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On the Transnational Trouble with Gender:  
The Politics of Sexual Harassment in Russia

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On the Transnational Trouble with Gender:  
The Politics of Sexual Harassment in Russia

by

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Dissertation

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On the Transnational Trouble with Gender:  
The Politics of Sexual Harassment in Russia

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Through the example of sexual harassment law in Russia, this dissertation argues that cross-cultural research must draw on a genealogical method to attain an accurate and nuanced understanding of politics. Specifically, a genealogical approach to gender politics requires that social scientists investigate sexual difference as a contested and experiential category, rather than assume that the concept of gender is a demographic fact that does not carry normative political implications. In exploring the question of how sexual difference becomes politically salient in the Russian context, I show that sexual difference is embedded in culturally and politically specific ways. I argue that there is a tradition in Russia, which is expressed in political rhetoric and law, to articulate women's citizenship by emphasizing their difference from men. Through the discourse of the "woman question," the Russian state frames gender equality in terms of women's essential difference, and thus has traditionally created laws that protect women as a special class of citizens. The case study of sexual harassment brings to light the complexity of postcommunist gender politics in Russia. I argue that the interaction between indigenous Russian concepts of sexual difference, the implementation of neoliberal legal practices in post-Soviet law, and the predominant transnational legal category of sexual harassment largely silence or obscure the emergence of alternative ways to express the economic vulnerability of women in transition economies. The association of sexual harassment with the harm of unequal or different treatment does not fit with the Russian context where different treatment is positively viewed. Furthermore, the transnational concept of sexual harassment does not function as an economic understanding of discrimination, but economic frameworks are the most salient in Russia. Therefore, the incorporation of gender-neutral language in Russian law, while viewed as an advancement by some, has the potential to reduce women's access to economic rights because it takes away women's separate legal status.

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## **An Introduction to the Project**

*The common good and the collective will that are vital to any political society are generated not by transcending cultural and other particularities, but through their interplay in the cut and thrust of a dialogue.*

– Bhikhu Parekh

*There was a time when the facts that amounted to sexual harassment did not amount to sexual harassment...The facts amounting to the harm did not socially 'exist.'*

– Catharine MacKinnon

In the current global context, where ideas and practices are debated in terms of democracy and justice, the ties between comparative politics and political theory ought to be stronger. While both comparative politics and political theory engage in normative analyses, political theory can help push comparative scholarship to be more aware of the subjective character of its work. At the same time, comparative politics provides rich contexts and political questions that political theory should address. One area where political theory and comparative politics can come together is in the development of research that investigates our most precious categories of analysis: categories such as gender, ethnicity, the state and democracy. These categories are products of contemporary society, but they are not self-evident or static. Societies and citizens live through, by and for the symbolic meanings that are generated by concepts that many in political science understand as self-evident. The categories of justice, democracy and gender, for example, are not simply descriptive. Rather, they have a life that is constituted by the actions of people and governments and, in this way, they are productive. To render the dynamic life of political categories is to engage politics from the nexus of empirical and theoretical knowledge.



In recent years, scholars have given more attention to comparative political theory than ever before (Dallmayr 1999; 2004; Euben 2002; Jung 2002; Okin 1999; Parekh 2000).<sup>1</sup> Most of that work, however, is done by political theorists and not by scholars of comparative politics. Comparativists most often view political theory as either the sole propriety of self-identified “political theorists” or as the iconic source for the analytic categories used by comparativists.<sup>2</sup> Recent scholarship also shows that political theory has more fully embraced the epistemological implications of gender/feminist theory, while comparative politics is more prone to use a categorical understanding of gender over a theoretical understanding of gender (i.e., not as a synonym for women).<sup>3</sup> I engage the nexus of political theory, comparative politics and gender studies by questioning the categories of my comparative political analysis: what does it mean to study gender in a political context where the term “gender” is as much a cultural import as Pepsi? What is an American scholar looking for when she studies gender in a culture different from her

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<sup>1</sup> Dallmayr and Euben both argue that the comparative nature of political theory is not new but that the relevancy of approaching political questions from a comparative or syncretic philosophical perspective is growing. Market neo-liberalism, globalization and, more recently, terrorism have motivated the institutionalized discipline of political science to take the endeavor of comparative political theory more seriously.

<sup>2</sup> The most notable example is the use of Max Weber’s theory of the state as the central administrative and bureaucratic source for the legitimate use of violence.

<sup>3</sup> Gretchen Ritter and Nicole Mellow show that, of the main sub-fields in political science (American politics, comparative politics, international relations and political theory), there are more books and journal articles (particularly in the major journals) relating to gender in political theory than any other sub-field. Not only is the theme of gender more prevalent, but the theoretical insights of gender and feminist theory are also more integrated into political theory than other fields. Ritter and Mellow also find that within the fields of American and comparative politics, the topic of gender is typically used within the category of behavior and policy. Gretchen Ritter and Nicole Mellow. 2000. “The State of Gender Studies in Political Science.” *The Annals of the American Academy of Political and Social Sciences* 571:121-135. A recent review of feminist International Relations (IR) scholarship is a further indication of the desire to separate the concept of gender from feminist theory. Charli Carpenter describes what he believes to be the problematic dynamic between mainstreaming the analytic category of gender into IR theory and feminist theory. While he is sympathetic to concept of gender, he argues that feminist politics (such as women’s emancipation) should be kept separate, particularly if the concept gender is to be further incorporated into IR theory.

own? How relevant is gender to post-Soviet Russian politics?

The comparative policy issue of sexual harassment contains a host of normative assumptions, including which political and cultural registers render the concept of sexual harassment tenable in any specific context.<sup>4</sup> The international value assigned to the legal recognition of sexual harassment does not in fact entail that it function as an instrument free of historical and cultural assumptions. On the contrary, the recognition of sexual harassment is like most other social practices: culturally embedded. Scholars have had heated debates on the tension between culturally embedded practices and abstract standards of rights with regard to female genital surgeries (FGS) in Africa and the practice of veiling by some followers of Islam (Gunning 1998; Kapur 2002). However, it is rarely the case that scholars (particularly those positioned in the West) debate how the practices of Western democracies are culturally embedded and in tension with other cultural standards.<sup>5</sup>

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<sup>4</sup> In the dissertation I denote the term sexual harassment in three ways: “sexual harassment,” sexual harassment, and *seksual’noe domogatel’s tvo* (sexual harassment). In the first instance, I use quotation marks to emphasize the indeterminate character of the term. This draws on the fact that what exactly “sexual harassment” means or connotes is contested. In the second instance, I put aside the contested character of the term. Sexual harassment is a widely known term and generally associated with unwanted sexual advances or harmful behaviors based on sexual and gender stereotypes against persons in places of work and school. In the third instance, I use sexual harassment as it is translated into Russian, *seksual’noe domogatel’s tvo*, in order to emphasize the contested meanings of the concept within that context.

<sup>5</sup> An interesting reflection of this occurs when Western theories about international politics are framed in an ethnocentric and/or culturally exclusive way. For example, Andrei Tsygankov has analyzed the reception of Western ideas, such as Huntington’s “clash of civilizations” and Fukuyama’s “end of history,” with Russian political elite. Western scholars have investigated Russian resistance to market liberalization (a factor of democratization) yet we do not often analyze the omnipotence neo-liberalism in the West. Tsygankov writes that, “whereas in the West beliefs in the viability of a Western, market-oriented democracy and human rights-centered world have become relatively well established, in the non-West parts of the world many remain wary and skeptical of such ideas. In various parts of the globe, Western-centered world order visions are often perceived as unlikely to promote a just, stable international system because of their exclusively Western orientation and their lack of empathetic understanding of other cultures.” Andrei Tsygankov. 2003. “The Irony of Western Ideas in a Multicultural World: Russians’ Intellectual Engagement with the ‘End of History’ and ‘Clash of Civilizations’.” *International Studies Review* 5:53-76.

This is exactly what I argue: sexual harassment is a Western liberal cultural category that reflects a particular experience with gender politics. The naming of certain behaviors as sexual harassment occurred in the United States and has been taken-up as a law and issue for women's rights by a wide swath of the globe, including international bodies. Certainly the idea of sexual harassment is not static or monolithic. However, I argue that the normative framework that allowed for the emergence of "sexual harassment" is carried by the discourses that sustain it as a salient issue – such as specific understandings of equality and specific conceptualization of sexual difference.

Sexual difference is constituted in the Russian polity largely through a framework that constructs women's equality as a measure of their difference from men (or what I call "equality as difference"). Yet, the concept of sexual harassment emerged out of a polity where the problem of sexual difference was resolved by establishing women's equality as a measure of their sameness to men (or what I call "equality as sameness"). Indeed, different treatment (unequal treatment) is the social harm that is addressed by the recognition of sexual harassment. The general distinction between how sexual difference as constituted in Russia and in the context of the United States is important because it opens up discussions about how sexual politics matters in postcommunist Russia and how standards of women's rights that are abstracted to the transnational level are neither culturally neutral nor effective in the absolute sense that is implied by such standards.

I propose a genealogical approach to better understand how difference, and specifically sexual difference, matters in the Russian political context. This approach is not a historical retelling of a point of origin and the series of events that proceed it.

Rather it seeks to unpack the dynamics and processes that render the social and political status-quo self-evident. For example, in his *History of Sexuality*, Michel Foucault does not set out to understand sexuality per se (descriptively) but to understand how this category for organizing people and practices emerged as such. His work on sexuality, madness and punishment show how some of our most significant social categories are produced (Foucault 1973; 1977; 1988).<sup>6</sup> While such categories have important political ramifications, they cannot be fully understood unless they are analyzed through the context in which they emerged; otherwise these human artifacts appear to be “natural.” A genealogical approach to sexual harassment can unpack the dynamics that are at play in recognizing or rejecting this legal category, and can thereby tell a compelling story about the constitution of sexual difference and the tensions between global standards of women’s rights and local practices of sexual politics.

Feminist theorists have articulated the importance of how genealogies explore the multi-dimensionality of power. Power is not just a material advantage of one group or individual over another; power is produced through relationships and dynamics. For example, racial and gender privilege are often exerted by feigning neutrality or ubiquity. To this point, feminist scholarship engages what is often referred to as the “politics of location.” As Caren Kaplan explains, the term “politics of location” emerged within feminist movements in the context of the United States in the 1980’s and represented the concerns (and anger) of women of color, lesbian, working class and poor women (Kaplan

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<sup>6</sup> The influence of Foucault’s work is limited but growing within comparative politics. For example, Mark Bevir. 1999. “Foucault, Power, and Institutions.” *Political Studies* 67:345-359; Raymond Bryant. 2002. “Non-governmental Organizations and Governmentality: ‘Consuming’ Biodiversity and Indigenous People in the Philippines.” *Political Studies* 50:268-292; and Oleg Kharkhordin. 1999. *The Collective and the Individual in Russia: A Study of Practices*. Berkeley: University of Berkeley Press.

1994). In *Blood, Bread and Poetry*, Adrienne Rich articulates the concept of a politics of location through her experience as a delegate from the United States to a conference in Nicaragua in the 1980's. Rich politicizes her "home" and argues for a broader conceptualization of feminist politics, for one that does not hold the concerns of Western white women at its center.<sup>7</sup> Kaplan warns that a facile understanding of Rich's politics of location can lead to parochial identity politics or a "poetics of relativism" (Kaplan 1994, p.144). She argues that a politics of location requires complex maps rather than simple dichotomies because "in a transnational world where cultural asymmetries and linkages continue to be mystified by economic and political interests at multiple levels, feminists need detailed, historicized maps of the circuits of power" (Kaplan 1994, p.148). A genealogical approach can help make these maps and help to negotiate the politics of location.<sup>8</sup>

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<sup>7</sup> This point is still relevant today in a variety of ways. One example is the considerable debate (and in some cases, lack thereof) regarding the approach to and content of Women's Studies curriculum. An important point in this discussion focuses on how to tell the history of U.S. feminist movements and how to internationalize the curriculum. Becky Thompson argues that hegemonic feminism articulates the history of feminism as it is narrowly experienced by (Western) white heterosexual women in the United States. Multicultural feminism articulates the past, present and future of feminism through a theorization of "simultaneous oppressions." In contrast to hegemonic feminism, multicultural feminism advances an intersectional view of difference and a complex understanding of oppression and privilege. Thompson advocates that feminist classrooms and research come from a place of multicultural feminism. Chandra Mohanty also advances a critique of hegemonic feminism, but from the perspective of bridging the local and "global in women's studies. She argues for a "comparative feminist studies model" that does not fetishize "non-Western" women. Mohanty encourages the exploration of relationships, interconnectedness and the dynamics that produce inequalities such that students come to see their own and others experiences as part of the overall history of feminist struggle. Both Thompson and Mohanty speak to the feminist genealogical theorizing of the "politics of location." Chandra Talpade Mohanty. 2002. "'Under Western Eyes' Revisited: Feminist Solidarity through Anticapitalist Struggles." *Signs: Journal of Women in Culture and Society* 28(2):499-535; and Becky Thompson. 2002. "Multiracial Feminism: Recasting the Challenge of 2<sup>nd</sup> Wave Feminism." *Feminist Studies* 28(2):337-360.

<sup>8</sup> In addition to Rich's *Blood, Bread and Poetry*, several other texts on the politics of location have had deep impact on feminist theory and politics. Gloria Anzaldúa. 1987. *Borderlands La Frontera: The New Mestiza*. San Francisco: Aunt Lute; Elly Bulkin, Minnie Bruce Pratt, and Barbara Smith. 1984. *Yours in Struggle: Three Feminist Perspectives on Anti-Semitism and Racism*. Ithica: Firebrand Books; bell hooks.

The politics of location is important for this project in several ways. I designed my research project so that sexual harassment law is not used as an indicator for development.<sup>9</sup> An assessment of the existence of sexual harassment law in Russia is not particularly compelling without fleshing out the full indigenous and global connections. Furthermore, feminist scholars correctly claim that dichotomies, such as East/West or developed/underdeveloped, flatten out the complex character of politics and oppression and can, in fact, exact violence. A politics of location translates into breaking down the assumed parameters and meanings of my research categories. In this way, sexual harassment is many things at once: it is an abstracted harm that is represented in international law; it is a contested category that takes on particular meanings depending on the context; and it is a Western category that exerts a measure of discursive pressure on the Russian legal and social context. Finally, a politics of location requires that I, as the researcher, wrestle with my own culpability in the project. What are the potential effects of my work? To which discursive practices does my project fall prey?

***Sexual Harassment: beyond gender and policy***

The issue of sexual harassment provides a compelling guide to explore how sexual difference is politically constituted in Russia and to argue that the concept of gender flattens out the contextual specificity of sexual difference. The emergence of sexual harassment in the United States occurred through the specific constraints and

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1984. *Feminist Theory from Margin to Center*. Boston: South End Press; and Audre Lorde. 1984. *Sister Outsider*. Freedom, CA: The Crossing Press.

<sup>9</sup> To state this using a different vocabulary, I do not use sexual harassment as a dependent variable. My research goal is not to locate the key independent variables that can explain why, for example, in Russia there is very weak sexual harassment law. I understand that my research can provide such answers, but my method and questions are not designed to do so.

political context there. A critical characteristic of that context is how sexual difference matters—how does the polity imagine sexual difference. I argue that the contours of sexual difference in the liberal state, while contested, favor an understanding of difference as a problem. Women, minorities, the disabled, or any difference that distinguishes a citizen from the abstracted rights-bearing individual, present a problem for the state. The debate about how to ensure equality while not promoting special privileges continues to provide one of the most salient political divisions in Western liberal states. These debates are deeply entrenched in the political discourses that give meaning to abstract concepts such as equality. In my approach to sexual harassment in Russia, I do not try to find “sexual harassment” as it is understood through the trappings of the liberal state. My goal is to use the idea and law of sexual harassment as an artifact or device that can reveal how sexual difference is imagined in the Russian context. This knowledge will in turn provide a “thicker” understanding of sexual politics in postcommunist Russia.

The case study has two functions: first, sexual harassment is a contemporary policy issue that I analyze within the context of post-Soviet Russia. I explore the legal and social status of sexual harassment, whether it is an important issue for women, whether it even “exists,” and what meanings are tied to it. Rather than frame the analysis as a measuring device to declare the relative backwardness or advancement of Russia’s legal system or civil society, I use the analysis to reveal *how* sexual difference matters in the current Russian political landscape. In this way, the issue of sexual harassment also provides a hermeneutic device for rendering “gender politics.” Second, the policy issue

of sexual harassment provides a more diachronic view of sexual difference and politics. In other words, rather than take the categories of “gender” and “sexual harassment” as self-evident across time and place, I ask: why and how does sexual difference matter in a context at a particular time and why and how do certain policy or legal issues arise in that context?

There are ways in which the imported discourses around sexual harassment and gender effect positive and negative influence on advocacy work and policy development and I detail many of them in this project. However, I intend to think about sexual harassment as a transnational issue in a way that does not simply position Russia as an example of cultural difference that is in tension with a global (and Western) practice. I also explore the implications of the politics of sexual harassment in Russia in terms of the relationship between postcommunism and global capitalism.

My approach to sexual harassment in Russia is in dialogue with, and challenges, the predominant approach to gender in political science. Feminist IR theorists have been integrating the study of gender into political science for some time (Elshtain 1987; Enloe 1990; Marchand and Runyan 2000; Peterson 1992; Tickner 2001). Scholars have made fewer inroads between gender and feminist theory and comparative politics. As globalization narrows the divide between comparative politics and IR, the contributions of feminist IR theorists have increasing relevance to comparativists. However, since democracy’s “third wave,” the field of comparative politics has dealt more with gender-related themes.



There are two broad fields of study in this scholarship. One area of research focuses on the relationship between development and gender. It investigates how women play a role in social and economic change and how such changes affect women and gender roles. Often the role that women play is ignored by social science, by the state and by governmental agencies, particularly when societal constraints and gender stereotypes relegate women to the informal economy and/or unpaid domestic labor. Within this field there is a growing emphasis on the relationship between local and transnational politics, particularly regarding the prospect of a lens through which to view “women’s rights as human rights.” Another area of research focuses on gender-related policies in a comparative framework and investigates the policy-making process, including how governmental and non-governmental actors operate in the process.

In the first case, important work is being done on the impact of women’s organizations and other non-state actors (such as transnational advocacy networks or TANs) on democratic consolidation and politics (Alvarez 2000; Keck and Sikkink 1998; Meyer and Prugl 1999; Moghadan 1993; Sperling 1999). Georgina Waylen’s recent work on Latin America is a good example of this kind of work. In a comparison between Chile and Argentina, Waylen shows how women’s organizations impact democratic consolidation (electoral politics in this case) and how institutions shape and change gender relations (Waylen 2000). A variety of debates emerged out of this area of research. For example, Amrita Basu emphasizes the indeterminate character of transnational activism to temper criticisms that the transnationalization of women’s movements have diminished local grass roots mobilization (Basu 2000). Her synthesis of

the debates on the tensions between the local and global asserts that “what prevails is a more complex and varied situation in which local and transnational movements often exist independently of one another and experience similar challenges and dilemmas” (Basu 2000, p.69). As global and local women’s organizing increases, these issues and debates will continue to grow.

The second broad area of research that focuses on gender and comparative politics emphasizes certain areas of policy or government and how gender (here defined as women’s groups or social norms about the appropriate roles of men and women) impacts the process of creating and implementing policy (Bacchi 1996; Elman 1996; Gardiner 1997; Stetson 2001; Zippel 2004). This work typically compares similar types of governments (European or advanced capitalist states, including Japan and Australia) and looks at policies that sustain coherence across the geographic comparison. For example, research on abortion legislation in the European Union can contribute to our knowledge of how “policy space can empower or constrain women’s activism” (Cichowski 2000, p.111). Kathrin Zippel’s work on sexual harassment policy and the European Union combines both fields of research to show how TANs created policy expertise and therefore helped to implement an EU-wide policy on sexual harassment (Zippel 2004).

My approach to sexual harassment departs from the predominant gender and policy literature in comparative politics but remains in dialogue with the overarching debates within the scholarship in transnational feminist theory. I agree that it is necessary to research how the policy-making process and policy outcomes are influenced and impacted by societal norms about the differences between men and women. Indeed, one

of the implications of my work suggests that Russian societal norms impede recognition of sexual harassment as an issue there. However, sexual harassment (the policy issue as well as the concept) is not only an end-in-itself. This is not to say the issues that underlay sexual harassment are not important but rather that my goal is to better understand the complexity of how sexual difference is constituted through policies and laws. This goal is particularly relevant for the type of comparative work that I undertake where the policy issue of sexual harassment does not resonate as such with the predominant political and cultural registers that exist in post-Soviet Russia. In this way, sexual harassment operates as the transnational or global actor while sexual difference in Russia is the local actor. The goal of the project is not to locate the reasons why sexual harassment may not be a policy issue in Russia, rather it is to search for the tensions and meanings that emerge as the result of the interface between liberalization and indigenous practices.

My approach to the case of sexual harassment is rooted in a set of critiques of the concept of gender as an adequate tool for transnational and cross-cultural work on the politics of difference in a global world. In the field of comparative politics, this concept is most often used as a category of analysis in the form of an analytic tool or as a label for the demographic category of “women” or “men.” In political science we study a range of categories, such as revolutions, democracy, development and justice. And, as I was encouraged in my first semester of graduate school, political scientists should put aside theoretical questions about the nature of such categories in order to advance the discipline. That is, social scientists should not get bogged down in the messy, possibly unproductive, and seemingly semantic quandary of our political categories. Often when a

term enters into discussion, such as the concept of democracy in the democratization literature, we strive for parsimony rather than complexity in a definition. Questioning the meaning of categories is a short lived and preparatory endeavor rather than an open-ended investigation of the construction and function of categories in political life.<sup>10</sup> To render the policy case of sexual harassment in Russia in as “thick” a fashion as possible, I question the normative implications of using the category of gender as a tool for analysis.

The recent study of gender equality by Ronald Inglehart and Pippa Norris exhibits the standard approach to gender in comparative politics. Their research taps into a fascinating data set regarding cultural values and gender norms (Inglehart and Norris 2003). It also conceptualizes the concept of gender as a static category: gender is comprised of the values a society attributes to the differences between men and women. While the content of what “gender” means fluctuates, the fact that gender confers remains constant. As Rogers Brubaker argues about the category of ethnicity, political science errs on the side of reductionism when it operationalizes ethnicity as an analytic category and not a category of experience (Brubaker 2000; Brubaker, Loveman and Stamatov 2004). In not conceptualizing gender as a category of experience, normative values are carried into the research that largely goes un-noticed. The problem is not that categories are normative but that social science views them as value-free. The concept of gender is

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<sup>10</sup> An exception to this general trend is Rogers Brubaker’s recent work on ethnicity. Brubaker argues that social scientists have not adequately distinguished between categories of practice and categories of analysis. Thus, in political science, researchers often use the category of ethnicity as a category of analysis without fully analyzing the multiple and changing forms that ethnicity operates as a category of practice. Rogers Brubaker. 2000. “Beyond ‘Identity’.” *Theory and Society* 29:1-47; Rogers Brubaker, Mara Loveman, and Peter Stamatov. 2004. “Ethnicity as Cognition.” *Theory and Society* 33:31-64.

used as a scientific tool that is presumed to be free of cultural meaning. The point is not to get rid of this meaning but to make it evident and part of the research.

For example, returning to the Inglehart and Norris book, we learn that gender equality (which is a dependent variable and an indicator of development) refers to the extent to which a society does not place significant value on gender differences. This measurement of equality is not a fact but based on the Western liberal experience of a host of social movement activities and laws that argue for “equality as sameness.” In other words, in the context of the liberal state, difference poses a problem for which equal treatment has become the resounding solution. It is the experience that gives life to the concept of gender yet Inglehart and Norris use the concept of gender as a set of value-free parameters.

I suggest that a fuller picture of the politics of difference can be rendered when the normative assumptions of the concept of gender are made explicit and incorporated into the research design as a variable at play in research. I pursue this alternative line of thinking by engaging the concept of sexual difference, in addition to “gender.” More than a substitute term, sexual difference can open up discussion of alternative approaches to the study of women’s rights and transnational feminist politics. I argue that the method that sexual difference promotes is genealogical: the notion of sexual difference allows us to ask how difference is made politically salient by excavating the registers through which it emerged. These registers, such as public/private sphere or nationalism, set the parameters of discussion in any context. The process of economic and political liberalization in Russia and other post-totalitarian societies, for example, makes up part of

the postcommunist context. Part of that liberalization process has raised the question of democratic citizenship and women's rights: how are women faring in postcommunist Russia as compared to the Soviet period? I argue that this kind of questioning, which is often framed as a matter of gender, is normatively rooted in the liberal register of identity politics.

While a relevant mode of inquiry, identity politics provides a narrow field for exploring postcommunism—it is one of many other modes for exploration, yet it receives normative preference. Research that is grounded in the assumptions of liberal identity politics, such as work on mapping new social movements, civil society groups and political parties is compelling and important. My approach strives to supplement the liberal lens, expressed here by the concept of gender, and to challenge it as the only important device for understanding postcommunism and women's rights. This challenge is not just intellectually important but shows that there are material consequences to only measuring political progress (democratization) by Western standards. As my research will show, there are economic and political consequences to the politics of sexual harassment in Russia.

### ***Central Arguments and Implications***

The research provides both empirical and theoretical arguments, which can be grouped into three basic points. First, I argue that gender as an analytic category presents an epistemological problem for comparative research. This is because the concept is culturally embedded in the liberal experience with sexual difference and thus carries normative connotations about how and why sexual difference matters in other contexts.

The normative implications of the concept gender are complicated further within the post-Soviet context because the very term “gender” has a politics of its own. In contrast to other terms of liberalization, such as emancipation, the term gender provides a vehicle for democratic discourse that does not carry Soviet connotations. Yet, precisely because the term holds little indigenous meaning, it is also limited in its potential effects.

Second, an investigation into how sexual difference is constituted in the Russian polity brings into consideration the local and global mechanisms at play in the postcommunist context. I show how current politics can be characterized by a tension between three dynamics: a historical (and still relevant) understanding of “equality as difference” through the woman question; imported legal conceptualizations of gender-neutrality; and the intensification of inequalities as a result of economic liberalization. A dichotomous analysis of gender politics, where the standards of the liberal state set the parameters of the comparison, is inadequate for rendering a full picture of politics in the postcommunist context.

Third, I flesh out these tensions within the specific policy issue of sexual harassment. I use primary source materials to investigate pre-Soviet, Soviet and post-Soviet law and analyze how crimes against women’s sexual and moral difference frame sexual difference in the polity. I conducted eight months of fieldwork in St. Petersburg, Russia to collect the historical and current sources on Russian law.<sup>11</sup> In addition, for the

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<sup>11</sup> There were several logistical reasons why St. Petersburg was the best choice for my research. The primary reason was because the major library in Moscow was intermittently closed for construction. I used the Russian National Library in St. Petersburg as my primary source for pre-Soviet and Soviet Law and traveled to Moscow for interviews and access to academic centers and book stores. The Library of Congress also houses considerable holdings in the area of Soviet law that I used. Finally, I generated

contemporary component of my genealogy, I rely on interviews with academics, legal professionals and activists working in the area of women's issues. I used Russian newspaper research indexes to unearth popular voices regarding sexual harassment as well (1990-2004).<sup>12</sup>

The genealogical work is necessary for rendering a composite analysis of "sexual harassment" in current Russian law and politics. Furthermore, the issue of sexual harassment represents a snapshot of postcommunist politics as well as a perspective on the constrained development of rule of law. Scholars of post-Soviet Russian law often comment on the lack of legal consciousness (*pravo soznanie*) there, but I argue that within the realm of community propriety issues, there is a strong tradition of seeking justice. However, the adjudication of sexism in the workplace will most likely not occur through the newly implemented gender equality language of the Russian state. Rather, the potential of sexual harassment law in Russia rests on the native tradition of politicizing the economic vectors of women's difference, and thus their need for some special protections.

