look at the obstacles in the way of implementation of effective

⁴ I see hierarchal power relations (based on gender, age, social status, wages, etc.) within the household as the most influential risk factor perpetuating domestic violence.

⁵ In this thesis, I refer to women involved in domestic violence as "women undergoing domestic violence." The fact that these women share the experience of domestic abuse is the only factor that allows me for the categorization. I avoid referring to women undergoing domestic violence as "victims", "battered wives", etc. to make the category the least labeling and excluding possible.

⁶ I now turn to my research question, main arguments and methodological approach.

preventive and reactive policies for protecting women from domestic violence on the state level.

My general research questions are: What preventive and reactive policies concerning domestic violence are being implemented in Ukraine? How are these policies influenced by supranational politics? What is the link between the state, NGOs and international donors in conceptualizing and putting into practice policies related to domestic violence? My specific research questions are: (A) what is the place of women's interests and experience in constructing their subject on the supranational/national anti-domestic violence politics; (B) the implications of such a positioning for women undergoing domestic violence; (C) what specific implicit reasons lie behind the state failure/refusal to effectively prevent and address the problem of domestic violence?

I argue that the construction of a female subject of representation in the context of domestic violence is a highly politicized issue. On the Ukrainian state level, the subject is constructed not to represent women's interests or give the women more visibility but to legitimize the state's politics dealing with domestic violence which require the marginalization of the issue.

Since active feminist involvement put violence against women on the list of top priorities on the UN agenda, I claim the need for the feminist involvement, perspective and critique of the issue on the Ukrainian national level as well.

I chose Ukraine as a case study for a number of reasons: Ukraine is (A.) a comparatively young independent country in which the processes of nation state formation are still being developed and this corresponds to (B.) the key position of the country in the geostrategic, economic, cultural and political contest over Western/liberal vs. anti-liberal orientations in Europe and the former Soviet space. (C.) In the context of such a contest, for the Ukrainian government to provide its own policies is a necessary mean for preservation of

its sovereignty in order not to be subjugated to the powerful foreign influences. Thus the policy-making process in Ukraine is a complex one worthy of attention.

From this background I want to explore how policy over family matters in general and domestic violence in particular is regarded as a “politicized” issue in Ukraine. I will investigate how various political actors connect this particular slice of gender-policy to, or detach it from, the political tensions within Ukraine and what are the consequences of such politicization for women involved in domestic violence. It is also of great interest to investigate the differences between supranational, state and NGOs politics, between post-Socialist and "Western" or transnational feminisms on the local NGOs level. My research thus seeks to address a problem which remains highly undertheorized in the Ukrainian social and legal literature on the family.

I answer my research questions with a help of a critical review of the literature, which addresses domestic violence and discourse analysis of the UN and Ukrainian legal documents and reports concerning violence against women and domestic violence in particular. I will also use feminist legal theory and feminist legal methods such as “Asking the Woman Question” and “Feminist Practical Reasoning”⁷, while analyzing the state-produced reports and law on the issue. I apply the theory of positionality in my analysis as well.⁸ In addition I deal with various literatures dealing with domestic violence through what I call marital⁹ and “therapeutic society”¹⁰ frameworks. I am using diverse approaches to domestic violence in my thesis in order to gain a broader perspective on the issue and understand what processes are involved in shaping constructions of domestic violence and its female subject on the supranational UN and Ukrainian national levels.

⁷ Bartlett, Katharine T. “Feminist Legal Methods.” In *Feminist Legal Theory: Reading in Law and Gender*, edited by Katharine T. Bartlett, 370-93. Boulder, Col.: Westview Press, 1991.

⁸ Ibid.

⁹ Olsen, Frances E. “The Myth of State Intervention in the Family.” In *Feminist Legal Theory*, edited by Frances E. Olsen. Vol. 2, Publishing Company Limited, 1995.

¹⁰ Dobash, Emerson and Russell Dobash. *Women, Violence and Social Change*. London/New York: Routledge, 1992.

In doing my research I come up with the conclusion that the Ukrainian state is not predominantly interested in effectively addressing domestic violence. The government uses the issue of domestic violence for providing different policies necessary for the maintenance of international relations with supranational organizations and international donors, while conversely, trying not to lose its exclusive hold of power in state policy-making.

Addressing domestic violence clashes with state nationalistic politics which promote the family/women-friendly image of the state as opposed to "patriarchal" Russia and the "egoistic/feminist" West. Moreover, the construction of a "modern" Ukrainian nation state marks the shift to "authentic" familial traditions which are supposed to have been grounded on "egalitarian" principles. Thus dealing effectively with domestic violence would mean dismissing the myth of gender-equality in the state.

Another obstacle in dealing with domestic violence is the "public/private" split reinforced by the state as a mark of distinction between the Ukrainian nation state and the former Soviet Union, which through its interference into all spheres of life partially undermined the ideology of "public/private" divide. The reinforcement of the ideological "public/private" split supports the stance of state non-intervention into family matters. This appeals to international donors who, investing in non-governmental sector, promote neo-liberalism in post-Soviet countries. Through implicit 'cooperation' with NGOs, the state also financially benefits from donor funding.

To conclude, effectively addressing domestic violence clashes with many political interests of the state. Therefore, women's issues, domestic violence in particular, are being marginalized on the state political agenda. The marginalization is legitimized by the state through a particular domestic violence 'frame' which constructs a corresponding female subject and sending the issue into the "private" realm. Therefore, there is a need for active feminist involvement in the issue to make the state respond to women's interests and demands.

In Chapter I, I deal with the relations between the state and the institution of family and address debates around state (non)intervention in family matters. I do it in order to prove that since the state is accountable for unequal power relations within the family, it should also be responsible for dealing with the domestic violence that is the outcome of such inequalities. This argument was also supported on the supranational UN level. I deal with it further in the chapter. I concentrate on the framing of the problem and the construction of the female subject on the supranational UN level. In the end, I address two different approaches in constructing a female subject in the context of domestic violence. One of them is similar to the one used on the supranational level. The other was taken by the Ukrainian state. I look at the reasons and implications of both of them for women undergoing domestic violence.

In Chapter II, I dwell upon the relations between women and the state. In the context of Ukrainian nation state, I look for the place of women's interests on the state agenda. I also address the way female national identity is created and how it clashes with the construction of female subject of domestic violence, constructed on the supranational level.

In Chapter III, I provide a discourse analysis of the Ukrainian law "On Prevention of Domestic Violence" and a sample of state-sponsored reports on the issue. I show how domestic violence is framed and the female subject constructed on the state level. On the basis of the reports material, I provide examples of how certain political interests are prioritized over those of women involved in domestic violence.

In Chapter IV, I investigate the potential for the NGO sector in Ukraine to serve as a basis for feminist anti-domestic violence activism which can effectively deal with the issue and put domestic violence high on the state political agenda. I conclude that due to the intermediary role of NGOs in donor-state relations, the discourse of women's issues is appropriated to serve the interests of dominant state groups and international donors. Thus the

female subject constructed by the NGOs often reflects the needs and expectations of NGO actors rather than those women whose interests NGOs supposedly represent

Chapter I. (Re)framing Domestic Violence

So long as we live, there can be no escape from the struggle of power...Someone, somewhere, will – if given a chance – take the food that sustains or the heart that beats within...
Bruce Ackerman¹¹

1.1. Marital Framework

...the state cannot be neutral, nor can it be a neutral arbiter of rights.
Frances E. Olsen¹²

According to Carl Schmitt, pre-modern sovereignty was grounded in religion.¹³ Similarly, Jane Cohen claims that hierarchical power relations were legitimized through vertical religious models of power that placed God and the Monarch above their ‘subjects’.¹⁴ It is to such models we must turn to understand the historical emergence of the modern ‘private’ sphere of sovereignty, according to which "A man's home is his castle". Emerson Dobash has elaborated the notion of state ‘non-intrusion’ into private matters as one that is embedded in an ideology that appropriates the notion of the ‘pre-modern’ in a changing (modern) world: "A family is a haven" from this "harsh [modern] world."¹⁵ More famously, Carol Pateman has elaborated in detail the way in which modern political philosophy transformed the notion of the private sphere, while constructing it – ideologically – as an ‘older’ legacy of the premodern world. She argues that with the horizontal ‘leveling out’ of social relations according to the modern notion of sovereignty – whereby men, “acting as brothers ... constitute themselves as a civil fraternity,” – a peculiar new (supposedly ‘non-

¹¹ Ackerman, Bruce qtd. in West, Robin. “Jurisprudence and Gender.” In *Feminist Legal Theory: Reading in Law and Gender*, edited by Katharine T. Bartlett and Rosanne Kennedy, 204. Boulder, Col.: Westview Press, 1991.

¹² Olsen, Frances E. “The Myth of State Intervention in the Family.” In *Feminist Legal Theory*, edited by Frances E. Olsen. Vol. 2, 214., Publishing Company Limited, 1995.

¹³ Consequently, he referred to the modern state with its constitutional democracy as "secularized deism". See Friedland, Roger. "Religious Terror and the Erotics of Exceptional Violence." In *Gender and Nation in South-Eastern Europe. Anthropological Yearbook of European Cultures*, edited by Karl Kaser and Elisabeth Katschnig-Fasch, eds. Vol. 14, 48. 2005.

¹⁴ Cohen, Jane Maslow " Private Violence and Private Obligation: The Fulcrum of Reason.". In *The Public Nature of Private Violence: The Discovery of Domestic Abuse*. Edited by Martha Fineman and Roxanne Mykitiuk. 362-3. New York/London: Routledge, 1994.

¹⁵ Dobash, Emerson and Russell Dobash. *Women, Violence and Social Change*, 102. London/New York: Routledge, 1992.

political') sphere of "natural subjection" emerged.¹⁶ This sphere, based on the dominion of all men – as men – over their wives, is the modern private sphere, which is entirely new even as it takes its cue from medieval notions of lordly dominion of the King (and/or Queen) over his subjects.¹⁷ The shift has been frequently noted by feminist legal scholars with reference to the paradigmatic framework of marriage in the post-revolutionary 'Napoleonic Code', or French *Code Civile* (1804), according to which a husband had the marital authority to control his wife's property, her body, and physical movements, as well as her children (so long as they were his)¹⁸. The legal enactment of women's 'civil death' in marriage (i.e. as wives) under "an umbrella of privacy" enabled men to abuse their privileges "as they came...to physically and emotionally abuse "their" women within the private havens..."¹⁹

Whereas European welfare/socialist states in the earlier part of the twentieth century attempted in some sense to replace, or supplement, the 'sacred' autonomy of the private family, neo-liberal states in the latter part of the same century have emphasized the autonomy of this sphere as part of their prioritization of the sphere of the market and withdrawal of public welfare services under the auspices of privatization. It has become a commonplace of feminist scholarship that in this later period, state intervention in the "private" realm has become minimal – although this is a complex and much misunderstood idea which risks treating the private and public as 'real' separate spheres, rather than ideologically constructed ones within the 'liberal tradition' established in modern political thought.²⁰ In the 'liberal tradition', the state may legitimately deal with public matters "owned, organized or administered by the state", independently of "whatever is left up to the voluntary, non-

¹⁶ Pateman, Carol . *The Sexual Contract*, 264. Standford, Cal.: Standford University Press, 1988.

¹⁷ Ibid. 78, 77-115.

¹⁸ See Vogel, Ursula. "The State and the Making of Gender. Some Historical Legacies." In *Gender, Politics and the State*, edited by Vicky Randall and Georgina Waylen, eds., 29-44. London/New York: Routledge, 1998.

¹⁹ Cohen, Jane Maslow 1994:363.

²⁰ Dobash, Emerson and Russell Dobash. 1992: 105.

compulsory arrangements made between private individuals,"²¹ which is under individual (and, at least in the social contract tradition of liberal thought, *patriarchal*) control within the family. Emerson Dobash claims that this ideological separation of the public/political from the non-political sphere constitutes one of the greatest obstacles to anti-domestic violence movements – meaning male violence in the family towards women (mainly wives) and children. She notes:

Patriarchal control in the public and private arenas coupled with the notion that it is inappropriate for the state to intervene in the individual private world of the family presented serious problems both for the individual woman being abused within the family and for the battered-women's movement.²²

Before I address various arguments of the proponents of the non-interventionist state, I see it as necessary to clarify my conceptualization of “the state”. My definition of the state is twofold. First, I see it a set of institutions through which the interests of dominant groups are exercised. Second, I accept a post-modern approach in which the state is seen as a process, “an arena where interests are actively constructed rather than given.”²³ Consequently, in the process of their construction and implementation, clashes of interests (and as a result, discriminatory outcomes for certain disadvantaged groups) are inevitable.

1.2. The Dual Nature of the State's (Non)Intervention.

Frances E. Olsen claims that the idea of either state’s intervention or non-intervention has no coherent meaning since the state is involved in the process of (re)definition of family roles and “is continuously affecting the family by influencing the distribution of power among

²¹ Hall, S. "The State in Question". In *The Idea of the Modern State*, edited by G. McLennan, D. Held and S. Hall, eds, 20. Milton Keynes: Open University Press, 1984.

