

Gender Regime in Ukraine: Discursive and Institutional Changes in Family Policies

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Abstract

This research paper is concerned with the institutional and discursive construction of the state gender regime in Ukraine. The aim of the paper is to uncover the 'logic of changes' in the childcare policies from 1991 till 2011, to unpack the discourse on 'motherhood' and 'womanhood', to understand the distribution of subject positions, the construction of norms and boundaries. The focus of the research is on the internal structure of the legal/political discourse on womanhood (associated with motherhood) through the analysis of legal texts in the area of family support, childcare and selected employment regulations. My case study suggests how the discursive formation of subject positions and gendered norms of womanhood form and are formed by the institutional structure of the state welfare regime. My material suggests how women are the main subjects of the family policy, how they are attributed a limiting role of mothers and their political subjectivity is undermined by reducing their interests to children's interests. Finally, the conflicting imaginaries of a woman in the Ukrainian legislation are briefly outlined, namely of 'a nurturing mother' and of 'a working mother'.

This paper is concerned with the norms of womanhood in the legal texts of the Ukrainian social policies and legislation. I focus on the internal structure of the legal/political discourse on womanhood (associated with motherhood) through the analysis of legal texts in the area of family support, childcare and selected employment regulations. I attempt to unpack the discourse, to understand the distribution of subject positions, the construction of norms and boundaries. In the process of doing so, my aim is to grasp the discursively constructed and institutionally-embedded state gender regime. It is crucial to understand how the elements of the discourse interact and constitute each other; how the institutional structure of the Ukrainian state welfare regime forms and is formed by the discursive gender regime. In the limits of this paper I will not be able to answer these questions that are guiding my PhD research in a convincing and elaborate way, but I hope to outline my approach to the material and preliminary understanding of the entanglements between the institutional and discursive levels of the gender regime construction and between the subject positions of a woman and a mother in the social policies of Ukraine.

In order to accomplish the stated goals, it is crucial to understand the context of the state family support in Ukraine and the state welfare in general. There are two elements of the context that need to be emphasized here due to the nature of my research focus. So, first of all, Ukraine is a post-Soviet state and certain elements of its past play a big role in the formation of its present gender regime. The gender contract of a 'working mother', as the central principle establishing relations between women and the state (Temkina & Zdravomyslova, 2003; Zhurzhenko 2001), is most useful to understand the Soviet legacy in the sphere of the gender politics. According to this principle, women were full-time workers and full-time mothers, while the state provided social services to make reconciliation of paid and unpaid work possible. The state policy towards women reinforced traditional private gender roles. The 'working mother' contract was undermined by the post-socialist transition, as the state lost its financial and ideological power, and withdrew its support (Zhurzhenko, 2001). Women were left with expectations and practical necessity of full-time employment and full-time caring, under the conditions of traditional gender order with the system of the state support crumbling. Nevertheless, in this paper I argue that the 'working mother' contract and the Soviet paternalism are to some extent still embedded in the legal norms of the Ukrainian legislation, although these principles are renegotiated.

In its 'transitional' present the Ukrainian state struggles to build not only a reasonable economy and self-standing democratic institutions, but also to form a nation. Thereby, the

discourse of 'the nation-building' is the second aspect of the context that is important to understand in the case of my research. Within it women are increasingly attributed with responsibilities of the symbolic representation of the nation, which deprives them from political agency, and they are deemed responsible for the actual reproduction of the nation through childbirth under the condition of highly publicized and politicised 'demographic crisis' (Zhurzhenko, 2012). As a result, the state launched a childcare reform to encourage women to have more children and to spend more time taking care of them at home. Both of these frameworks (Soviet 'working mother' contract and 'nation-building project') were used to legitimize policy actions and are still reflected in the institutional arrangements of the welfare state in the area of the family support.

I intend to analyse the norms of womanhood within the context of Ukrainian social policy, through the conceptual framework of the gender regime. Gender regime implies a set of ensembled institutions (Mackay, 2011) and a set of gender norms articulated, communicated and enforced by the state through legislation and policies (Connell, 1987; Sainsbury, 1999). Regime is a conceptual tool established through the practice of discourse analysis; it is understood here as certain regularity formed through the historical relation between the discourse and the institution. The discourse is understood as a connection of discursive statements on femininity and masculinity resulting in a formation that displays certain rules. While an institution of the state welfare provision, namely family support is understood as a sedimented discourse, a way of doing things fixed in time (Kulawik, 2009).