In addition to the policy implications of the project, I suggest that the current research presents an important advancement for the field of comparative politics and transnational feminist theory. My intention is to promote fresh methodological discussions in political science that take into consideration the work flourishing in political theory and feminist theory for political science. I present an empirically rich

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important research networks in St. Petersburg from an earlier research trip and used those to facilitate and expedite the fieldwork.

<sup>12</sup> The two major indexes are East View and ISI Emerging Markets.



study, but my approach is just as important as the policy implications. The epistemology of politics—that is, how we come to understand politics—is just as important as our ultimate findings. A genealogical approach is one method that demands empirical research from theoretically rich standpoints. The implications of the project also extend to the arena of transnational feminist politics. I suggest that the narrow case study of sexual harassment in Russia has important lessons for international women’s organizing and scholarship.

### ***Organization of Chapters and Progression of Arguments***

#### *Chapter One*

#### *Gender, Sexual Difference and the Politics of Comparison*

The point of departure for comparative work on gender best lies with the question of how sexual difference enters into discourse and not the assumed fact of gender. This is not to say that gender as a tool for analysis is inappropriate in all cases or that it has lost its usefulness. My criticisms of the concept of gender are not a disavowal of the concept but a confrontation with the subjective character of a supposedly neutral point of reference. How gender gets used reveals its normative character. In the social sciences, the method that the concept of gender most often deploys is a reflection of how gender is substantively understood in the Anglo-American context. In many respects, gender is a concept that implies a methodology of identity politics because “gender” is a concept rooted in the political experiences of identity politics. I use the concept of sexual difference as an alternative to emphasize the epistemological and methodological arguments regarding gender. I rely on sexual difference in the current project (1) to emphasize the genealogical implications of the epistemological critique of gender that I

make; and (2) to respond to the specific postcommunist Russian context where the term gender is both a linguistic anomaly and a discursive force in the transformation of Russian societal and academic fields.

I advance two central arguments about the concept of gender. First, I argue that the potential of a gender discourse to function as a mode of democratic critique is undermined in Russia because it was incorporated into Russia by activists and academics in a way that disembodied “gender” from the indigenous Russian political context. I show that the political expediency of the incorporation of a gender discourse into Russian can undermine the political effects of this discourse because gender is not sufficiently rooted in the Russian political and cultural landscape. Second, I argue that the concept gender ultimately imposes a normative understanding of how sexual difference politically matters. As a product of the liberal experience, the concept of gender connotes what can be called an “equality as sameness” framework. In contrast, sexual difference in the Russian state operates through a framework of “equality as difference.”

After I frame my critiques of the concept of gender and show how it is problematic within the Russian context as well as for cross-cultural work in general, I outline my alternative approach to sexual difference as it applies to my case study of sexual harassment. In this final section I explain what I mean by a genealogical approach and set the stage for the remaining chapters.

## *Chapter Two*

### *Sexual Difference, the “Woman Question” and the State*

The first stage of the genealogical work examines one key register through which sexual difference is constituted in the Russian polity. That register is the “woman

question.” I argue that a discourse of the “woman question” constitutes the political meaning of sexual difference in the Russian context. The meanings associated with the woman question have fluctuated but the overall frame has not. The normative implication of the woman question is that sexual difference, specifically women’s essential difference, must be maintained (protected) by the state. And, women’s equality, whether it is understood as an effect of the construction of communism or a product of democratic citizenship, emphasizes difference rather than sameness with men.

The woman question emerged in the late 20<sup>th</sup> century in liberal European thought and flourished in Russia as a liberal and socialist issue. I analyze a range of sources, including the political work of Trotsky, Lenin and Kollontai, to argue that the development of the modern Russian state instituted sexual difference as a politically important register. However, in contrast to the paradigm set by the liberal state, women’s difference was never posed as a problem for the state; rather, women’s difference was the solution to the problem of exploitation. The “question” that is asked by the “woman question” establishes sexual difference as an important discourse of the state and furthermore sets the parameters of women’s citizenship.

In the final section of the chapter, I discuss the extent to which the woman question is still the predominant register for conceiving of sexual difference in the post-Soviet Russian context. I argue that despite the introduction of liberalizing language (such as that articulated in the Constitution and legal codes), the “equality as difference” politic remains the most active register that sexual difference operates through in contemporary Russia. This chapter serves as the backbone for analyzing the case study

of sexual harassment. I use the case study to flesh out a full picture of the politics of sexual difference in Russia.

### *Chapter Three* *Seduction and the Making of a Modern Crime*

I analyze the framework of the woman question within the development of sex crimes. I separate that work into three chapters. Chapter Three traces the statutory history of Russian criminal law because this is where contemporary understandings of Russia's legal category of sexual harassment are rooted. I show how Russian law has historically conceptualized women's sexual rights, and argue that the "equality as difference" framework is prevalent throughout legal statutory history.

The statute most associated with sexual harassment in Russia today is compulsion (*ponuzhdenie*). Chapter three explores the legal roots of this law in pre-Soviet and Soviet codes. The development of law shows an increased focus on women's difference, particularly regarding her moral and sexual difference from men. In pre-Soviet law, there is an emphasis on protecting women's virginity for both moral and social reasons. Without her virginity, an un-married woman is socially worthless. Any infringements on that commodity are classified as a harm towards women in the Imperial law of seduction (*obol'shechenie*). I argue that the Soviet statute on compulsion is the communist version of seduction. In Soviet law, women's sexual vulnerability is protected both for moral and economic reasons. This is an important change from Imperial codes of law.

Throughout pre-Soviet and Soviet law, women's equality required that the category "woman" serve as the primary register through which women engaged their citizenship. I show this primarily through the emergence and development of special

laws created for women. I rely on primary sources from 19<sup>th</sup> and 20<sup>th</sup> century legal journals and textbooks for this work.

*Chapter Four*  
*Compulsion in the post-Soviet Context*

The normative underpinnings of law in Russia have changed dramatically since the disintegration of the USSR. Many of the special protections for women in statutory law have been altered, most significantly, as a result of the incorporation of gender-neutral language. While gender neutrality may abstractly signify the so-called modernization of Russian law, the effect on women may in fact be negative rather than positive. The incorporation of gender-neutral language has also created uncertainty about the legal function of the contemporary compulsion statute. This is because sexual behaviors rather than women are the focus of the current statute. I give a thorough analysis of the contemporary sex crime statutes to show that the previous economic understanding of women's sexual difference is erased. The criminal statutes now solely focus on proper sexual conduct. As a result, the humanist principles driving many of the changes are contradicted. And, more importantly, contemporary complaints of sexual harassment are less likely to be prosecuted through the new compulsion statute.

My analysis of the criminal statutes is reflected in many of the legal opinions in the professional law literature. I show that there are three predominant understandings of what compulsion is: silence, sex crime and sexual harassment. Despite the fact that many professionals correlate compulsion with the social category of sexual harassment, the legal meaning of compulsion does not align with multiple social understandings of sexual harassment. Namely, compulsion is a sex crime whereas according to women's groups,

sexual harassment is an issue of economic discrimination. I begin to present some of the social associations with sexual harassment (*seksual'noe domogatel'stvo*) in chapter four as well.

From 1990-2004, the popular media presents the topic of sexual harassment in a derisive fashion. I found two dominant representations of sexual harassment: feminist folly and workplace flirty. This is the case despite the growing popular recognition of increased sexism that women face in the Russian workplace. The sexualization and trivialization of *seksual'noe domogatel'stvo* makes it even more difficult for claims of sexual harassment to be addressed by current statutory law.

#### *Chapter Five*

##### *Whither Sexual Harassment?: Local and Global Dynamics*

The implications of the legal genealogy cannot be understood outside of the socio-cultural discourses that view sexual harassment as a relevant topic in Russia. The key point is to investigate how those discourses understand the problem/issue. I consider the advocacy and academic work that has been done in Russia (1990-2004) on the topic of sexual harassment and the evidence that exists suggesting that sexual harassment is a real problem there. For those who see sexual harassment as a pressing issue, they frame it in terms of economic transition and violence against women. I explain why these two indigenous frames are linked to local concerns as well external forces. Both of these frames however do not logistically correlate with current statutory law. Thus, the question remains whether revising and advancing “compulsion” as an issue of economic justice or creating and advancing a new law on sexual harassment is the most effective approach to addressing the issue of *seksual'noe domogatel'stvo*.

I dedicate the second part of the chapter to evaluating the implications of advancing either compulsion or sexual harassment law. In the end, I argue that both have substantial drawbacks. An alternative approach should be taken. This approach should frame the issue of sexual harassment in terms of economic discrimination. The law, even if not named a sexual harassment law, should be located in the Labor Code.

Additionally, the law should re-engage the economic understanding of sexual difference in order to de-sexualize the issue and link it up to the growing discussions of neoliberalism, democracy and the post-socialist state. In this case, standards of gender-neutrality and equal treatment (which are both connoted by the global concept of sexual harassment) are not effective lenses on the issue of sexual harassment in Russia.

#### *Chapter Six*

#### *Reflecting Back On and Learning Beyond Sexual Harassment in Russia*

I break the final chapter of the dissertation into two parts. The first part provides an overview of the research. The second part draws out the implications of the project outside of the Russian context. I am concerned with two issues: the advantages of a genealogical method for comparative gender studies, and the future of the issue of sexual harassment for cross-cultural organizing. My approach to the question of sexual harassment in Russia is not appropriate for all questions generated in cross-cultural studies. Yet, there are advantages to genealogy that are important to highlight. Finally, given the problems I have raised regarding the hegemonic concept of sexual harassment, I also want to explore what a genealogical approach to “sexual harassment” can provide to creating greater transnational feminist thinking and organizing around issue of economic discrimination.

## **Chapter One**

### **Gender, Sexual Difference and the Politics of Comparison**

*Studying the “politics of gender” became a matter of tracking the legislation and inculcation of “roles” rather than documenting a project whose very impossibility defined the terms of its operations. – Joan Scott*

#### ***Gender on the Frontlines: the problem of language***

One of my first experiences in Russia was explaining my research topic to various acquaintances. Within minutes of arriving in St. Petersburg, my landlady demanded a full explanation for why a woman was about to live in a foreign country by herself for eight months. What research could possibly be so important or lucrative? My research, I explained, was about how laws have changed in postcommunist society and about women. An employed woman in her forties, my landlady computed my feeble description and quipped, “So we still have a woman question in Russia?” While this is only one of many anecdotes, my conversations about my research with everyday Russians led me to consider how the categories in which societies conceptualize politics affects their meaning.

Issues of translation are always part of the cross-cultural experience, but language is embedded in material meanings that matter beyond navigating public transportation. I became fascinated and entangled in something that was more than an issue of finding the “right” language. What behaviors and meanings are referenced when newspapers, everyday citizens, politicians and academics use the language of the woman question in



post-Soviet Russia?<sup>13</sup> What are the material consequences of negotiating the concepts of “gender” and “the woman question” for either myself or Russian academics, activists and policy-makers?<sup>14</sup>

Coupled with my day-to-day struggles of communication and translation were the growing piles of photocopies from library research on “gender.” A majority of that research on gender was devoted to evaluating and translating Western feminist scholarship on gender. Through this work, I grew increasingly aware of a significant tension: the rhetoric of the woman question was still quite relevant for politicians, citizens and academics yet much of the research associated with “gender” was developing in distinction to rather than in relation to it. In any polity, a plethora of discourses compete and operate at the same time. My concern is not that Russia lacks a homogenous discourse to engage issues relating to women and sexual politics. Rather, I

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<sup>13</sup> In terms of my own experience, the language of the woman question was helpful for my Russian language tutoring, access to library materials and conversing with women’s activists as well. The term gender would come up in the company of some academics, but in many cases our common language did not translate into clear communication. In fact, I often struggled with what it meant when a Russian scholar used the word gender compared to my own conscious and unconscious understanding of it. Some of this complication is due to the fact that “gender theory” or “feminist theory” is an expansive literature that presents competing views about how gender works. Certainly, my training in feminist theory carries certain assumptions about the concept of gender that are not ubiquitously known in all contexts. The historical progression of feminist theory (and what is at stake in the conversations between stages of that discussion) is largely lost in the translation of many of those texts into the Russian context. Some Russian scholars have diligently translated and conveyed the dialogue between feminist theorists, but this does not mean that there is a common language. In an interview with Olga Voronina, whose work is an example of independent and engaged scholarship, I asked her a question about an article she wrote about “gender theory” that led to a complete misunderstanding. My question to her was about the problems of “gender” in Russia (conceptually speaking) while she understood me as questioning the advancement of “gender theory” in Russia. I was also confused at another point in the conversation, and came to realize that she was using “liberal feminism” as an example of the “woman question,” which were both separate from “gender.” Interview by author, January 13, 2004.

<sup>14</sup> In the dissertation, when I place words in quotation marks I am indicating and emphasizing that the meaning of the term is contingent on who and where it is being used. My research utilizes Russian academic, professional and popular discourses and in most cases I am referring to their use of these terms. In this chapter, I analyze both the incorporation of the concept of gender into Russian by academics and activists and the meanings associated with the concept of gender when deployed by Western social scientists.

want to expose and unpack the dynamics that emerge as a result of the collision (since 1990) of Russian indigenous and historically rooted registers for understanding sexual difference (the woman question) and the (voluntary and involuntary) incorporation of the Western and now global register for understanding sexual difference (gender).

This chapter raises questions about the possibilities and limitations with the normalization of a gender discourse in post-Soviet Russia. By normalization I mean that the term gender is used to reference self-evident behaviors, practices or connotations regarding “women in Russia” and the politics of sexual difference. I argue that Western academics, international organizations (and their documents) and Russian activists/academics play a role in this normalization process. I advance two analyses (Section I and Section II). First, I explore the political function the concept of gender plays for contemporary Russian academics and activists. I argue that particular characteristics of the current context provide stumbling blocks for activists and citizens to engage the postcommunist polity. The question of how citizens and their issues achieve representation is key for any polity. But in the specific case of post-Soviet Russia, there are a set of terms that have negative connotations from the Soviet period and thus are somewhat defunct. This baggage is relevant to contemporary politics because it plays a role in setting the terms and meanings of contemporary sexual politics. A set of Russian academics and activists engage the language of gender in order to activate a democratic critique while avoiding some of the trappings of Soviet rhetoric, such as the communist rhetoric of emancipation. In this way, one can argue that the liberalization processes that have ensued in Russia since *perestroika*, have opened up a space for citizens and

intellectuals to engage politics. This dynamic needs to be explored and analyzed as an important aspect of globalization and postcommunism.

Second, I analyze another dynamic of the normalization of a gender discourse that explores the potential perils that result from the disconnect between the incorporation of “ready-made” gender theory into the Russian language and the necessary translation of gender and feminist theories for the specific Russian context. I do not argue that the positive effects of the use of the concept of gender (see above) need to be pitted against the potential negative effects. My goal is to render more nuance to what may increasingly be assumed to be a value-free analytic tool.

The shock therapy approach to economic liberalization in Russia and other former communist states requires that the “laws” of capitalism be swiftly and quickly implemented. Abrupt price liberalization, privatization and austerity measures may create a sudden shock, but the long-term goal of creating a market economy outweighs short-term “growing pains.” Similarly, many social scientists and activists in Russia and Western democratic states approach women’s rights as an issue of democratic “shock therapy.” Thus, the translation of Western gender and feminist theory into Russian, the development of gender studies programs and the Western funding agencies that support most of it, comprise the social corollary to the economic austerity measures. I argue that the concept of gender is not value free: through funding agencies, in conference panels and translation projects “gender” connotes a specific politics of sexual difference. I argue that a disconnect has emerged between the concept of gender and the politics of sexual difference that it connotes and the politics of sexual difference in Russia.

I unpack the implications of this disconnect through the case-study of sexual harassment. The final section of this chapter introduces the case study, my approach to it and prepares the reader for the remaining chapters of the dissertation.

### *Section I*

#### ***The Feministki are Coming!***

The geo-political tensions prevalent in East/West dialogues have been a source of discussion for some time. In that discussion, women from the academic towers of the United States and Europe have engaged the uneasiness with which their presumed East European and Soviet sisters related to the term feminism and the label feminist. As the effects of *glasnost* spread and provided opportunities for cross-cultural dialogue, scholars and activists faced the daunting task of translating the politics and experiences of women so that East and West could understand one another (Petersburg Center for Gender Issues 1997). Western feminist academics in particular had to contend with the fact that, while their “sisters” in Eastern Europe and the Former Soviet Union (FSU) told of familiar forms of discrimination against women, they often did not frame and conceive of this discrimination in terms of feminism.<sup>15</sup> Indeed, in many cases there was outright aversion to being called a feminist, which disabled lines of communication. In her introduction to an important anthology on gender and postcommunism, Beth Holmgren characterizes the relationship between Western and East European women as that of bug inspectors and

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<sup>15</sup> The voice of Tatyana Mamonova is an exception to this rule of rejecting a self-identified feminist label. Tatyana Mamonova, Sarah Matilsky, Rebecca Park, and Catherine Fitzpatrick. 1984. *Women and Russia: Feminist writings from the Soviet Union*. Boston: Beacon Press; Tatyana Mamonova, and Margaret Maxwell. 1989. *Russian Women's Studies: essays on sexism in Soviet Culture*. Oxford: Pergam Press; and Tatyana Mamonova, and Chandra Folsom. 1994. *Women's glasnost vs. naglost: stopping Russian backlash*. Westport, CN: Bergin & Gervy.

beauty queens (Holmgren 1995). Generally speaking, Russian women saw Western women as judgmental and accusatory of their presumed relative backwardness to American and Western feminist standards, while Western women saw Russian women as making outright anti-feminist choices in the context of political/economic liberalization.

Holmgren goes on to outline some of the reasons why translating feminism into Russian can be difficult. For example, she explains that one of the legacies of the Cold War was a misconception on the part of American feminists of the gains made by Soviet women in the law. While the disparity between what was written on paper and actually executed mattered, Holmgren argues that Americans romanticized the communist rhetoric of women's legal equality (particularly in the realm of social services). As a result, in a post-Soviet context, Western feminists have had a hard time understanding the special problems women face as a result of the actual effects of Soviet totalitarianism. One basic example is the choice many women made, while economics allowed them, to return home rather than continue as a wage-laborer in the public sphere. From a Western/Anglo-American feminist perspective, the choice not to participate in wage-labor seems blatantly anti-feminist, while for Russian women, a retreat into the home was a gesture of self-investment and political critique.

The focus of Holmgren and other Western feminist academics in the 1990's was on the problems of translation in general and, in particular, with the term feminist/feminism. It makes sense that the focus would be on the problems feminism posed: the term has carried great significance in Western women's and gender studies, on the one hand, and has had a relatively pejorative meaning in Soviet rhetoric, on the

other. Western academics who studied women's issues in the FSU and Eastern Europe negotiated the tensions raised by the terminology of feminism by framing their research in terms of social movements and civil society. Social scientists concerned with not imposing Western feminist values set out to make sense of the explosion of women's organizations in the postcommunist civic space (Corigliano Noonan and Nechemias 2001; Kay 2000; Lang 1997; Nikolic-Ristanovic 2002; Racioppi and O'Sullivan 1997; Sperling 1999). This work provides invaluable research on the specific hurdles that face women's groups and fleshes out the context in which they operate.

For example, Valerie Sperling explains that current economic realities, combined with the legacies of Soviet institutions and rhetoric regarding women and the influx of international resources, have provided mixed results for women's groups. Sperling's work exposes the limits of the label "feminist" for the Russian context, showing that the fact that Russian women and activist groups are not self-identified feminists does not mean that their work does not provide important services for women and society. In other words, Sperling and others understand the problem of feminism in Russia and the postcommunist region as one of framing.<sup>16</sup> Women's organizations face the problem of how to frame their work in order to garner popular appeal and claim a voice in the development of democracy. This sentiment is represented by the slogan of early women activists, "democracy without women is not democracy." This problem of framing is different from the problem of mobilization, which, since the economic crisis that spread

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<sup>16</sup> There are women and women's groups in Russia that identify as feminist and there are historical examples of Russian feminists as well. The point here is only to show that the status of feminism is contested in the Russian context because of its associations with Western feminism (Clements, Engel and Worobec 1991; Edmondson 1984; Ruthchild 1993; Sperling 1999; Stites 1990).

over the region in the early 90's, has led to a veritable cottage industry of advocacy groups in the region.

Western academics are aware of the limitations feminism has in a context where many women activists recoil from such labels (Henderson 2003; Kay 2000; Sperling 1999).<sup>17</sup> Yet, if the language of feminism is not used to carve out political debates about women's rights and social justice in the postcommunist context, what language is better suited to do so? The literature on postcommunist civil society and on women's advocacy groups in particular, emphasizes the problem of framing or what is also called the problem of discursive space. This problem is characterized by the challenge to find the language that can resonate with women and can serve as a tool for mobilization. Ultimately, women activists, as well as other activists, are faced with the challenge of carving out a political space to fashion various issues as central to developing democracy in a post-totalitarian society. Feminism may resonate with some individuals, but on a large scale the limitations of using a feminist label are adequately documented by those on the ground in the 1990's.

In addition to the limitations of the term feminism in a postcommunist context, Russian academics and activists have pointed out that the words "equality" and "emancipation" are also riddled with problems. Under Soviet communism, the concern for women's relative position in society existed on a state rather than societal level.

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<sup>17</sup> My research can be distinguished from this work on civil society because I do not treat my data (Russian gender research, the literature of women's groups and interviews) as an indicator of civil society or the relationship between the state and civil society. Rather, I treat my data as part of an emerging post-Soviet intellectual discourse. I approach the material as a "text" to be analyzed rather than as an independent variable that feeds into a larger equation about political development. My work is not in tension with the contributions of civil society literature, but an alternative route to understanding the postcommunist context.

While the rhetoric of women's equality and emancipation was used frequently, Soviet laws and directives were primarily concerned with the advancement of socialism. In fact, (Soviet) Marxism claims to solve the problem of women's subordination with the solution of socialism. For example, the burdens of maternity were a concern for the state insofar as working mothers were part of the labor force advancing the whole of society. As Olga Voronina recalls, women's work was central to economic industrialization and the survival of Soviet society. The Soviet state intervened in protecting women's work on the terms of developing the state and not explicitly on the terms of women's individuality (Voronina 1993). The effects of "really existing socialism" placed a double and even triple burden on women as they were required to fulfill domestic and public duties.<sup>18</sup> The burdens that women carried during the Soviet period were in the name of equality and emancipation. It was not the case that some individuals enjoyed the fruits of first-class citizenship in the Soviet Union while others were excluded. Rather, most women and certainly many others suffered precisely in the name of equality and emancipation. The Soviet practice of equality that submitted women to grueling domestic and civil burdens haunts contemporary relationships to the idea. As a result, in the current context where women struggle for a voice in defining democracy, the language of equality and emancipation is largely inoperable.

Liberal democratic alternatives to the rhetoric of equality and emancipation are difficult to find. The democratic ideals that developed in Western societies, such as those

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<sup>18</sup> The triple burden is a reference to the work that women did in addition to their assigned jobs in order to pick up the slack of their husbands who were either victims of totalitarianism or incapacitated by alcoholism.



of equality, are too marked in the post-Soviet context by the Soviet past. Ironically, the abusive system of Soviet totalitarianism has spoiled the very language that is supposed to replace the now vacuous Soviet language. A complete disavowal of terms such as equality and emancipation is also not feasible given the global standards to which democratizing states are measured. The language of equality matters in the writing of constitutions and law because it is a major symbol of legitimacy as one of the ubiquitous rhetorical symbols of democratic citizenship (whether or not what is written on paper coincides with what is practiced in society raises another set of important questions).

On this question of language, self-proclaimed Russian feminist Anastasia Posadskaya-Vanderbeck argues that concepts of “equal opportunity” and “independence” have a strong cultural resonance today (Posadskaya-Vanderbeck 1997). She argues that, while the term equality may be irreparably damaged from the Soviet experience, there is an important instrumental function to the language of equality—namely, setting the terms for women to establish their concerns. To that end, Posadskaya-Vanderbeck argues that the terms equal opportunity and independence are helpful because they sidestep discomfort with “equality” without relinquishing the function such terms have in arguing for women’s rights (Posadskaya-Vanderbeck 1997). The concept of independence is particularly relevant because of the associations former-Soviet citizens have with the state as the source for establishing rights. Independence has a quality of genuineness and is taken to represent the interests of real people and not the interests of the state.

Since 1990, Russian activists and scholars have taken up the language of gender as a symbol and tool for engaging social critique. In their use of the concept gender an

important discourse has developed in the postcommunist political context. Because the term gender carries very few rhetorical implications it is free from the Soviet baggage associated with equality and emancipation. In the ways that gender is used synonymously with sex, the concept of gender was not explicitly the target of anti-Western/anti-American sentiments; rather, feminism was seen as the excess of bourgeois society. The effects of the normalization of a gender discourse in Russia are mixed because the importation of the concept of gender into Russia (and other postcommunist contexts) is both politically expedient and problematic. I will first explore how a gender discourse is a positive development.

### ***The Language of Gender—creating a space for postcommunist democratic critique***

Because the term gender does not have a Soviet era legacy, Russian intellectuals proclaim that the importation of “gender studies” has offered a fresh perspective and facilitated diverse discussions.<sup>19</sup> Gender studies provide a discourse untainted by Marxism and has regenerated discussion about modernization and politics.<sup>20</sup> Criticisms of the Soviet system emerged during the *perestroika* period and grew when post-Soviet

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<sup>19</sup> The English term gender is borrowed from linguistics and designates a grammatical distinction. Some languages have more than three grammatical genders (feminine, masculine and neuter). In the Russian language, there are three grammatical genders, which is referred to as *rod*. For a discussion of *rod* and gender in Russian see, E. I. Trofimova. 2002. "Terminologicheskie voprosy v gendernikh issledovaniyakh." *Obshchestvennye Nauki i Sovremennost'* 6:178-188.