²² Dobash, Emerson and Russell Dobash 1992:102.

²³ Watson, Sophie. *Playing the State: Australian Feminist Interventions*, 8. London: Verso, 1990. qtd. in Waylen, Georgina 1998: 5.

individuals.”²⁴ The state being in the subject-object relations to its citizens 'compensate' this hierarchal division of power through its non-intervention in family matters.²⁵

...Hence the civil state permits the citizen to constitute his subjectivity by means of his subject-object relation to 'his family', granting everyone of them the free zone of his 'private sphere'... For in the family there are no other citizens, nor indeed any individuals, hence there is any obligation to acknowledge 'freedom, equality and brotherhood'.²⁶

Therefore, the institution of family cannot be seen as outside of the state's involvement. Georgina Waylen argues that gender identities are constructed through the law and “private discourses”. These discourses, however, are heavily influenced by the state.²⁷ The state also participates in construction and regulation of gender relations between men and women. Lori B. Girshick similarly states that traditional gender roles are continuously maintained by various norms and institutions of the state – from “children's toys to laws regulating sexual behavior.”²⁸ Anne Marie Goetz, in her turn, claims that the state's gender discriminatory politics are connected to gender-biased nature of the state:

...gendered public-sector institutional failures cannot be seen simply as the result of intentional discriminatory attitudes or irrational choices on the part of individuals, or unintended oversights in policy. Nor are they deliberate policy outcomes. They are embedded in the norms, structures and practices of institutions.²⁹

Taking the above mentioned into consideration, it does not make sense any longer to talk about the intervening or non-intervening state. The construction of the state as well as the nature of its politics greatly influences interpersonal relations in general and the relations within the institution of family in particular.

The state is responsible for the background rules that affect people's domestic behavior. Because the state is deeply implicated in the formation and

²⁴ Olsen 1995:192.

²⁵ See also Chapter II.

²⁶ Kappeler, Susanne . *The Will to Violence: The Politics of Personal Behaviour*, 32. United Kingdom: Polity Press, 1995.

²⁷ Waylen, Georgina 1998:7.

²⁸ Girshick, Lori B. *Woman-to-Woman Sexual Violence: Does She Call It Rape?* 165. Boston: Northeastern University Press, 2002.

²⁹ Goetz, Anne Marie qtd. in Waylen, Georgina 1998:9.

functioning of families, it is nonsense to talk about whether the state does or does not intervene in the family.³⁰

In the context of domestic violence, the argument acquires particular importance. The state can no longer justify the marginalization of women's issues on its political agenda through the non-interventionist stances. Since the state is involved in perpetuating hierarchal subject-object relations within the family, it is equally responsible for the outcomes of such politics, either intentional or not.

According to Olsen, however, theoretically there are two possibilities for the state not to perpetuate juridical hierarchy within the family. She calls them the State of Nature Model and the Market Model.³¹ The State of Nature Model treats family relations as “natural” and thus refuses them any state intervention. Nevertheless, even if the state refuses to deal with family issues, it still defines what constitutes this institution as well as the ways in which legislation should deal with family members involved in the issues with the third parties.³² Moreover, the state would still continue making certain juridical decisions and reinforcing certain laws, which would inevitably affect power relations within the family. Consequently, such an approach even if tending to be unbiased still gives priority to certain family members. In the context of domestic violence, such an approach is biased towards perpetrators enabling them to exercise their historically gained power prerogative.

The second approach, according to Olsen, which might allow the state to avoid sustaining hierarchal relations within the family, is the Market Model. In this case the state does not recognize the validity of family relations before the law. Nevertheless, dealing with a lawsuit regardless of the context can hardly be an unbiased approach either.

³⁰ Olsen, Frances E. 1995:188.

³¹ Ibid. p.205-8.

³² Ibid. p. 206.

Therefore, it is hardly probable that the state would not perpetuate hierarchal relations within the family. This, however, does not mean that the state should not be responsible for dealing with the consequences.

As we become less preoccupied with the myth of state intervention, perhaps we can focus proper attention on the realities of people's lives.³³

Since through legislation, dominant discourses and policies the state is involved in creating inequality and subordination within the family, there is no sense in 'protecting' the institution of family from its further involvement while resolving familial conflicts, domestic violence in particular. If we agree on that, the next step is to question the ways of family conflicts resolutions and their relations to the experience of people involved.

Further in the paper I deal with two different models which the UN and the Ukrainian state chose to deal with domestic violence. Both approaches have much in common with the models mentioned above. Accordingly, both construct the female subject of domestic violence differently. I will deal with reasons for and implications of such constructions for women undergoing domestic violence. To do this, I now turn to feminist legal methods, described by Katherine T. Bartlett,³⁴ as they are relevant for analyzing the construction of the female legal subject on the supranational UN and Ukrainian national levels.

1.3. Legal Framework and Positinality.

questio quid iuris.
Geoffrey Chaucer³⁵

1.3.1. Feminist Legal Methods.

Speaking about legal methods, Bartlett points to three particular methods feminists use while dealing with the law. These are: "Asking the Woman Question", "Feminist Practical

³³ Ibid. p.214.

³⁴ Bartlett 1991:370-404.

³⁵ Chaucer, Geoffrey. *Canterbury Tales*, line 648. New York: Oxford University Press. 1906.

Reasoning” and “Consciousness-Raising.”³⁶ All three are intertwined with the stance of positionality. Positionality is a stance, according to which, knowledge is based on one’s perspective and experience.³⁷ The interaction of different people’s perspectives and experience help to acquire broader understanding of the processes and expand one’s knowledge.

“Asking the Woman Question” in law means to find out how the law is biased towards women, where it overlooks women’s experience, what are the reasons for the bias, etc.

“Feminist Practical Reasoning” inquires the more detailed context for every situation to avoid universalizing and abstraction in the law. “Feminist Practical Reasoning” finds it important to understand "whose interests particular rules and legal resolutions reflect and whose interests require more deliberate attention."³⁸

“Consciousness-Raising” method aims at finding common patterns in personal experiences through engaging women in their life-stories telling.

The importance of the positionality stance when approaching the law is in the fact that by bringing different experiences and perspectives together it minimizes exclusionary and discriminatory nature of the legislative system and processes involved in it. As Bartlett writes:

Feminists, like those associated with the critical legal studies movement, understand that when those with power pretend that their interests are natural, objective and inevitable, they suppress and ignore other diverse perspectives. This understanding compels feminists to make constant efforts to test the extent to which they, also, unwittingly project their experience upon others.³⁹

Not only is it important to include women’s perspective in legislation but also make it the more encompassing concept possible

1.3.2. Evolution of the Female Subject: From CEDAW to DEWAV.

³⁶ Bartlett 1991:370-93.

³⁷ Ibid. p.389-92.

³⁸ Ibid. p. 380.

³⁹ Ibid. p. 392.

For a long time International Human Rights have remained ostensibly gender-neutral, allowing no space for “women’s perspective” on the issues they covered.⁴⁰ The state-centered nature of human rights discourses targeted at “prevent[ing] incursions of the state against private actors⁴¹”. One of the possible implications of such reasoning is the perpetuation of male-bias in the Human Rights’ discourses, which as well as the state’s politics, sustained “public/private” division, thus avoiding dealing with women issues.

Although international law is gender-neutral in theory, in practice it interacts with gender-biased domestic laws and social structures that relegate women and men to separate spheres of existence: private and public.⁴²

Thus for women the ideas of “freedom, equality and brotherhood” vanished in the mist of “privacy” on the supranational legislative level as well as at the state level. The concept of Human Rights for a long time has proved to be a failure in dealing with domestic violence as a violation of human rights.⁴³ This way the State of Nature Model mentioned by Olsen was sustained. The prevention of state intrusion in the family issues seems to have been based on the idea of the states non-intervention in family matters. The idea is quite incoherent, as mentioned above, for the state can hardly ever remain neutral in power relations between family members.⁴⁴

In 1979, General Assembly adopted International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).⁴⁵ The achievement made a great shift on the way to gender-equality in Human Rights. Certain aspects of the declaration, however, preserved paternalistic approach towards women. Otto claims that “traditional”

⁴⁰ Otto, Dianne. “Disconcertin ‘Mascullinities’: Reinventing the Gender Subject(s) of International Human Rights Law.” In *International Law; Modern Feminist Approaches*. Ed. Doris Buss and Ambreena Manji. 105-29. Portland, Ore.: Hart Publishing, 2005; also Beasley, Michele E. and Dorothy Q. Thomas. “Domestic Violence as a Human Rights Issue.” In *The Public Nature of Private Violence: The Discovery of Domestic Abuse*. Edited by Martha Fineman and Roxanne Mykitiuk. 324-6. New York/London: Routledge, 1994.

⁴¹ Kelly, Liz. “Inside Outsiders: Mainstreaming Violence against Women into Human Rights.” *International Feminist Journal of Politics* 7, no. 4 (2005): 471-95.

⁴² Beasley 1994: 324.

⁴³ See Kelly 2005; also Otto 2005.

⁴⁴ Olsen 1995:205.

⁴⁵ Otto 2005:117.

representation of female subject in international law underwent little change in CEDAW.⁴⁶ This representation has never addressed the concept of “a unitary woman”. Three main female subjects reflected in the international law were: mother and wife, victim and woman as ‘formally equal’ to man “at least in the realm of public.”⁴⁷ Each of the female subject representation was dependant on a binary male representation. Wife and mother as well as victim required a male protector. Formal, unlike substantial equality, allowed no space for any women’s rights in Human Rights, if distinct from men’s. The gendered hierarchy of subjects of representation was partially preserved in CEDAW.⁴⁸

This led to the next step in feminists’ political struggle for equality of rights. For it feminists took a strategy of “women’s-rights-are-human-rights”, targeting at substantial not formal equality for women and men. The strategy reflected a positionality stance by insisting on the violation of gender-specific rights being regarded as violation of universal human rights.⁴⁹ The goal was partially achieved in the realm of violence against women. Violence against women (domestic violence as a part of the concept) as violation of human rights became of concern for international law, humanitarian law, refugee law and criminal law.⁵⁰ In 1993, the UN General Assembly adopted Declaration on the Elimination of Violence Against Women (DEVAW). According to the Declaration violence against women is:

...any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.⁵¹

The important implication of DEVAW is that it recognizes violence against women as violence occurring in different social realms. Second, the Declaration recognizes the

⁴⁶ Ibid. p.118.

⁴⁷ Ibid. p.106.

⁴⁸ For the examples see Otto 2005:116-20.

⁴⁹ Ibid. p.120.

⁵⁰ Ibid. 121.

⁵¹ The Advocates for Human Rights, “Declaration on the Elimination of Violence Against Women”, *Stop Violence Against Women*, 15 June 2006, <http://www.stopvaw.org/Declaration_on_the_Elimination_of_Violence_Against_Women2.html> (29 May 2008).

inequalities of women as a result of "historically unequal power relations between women and men that are perpetuated, *inter alia*, by gender violence."⁵² Third, it calls state responsible for eliminating violence against women.

Thus in dealing with domestic violence DEVAW rejects State of Nature Model and acquires stances similar to the Market Model. The peculiar distinction, however, between the Market Model and the one acquired by DEVAW is that DEVAW addresses women's rights as equal to men's, yet recognizing women's historically subordinate position. In the context of domestic violence, the implication of DEVAW for women is that the female subject is represented as an equal individual living within the family. Thus DEVAW recognizes the need for the state's "involvement" in domestic violence to protect this individual. The involvement, however, is arranged in the way aiming at not to maintain "juridical hierarchy within the family". This achievement in the field of violence against women became possible due to the strong continuous involvement of thousands of feminists activists from more than a hundred countries.⁵³

Further, in 2006, the UN report "In-depth Study on All Forms of Violence Against Women," issued by Secretary-General Kofi Annan's office, declared violence against women as a violation of universal human rights.⁵⁴

Thus on the supranational level domestic violence has gained its visibility and importance through the Human Rights framework. Moreover, the states have been held accountable for dealing with domestic violence as violence against women and violation of Human Rights. Accordingly, women undergoing domestic violence have been referred to as

⁵² Declaration on the Elimination of Violence Against Women (DEVAW), preamble, cl6. qtd in Otto 2005:121.

⁵³ Otto 2005:121.

⁵⁴ Human Rights Watch. "UN: New Report Says Violence Against Women Is a Human Rights Violation: Classification Obliges States to Punish Perpetrators and Prevent Abuse General Assembly", in *Human Rights News*, 9 October 2006, <<http://www.hrw.org/english/docs/2006/10/09/global14363.htm>> (7 June 2008).

individuals equal to men due to the strong feminist involvement in the issue of promoting “women’s rights as human rights”.

1.4. A Victim or a Survivor?

Anyone who has worked on their own experiences, and/or with individuals who have experienced... violence knows that the two sets of understandings/feelings/responses/meanings [attached to the categories ‘victim and ‘survivor’] co-exist; that strong, courageous children and adults can simultaneously feel hurt and damaged.