According to Adams and Padamsee (2001), regime entails four aspects: signs, subjects, strategies and sanctions. These components can be identified in a certain domain, where they highlight the underlying structure of the policy regime and comprise the internal structure of the discourse. In the scope of this paper, I focus on the subject positions, while following the signs of motherhood and womanhood. Signs are defined as "prevailing images of and emotionally charged judgments about what counts as feminine and masculine" (Adams & Padamsee, 2001, p.2). The sign of motherhood, for example, is discursively constructed, supported institutionally in a specific way, opposed and/or linked to other "signs that evoke citizenship and public participation" (ibid, p.11), like paid employment, for example. The 'ideology' of sign has its own logic and it first creates and then addresses subject positions (ibid, p.11).

From such perspective the research has a dual focus. On the one hand, it is a study of the

welfare or policy regime with a focus on the institutional arrangements. On the other hand, it is a study of the policy gender discourses. Therefore, the aim of my research is to analyse both of these spheres and discover the connection, mutual constitution and at times contradiction between them.

There are two kinds of material that I rely on: the legal documents, including law proposals and ministerial directives, and the discussions in the parliament. The policy area is broad and encompasses family support, employment regulations and childcare. I will discuss the area of the state's family support in details and occasionally refer to other domains, especially employment regulations. This allows me to take a look at the state's vision of a 'proper' family, motherhood, parenting and childcare, as well as an appropriate state's role in relation to the family. The law on state assistance to families with children is the key document I analyse, followed by the code of family laws and labour laws. The time span of the research is roughly from 1991 to 2011.

In the process of analysis, first of all, I used policy-tracing method to map the system of state social welfare in the area of family support and childcare in the time span of 20 years. Using interpretative discursive approach to the textual material I explored the meanings attributed to the main subjects, like family, mother and woman, and established relations between them. By looking at the parliamentary discussions I identified the main themes used to legitimize and frame certain policy changes. I considered these themes to be the discursive context used to enhance the understanding of the meanings attributed to the subject positions and policy changes.

To sum up, in this paper I discuss the internal structure of the policy gender discourse in the area of family support and employment regulations. I illustrate how the discursive formations of subject positions and gendered norms of womanhood form and are formed by the institutional structure of the state welfare regime in Ukraine. In addition, my material suggests how changes in the area of the family support, both in the legal documents and in the discussions, are positioned in relation to the process of transition.

In what follows I discuss how the family is the cornerstone of the nation-building project in Ukraine and how women are the main subjects of the family policy. I consider how women are attributed a limiting role of mothers and how their political subjectivity is undermined by reducing their interests to children's interests. Finally, I outline the conflicting imaginaries of

women in the Ukrainian legislation, namely of ‘a nurturing mother’ and of ‘a working mother’.

The changing state family support in Ukraine

I would like to introduce briefly the main policy that is guiding the area of the family support and to describe its position in the broader system of the state social welfare, which is useful for our further discussion.

The law on state assistance to families with children, accompanied by corresponding ministerial directives, is the key document in the area of the state family support. It is positioned within the legal framework connecting the family and the labour law. Initially, this policy was divided between the areas of the state social protection and state insurance. The employed persons were granted most of the childcare benefits and family support, usually flat-rate, through the social insurance scheme administered by the employer of mothers. Unemployed persons, full-time students and ‘non-working’ persons¹ were provided with the flat-rate childcare benefits through social welfare offices based on the principle of the state social protection. There were also a number of benefits, usually categorical, for example, social assistance on a disabled child, paid out of the social protection fund with no regard to the parents’ employment. Therefore, all of the state’s support to families was combined in one document, regardless of the funding and the welfare principle.

In 1998, the law on the compulsory state insurance was adopted in Ukraine, introducing the reformed system of social insurance aimed at more transparent contributions and documentation. By the year of 2001, it found its way into the childcare legislation. Consequently, a clearer distinction and institutional demarcation between the state system of the social insurance and state social protection was in place in the area of the family support. The employed parents were covered by the law on the compulsory state insurance, which provided comparable social benefits. State assistance to families with children was separated from the entitlement of workers to social benefits. Simultaneously, the number of benefits funded by the state social insurance fund started to decrease gradually. While the discourse of the state’s efficiency and targeted assistance to those labelled as ‘the real needy’ gained

¹ Non-employed person is someone who is not officially employed, who is not a student and not registered at the unemployment office.

momentum, many categorical benefits, such as single mothers' benefit were distributed with means test as an entry criterion.