<sup>20</sup> A sampling of this work includes: Vladimir Aristova. 2000. "Matriarkhaika i Sovremennye Gendernye Obrazi." In *Zhenshchina i Vizual'nye Znaki*, edited by A. Al'chuk. Moskva: Ideia Press; M. E. Baskakova. 1998. *Ravnye Vozmozhnosti i Gendernye Stereotipy na Rynka Truda*. Moskva: Tsentr Gendernykh Issledovaniia; Z. Khotkina, N. L. Pushkareva, and E. I. Trofimova, eds. 1999. *Zhenshchina-Gender-Kul'tura*. Moskva: Izdatel'stvo MTsGI; Nataliia Masluk, and Elena Iarskaia. 2000. *Gender i Sotsiol'naiia Struktura*. Saratov: Saratovskii Gosudarstvennyi Tekhnologicheskii Universitet; E. Mezentsева, ed. 2002. *Gender i Ekonomika: mirovoi opyt i ekspertiza rossiiskoi praktiki*. Moskva: Russkaia Panorama; M. G. Murav'eva, ed. 2000. *Gendernaia Istoriia: Pro et Contrat*. Sankt-Peterburg: Nestor; L. Zavadskaiia, ed. 2001. *Gendernaia ekspertiza rossiiskogo zakonodatel'stva*. Moskva: Bek; and T. Zhurzhenko. 1999. "Diskurs rynka i problema gendera i ekonomike." *Obshchestvennye Nauki i Sovremennost'* 5:175-187.

liberalization brought about fresh intellectual pluralism. In some respects, the development of gender studies in Russia symbolizes the overall societal transition from totalitarianism which encompasses a break from the Marxist ideological past. In this respect, the concept of gender and its institutionalized academic form in gender studies programs serve a role as indicators of democratic advancement. However, there is also an instrumental function that operates when the language of gender is taken up by postcommunist academics and activists—namely, it nurtures the development of new forms of language to come to terms with the Soviet past and negotiate the post-Soviet future.<sup>21</sup>

According to Elena Zdravomyslova and Anna Temkina, the process of institutionalizing gender studies in Russia was made feasible by the intellectual and political shifts taking place in their society (Zdraovomyslova and Temkina 2002; 2003). The intellectual climate on the streets and in the academy was cracking open. While criticisms of socialist economic development were stifled during the Soviet period, and a narrow Marxist-Leninist perspective was mandated, post-Soviet intellectual life embraced pluralism. Gender studies was accepted as one of many new approaches that

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<sup>21</sup> Numerous gender studies programs have been created in the region. In Russia, the Moscow Center for Gender Studies (MCGS) was the first of its kind when it was established in 1990. Since then, it has worked with Western funding to generate gender research and programs at the university and non-governmental level. In addition to MCGS, programs that have incorporated a gender component in other cities include: St. Petersburg Center for Gender Issues, Center for the Integration of Women's Studies (St. Petersburg State University), St. Petersburg Institute of Sociology Section for Family and Gender Research, European University Gender Studies Program, Women's Humanitarian Collegium at the Nevskii Institute, Scientific Center "Women and Russia," Ivanovo Center for Gender Research, and the Karelian Center for Gender Studies (Noonan and Nechemias 2001). Academic journals have also incorporated gender themes in their pages since the institutionalization of gender studies. For example, the journal *Obshchestvennye Nauki i Sovremennost* (ONS) [Social Science and the Present] published a special issue in 2000 on the status of gender studies in Russia. In 2002, the journal shifted from the label "women and society" to "gender" to thematically organize its articles.

were scarcely known previously.<sup>22</sup> In addition to the changes to the intellectual climate, Zdravomyslova and Temkina emphasize the long-term effects of *perestroika* and *glasnost* for opening up the political field. With the disintegration of the Soviet Union, it was now feasible to organize independent political groups in the form of non-governmental organizations and political parties. With this new political field, the authors argue that an independent women's movement, where the government was not the driving force, was able to raise difficult questions. They addressed such questions as, what had been the consequences for women when Stalin authoritatively resolved the "woman question"? What had the façade of totalitarianism shielded from public discourse? Inserting these and other questions into the postcommunist political field was and is part of women asserting their democratic citizenship. Finally, the authors find a clear connection between the globalization of gender studies, including the exporting of language, discourses and funds, and its institutionalization in Russia and other postcommunist states. In other words, the local changes to the intellectual and political climate in Russia were occurring in connection to the transnational prominence of the issue of gender (as it is represented by international documents and organizations that fund research and civic activities regarding women).

In the Russian literature on the topic of gender there is an overwhelming sense that gender studies has had both positive and negative effects for their context. Again, foremost in the set of advantages is that the concept of gender provides a fresh language

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<sup>22</sup> Almira Ousmanova makes a similar argument regarding cultural studies. She states that pluralist approaches in academia opened the door for both gender and cultural studies. In the end, however, gender studies had more resonance because of the Western-Marxist connotations of cultural studies (particularly from Britain, the birthplace of cultural studies). Almira Ousmanova. 2003. "On the Ruins of Orthodox Marxism: Gender and Cultural Studies." *Studies in East European Thought* 55:37-50.

and therefore is an important tool for postcommunist women to wedge their voices and concerns into the construction of democracy in the region. Because the language of equality and feminism is not politically viable in the postcommunist context, women struggle with how to give voice to the ways that current social and economic trends disadvantaged them. The crux of this postcommunist quandary is: how does one make a claim for political representation when the language of rights and emancipation has been thrown onto the Soviet trash heap? “Gender” may offer fresh avenues to this struggle.

The political viability of particular terms and language have material effects. It is not simply the case that activists and academics ponder with their thesaurus which words capture postcommunist realities. The concept of equality may carry negative connotations through the memories of what equality meant for Soviet citizens. But, as some acknowledge, the very abstract social value associated with the idea of equality is also under threat in the postcommunist context. Polish lawyer Malgorata Fuszara has stated this particular quandary for postcommunist women:

What I fear most is a negotiation of the hitherto gained rights of women as elements of the former order that cannot possibly be adjusted to market economics. The worst possible development is that the women might lose all that they have been secured so far and go through a period of open discrimination which they would have to oppose. This would be a repetition, after many decades, of the entire road the Western women had to go through (Heinen 1997).

Fuszara’s comment acknowledges that the value that her society once tied to the idea of women’s equality is a relic of the communist past. Because the system of Soviet communism was shown to be morally and economically bankrupt, most everything associated with that system also came under suspicion. The material effects of equality

and emancipation are not somehow irrelevant to women today, but the language of equality provides a barrier for exposing the unequal effects of political and economic liberalization.

Olga Voronina explains how the Soviet ordering of women's place in society as "equal" or emancipated has led to a kind of backlash in the post-Soviet period. She locates the beginning of this backlash with Gorbachev and his critique of women being "over emancipated" (Voronina 1993).<sup>23</sup> Voronina does not reduce the resentment of women's emancipation solely to a disdain for the Soviet past. Rather, she argues that Russian patriarchal values have been allowed to flourish inside the space of postcommunism. Indeed, she suggests that the very meaning of democratization and marketization in Russia today is rooted in patriarchal values, such as women's dependence on men and women's natural role as mothers.

For Voronina, these patriarchal values refer back to national beliefs about the metaphysical role of femininity (for example, goodness). Voronina describes the cultural argument in this way: the Soviet experiment with equality forced women to neglect their feminine roles and thus hurt women and society. Soviet egalitarianism (even if a myth)

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<sup>23</sup> In his analysis of perestroika, Gorbachev links democratization with returning women to their natural role in society. Thus, as Voronina and others have explained, the move to embrace democratization (liberalism) has challenged historical (Soviet) advances for women in society. This contradiction has largely gone under politicized. Gorbachev explained that the problem with the USSR was due to over-emancipating women: "This is a paradoxical result of our sincere and politically justified desire to make women equal with men in everything. Now, in the course of perestroika, we have begun to overcome this shortcoming. That is why we are now holding heated debates in the press, in public organizations, at work and at home, about the question of what we should do to make it possible for women to return to their purely womanly mission. Further democratization of society, which is the pivot and guarantor of perestroika, is impossible without enhancing the role of women, without their active and specifically female involvement, and without their commitment to all our reform efforts." Mikhail Sergeevich Gorbachev. 1987. *Perestroika: new thinking for our country and the world*. New York: Harper and Row. p.117

imposed unnatural roles on women and prevented them from cultivating their real Russian femininity. This femininity emphasizes women's role as mothers, their natural abilities to raise children and do domestic chores, and the different roles from men she should play in society. A link between emancipation and a deficit in femininity is made when femininity is pitted against equality.

In reference to the Roman legal understanding of emancipation as liberation, and thus women's autonomy from men's, Voronina states that,

It is precisely this aspect of the process of emancipation that calls forth so much fierce opposition from its current opponents who are afraid of the independence of women. For precisely this reason, therefore, they attach a disdainful connotation to the notion of 'emancipation' and invest the concept of 'over-emancipation' with a negative meaning (Voronina 1993).

The "price of emancipation" refers to the deleterious effects on society that result from women taking up "masculine" roles, especially in the area of wage-labor. For those trying to forge a space for women in the democratization process, the language of this participation has proven quite complicated. The language of voting citizen, private property and market competition has not challenged cultural understandings of proper behavior to the extent that women's equality has.<sup>24</sup> In this respect, according to Nadezhda Azhgikhina, the failure of the newly democratic Russian state to ensure

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<sup>24</sup> This point is becoming increasingly suspect as the material implications of capitalism are affecting larger swaths of the Russian population. For example, that the state no longer has the resources (or will) to provide even a rudimentary social safety-net in the face of harsh economic realities is being met with indignation. Possibly ten years ago there was more public support of economic inequalities that ensue as a result of market competition. My impression is that today there is considerably less sympathy for such a view. A recent *Washington Post* article reported that 42% of Russians would cooperate with the Bolsheviks if the Revolution happened today. Peter Baker, 2003. "Russia Enters Election Season Split Over Future of Capitalism," *Washington Post*, 8 November, sec. A.

women's rights is not solely due to the effects of economic crisis, but to the deep connections between democracy, capitalism and male supremacy that are evident to Western feminists.<sup>25</sup>

The concept of gender has thereby brought leverage to current debates about the place of women in Russian democracy. Gender studies is a legitimate discourse in Russia in part because of its status as an international democratic norm. Posadskaya-Vanderbeck's story of the Russian minister of education approaching her to coordinate a women's studies program because of what he witnessed at an UNESCO meeting, exhibits how democracy has certain commodities or markings (Posadskaya-Vanderbeck 1997, 380). Not fully understanding the meaning or implications of instituting women's studies programs in higher education, the minister simply associated women's studies with development: Russia, too, should have women's studies if other developed nations have women's studies. This fetishization of gender studies can take away the political effect of "women's studies." In other words, women's studies is treated more like a topic than an important voice in policy-making. Yet, one positive implication is a rhetorical legitimization of the theme of gender in the postcommunist context. As the example above shows, the use of gender in public discussions can be associated with the language of democratic advancement. In addition, the substantial amount of Western funding and

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<sup>25</sup> Azhgikhina explains why the implementation of capitalism has meant a reification of patriarchal values in Russia: "The reason for it is most likely rooted in the image of capitalism impressed on the minds of both the young leaders of reform and the average Russian citizen. The modern world has long since passed through the stage of initial accumulation of capital, disregard for the social sphere and the peak of patriarchal ideas—all the things that many people in our country have always associated with 'capitalist paradise.' The problem lies in the image of a future society that we have created for ourselves—we have envisioned not true democracy but a caricature of our old Soviet selves, only in mirror image" (Azhgikhina 1998).



attention associated with the implementation of gender studies programs, conferences and research has also facilitated a certain level of public legitimation to the subject. This legitimacy has brought opportunities for incorporating women's voices and concerns into current discussions about fashioning democracy.<sup>26</sup>

The concept of gender and the field of gender studies have provided certain benefits to the activists and academics in the region. Most importantly, the concept of gender has provided a kind of frame for activists and others to utilize in the slogan-weary postcommunist context. While there are self-proclaimed feminists in Russia, and there are reasons for recuperating its use, the concept of feminism carries too much baggage to successfully frame the issues important to women and citizens in post-Soviet democracies. The concept of gender or gender studies, to the contrary, carries far fewer historical implications and so has been more successful in popularizing certain issues (such as domestic violence, rape and female entrepreneurship).

However, the advantages the language of gender provides postcommunist Russian activists and academics should be read in another way as well because the postcommunist discourse on gender has multiple meanings and functions. From the perspective of some, particularly those concerned with cultural imperialism and hegemony, the concept of gender and the academic institution of gender (and women's) studies not only provide a mode for speaking out about politics, but in their translation into Russian and onto the

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<sup>26</sup> For example, the Moscow Center for Gender Studies compiled a report on women and work issues that was submitted to government agencies re-writing the Labor Code of the Russian Federation. Sperling's research found that the amendments that the MCGS and the Women's League wanted to be included in the labor code relied on the international language of human rights (ILO conventions, CEDAW, documents from the UN Fourth World Conference on Women, etc) (Sperling 1999, 248).

Russian context help shape the parameters of politics. In other words, the incorporation of the concept of gender into academic and intellectual discourses imposes particular understandings of politics and sexual politics. The argument that some Russian intellectuals articulate about the problems with accepting the language and terms of gender studies is similar to that made by women writing from within the liberal context who have questioned the extent to which “gender” can fully comprehend how difference and oppression operate in that context.

### ***The Trouble with Gender—part one***

From within the Russian context, intellectuals and activists have raised a series of important questions about importing the concept of gender and gender studies. While a discourse of gender may facilitate discussions that are otherwise limited by the contemporary postcommunist landscape, this language also can be exclusionary and reductive. A basic understanding of the concept of gender requires a minimal knowledge of English which is an educational if not cultural barrier.<sup>27</sup> Like many other new words that have entered into Russian since privatization and marketization began, “gender” requires translation. The description of the term gender in articles and encyclopedias makes reference to “social sex” (*sotsial’nyi pol*) in order to translate the term gender into

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<sup>27</sup> Valerie Sperling argues that in Russia the word gender is not widely known outside a small academic circle in St. Petersburg and Moscow (Sperling 2000, 96). Since the late 1990’s when Sperling was writing her book, familiarity with the term gender has broadened. Government agencies utilize the concept more (for example the 2003 All Russian Census organized data by the category gender) and newspapers throughout the Russian Federation have had to incorporate it somewhat because of the spread of gender conferences. The publication of the Russian dictionary of gender terms was reported in one of Russia’s most widely read newspapers *Izvestiia*. Notice as well the slippage between the term “gender” and “women” in the title of the article: “Russian women’s own dictionary.” “U rossiiskikh zhenshchin poiavilsia svoi tolkovyi slovar” [Russian women’s own dictionary appears], *Izvestiia*, 14 August 2002 [www.izvestia.ru/community/article22486].

a meaningful idea (Trofimova 2002; Voronina 2002). “Social sex” is used to explain what gender is, and is not used as a replacement. The phrase “socio-cultural sex” is also used to explain the meaning of gender (Abubikorova 1996). In both cases, “social sex” is set apart from what is called “biological sex” (*biologicheskyi pol*). The distinction between social and biological sex is necessary in Russian to translate the concept of gender, which in American English is set against the concept of biological sex in the sex/gender distinction. The distinction between sex and gender in the American feminist tradition emphasizes the social construction of biological sex, which, depending on the particular feminist perspective, engages a critique of essentialist understandings of sexual difference.<sup>28</sup> However, because gender is a foreign term in Russia, while “sex” (*pol*) is not, both English concepts of sex and gender are carried by the Russian term sex in the process of explaining what gender means.

To a scholar steeped in Western feminist theory, the Russian term “biological sex” will sound quite awkward if not contradictory to the impetus for raising the issue of gender. That is, in qualifying sex as having both biological and cultural associations for the sake of translating the concept gender, a Western feminist may wonder if essentialism is indeed even addressed in the Russian translation. One of the explicit feminist critiques represented by the term gender is a refutation of essential sex. By using a different word altogether, “gender” is supposed to disabuse society of its belief in the biological

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<sup>28</sup> For example, the sex/gender distinction suggests that women’s biological difference from men does not inevitably or naturally assign parenting skills to women rather than men. While some may argue that parenting is better done by women, this is largely due to years of practice and not biology. Tying parenting skills to women’s biology affects social norms and government and corporate policies regarding such things as parental leave and models of the “ideal” worker.

categories.<sup>29</sup> The question of essentialism in the translation of gender into Russian is a messy one but it is also not the focus of Russian academic scholarship despite the fact that it presents tension between the Russian context and Western contexts. Some Russian authors who are reluctant to embrace gender studies as the theoretical and political voice for postcommunist critique have raised the issue of essentialism (Aristarkhova 1999; Murav'eva 2000; Ushakin 1997; Ushakin 2000). While not a complete rejection of the concept of gender, and quite sympathetic to addressing women's issues, these voices question what may be at stake with the incorporation of gender into Russian academic and political discourses.

For example, Sergei Ushakin has argued that the incorporation of gender into Russian academic discourses cannot be separated from the Western experience that gave birth to the term. Gender may be a useful tool for social science research but embracing this kind of agenda should not preclude theorizing about the local construction of sexual difference. During the Soviet period, the social sciences were concerned about women and women's issues but did not analyze them in terms of "gender"; rather, they analyzed them in terms of class. That is to say, the category "woman" was a sociological indicator but was not conceptualized as in conflict with "men." The source of women's oppression from the perspective of Soviet ideology was economic and not cultural. If the state reconfigured production (full employment) and society (distribution of labor and resources), then women would be emancipated. It is in reference to this model of

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<sup>29</sup> For the most part, this has not happened. The term gender is used widely instead of the term "sex" but the meaning that is implied is generally the same. At the doctor, on census questions and in social science research, "gender" refers to men and women and not the idea of femininity and masculinity (Butler 1990; Scott 1999).

oppression and emancipation that the “woman question” existed. In contrast to the concept gender, which implies a critique of patriarchy, the “woman question” in the Soviet context implies a class perspective: the category of “women” should be approached in relation to the state, not in relation to men.<sup>30</sup>

The status of women under socialism was an indicator of the health of the socialist state. Integrating gender analyses requires, to some extent, letting go of naturalized understandings of social roles and dynamics. The current trend to include gender in the fields of sociology, economics, psychology and political science is viewed as an advancement in Russia. If Western social science has developed over the past five decades to include issues of gender, gender roles and gender asymmetry, it makes sense that Russian social scientists would want to contribute to the development of their fields in this way as well. This may particularly be the case with women’s issues since there has had been very little research done beyond the theoretical framework of Marxism and its reading of women through class.

Ushakin fears that the processes that allowed for the politicization of, and indeed the naming of, gender in the West will uncritically become the standard of proper intellectual inquiry. To study gender, then, is to ask particular questions, to measure change with a specific progression in mind and to translate the particular experiences taking place in Russia into the dominant experience of gender. Consider, for example,

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<sup>30</sup> The concept gender was first articulated by feminists who argued that society constructed norms about the appropriate roles assigned to men and women. The term sex referred to bodies while gender referred to the historically changing social meanings attached to those bodies. For feminists, the concept gender opened up a critique of the supposedly natural superiority of men over women. In this way, there is an implied critique of patriarchy carried by the concept of gender.

that the codification of gender as an important register for social science research in Western academia was the result of feminist activism. Indeed, in the United States, Women's Studies programs and departments were conceived of as the academic arm of the feminist movement. Yet, in Russia, the rise of gender centers and research on gender is significantly attributed to Western enthusiasm and money and (alleged) democratization processes. As Ushakin polemically states, "gender" is for sale in Russia for anyone who wants to make an academic career. One of his strongest statements is that research on gender may flourish in Russia but it is not connected to or relevant to the politics of the Russian context (Ushakin 2000, p.39). This means that the social change made possible by a gender critique is underdeveloped in Russia because "gender studies" is not organically integrated into politics there.

The tension that Ushakin articulates is easily missed. Gender research may not appear to stifle indigenous theorizing, particularly given how much that research is flourishing. That is, one may ask what is being squelched when looking at the growing citations on various gender themes since the 1990's. The point is a political one. Mirroring the ways that the concept of gender has lost its critical edge in many Western contexts by the way that it is used synonymously with a biological view of difference, some gender research in Russia utilizes a de-politicized rendering of the meaning of gender, and thus, does not engage oppression as it operates in Russia. Western feminists have argued for some time now that the concept of gender, once a tool for dismantling patriarchal structures, has ceased to imply the feminist critique that it originally had

because it is used (in academia and more popularly) as a synonym for “women.”<sup>31</sup> For some of the same reasons that Russian women disclaim feminism yet embrace gender research, Western academics have eschewed feminist politics for gender studies. It seems to be far easier to legitimate the accumulation of knowledge and research on women, categorically half of the world’s population, but harder to forge a space to challenge their status. Ushakin, fully aware of the intricacies of Western feminist discourse, sees Russian scholarship embracing the language of gender—i.e., translating many of the major Western names in that field into Russian—without translating the politics of its history that go along with it.

The incorporation of gender into Russian academic discourses cannot be separated from the influence of Western money and research agendas. Gender is not just a tool or lens that was denied Russian social scientists during the Soviet Union. It acts as a password—those who use it gain access to funding and legitimacy (Henderson 2003; Ousmanova 2003). Within the field of sociology in Russia, issues of gender are quite legitimate and have not been resisted as strongly as in other disciplines (such as history) (Zdravomyslova and Temkina 2003).<sup>32</sup> However, the legitimacy of gender research in sociology has not had the kind of political effects gender studies has typically had in other places. Russian sociologists Temkina and Zdravomyslova poignantly remark that the reliance on Western standards, such as gender, has restricted the social effects of

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<sup>31</sup> Or, as seen with the incorporation of “gender studies” by conservative universities (Baylor University and Notre Dame for example), it becomes a way to talk about masculinity and femininity without a feminist critique of either structure. I want to thank Shannon Winnubst for sharing this point with me.

<sup>32</sup> Olga Lipovskaia, director of the St. Petersburg Center for Gender Problems, also makes this analysis on their website. <http://www.pcgi.ru>. One possible reason for why this is the case is because sociologists view society from a demographic standpoint and therefore easily conceptualize “women” (gender) as an analytic category.

gender research and limited its critical function in the social sciences (Temkina and Zdravomyslova 2003, 59). Not unlike Ushakin's conclusions, their analysis argues that, because the concept of gender is not "rooted" in the particular Russian political experience, its incorporation into postcommunist discourse has not made the social impact that the concept of gender has provided in the American context and desired by others in the Russian context. Certainly, the issue of time is important here. We can assume that in years to come, the social impact of gender studies may grow in Russia. However, as Temkina, Zdravomyslova and Oushakin suggest, time may not alter the relationship between the concept of gender and the Russian context.<sup>33</sup>

One example that can illustrate this point quite well came to the fore during my research in St. Petersburg. The first major work on sexual harassment was done by the sociologist Alexander Kletsin, who is part of the St. Petersburg Sociological Institute of the Russian Academy of Science (Kletsin 1998). I asked him why he conducted the research he did on sexual harassment in St. Petersburg. The idea for the project was generated by his reading of gender research and so he was aware that this kind of topic was legitimate and fundable.<sup>34</sup> He explained that he applied for a grant at the MacArthur Foundation and got it. I inquired further about the status of the issue of sexual harassment in Russia and why it was not discussed as much as other issues, such as domestic violence. Kletsin stated that sexual harassment is not an important issue in

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<sup>33</sup> I am not arguing that there is an either/or relationship between incorporating gender studies (understood as a demographic rather than critical analysis of women) and advancing criticisms of women's status in society. Rather, I am emphasizing the point that "gender studies" does not necessarily impact local political dynamics in Russia, despite the general association of social critique with "gender."

<sup>34</sup> Aleksander Kletsin (researcher at the St. Petersburg Institute for Sociology of the Russian Academy of Sciences), in interview with author, October 10, 2002.



Russia and that it exists primarily in the consciousness of academics.<sup>35</sup> Whether or not he came to this conclusion only after completing the research is unclear. Yet, the interview provides a poignant example of the disjuncture between the language and even the substance of gender research and the quotidian politics taking shape in contemporary society.<sup>36</sup>

Consuming “gender” as a modern product of advanced capitalist democracy will not have the critical effects that gender studies potentially has unless local activists and researchers alter it for local meaning. Some Russian (and other postcommunist) thinkers have done this, but there is still more work to be done. It is also important to recognize that in many respects there is no alternative to conceiving of women as a democratic category aside from gender. Research on gender that is generated by international organizations, NGO’s and Western academics fuels the hegemonic status of gender as a category. It is not the case that the growing legitimacy of gender is entirely problematic. However, I want to emphasize that despite the progress towards abstracting the concept of gender to represent women and oppression around the world, this does not mean that there are no normative “costs” associated with that progress. As such, the limitations of the concept of gender in Russia are not reducible to the criticisms of the local

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<sup>35</sup> Ibid

<sup>36</sup> Other scholars have argued that Western funding has shaped the development of advocacy work in the postcommunist region with deleterious effects. One common and repeated point is that the framework and language of Western and international women’s rights organizations (and funding sources) do not “fit” local contexts. For example, see: Ghodsee, Kristen. 2003. "And If the Shoe Doesn't Fit? (Wear It Anyway) Economic Transformation and Western Paradigms of Women in Development Programs in Post-Communist Central and Eastern Europe." *Women's Studies Quarterly* 3 & 4:19-37, Hemment, Julie. 2004. "Global Civil Society and the Local Costs of Belonging: Defining Violence Against Women in Russia." *Signs: Journal of Women in Culture and Society* 29 (31):815-840, Henderson, Sarah. 2003. *Building democracy in contemporary Russia : Western support for grassroots organizations*. Ithaca: Cornell University Press.

implementation of the concept. How gender is conceived and incorporated into Western social science also plays a role in squeezing out alternative understandings of sexual difference. Furthermore, the criticisms of and engagement with gender can strengthen the consolidation of democracy in post-Soviet states. This engagement is critical to the potential of gender research to have meaning for social change.

***The Trouble with Gender—part two***

I will now consider further criticisms of the concept of gender to extend the trouble with “gender” beyond the context of Russia to cross-cultural work in general. I argue that, while feminist theory has evolved to wrestle theoretically with multiculturalism, difference still presents a problem for the concept of gender. Similar to the criticisms of the incorporation of gender into Russian intellectual practices by Russians, there are important criticisms of the concept of gender within a variety of feminist and critical literatures. Both perspectives provide important insights into the possibilities and limitations of the use of gender as an analytic tool to measure and understand the position of women in society, how oppression operates (and can be dismantled) and how the political salience of difference operates. In this section I will make two claims: (1) in the liberal context the concept of gender connotes an understanding of equality as the recognition of women as the same as men (“equality as sameness”); (2) gender is not a normative-neutral category because it connotes “equality as sameness” and thus is limited in its capacity to decipher how difference politically

matters.<sup>37</sup> To address the problems that the concept of gender presents (claims one and two) I suggest an alternative methodological approach to “gender.” This approach is a genealogical study of sexual difference.

Academic and popular retellings of the history of second-wave feminist activism gives a history of the course of events (writings, conferences, protests, etc) that begins with the rise of the sex/gender distinction and the actions of women and feminist groups who challenged cultural norms about the nature of femininity (Echols 1989).<sup>38</sup> The proceeding stage of this retelling acts like an addendum, adding the voices of women who felt excluded previously by the more prominent representations of women’s rights. It may be noted that the voices of lesbian, poor and non-Anglo women were alive at the time of the first stage but under-represented. However, looking more closely at the core meanings associated with gender and the writings of “other” women, it becomes clear that the “problem of difference” was less an issue of representation (or lack thereof) but of the very conceptualization of difference. As the Combahee River Collective’s “A Black Feminist Statement” declares,

the most general statement of our politics at the present time would be that we are actively committed to struggling against racial, sexual, heterosexual, and class oppression and see as our particular task the development of integrated analysis and

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<sup>37</sup> The claim that the concept gender is inadequate as a tool for fully comprehending how difference matters is also called the “one tool problem.” I am not arguing that the concept of sexual difference is a replacement tool for “gender,” thus escaping a one-dimensional problem. Rather, I suggest sexual difference only to engage an alternative methodology; one that treats “difference” genealogically rather than as ready-made categories or as identity politics. I want to thank Joan Toronto for pushing me on this point in her comments at the Western Political Science Association Annual Meeting.