Liz Kelly, Sheila Burton and Linda Regan⁵⁵

The concept of violence presupposes vulnerability and injuries of people involved. In DEVAW context, according to Otto, it reproduces the “traditional” female subject as a vulnerable victim in need of a protectionist state, which again reinforces hierarchical relations within the family.⁵⁶ I am convinced, however, that the victimization of a female subject is not an inevitable outcome of politics taking DEVAW as their basis. A lot depends on the perspective taken on the experience of women undergoing domestic violence. The female subject might be depicted as an injured and abused woman, as a strong woman struggling for her life in difficult circumstances or both. In other words, the construction of the female subject depends on the state’s politics as either perpetuating juridical hierarchy within the family or fighting it. The perspective taken greatly depends on the political objectives in dealing with violence against women.

Similarly, the recent achievements of feminists’ movements in the field of violence against women have raised numerous debates around the issue of the female subject representation. “Victim/Survivor” dilemma has brought to light some new often conflicting perspectives on the experience of women undergoing domestic violence, adding a stance of positionality to it.

⁵⁵ Liz Kelly, Sheila Burton and Linda Regan qtd. in Stringer, Rebecca. “Blaming Me Blaming You: Victim Identity in Recent Feminism.” In *Outskirts: Feminisms Along the Edge*, Vol. 8, 2001, <<http://www.chloe.uwa.edu.au/outskirts/archive/volume8/stringer>> (1 May 2008).

⁵⁶ Otto 2005:122.

The feminist legal methods of “Asking the Woman Question” and “Practical Reasoning” have generated numerous questions around the causes and implication of “victimizing” the female subject in legislation and dominant discourses. The questioned rose closely dealt with “Whose interests are involved in the legal and discursive female subject construction?”:

...This inquiry would require a general and far-reaching set of questions that go beyond issues of gender bias to seek out other bases of exclusion: what assumptions are made by law (or practice or analysis) about those whom it affects? Whose point of view do these assumptions reflect? Whose interests are invisible or peripheral? How might excluded viewpoints be identified and taken into account?⁵⁷

To answer some of these questions I see it as necessary to first compare “Learned Helplessness” and “The Survivor” Hypotheses⁵⁸ involved in the construction of the female subject of women undergoing domestic violence⁵⁹.

- ✓ If abused: a “victim” becomes helpless and inert, giving up looking for sources for help; a “survivor” searches for various strategy to change the situation, in case one source of help fails she goes for another;
- ✓ A “victim” sees changing herself as the only way of gaining control over/changing the situation, thus she does not leave the perpetrator; a “survivor” does not leave because of the lack of the options available, problems with housing, financial dependence on the perpetrator, etc.;
- ✓ A “victim” acquires a passive attitude towards beating, becomes “psychologically paralyzed”. Thus she is indecisive towards receiving any kind of help and, if having received one, rejects it and comes back to the perpetrator. A “survivor” continuously seeks for help, yet the help is often inadequate which might make her go back to the perpetrator. Nevertheless, she keeps on looking for help;
- ✓ The battery continuous because of the “victim’s” indecisiveness, self-blame and inertness, also known as a syndrome of “Learned Helplessness”.

⁵⁷ Bartlett 1991:376.

⁵⁸ The terms for the hypotheses are mentioned by Gondolf, Edward E. and Ellen R. Fisher in “Battered Women as Survivors: An Alternative to Treating Learned Helplessness.” In *Feminist Jurisprudence: Taking Women Seriously*, edited by Mary Becker, Cynthia Grant Bowman and Morrison Torrey. St. Paul, Minn.: West Group, 2001.

⁵⁹ Ibid. 388-9.

According to the “Survivor” hypothesis, the syndrome of “Learned Helplessness” is characteristic to the services for battered women which fail to provide sufficient help due to the lack of resources and governmental as well as donors’ initiatives;

- ✓ A “victim” of domestic violence primarily needs psychological counseling and therapy to deal with depression, abnormal self-perception and masochism. A “survivor” needs an access to resources which would enable her to leave the abusive circumstances and overcome the consequences of domestic violence. In other words, the state’s involvement in this case should be “enabling” not “curing”.

As it becomes evident from a comparison of “Victim” and “Survivor” hypothesis the construction of female subject as a “victim” lessens the state’s responsibility and need for action as compared to a response which women as “survivors” of domestic violence require. Thus the “Victim” hypothesis would be more appealing for the state, if domestic violence were not one of the top priorities on the hierarchy of state’s political interests. In this case, the implication for women would be the lack of state support legitimized though the misuse/misinterpretation of battered women’s experience. Answering “the woman question” further, the assumptions made about battered women would marginalize these women’s interests and needs by excluding their view points on the issue (for example, providing psychological counseling to them but refusing to provide accommodation or expel the perpetrator from housing).

Susan Kappeler points at the inevitability of the state’s prioritization of its own self-interests to those of its citizens which are “in principle” opposed to each other.⁶⁰ She argues that modern dominant discourses and ideologies are grounded in the self-interest attitudes, even when they tend to represent the interests of *other* people.⁶¹

⁶⁰ Kappeler 1995:32.

⁶¹ Ibid. p.28.

Thus the state dealing with domestic violence might take either "pseudo-protective" or "enabling" stances. The anti-domestic violence politics of the "pseudo-protective" state would be predominantly focused on the concept of female subject as a "Victim". The "pseudo-protective" state in this case tends to reinforce hierarchical power relations within the family. Furthermore, strong ties between "protection" and "victimization" put the state in hierarchal opposition to the women undergoing domestic violence. Through the appropriation of women's experience, the female subject is depicted as a vulnerable victim unable for self-responsibility and decision-making. This way, the state's 'monopolist' role in decision-making concerning anti-domestic violence politics is legitimized, for the one which protects 'knows better'. Thus the state acts in the interests of the subjects it has previously constructed. Consequently, the state's interests exercised while dealing with the issue are disguised. The implication for women is marginalization of the role of their experience and, as a result, more often than not inefficient politics in dealing with domestic violence.

On the contrary, the "enabling" state's anti-domestic violence politics would be in a strong dialogue with women's experience. They would target at fighting familial hierarchies through recognizing women's historically perpetuated subordinate position and aiming at these women's empowerment, seeing in them equally valid individuals. In the process of domestic violence elimination, women's interests and experience would be the primarily focuses of the "enabling state".

In other words, if dealing with domestic violence were in clash with other state's interests, it might be ghettoized through the implementation of "Victimizing" theories. Further in the paper, while dealing with domestic violence in the context of Ukraine, I aim to find out the politics which are on the way of sufficient dealing with domestic violence and which are prioritized before women's issues even at the expense of violating of International Human Rights Law.

Conclusion

Through the ideological public/private divide, the state has allowed for its citizens to constitute their subjectivity in the realm of 'the family', where hierarchal divisions of power between family members have still been preserved. In the context of domestic violence, the "free zone" of the family, due to the state's stance of non-intrusion, is a zone in which women occupy a vulnerable position. The ideology of "family autonomy first" disguised hierarchal, gender-biased nature of the state. If the state is a process where the hierarchy of political interests is shaped and the interests of the dominant (male) groups are exercised, the negligence of the women's issues becomes an inevitable outcome of the state's politics.

The gender-biased nature of supranational legal and political discourses concerning women's issues for a long time has been justified through the construction of a female subject as a vulnerable one in need for protection. Thus women have been ascribed a subordinate role. Even when gender-bias was finally addressed in International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) "traditional" gender hierarchy in the construction of a female subject was preserved. Women were predominantly referred to as victims, mothers and wives. Even when, in the Convention, gender equality was addressed it remained a formal one.

The feminists' call for recognition of gender specific women's rights as universal human rights took place with the adoption of Declaration on the Elimination of Violence Against Women (DEVAW). Another mark of the success for the gender-equality struggle was the 2006 report "In-depth Study on All Forms of Violence Against Women," issued by Secretary-General Kofi Annan's office. In this report violence against women was officially recognized as a violation of International Human Rights Law. A perpetrator as well as a state was called responsible before the Law for the act of violence against women.

Therefore, the UN supranational level legislative discourses disrupted the "public/private" boundaries and obliged states to prosecute and punish violence against women within the family. On this final phase, the female subject was constructed as an equal individual. The state's intervention in the issue of domestic violence was referred to as necessary to protect the human rights of this individual and an equal citizen of the state.

The idea that domestic violence could be/should be addressed at the state level, however, raised the debate around the female subject experiencing the negative outcomes of unequal power relations. This often led to perception of women as either "victims" or "survivors". The notions have different implications for the women undergoing domestic violence. It depends on the state which of the concepts is chosen as a basis for providing anti-domestic violence politics. Nevertheless, since on the supranational level violence against women, domestic violence in particular, has already undergone the "Victim/Survivor" evolution of definition and framing, the states would be expected to implement the most sufficient outcomes of this evolution on the ground, the "Survivor" approach. The implementation of "Victim"-oriented politics seems to be quite a regressive decision. If it is used, though, there should be some political reasons for such a decision. I refer to this reason as a clash of political interests on the state level. In the following chapters, I look at what interests prevent the state from being in compliance with International Human Rights Law in the area of violence against women, domestic violence in particular.

Chapter II. The Dark Side of the Goddess: Neo-familialism and Women in Ukraine

The link between state and family can hardly be overestimated. Just as (nation) state formation is based, and heavily reliant upon a particular (gendered) understanding of what 'the family' is and should be, 'the family' is directly shaped and 'produced' by nation states – their legislation, laws and policies, as well as the discourses that accompany these. The alienation of the state from the 'private' sphere, including any 'domestic' violence that occurs within it, is the direct outcome of this ideological separation, which feminist legal scholars treat largely as a patriarchal "myth".⁶²

This refers us back to the definition of the state as a process in which certain interests of different groups are being shaped. According to this definition, gender-biased outcomes of the state's politics are neither intentional nor unintentional for they are implied in the nature of the state.⁶³ Accordingly, "the state is male in the feminist sense"⁶⁴ or, to paraphrase Virginia Woolf, the state is not sexless; it is a man and a father. This has been much remarked upon in the context of modern nationalism – or nation *building* -, where women's actual right to protection is diminished in favor of an emphasis on their national duties as wives and mothers. According to Elleke Boehmer, the "male role in the nationalist scenario is typically metonymic...women, by contrast appear in a metaphoric or symbolic role."⁶⁵

In the context of domestic violence, it means that the state's appropriation of women's experience in the female subject construction, in order to depict her as a 'domestic victim', is

⁶² See Olsen, Frances E. 1995.

⁶³ Waylen, Georgina 1998:9.

⁶⁴ MacKinnon, Catherine. "Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence." In *The Feminist Standpoint Theory Reader: Intellectual and Political Controversies*, edited by Sandra Harding, 169. New York/London; Routledge, 2004.

⁶⁵ Boehmer, Elleke. qtd. In McClintock, Anne. "Family Feuds: Gender, Nationalism and the Family." *Feminist Review* 44 (1993):62.

an outcome of the clash of interests. In this clash, women's issues appear to be in the bottom of the hierarchy of the state's interests.

Since 1991, Ukrainian nation state formation has been grounded in opposition to a construction of Soviet socialist "neo-traditional" society, in which the state was supposedly to have taken over the role of the market and also appropriated traditional values in its attempt to build a "noncapitalist civilization."⁶⁶ Through its interference in all spheres of life, the Soviet regime partially disrupted the ideology of "public/private split". It was involved in the redefinition of economics, everyday experience and the construction of identities.

In the context of Russia, Dan Healey refers to "the construction of new identities [as] a key feature of the modernizing society."⁶⁷ In the post-Socialist Ukrainian state it has been deemed 'necessary' to construct national identities in opposition to Soviet identities based on 'pseudo-traditions'. The project has brought about a search for 'authentic', pre-Soviet and nationally unique 'Ukrainian' traditions. These traditions have helped to reinforce the idea of a 'traditional' public/private divide partially disrupted by the communist politics of 'state feminism'⁶⁸ and formal gender equality.

Ukrainian national identity formation has relied heavily on the notion of "neo-familialism", which marks the return to the "traditional family"(heterosexual, nuclear, parents and their children, with man as breadwinner and a nonworking mother) supposedly destroyed by Soviet rule.⁶⁹ This kind of family constitutes the basis for the post-Socialist Ukrainian

⁶⁶ Healey, Dan. *Homosexual Desire in Revolutionary Russia: The Regulation of Sexual and Gender Dissent*, 251. Chicago/London: The University of Chicago Press, 2001.

⁶⁷ Ibid. p.252.

⁶⁸ In the Soviet context, the term "State feminism" refers to the ideology imposed by the regime 'from above' in order to legitimize or promote its politics through the reference to women's rights/issues. For more information see Mihaela Miroiu, Krassimira Daskalova and Jane Slaughter respectively in *Aspasia. International Yearbook of Central, Eastern and Southeastern European Women's and Gender History* 1 (2007): 197-201: 214-19: 236-40.