The so-called 'Orange Revolution' has marked a turning point in the political discourse of 'the nation-building', with serious consequences concerning family policy (Zhurzhenko, 2012). In 2005 the project of 'the nation-building' became especially emotionally charged and politically supported by the new ruling party and the new president. Simultaneously, 'reviving of truly Ukrainian family', meaning the one that does not only live by 'the Ukrainian values' and members of which use Ukrainian language, but also as a family with many children, has been identified as an abstract solution to deal with 'the demographic crisis'. Simultaneously, many of the means-testing conditions in the area of the family support were lifted, based on the argument that families, mothers and children deserve state support regardless of their income or employment status. The amount of certain benefits (e.g. state childcare benefit until the child's 3rd birthday) would still slightly depend on the family income. Therefore, as the state was framed as promoting 'nation's reviving', with higher birth rates being crucial aspect of it, paternalism, moralization and social protection of the 'needy families' with children came to the foreground in the state policy. This is crucial for our further discussion of the constructed images of the family within the policy.

Changing definition of the family: the transition from state social insurance to state protection.

The main object of the policy regulation in the area discussed here is of course the family. The parliamentary discussions and the laws establish a normative vision of what is considered to be a family, what it should and should not be like.

Throughout the years of transition the level of control and limitations, enforced on the families by the state, has increased through redefinition of the eligibility criteria for the state family support. What I mean here is what lies in the origin of relations between parents and their children; what it means to be a family with a child; what basic criterion the family has to meet in order to qualify for the state protection and help. By changing this definition the state is capable of expanding and modifying the definition of an appropriate family, as well as the degree and the character of control. This expansion of the state control is accommodated by

labelling them efforts of the state social protection and assistance, rather than social entitlements based on workers'/citizens' contribution.

The clear definition of what is considered to be a family with children came about in 2001 with a reform of the law on state assistance to families with children. Prior to that, both the law on state assistance and the code of family laws were missing a coherent definition of the family and at places contradicted other laws on this subject. Nevertheless, the implicit understanding, namely, that child-bearing, the biological connection between the child and the parent, is the main defining relation within the family with children, was the underlying logic of policy. The state was not interested in pragmatically limiting the concept of the family, but instead established the broadest definition. Simultaneously, this understanding of the family had consequences for the definition of the main subject position. The notion of the family was constructed by the political discourse in such a way that the central role of the mother, due to her biological connection to the child, was perceived as 'natural'.

After the 2001 reform there were two basic conditions specified in the family definition and as eligibility criteria. First, a caretaker related to a child by blood, adoption or foster care should reside together with the child and provide for the child. Second condition was emphasis on the social and educative function of the family.

First, the requirement of residing together with the child to be considered a proper family was aimed at excluding and cutting off from the state's assistance those families that do not correspond to the traditional image of a nuclear family. By that time widely discussed example of 'improper' family was the family of labour emigrants, specifically with migrating mother (Keryk, 2004; Tolstokorova, 2010). Simply speaking, the family was also expected to provide for its own children, while the state's responsibility was to provide only for 'the most needy'. This requirement was framed as part of the discourse on welfare efficiency and targeted assistance that aimed at replacing the Soviet kind of categorical state support. At this time many family support benefits were means-tested.