<sup>38</sup> Becky Thompson’s work on the history of anti-racist feminist activism provides an analysis of “hegemonic feminism” and a critical re-telling of the Wollstonecraft-to-Beauvoir-to-Friedan history of feminism. She proposes a multiracial history of feminism which refashions the foundation of that story. Becky Thompson. 2001. *A Promise and a Way of Life: white antiracist activism*. Minneapolis: University of Minnesota Press; Becky Thompson. 2002. “Multiracial Feminism: Recasting the Challenge of 2nd Wave Feminism.” *Feminist Studies* 28 (2):337-360.

practice based upon the fact that the major systems of oppression are interlocking (Nicholson 1997, p. 63).

Oppression is systematic but it is not reducible to any single form—such as race, class or gender. The critique of gender theory, embodied in the Combahee 1977 statement and many other voices, is not about representation, such that slowly adding in the excluded voices solves the problem (Moraga and Anzaldúa 2002; Smith 1983; Williams 1991).

The concept of gender emerged out of a particular political and cultural context that cannot be disassociated from *how* gender is understood. The category of gender is solidly rooted in the academic and political experiences of Anglo-American women, as they are situated in a particular political and social context. For a variety of reasons, the concept of gender emerged with minimal acknowledgement of class and race and no acknowledgement of whiteness. As a result, like the specific feminist critique of the supposed neutral category of the “individual” in classical liberalism, the category “gender” promoted neutrality but was (and is) always marked by racial, sexual and class differences.

Feminists such as Carole Pateman and Wendy Brown have argued that, within the liberal philosophical tradition, women are systematically written outside of the political arena because of the masculinist character of the “individual” (Brown 1995; Pateman 1988). Brown maintains that the exclusion of women from the parameters of the “individual” cannot be remedied by simple inclusion (Brown 1995, p. 96-134). The process of inclusion may not fundamentally alter the normative character of the

“individual,” and thus leave intact the mechanics of sex inequalities.<sup>39</sup> Like the category of the “individual,” which emerged out of a specific political context, gender too is a kind of cultural artifact—the category of gender emerged through the substantive register of Anglo-American feminist consciousness, which drew on experiences of being a white woman in a white supremacist patriarchal society.

Consequently, the emergence of the concept of gender, which fueled second wave Anglo-American feminism, created two orders of difference. The first order reflected the difference of white women in a patriarchal society while the second order established a “problem of difference” which included the differences (such as race, sexuality and class) that were not theorized through the concept “gender.” The “problem of difference” would be marked as the stepsister or co-pilot to the first order problem of difference—namely, gender. The normativity of the concept of “gender” comes into play as feminists attempt to remedy the exclusion of “differences” by promoting inclusion. However, the process of inclusion takes the first order of difference, gender, as its unquestioned standard. As many argue that the liberal individual will always be a white/heterosexual/male standard, it can also be argued that “gender” works as a white/heterosexual/female standard.

The challenge that gender presents to feminist theorizing is, therefore, not reducible to a problem of representation. It is, rather, a problem of how the very standard of representation emerged. It is not so much that women of color and working women

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<sup>39</sup> For example, Gretchen Ritter argues that while the passage of the 19<sup>th</sup> Amendment changed the political distinction between men’s and women’s citizenship, a gendered hierarchy continued to exist. Gretchen Ritter. 2000. “Gender and Citizenship after the Nineteenth Amendment.” *Polity* 32 (2):345-375.

were excluded from being represented by a gender critique, but that the concept of gender emerged without an integrated theorization of race, class and sexuality and has subsequently privileged a univocal sense of the concept. It is not only that the concept of gender has generally excluded how sexual difference affects women other than white economically secure American women, but that the concept of gender does not denote the whiteness (or class and sexuality) that it connotes. As Norma Alarcón argues, “with gender as the central concept in feminist thinking, epistemology is flattened out in such a way that we lose sight of the complex and multiple ways in which the subject and object of possible experience are constituted” (Alarcón 1990). An additive solution to “the problem of difference” does not address how and why differences (racial, sexual or otherwise) are socially and politically constituted in the first place. In raising the issue of epistemology, as Alarcón and others do, feminist theorizing opens up to a kind of comparative thinking. Whether that comparative work is in relation to how race, class and sex intersect in a single context or to comparative and transnational feminist politics, feminist theorizing must move beyond “gender” as its legitimizing source.

Because gender can connote a particular experience with difference, I suggest that feminists re-direct their attention to the genealogical work of exploring the politics of difference. Rather than begin with “gender” as our tool for assessing how ideas of femininity and masculinity arrange social relationships and power, I suggest we begin with the question of sexual difference, which asks *how* differences come to matter at all. That is to say, how, by what terms and through which registers do differences get constituted in the first place.

Consider, for example, the mechanics at work in the liberal state that frame sex, race and class differences as problems of particularity subjected to the rule of universality. While the subject of the liberal state was presumed to be universal/neutral, there is a history of documents and experiences that show otherwise. One of these experiences was that of the Anglo, middle-class woman whose exclusion from “the citadel” was rooted in their being sexed as female.<sup>40</sup> The concept of gender is a reflection of that experience—it grew out of that experience. Furthermore, the specific mechanics that fashioned Anglo women as politically and/or socially *other* are also implied with the category of gender. A specific paradox of equality is written into the very founding documents of the United States Constitution and furthered by a history of amendments, Supreme Court cases and social movements. Western feminist theorists have long wrestled with the politics of “equality as sameness,” which has provided many advantages and disadvantages. The concept of gender signifies a specific experience with constituting difference as politically salient—that is, in the liberal state, equality or freedom is predominantly (and problematically) posited as a matter of establishing sameness. Citizens of the ideal liberal state are framed by their guaranteed rights of equality before the law and equal protection, which are based on the assumption of their sameness. As a result, inequality is a long history of the “problem of difference.” This mechanic of “equality as sameness” is an exemplar of the substantive character of “gender” that mars its potential as a universal category for comparative analysis.

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<sup>40</sup> Elizabeth Cady Stanton referred to suffrage as a citadel in the 19<sup>th</sup> century. She argued that no male, black or white, should be granted the vote until white women gained entrance.

The concept gender, as it operates as a dominant category of analysis and as a cultural register, implies an “equality as sameness” mechanism because it emerged out of and in response to a context where the problem of difference was “solved” by disrupting the biological and legal discourses that legitimized exclusion. Certainly the privileging of “equality as sameness” is not without tension. The contradictory rulings of the U.S. Supreme Court in *Plessy v. Ferguson* (1896) and *Brown v. Board of Education* (1954) show that racial difference has not always been understood as an impediment to equal treatment. However, despite their contrary rulings, both cases are framed by the larger question of how to interpret “equality as sameness.” This liberal experience with equality can muddle feminist work outside the Western/liberal state, where the idea of the state and the meaning of equality are not grounded in a discourse of the “individual”—a category to which all citizens must conform or reject in order to be political subjects.

It therefore becomes critical to the projects of feminist theory to fully grasp how political subjects are limited, constructed and liberated in cultural specificity. This specificity does not translate into essentialism; rather, it requires fluency in multiple historical discourses, a commitment to self-reflexivity and an engagement with the role power plays in assigning qualifications such as “advanced” or “backwards.”

I have now advanced my critique of the concept of gender from two standpoints; one from the within the context of Russia and another from within the liberal context. I now turn more concretely to the methodological adjustments these criticisms demand (a genealogical approach) and the approach will proceed within the context of the case study of sexual harassment.



### *Sexual Harassment and a Genealogical Approach to Difference*

What is at stake, really, in being so careful about the normative character of our academic tools? From the perspective of Russian researchers/intellectuals, it is clear that the future of democratic citizenship is deeply interconnected to the extent to which the hegemonic language of gender can be translated and negotiated for local meaning. Western academics play a role in this as well, as we help produce the governmental and academic discourses that give meaning to “women in Russia.”

Thinking about sexual harassment and sexual difference in Russia raises several questions: Why is it that certain behaviors are recognized as inappropriate, illegal or harmful? What political, cultural and economic forces allow for the emergence and existence of legal categories? What are the effects of the categorization of particular behaviors as criminal? To ask these questions is to acknowledge that legal categories should not be taken as self-evident, but as products of a specific context.<sup>41</sup> This means that crimes—that is, the harm associated with the recognition of an act—have a history of their own. To ask what allows for the emergence of a crime acknowledges that the process of categorization is fundamentally situated in a context, even when there are international dynamics at play.

Rather than look for sexual harassment—understood as the legal category that emerged in the American context—in various contexts, I question more broadly how the

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<sup>41</sup> A criminal act is only one type of category. Here I refer to legal categories as the official codification of a particular act as harmful and thus regulated and enforced by legal norms. There are other types of categories, such as a policy issue (teenage pregnancy), a subject (woman) or an idea (equality).

harm associated with particular behaviors enters into social existence at all.<sup>42</sup>

Inappropriate sexual behavior in the workplace is understood as sexual harassment in the United States. While there is much debate about the specific contours of what constitutes inappropriate behavior, the legal recognition of the harm of sexual harassment is framed in the language of sex discrimination. The harm of sexual harassment in the American context is generally concerned with treating individuals (workers in this case) differently because of their sex. The organizing principle of sexual harassment law is unequal treatment. It is not a “sexual crime” in the sense of sexual relations.

Inappropriate sexual behavior is also recognized in Russian law as harmful, although “sexual harassment” per se is scarcely in the legal pipeline. Since at least the nineteenth century, similar behaviors have been recognized in Russia and are situated within the context of criminal law.<sup>43</sup> In contrast to the emergence of the harm of sexual harassment as a form of sex discrimination, and thus a civil rights issue in the United States, non-violent sexual advances in Russia have never entered into the civil law realm. “Sexual harassment” in Russia is one of many sex crimes, such as rape and molestation, all of which are the legal acknowledgement of societal norms about moral sexual behavior. I argue that in analyzing how legal categories emerge, we can see more clearly why sexual harassment has not been a tenable women’s rights issue in Russia. This is because the Western concept of sexual harassment connotes an “equality as sameness”

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<sup>42</sup> The concept of sexual harassment was developed by feminist legal scholar Catharine MacKinnon. Her theory was adapted by the U.S. Supreme Court in 1986 in a case entitled *Meritor Savings Bank v. Vinson*. Clare Cushman, ed. 2001. *Supreme Court Decisions and Women's Rights*. Washington, D.C.: CQ Press, MacKinnon, Catherine. 1979. *Sexual Harassment of Working Women: A Case of Sex Discrimination*. New Haven: Yale University Press.

<sup>43</sup> That is, behaviors that the law finds harm in due to inappropriate sexual conduct.

politic whereas in the Russian legal context, women have acquired their equal rights through a framework of equality as difference. That is, women are made into distinct social and legal subjects that emerge through the proclaimed value achieving equality by establishing different treatment. This register of sexual difference is culturally, legally and institutionally wired in the Russian context. And, as I detail in chapter five, the dynamic between indigenous understandings of sexual difference and the incorporation of liberal ideals (such as legal gender neutrality) characterizes an important post-Soviet tension.

The goal of the project is not to set the American experience of sexual harassment as the standard by which all other contexts are to be measured. It is undoubtedly true that the dominance of American and Western customs operate formally and informally as international standards and thereby influence other contexts. However, the behaviors that are predominantly associated with sexual harassment also exist as a native tradition in Russia. Therefore, I contextualize the legal category of “sexual harassment” by showing how it is marked by culture. In asking why the concept of sexual harassment is absent from Russian law, my assumption is not that this lack is altogether problematic. I treat sexual harassment as a legal categorization that resulted from a particular experience. The implementation of that legal concern, as it affects women’s rights, requires an understanding of how the legal categories associated with non-violent sexual advances came into being as crimes at all and what this tells us about the political construction of difference. Therefore, I have researched sexual harassment in Russia as a “native tradition” and as a Western influence on contemporary Russian politics.

If, as I have just stated, crimes are a reflection of specific contexts, why look at sexual harassment—an almost quintessential American crime—in Russia at all? While the project takes into account the extent to which sexual harassment is recognized as a legal and political issue in Russia, I have framed this question as something larger than a binary comparison. Sexual harassment is a growing international issue and one that gets included in the package of human and women's rights that sit in an increasingly abstracted position.<sup>44</sup> In contrast to other women's rights issues that remain politically contested because of their cultural content, such as veiling and female genital cutting, sexual harassment has received far less coverage as a complicated or culturally embedded form of discrimination. Sexual harassment is approaching status as a universal harm and a norm of legal judgment. However, I argue that sexual harassment is in many ways a culturally embedded legal category and one that should bring more pause in terms of its cross-cultural applicability. Sexual harassment is an important case to analyze precisely because it does not necessarily have universal features. More importantly, investigating the kind of existence sexual harassment has in various contexts can get at important differences of how sexual difference is constituted and political.

So far I have explained why and how I approach the issue of sexual harassment in Russia. I consider the legal concept of sexual harassment as a modern hegemonic category that interfaces with local/indigenous traditions of recognizing non-violent sex-related crimes and crimes or law on the status (protection) of women. I use a genealogical method because I do not want to treat women as a gender category but

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<sup>44</sup> I take up the issue of sexual harassment as an international category for women's rights in Chapter Five.

rather as a difference constituted in the polity through particular registers. In Chapter Two I develop what I argue is the primary register in which the Russian context conceives of sexual difference. The woman question emerged during and through the development of the modern Russian state and continues to be relevant in the formation and constitution of the Russian Federation. I show how the woman question frames women's citizenship through the "equality as difference" framework. Deciphering how sexual difference matters in the Russian context is the first stage of the genealogical work. The second stage is to use the woman question frame to help investigate one particular case, and that case is criminal law, where secular sex crimes are located. Chapter Three provides the legal historical work on women as special subjects within criminal law up to the post-Soviet period. The third stage of the genealogical work is presented in Chapter Four and Five, and is dedicated to the post-Soviet landscape.

## **Chapter Two**

### **Sexual Difference, the ‘Woman Question’ and the State**

#### ***Introduction***

The claim that gender politics is not universal raises the important question about the relationship between the state and sexual difference. One way to think about this relationship is to see the state as a playing field where the “who, what and why” of power are negotiated. In this conceptualization, sexual difference relates to the state in terms of representation; are women physically part of the game and are “women’s issues” part of political discourse? This understanding of the politics of sexual difference as a question of representation is important, but limited. “Women” make-up a demographic group, but this category should not be assumed to be self-evident or cohesive. The normative implications of “gender” are not easily ascertained through a representational understanding of sexual difference. The significance of sexual difference is flattened out when the relationship between sexual difference and the state is solely defined by the extent to which women have formal representation.

My goal is to move beyond thinking about the politics of sexual difference as a question of representation. From a genealogical approach, I want to think about the politics of sexual difference as a question of constitution—that is, a question of *how* sexual difference becomes and is maintained as a politically relevant fixture. I rely on two classic feminist critiques of the liberal state in order to detail more clearly how to theorize sexual difference beyond representation.<sup>45</sup> Feminists sympathetic to and critical

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<sup>45</sup> By “liberal state” I am generally referring the Western (U.S., Europe and Australia) state form that is rooted in classical liberal philosophical justifications of government and law. In this chapter I use the terms

of liberalism have criticized both the gendered separation of public and private spheres and the feigned neutrality of liberal personhood. I revisit these two well-trodden, yet key, arguments because they are important for theorizing the kind of relationship between sexual difference and the state that I employ and advocate. This work provides an opening for the analysis of the relationship between the state and sexual difference in Russia. I evaluate this relationship through the political discourse of the “woman question” and articulate the politics that are constituted by framing women’s sexual difference in terms of the woman question in Russia.

I revisit Western feminist critiques of the liberal state to provide an illustration of how to conceive of the relationship between sexual difference and the state beyond representation. But this work is important for another reason as well. The politics of sexual difference in Russia are also entangled in questions of whether Western feminist critiques of liberalism are meaningful or applicable to a context that has both its own liberal tradition and which continues to undergo so-called neoliberal reforms. Are Western feminist analyses of the liberal state adequate in the context of postcommunism? Should indigenous actors in Russia be suspicious of undergoing neoliberal reforms, such as incorporating the legal standard of gender neutrality, because of the criticisms within Western liberal contexts?

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“liberalism” and “liberal state” as abbreviations for ideas that are more complex than I address here. I am aware that there is diversity within liberalism and that the coherence of a “liberal state” is made suspect because of this diversity. However, there are ideological and institutional traditions that can be generalized and I refer to this level of the concepts in my work. For example, there are distinguishing features between the writings of classical liberal thinkers such as John Locke, Thomas Hobbes and Jean Jacques Rousseau. Yet, we can also address the general subject of the conceptual division between public and private spheres that appears as a common point of distinction for all three political philosophers.

### ***Sexual Difference and the State***

The politics of sexual difference in any polity cannot be reduced to the problem of representation. By this I mean that the politics of sexual difference is not equivalent to the problem of women's exclusion from politics. The extent to which women are represented in formal politics, or "the problem of representation," is one dimension of the politics of sexual difference. Although there is historical and current evidence which shows that women are excluded and subjugated because of their sex, this fact alone does not characterize the complexity of the politics of sexual difference.<sup>46</sup> The question I want to focus on is *how* sexual difference is constituted in and through politics. The "fact" that women comprise a minority of political and business elite, yet a majority of those displaced by war and in poverty, should not be taken for granted. Not only is greater representation (i.e., parity) insufficient for addressing structural inequalities, but a narrow focus on representation does not necessarily engage the broader and deeper politics involved in maintaining gender hierarchy or the meanings that constitute sexual difference as politically salient.

An alternative way to articulate how sexual difference matters is to think about the parameters of the state and sexual difference as mutually constituting each other. Western feminist theorists identify the conceptual distinction between public and private spheres and the concept of the liberal individual as two critical ideas that give shape to the parameters of the liberal state and sexual difference. For example, the rationalization

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<sup>46</sup> For example, according to the United Nations women comprise only 1% of the world's heads of state and only 11% of the world's political party leaders while they comprise almost 70% of the world's illiterates and nearly 80% of the world's refugees. V. Spike Peterson, and Anne Sisson Runyan. 1999. *Global Gender Issues*. second ed. Boulder: Westview Press.



for the exclusion of women from voting hinged, in part, on these traditional liberal philosophical concepts. Yet, the extension of suffrage to women did not invalidate the social and political value placed upon liberal personhood, nor does the fact that women can vote and run for office erase the continued political and gendered separation of public and private spheres. Despite changes to women's formal representation in the liberal state, the instruments of exclusion (whether in the shape of ideas or institutions) continue to operate and negotiate the political constitution of sexual difference. In other words, the mechanisms that shape how sexual difference matters continue to be relevant despite the fact that they change.

In her classic exegesis on the liberal fiction of the social contract, Carole Pateman elucidates how the freedom carved out by the public sphere is made possible by the concomitant subjugation within the private sphere. The public sphere plays an important function in social contract theory because it is central to the liberal justification for government. One way to describe the story of the social contract is to imagine human beings in a "state of nature" and conscious of their liberty. They experience liberty as freedom from others interfering in their lives and a freedom to do as they please. Indeed, freedom is inherent to the nature of human beings. Social contract theory is a kind of philosophical tale that reconciles the presence of government and the limitations it places on the inherent freedoms of individuals. Ultimately, humans leave the state of nature so that a third party, namely the state, will protect the overall good of this freedom, despite that this protection comes at the cost of limiting the natural breadth of that freedom.

Government by consent is the only just form of government because it balances the need for organized life and the natural rights of society's members.

Pateman makes explicit the normative assumptions about sexual difference embedded in the social contract and thus the assumed parameters of the state and politics. Sexual difference emerges as a politically salient distinction through the constitution of the public/private demarcation and its function in the liberal state. Pateman explains that,

the original pact is a sexual as well as a social contract: it is sexual in the sense of patriarchal – that is, the contract establishes men's political right over women – and also sexual in the sense of establishing orderly access by men to women's bodies (Pateman 1988, p.2).

Political theorists overlook this sexual component of the social contract because they de-politicize paternal rule, or rule of the father. Furthermore, the hierarchies within the private realm (such as the relationship between husband and wife and husband and slave) are deemed natural and, therefore, not the focus of political hierarchy which is found in the public sphere.

One way to think about the public/private divide is to visualize a physical structure that barricades women from entering the public sphere as well as barring outsiders from coming into the private realm. With this picture in mind, it is clear how the gendered character of the public/private divide prohibits the representation of women and private realm issues from the public and political realm. For example, the de-politicized character of the private realm hides the unequal relationship between husband and wife. Women may "rule" the private realm in terms of tending to the majority of domestic tasks, but the law of the father has the upper hand. Thus, the combination of men's conjugal rights and the de-politicized character of the private realm are key

mechanisms at play in the struggle to outlaw marital rape and which continue to affect if and how domestic violence is addressed.

The examples of marital rape and domestic violence illustrate the problem of representation that is produced by the conceptual division between public and private spheres. Because the public realm is marked as a male domain while the private is marked as a female domain, women are absent from the public and cannot represent themselves or their experiences. Women's exclusion from the public realm thus silences "women's issues." Furthermore, men are not represented in relation to their private relations but in terms of their separate public functions.

Yet, according to Pateman, the political significance of the separation of public and private realms for women is not just that they are prohibited from the male public domain. Indeed, the sexual contract is not necessarily remedied by the incorporation of women into that domain. Rather, the public/private division is a constitutive mechanism that renders sexual difference politically salient. She explains,

The two spheres of civil society are not at once separate and inseparable. The public realm cannot be fully understood in the absence of the private, and, similarly, the meaning of the original contract is misinterpreted without both, mutually dependent, halves of the story. Civil freedom depends on patriarchal right (Pateman 1988, p.4). The dichotomy between public and private articulated by the social contract restricts women's representation, but also, possibly more importantly, constitutes one of the primary registers for conceiving of sexual difference. As Pateman succinctly states, "Sexual difference is political difference; sexual difference is the difference between freedom and

subjection” (Pateman 1988, p.6). Despite the independence cloaking the public male citizen, his ability to express this independence is functionally dependent on the subjugation of the private. It is in the ordering of these spheres that the meaning of sexual difference in the liberal state is constituted—it is with the emergence of political rights that women’s difference is cast.<sup>47</sup>

The distinction between conceptualizing sexual difference as an issue of representation and as a constitutive dynamic is evident in the current implications of the public/private divide for women in the Western liberal state. As a result of women’s activism, more women and “women’s issues” are part of the public realm. Women can vote, run for office and we have seen the incorporation of private realm issues into the “political” and addressed in public policy (such as the issue of violence against women). However, even though women are now participants in the public sphere, when we look beyond their physical presence to their social and political standing, Pateman’s analysis is still germane. The normative implications of the sexual contract still work to define the political parameters and consequences of sexual difference. For example, feminist political theorist Wendy Brown argues that the public realm is still structurally masculinist and the private is still feminine. We can see the continued gendered conceptual division of public and private realms despite the increasing presence of

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<sup>47</sup> American suffragist Susan B. Anthony understood this point well. In her now famous self-defense for casting a ballot, she argued that the tyranny of British rule over its U.S. colonies that spurred the *Declaration of Independence* is the same type of tyranny that husbands hold over wives and which keeps women in bondage to an unjust ruler. “For them this government is not a democracy; it is not a republic. It is the most odious aristocracy ever established on the face of the globe. An oligarchy of wealth, where the rich govern the poor; an oligarchy of learning, where the educated govern the ignorant; or even an oligarchy of race, where the Saxon rules the African, might be endured; but the oligarchy of sex which makes father, brothers, husband, sons, the oligarchs over the mother and sisters, the wife and daughters of every household; which ordains all men sovereigns, all women subjects—carries discord and rebellion into every home of the nation.” Susan B. Anthony, *Constitutional Argument* (1872).

women in the public realm and the limited but growing acceptance of men as active participants in the private realm. Brown explains that,

It is commonplace that women who assert themselves as self-interested individuals confront the reproach of 'selfishness,' itself a metonymy for failed femininity. Accused of organizing themselves around a self they are not supposed to have, they are figured as monstrous in their departure from a (selfless) nurturant nature. Conversely, if men become too selfless, even in the household, their masculinity is called into question (Brown 1995, p.162).

In the ways the women's work in the wage-labor force and formal political arena challenges social norms regarding women's primary roles as mothers and wives, it is evident that the sexual contract of the social contract still normatively frames how women's sexual difference is framed in the polity. This is particularly the case for economically privileged Anglo women who have not participated in the wage-labor force for as long as working-class women and women of color.

The conceptual and institutional framework of the state includes a set of mechanisms that shape how a polity understands sexual difference and which ultimately constitute how individuals are positioned in that polity.<sup>48</sup> Women's exclusion from the polity and the political constitution of their sexual difference is not universally explained by the fiction of the social contract, nor is the substance (i.e., meanings) associated with the public and private realm universally marked in the same political and gendered (and raced) ways that they are in the liberal polity. It is important to ask further questions, such as what legitimating ideas or mechanisms allow for the exclusion and/or inclusion of women? How do these same ideas frame how a society understands difference? In

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<sup>48</sup> I do not mean this in any permanent or static way. Social positions are dynamic and thus can change but I do not believe that they are neutral.

terms of the liberal state, there are many examples that suggest that, despite the physical presence of women's bodies in the public realm, the political salience of sexual difference is still importantly influenced by the conceptual distinction between public and private realms. Some of these examples include: the categorization of certain issues (such as childcare) as women's issues; the tension between work and family, which is more acutely experienced by women and single parents; the continued complications over whether protections against violence against women constitute a "special privilege"; and the legal debate over sexual harassment.

In another important interrogation of the liberal state, feminists have shown how the concept of the liberal individual (or liberal personhood) feigns neutrality. Despite the recognition that individualism excluded the female sex from the benefits of personhood in the past (such as the right to contract, property, etc), feminists argue that the very concept of personhood in the liberal state is masculinist because it is based on an ideal of a fully unencumbered individual. Because the liberal individual is not neutral but based on a masculinist view of personhood (i.e., based on the individual for whom the public realm was first constituted), the recognition of women as persons presents a problem. Women's difference presents a problem to "individualism" precisely because the "individual" does not operate in a neutral way. Rather, liberal personhood is rooted in an experience that only men have historically had—public independence and no societal obligation to care for children and the sick. In the context of the United States, the remedy for the problem of women's sexual difference has been keenly debated. However, since the passage of Title VII of the 1964 Civil Rights Act, which prohibited

employers, state agencies and educational institutions from discriminating on the basis of sex or race, the broad preferred legal and policy remedy has been to seek equality by establishing sameness. In this sense, recognizing difference will present a quagmire for equality.

For example, when women are actors in the public sphere, their personhood is assumed to be the same as everyone else. Yet, in the case of women who decide to bear children, it is clear that they are not the same as their male colleagues and co-workers. This is not simply the case because women have the physical burden of carrying and birthing children, but because society still views women as the primary (in fact superior) care-takers of those children and the domestic sphere. Thus, when women leave the work-force to give birth and tend to a newborn, this is not seen as “work” but as her natural role. The public wage labor that she left has traditionally been viewed as temporary or something women do before they start their real jobs as mothers and wives. But, in fact, since the 1960’s more women have pursued wage-labor jobs and parenting due to economic necessity and the broadened accepted and desired life choices for women.