⁶⁹ Zhurzhenko, Tetiana. "Strong Women, Weak State: Family Politics, and Nation Building in Post-Soviet Ukraine." In *Social Reproduction and Gender Politics in Ukraine*, 24-5. Kharkiv: Follio, 2001.

nation state: the cradle of national identity formation, "where love of the national language and culture emerges."⁷⁰

Neo-familial politics in Ukraine serve as both a feature of a new progressive nation-state distinct from the failed Soviet pattern of modernization and mark the shift towards neo-liberal 'pro-Western' stances (ironically in the guise of an authentic Ukrainian modern national identity). The role of this state in "private" matters is minimal and ambivalent.⁷¹ Family politics in the new nation state is based on protection of motherhood, preservation of women's "natural" roles and neo-liberal discourses of family autonomy and responsibility.⁷² Attempts to implement these mystified political discourses have been accompanied by the construction of a corresponding 'Ukrainian woman' identity. According to Tatiana Zhurzhenko, one example of the way in which neo-familial politics has been legitimized is a return to the "traditional" image of a Ukrainian woman as Berehinia (a pagan goddess guarding familial household).⁷³ This traditionalist discourse aimed at "empowering" women through references to a Ukrainian matriarchal past, which relied on the principle of "equality in difference", meaning that "sexes had complementary roles of roughly equal value..."⁷⁴ Even though women performed their "natural" roles, these roles gave them respect and status. Moreover, the image of Berehinia marked a distinction between "naturally" domesticated Ukrainian women, "egoistic" Western feminists and "oppressed by patriarchy" Russian wives.⁷⁵ Therefore, the nationalistic project of "neo-familialism" was intertwined with the return to the 'authentic' Ukrainian matriarchal tradition. Thus the state appropriated an ancient pagan woman representation in order to build on it a modern nation state and reified "the

⁷⁰ Ibid. p.29.

⁷¹ Ibid. p. 28.

⁷² Ibid. p. 35.

⁷³ Ibid. p.30.

⁷⁴ Rubchak, Marian. "Christian Virgin or Pagan Goddess: Feminism Versus the Eternally Feminine in Ukraine." In *Women in Russia and Ukraine*, edited by Rosalind Marsh, 315. New York; Cambridge University Press, 1996.

⁷⁵ Zhurzhenko 2001:30-1.

past"/ "history" of Ukraine.⁷⁶ Zhurzhenko's challenge of such a "policy of tradition" might be embedded in Benedict Anderson's question: "Supposing "antiquity" were, at a certain historical juncture, the necessary consequence of "novelty"?"⁷⁷ as well as in Dipesh Chakrabarty's reference to "tradition" as a "nightmare that "modernity" creates."⁷⁸

In the attempt to create women subjects as 'traditional' Berehinia, the state's nationalistic discourses disregard 'modern' neo-liberal context of contemporary Ukraine in which women cannot gain equality and respect through involvement in domestic duties. "Workfare neoliberalism" carries a strong emphasis on labor market: "...there is only market: market society, market culture, market values, market persons marketing themselves to other market persons."⁷⁹ Under such conditions, people who do not participate in the market are treated as an underclass condemned "to a service function for those who are fully market-compatible."⁸⁰

Consequently, the neo-liberal ideology of the Ukrainian neo-familial policies once again renders women and their issues invisible in the "public" arena. Moreover, constructions of national identity have enforced a 'return' to "traditional" pre-Soviet family values whatever the cost, with the emphasis being on respect for the family, marriage, children, old people and peace.⁸¹ In this family portrait, there can hardly be found a place for domestic violence. Therefore, it is convenient for the state to redirect the problem to the "private" realm. As long as a Ukrainian woman fulfils her symbolic functions, there is no need for the state to be concerned with the family matters connected to domestic violence. Thus women pay the price for the creation of a more competitive, market-friendly Ukrainian nation by becoming

⁷⁶ Dipesh Chakrabarty and Partha Chatterjee have also dealt with this phenomenon in the anti-colonial context – i.e. it is a pervasive feature of modern nation building in different peripheral contexts.

⁷⁷ Benedict Anderson qtd. in McClintock 1993:65-6.

⁷⁸ Chakrabarty, Dipesh. *Provincializing Europe: Postcolonial Thought and Historical Difference*, 46. Princeton, N.J.: Princeton University Press. 2000.

⁷⁹ Treanor, Paul. "Neoliberalism: Origins, Theory, Definition," in *Liberalism, Market Ethics*, 2 December 2005, <<http://web.inter.nl.net/users/Paul.Treanor/neoliberalism.html>> (7 June 2008).

⁸⁰ Ibid.

⁸¹ Zhurzhenko 200:28.

invisible and disembodied victims of domestic violence, the problem is often transparent on the state political agenda.

Conclusion

The structure of the state being heavily hierarchal and male-biased continuously perpetuates gender-bias in the state's politics, marginalizing women's interests on its agenda.

The Ukrainian nation state formation based on the "neo-familial" ideology of strong familial values represents an obstacle to deal with domestic violence. The notion of a family/women-friendly Ukrainian nation as a peculiar characteristic of the nation state leaves little, if any, space for domestic violence. Otherwise, it would threaten the basis for opposition to "egoistic feminist" West and "patriarchal" Russia.

Furthermore, the return to the "public/private" ideology marks the difference between "modern" Ukrainian nation state and a "regressive Soviet civilization". Here the state tends to not intervene into family matters, preserving familial autonomy. This disguises the state's "pro-Western" neo-liberal practices. Lessening the state's role opens more free space for the market, which is a necessary condition for the neo-liberal development. An implication for the women's issues, domestic violence in particular, is that they are once again left aside under the umbrella of 'sacred privacy'.

The return to the "traditional" women's domestication and reinforcement of their "natural" roles has been a necessary condition in the process of Ukrainian nation state formation. The construction of female subject as the one 'empowered' through her acquisition of "traditional" role of Berehinia, however, failed to take into consideration the neo-liberal context of modern life. In this context, there is hardly a possibility for domesticated Berehinas, being on the margins of the market, to gain equality with men. Nevertheless, the state's "neo-familial" myth has been once again prioritized to the women's issues.

Chapter III. The Construction of the Female Subject of Domestic Violence on the Ukrainian State Legislative and Discursive Levels.

It is the task of the victim to survive not just victimisation, but the 'victim identity' attendant upon it.
Rebecca Stringer⁸²

3.1. The Role of the State in "Intimate" Affairs

After the considerable influence of women's anti-violence campaigns on the supranational UN level, the Ukrainian state admitted the existence of the problem of domestic violence on the national level as well. The first law "On Prevention of Domestic Violence" was adopted in 2001. The Ukrainian government has also sponsored some reports concerning the issue. At this phase, the political visibility of domestic violence was accompanied by the concomitant construction of a "victim's" and "perpetrator's" subjects involved in the issue.

Judith Butler gives two definitions of political representation: a) a term in political process aiming at giving more visibility and legitimacy to women as political subjects; and b) a linguistic tool to define "what is assumed to be true about the category of women."⁸³ Whereas, the first definition seems to have been the main objective of women's anti-domestic violence campaigns, the second definition was an inevitable outcome produced by the state. Thus I find it useful here to provide a distinction between the two. Many feminists address the female subject of domestic violence as a "survivor". On the contrary, on the state level, she is constructed as a "victim" of a violent man. According to Ratna Kapur, "...the victim subject and the focus on violence invites remedies and responses from states that have little to do with

⁸² Stringer, Rebecca. "Blaming Me Blaming You: Victim Identity in Recent Feminism." In *Outskirts: Feminisms Along the Edge*, Vol. 8, 2001, <<http://www.chloe.uwa.edu.au/outskirts/archive/volume8/stringer>> (1 May 2008).

⁸³ Butler, Judith. "Excerpts from Gender Trouble" (1990). In *Theorizing Feminisms*, edited by Elizabeth Hacketts and Sally Haslinger, eds., 353. New York: Oxford University Press, 2006.

promoting women's rights. Thus a related concern is that the victim subject position has invited protectionist, and even conservative, responses from states."⁸⁴

By constructing abnormally passive victim and no less abnormally aggressive perpetrator in the reports on the issue of domestic violence, the Ukrainian state has reinforced the pattern of "normal" neo-familial values which are promoted as being characteristic of Ukrainian identity, as well as legitimized the adopted law "On Prevention of Domestic Violence" and justified its lack of involvement in the issue of domestic violence. The state's construction of the problem of domestic violence, which implicitly aims at legitimization of the subsequent policies connected to it, corresponds to Joan Scott's argument voiced by Michel de Certeau - "representation thus disguises the praxis that organizes it."⁸⁵ Consequently, not only does such a construction of "victim" subject discriminate women and misuses their experience but also it deprives the problems caused by domestic violence from the states assistance and responsibility.

3.2. The State's Syndrome of Learned Helplessness

The approach to domestic violence described above reflects what I shall refer to as a "therapeutic society" framework.⁸⁶ This approach "...usually emphasize[s] the unique backgrounds and permanent personality traits that make women vulnerable to violent relationships and unable to leave them."⁸⁷ As for the violent men, it "...locate[s] the source of the problem in personality traits usually established through flawed or disrupted childhood development; in this case arising from poor mothering."⁸⁸ This way the attention is shifted

⁸⁴ Kapur, Ratna. "The Tragedy of Victimisation Rhetoric." In *Erotic Justice*, 100. Delhi:Permanent Black, 2005. See also Chapter I, subchapter 1.4.

⁸⁵ Joan Scott, "The Evidence of Experience." In Sharlene Hesse-Biber, et al., *Feminist Approaches to Methodology*, 81. New York: Oxford University Press, 1999.

⁸⁶ The term is referred to by Dobash, Emerson and Russell Dobash 1992.

⁸⁷ Dobash, Emerson and Russell Dobash 1992:224. See also previous chapters.

⁸⁸ Ibid. 236.

from the state's involvement in and responsibility for domestic violence to personal problems of people 'in need of psychological intervention'.

Today the approach is taken up by Ukrainian government. Consequently, the justification for it is based on the production of two homogenous images of an 'abnormal' victim and perpetrator of domestic violence. Using the examples of the Ukrainian law "On Prevention of Domestic Violence", 2001,⁸⁹ and a number of reports sponsored by Ukrainian government, 1997-2004,⁹⁰ I aim to exemplify the way a particular kind of female subject has been created to suit the dominant "therapeutic society" framework and depict the implications for the women it purports to represent.

3.2.1. The Law.

According to the Ukrainian law "On Prevention of Domestic Violence", domestic violence is:

...any intentional actions of physical, sexual, psychological or economic nature committed by one family member in relation to other family member, if these actions violate constitutional rights and freedoms of a family member as a person and citizen and inflict moral harm on her/him, harm to her/his physical or psychical health.⁹¹

⁸⁹ qtd. in Ministry of Ukraine of Family, Children and Youth. Соціально-економічні Причини Насилля в Сім'ї в Україні: Аналіз Проблем та Шляхи Запобігання (Socio-Economic Causes for Domestic Violence in Ukraine: The Analysis of the Problems and Ways of Prevention), 4. Kyiv: 2004.

⁹⁰ Ministry of Ukraine of Family, Children and Youth. Соціально-економічні Причини Насилля в Сім'ї в Україні: Аналіз Проблем та Шляхи Запобігання (Socio-Economic Causes for Domestic Violence in Ukraine: The Analysis of the Problems and Ways of Prevention). Kyiv: 2004;

Ministry of Ukraine of Family, Children and Youth, State Center of Social Services for Youth. Запобігання і Протидія Насильства в Сім'ї: Методичні Рекомендації для Соціальних Працівників (Prevention of Domestic Violence: Methodological Recommendation for Social Workers). Kyiv: 2004;

State Committee of the Politics of Youth, Sport and Tourism in Ukraine. Про Становище Сімей в Україні (About the State of Families in Ukraine). Kyiv: 2000;

Yakubova, Yu. and Golovenko, V., eds. Батьків не Обирають: Проблеми Відповідального Батьківства в Сучасній Україні (Parents cannot be Chosen: Problems of Parental Responsibility in Ukraine Today) Kyiv: A.L.D., 1997;

Ministry of Ukraine of Family, Children and Youth. Ukrainian State Centre of Social Services for Youth. Соціальна Робота з Дітьми, Молоддю, Різними Категоріями Сімей (Social Work with Children, Youth, Women and Different Categories of Families). Kyiv: 1999.

⁹¹ Leonid Kuchma. " On Prevention of Domestic Violence," Law of Ukraine N 2789-III , Art. 1, 15 November 2001, <<http://www.legislationline.org/legislation.php?tid=99&lid=7450>> (7 June 2008).

In Article I, in the definition of domestic violence, the female subject of women undergoing domestic violence (according to the official reports most of the time victims of domestic violence are women)⁹² is referred to as a person, citizen and family member. This means that the Ukrainian legislative discourse defined the female subject similarly to the one of DEVAW⁹³

The following Articles of the law, however, acquire totally different stances. They are based on the ""Victim" hypothesis, described in the Chapter I of my thesis.