Second, the family became increasingly referred to as a place where future Ukrainian citizens are born and raised. The verb '*vykhovuvaty*' (to bring up) in Ukrainian, used in the definition of the family, is normatively charged and could be translated into English as a combination of raising a child and educating a child. Therefore, it does not only concern providing a child

with food, home and affection, but also involves educating a child as a good member of a society, socializing her/him into certain norms of behaviour:

Differentiated assistance upon childbirth and assistance for raising a child (*vykhovannya*) allows understanding correctly the state policy, namely, that it is directed not only to stimulate birth rates, but also to provide the society with full-valued members. (explanatory note on the law proposal concerning assistance upon childbirth and for upbringing, 2008)

To illustrate the rising concern with proper upbringing in the political discussions, I propose to have look at a law proposal that intends to preserve the childcare benefit for those mothers that came back to work before the 3 year childcare leave expired. The initial aim of the proposal was to provide this money to mothers, with the idea that professional childcare can be paid for from it. In the discussion one of the concerns mentioned was “the upbringing potential” of those families, where the mother needs to go back to work before the child is 3 years old:

Let’s be honest, young families are not provided with housing, majority of them today are unemployed, and, unfortunately, but it’s true, the upbringing potential of the family is decreasing because of the low level of welfare of the majority of families with children. In the condition of demographic crises, low birth rates in the country, one of the components of the family policy should be the creation of favourable conditions for women, for motherhood and professional growth. What motherhood conditions can we talk about when the mother has to leave a small child to look for a job to survive with her child? (Puzakov V.T., parliamentary discussion of the law proposal on childcare benefit until child’s 3rd birthday, 21.10.2005)

As the quotation indicates, the policy-makers were concerned with poor families that lack “the upbringing potential”, meaning that they are unable to bring up their children properly. By connecting the capacity of the families to bring up full members of the Ukrainian society to their economic well-being, a space is carved out for a manageable intervention of the state through material assistance. At the same time, a certain imaginary of a policy subject is created as a poor mother that looks for a job to survive with a child. Besides that, this quote also marks the tension between motherhood and employment that I will come back to later.

As I have mentioned before, in the 2000s falling birth rates were presented as a ‘demographic crises’, which led to state efforts to increase the birth rates through state programmes as ensuring ‘nation-reviving’. Simultaneously, the social and educative components of childcare have gained importance as part of the efforts for the better future of the nation. The importance of the healthy and full family with two parents and several children has come on the forefront in the action program of the Cabinet of Ministers, called “Towards people”:

Family values

The main aim of the governmental policy in relation to families, women, children and youth is to overcome the tendency of sharp population decline. The government is aiming at strengthening the institution of the family and state's support of fertility. Family will be considered one of the core social values. The state policy will be directed at ensuring such social norm, as the family that is sufficiently financially provided, socially stable, spiritually and physically healthy, full family with two and more children. ('The action program of the Cabinet of Ministers "Towards people", 2005)

Besides economic wellbeing, the quoted document wishes to introduce new conditions that should enforce 'the upbringing potential'. Although it is called 'the action program', it is comprised of normative and abstract phrases, like "spiritually and physically healthy", "full family", that cannot be practically applied in social work. In general, there are only a few cases in which welfare in Ukraine is case-based with a case officer having power to check the compliance. Thus, for now the institutional structure to enforce such general normative standards as 'educating a proper Ukrainian citizen' is rather limited. But there seem to be a tendency that the Ukrainian state expands its role in defining good and bad families through increasing the expectations that a family is supposed to meet, simultaneously most of these expectations are connected to financial capabilities. In such way the state can target the most vulnerable families and enforce its control and influence through cash transfers.

One of the main state efforts in the area of the childcare within the 20 years since 1991 was a dramatic increase of the one-time payment upon childbirth after the 'Orange Revolution'. This kind of benefit was in place since the 1990s, but according to the presidential plan in 2005, it was relocated to the realm of social protection and provided in the same amount regardless of employment history or any other criteria. This universal provision of a considerable amount of money to mothers virtually without any conditions was framed as part of the state's effort to raise the birth rates. The discourse of 'the traditional Ukrainian family' and its pivotal role in 'the nation-building' justified the state's investment into the family and its choice of tool – cash transfer. Consequently, women's role as mothers was reinstated, as they were targeted by this new state policy aimed at making them full-time mothers for at least 2 years and in case of three and more children for 6 years. Relocation of this benefit completely into the area of the state protection and assistance allowed to target mothers in general, therefore, underlining two main goals of the policy: to 'help' families with children financially, assuming that all families with children are economically vulnerable, and to promote higher fertility, assuming that cash transfer to mothers would encourage higher birth rates (a bigger sum right after the childbirth and then monthly payment for 2 to 6 years).