Despite demographic changes to the workforce, women’s difference in the wage-labor force still poses a problem to liberal equality. Employers and lawyers have wrestled with whether it is appropriate to recognize pregnancy in law when men do not have an equivalent experience. In other words, does the recognition of pregnancy in labor laws leave men out when women can only benefit from it? Acknowledging the unequal effects of parenting on women poses a problem in a context where equality is

understood as striving for a legal sameness, which is based on a masculinist concept of the individual. Prior to the 1992 Family and Medical Leave Act (FMLA), pregnancy was recognized as a disability for which employers were required to treat the *same* as other disabilities. The 1978 Pregnancy Discrimination Act (PDA) ensured that women who leave work because of pregnancy would not be treated differently than other workers who temporarily leave the workforce for medical reasons.<sup>49</sup> Employers were not required to provide benefits to employees, but if they chose to they must do so in a non-discriminatory way. One of the central tensions in the substantive development of Title VII is between establishing equality while pursuing sameness. In the case of pregnancy, it is not treated as a “special” case but as a type of disability.<sup>50</sup>

The problem that pregnancy poses to liberal equality reveals the presumed neutrality of the individual upon which abstract laws and rights are based. If the rights bearing individual were indeed a socially neutral subject, difference would not challenge the meaning of equality in the same way. In the decision to recognize pregnancy as a reality for some workers but not others, liberal equality trips over the fact that pregnancy does not affect all workers the same. Despite the incorporation of women into the

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<sup>49</sup> The PDA was tested in the Supreme Court by male workers who argued that their wives should be covered for hospitalization “due to pregnancy.” They argued that under Title VII, equal treatment meant that male employees should be able to benefit from the PDA in the same way. In *Newport News Shipbuilding and Dry Dock Co. v. EEOC* (1983), the court found that employee’s spouses (dependents) should be covered equally under Title VII and therefore, male employees with pregnant spouses are entitled to medial insurance (Cushman 2001, p175).

<sup>50</sup> The FMLA signals a shift in thinking about parenting. The act guarantees both male and female employees up to twelve weeks of unpaid leave of absence (with continuation of health benefits and the ability to return to the same or similar position) for personal health reasons, to care for a newborn or newly adopted child or to care for a ill parent, child or spouse. The act opens up the possibility of recognizing the unequal effects of private sphere work on men and women without re-imposing gendered views of independence or public/private spheres. Thus, men can take leave to care for a newborn or ill parent and women can take leave for medical treatment or to care for a spouse.



workforce and the legal recognition of women as individuals, their difference still poses a problem to equality because the meaning of equality emerged through a gendered conception of the individual. Brown explains this dynamic in the following way.

While equality is cast as a matter of sameness, gender in liberalism consistently emerges as a problem of difference, or simply as difference: there is human equality on the one hand, and gender difference on the other. Here it is important to note that liberal equality's conceptual opposite is not inequality but difference: while inequality is the problem to which equality as sameness is the solution, difference is the problem to which equality as sameness does not apply. Equality as sameness is a gendered formulation of equality, because it secures gender privilege through naming women as different and men as the neutral standard of the same (Brown 1995, p.153).

As an important device in the development of rights and a critical concept for understanding the state, liberal personhood (or the individual) negotiates how sexual difference in the liberal state is understood. Again, the point here is not that women are not understood as individuals, but that the concept of the individual organizes the political parameters of difference. Brown rightly claims that, "liberal equality is masculinist because its terms are sameness and difference, terms that both allegorize gender and establish gender's place within liberal discourse" (Brown 1995, p.154). In other words, liberal individualism fixes difference as anything that cannot fit into sameness.

I have focused on feminist critiques of the liberal state with the examples of the conceptual distinction between public and private spheres and the concept of the

individual. In both cases, the meaning of sexual difference is not fully captured by a representational understanding of difference. Rather, I have emphasized the ways that ideas and frameworks, such as the social contract and liberal individualism, are mechanisms for constituting sexual difference in the state. In many contexts around the world women have been or continue to be excluded from participation in the formal political arena. However, the mechanisms that structure that exclusion and make sexual difference a politically relevant fixture in the polity are rooted in local and global practices that are not reducible either to the issue of parity or the category “women.”

In the next section I will explore the relationship between sexual difference and the Russian state. I focus this exploration on the historical discourse of the woman question that has been explicitly and implicitly operating in Russia since the 19<sup>th</sup> century. The woman question comprises the sexual component of the Soviet social contract. In its abstract theoretical and concrete institutional forms, the woman question is an important mechanism through which sexual difference is constituted in the Russian state. Through an evaluation of the woman question, I will detail the normative relationship between sexual difference and the state. I argue that while the woman question renders “women” intelligible political subjects in Russia, the political salience of that difference is also fixed in a naturalized understanding of sex. Because women’s difference was assumed in the development of the Soviet state, difference did not pose a threat to equality.

With the collapse of the Soviet Union and the de-legitimation of Soviet ideology, some may argue that the woman question has become obsolete and even anachronistic. The language of the woman question has ebbed and flowed over the course of the 20<sup>th</sup>

and 21<sup>st</sup> centuries. However, I argue that the woman question still functions to constitute sexual difference in the Russian polity. In addition, there are now competing or alternative visions of sexual difference at play. It is critical that scholars of postcommunism not discount the material and ideological significance of the woman question in Russia simply because neoliberal rhetoric and practices have been adopted throughout the FSU. In the final section of this chapter, I address the ways in which the woman question remains a critical mechanism in contemporary Russia and which negotiates and frames sexual difference. I raise the question of whether and how feminist critiques of liberalism are adequate for the postcommunist context where neoliberalism and indigenous practices work simultaneously.

***The “Woman Question” and the Politics of Sexual Difference in Russia***

The overarching argument that I will advance is that the discourse of the woman question, which emerged in Russia in the 19<sup>th</sup> century, is the primary mechanism by which women’s political rights gained expression. While the substantive meanings associated with the woman question are dynamic and not static, there is a consistent normative implication to this discourse. In the expression of “women” as political subjects through the woman question, sexual difference is fixed as a social category of the state. Yet, the “woman” of the woman question is not the object of analysis; rather, the fact of women’s sexual difference is assumed. Stated differently, the woman question was never intended to be nor has it ever operated as a query into gender, a questioning of the natural roles and characteristics attributed to men and women. As a result, a naturalized conceptualization of sexual difference is inscribed in the very language of

women's political rights. With the institutionalization of the woman question in laws, policies and social practices, an overarching framework of equality as difference developed.

Two important expressions of the woman question that exhibit this framework of equality as difference include the rhetorical use of "women" as a barometer for society's relative backwardness or advancement and the theoretical explanation for women's subjugation implicit in the Soviet woman question. Before I turn to those points, I want to reiterate that my purpose in detailing the politics of the woman question is not to set Russia apart from all other contexts as necessarily different or to essentialize the Russian context. Indeed, the rhetoric of the woman question existed in many contexts, including France, England and Communist China (Hunt 1990; Offen 2000). However, in order to understand the relevancy of the woman question in each of these contexts, separate inquiries are necessary. My purpose here is to dissect the ways that sexual difference has and continues to be a political fixture in Russia.

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Mid-nineteenth century Russia was a time of many questions: the national question, the peasant question, the Jewish question and the woman question were all asked and heatedly debated. This was a time in Russian history when major social changes were becoming reality or passionately contested. With the emancipation of the serfs in 1861, one important stab was executed into the heart of Russian absolutism. However, the failure of the tsar to ensure land and extend political rights to millions of free peasants tightened the tension between autocracy and reform (Blum 1967). The

political efficacy of the patriarchal family was at the center of this tension. Liberal, radical and socialist intellectual circles criticized the patriarchal family as a way to attack the paternal Russian state. In this way, women's subordinate position in the patriarchal family was a key concern for Russian intellectuals.

The woman question came to Russia through Europe, but it quickly resonated and was altered for local meaning. Historian Richard Stites places the first serious discussion of the woman question in Russia with a series of publications by M.L. Mikhailov in 1859 (Stites 1990). Mikhailov followed the philosophical debates of Republican thinkers in France and England. In part, Mikhailov's translations and criticisms of the anti-feminist writings of Jules Michelet and P.-J. Proudon brought the woman question to the journals of the nineteenth century Russian intelligentsia. This was one way to insert Russian voices into the "knowledge wars" taking place in France, England and Germany. The burgeoning authority of science, associated with fields such as psychology and anthropology, fueled the debates between Proudon, Michelet and Arthur Schopenhauer and their hostility to altering woman's status as the *sexus sequior* and the displacement of patriarchy.<sup>51</sup>

Mikhailov saw the weakness of women as the effect of man's oppression of her in the home. The weakness of political opposition to autocratic power was similarly the

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<sup>51</sup> For a thorough discussion of the knowledge wars and anti-feminist responses to the woman question in Europe see, Karen Offen. 2000. *European Feminisms, 1700-1950: A Political History*. Stanford: Stanford University Press. p.130-138

effect of the paternal oppression of the tsars.<sup>52</sup> Correspondingly, defiance of parental rule was akin to political subversion. The authority of the parents, especially the father, placed a close rein on how and whether women were educated. Thus, the link between the emancipation of women and that of society was articulated from the beginning of liberal critiques of autocracy. In contrast to those who argued that women necessarily lacked reason and intellect, Mikhailov believed that women too could develop into important minds if they were given education and proper direction. Living up to this ideal, some radical women in the 1860's and 70's established fictitious marriages in order to escape the yoke of parental authority and seek an education. With the freedom to move about without the direction of their parents, these women enrolled in classes, traveled and worked (Edmondson 1984).

In concert with liberal thinkers such as Mikhailov, liberal jurists also saw the place of women in the family and society as a barometer for the development of the Russian state in general. The legal reforms to family law pushed in the 1860's by these jurists had double meanings.<sup>53</sup> As Russian historian Richard Wagner meticulously shows, the legal reforms for women's rights served as a "Trojan mare." That is, as the categorical rights of women improved, so too did the structure of Russia's patrimonial society (Wagner 1989). For example, extending divorce and inheritance rights to women

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<sup>52</sup> The nineteenth century Over Procurator of the Holy Synod, Konstantin Petrovich Pobedonostsev, supported the role of the family in the protection of absolutism and as an instrument of government. His work and life is discussed by Robert Byrnes. For Pobedonostsev, the primary instrument for controlling and educating man was the family, 'the foundation of the state' and 'the eternal element of prosperous societies.' Pobedonostsev described the family as 'the spiritual and cultural nursery for citizens,' and he assigned it the functions of maintaining tradition, ensuring social stability, harnessing and controlling man's most fundamental instincts, and providing for the orderly perpetuation of the human race." Robert Byrnes. 1955. "Pobedonostsev on the Instruments of Russian Government." In *Continuity and Change in Russian and Soviet Thought*, edited by E. J. Simmons. Cambridge: Harvard University Press.

<sup>53</sup> I discuss these changes more thoroughly in the next chapter.

not only freed women from their dependence on husbands, but it challenged how society understood dependence and rights. Similarly, in admitting women into higher education they were granted the opportunity to claim their intellectual capacities, but also symbolically challenged the strict hold on freedom of speech and intellectual freedom.

The crux of the liberal intellectual argument for the extension of women's rights in the family was not based in a concept of individualism. Russian liberals were quite skeptical of individualism, particularly in the ways that they saw egoism harming the collective good. These suspicions of individualism intensified after the French Revolution and the rise of Napoleon. For example, Russian thinker Ivan Petrovich Pnin argued that citizens have individual rights, but not because of an abstract notion of "the rights of man." Rights come about in society and through relationships. In a meditation on Enlightenment thought in Russia, he argues for his vision of citizen rights. This extended quote from his writing exhibits a common Russian liberal skepticism of individualism divorced from the social good.

Primitive or natural man, living by himself, without any relations to other, is guided only by natural impulses or needs which he satisfies himself. As long as he remains in this state, nothing distinguishes him from other animals. Consequently, having only needs, natural man cannot have any rights, for the very word "rights" implies the existence of certain relationships, conditions, and sacrifices in return for which this general pledge of individual well-being is obtained. Man became acquainted with rights until then unknown to him, only at the moment when he left the womb of Nature for that

of society; these rights differ as much from his primitive needs as natural man himself differs from a citizen (Raeff 1999, p.129-130).<sup>54</sup>

The rationale for the existence of rights is rooted in society itself and not a romanticized view of the individual. In this way, unlike many of his European counterparts, Pnin's liberal thinking is far more radical in terms of the consequences for social change. In placing the ontological roots of liberty in society, Pnin and other Russian liberals tied the destiny of the individual to society. Thus, their view both supports the necessity of law and government as well as suggests that the health of the society (in terms of economics and politics) is the centerpiece of individual rights.

Another prominent Russian liberal thinker, Alexander Herzen, was decidedly critical of both republican and socialist pronouncements of human liberty. He believed that the meaning of individual liberty rings hollow when the basic principles of humanity are trampled upon in the wraths of achieving some abstract ideal. Sacrificing the lives and basic needs of the community is not worth the forceful liberation of individual liberty. He pronounced that

the fatal error of the French radicals in 1848 is to have tried to free others before they were themselves liberated. They want, without altering the walls of the prison, to give them a new function, as if a plan for a jail could be used for a free existence (Berlin 1979, p.95-96).<sup>55</sup>

The theoretical tension between society and the individual that developed in European liberalism took on a different character in Russia. In the minds of Russian liberals, the

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<sup>54</sup> The Russian text of Pnin's 1804 "An Essay on Enlightenment with Reference to Russia" was first translated by Marc Raeff. The Russian version can be found in Ivan Petrovich Pnin, "Opyt o prosveshchenii otnositel'no k Rossii," in *Sochineniia*, ed. I.K. Luppol (Moscow, 1934), p.121-61.

<sup>55</sup> Quoted by Isaiah Berlin from Herzen's *From the Other Shore*.



ideal state would not sacrifice the common good for individual rights, but rather would exist in and through that common good.<sup>56</sup>

As such, the extension of women's rights were not theoretically based on the premise that women too were individuals and thus endowed with rights. Rather, women are part of society and important members because of their sex. Women were understood as natural social beings and thus endowed with characteristics that society needs (Edmondson 1984, p.3). Liberal proponents of the woman question drew upon this understanding of women as naturally social in their explanations for why certain rights ought to be extended to them.

The goals and beliefs of radical and social democratic intellectual circles were different from those in Russian liberal thought. Yet, in terms of how they viewed "women," as a social category expressed by the woman question, these groups were quite similar. For some radicals, the emancipation of women was more of a nuisance that got in the way of real social transformation. Chernyshevsky was unfavorable to the woman question before his imprisonment and writing of *What is to Be Done?*, where he portrays women's involvement in social change. Lenin was also temperamental about his commitment to the woman question.

The status of women as the "second sex" was not the primary concern of the woman question. Improving the status of women in society was important to liberal, radical and socialist circles. But the register for understanding women's emancipation

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<sup>56</sup> Isaiah Berlin describes Herzen as someone who "desired social justice, economic efficiency, political stability, but these must always remain secondary to the need for protecting human dignity, the upholding of civilized values, the protection of individuals from aggression, the preservation of sensibility and genius from individual or institutional bullying." (Berlin 1979, p. 87).

was not “sex” but societal change. The emancipation of women was not tied to changing their particular status but with altering society, government and even the economic system. The laws that were revised to grant women conjugal rights and access to education had an impact on how society and government viewed women’s abilities and proper roles. This was the case regarding Soviet pro-natalist policies as well. However, the meaning of sexual difference was not explicitly challenged. Women’s citizenship status improved, but her status was fixed in qualifying her as the second sex.

In framing women as a societal gauge for the ailments and remedies for Russia, the woman question both extended vital rights to women and fastened those rights as a measure of their difference. In this way, women’s sexual difference is framed through both the woman question and a political vision of the state. The idealization of the second sex provided a measurement for progress—the inadequacies and subjugation of women that first drove the woman question, symbolized by either the illiterate peasant (*baba*) or the frivolous aristocratic woman, was to be replaced by the feminine ideal of the “cult of domesticity” for liberals or by the radicalized “sister,” epitomized by Chernyshevsky’s Vera Pavlovna. In all cases, women symbolically serve as the nation writ large.

My analysis of the woman question does not preclude the material ways in which women’s lives improved as a result of the abolition of Russian autocracy. However, what I find important is to dissect the ways in which women were granted political and social rights and became political subjects of concern. Once Bolshevism squarely embraced the woman question, the rhetoric of the woman question homogenized into a

conceptualization of women as a social barometer. Furthermore, the issues and policies expressed by the woman question gradually fell under the complete jurisdiction of the state. This is what some call “state feminism.” It was argued that women’s issues could not and should not be separated from the societal struggle for communism. The advantages or provisions extended to women were indicative of socialist reasoning and not feminism.

A traditional Marxist understanding of the woman question views woman’s emancipation as equivalent to the emancipation of all human beings from bourgeois capitalism. As Trotsky argued in 1925, “The most accurate way of measuring our advance is by the practical measures which are being carried out for the improvement of the position of mother and child” (Trotsky 1970). In this way, a discourse on the status of women in Soviet society provided a legitimating story for the Soviet Union.

In terms of classic Marxist thought, Friedrich Engels wrote more on women and the family than Marx and, aside from August Bebel’s key text, *Woman and Socialism*, many socialist thinkers side-stepped the topic because they saw women’s emancipation as symptomatic of life under socialism. Any other approach to women’s rights, such as feminism, were scorned. Despite the efforts of Alexandra Kollontai and other prominent feminist Bolsheviks, themes related more directly to women were frequently eschewed for those believed to be more central to the construction of Soviet communism.<sup>57</sup> The

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<sup>57</sup> Alexandra Kollontai gave heroic contributions to the cause of spreading socialism. She investigated the working conditions of women in the cities, read and wrote widely on women and revolution and even spent time in prison for her political beliefs. She was one of the very few women who achieved Politburo status as well. Nadezhda Krupskaya (Lenin’s wife) was one of the first to apply Marxism to the situation of Russian women in her 1900 pamphlet *The Woman Worker*. Alexandra Kollontai. 1977. *Selected Writings of Alexandra Kollontai*. Edited by A. Holt. New York: W.W. Norton & Company.

categorical position of women in society could be used as an index of progress, as Trotsky used it, but individual concerns generated from a socialist and feminist perspective were often left for women and their groups to ponder.

Sexual difference per se is thus not a point of concern. Indeed, the reasons for women's oppression were not their sex but their economic position. This is evident in the opinions expressed by Lenin after the October Revolution. In her memoirs of Lenin, Clara Zetkin noted their shared conversations. On the topic of women, Lenin supported their equal legal status to men. Yet, specific women's issues were not a political priority despite his rhetorical mentioning of housework and the enslavement of women in the family (Zetkin 1934). He responded angrily regarding Party discussions that focused too much on issues of marriage and sex. Zetkin documents Lenin's response to the distribution of a pamphlet on sex:

It is being recommended and disseminated instead of being criticized. Why is the approach to this problem inadequate and un-Marxist? Because sex and marriage problems are not treated as only part of the main social problem. Conversely, the main social problem is presented as a part, an appendage to the sex problem. The important point recedes into the background. Thus not only is this question obscured, but also though, and the class-consciousness of working women in general, is dulled (Zetkin 1975).

This quote exhibits a classic Marxist understanding of sex inequality. At the core of any social inequality is the division of labor. Too much emphasis on topics that do not focus on a class critique can potentially weaken the advancement of class struggle. The various problems, or questions, of society are less important than the solution. Once a socialist mode of production is achieved, the inequalities endemic to capitalism will cease to exist.

In his *The Origin of Family, Private Property, and the State*, Engels locates the first awakenings of sexual oppression in the domestic division of labor (Tucker 1978). The pairing of man and wife in marriage replaced the family of primitive times, which was based on kin groups. While kin groupings divided labor based on sex, there were no economic hierarchies that resulted from them. However, with the introduction of private property, the modern conjugal pairing became an economic necessity. Private property subverted what Engels calls mother right (matriarchy) and replaces it with patriarchy.<sup>58</sup> The conjugal unit is the core of patriarchy and the subjection of women to men. The husband searches for a wife who will play an important productive role in the family economy. Most importantly, her labor is not remunerated with a wage and so is a cost-effective mechanism for the extension of the husband's wages. Engels locates the source of women's oppression in the division of labor in the home because female labor keeps women dependent on their husbands. Women's exclusion from public sphere work, the kind of work that garners a wage, complements the gendered division of labor in the private realm. Women's work is in the home, and while it is productive for the family, she does not earn wages from it. Fundamentally, she is dependent on her husband for survival and this is the source of her subjugation.

The Marxist solution to women's oppression is clear. Women must assert their independence through productive labor (that is, labor that is exchanged for money). Engels is emphatic: "We can already see from this that to emancipate woman and make her the equal of man is and remains an impossibility so long as the woman is shut out

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<sup>58</sup> Engels states that, "the overthrow of the mother right was the world-historic defeat of the female sex" (Tucker 1978, p. 736).

from social productive labor and restricted to private domestic labor” (Engels 1942). For those women who had already entered the public labor force, Marx discussed their exploitation as part of the broader problem of worker’s rights. To resolve the problems that women face as laborers in the public sphere, women must be incorporated into the larger proletariat cause of promoting higher wages, regulating work hours and prohibiting child labor.

Lenin and other Russian social democrats studied Marx and Engels with scientific zeal. They believed, more than the skeptical German socialists, that the solution for Russia was socialism. Regardless of the logistical hurdles, such as the lack of capital and the absence of advanced industries, the Bolsheviks believed that socialism could be installed with brute force and determination. To reconcile the exploitation of women, social and not sexual revolution was necessary.

The role that the woman question played in the formation of the Soviet state thus contained a paradox. The oppression of women and their political equality was a point of concern, and this is represented by the naming of the woman question. However, the solution to women’s inequality resides outside the woman question proper—her equality is the byproduct of socialism. Women’s rights are not an end in themselves, but a means to a larger end, which was and is the ideal state. The political meaning of sexual difference emerges through these beliefs: the Soviet woman question and its attendant politics constitute female citizens as qualitatively different from the male citizen. The discourse of the woman question thus renders sexual difference as a political fact. The political rendering of sexual difference traps women’s rights inside a logic of essential

sexual difference. The question and answer to women's rights is the same—different treatment.

This understanding of equality as difference contradicts the Cold War fears of the Soviet Union. Rather than the elimination of difference altogether, such that all citizens are reduced to the same brown uniform, the Soviet myth is not concerned with dismantling difference but with the economic structures that render differences in sex, ability and talent as class inequalities (Marcuse 1961). The special and different needs of female citizens are addressed through the woman question, which, as a political device, maintains that there are sexual differences that the state should preserve and maintain in the name of equality. It is this construction of sexual difference that continues to frame women's citizenship.

As a point for comparison, let us return to the liberal social contract theory and the logic of sexual difference it creates. The liberal social contract establishes an understanding of equality and freedom based on the idea that the state and citizen have a contractual relationship. This relationship provides limited government and equal recognition under the law. The sub-text to that story is a constellation of social hierarchies (man and wife, father and child, master and slave), because the public individual's freedom is rooted in the dependency of others (Mills 1997; Pateman 1988). At a basic level, the recognition of women as equal citizens in the liberal polity has required that they emphasize their sameness to the liberal individual or male citizen. A tension has grown out of that logic of sexual difference, which pits women's equality against their difference. This is also called the equality/difference debate.

Equality and difference also pose a tension in the Soviet social contract, but in a substantively different way. The common good of the Soviet state is the achievement of communism and it is under those conditions that difference (sexual or otherwise) will not matter. As such, difference does not pose a problem for equality in the same way in the Soviet social contract as it does in the liberal social contract.<sup>59</sup> Ensuring women's political rights in the Soviet context does not lead to a re-evaluation of their difference per se. Rather, women's equality in the Soviet context is rooted in a logic of protecting that difference. In contrast, in the liberal state, the extension of women's political rights has led to a questioning of the constitutionality of providing laws and protection for women's difference.<sup>60</sup> In the liberal context, these special interests go against the grain of what equality substantively means.

### ***Sexual Difference and the Post-Soviet Russian State***

Did the Soviet woman question cease to exist after 1930 when Stalin declared that it was solved? Was the final political and social point of relevancy for the woman question in the 1980's with the introduction of *perestroika* and *glasnost*? Is the woman question anachronistic in the post-Soviet Russian context? The primary concern of all of these questions is whether and when it is possible to declare a discourse dead. And, in many respects, this is one of the major implications of my research on the legal category

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<sup>59</sup> In Alfred Meyer's assessment of Marxism and the woman question he argues that the oppression of women is perhaps no more than an example of oppression of all. Alfred Meyer. 1977. "Marxism and the Women's Movement." In *Women in Russia*, edited by D. Atkinson, A. Dallin and G. W. Lapidus. Stanford: Stanford University Press. p.88

<sup>60</sup> For example, this was the case regarding laws protecting women's labor. If women could vote, which was symbolic of their independence, then they should be able to negotiate a work contract just like male workers. In general, the extension of women's political equality (through suffrage) in the United States brought the liberal tension between equality and difference to the fore.



of sexual harassment. Finding an absolute answer to this question is ultimately less interesting than unraveling the ways that the discourse of the woman question has substantively changed and is and is not relevant in contemporary Russia. It is unclear to me what is gained by either stating that Russia is locked into some totalizing logic (the woman question) or in declaring the irrelevance of the Soviet past for the Russian present. While I want to leave the bulk of my analysis of the relevancy of the woman question in contemporary Russia for Chapter Five, when I address the specific case of sexual harassment, it is instructive to address this question in a more general way here.

One way to address the existence of the woman question today is by looking into the institutional changes undertaken in the *perestroika* and democratization periods. In my discussion of the woman question in this chapter, I suggested that the political discourse of the woman question cast women's sexual difference as politically salient insofar as the state had interests in protecting that difference as an expression of state ideology. The institutional mechanisms developed in the Soviet system to address women's issues existed in the shadows of the woman question—that is, Soviet institutional mechanisms treated women as a separate class of citizens with interests in need of protection. Women's maternal role was a primary area of concern. The Committee on Women, Family, Maternity and Childhood of the USSR Supreme Soviet (which also existed on the republic-level), the Department of Women's Affairs and the Protection of the Family, Maternity, and Childhood within the USSR Council of Ministers, and the Commission of Women's Affairs in the trade unions are examples of state-run mechanisms that addressed the state's understanding of women's issues.

The validation for these institutional mechanisms rested on Soviet ideology regarding the function of women in the state. It was argued that socialism ensured women's equality and in return the state would treat women differently in order to achieve that equality. Official Soviet commentary declared that,

Recognizing for women not only the role of workers, but also their social role of motherhood, as well as their part in public and state affairs, the Soviet state, besides the general norms of law, enacts special norms granting women additional rights and privileges (Belyakova et al. 1978, p. 15). Four areas of norms were of particular concern: providing women with work appropriate to the female sex; increasing protections for pregnant women, nursing mothers and women with children under one year of age; increasing social maternity relief; and implementing legal protections for women's equality in all areas of social life (Belyakova et al. 1978). Underlying all of these norms is an ontological conception of sexual difference—women should be protected because of their biological difference.<sup>61</sup>

Starting with the reforms of Mikhail Gorbachev, official state rhetoric and independent voices regarding the woman question changed. From the Soviet state perspective, the state had provided too much equality and had taken women away from their natural duties as mothers. It was argued that the provisions that facilitated the dual

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<sup>61</sup> In the same official Soviet document regarding women's equality it is stated that: "The special norms of law compiled in the Collection take into account the anatomic and physiological features of the female organism with a view to protect it, and also the social role of women as conditioned by such features in childbirth and the care of young children. These norms therefore set up special protection of women's labor and increase such protection during active maternity. In particular, Soviet law differentiates work quotas and increases time off on the basis of physiological features of the female organism and the social role of maternity, i.e., it establishes a lower quantity of labor for women as compared with men, with equal pay" (Belyakova 1978, p. 17).

social role of worker and mother, even if largely fictitious or inept, took women away from her domestic duties. In contrast to the political challenges to the oligarchic state prominent at the beginning of the 20<sup>th</sup> century that saw women's equality as an antidote to absolutism, political challenges to totalitarianism nearly seventy years later saw women's equality as a symptom of the failings of the Soviet state system.