Article 11 of the law "On Prevention of Domestic Violence" concentrates on the behavior of the "victim" as a trigger for domestic violence and allows police to give such "victims" official warnings.⁹⁴ Such legislation relies on the aspect of "victims" identity, who "continue to let other victimize them". Thus the law depicted women as a "victim" who is both suffering from and triggering domestic violence.⁹⁵

Furthermore, Article 14 of the Law pleads for the violent perpetrator's accountability for the crime by making him pay a "victim's" expenses in the specialized institutions for victims of domestic violence (the institutions, however, are not specifically defined in the Article). This way the law disguises the state's reluctance to cover any expenses on the issue.

The following reports written under the sponsorship of the Ukrainian government more often than not reflect Joan Scott's argument of the hidden implications of representation, which aim at legitimizing already existing practices.⁹⁶ The reports justify existing dominant discourses and policies dealing with domestic violence through the reference to the language

⁹² Open Society Institute. "Violence against Women: Does the Government Care in Ukraine?" Fact Sheet 2006.

http://www.stopvaw.org/sites/3f6d15f4-c12d-4515-8544-26b7a3a5a41e/uploads/UKRAINE_VAW_FACT_SHEET_2006.pdf > (21 March 2008); Amnesty International, "Ukraine: Domestic Violence - Blaming the Victim," In *Online Documentaion Archive*, 21 November 2006, <<http://asiapacific.amnesty.org/library/Index/ENGEUR500052006?open&of=ENG-UKR>>

⁹³ See Chapter I, subchapter 1.3.2.

⁹⁴ Qtd. in Ministry of Ukraine of Family, Children and Youth. *Соціально-економічні Причини Насилля в Сім'ї в Україні: Аналіз Проблем та Шляхи Запобігання* (Socio-Economic Causes for Domestic Violence in Ukraine: The Analysis of the Problems and Ways of Prevention), 110. Kyiv: 2004..

⁹⁵ See also Chapter I, subchapter 1.4.

⁹⁶ Scott 1999:81.

and identities produced by the state. The main framework from which they address domestic violence is a “therapeutic society” framework proffered by the state.

3.2.2. Report I

In 2004, the Ukrainian Ministry of Family, Children and Youth published a report on socio-economic causes of domestic violence in Ukraine.⁹⁷ The material of the Ukrainian report is based on sociological research sponsored by the Ukrainian government. The research includes interviews with experts (judges, psychologists, NGO workers, police officers, etc.), as well as victims of domestic violence. While reading the report it becomes quite evident that it implicitly aims at legitimizing governmental politics on domestic violence and the law in 2001 by reinforcing dominant state discourses.⁹⁸

The foreword in the report addresses the institution of family as the basis for society, and an institution which has to be protected by the state. Further, it says that domestic violence not only disrupts harmony in the family but also triggers crimes in larger society. The report constructs the subject of a "victim" and a "perpetrator" in a way that represents domestic violence as a ‘natural’ familial problem, having little to do with a state, apart from threatening its harmonious existence. Thus Olsen's State of Nature Model for state-family relations is applied, when a family is treated as a unit completely separate from the state⁹⁹. Consequently, the failure of the state to prevent and react to domestic violence is hidden behind an emphasis on the family as responsible for 'reproducing perpetrators'.

In the first chapter of the report ideal-typical female and male subjects, of the kind ‘typically’ found to be involved in domestic violence, are constructed:

⁹⁷ Ministry of Ukraine of Family, Children and Youth. *Соціально-економічні Причини Насилля в Сім'ї в Україні: Аналіз Проблем та Шляхи Запобігання* (Socio-Economic Causes for Domestic Violence in Ukraine: The Analysis of the Problems and Ways of Prevention), 5. Kyiv: 2004.

⁹⁸ Ministry of Ukraine of Family, Children and Youth. *Соціально-економічні Причини Насилля в Сім'ї в Україні: Аналіз Проблем та Шляхи Запобігання* (Socio-Economic Causes for Domestic Violence in Ukraine: The Analysis of the Problems and Ways of Prevention), 110. Kyiv: 2004.

⁹⁹ Olsen 1995:205-8; for more detail see also Chapter I, subchapter 1.2.

On the analysis of a victims' *personality*, their characteristics were defined. The most numerous group of victims is 30-50 year old women. In most cases they are wives...have an un-finished or secondary education. Higher education was a rare case. It was found out that most of the women-victims were temporary or permanently unemployed. The research has shown that the majority of victims during the crime were drunk, which reinforced their victimization.¹⁰⁰

The behavioral dimension of "victims'" image deals with two characteristics of women: passive and hysterical. Both are strongly intertwined and both legitimize Article 11 of the law "On Prevention of Domestic Violence" for they refer to victims' behavior as triggering domestic violence. The report states:

Thus anxious and prone to depression women are very sensitive to domestic violence due to their dependence and passivity, inability to protect themselves. Hysterical, expressive women tend to be unbalanced and emotional which makes them potential victims first and foremost for their own husbands.¹⁰¹

A "victim" is depicted as able to generate violence, yet unable/ unwilling to stop it, being too passive. Here the report deals with the syndrome of "learned helplessness":

Practical experience in psychological assistance to victims of domestic violence shows that the majority of patients (87%) have a syndrome of "learned helplessness", in other words, an experience... which led to passive behavior. Learned helplessness leads to the situation when a person, becoming a victim, does practically nothing to change the circumstances. It is this kind of people that are the most prone to becoming victims.¹⁰²

This syndrome was also characteristic for "therapeutic society", aiming at shifting the blame for domestic violence on women: "Women suffering from learned helplessness supposedly appear powerless, unable and unwilling to act or help themselves..."¹⁰³ As a result, they tend to "...not accept the helper's assistance because they do not believe it will be effective."¹⁰⁴

¹⁰⁰ The report relies on the data received from the research done by the Ukrainian National Juridical Academy in Kharkiv. Ministry of Ukraine of Family, Children and Youth. *Соціально-економічні Причини Насилля в Сім'ї в Україні: Аналіз Проблем та Шляхи Запобігання* (Socio-Economic Causes for Domestic Violence in Ukraine: The Analysis of the Problems and Ways of Prevention), 16. Kyiv: 2004.

¹⁰¹ Ibid. p.17.

¹⁰² Ibid. 17

¹⁰³ Dobash, Emerson and Russell Dobash 1992:226.

¹⁰⁴ Walker qtd. in Dobash, Emerson and Russell Dobash 1992:226.

Thus unlike the subject of "survivor", who realizes her responsibility in overcoming difficult situation; a "victim's" 'irresponsibly' acquires hopeless stances, which makes her even more vulnerable to domestic violence.¹⁰⁵ Moreover, there appears a question of the necessity to provide such a "victim" any kind of assistance, if she refuses it in any case. Thus she herself deprives "a helper" (the state, social workers, etc.) from the possibility to help.

Even though at the beginning, the report states that poverty, economic instability and unemployment are one of the risk factors for numerous family problems, the report very rarely finds faults with the state in being responsible for domestic violence.¹⁰⁶ Even more disguised in the report is hierarchal gender-biased nature of the state's discourses and politics as perpetuating power inequalities within the family which greatly affect domestic violence. The report refers to patriarchy as a historical remnant. It states that patriarchal model of family has been functioning "up until recently" (the reproach seems to go to Soviet times) and might "consciously or unconsciously" remain for some people a role model for family life. Nevertheless:

Today a woman has gained certain social and political rights, got a chance to be financially independent. Accordingly, the institution of family has changed towards democracy and equality between family members. The acts of violence towards women, however, remained unchanged.¹⁰⁷

The report first refers to socio-economic inequalities as having perpetuated patriarchy for a long time "up until recently" in the institution of family. Further, it hints that the Ukrainian modern nation state has eradicated these inequalities. From now on not socio-economic inequalities between the family members but familial archaic stereotypes, some of the families are "willingly" preserving as "natural", are the reasons for unequal power

¹⁰⁵ Ministry of Ukraine of Family, Children and Youth. *Соціально-економічні Причини Насилля в Сім'ї в Україні: Аналіз Проблем та Шляхи Запобігання* (Socio-Economic Causes for Domestic Violence in Ukraine: The Analysis of the Problems and Ways of Prevention), 7-17. Kyiv: 2004.

¹⁰⁶Ibid. p. 7.

¹⁰⁷Ibid. 9.

relations within the family.¹⁰⁸ The explanation reduces the role of the state to zero in redistribution of power between family members (the reference to the State of Nature Model again).

Further, the report recognizes the existence of other reasons triggering domestic violence. It states, however, that the problem is undertheorized because "this problem for a long time has been marginalized in social discourses, considered to belong to the realm of private."¹⁰⁹ Due to this fact, there is a lack of statistical data necessary to understand the extent of and reasons for domestic violence today.

The paradoxical nature of the report's discourse is in fact that it states that the problem seems to have lost the lens of "privacy" today. Concomitantly, the report refers to the current problem of domestic violence as having its roots predominantly, if not totally, in the institution of family (separate from the state's intervention). Accordingly, it follows the State of Nature Model in the state-family relations this way justifying the states lack of intervention. Consequently, it is people in perilous circumstances who are systematically blamed for failing to overcome negative conditions for which they have been essentially predisposed by the larger society/state.¹¹⁰

3.2.3. Report II

The very same year, another manual, "Prevention of Domestic Violence: Methodological Recommendation for Social Workers,"¹¹¹ was published with governmental support. The manual maintains neo-liberal discourses of self-responsibility and self-assistance

¹⁰⁸ Ibid.

¹⁰⁹ Ibid. p.11.

¹¹⁰ Ryan, William. Qtd in Howard, Judith A. "The "Normal" Victim: The Effects of Gender Stereotypes on Reactions to Victims." *Social Psychology Quarterly* 47, no. 3 (1984): 270.

¹¹¹ Ministry of Ukraine of Family, Children and Youth, State Center of Social Services for Youth. *Запобігання і Протидія Насильства в Сім'ї: Методичні Рекомендації для Соціальних Працівників* (Prevention of Domestic Violence: Methodological Recommendation for Social Workers). Kyiv: 2004.

in case of domestic violence.¹¹² It preaches the ideology of "assistance for self-help", meaning that the task of social services is to teach family members undergoing domestic violence (predominantly women) to cope with the problem by themselves. According to the report, another important task of the social services is to bring "enlightenment" and acknowledge the victims with the existing legislation. The law "On Prevention of Domestic Violence" in both the reports is referred to as a very efficient one. The continuous growth of domestic violence cases does not challenge this paradigm.

The reason for domestic violence, according to numerous researchers, is gender stereotypes in society...Today the state has developed a lot to ensure equality between a man and a woman in a family, eradication of gender stereotypes in society (The law "On Prevention of Domestic Violence", new Family Code of Ukraine, the laws on gender equality and the state's support of the family in the process of child rearing are being developed, etc.). Today the problem is not only understanding of the equal rights between a man and a woman in the family but also learning how to apply them and how to acquire a new mode of behavior based on them.¹¹³

The reports problematize not the "sufficient legislative basis"¹¹⁴ but the lack of knowledge about it as an obstacle for its successful implementation. Even though the report claims that the state has done "a lot" in eradicating gender inequality as a basis for domestic violence, the facts show different situation. As it was mentioned above the law "On Prevention of Domestic Violence" perpetuates gender stereotypes itself. According to "A Publication of the International Centre for Policy Studies", 2007:

Legislation related to gender equality issues, in particular the Law "On ensuring equal rights and opportunities for women and men" adopted in 2004, are actually little more than empty declarations in Ukraine.¹¹⁵

¹¹² See Chapter II.

¹¹³ Ministry of Ukraine of Family, Children and Youth. State Center of Social Services for Youth. *Запобігання і Протидія Насильства в Сім'ї: Методичні Рекомендації для Соціальних Працівників* (Prevention of Domestic Violence: Methodological Recommendation for Social Workers), 3. Kyiv: 2004.

¹¹⁴ Ministry of Ukraine of Family, Children and Youth. *Соціально-економічні Причини Насилля в Сім'ї в Україні: Аналіз Проблем та Шляхи Запобігання* (Socio-Economic Causes for Domestic Violence in Ukraine: The Analysis of the Problems and Ways of Prevention), 97. Kyiv: 2004.

¹¹⁵ "Better legislation is the way to ensure gender equality." In A publication of the International Centre for Policy Studies: ICPS Newsletter, no 44 (391), 24 December 2007, <http://www.pasos.org/www-pasosmembers-org/news/better-legislation-is-the-way-to-ensure-gender-equality-in-ukraine> > (7 June 2008).

According to the same publication, the Bill “On preventing sexual discrimination” was ready but not yet adopted in 2007.