In a rather simplified way, my argument is that throughout the 20 years after the collapse of the Soviet Union, the main relations in the core of the family were first defined as primarily biological, then it was extended to economic relations (shared household, provision for children) and eventually social and educative role of the family was emphasized in the policy. The gradual enforcement of paternalism, exemplified here in the case of the family and childcare support, was accompanied by the transfer of these benefits from the realm of the state social insurance to the realm of the state social protection with no contribution requirements.

Saying family, meaning mother

In this section I focus on the subject positions formed in the policy discourses. To begin with, I try to make visible how the central role in the family is ascribed to mothers, and how they are considered the sole representatives of the family when it comes to relations with the state and with the employer.

The discursive and institutional constitution of the family already implies a certain subject. When childbirth was the only explicit criterion for the state's support, the mother was constructed as the main and only subject of the policy. When the 'raising children properly' approach gained importance, rather reinforcing than questioning the traditional redistribution of the gender roles within the family, the woman continued to be the subject of the policy. At this moment fathers are not addressed and not engaged. When the family is defined not only as the place where the child is born but also as a place where she/he is provided for and educated, then the family as a whole, comprising of the father and the mother², might be expected to gain a greater importance. In this case the father can be imagined as possible equal subjects of the family policy.

Nevertheless, for now mothers are responsible for children, their well-being and their upbringing. This is the bottom line of the Ukrainian legislation, at any time, but especially bluntly and explicitly in the 1990s. Mothers are the main clients and the main subjects vis-à-vis the state and the employer when it comes to family support and childcare. Despite the fact that throughout the 2000s the possibility for another caretaker to take over the benefits was

² According to the Ukrainian law, only a woman and a man can be married and have/adopt children together.

introduced as an exception, fathers were never encouraged to be this caretaker. The eligibility requirements for someone else except the mothers to receive the childcare support were always more extensive and usually included previous employment.

Therefore, despite the fact that throughout the text of the law on state assistance there are references made to the family in general without specification, the mother is the person to claim the benefit, to meet the conditions and to comply with the rules. She is normatively and financially connected to the childcare through the welfare provision and through employment. Social benefits like paid maternity leave, childcare support, one-time assistance upon childbirth, single mother benefit and even benefit for families with low income are allocated as a rule to the mother.

In the previous section I have talked about the importance of the child-parent biological relation and childbirth for the family definition. To come back to this point, I would like to discuss briefly the single mother benefit. There is no single parent benefit in the Ukrainian legislation, but only a specific single mother benefit that can be taken up by another parent only as an exception, in case the mother has died or is seriously ill. This exception was introduced through negotiations in the parliament, part of which is below:

I considered that it (mentioning that there is no juridical term of ‘single father’) would be more correct, than I would tell to the deputies that a man has not given birth yet. Single woman – because the woman gave birth, being outside of marriage, alone... Really, we understand that there might be a widower, incomplete family, when a man brings up a child alone for different reasons. But anyway there is no such concept as ‘single father’. (Jeschenko V.M.)

...Really, it is not only the juridical term, the father might be unknown, meaning a woman gave birth, but the child has no father. That is why she is considered a single mother. But there cannot be unknown mother. That is why the head of the committee replied that a man has not given birth yet. (Ostroyschenko S.V.)

But single mother, *maty-odynochka*, how we call her among the people, a woman that gave birth to a child without a father, has to receive the [state] assistance in the first place. (Boyko K.V. parliamentary discussion of the law on state assistance to families with children, 21.11.1992)

Here the members of the parliament are struggling to explain that there is no need in a separate category of a single father, because it would never be comparable to the single mother’s category. The fact that only women can give birth to children makes them automatically the only true subjects of the benefit. Men can be widowers and raising a child alone but that would not make them into single parents in a way that single mother are. The mother’s connection to the child is very straightforward and ‘natural’, legally clear, while to become a father there has to be a social connection to the child. Single fathers come to be through a certain social situation, like childcare due to death of the partner or divorce, and not

through ‘natural’ situation like childbirth. Therefore, caring as a social activity almost does not count here, while the actual fact of giving birth binds the mother and the child together and is the criterion for the mother to be eligible for the benefit. Besides that, the reference to single mothers as ‘*maty-odynochka*’ (allusion to the term used mostly in the Soviet discourse of stigmatization of single mothers) in the last quote indicated that there was another dimension to the discussion, namely the argument that single mothers needed this benefit more than single fathers. As a result of this discussion in the parliament, widowers has gained the right to claim this benefit as an exception, but the title of the single mother benefit has been retained till now.