The significance of this point should not be understated. At a time when the language of democratization and openness entered into legitimate political discourse, the official state approach to the woman question sought to introduce limitations to rather than expansions of women's rights. As Soviet state institutions and mechanisms transformed into post-Soviet forms, the status of the woman question continued to hold a paradox for women—their citizenship status was rhetorically couched in the language of universal democratic rights, yet the substance of those rights still rested on their essential sexual difference.

An important counter-discourse also developed as a result of Gorbachev's policies. Women expressed their views of so-called Soviet equality in dissident writings and *samizdat*. Like much of the dissident literature, these authors described a reality that differed from the pronouncements of Soviet ideology. One of the first cracks to the façade of women's equality was Natal'ia Baranskaia's novella *A Week Like Any Other*, which was published in the progressive journal *Novyi Mir* in the mid-1960's. Twenty years later, the first self-identified feminist samizdat was published by Tat'iana Mamonova, Natal'ia Malakhova, Tatyana Goricheva and Iul'ia Vozesenskaia in the form

of an almanac called *Zhenshchina i Rossiia* (Woman and Russia).<sup>62</sup> Mamonova and four others were ultimately forced into exile by the KBG as a result of their *samizdat* work (Azhgikhina 2000).<sup>63</sup> Almost ten years later, Olga Lipovskaia edited another samizdat magazine called *Zhenskoe Chtenie*.

The voices of dissident women speaking about women's lives were largely silenced by other dissident writers and from social debates regarding *perestroika*. According to Nadezhda Azhgikhina, women's issues were not central to discussions of democratization:

Women who had stood in the front ranks of demonstrations for democracy and demanded that the memory of the victims of Stalin's terror should be honored, or who had collected signatures on petitions to free Andrei Sakharov from internal exile and open Russia's borders—these women found themselves shoved aside by loud-voiced men. Dissident thought, which had captured people's minds, did not accept consideration of women. And women themselves followed the line taken by the democratic newspapers of the period: It was better for men to be in charge (Azhgikhina 2000).

The tension between the political discourse of democratization and the marginalization of women activating that democratic openness sharpened with the introduction of post-Soviet institutions. One of the most important reasons for this paradox of democracy is due to the grafting of gender neutral and universalized language onto the post-Soviet Russian state, which had not altered its fundamental understanding of women's rights. Women's sexual difference continue to act as an important frame for the institutional

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<sup>62</sup> This work was translated into English as well. Tatyana Mamonova, Sarah Matilsky, Rebecca Park, and Catherine A. Fitzpatrick, eds. 1984. *Women and Russia: feminist writings from the Soviet Union*. Boston: Beacon Press.

<sup>63</sup> The American-Russian journal *We/Myi* can be accessed on the following website: <http://www.we-myi.org>

mechanisms of the contemporary Russian state at the same time as Russian laws and policies complicate that same framework with the language of gender neutrality.

In many areas of political life there is a “market” mentality regarding how and whether citizens have access to power (even in a democratic state), while at the same time there are fewer avenues open for women to access the political arena. There is the formal gender neutral or universalized language of democracy and rights, which in effect lowered women’s social position in society starting with the *perestroika* period, and the remnants of Soviet institutional mechanisms that promote the well-trodden politics of treating women’s rights as special interests rooted in their biology. As a result, in the current Russian political context essentialist notions of difference continue to orchestrate if and how women access their democratic citizenship. The political bloc Women of Russia and the civil society group Mothers of Russian Soldiers are two of the loudest “women’s issues” voices in the post-Soviet Russian political arena. Their success should be praised as well as analyzed.<sup>64</sup>

The electoral arena is one area where this dynamic is evident and where we can see the continued relevance of the woman question operating alongside “neoliberal” discourses regarding difference and rights. One important aspect of the current electoral picture is the considerable decline in female legislative representation since the introduction of democratic institutions. Women’s representation in the last Russian Soviet elections hovered around 35% and plummeted to 13% with the first free elections

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<sup>64</sup> On November 15, 2004, the civic organization Mothers of Russian Soldiers announced that they would be organizing into a political bloc. Their success will depend largely on whether they are able to pass the newly increased threshold for registering political parties (from 5% to 8%?).

in 1993 (Montgomery 2003, p. 2). That already low number was reduced to under 8% in the 1999 elections (Moser 2003). These numbers go down even farther when looking at the percentage of women who hold posts within the executive branch. Aside from the wives and daughters of leading politicians, very few women have made it to the top echelons of the Russian executive branch. For those women who do receive cabinet-level appointments, the positions are typically extensions of women's perceived natural role as mother and caretaker of the family.<sup>65</sup>

A plethora interrelated reasons contribute to the decline in female legislative representation, including the elimination of Soviet gender quotas and cultural, social and institutional factors affecting the supply of and demand for female candidates (Moser 2003; Nechemias 1998a; Nechemias 1998b; Nechemias 2000; White, Rose, and McAllister 1997).<sup>66</sup> In that context of low female representation, the Women of Russia political party is an important and interesting phenomenon in post-Soviet Russian politics.

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<sup>65</sup> Russian sociologist Olga Kryshтанovskaya's work on women in politics shows that of the two thousand members of Russia's political elite in the mid 1990's, women held only 3.9% of those posts while they comprised 44% of the workers in the state apparatus (Nechemias 2000, p.200). The handful of women who have achieved top political positions are in "feminine" spheres. For example, Ella Pamfilova was minister of social protection until 1994, Lyudmila Bezlepina was minister of social protection from 1994-1996, Tatyana Dmitrieva was minister of health from 1996-1998, Oksana Dmitrieva was minister of labor and social development in 1998, and Natalya Dementeva was minister of culture from 1997-1998. Valentina Matvienko holds the position of deputy prime minister responsible for social issues and is the highest ranking female to hold a government post (Nechemias 2000, p.201). In addition to women taking on the more "feminine" oriented executive level posts, official state concern for gender equality is filtered through two executive branch agencies: the President's Commission on Women, Children and Demography and the Commission on Improving the Status of Women. These agencies take a familiar approach to "women's issues," focusing largely on women in their capacity as the caretakers of children and the elderly and as the reproducers of the state.

<sup>66</sup> Iulia Shevchenko's work on the 1995 and 1999 Duma suggests that female legislators have little to no room to act on individualistic interests. She argues that there is no room for Duma women to act on behalf of gender interests. Iulia Shevchenko, "The Representation of Women's Concerns in the Russian Dumas: Voting Patterns of Female Legislators," Havighurst Center Paper, 2003.

In some respects, the presence of a women's party in Russia is an indicator of the limited and limiting avenues for female politicians. Moser's work on electoral systems and women's representation in Russia suggests that the Women of Russia bloc can be viewed as an outlet for women wanting to enter into the political process, which suggests that there are opportunities for women in politics. However, the broader effects and context of the party may ultimately work against expanding women's presence in politics. He states that, "cultural attitudes and weak demand for female candidates have resulted in Russian parties having little incentive to nominate women in winnable positions. Ironically, the presence of a women's party has been indicative of this weak demand and may have perpetuated it" (Moser 2003, p.171).

Nechemias also argues that the Women of Russia (WOR) bloc signals a narrowing of women's access to politics rather than a broadening of their access. Part of this puzzle relates to the electoral system. But an equally important part relates to the politics surrounding the emergence of the party and the general attitude toward female politicians. In the period of time leading up to the first parliamentary elections in the fall of 1993, three women's groups came together in order to create the WOR electoral bloc. These groups and their leaders had roots in the Soviet-era political machine. The primary leader of WOR, Alevtina Fedulova, worked in the CPSU and in particular with the Soviet Women's Committee (which turned into the Union of Women of Russia). Another key actor in WOR, Yekaterina Lakhova, was a former chair of the Russian republic Supreme Soviet Committee on Women's Affairs and the Defense of the Family, Motherhood, and Childhood. These connections both propelled the considerable victory of the group in

1993 (with 8.1%) and continued a vision of “women in politics” that was based on the discourse of the woman question.

The political and social climate in the early 1990’s depicted the work of democracy and capitalism as “men’s work” and at the same time voiced contradictory messages regarding women. In a democratic polity women must have an equal political voice, but in a post-Soviet society, women should also re-engage the natural feminine role that Soviet equality squelched. The decision to create WOR was partially due to women responding to this political climate (Azhgikhina 2000).

In one of their first press conferences they used the slogan “Democracy without Women is not Democracy.”<sup>67</sup> This more liberal expression of women’s rights was not pursued in their centrist political position, which focused on restoring social benefits and pursuing social policy. The group’s overall image as a traditional Soviet-style “woman question” organization limited the long-term impact of the WOR and helped to marginalize women’s voices in the political arena. Although they were responding to an environment that showed little interest in women’s issues, the form and function of WOR may have perpetuated that marginalization. By maintaining their roots to Soviet-era “woman question” institutions (some of which were carried into the post-Soviet period) and positioning themselves as the feminine voice in Russian politics, WOR was able to access some political clout. However, at the same time, that clout was based on maintaining rather than challenging the Soviet logic of sexual difference.

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<sup>67</sup> This motto was taken-up by independent women’s organizations and later dropped by WOR for the phrase “Women of Russia—for Russia” (Nechemias 2000, p. 207).



Even as more prominent political parties and politicians spoke out on the subject of including women into the political process, those views represent a continuation of essentialized understandings of women and the reasons for including them in politics. The key issue at stake here is not only that women's representation has decreased since the introduction of democratic political institutions, but that the rhetoric and ideological underpinnings for their inclusion on the state level have not altered.<sup>68</sup> For example, CPRF party leader Gennady Zyuganov's comments that Communist women deputies are "charming and attractive," which is a reason to include them, but that they should remember to not ask too many questions or argue about critical issues (Nechemias 2000, p. 209).<sup>69</sup> On the subject of women's low representation in the Duma, newly elected president Vladimir Putin stated that, "It is in politics, which we need compromise and the ability to smooth things over, that we lack women's traditional qualities most of all" (Lagnado 2002). Putin weakens even this limited view of why more women should be included into politics by adding that women would not be treated (in the Duma) as "just one of the guys. Women should have one unquestionable privilege—the right to be protected by men" (Lagnado 2002).

As I turn to the specific case study of sexual harassment in Russia, it is important to keep in mind the historical and current relevance of "woman question" discourse and, in particular, how it interplays with the newly formed neoliberal discourses of

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<sup>68</sup> In fact, the factionalization of WOR in 1996 into separate groups stemmed from disagreements between women in the group regarding democratic reforms and the meaning of women's rights. Fedulova, founder of WOR, criticized Lakhova (who broke off from WOR to form another bloc) "for embracing the view that women's interests could be represented in government by strong men, and she blasted the Russian Party for the Protection of Women as an insult to the female sex, in light of its blanket grouping of women with those who need protection—the weak, the sick, the young, and the old: (Nechemias 2000, p.212).

<sup>69</sup> Quoted in Nechemias from an article in Russia Today (9 March 1998). [www.russiatoday.com](http://www.russiatoday.com)

democracy, rights and gender. In my final analysis I will return to the question of whether Western feminist critiques of the liberal state are sufficient or adequate for addressing sexual politics in contemporary Russia. If such critiques, such as that against the conceptual division between public and private spheres, do not hold much sway, what are the alternative avenues and possibilities for addressing sexual discrimination in the Russian workplace? I turn now to the legal and cultural investigation of that work.

### **Chapter Three**

#### **Seduction and the Making of a Modern Crime**

In this chapter I will create a genealogy of the development of specific sex crimes. A genealogy is not a teleological retelling of history but a rendering of the ideas, experiences and processes that constitute a particular category. While the Russian concept of sexual harassment (*seksual'noe domogatel'stvo*) is more a cultural than legal category in contemporary Russia, similar behaviors as the modern notion of sexual harassment were present in Russia almost two centuries ago. A genealogy of unwanted sexual advances includes both tracing the statutory development of specific sex crimes (i.e., when and where they appear in the legal codes chronologically and how they are differentiated from others, such as rape and homosexuality), as well as analyzing the dynamics that allow certain laws to emerge. The legal development of the recognition of sex crimes in Russia does not simply pose a hindrance to the current adoption of (Western) sexual harassment law. The central dynamics at play today are connected to the legal indigenous tradition of framing women's citizenship (her equality) in terms of difference and through special legal protections. As such, it may be the case that advocates of liberal women's rights, such as sexual harassment laws, may be counter-productive to the advancement of Russian women's citizenship in their current political landscape. A full exploration of the current status of sexual harassment, sex crimes and women's rights standards will be possible after rendering the vibrant context from which today's gender politics is rooted.<sup>70</sup>

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<sup>70</sup> The work that I conduct in this chapter on the development of sex crimes in Russian law is not intended as an exegesis on how Russian law is diametrically opposed to other (Western) laws on the subject of sex

The focus of the genealogy presented in this chapter is on the offences centralized in the 1845 Collection of Criminal Punishments and Corrections (*Ulozhenie o nakazaniakh ugovnykh i ispravitel'nykh*) entitled, “crimes against the honor and chastity of women,” which includes defloration (*rastlenie*), rape (*iznasilovanie*) and seduction (*obol'shchenie*). These crimes provide the centerpiece of a legal continuum. The crimes of the 1845 code are linked to customary laws of the Russian past and they provide a link to the Soviet and post-Soviet periods as well. Customs regarding sexual practices were part of country life (*derevnaia zhizn'*) prior to the absorption of them into Orthodox canon law and later secular law (Worobec 1991). Because of the influence of customary laws on the content of formal law, it is necessary to consider the meaning and function of these sexual crimes from a broad historical net.

The crimes of defloration and seduction fit into a patriarchal social structure that protected and controlled women through the notion of honor. In some ways, the protection of women's honor was key to the maintenance of peasant communities. In other ways, women's honor was bound up in the maintenance of social class. As the criminal statutes and an independent judiciary develop, women's honor continues to frame the contours of many sex crimes, but the legal understanding of the function of recognizing such crimes changes. In the late 19<sup>th</sup> century, as members of the legal profession proclaim their concern for modernizing Russia's justice system, they become increasingly concerned with women's and children's health. Their concerns regarding

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crimes. While there may be similarities, such as the presence of special protections for women, the point of this chapter is to give specificity to how the crimes emerged and to provide a case for the overall point I am arguing about the predominance of the “woman question” framework in Russia.

women's sexual health are embodied in the 1903 draft criminal code. While the code was never fully implemented it represents both continuity and change in how Russian law conceptualizes women's sexual inviolability. Despite the nullification of Imperial law by Soviet authority, the honor conscious crime of seduction was recuperated in the codification of compulsion (*ponuzhdenie*). The recognition of non-violent sexual advances, expressed by compulsion, continues a tradition of viewing women's citizenship as tied to the recognition of sexual difference as a different/separate legal category.

The first part of the chapter gives an introduction to the development of secular law in Russia. This general account will provide an overview of where the specific crimes I am concerned with are located. I then consider how customary and Orthodox canon law influenced the establishment of secular sex crimes. Historical research on peasant life and Orthodoxy are insightful here. It is in tracing the discussion of sexual crimes found in legal commentaries and textbooks that we can see how sex crimes were a subject of concern insofar as the protection of women and children (and the regulation of sexuality) was viewed as an indicator of modernity. Thus, intertwined with the legal and philosophical discussions of the future of Russia was the issue of women's place within the newly fashioned society. In many respects, the woman question posed both the problem and solution to the future of the Russian (and Soviet) state.<sup>71</sup> The tension between viewing women as both a problem and a solution, as well as the tension between

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<sup>71</sup> An excellent historical account of this argument is Elizabeth Wood's recent work on the portrayal of women in the early Soviet period. Elizabeth Wood. 1997. *The Baba and the Comrade: Gender and Politics in Revolutionary Russia*. Bloomington: Indiana Press.

whether or not to view them as a different class of citizens, animates much of the discussions around how to modernize the legal categorization of sex crimes.

With the rise of Soviet power and the institutionalization of Soviet law, the protection of women as distinct citizens continues to frame the legal meaning of their citizenship. In the final section of the chapter I look at how specific sex crimes concerning women existed during the Soviet period, noting both the continuity and change from earlier periods. The recognition of seduction (*obol'shchenie*) functioned to protect unmarried women in a context where their social standing depended on the very public status of their virginity. The modern rendering of seduction (expressed by the 1903 and Soviet criminal codes), or what is more accurately called compulsion (*ponuzhdenie*), protected women's sexual vulnerability as well, but within a different moral economy. This chapter will lay out the development of the legal recognition of sex crimes against women, which serves as the context in which contemporary politics is more fully understandable.

### ***A General Account of the Rise of Secular Law***

A general account of the development of law in Russia is relevant for the project because it lends important insight into why and how certain crimes are codified. The hybrid system of law that operates in Russia has promoted a weak independent judiciary and consequently perpetuates links to customary forms of justice. For different reasons, Imperial and Soviet authorities relied on self-governed forms of justice. As such, information on the practice of positive law lends only a partial picture of "law" in the area of sex crimes. This is particularly true regarding less serious sex crimes because

tribunal and local courts could stake jurisdiction when the penalties were under a certain threshold. For example, Comrade's Courts were used as a form of socialist self-rule, which Khrushchev argued helped reduce the relevancy of the state. Political crimes were more likely to be taken to higher courts or monitored more assiduously than petty crimes. Even accusations of rape were more likely to be adjudicated by the local police or party leaders than lawyers. A brief excursus into the development of law is important for a genealogy of sex crimes because the meaning of these crimes is not fully contained or fully represented by the state judicial system (Frank 1987). The broad contours of the development of secular law in Russia are valuable for the analysis of current legal and gender issues in Russia.

In addition, it is crucial to see the role of customs in the development of civil law. In spite of opinions in Russia that labeled customary law as emblematic of Russian backwardness or as an impediment to the spread of communist ideology, it is clearly the case that Russian customs have influenced the development of secular law in the area of sex crimes. It is not the case that the implementation of Soviet law provided a complete break from the past. In fact, in the area of Russian law that conceptualizes women as a separate legal category (as with the case of sex crimes), there is continuity from Imperial to post-Soviet law.

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The first published central ordering of law was with the *Ulozhenie* ("Code made in Council") of 1649. The *Ulozhenie* was the last book of laws created according to the Moscow courts system, whose foundation was based in Orthodox canon law and the

former laws of Moscow, Pskov and Novgorod (Rogov 1995; Sigel 1974). The crimes listed in the *Ulozhenie* were organized by degree of gravity within four classifications. There were crimes against the Church, the ruler (*gosudar*), the family and individuals (*lichnost'*) (Sergeevich 1903). While crimes against the individual were present, it is important to note that these legal individuals existed insofar as God had control over their fate. That is, crimes against an individual were understood in terms of the honor and bodily inviolability that God grants all human beings (Rogov 1995). In general, criminal law was not theorized beyond a crude understanding of crime and punishment.

With the publication of Peter the Great's Military Articles (*Voinskii Ustav*) in 1716, an important foundation for criminal law was laid. Although no separate field of criminal law formed as a result, the *Voinskii Ustav* for the first time made the distinction between the legal terms "crime" and "criminal" (*prestuplenie-prestupitel'*) (Skrinilev 1992). The term criminal referred to any behaviors that threatened or were an infringement on governmental interests. The state-citizen connection began to emerge with this definition since the actions of individual citizens could be linked to the interests of the state. No longer simply an issue of one's soul, a citizen's actions could be held against them based on secular rather than just ecclesiastical doctrine. The relationship between the citizen and state is notably established through law in this way.

Begun under Peter I, various legislative commissions worked off and on up until the early twentieth century collecting the scattered laws of the land, including decrees, codes, charters, acts and other types of law. Both Peter I and Catherine II desired greater control of all aspects of the population's life and generally supported the systemization of



laws associated with a modern state (Rogov 1995). Despite their intentions, however, the fulfillment of the systematization of the laws took a long and arduous path. Catherine II stalled the work on the codification process in 1762 and in 1765-1766 went to work on her “instructions” or *Nakaz*. The *Nakaz* expounded a theory of criminal law, the judicial system, techniques of legislation and the role of law and was deeply influenced by Catherine’s reading of Didero, Voltaire and Montesquieu (Rogov 1995).<sup>72</sup> While later a significant contribution to the development of legal consciousness in Russia, the *Nakaz* did not itself produce a code of law. Under Alexander I, the commissions continued but now with the advantage of the direction of both the French Penal Code (1803) and Mikhail Speranskii, an Imperial bureaucrat. Finally, in 1833 under Nicholas I, the commission produced the Digest of Russian Imperial Law (*Svod Zakonov Rossiskoi Imperii*). The *SZ* was revised at several points but remained the fundamental source of law until the Bolshevik seizure of power (see Table 1).

In 1845, the first comprehensive systematization of criminal law was published as volume fifteen of the *SZ*.<sup>73</sup> This volume is referred to as the Code of Criminal Punishments and Corrections (*Ulozhenie o Nakazaniiaakh Ugolovnykh i Ispravitel’nykh*). An edition of the *SZ* was first released in 1833 and it would endure many revisions until

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<sup>72</sup> For scholarship on the many foreign influences on the development of law in Russia see, Martin Malia. 1999. *Russia Under Western Eyes: From the Bronze Horseman to the Lenin Mausoleum*. Cambridge: Harvard University Press; Mark Raef. 1994. *Political Ideas and Institutions in Imperial Russia*. Boulder: Westview Press; and Richard Wortman. 1976. *The Development of Russian Legal Consciousness*. Chicago: University of Chicago Press.

<sup>73</sup> The *Svod Zakonov Rossiskoi Imperii (SZ)* was first published in 1833 but not officially implemented until 1835. In contrast to the strictly chronological catalogue of Russian law prior to it (*Polnoe sobranie zakonov*), the *SZ* organized laws by topic, which gave it some systemized character. However, there was no theoretical distinction made between neither types of crimes nor a general theorization of crime and punishment until the legal debates beginning in the 1860’s. There were multiple iterations of the *SZ*. I use a version printed in 1913 after several reforms were made. *Svod Zakonov Rossiskoi Imperii*. 1913. Pod’ redaktsiui I.D. Mordukhai-Boltovskogo. Sankt Petersburg: Russkoe Knizhnoe Tovarichestvo Deiatel’.

its final abolishment with the Soviet constitution and the 1921 Criminal Code of the Russian Soviet Federative Socialist Republic. As a result of the active debates among Russian jurists in the 1860's, a commission was assigned to write a modern and fully separate Code of Law for Russia. With considerable influence from German and French legal developments, in 1903 the first separate code of criminal law was published in Russia (*Ugolovnoe Ulozhenie*). While the code was not officially put into effect prior to the Bolshevik seizure of power, parts of it were implemented in the Baltic states and influenced the Soviet criminal code of law.

*Table 1: Progression of the Codification of Law*

<b>Legal Code</b>	<b>Date</b>	<b>Government</b>	<b>Characteristics</b>	<b>Legal Development</b>
<i>Ulozhenie</i>	1649	Aleksei Mikhailovich	Book of laws created according to the Moscow court system, which was founded in Orthodox Church doctrine. Reflection of customary laws as well.	A beginning step towards establishing a single source of authority ( <i>gosudar</i> ). Council brought together the separate charters of Moscow, Pskov and Novgorod.
<i>Voinskii Ustav</i>	1716	Peter I	Military articles of law used to better construct and control Imperial army. Civil and criminal types of crimes mentioned even though such analytic distinctions were not made.	Important developments occurred regarding the legal harm of crimes which were more oriented toward the state or government interests than God.
<i>Svod Zakonov Rossiiskoi Imperii (SZ)</i>	1833	Nicholas I	Digest of laws of the Russian Empire. It was thematically organized which made it distinct from the chronological listing in the <i>Polnoe Sobranie Zakonov Rossiiskoi Imperii (PSZ)</i> .	The first unified collection of laws with some theoretical organization. Revised versions of the SZ in effect until the USSR.
<i>Ulozhenie o Nakazaniakh Ugolovykh i Ispravitel'nykh'</i>	1845	Nicholas I	Volume fifteen of the <i>Svod Zakonov</i> . The volume contains criminal laws found in SZ and PSZ.	The first codification of criminal law as different from other forms of civil law. In use until the first Soviet Criminal Code.
<i>Ugolovnoe Ulozhenie</i>	1903	Nicholas II	Commissioned Code written after 1860's legal debates. The code was never put into use, although parts of it were	The code includes a thorough discussion of a theory of law and criminal law. Issues of guilt,

			implemented in the Baltic states and later in the USSR.	innocence and intent are addressed.
<i>Ugolovnyi Kodeks RSFSR</i>	1922	V.I. Lenin	First Criminal Code under the Soviet government.	Influenced by the 1903 Criminal Code. Established tribunal and comrade's courts.
<i>Ugolovnyi Kodeks RSFSR</i>	1960	N.S. Khrushchev	Revised Criminal Code after the USSR Constitution was amended in 1957.	Separate Codes for each Republic were guided by the All-Union Fundamental Principles of Criminal Law.
<i>Ugolovnyi Kodeks Rossiiskoi Federatsii</i>	1996	B.N. Yeltsin	First Criminal Code of the Russian Federation	Crimes against the individual take precedence over crimes against the state.

However, when the first organized compilation of Imperial law was published in 1833, the Russian system of justice was still quite weak.<sup>74</sup> In many respects, the long process of organizing the variety of laws across the Russian empire simultaneously strengthened the institution of a separate justice system. Many of the key legal professionals who were commissioned to collect and organize Russian law believed that this arduous task would bring a more modern system of law (Whisenhunt 2001; Wortman 1976). The simple fact of having a digest of laws to reference transformed Russia's legal system into a more rational and modern structure (Chistiakov 1988; Gessen 1997).

The degree to which the codification of Russian law was part of an organized legal profession is relevant here because the growth of professional commentary eventually breathed life into the meaning and practice of particular laws. The SZ had little professional commentary. In fact, there was no official legal training in Imperial

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<sup>74</sup> Michel Foucault argues that with the development of law, the European state grew in power. However, this power is not organized on the model of an enlarged monarchy, but on the principle of bio-power—where the everyday practices of citizens are increasingly regularized by medicine, science, penal codes, education, etc. This is why Foucault argues that modern (contemporary) studies of politics require a capillary view of power rather than a hierarchical view. Michel Foucault. 1988. *The History of Sexuality, Vol. 1*. Trans. R. Hurley. New York: Vintage Books. p.135-159

law until the 1830's. However, during the 1860's there was a considerable increase in discussion and debate regarding the modernization of Russia's justice system and legal profession. For example, between 1859-1879 fourteen newly established legal periodicals appeared (Wagner 1994). It is important to remember as well that despite the collection of laws into an official digest, Russia still lacked substantial theoretical work on the purpose and meaning of law in society. This lacuna was what many in the new legal profession were concerned with. The substance of the law was viewed as important, but equally as important was how law in general should function. In their own words, jurists and bureaucrats believed that Russia's justice system required modernizing.<sup>75</sup> The specific meaning of "modern" is itself an important avenue of research, albeit one that I do not undertake thoroughly here.