In 2008 the identical material was published in the article under the same heading “Better legislation is the way to ensure gender equality” in another internet journal.¹¹⁶ The preface of the article stated that over the past two months ICPS specialists presented only concepts for two Bills: “On preventing sexual discrimination” and “On amending some laws of Ukraine” targeting at ensuring gender equality in Ukraine. The Bills have not been adopted yet. Thus the share of Ukrainian governmental involvement in fighting gender stereotypes as the cause for domestic violence does not seem to be as significant as the report claims.

Furthermore, the above mentioned objectives of the reports rely heavily on the “victim”-subject of women involved in domestic violence. Individualistic grounds for “therapeutic society” framework encompass all the reports objectives: the neo-liberal self-help discourses, processes of ‘enlightenment’ and justification of the sufficient legislation. According to its logic, growth and development of a person in difficult circumstances are purely personal. The only thing which can be influenced and changed is an individual. Thus no political institutions can, or rather should, be involved in the issue..¹¹⁷

The logic is heavily grounded in the ideology of “victimization”.¹¹⁸ Correspondingly, the main emphasis in the manual is on psychological “re-upbringing” of (potential) victims. All the methodologies offered aim at raising a victim's self-esteem and making her an active agent of her own life.

The report also profoundly concentrates on family values. Poor parenting is seen as one of the main causes for domestic violence. Accordingly, it is a “lack of traditional family values” that is seen as another cause for domestic violence. Thus there is a need of social

¹¹⁶ “Better legislation is the way to ensure gender equality.” In UKRAINIANJOURNAL.com, 2008, <<http://www.ukrainianjournal.com/index.php?w=comment&id=74>>(7 June 2008).

¹¹⁷ Dobash, Emerson and Russell Dobash 1992:221.

¹¹⁸ See also Chapter I, subchapter 1.4.

workers "crisis intervention" in family matters.¹¹⁹ Such intervention aims to promote neo-liberal discourses within the family. The principles of this family planning are as such: "market, as a rule, is an excellent way of economic development organization"; "voluntary marketing is a mutually profitable business"; "*sometimes* government can positively influence market, in case of its failures", etc.¹²⁰ Thus the family is seen as an independent unit responsible for its well-being and finding problem solutions.

The manual also deals with the preparation of youth for family life, which is described as a part of preventive anti-domestic violence politics. The whole chapter dealing with it, however, focuses on pro-natalist politics (the titles of the projects "Choose Life", "The Art of Giving Birth", etc.), sexual education of youth ("Don't Be Afraid to Say "No!", "I Got Pregnant", "Intimacy or Frustration?", etc.), early pregnancy and single parenting ("Me and My Child", "A Little Mother", etc.). Several other chapters, under the cover of social prophylactics of domestic violence, address the problem of single mothers and projects dedicated to it. The aim of these projects is to protect motherhood and childhood in Ukraine.

Thus the objective of the manual is not so much to deal with women issues in domestic violence as to concentrate on familial values and proper education of a future Ukrainian generation. These objectives coincide with the one promoted by the state.

The support of families in the fulfillment of their economic function is one of the directions of the Concept of demographic development of Ukraine (the program which is being developed by the Supreme Rada [the government] of Ukraine) and of many regional complex programs of socio-economic development. Meanwhile much less attention is given to the development of economic culture, formation of gender equality within the family and consequently, the prevention of domestic violence.¹²¹

Here once again a woman subject is "mother and wife". This becomes clear from the foreword of the manual, which states that a family should be a "cradle of

¹¹⁹ See more about the selective intervention stances in the Chapter I, subchapter 1.2.

¹²⁰ Ministry of Ukraine of Family, Children and Youth. State Center of Social Services for Youth. *Запобігання і Протидія Насильства в Сім'ї: Методичні Рекомендації для Соціальних Працівників* (Prevention of Domestic Violence: Methodological Recommendation for Social Workers), 126-7. Kyiv: 2004.

¹²¹ Ibid. p.182.

democracy.”¹²² Apparently this political function of the family is expected to be fulfilled by a mother in the process of children rearing. Coming back to Jane Cohen's argument,¹²³ here appears the paradox of a woman teaching her children democratic values of freedom and equality and being concomitantly denied these rights by the state.

To conclude, the manual constructs two types of female subject. One is a woman who is a passive victim of battery in need of self-help and taking responsibility for her harsh life circumstances. The other is a potential mother worthy of state attention and support, serving as a guarantee for future social cohesion and state stability.

3.2.4. Report III

The problem of parenthood is also addressed in the book "Parents Cannot Be Chosen: Problems of Parental Responsibility in Ukraine Today."¹²⁴ The book was written on the basis of the sociological research "The Ukrainian Family and Children", 1993-1999. It largely concentrates on family planning, demography and pro-natalist discourses. Domestic violence issue tends to be approached through violence against children within the family. Within the framework of family responsibility for domestic violence, however, the pattern of women's liability can easily be traced. In the 'therapeutic society' framework, it is referred to as 'poor mothering'.

...mothers are blamed for the creation of violent men who, it is claimed, grow up within domineering, rejecting mother relationship.¹²⁵

Thus even though the book is supposed to address the issues of responsible parenthood, targeting at both men and women, the sample for interviews dealing with domestic violence consists of women only. Furthermore, the interviews focused on correlations between

¹²² Ibid. p. 3.

¹²³ Cohen 1994:367.

¹²⁴ Yakubova, Yu. and Golovenko, V., eds. *Батьків не Обирають: Проблеми Відповідального Батьківства в Сучасній Україні* (Parents cannot be Chosen: Problems of Parental Responsibility in Ukraine Today) Kyiv: A.L.D., 1997.

¹²⁵ Dobash, Emerson and Russell Dobash 1992:235.

women's negative childhood experience of family relations with their current level of happiness, social anxiety, relationships with husbands and health problems. It concluded that domestic violence more often occurs in families where mothers have had negative childhood experiences, and now aim to 'take revenge' on their partners.¹²⁶

A woman, having undergone violence in childhood, after getting married, starts feeling the strength of psychological protection at the same time unconsciously she longs for revenge for her childhood sufferings, this explain the high level of scandals in the families...¹²⁷

It is interesting that in a "therapeutic society" framework such reaction, called 'atavistic madness', is characteristic to men not women, witnesses of domestic violence in their childhood:

The love/hurt/rage reactions that helpless young boys felt towards their abusive, powerful parents...were replayed by these men in their marriages.¹²⁸

As for 'the powerful parent', the book again depicts the image of a possessive mother, aiming at making her children totally depend on her will, any frustration in the children results in her violence towards them.

A mother transfer[s] to her child too much of her hopes...in case, the hopes do not come true, the mother transfers all her anger on the child which leads to violence.¹²⁹

Conversely, the absence of mother is equated in the report to her indifference to the child, which destroys family values in a "future generation" as well. Referring to the fathers' relations with their children, however, the book states that "they were more or less stable."¹³⁰

The implication of such a woman subject construction is embedded in Dobash's argument:

¹²⁶Yakubova, Yu. and Golovenko, V., eds. *Батьків не Обирають: Проблеми Відповідального Батьківства в Сучасній Україні* (Parents cannot be Chosen: Problems of Parental Responsibility in Ukraine Today), 49-76. Kyiv: A.L.D., 1997.

¹²⁷Ibid. p.58.

¹²⁸Dobash, Emerson and Russell Dobash 1992:237.

¹²⁹Yakubova, Yu. and Golovenko, V., eds. *Батьків не Обирають: Проблеми Відповідального Батьківства в Сучасній Україні* (Parents cannot be Chosen: Problems of Parental Responsibility in Ukraine Today), 62. Kyiv: A.L.D., 1997.

¹³⁰Ibid. p14.

This is not surprising in societies which allocate to wives the responsibility for happy husbands and families; women are expected to ask how their own behavior 'caused' their husband's violence.¹³¹

The situation gets even more complicated for these women, when the state itself is looking for such 'causes' and not only through stereotypical discourses of women "asking for that" but through the state legislation punishing women for such "requests".

This way the attention of state as responsible for domestic violence is shifted once again and gender-bias is reinforced. In the book, one of the rare references to state responsibility is mentioned in a one-sentence paragraph, in the context that "it seems" the problem of domestic violence can only be solved if living and economical conditions of the family are improved.¹³² Afterwards the text incoherently switches to discussing pregnancy issues. Once again a woman subject as a mother, more precisely reproducer of future generation, is prioritized to a woman as an individual facing domestic violence.

3.2.5. Report IV

The report "Social Work with Children, Youth, Women and Different Categories of Families"¹³³ also addresses the importance of the family but as an "integral signifier of the state's social development as well as its socio-economic and moral status."¹³⁴ The report shows directions, content, forms and methods of work of 420 regional, city and district centers of social services for youth in 1998. Even though it deals with the familial politics of the social services, the issue of domestic violence is rarely addressed. It concentrated on the renewal of family values, sexual education of girls as future wives and mothers and engages in the process of "the enlightenment" of youth on the topic of family planning and marital

¹³¹Dobash, Emerson and Russell Dobash. Women, Violence and Social Change. London, New York: Routledge, 1992. p.221. P.230.

¹³²Yakubova, Yu. and Golovenko, V., eds. Батьків не Обирають: Проблеми Відповідального Батьківства в Сучасній Україні (Parents cannot be Chosen: Problems of Parental Responsibility in Ukraine Today) Kyiv: A.L.D., 1997. P.66.

¹³³ Ministry of Ukraine of Family, Children and Youth. Ukrainian State Centre of Social Services for Youth. *Соціальна Робота з Дітьми, Молоддю, Різними Категоріями Сімей* (Social Work with Children, Youth, Women and Different Categories of Families). Kyiv: 1999.

¹³⁴ Ibid. p. 4.

relations. Domestic violence, however, is not depicted as a separate important issue to be addressed in the process of social support of a young family. The problem is mentioned only few times in almost two hundred pages. The grants and projects organized by the services do not address domestic violence as a separate issue either. It is just listed among other "family-oriented" target-groups. Among the priorities of the social services for youth the problem of domestic violence is not mentioned at all.

The major priority in the work of social services is given to the preparation of the youth for marital life, assistance to parents in childrearing, work with young families in order to stabilize family relations and social support for different categories of families.¹³⁵

Of the primarily focus for the report is implementation of neo-familial Ukrainian politics. In particular a lot of attention is dedicated to a woman subject as Berehinia. The report mentions projects, programs and organizations working in the direction of young women 'proper' upbringing. It mentions special gymnasiums and clubs for girls and women aiming at preparing them for family life, formation of "adequate women's values" (these are not defined) and development of active life stands (not defined either). The names of the organizations might, however, point to the politics they maintain: "Berehinia of family fame", "Beauty" (states its objectives as preparation of young girls to the roles of a bride, wife and mother), "A Pearl", etc. A lot of projects aim at sexual upbringing of the youth. Some projects, according to the report target at promoting women active participation in the life of society. Thus for the unemployed youth social centers held seminars "Entrepreneurial Business" and "Formation of Young Girls' Initiatives". Such competitions as "Miss Youth", "Miss Beauty" and a contest for business women "A Surprise for a Business Women" targeted, the report states, at forming the image of a modern successful woman.

¹³⁵ Ibid. p.25

As for the family issues, the program "Social Support of the Young Family" was the basis for the social services' work, 1995-1999. The main directions of the program were¹³⁶:

- preparation of a young family for a family life;
- work with young families for stabilization of their relationships;
- a school of parental support;
- familial psychotherapy.
-

The "therapeutic society" framework persists in this approach as well. Here the social services through preparation, stabilization and psychotherapy also aim at 'normalizing' and keeping the family institution. The fact that no other alternative to family problems' resolutions is mentioned (e.g. legal counseling concerning divorce or assistance during separation) suggests that the goal is to preserve the institution 'by any means'. It seems to be due to the course of such politics that the problem of domestic violence is not often addressed in the report.

If national identity of the modern Ukrainian woman is a successful businesswoman as well as keeper of a "household flame" (Berehinia);¹³⁷ and a Ukrainian family is "an integral indicator of a country's social development and a reflection of its socio-economic and moral conditions,"¹³⁸ domestic violence could hardly be placed among the top issues on the agenda of social services. The subject of women undergoing domestic violence would inevitably disrupt the neo-familial non-violent paradigm.

3.2.6. Report V

"About the State of Families in Ukraine"¹³⁹ is a report on the issue, in 1999. Out of all the reports mentioned above, this is the only one which constructs a female subject of women

¹³⁶ Ministry of Ukraine of Family, Children and Youth. Ukrainian State Centre of Social Services for Youth. *Соціальна Робота з Дітьми, Молоддю, Різними Категоріями Сімей* (Social Work with Children, Youth, Women and Different Categories of Families), 4-25. Kyiv: 1999.

¹³⁷ For more detail see Chapter II.

¹³⁸ Ministry of Ukraine of Family, Children and Youth. Ukrainian State Centre of Social Services for Youth. *Соціальна Робота з Дітьми, Молоддю, Різними Категоріями Сімей* (Social Work with Children, Youth, Women and Different Categories of Families), 4. Kyiv: 1999.