In this section I tried to show that mothers are discursively constructed as the key subjects of the state family policy. When their biological connection to the child is placed in the centre of the family definition and is emphasized, then any other subject than the mother is unimaginable. When economic relation or educational function of the family is introduced in the discussion, mothers are still the key subjects, because they are often framed as main providers and ‘natural carers’.

Saying mother, meaning woman

Another significant connection between subject positions in the state family support is the connection between the mother and the woman. My contention is that there exists no woman that is not a mother in the state legal discourse in Ukraine. The fact that the words ‘mother’ and ‘woman’ are used interchangeably throughout the texts of both the family support legislation and, what is even more curious, the employment regulations, suggests that every woman is considered to be a prospective mother. Thus, in the area of the childcare legislation parenthood is equated with womanhood, and in the area of the employment legislation womanhood is equated with motherhood.

In the discussion of the law proposal to pay the childcare benefit in full for 3 years even when mothers return to work (that I have discussed earlier), the importance of motherhood for the construction of womanhood is well illustrated:

The humanistic character of this legal initiative (the law proposal) is due to the author’s intentions to legally ensure the European norm of creating favourable conditions for a woman to realize her right to choose, because until now no one asked the Ukrainian woman, whether she wants to realize her

original, God given right, or she wants to dedicate herself to her career, or in another way to use her intellectual potential, combining things with motherhood.

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

In case this law is adopted, will it not become a step backwards after several hard steps taken forward, made by the state towards mothers; what women could only dream about for decades and even hundreds of years before? Would our society not lose something from such innovations? Because even the most professional nanny will not replace a contact between the mother and a baby in that most tender period of life (Rishnjak I.M., parliamentary discussion of the law proposal on childcare benefit until child's 3rd birthday, 21.10.2005)

There are many themes touched upon in this statement, but I will focus here only on the conceptualisation of the motherhood and employment. In the statement above this law proposal is framed as a risky endeavour of the state to provide women with a choice. The choice is between being a full-time mother, on the one hand, and combining motherhood with employment before the child is 3 years old on the other. It is risky because 'career' can distract a woman from her 'original, God given right'. Motherhood is always implied as the main responsibility of women, of all women, regardless if it is back in the Soviet times, even prior to that ("for hundreds of years") or in the "European" future. Women gain their womanhood through motherhood in the policy discourse of Ukraine.

In the code of labour laws, which has not been rewritten since 1971, the standard worker featuring in the main text has no family and no caring responsibility. The specific section of the labour legislation, named "Work of women" is aimed at accommodating those workers that do have children. This is a condensed representation of what differentiates women from men in the area of employment legislation and how this difference should be dealt with. Mother is a worker, whose parenting is assumed to influence her labour participation. In the text all women are imagined as mothers or as future mothers and only mothers seem to need and/or deserve time off from work without salary reduction when adopting a child, taking a child under foster care or having a sick child. Single mothers and mothers of many children receive additional paid vacation days. Women are forbidden to work in certain professions, at night shift and overtime if they have small children. Basically, the state provides mothers with some additional possibilities for childcare, like days off; protects mothers of small children; protects the health of future mothers (meaning of all women) and protects female sexuality.

Female workers simultaneously enjoy privileges in terms of combining childcare with employment and face discrimination in the working place due to their special status. The 'work of women' is barely mentioned in the main body of the law, referring to specific groups

of workers only in terms of geographic location or special professions that would imply a certain treatment.

Therefore, there are two gender spaces, regulated by different set of rules, that women need to fit in. Whereas the first one they have to fit on the condition of being the same as men, the second one they have to fit on the condition of being different from men. Women are part of the category of worker-citizens in the Ukrainian legislation, as long as they are the same as men. They are men as long as they comply with the standard, namely no caring responsibilities that can interfere with work. Women are mother-citizens as long as they comply with expectation and norms of motherhood, but at the same time they do not stop being workers. In the Ukrainian case it is not enough to be the same, as much as it is not enough just to be different. A woman has to fit in both categories, to combine activities of social production and social reproduction. Whether this intersection is adequately reflected upon in the Ukrainian legislation remains a question.