Two of the key subjects of that modernization process were the development of a fully independent judiciary and the development of a Criminal and Civil Code that would be up to the standards of the French and German models. An independent system of justice, with legal professionals and courts accountable to codes of law rather than autocratic authority, would facilitate the development of rule of law (*Rechtsstaat*). Furthermore, with the emancipation of serfs in 1861, some twenty million people and their customs needed to be brought into the yoke of the state according to their new status (Sigel 1974). In terms of statutory law, reformers sought to establish clear

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<sup>75</sup> There was considerable tension between those revising the justice system. Some clung to tradition, despite a desire for reform, and others saw breaking away from tradition as key to the advancement of society. The meaning and function of law in society and challenging paternalistic authority was at the center of this debate on how to reform civil law (Wagner 1994, p.5). My brief excursions on the development of law in Russia reduces many of the more complex dynamics occurring in specific historical moments.

understandings of evidence, degrees of crimes, etc. Another important component of statutory law was eliminating Imperial rankings of class that were taken into consideration when deciding criminal offenses and punishment. Equality before the law would dissolve the privileges some enjoyed due to their social status. For example, sexual offenses against women of higher social ranks (*boyar* class) were more strongly penalized than women of lower classes, such as peasants. At the same time, in the mid-to late-nineteenth century, peasant customary law was viewed as backwards and impeding the authority of a modern/secular legal system (Engelstein 1992). In this way, the modernization process included the dissemination of civil law into the wide reaches of the Russian empire.

The administrative power of the Czar and customary laws/courts were both in tension with the development of an independent judicial system. Legal reforms in the 1860's abolished special courts based on class (Butler 2003), but left *volost'* courts which were designated for peasants. These separate courts for peasants were part of an effort to allow greater local self-government, which was part of the *zemstvo* system. The continued logistical relevancy of local self government provided a kind of common and civil law hybrid system which challenged the strength of the nascent civil justice system (Wagner 1994). Further complicating the judicial process were the courts under the jurisdiction of the Ministry of Justice and the Civil and Criminal Cassation Department of the Senate. Local procurators were official subordinates of the Ministry of Justice and prosecuted criminal cases as well as submitted opinions on civil cases. Courts under the jurisdiction of the Civil and Criminal Cassation Department of the Senate and the

Ministry of Justice were appellate courts. Where statutory law was unclear, these courts were designed to provide clarity as well. As is often the case, administrative arms of the justice system weakened the ability of civil law to act independently of political authority.

Despite the creation of radically new governments there is a significant force of continuity in Russian law. Generally speaking, Russian law is rooted in the civil law tradition, which is in contrast to the common law tradition that exists in Britain, the United States, Canada and many other contexts. There is some controversy regarding whether during the Soviet period a third branch of law, Socialist law, could be distinguished. Philosophically speaking, socialist law differs from both civil and common law traditions because the long term goal of socialism is the withering away of the state and law, whereas in the other traditions the legal system maintains the relevancy of law in society (de Cruz 1999; Quigley 1989). In the Marxist and Leninist tradition, law was viewed as a source of class oppression. In Lenin's writings on the state, he believed that the common person was integral to the execution of a just system of law. It is this belief that precipitated the nullification of Imperial law in 1917, the use of administrative tribunals, the recuperation of village courts and the establishment of comrade's courts (Juviler 1976). Socialist law was ultimately empowered by the CPSU, which prevented a truly legitimate and independent judiciary. Yet, despite the many differences of Socialist law to Western traditions, there are important similarities to note between the so-called socialist tradition of law and the civil law tradition.

Imperial and Soviet law were both structurally organized in the civil law tradition, which takes its roots in Roman law. A system of codes was in place, which meant that the highest form of law was embodied in a series of codified laws, such as a criminal code and civil code. In contrast to the common law tradition, the civil law tradition and the Soviet system do not rely on the mechanism of precedent for jurisprudence. The codes stated what was law, which meant that any decision should not theoretically affect future decisions. All legal references are to the code of law itself and not previous decisions.<sup>76</sup> During the Soviet period the strength of administrative forms of justice superceded that of judicial forms of justice. Judges for the courts of the state judiciary (USSR Supreme Court, Republican Supreme Courts, Provincial Courts and People's Courts) were closely tied to administrative bodies and local Party officials (Kuchеров 1970; Reshetar 1978). Furthermore, the State Procuracy and Ministry of Justice ensured compliance with Socialist law. It is also well known that special tribunals established during War Communism and WWII trumped state judiciary modes of justice. Crimes against the state were assigned special treatment.

### ***Seduction and the Protection of Women's Honor***

The 19<sup>th</sup> century embodiment of sex crimes against women is rooted in a social context in which the protection of women's honor provided them legal subjectivity. That is, women were tenable legal subjects (victims) to the extent their honor was believed to be socially important. Men too enjoyed a certain degree of protection of their honor, but

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<sup>76</sup> There are some current efforts towards documenting decisions in order to create a professional, although not binding, commentary on the codes (Butler 2003, p. 100-101).

women's difference (legally) distinguished them from men in important ways. Pre-Soviet laws on sex crimes were also influenced by the tension between customary law and the development of civil law. The goal of the early commissioned work on law reform was primarily an effort to collect the multitude of laws that had historically and geographically accumulated. Considering that the 1830 *PSZ*, was simply a chronological compilation of Russian law dating back to at least the 1649 *Ulozhenie*, it would be incredibly difficult to decipher a clear line of distinction between customary and civil law. As with the incorporation of Russian pagan traditions (and values) into Orthodox Christian canon law, Imperial secular law legitimized its growing power by bringing customs into its yoke. The validity of government intervention, and the proper boundaries of its jurisdiction, are more easily swallowed when its practices and laws are not in conflict with its population. A consequence of this approach to state building is a mixture of laws that originate from local practices and laws that originate from a political authority.

If we consider the *SZ* as the beginning point of modern Russian law, it is therefore necessary to consider from where these laws came. The sources for criminal statutes are various, but one important source are the customary laws that are embodied in Orthodox cannon law and peasant customs. As historians of Russian peasant life attest, communal notions of honor were key to maintaining control of its members which was important to the overall survival of the community (*obshchina*) (Scott 1987; Worobec 1991). Women's honor was protected as an integral piece of the patriarchal structure of society. To dishonor a woman by word or deed was to insult not only her but her family. An



honorable woman was chaste, dutiful and productive. If unmarried, a woman possessed her virginity which was a status imperative to her marriage prospects. The survival of the commune depended on the proper promulgation of its inhabitants. This is why pre-marital sex was closely regulated as well as certain forms of incest. The status of a woman's virginity was not private, but monitored and protected as a social good. Because marriage worked historically as an economic institution of communal survival, the surveillance of its proper management was not left to the private realm. Young women were closely monitored and if members in the community suspected foul play or pregnancy a complaint would be made to the village assembly.

It is in this patriarchal context that the concept of honor produces sexual taboos. With virginity as a precondition for marriage, any attempt to steal or take advantage of it crossed the boundaries of social custom. In Christine Worobec's historical research, she argues that the moral component of sexual taboos were intricately tied to community mechanisms of control (Scott 1987; Worobec 1991). Pre-marital sex was not solely a moral indiscretion but an act that could threaten the operations of the community. Because of the social consequences of the loss of an un-married woman's virginity, forceful or coerced stealing of her innocent status was a serious crime. As opposed to dishonoring a man, dishonoring a woman received more stringent penalties.

Prior to the 19<sup>th</sup> century codification projects, many sex crimes were solely under the jurisdiction of ecclesiastical courts. Rape was one of the few sex crimes that came under both secular and ecclesiastical jurisdiction because it dealt with both violence and a sexual impropriety. With the introduction of Christianity into Slavic lands, Orthodox

canon law was grafted onto pre-existing customs regarding sex and sexuality (Levin 1989). Orthodox and local beliefs about the sinful nature of any sexual activity fed into the social concept of honor. In this way, virginity was not only a social concern but a moral concern. Orthodox Slavs believed that the devil had produced sexuality which made most forms of sexual expression problematic. Even within the confines of marriage, conjugal sex was highly regulated (Levin 1989). Abstinence in marriage was a sign of piety. The value of virginity and piety was such that within Orthodox beliefs, it was even possible for a married couple to bring children into the world but to have not technically consummated their marriage.<sup>77</sup>

Sexual improprieties could poorly reflect on women's honor in a variety of ways. Adultery was one of the worst crimes a woman could commit, as she both engaged in sexual intercourse outside the confines of marriage and publicly insulted her husband. The penalty for an adulterous wife was harsher than for husbands. In addition, the social status of her lover was not taken into consideration while the status (married, unmarried) of a married man's lover was.<sup>78</sup> Yet, a man's dignity could be further damaged if his wife engaged in sexual indiscretions with a man of inferior status than he. Church

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<sup>77</sup> In her thorough investigation into pagan and Orthodox Slavic beliefs, Levin finds that, "Thus, procreation, in the Slavic Orthodox view, officially did not result from sexual intercourse. In fact, Orthodox churchmen knew very well the relationship between sex and conception, but this admission was possible only in cases of illicit intercourse. Under cannon law, the birth of child out of wedlock served as proof of sexual misconduct, and didactic tales are filled with illegitimate births" (Levin 1989, p.65). Individual behaviors were classified together as illicit sex (*blud*), with small variances between them. For example, masturbation, sodomy and male homosexual relations all received three years penance. Thus, very little particular distinction was made between these acts. A list of sexual sins is in, N. L. Pushkareva. 2000. *Liubov, Erotika i Seksual'naia Etika v doindustrial'noi Rossi (x-xix vekov)*. Moskva: Nauchno-Izdatel'skii Tsentr. p. 24

<sup>78</sup> Eve Levin attributes this difference to the tradition (although not Slavic) of allowing men multiple wives. His sexual piety would be more difficult to assess if there were more conjugal partners whereas for women, her husband was the only proper sexual partner (Levin 1989, p.181).

penances were expected and village customs of punishment could include public shaming, allowing husbands to publicly lash their adulterous wives and banishment. In the patriarchal social structure of Orthodox Slavs, adultery was an accusation for which women carried the burden of proof. The complementary offense to adultery was rape because it was a form of dishonoring a woman and thus her family as well.

Men who forcefully engaged women in sexual intercourse were penalized according to the social status of the woman. The higher her status, the graver the dishonoring was (Levin 1989, p.212). The term rape is also used euphemistically for the term dishonor. For example, Levin explains that rape of an unmarried daughter or wife was used as a tool to purposefully dishonor a family for purposes of retaliation or vengeance (Levin 1989, p.222). In the case of adultery and rape, it is the concept of honor that is the overarching mechanism that produces the harm necessary for the recognition of sexual crimes. In this way, the religious doctrine of proper moral behavior was interwoven with social customs. Protecting a family's or husband's name was just as important as maintaining a Godly existence.<sup>79</sup> The values placed on licit relations, "placed great stock in patrilineal family's honor and accorded women respect only to the degree that their behavior reflected well on their father's and husband's clan" (Kollman 1991). According to Worobec's work on peasant life, women did not oppose the

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<sup>79</sup> I have argued that rape is historically recognized as an issue of illicit sex rather than an issue of violence. The necessary evidence for rape convictions requires clear signs of violence which often inhibits the recognition of acquaintance rape. Criminological literature emphasizes the "violent stranger" as the perpetrator of rape. In the prosecution of rape cases where the perpetrator was known, there is undue concern for the illicit sexual practices and innocence of the victim. As such, I argue that the practical subject of the rape statutes in Russia today is proper sexual conduct and not violence. Jennifer Suchland. 2004. "Sexual Morality and the Impossibility of a Violent Act." In, Richard Jackson (ed). *(Re)Constructing Cultures of Violence and Peace*. Amsterdam: Rodopi.

patriarchal structure of their lives in part because of the privileges they were afforded in that limited milieu. Protection of their honor was one of these privileges.

The importance of honor is not isolated to medieval peasant traditions. As the various Slavic lands developed into more clearly defined cities (Pskov, Novgorod and Moscow for example), social class becomes an increasingly important factor. The relevancy of honor in this context is also tied to a patriarchal social structure. Women's honor was protected as was their sexuality closely monitored. In cases where illicit premarital sex occurred, ecclesiastical doctrine did not recognize the distinction between force and compulsion. If a man truly loved a woman he would not invite sexual relations, as this would be an invitation to sinful rather than righteous relations. Orthodox canon law viewed rape as a crime of violence. However, in the judgment of a rape accusation, the social status of the woman was taken into consideration. For example, the relative status of a slave in comparison to a boyar's daughter garnered different penalties (Sergeevich 1903). At the same time, within the upper-class strata of society custom allowed for new ways of understanding women's honor. In the lower-class peasant communities, women enjoyed a certain amount of independence that upper-class women did not. The honor of a peasant woman was protected, but she was viewed as a more independent participant in the village community.<sup>80</sup> In contrast, women among the nobility in Muscovy were isolated in the *terem*, where their interactions with society and

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<sup>80</sup> One sign of this is that village punishments for wives or husbands who abandoned their families were equally harsh. Both women and men were viewed as integral members of the family economy. With either participant gone, the existence of that family was put into jeopardy (Worobec 1991).

men in particular were closely regulated (Pushkareva 1997). As before, women's honor was a reflection of her family, but her class opened up new varieties of insult.

One such insult concerned a man's dishonest pledge to marry. In this case, a bachelor would reap the intimate benefits of betrothal while never honoring her through marriage later. This kind of behavior was recognized as a form of seduction. A woman was dishonored in this instance because she agreed to sexual relations under the false pretense of a marriage proposal. Women were seduced into sexual relations through the promise of marriage. In losing her virginity, her future status as a marriageable woman was threatened. To adjudicate this transgression, the guilty party would either pay up to the worth of the woman's dowry or marry her.

Sexual taboos are embodied in civil law by the early 19<sup>th</sup> century in Russia. Crimes of a sexual nature are found in the criminal code, or what was at the time recognized as volume 15 of the *SZ*. It is in Section X, "On crimes against life, health, freedom and the honor of individual persons," that sexual crimes are located. At this time, however, they are not classified as "sex crimes" per se, rather, they were placed under the heading "Insults to Honor." Some crimes, such as adultery or the abduction of a woman for marriage, were located in the same volume but under the separate heading of crimes against the family (*o prestupleniakh protiv prav semeistvennykh*).

Within the chapter on insults to honor there are three general sections: crimes against the honor and chastity of women; direct insult of individual honor; and slander. The crimes involved in insulting women's honor and chastity protect women's subordinate role in the family and society. Indeed, protection is necessary because she

lacks real independence and therefore is vulnerable to manipulation. At the same time, within the patriarchal confines of the concept of honor, women (and a woman's/girl's parents) could take advantage of the protective measures codified to adjudicate social transgressions.<sup>81</sup> It is therefore important to view these laws as potentially accommodating both women's subordination and their limited power within those confines. As Worobec and others have argued, Russian women have utilized the limited power granted them in a constrained and patriarchal context. Peasant and noblewomen alike have accommodated, resisted and transformed the narrow roles bestowed on their sex (Clements, Engel, and Worobec 1991).

Under the subject of protecting woman's honor, there are four kinds of crimes: defloration; rape; abduction and seduction (see Table 2 on page 136). Reflecting back on the customary and Orthodox laws discussed earlier, it is evident that many of those rules and taboos were incorporated into secular law. Defloration (*rastlenie*) in a contemporary context is commonly understood as pederasty (sexual relations with a minor), but in the 1845 *Ulozhenie*, there are connotations relating back to the Orthodox laws regarding premarital sex. Statutes 1523 and 1524 in the *Ulozhenie* pertain to the "seduction of a girl, under the age of fourteen." Seduction, in this instance, refers to the unlawful defloration of a minor, who is necessarily a girl. The actual act of defloration could be either violent or non-violent, and was the result of the "ravaging of the virginal hymen by hand or copulation" (Nekliudov 1881). The focus of the harm of seduction was less on

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<sup>81</sup> Jurist Dmitrii Nabokov lists in his 1903 work the following statistics of crimes against women's honor: for the combined crimes of defloration, rape and seduction between 1874-1878 a total of 100 cases; 1879-1883 a total of 124 cases; 1884-1888 a total of 171 cases; 1889-1893 a total of 211 case and in 1894-1903 a total of 251 cases. Nabokov cites the work of E.N. Tarnovskii. (Nabokov 1903, p.93).

the premature age of the female victim, but on her virginal status. Seduction was clearly a crime of dishonor because it took from unmarried girls the only status they held at that point in their lives. In one commentary from the Ministry of Justice, the taking away of a girl's virginity was equated with political death for men (Nekliudov 1881).

Rape (*iznasilovanie*) can be distinguished from seduction in two ways. First, rape is only understood as a violent crime and thus requires the evidence of physically forcing a woman into sexual relations. Second, rape in the 1845 code, only recognizes female victims over the age of fourteen. The important distinction between violent defloration and rape is the possibility of the victim to consent to sexual relations. It was assumed that if a girl was over the age of fourteen she was likely to be sexually knowledgeable in order to rebuff inappropriate sexual advances. And, in fact, the age at which couples married in the 19<sup>th</sup> century was much younger than today. A girl could feasibly have been betrothed by the time she was fifteen. Rape is a crime that recognizes the physically violent dishonoring of a woman's sexual inviolability. If under the age of fourteen, the sexual innocence of the girl was legally assumed and thus it was categorized as a different type of crime. Therefore, while the age of the victim is an important regulatory principle for the crime of seduction, youth is not the central issue of the crime. Rather, a girl's virginity is what is harmed with the crime of seduction.

Statute 1531 relates to a different form of seduction called *obol'shchenie*. With this crime the age of the female victim is less important than her marital status. Seduction of this sort occurs when an unmarried woman agrees to some form of pre-marital sexual act under the false belief that she is engaged to the perpetrator. In this

case, the woman's social vulnerability rather than her sexual innocence is taken advantage of. Punishment for *obol'shchenie* included jail time from fourteen months up to two years. Statute 1532 also concerns *obol'shchenie* but with a qualification regarding the method of seduction. Here, an unmarried woman who is fourteen years or older may also be seduced by a man who has tutelage over her. A teacher, supervisor or anyone with a degree of power over the life of the girl can be held accountable for taking advantage of their relative power over her for the enjoyment of their inappropriate sexual desires.

Taken as a collection of sexual crimes against women that are organized separately as crimes against the honor and chastity of women, I argue that the groundwork for legally constituting women as in need of a distinct legal categorization is made in the *Ulozhenie*. The social context that allowed for the recognition of defloration, rape and seduction was one in which sexual taboos regulated women's independence within the family and in society. We can therefore view these statutes as representing a set of "rights" that women and their family's had in order to adjudicate insults to their name. At the same time, the statutes also represent the patriarchal social structure that organized legal and cultural understandings of sexual difference, which ultimately limited the independence of women over all. Separating women out as in need of special protection is not a gesture towards recognizing women as independent legal subjects. Women, as the victims of sexual crimes, are a different kind of member in society. The harm codified in the statutes reflects sexual taboos and not juridical individualism.



That women gained legal representation through statutes that ultimately represented them as in need of protection, rather than asserting their individuality, is a common point made in the legal literature of that time. Professional commentary on Imperial criminal law and law in general grew after the completion of the codification projects. This was particularly the case regarding criminal law, as a commission was appointed to develop a new and fully modern Russian Imperial criminal code.<sup>82</sup> As the point of the woman question grew in Russia in the late 19<sup>th</sup> century, legal professionals were concerned with squaring Russia's justice system with what were believed to be contemporary modes of treating women. The status of women in society provided a kind of litmus for the overall development of society. In one commentary from 1885, N.V. Reingardt' states that the position of women in society is an indicator of the level of a civilization and that the improvement of women's position in society goes hand-in-hand with the development of the nation (*narod*) (Reingardt' 1885). Yet, the overall effect of establishing women's sexual difference is to emphasize their difference from men. Advancements in civilization, then, required treating women as a special legal category and as different citizens rather than assimilating them into the brutish and un-modern fold of mankind. For example, to show the status of women in society, legal guides were published listing the pertinent statutes that distinguished women as the special subject of law (Kantorovich 1899; Senata 1873; Shchepkina 1914).

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<sup>82</sup> My intention is not to regurgitate that excellent historical research on the 1860's legal debates. Rather, by pulling out key opinions in the pre-Soviet legal discourse I want to establish a structural understanding of sexual difference that is embodied in the sexual crimes against women. Laura Engelstein. 1992. *The Keys to Happiness: sex and the search for modernity in fin-de-siecle Russia*. Ithica: Cornell University Press; and Richard Wagner. 1994. *Marriage, Property, and Law in Late Imperial Russia*. Oxford: Harvard University Press.

Women possess their virginity, and in this way they have a material investment in having it protected. The statutes on defloration, however, conceptualize the harm associated with the unlawful taking away of a girl's virginity (if she is under the age of 14) as a crime against social morality. Women are the carriers of this social good but are not necessarily the self-empowered owners of it. A young woman's virginity may be stolen, and she will physically be altered as a result, but her body is not what the law sees as being harmed.<sup>83</sup> Legal textbooks at the end of the 19<sup>th</sup> century describe defloration and seduction as voluntary sex crimes that take advantage of a vulnerable (or unknowing) female victim (Foinitskii 1890). The crime of rape, on the other hand, is an involuntary sex crime because it requires the use of psychological or physical force. Defloration is a special crime covering only girls under the age of fourteen (who presumably have not already lost their virginity) (Lokhvitskii 1867).

One commentator on the woman question compared the relative legal status of Russian women to women in Germany, France and England. In his work on the individual and property rights of women, Reingradt' explained that Russian women were at an advantage to Western European women because they had the right to own property (Reingradt' 1885). In the case that women in England or France did own property, it was through the name of her husband, whereas Russian women could be the sole property owners. Reingradt' argues that women's property rights in Russia are a sign of the country's advancement as a civilized government. At the same time, the author describes

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<sup>83</sup> Commentary from the Ministry of Justice states that despite the fact that the hymen is physically "ravaged" as a result of seduction, which would suggest that the crime is against a woman's health, the major harm is done against her chastity and social morality (Materialy 1880, p.288).

the political and social status of women as largely conducted through her relationship with her husband. He states that women ought to be completely obedient to their husbands and that Russian civil law recognizes that husband and wife may have separate interests when it comes to property, but that they are seen as one unit (i.e., as the husband) when concerning other civil issues (Reingradt' 1885).

Some legal professionals found the Imperial Criminal Code lacking and proposed a variety of changes. While a draft Criminal Code was published in 1903, it was never implemented into law prior to the Bolshevik seizure of power. However, some of the alterations were used in the creation of Soviet criminal law. One area where there was considerable debate related to sex crimes. Jurists recognized that no special interest in the protection of children existed in the Imperial statutes on inappropriate sexual relations. Rather, the legal harm that was emphasized related to the societal organization of honor and proper sexual conduct. For example, the crime of defloration centered on a concern for the social good of protecting a girl's virginity in a patriarchal sexual economy. The sexual development of a pre-pubescent child was not the major focus. With the advancements in medicine and law occurring in the mid-to-late 19<sup>th</sup> century, professionals in these fields gained interest in the relationship between modern advanced society and the proper development of individuals. Included in this development were views on the sexual health of children, as well as women. In the legal discussions occurring in Russia at the turn of the 20<sup>th</sup> century, jurists proclaimed the necessity for creating new statutes that would protect the sexual development of children. This did not

mean, however, that their concern for women's honor diminished, but that both women and children should be further developed into special legal categories.

There are several important alterations to the statutes on sex crimes that are written into the drafted *Ugolovnoe Ulozhenie (UU)*. One key structural transformation is that the UU carves out a space within the code for what are substantively understood to be “sex crimes.” In the previous code, crimes of a sexual nature were either designated as crimes specifically against the honor and chastity of women or in relation to the family. In the UU, sex crimes are categorized as a collection of statutes with a juridical specificity of their own. Women are still recognized as a special legal category in the statutes but the overall organizing principle of this section of the code does not revolve around the social concept (or good) of protecting women's honor. One of the key jurists involved in the drafting of the 1903 code was Dmitrii Nabokov, who was appointed in 1878 by Alexander II to the post of Minister of Justice. In his collection of articles on criminal law, he argues that one of the deficiencies of Imperial criminal law is that there is no general understanding regarding sex crimes. While there may not be one legal harm that grounds all of the sex crimes, Nabokov finds a cohesive set of social “goods” that underlie them. These “goods” include the sexual inviolability of the individual, chastity of women, the purity of family and social morality (Nabokov 1904). The set of behaviors that infringe on these social goods are understood as “indecent acts” (*o nepotrebstve* or the French *attentats à la pudeur*). Nabokov states that the special attention that jurists gave to reforming the statutes on sex crimes made the UU project a huge cultural step forward for Russia (Nabokov 1904).

One of the driving concerns regarding the cultural advancement of Russia's criminal law involved the appropriate legal protections of children. As described earlier, sexual relations with a minor did not exist outside of the confines of protecting the virginity of a girl under the age of fourteen in the 1845 code.<sup>84</sup> In his role as a leading reformist, Nabokov contended that all children of a certain age should be protected from the vile influences of adults. He cites the rising occurrence of sexual crimes against minors (*attentats à la pudeur sur enfants*) in Europe and the legal necessity for their protection (Nabokov 1904). The premise of the sexual crimes with a minor is altered in the *UU* in an effort to legally specify the social need for protecting minors of both sexes. As a result, the legal concept of women's honor (particularly as it regards her social class in deciding levels of compensation) is dropped. The statutes on sexual crimes with minors are called lewd acts (*liubostatnye deistvie*). The issue of consent is sharpened as a result of the introduction of specific statutes for minors. This is because the *UU* stipulates that fourteen years of age is the demarcation of sexual innocence. After the age of fourteen the legal issues of consent and compulsion are introduced. Between the ages of fourteen and sixteen both girls and boys are recognized as special legal victims but with the added possibility for consent, given that they have reached puberty. The result of the reformed statutes is a distinction between a minor (under fourteen) an adolescent

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<sup>84</sup> Beginning with the 1903 draft *Ugolovnoe Ulozhenie*, the concepts of honor and insult to honor are separated from sex crimes. Instead, honor refers to a more civil or professional area of the law where someone's name could be slandered in the public arena. This understanding of honor existed prior to the 1903 *UU*, but was categorized alongside other forms of insults to honor, such as women's chastity. A discussion of the development of the legal concept of honor and its meaning in the 1903 draft code can be found in, A.M. Dobrianskii. 1904. "Oskorblenie Chesti po Novomu Ugolovnomu Ulozheniiu." *Zhurnal Ministerstva Iustitsii*, No. 5.

(between fourteen and sixteen or twenty-one depending on the specific offense) and an adult.

Special treatment is given crimes that involve homosexual acts and crimes involving girls within a certain age range. An emphasis on such issues is not surprising given the growing attention of the status of women (through the “woman question”) and the civil debate over homosexuality that were occurring at this time in Russia and Europe. The *UU* criminalizes homosexual acts (understood as sodomy between male partners) when they involve minors and/or the use of force (non-consent). In contrast to the 1845 code where the status of the virginal hymen was of utmost concern, in the *UU* the specific sexual act of sodomy is used to extend protection to male minors.

Within the statutes dealing with minors, girls are treated separately in several cases. Girls under the age of fourteen are granted automatic innocence where non-consent does not have to be proven. Between the ages of fourteen and sixteen, girls are treated separately in cases where violence (rape) was used or when their vulnerable position is taken advantage of. The separate legal category *liubodeianie* (sexual misdeeds) covers crimes specifically for women who are compelled into sexual relations. Here the age of the victim ranges from fourteen to twenty-one, when presumably either a young woman would be married or be savvy enough to defend her own sexual inviolability. Biologically speaking, a girl of fourteen years will have started menstruating but not necessarily be sexually mature. In this case, regarding female victims, the distinction between a minor and adolescent is used to qualify the statutes.