¹³⁹ State Committee of the Politics of Youth, Sport and Tourism in Ukraine. *Про Становище Сімей в Україні* (About the State of Families in Ukraine). Kyiv: 2000.

undergoing domestic violence as a "survivor". The report blames non-responsive prejudicial society and police in perpetuating the problem. Unlike the previous reports, this one is also much more critical to the state and social services representatives' involvement in the issue of domestic violence.

... women and children undergoing domestic violence remain practically unprotected...Neither women nor children believe in the help of police. The majority of data concerning domestic violence remain unnoticed in the official statistics...one can seldom find understanding or the desire to listen either from lawyers, doctors, other medical staff or teachers.¹⁴⁰

The issue of domestic violence and problems connected to it is not mentioned in the report as the one which receives direct welfare state or social services' support. Social services' work mainly focuses on such support for the family as improvement of living and economic conditions for families with many children, assistance for young families, promotion of motherhood and parental values, etc. According to the report, state family politics aim at stabilization and strengthening of the institution of family. The main priority of social-rehabilitation centers is given to assistance for parents in upbringing processes and social support for different kinds of families. Therefore, not numerous crisis centers are the only institutions providing support in case of domestic violence. In the chapter dealing with crisis centers, however, the report points to the lack of institutions which women undergoing domestic violence can address to receive sufficient support.

All in all, the report calls for the state responsibility and assistance in the issue of domestic violence. More importantly, it blames gender stereotypes prevalent in the society in perpetuating violence against women and domestic violence in particular. Even though the report does not employ a word "patriarchy", the description of violence against women addresses it as a gender-based one:

...The problem of violence against women is social; it has its roots in gender stereotypes which are imposed on people since their childhood. These

¹⁴⁰ Ibid. 141-2.

views prove that our society directly connects marriage with the rights to possess a partner...Violence remains the most important social mechanism with a help of which a woman is forced to be subordinate.¹⁴¹

Thus the report dismisses some social stereotypes connected to domestic violence. It claims that class and educational level have little to do with domestic violence, since it happens in different kinds of families. It also contradicts the idea that domestic violence was characteristic of old times only with their archaic rules when husbands were considered the 'owners' of their wives. The remnants of this "archaic" perception, the report states, serve the basis for the mythical concept of "a victim as trigger of domestic violence", the view still prevalent in the society. This archaic view, as it was mentioned above, found its place in the legislation of the modern Ukrainian nation state. Moreover, this legislation is approved by the majority of the reports from the sample. Meanwhile the number of domestic violence cases, growing annually, questions its sufficiency: in 2004 – 82,413 cases; in 2005 there were 83,150 reports on domestic violence in the first nine months only; in 2006 – 402 cases of manslaughter in the home, for the first nine months.¹⁴²

Conclusion

Domestic violence has recently gained political visibility in Ukraine, largely due to the influence of the anti-violence women's activism on the supranational arena. Since the problem was addressed on the UN level it could no longer be 'overlooked' on the national level.

Thus Ukrainian legislation gives a definition to the issue in the law "On Prevention of Domestic Violence" through the frame similar to this of DEVAW. Further, in some articles of the law, however, the Human Rights frame is changed to the "therapeutic society" one. The female subject under such framing is constructed as a "victim" prone to self-blaming as well as triggering domestic violence.

¹⁴¹ Ibid. P.138.

¹⁴² Amnesty International, "Ukraine: Domestic Violence - Blaming the Victim," In *Online Documentaion Archive*, 21 November 2006, <<http://asiapacific.amnesty.org/library/Index/ENGEUR500052006?open&of=ENG-UKR>> (3 May 2008).

The discourse analysis of the sample of state reports and the Ukrainian law "On Prevention of Domestic Violence" showed that the reports very often tend to reproduce the state's dominant discourse and legitimize current legislation on the issue. They depict the problem of domestic violence as well as people involved in it in accordance with the "therapeutic society" frame.

The majority of the reports also promote neo-familial politics and discourses. Very often the programs mentioned in the reports target at reinforcement of the institution of family as well as the role of future mothers and wives in it. Domestic violence is seldom addressed in the state financed projects. Its roots are often seen in unsatisfactory parenting and life difficulties. The hierarchal, gender-biased nature of the state, its politics and discourses as a reason for unequal power relations within the family and, as a result, domestic violence is mentioned only in two reports. Both of them, however, either hint or explicitly claim that the state has done a lot to eradicate gender stereotypes and inequalities in society. The facts proved the statement to be wrong. Most of the legislative documents, mentioned by one of the two reports as an example of the state's involvement in "eradicating gender stereotypes and inequalities", either are not adopted yet or only reinforced the inequities. Meanwhile the official statistics shows an annual increase in the number of domestic violence cases.

Chapter IV. The NGO-ization of Ukraine Today.

4.1. Domestic Violence. Where Does It Fit?

The definition of the state as a set of processes shaped by the political interests of mainly dominant groups leaves some space for feminist activism to influence state policies by promoting the political interests of women as a group deserving of 'recognition' within and across state borders, as was the case on the supranational level.¹⁴³ If addressing domestic violence does not coincide with the political interests of dominant groups, then it is active feminist involvement that has the potential to give the issue more visibility on the state agenda.

The approaches of the Ukrainian state to domestic violence are quite ambiguous, as I have shown in previous chapters. Recognition of the problem by the state coincided with the active promotion of women's rights on the supranational level. State-financed reports on domestic violence in Ukraine, such as the anti-domestic violence law and the drafts for several bills addressing gender equality, followed the adoption of DEVAW at the UN level. This way the Ukrainian nation state can claim progressive developments within the model frameworks of "western democratic" countries.¹⁴⁴ Yet there were limits to the progress that could be made, since addressing the problem in ways that went beyond a surface commitment to legislative equality would have clashed with dominant interest groups and their statist agenda of actively promoting neo-familial politics (including the promotion of "authentic" familial values; the presentation of the Ukrainian nation state as a family/women-friendly one; and the reinforcement of neo-liberal ideology, including the assumption of a strong "public/private" divide, organized around ideas of self-help and the state's non-intervention

¹⁴³ See Chapter I.

¹⁴⁴ See also Susan Zimmermann's article on how the gender-related issues have served as signs of "westernization" in post-Soviet countries. The Institutionalization of Women and Gender Studies in Higher Education in Central and Eastern Europe and the Former Soviet Union: Asymmetric Politics and the Regional-Transnational Configuration. <http://www.duke.edu/womstud/Susan%20Zimmermann.doc> 03.06.2008.

into family matters)¹⁴⁵ To put domestic violence among the top priorities of the state agenda might threaten the image of a family/women-friendly nation which serves as a distinct feature of Ukrainian nation building, based on a supposed contrast between Ukraine and Russia, and Ukraine and the "West". State intervention in family matters therefore not only disrupts neo-liberal constructions of a "public/private" dichotomy, it also disrupts the "anti-Soviet" pattern of "family autonomy" as a necessary feature of the "modern" post-Soviet Ukrainian state. Even though the reports from the chosen sample showed the state's "recognition" of domestic violence, most were also evidence of the state's lack of investment in efficiently dealing with the problem. If addressing domestic violence clashes with state and market interests, then the problem is left to the Ukrainian "Third Sector".¹⁴⁶

4.2. The "Hybrid Feminism" and NGO-ization.

After the independence of Ukraine in 1991, the first NGOs appeared on the ground.¹⁴⁷ The emergence of the Ukrainian NGO sector was fueled by the first foreign investments in health, education, independent mass media, democratic development, and civic and human rights areas. Lyuba Polyvoda claims that at the beginning of foreign investment flows in Ukraine, most of the money was given to the state "to assist Ukraine in its transition to a free market system, democracy, and human rights development ". In time, the investors saw NGOs

¹⁴⁵ See Chapter II.

¹⁴⁶ The third sector is non-governmental organizations that are value driven and which principally reinvest their surpluses to further social, environmental or cultural objectives. It includes voluntary and community organisations, charities, social enterprises, cooperatives and mutuals. "Third Sector, Community and Voluntary Groups" Communities and Local Government. http://www.communities.gov.uk/communities/thirdsector/4.06.2008_

¹⁴⁷ Ukraine Development Gateway Project. NGOs in Ukraine, 2000, <<http://www.ukraine-gateway.org.ua/gateway/gateway.nsf/1152037621c24476c225690d002dc023/53592efb0e3b099ec225698f00514c86?OpenDocument>> (15 May 2008).

as "important actors in building democracy and a free market economy."¹⁴⁸ This marked the beginning of the NGO-ization¹⁴⁹ of the state.

As for women's organizations, they have been functioning at the local level since 1980.¹⁵⁰ The issues of women's rights, however, started to gain visibility in Ukrainian politics in the 1990s. Domestic violence was referred to as a key women's issue during the parliamentary hearings in 1995. According to Alexandra Hrycak,¹⁵¹ the Fourth World Conference on Women held in Beijing in 1995 was a starting point for women's activist groups in Ukraine. They were pointed to the fact that under international law, the state was held responsible for dealing with women's issues and protecting women from violence. Among all, it meant that the state should be involved in policy-making and that it should budget projects aimed at promoting and protecting women's rights.

The relationship between the state and women's groups, however, was not smooth (as is often the case). Foreign donor investments in campaigns on women's issues were often misused by state agencies dealing with women's issues. For example, the main state agencies dealing with women during the presidential elections 2002-2004 invested a lot in promoting pro-regime candidates.¹⁵² Moreover, state officials through 'cooperation' with the women's groups often aimed at lessening these groups' activities and making them suit the political

¹⁴⁸Paluvoda, Lyuba. "Accountability and Transparency in the Ukrainian Third Sector." In *Seal*, Spring 2001, <<http://www.efc.be/cgi-bin/articlepublisher.pl?filename=LP-SE-03-01-1.html>>

¹⁴⁹ I accept Islah Jad definition of NGO-ization as "a part of a world wide trend, encouraged by many donor countries, international NGOs and many UN agencies", which targets at decentralization. Jad, Islah. *Gender Myths and Feminist Fables: Repositioning Gender in Development Policy and Practice*, July 2003, <http://www.siyanda.org/docs/jad_ngoization.doc> (8 June 2008).

¹⁵⁰ "Women's NGOs in Ukraine and the End of Western Aid." In *Alumni Series*. Kennan Institute U.S., 14 June 2007, http://www.wilsoncenter.org/index.cfm?fuseaction=events.event_summary&event_id=237920 (15 May 2008).

¹⁵¹ Alexandra Hrycak, associate professor of sociology, Reed College, and former Title VIII-supported short-term scholar, Kennan Institute. Ibid.

¹⁵² I will return to it later in the chapter.

objectives of the state, mentioned in the subchapter above.¹⁵³ Alexandra Hrycak claims that: "Under Kuchma's presidency [1994-2005], state women's agencies acted as extensions of the state."¹⁵⁴ Consequently, Western funding aiming at assisting campaigns on women's issues such as domestic violence often invested in governmental politics more than in those promoted by local NGOs.

Today Ukrainian NGOs find themselves dependent either on the state, which still keeps on investing in the NGOs which politics coincide with the ones of the state, or – international donors – which are one of the main sources for the NGOs budgeting. The first type of NGOs is called by local scholars "traditional" NGOs. Speaking about the local NGOs, Susan Gal and Gail Kligman claim that they perceive women through the lens of "maternal self-sacrifice" and "nation building".¹⁵⁵ These NGOs' politics correspond to neo-familial state's pattern,¹⁵⁶ according to which the female subject is constructed as a wife and future mother within a "traditional" Ukrainian egalitarian family. Thus, they concentrate mainly on "maternalist" politics: welfare of children, families, restoration of tradition, etc.¹⁵⁷

... They [traditional women's organizations] believe that Ukraine's problems will be solved by reviving (rather than rejecting) Ukraine's tradition of strong families and equality between men and women.¹⁵⁸

These NGOs do not intend to challenge a local gender system and are hostile toward "Western" feminists' ideas. They consider "Western" feminists' promises of "dealing with

¹⁵³ „Women's NGOs in Ukraine and the End of Western Aid.” In *Alumni Series*. Kennan Institute U.S., 14 June 2007, http://www.wilsoncenter.org/index.cfm?fuseaction=events.event_summary&event_id=237920 (15 May 2008).

¹⁵⁴ Ibid.

¹⁵⁵ See Gal and Kligman, "Politics of Gender", 32, 88, 101-4; and Susan Gal, "Movements of Feminism: The Circulation of Discourses about Women." In *Recognition Struggles and Social Movements: Contested Identities, Agency and Power*, edited by Barbara Hobson, eds., 93-119. Cambridge: Cambridge University Press, 2003.