At the same time, women also gain their womanhood through motherhood, which means exclusion for many women that choose or happen to have no children. Extract caring responsibility and there is no space in the legal and political discourse of Ukraine for womanhood that is not fixated on motherhood. There is no space for women's interests, like equality and emancipation.

Silencing women

Subject positions of women are constructed within frameworks of the 'working mother' and the discourse of 'the nation-building'. They are conceived as mothers first and foremost, they are awarded a highly valued position due to the importance of childbirth for the nation project. Therefore, women, as mothers, are defined through their relation to children. These relations are conceived as natural and legitimate. Mothers are seen as ultimate representatives of the children's interests in the policy discussions. This understanding is further extensively supported by the institutional arrangements and cultural norms, putting full responsibility for representation of children's interests on mothers and consequently constructing the subject position of the mother around it.

In such a way, mothers - and consequently - all women have their political subjectivity limited. If all women are conceived as mothers and all mothers are considered to be legitimate representatives of their children's interests, women's interests disappear. Women as such, women as not defined by their motherhood, have no specific demands of their own that would stand out from a general set of citizens' concerns. Women's demands, interests and needs are replaced with children's needs; they are expropriated, limited and often negated by the members of the parliament in the discussions that centre on the 'nation-building'.

An extreme example of silencing women while still putting their supposed needs and interests forward is reference to mothers as 'moms' (*mama*) in the parliamentary discussions on several occasions, like for example during the discussion of the law proposal to continue paying childcare benefit when the mother returns to work:

Implementation of this law proposal would allow a mom to combine her professional activity and motherhood, socially protect the family with children, expand her possibilities for raising and caring for the children. (Katusheva G.Z., parliamentary discussion of the law proposal on childcare benefit until child's 3rd birthday, 21.10.2005)

This kind of reference to 'a mom' turns the main subject of the policy into someone who is completely robbed of any serious political agenda. Can 'a mom' have any serious professional activity besides motherhood? Can 'a mom' in singular be a political subject that deputies would reckon with? In current discursive conditions, I would answer both questions with no.

I am not implying that there is no way to mobilize maternal discourse with a political purpose in a productive way. This has been done in the end of the 1980s and beginning of the 1990s in Ukraine (Phillips, 2008). It would need the expropriation of and the social mobilization around the sign of motherhood in order to turn it into a tool of social struggle. In present day Ukraine, this possibility seems to be not recognized or actively refused by the feminist movements.

Concluding remarks

By conceptualizing the state gender regime as a regularity of relations between the discourse and the institution, my study is concerned with two domains: social welfare regime and policy discourse. This approach allows for the main focus to be on the connection between the system of the actual welfare redistributions and the normative system of judgements. In this

paper, I have looked at the subject positions that in case of the policy research are closely related to the policy categories. The institution in my research is a sedimented discourse on motherhood and family, which is institutionalised in the form of legal texts and legitimized through parliamentary discussions. My aim in this paper was to start disentangling the complex net of meanings attributed to motherhood and womanhood in the Ukrainian family and labour law.

My material suggests that women in the Ukrainian legislation are conceived in terms of their mothering responsibilities. Within the highly influential political frame of ‘demographic crisis’ having children becomes almost a matter of national security. Women are strategically formed in the discourse of ‘the nation-building’ with childbirth and childcare as their main functions and children’s interests as their main concerns. Due to the mothers’ ‘higher calling’ and highly valued activity of childbirth and caring, women’s subjectivity is in a way expropriated, limited and negated. Their ‘higher calling’ is defined by the state in the name of the nation as symbolic representation and actual repopulation. Therefore, one can see how the subject positions are formed through institutional practices and legal norms, how they are outlined and limited within certain context by discursive strategies.

Simultaneously, ‘the Soviet legacy’ in the law and in the social norms assumes that women are also workers, whose responsibility is not only to care, nurture and symbolically represent, but they have to provide for their families and for themselves. Numerous parliamentary discussions and law proposals suggest a tension between the reproductive and the productive responsibilities of women. The image of ‘a nurturing mother’ meets the image of ‘a working mother’, and the controversy of these encounters is seen in the institutionalised discourses. These two gendered images are rationalised and fixed institutionally, while often silenced and strategically ignored in the discussions.

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