¹⁵⁶ Hrycak, Alexandra . "Foundation Feminism and the Articulation of Hybrid Feminisms in Post-Socialist Ukraine." *East European Politics and Societies* 20, no. 1 (2006): 74. See also Chapter II.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid. See also Tatiana Zhurzhenko, *Sotsial'noe Vospriizvodstvo i Gendernaia Politika v Ukraine*. Kharkiv, Ukraine: Folio, 2001; and Irina Zherebkina, *Zhenskoe Politicheskoe Bessoznatelnoe: Problema Gendera i Zhenskoe Dvizhenie v Ukraine*. Kharkiv: Kharkiv Center for Gender Studies: F-Press, 1996.

women's issues" and "overcoming patriarchal oppression" to be as "false" as those made by Soviet leaders to promote their own politics. Therefore for such NGOs efficiently dealing with domestic violence would be highly problematic. Their political discourses aiming at preservation of gender-biased "tradition" clash with the need to challenge gendered hierarchy of power in the society/family/state if they targeted at eradicating domestic violence.

The second type of NGOs dealing with women's issues which are largely dependant on international funding is referred to, by Hrycak, as "hybrid feminist" organizations.¹⁵⁹ This organizations appeared on the ground as a result of the 'partnership' between Western-funded NGOs and Ukrainian GONGOs (government-organized non-governmental organizations), which later were transformed to "hybrid feminist" organizations. The founders of such "hybrid feminist" associations, according to Hrycak, were women who had high levels of education, spoke English and participated in some US projects aiming at fostering grassroots activism.¹⁶⁰ She calls them "foundation feminists". Foreign donors recognized "foundation feminist" associations as experts in women's issues and processes of empowerment; such associations became "the primary formal gatekeepers of aid to grassroots women's organizations in Ukraine."¹⁶¹ Kristen Ghodsee finds the reasons for such an empowering recognition in the fact that such feminist NGOs were tailored to fit the implicit objectives of foreign investors, targeting at development of neo-liberal politics in Post-Soviet countries:

... the specific type of cultural feminism that has been exported to Eastern Europe (and many of the local NGOs informed by its ideology) may be unwittingly complicit with the proponents of neoliberalism... as a way of addressing women's concerns, cultural feminism...works well within the neoliberal ideological constraints of the large bilateral and multilateral aid institutions in the West...¹⁶²

While concentrating on "Western" discourses, "hybrid feminist" organizations tend not to pay much attention to realities on the ground. Unlike local NGOs, the "foundation

¹⁵⁹ Hrycak 2006: 1.

¹⁶⁰ Ibid. p.72.

¹⁶¹ Ibid. p.84.

¹⁶² Ghodsee 2004:727-50.

feminists'" associations see the source of all evils in "tradition", patriarchy, stereotypical gender roles, etc.¹⁶³ Concomitantly, Ghodsee argues that feminist activists promoting a "pro-Western" ideology of "gender first" concentrate on the vulnerability of women as a means of drawing attention to their issues, constructing female subjects as "victims."¹⁶⁴

Because "hybrid feminist" organizations receive most of the funding they overshadow local NGOs. Therefore, they very rarely cooperate with "traditional" grassroots associations which incorporated discourses of motherhood, femininity and preservation/return to "traditional" gender relations into their political agenda and practices. Consequently, "traditional" NGOs receive very little international funding because "foundation feminists" associations ally only with those NGOs which share their views on the certain gender issues.

Due to such different perspectives on women's issues, the NGO sector in Ukraine is heavily fragmented. The problem with both "hybrid feminist" and local NGOs is that women's issues and experiences that do not coincide with the politics of such organizations are excluded from top priorities in their projects and policy-making. This is a particularly difficult obstacle for anti-domestic agendas to overcome, since organizations working to combat domestic violence require, in order to be efficient, continual and careful engagement with the day-to-day experiences of women in both violent and potentially violent situations (experiences disregarded by "hybrid feminist" organizations which do not address "local context"). Another difficulty is getting the problem recognized as largely gender-based (a fact rejected by local NGOs which claim that Ukraine is a "traditionally" egalitarian country).¹⁶⁵

Whereas the development of anti-domestic violence politics more often than not clash with the politics of the institutions and organizations which are supposed to deal with the issue; state and foreign donors' interests are not necessarily hostile to one another. Through

¹⁶³ Hrycak 2006: 85.

¹⁶⁴ Ghodsee 2004:734.

¹⁶⁵ Hrycak 2006.

GONGOs (government-organized non-governmental organizations) Western donors have invested a lot in the development of small and medium-sized enterprises in Ukraine.¹⁶⁶ This was possible through the further creation of “hybrid feminist” organizations. Even though Hrycak makes a claim that international investors, while funding Ukrainian NGOs, are unaware of governmental influence on these organizations, the examples she gives make the claim less convincing.¹⁶⁷ She finds it ironic that the result of foreign investment in Ukrainian GONGOs was an appearance of "hybrid feminist" organizations which blurred the difference between "state" and "society", "nonprofit" and "for-profit" sectors and more importantly between "feminism" and "maternalism". On the one hand, they aim at women economic empowerment through involving women into the sphere of business. On the other hand, they might preserve "maternalist" stances in their public agenda.

This was the case with the Confederation of Women of Ukraine (The Spilka Zhinok Ukrainy), a prominent women's organization with a "maternalist" agenda.¹⁶⁸ It was one of the first Ukrainian women organizations to receive foreign aid for the development of business owned by women. From 1997-1999, it won a 2mln euros grant from the European Union's TACIS¹⁶⁹ program for job creation in Ukraine. The project received seven times more funding than the Ukrainian government at that time invested in women's issues annually. Meanwhile, during the period 1994-2005, the organization served as "an extension of the government" and was used "to consolidate autocratic rule, launder money, and fix elections."¹⁷⁰

¹⁶⁶ Kupryashkina, Svetlana . "Ukraine: End of the 'NGO Dream.'" *Give and Take* (2000).

¹⁶⁷ Hrycak 2006:91-3.

¹⁶⁸ Ibid. p.29, 92-3.

¹⁶⁹ TACIS is an abbreviation of "Technical Aid to the Commonwealth of Independent States" programme, a foreign and technical assistance programme implemented by the [European Commission](#) to help members of the [Commonwealth of Independent States](#) (as well as [Mongolia](#)), in their transition to democratic **market-oriented** economies. <<http://en.wikipedia.org/wiki/TACIS>> (3, June 2008).

¹⁷⁰ See Andrew Wilson, *Virtual Politics: Faking Democracy in the Post-Soviet World*. New Haven, CT: Yale University Press, 2005; and Alexandra Hrycak, "Coping with Chaos: Gender and Politics in a Fragmented State," *Problems of Post-Communism* . September-October 2005, p. 69-81).

While Hrycak finds the situation "ironic", I would rather refer to it as an 'ironic partnership' which appeared to be quite beneficial for both: the government which got financial assistance for/through its neo-familial NGOs and foreign donors which facilitated the development of neo-liberalism in the country. In this context, women's issues simply serve to disguise political practices of the involved parties. Women's NGOs seem to assist women in their problems predominantly in the cases when these problems appear beneficial for certain political agendas. Their agendas are not created "from below" but imposed "from above". Ghodsee, while speaking about NGO-ization of Post-Socialist Eastern Europe, makes a claim about the political appropriation of women's issues:

Women's rights and women's issues were once again used as tools to support the dominant political and economic system.¹⁷¹

The "hybrid" nature of the NGO-ization process in Ukraine is in the fact that it supports both "dominant" Ukrainian neo-familial alongside with Western neo-liberal politics. What appears to be quite problematic in such a context is that these organizations do more to assist political processes "than they do to help improve women's lives."¹⁷² The primary goals on their agendas are not as much to approach women's issues from these women's standpoint and experience but to fit the organizational politics or more broadly the politics of the investors/ founders whose interests they implicitly represent.

From the aforementioned, the development of the "Third Sector" in Ukraine acquired a very political coloring, reflecting ideological and political relations and tensions between the actors involved. The fragmentation of the NGO sector as well as unequal and often biased distribution of resources is the main obstacles on the way to addressing women's issues in the most sufficient way possible. Therefore, the "Third Sector" in Ukraine so far fails to serve as a basis for feminist activism which would lead to promotion of women interests in the context of domestic violence in particular. "Hybrid feminism" in the country is yet another way to

¹⁷¹ Ghodsee 2004:748.

¹⁷² Ibid. p.749.

promote dominant interests and not those of women which feminists on the supranational level have strived for.

Conclusion

In the Ukrainian context, since dealing with domestic violence does not fit in the process of the state politics formation and the rules of the market, the "Third Sector" remains the only means to promote women's interests. The formation of the "Third Sector" in the country, however, has been heavily influenced by the state politics and donor interests. The investments in NGOs are of double, either governmental or Western, nature predominantly. Consequently, these NGOs agenda are shaped by the investors' interests more than by people whose interests they tend to represent. Thus whereas "hybrid feminist" organizational agendas are shaped by the interests of the investors, excluding the local context and experience of women who they represent, local NGOs' discourses are heavily influenced by the state. In the first case, the female subject is constructed as a "victim", in the second one –as a mother and wife. Both frames can hardly be helpful in challenging "therapeutic society" framework through which the state addresses domestic violence. Therefore, the share of the "Third Sector" in promoting women's rights, in the context of domestic violence, is minimal as it prioritizes dominant group interests over those of women facing the problem.

Conclusions

Through the ideological "public/private" divide, the state has allowed its citizens to constitute their subjectivity in the realm of 'the family', where hierarchal divisions of power between family members have still been preserved. In the context of domestic violence, the "free zone" of the family, due to the state's stance of 'non-intrusion', is a zone in which women remain highly vulnerable. The ideology of "family autonomy first" disguises the hierarchal, gender-biased nature of the state. If the state is a process where the hierarchy of political interests is shaped and the interests of the dominant (male) groups are exercised, the negligence of the women's issues becomes an inevitable outcome of state politics.

The gender-biased nature of supranational legal and political discourses concerning women's issues has been justified through the reference to women's vulnerability requiring protection much more than empowerment. The feminist call for recognition of gender specific women's rights as universal human rights took place with the adoption of Declaration on the Elimination of Violence Against Women (DEVAW). The 2006 report "In-depth Study on All Forms of Violence Against Women," issued by Secretary-General Kofi Annan's office, marked the success of the gender-equality struggle. In this report violence against women was officially recognized as a violation of International Human Rights Law. A perpetrator as well as a state was called responsible before the Law for an act of violence against women.

Therefore, the UN supranational level legislative discourses disrupted the "public/private" boundaries and obliged states to prosecute and punish violence against women within the family. In this final phase, the female subject was constructed as an equal individual.

The idea that domestic violence could/should be addressed at the state level, however, raised a "Victim/Survivor" debate. The female subject as a "Survivor" is substantially close to the one constructed on the supranational level through the frame of Human Rights. A

"victimization" approach to women's issues has been taken by the Ukrainian state. There were certain political reasons for such a decision. I refer to this reason as a clash of political interests on the state level.

The Ukrainian nation state formation based on the "neo-familial" ideology of strong familial values represents one of the obstacles to efficiently dealing with domestic violence. The notion of a family/women-friendly Ukrainian nation as a peculiar characteristic of the nation state leaves little, if any, space for tackling domestic violence head on.

Furthermore, the return to the "public/private" ideology marks the difference between "modern" Ukrainian nation state and a "regressive Soviet civilization". This disguises the state's "pro-Western" neo-liberal practices. One implication for the women's issues, domestic violence in particular, is that they are once again left aside under the umbrella of "sacred privacy". Thus the state's "neo-familial" myth is once again prioritized to the women's issues.

Ukrainian legislation addresses domestic violence in the law "On Prevention of Domestic Violence". Similarly to the UN Declaration on the Elimination of Violence Against Women, the Ukrainian law defines domestic violence through the frame of Human Rights. In some articles of the law, however, the Human Rights frame is changed to the "therapeutic society" one. The framework contains liberal discourses of personal/individual-responsibility. It also constructs the problem as "private" and this way deflects attention from the state's responsibility to the realm of family. The female subject under such framing is constructed as a "victim" prone to blaming-herself, as well as triggering domestic violence.

The discourse analysis of the sample of state reports and the Ukrainian law "On Prevention of Domestic Violence" showed that the reports very often tend to reproduce the state's dominant discourse and legitimize current legislation on the issue. They depict the problem of domestic violence as well as people involved in it in accordance with the "therapeutic society" frame.

In the Ukrainian context, since dealing with domestic violence does not fit in the process of the state politics formation and the rules of the market, the "Third Sector" remains the only means to promote women's interests. The share of the "Third Sector" in promoting women's rights, in the context of domestic violence, however, is minimal as it prioritizes dominant group interests over those of women facing the problem. Whereas "hybrid feminist" organizational agendas are shaped by the interests of the investors, excluding the local context and experience of women who they represent, local NGOs' discourses are heavily influenced by the state. In the first case, the female subject is constructed as a "victim", in the second one –as a mother and wife. Both frames can hardly be helpful in challenging "therapeutic society" framework through which the state addresses domestic violence.

The problem of domestic violence in Ukraine requires active feminist involvement in the issue. This will help women undergoing domestic violence to resist the state's violence of "tacit endorsement" of the issue. Not only will it reframe and criticize the problem but also shape the female subject in much more adequate way, relying on women's personal experiences and taking them seriously.

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