Compulsion can occur in several modes including the 1845 recognition of the use of the relative power between the victim and perpetrator.

In Nabokov's comparison of German and French penal codes with 1845 Russian Imperial code, he argues that Russian law understands sexual crimes in too narrow a fashion. Until the *UU*, Russian law had not recognized lewd acts with minors. In addition, the sexual inviolability of both minors and women had not been assessed in a modern fashion (Nabokov 1904). By modern, Nabokov and other reformers meant a concern for the health and development of the individual and society. Indeed, the state's recognition of certain behaviors as harmful to society is an important indicator of the development of that civilization overall. In comparison to the predominantly moral (i.e., religious) concern driving the emergence of sex crimes, the 1903 *UU* embodied the most secular code of law at that time. The goal of crime and punishment was believed to be fueled by the state's desire to reform the criminal and better society rather than exact a penance for their soul (Rogov 1995).

### ***Compulsion and the Socio-political context of Women's Citizenship in the USSR***

The larger social and political context of the early 20<sup>th</sup> century in Russia is important to the significance of the development of law and women's place in it. The reforms to civil and criminal law that occurred prior to the Bolshevik dissolution of Imperial laws in 1917 were deeply influenced by and in concert with trends in European liberalism. Representatives from Europe came to Russia for conferences on law and in particular, for a meeting regarding the proposed reforms of Russia's criminal law. The implied and potential political impact of these liberal judicial reforms was a substantively

new relationship between citizens, the state and government. Abstract notions of a common good were introduced into law as driving principles for organizing society. In contrast to customary traditions that involved social rank, peasant customs and Orthodox morality, liberal concepts of absolute social goods would provide a modern form of governance. This shift is evident in the *UU*, with the introduction of the concept of sexual inviolability. The harm that allowed for the recognition of defloration and even rape in the 1845 code was closely tied to customary understandings of social conduct rather than an abstract concept of an individual's possession of their sexuality. With the *UU*, the harm that allows for the recognition of indecent acts is not linked to protecting the value of virginal brides but an abstracted social good of "the protection of women and children." The laws written in the codes are therefore not simply a reflection of common practice but a standard to which a modern society must meet. In altering and advancing civil and criminal law, legal professionals believed that the mechanism of rule of law would provide a more equitable relationship between state authorities and the citizenry.

The consequences for women are mixed. The advancements in law regarding women did not structurally alter how sexual difference was conceptualized. In effect, a greater concern for the status of women in society perpetuated a custom in Russia of viewing women as necessarily different from men. As such, greater access to work and education have not meant greater status or power for women (Edmondson 1984; Heitlinger 1979; Lapidus 1978). At a time when the idea of the Russian state was coming into its modern embodiment, the discourse of the "woman question" (in both its liberal and socialist guises) solidified women's special place within it. The quite liberal



rhetoric of socialist equality treated women as a special category in spite of proclamations of Soviet sameness. The language of equality was adopted in the Soviet constitution and in family, labor and criminal codes but equality often translated into treating women differently. This difference has inhibited women from gaining access to power, resources and choices. Yet, Soviet pro-natalist policies, which were formed on the premise of equality as difference, were also some of the most advanced policies for women. State support of maternity, childcare and employment are policy issues that have yet to be solved in most developed countries.

Soviet criminal law fits into a larger framework where the substantive meaning of equality translated into singling out women as a special protected legal category. A range of Soviet legislation spoke to the particular role women played in the actualization of communism. It was argued that in contrast to women in capitalist economies, Soviet women enjoyed real equality. Equality in capitalist economies was a false consciousness of the extent to which citizens have power over their lives. According to Marxist ideology, real equality for women would not be addressed until the social mechanisms that produce sexual inequalities, such as the burdens of motherhood and the exploitative wage labor, are eliminated.<sup>85</sup> The Soviet Constitution guaranteed all citizens, regardless of sex, religion or nationality, equal rights. For women, this constitutional right was

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<sup>85</sup> Soviet legal journals emphasized this aspect of the implementation of socialist law and the effects on women. In standard Soviet rhetorical style, G. Vainshtein stated that, “the October socialist revolution liberated our women from the disgraceful [pozornyyi] path of inequality—woman has become an equal citizen of our country in all areas of social life. Emancipated woman does not hope for strength, for participating in our grand construction, and throwing off relations to the capitalist path, she has engaged with men in the conquering of state-of-the-art machinery.” G. Vainshtein. 1935. “Zabota o zhenshchinemateri i vospitanii detei.” *Sovetskoe Stroitel'stvo Zhurnal Tsentral'nogo Ispolnitel'nogo Komiteta Soiuz*, No. 7: 38-47.

protected in criminal, labor and family law. Special provisions in the Labor Code regulated the hours and type of labor women could engage in. Jobs that required a certain degree of hard manual or physical labor or that kept women from the home late at night were prohibited. Pregnant women constituted another legal category that was intended to protect a working woman's job during and after the birth of a child. Mothers with more than three children were also granted special provisions in the Labor and Family Codes. Early Soviet legislation also set the groundwork for communal childcare, division of domestic chores and regulations for the workplace that allotted women the time and space to breastfeed.

Once Soviet criminal law is established with the 1924 RSFSR Criminal Code, few alterations are made to the statutes regarding sexual crimes over the course of seventy years. Aside from the oscillating legality of abortion, homosexuality and divorce, the collection of statutes on crimes of a sexual nature remain fairly consistent. Commentary in legal textbooks and guides acknowledge the influence of the 1903 *UU* on Soviet criminal law. The general structure of the sex crime statutes in the Soviet Criminal Code is consistent with that provided in the 1903 *UU*. Both sexes under the age of fourteen were protected from depraved acts (*razvratnye deistvie*) and copulation (*polovoe otnoshenie*) as minors. Voluntary and involuntary homosexual acts were criminalized between 1934 and remain so until 1993.<sup>86</sup> Rape is recognized as violent copulation with a woman and, consistent with the 1903 changes, all references to the victim's social class

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<sup>86</sup> For a thoughtful history and analysis of the regulation of homosexual behavior in Russia see, Dan Healey. 2001. *Homosexual Desire in Revolutionary Russia: the regulation of sexual and gender dissent*. Chicago: University of Chicago Press.

are eliminated. Degrees of gravity for rape are organized according to the physical and mental state of the victim, the long-term effect of the crime on the victim (such as contraction of a venereal disease or death) and the age of the victim.

In a 1923 decision of the All Russian Central Executive Committee (VtsIK), the crime of compulsion was added into Criminal law.<sup>87</sup> Statute 169a of the 1924 RSFSR *Ugolovnyi Kodeks* (UK) states that, “The compulsion of a woman to enter into sexual relations with a person upon whom she is dependent financially or by reason of her employment is punishable with the penalties prescribed in statute 169.”<sup>88</sup> In this first Soviet version of compulsion, it is tied to rape (statute 169) and even punished the same—imprisonment of not less than three years.

The link between the 1903 *UU* statute on seduction and the Soviet crime of compulsion is visible when we consider the types of harm that facilitated their recognition. Pre-Soviet law recognized that an un-married female adolescent (i.e., a girl of fourteen years of age who has begun menstruation) could be susceptible to sexual coercion by their male teachers and mentors. Such individuals had relative power and influence over them and could potentially harm the young woman’s sexual development. At this time there are biological concerns about proper sexual development, but there are also civil concerns about the place of women in society. The 1903 code does not

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<sup>87</sup> Decisions of the VtsIK are collected in the *Sbornik Uzakonii i Rasporiazhenii Rabochego i Krest'ianskogo Pravitel'stva Narodnym Komissariatom Iustitsii*. See No. 48 of July 25, 1923, St. 479 for the decision on compulsion. That statute is listed without commentary on its inclusion.

<sup>88</sup> All references to the 1924 RSFSR UK come from, *Sobranie Kodeksov RSFSR*. 1925. Moskva: Iuridicheskoe Izdatel'stvo. For the 1956 RSFSR UK, I refer to *Ugolovnyi Kodeks RSFSR*. 1956. Moskva: Gosudarstvennoe Izdatel'stvo Iuridicheskoi Literaturi. Finally, for the most recent version of the criminal code I use, *Ugolovnyi Kodeks Rossiiskou Federatsii*. 2002. Sankt Peterburg: Piter. I will refer to the criminal Code as UK and will clarify which version by giving the date.

substantively emphasize the virginal status of a pre-marital girl, but technically keeps the protection of women's sexuality as a social good. This is reflected in the way that the code separates sexual crimes against women from those against boys, which were presumably solely about their biological/psychological well-being.

My argument is that this larger social good is embodied in the discourse of the "woman question," which is understood as the status of women writ large in society. The indicators of women's status could include special legal provisions that protected their natural sexual difference. This is clearly the case regarding sex crimes in both the 1903 *UU* and the Soviet *UK*. The change from the pre-Soviet statute to the Soviet statute (from seduction to compulsion) reflects a shift in the social harm and not the legal tenability of keeping such behaviors within the jurisdiction of the state. In the Soviet statute on compulsion, the law recognizes that women's sexual difference could be taken advantage of when her economic vulnerability is taken into consideration. Rather than a teacher, now a boss or manager could potentially wreck havoc on the economic well-being of a woman. While previous codes emphasized the social necessity of un-wed girls' virginity, the Soviet code emphasizes a woman's labor status.

The protection of women in the recognition of compulsion is both new and old. It is new in the sense that the pre-Soviet moral code is replaced by a socialist moral code whereby the mechanism for recognizing legal harm is fixated on economic outcomes and not simply biological or religious outcomes. Yet, in terms of the effect of the meaning of the statute, compulsion is not different from seduction. It is a crime that represents the state's intension to demarcate and protect women's sexual difference. Consider, as well,

that throughout most of Russian legal history (including today) rape is an impossible crime against male victims. There are only two cases where men are the tenable objects of sexual misdeeds—homosexual acts and copulation with a minor. In both cases, sexual mores about the proper sexual conduct (homosexuality and pederasty) are the central indiscretions not the sexual inviolability of men. The flip-side of the failure of Russian law to conceptualize adult men as potential victims of sexual violence is the framing of women as the natural victims of sex crimes.

This is not to say that women do not constitute a majority of the victims of sex crimes, such as rape, domestic violence and compulsion. However, the historical framing of women as sexually different, and thus requiring the state's special attention, has had political ramifications. The protection that most citizens desire of the state, to protect their inviolability as human beings, may not necessarily require that they also be categorized as qualitatively different from other types of citizens. Yet, this is precisely the case for Soviet women. Soviet equality for women, on paper and to some degree in reality, required that the category “woman” serve as the primary register through which women engaged their citizenship.

*Table 2: List of Criminal Codes and Categorization of Sex Crimes*

<b>Legal Code</b>	<b>Categorization</b>	<b>Statutes</b>	<b>Key Markers</b>
1845	Crimes against the honor and chastity of women	<i>Rastlenie</i> (deforation) <i>Iznasilovanie</i> (rape) <i>Pokhishchenie</i> (abduction) <i>Obol'shchenie</i> (seduction)	Concern for age of victim relates to her virginal status. In rape cases, the woman's social class is taken into consideration.
1903	Indecent Acts	<i>Liubostrastie</i> (lewd acts) <i>Muzhelozhstvo</i> (homosexual acts) <i>Krovosmeshenie</i> (incest) <i>Liubodeianie</i> ( ) Pimping and Prostitution	Statutes are categorized together as sex crimes, with women and children as special victims of such crimes. Issues of violence, consent and compulsion present. Abduction is moved to crimes against persons.
1924	Crimes in the area of sexual relations	Sexual relations with minor <i>Iznasilovanie</i> (rape) <i>Ponuzhdenie</i> (compulsion) Prostitution	Statutes are streamlined. Homosexuality temporarily decriminalized. Women are separated as victims of rape, compulsion and prostitution. Women's sexual vulnerability expressed by their financial dependence on perpetrator recognized in the crime of compulsion.
1956	Crimes against life, health, freedom and the inviolability of personhood	<i>Iznasilovanie</i> (rape) <i>Ponuzhdenie</i> (compulsion) Sex with minors Depraved acts with minors Homosexual acts	Crimes relating to sexual relations not separated out from other crimes against personhood, such as murder. Sexual crimes are not altered substantively from first RSFSR Criminal Code.
1992	Crimes against the sexual inviolability and sexual freedom of individuals	<i>Iznasilovanie</i> (rape) Violent acts of a sexual nature <i>Ponuzhdenie</i> (compulsion) Sexual relations with a minor Depraved acts with a minor	While homosexuality is not criminalized, the code does recognize "homosexual or lesbian acts" as separate from other forms of sex acts.

## **Chapter Four**

### **Compulsion in the Post-Soviet Context**

#### ***Introduction***

This chapter is an outline and analysis of the ways in which the sex crime statutes have and have not changed in the post-Soviet context. The most significant alteration to the statute on compulsion is that it does not specify that women are a special class of legal subjects protected by the law. With the use of gender-neutral language, any gender can be the perpetrator and victim of compulsion. This change to the law is recognized as an advancement from Soviet law. At the same time, the statute on compulsion is still situated within the context of sex crimes. I argue that when analyzed from a broader legal context, the gender-neutral language of the compulsion statute ultimately hurts women's chances of advancing sexual harassment complaints.

I first briefly address how the changes to criminal law are part of a larger legal discourse about the modernization of Russian law. From that context, I advance my analysis of the current sex crime statutes. I argue that the implications of the gender-neutral language in the compulsion statute emerge only through a broader analysis of the entire sub-group of sex crime statutes. There are two major points here. First, the effect of gender inclusive language is not the broadening of the law. At face value the changes in the statutes suggest a re-orientation towards widening the scope of criminal actors. I will show that an emphasis on sexual propriety or proper sexual behavior is actually sharpened by gender inclusive language. As a result, the compulsion statute is weaker for women.

Second, gender-neutral language in the sex crime statutes is inconsistent with how Russian law frames women's rights. Women remain the special subject of the rape statute and the special subject of many labor laws but are de-classified as the special subject of compulsion. This inconsistency presents a challenge for the recognition of sexual harassment complaints in post-Soviet law. A full analysis of why a gender-neutral compulsion statute is not effective is presented in chapter five. The important point that I emphasize here is that the inconsistency in the law regarding how women's rights are framed has ultimately erased the economic understanding of women's sexual vulnerability that existed in the Soviet compulsion statute. And, ironically, it is in the more insecure financial environment of today's Russia that women need recognition of the particular ways that they are experiencing economic restructuring. What is left is a weaker, and mostly sexualized, version of Soviet equality.

The statutory analysis of sex crimes that I present is reflected in professional legal commentary on compulsion and popular media coverage of the concept of sexual harassment. Within the Russian legal literature (from 1990 to 2004), the statute on compulsion is either ignored altogether, discussed as a crime related to sexual behavior, or viewed as Russia's own sexual harassment law. Although there is some correlation made between Russia's compulsion statute and the experience of sexual harassment, I believe that official legal commentary reflects the diminished capacity of compulsion to address the economic vectors of women's sexual difference. In addition, the overall derisive representation of the term sexual harassment (*seksual'noe domogatel'stvo*) in the popular press contradicts any possible positive correlation made between Russian law



(compulsion) and the social categorization of certain behaviors as sexual harassment. In my coverage of press reports from 1990 to 2005, I find that the experience of sexual harassment is not validated as an indigenous concern. Sexual harassment is viewed as an obsession of American feminists and as a set of behaviors that Russian women traditionally welcome. I categorize these two views as “feminist folly” and workplace flirting.

Sexual harassment, understood in terms of the indigenous crime of compulsion or as a general social category, is framed in a sexualized way in both the law and in popular discussions. The implications of this analysis are addressed in the next chapter when I bring the perspectives of activist groups that focus on women’s issues into consideration.

### ***Breaking from the Past: Humanism in the making of Post-Soviet Law***

With the collapse of the Soviet Union, the primary philosophical pillars of Russian law disintegrated. While there were many substantive similarities between Soviet legislation and those of Western societies because of international legal declarations, the legitimacy of the Russian legal edifice fell when the support for the Soviet Union evaporated. The stated belief in a socialist “common good” provided the skeleton on which the Soviet body politic was built. Naturally, with the construction of a new Russian state (the Russian Federation) a revised common good was necessary. The basis of this new common good reflects international standards of human rights and the supremacy of citizens’ rights over the powers of the state.

Embodying this revised social contract is the Constitution of the Russian Federation. Section One-Article 2 of the Constitution states that, “the person, his rights

and freedoms shall be the supreme value. It shall be a duty of the state to recognize, respect and protect the rights and freedoms of the person and citizen.”<sup>89</sup> The full meaning of this statement and of constitutionalism in general is still unfolding as Russia develops its version of democracy and capitalism (Ahdieh 1997; Alekseeva 2000; Sharlet 1992). One important avenue of the implementation of constitutional principles is the construction of a revised system of civil law, including new codes of law.

The process of revising the civil, family, criminal, tax and labor codes started following the ratification of the Constitution in 1993 under the Second Russian Federation.<sup>90</sup> The RSFSR Criminal Code stated that the purpose of the Code was “the protection of the social system of the USSR, of its political and economic system, of socialist ownership, of the person and the rights and freedoms of citizens, and of the entire socialist legal order, against criminal infringements (Article 1)” (Butler 2003). In compliance with the principles of the Constitution, the 1995 Criminal Code lists as its primary mission as the following: “The tasks of the present Code shall be: protection of the rights and freedoms of man and citizen, ownership, public order and public security, the environment, and the constitutional system (Article 2)” (Butler 2003). The most notable of alterations includes the supremacy of the individual over the state as the primary subject for the protection of the laws. Consequently, the social order that the

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<sup>89</sup> All references to the Constitution of the Russian Federation are drawn from, *Konstitutsiia Rossiiskoi Federatsii* (1993). Moskva: ACT, 2002. Translated, Barry, Donald D. 2002. *Russian Politics: The Post-Soviet Phase*. New York: Peter Lang.

<sup>90</sup> Parts I, II and III of the Civil Code of the Russian Federation was ratified by the Duma on October 21, 1994; December 22, 1995; and November 1, 2001. The Family Code of the Russian Federation was ratified by the Duma on December 8, 1995. The Criminal Code of the Russian Federation was ratified by the Duma on May 24, 1996. The Labor Code of the Russian Federation was ratified by the Duma on December 21, 2001. Parts I and II of the Tax Code of the Russian Federation were ratified by the Duma in 1999 and 2000.

Criminal Code protects is not socialist; rather, the overarching and abstract good of post-Soviet criminal law is the constitutional structure that legitimizes the Russian state. At the basis of Russian constitutionalism is the democratic process that substantiates state-society relations. These two changes, the supremacy of the citizen and the constitutional grounding of law, have provided a mechanism for a radically different polity and social order.

Part seven of the Criminal Code of the Russian Federation (*UK*) designates crimes against the individual (*lichnost'*). In all previous criminal codes during the Soviet period crimes against the state were ordered prior to those against citizens. The change to the hierarchy of crimes in the *UK* is not inconsequential—the privileging of individual rights is a rhetorical and ideological commitment to a democratic Russian Federation. The history of state oppression in Russia, exerted with and above official criminal law, is a burden legal professionals and scholars carry. For both citizens and law-makers, their particular history of state oppression during Soviet rule has brought a strong public commitment to the language of human rights.

The voice of humanism echoes throughout most of post-Soviet Russian professional journals and is an active part of the discourse on the development of criminal legislation. In a conference held in 1994 by the Institute of State and Law (Moscow), leading scholars of law gathered to discuss contemporary tendencies in the development of criminal legislation and criminal legal theory.<sup>91</sup> A majority of the participants

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<sup>91</sup> Abridged transcripts from the conference were published in the journal *Gosudarstvo i Pravo* (State and Law). References to the conference pertain to these transcripts. V. N. Kudriavtsev. 1994. "Sovremennye Tendentsii Razvitiia Uголовnogo Zakonodatel'stva i Uголовno-Pravovoi Teorii." *Gosudarstvo i Pravo* 6:44-65.

emphasized the importance of actualizing humanistic principles within the realm of criminal law. The two major reference points given for legitimating this focus were Russia's experience with state repression and an abstract historical progression of humanistic principles in law. Iu. Krasikov, a doctor of jurisprudence and professor at the Moscow State Legal Academy, explained that the principles of humanism have always had seeds in Russian soil, even if hidden into obscurity during the Gulag system. In fact, prior to the October revolution, Russia had adopted many of the substantive advances found in the Germanic system of criminal law.<sup>92</sup> Krasikov reminded his audience of the impact of German philosophy on the development of law in Russia, including the work of Kant, Hegel and Fichte, in order to assert Russia's place within the European liberal tradition. He recites several important normative inventions from the French system that have now become international standards. One of these inventions, written into the French penal code of 1810, is the formal principle of "equality before the law" (Kudriavtsev 1994, p.57).

The concept of humanism, as it is embodied in a variety of international standards of law, has played a role in the reformulation of criminal law in contemporary Russia. Russia's history of repression and the international rhetorical power of human rights are both key points of concern within political and professional discourses (Lukasheva 1996;

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<sup>92</sup> References to the 1845 *Ulozhenie* and the 1903 *UU* were made in order to show how the development of Russian criminal law is connected to the humanistic principles that had emerged in Europe in the 18<sup>th</sup> and 19<sup>th</sup> centuries. In the post-Soviet legal literature, there is a strong tendency to emphasize the philosophical discussions of pre-Soviet jurists while de-emphasizing Soviet legal literature. In many of the top legal and academic journals, such as *Zhurnal rossiiskogo prava* (Journal of Russian Law) and *Obshchestvennye Nauki i Sovremennost'* (Social Science and the Present), designate or frequently publish articles on pre-Soviet legal developments. Marcia Weigle also found in her research that contemporary analysts re-iterate opinions voiced by 19<sup>th</sup> century Russian philosophers (Weigle 2000). Anecdotally speaking, when browsing major bookstores in Moscow and St. Petersburg, a considerable percentage of the books displayed are re-prints of writings of key pre-Soviet jurists, such as V. D. Spasovich and A. Koni.

Mironov 2001; Naumov 1999). In his history of criminal law, Naumov writes that, based upon the principles of the UN Declaration of Rights and Freedoms of the Individual and Citizen, the development of humanism within the area of criminal law is growing (Naumov 1999, p.81). For example, since 1991 important changes to the death penalty show how Russian norms are changing.<sup>93</sup> In addition to the reforms made to the death penalty, criminal procedure has adopted the principle of “equality before the law” which stipulates that nationality, religion, sex, among other distinguishing marks, should not be taken into consideration when facing a court of law. The re-introduction of the principle of presumption of innocence and the jury trial also signals what many professionals argue are the humanistic developments in Russian law.

The effects of the ideological shift in jurisprudence and criminal legislation since 1991 are evident in the section of the *UK* that concerns sexual crimes. Chapter Eighteen designates “crimes against the sexual inviolability and sexual freedom of persons.”<sup>94</sup> The language of sexual inviolability and sexual freedom is entirely new to Russian statutory law. The abstract subject of the five statutes that comprise this chapter is grounded in the belief in the protection of a person’s sexual bodily integrity, especially in the case of minors (Table 3). In comparison to previous Russian criminal codes of the pre-Soviet and Soviet periods, the most significant alteration to the statutes on sex crimes is the implementation of gender-neutral language. With the exception of rape, the remaining statutes recognize that the victim and perpetrator of a sexual crime can be either a man or

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<sup>93</sup> For example, crimes against property are no longer punishable by death and all women and some men (those over the age of 65) are exempt from the death penalty.

<sup>94</sup> All references to the Russian Criminal Code come from the edition printed in 2002.

woman. This change to the language of the statutes can be viewed as a progressive step in the development of criminal law.

*Table 3: Listing of Statutes Under Chapter 18*

<b>Statute</b>	<b>Title</b>	<b>Changes and/or Important Notes</b>
Statute #131	Rape	Victim can only be female, perpetrator only male. The legal understanding of rape solely pertains to vaginal penetration by the male sexual organ. Punishment of rape lessened to three to six years of prison. Supreme Court retracted all previous understandings of compulsion to rape as it was previously linked to seduction (i.e., false marriage proposals).
Statute #132	Violent acts of a sexual nature	Any forced sexual acts that apply violence or threats to apply violence or that take advantage of the helpless position of the victim. Male and female persons can be either victim or perpetrator, including same-sex instances. While homosexual relations are not criminalized, the statute uses the language of sodomy. In addition, the term “lesbianism” is used for the first time. Punishment is the same as for rape (3-6 years).
Statute #133	Compulsion to perform acts of a sexual nature	Substantially revised from Soviet period. Statute now specifies any sex as the tenable victim of compulsion with no special mention of women. Compulsion is feasible in cases of blackmail, with the use of threats to property or by using the material or dependent state of the victim. No specific mention is made regarding work or the power differentials between a boss and worker or student and teacher. Punishment is by monetary compensation (two to three times worker’s pay) or two to three months in prison.
Statute #134	Copulation or any actions of a sexual nature with a minor	Like previous criminal codes, this statute protects minors under the age of fourteen regarding any sexual activity with an adult (18 years). Punishment is either restrained freedom up to three years or up to four years in prison.
Statute #135	Depraved Acts	Carrying out of depraved acts, without the use of violence, with a minor under the age of fourteen. Punishment ranges from a monetary fine to three years in prison.

Prior to the language change of the statutes, the criminal code was unable to acknowledge, outside of the criminalization of homosexuality, that victims of sexual violence could be adult males or that the perpetrators of sexual violence could also be female. Legal commentary on the statutes recognize this alteration in language as a

positive step (D'iachenko 1995; Kibal'nik and Solomonenko 2001; Koneva 2002; Radchenko 1996; 2000). Similarly, self-described “gender expertise” analysts also find that the inclusion of gender-neutral language in the statutes is a step toward gender symmetry in criminal law (Polubinskaia 2001). The move toward gender-neutral language is a considerable adaptation from previous codes particularly given that these statutes were generally focused on the protection of women and children.

The incorporation of gender-neutral language is a significant move away from the tradition of viewing women as legally different. However, while gender neutrality signifies a kind of contemporary liberal standard, the implementation of it into the sex crime statutes has mixed results. In fact, when the changes to the compulsion statute are viewed within the broader context of the section of law on sex crimes and other codified law regarding women, I believe that the new standard weakens women’s rights. I make this case by looking at compulsion within the context of the surrounding statutes and by considering how the compulsion statute is inconsistent with the overall legal framework of particularizing women as separate legal subjects.<sup>95</sup>

***Does gender inclusive language broaden or narrow the law?***

There are two major changes in the language on sex crimes. As I mentioned earlier, compulsion no longer specifies women as a special class of legal subjects. The perpetrator and victim in the statute are written in a gender-neutral fashion. Compulsion is also the only statute that refers to non-violent sex crimes involving adults. In previous

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<sup>95</sup> Feminist scholars have debated the efficacy of gender-neutral laws for women. For example, Roberta Guerrina. 2001. “Equality, Difference and Motherhood: The case for a feminist analysis of equal rights and maternity legislation.” *Journal of Gender Studies*, 10(1):33-42; and Wuokko Knocke. 2000. “Migrant and Ethnic Minority Women: The effects of gender-neutral legislation in the European Union.” In, Barbara Hobson (ed). *Gender and Citizenship in Transition*. New York: Routledge.

Criminal Codes there were two types of violent sex crimes, one involved rape and the other was the criminalization of homosexuality. In 1992, homosexuality was de-criminalized. However, the current Criminal Code still retains two forms of violent sex crimes. In the instance of rape, women are the only appropriate legal subject and thus are seen as a special legal class. In the other instance, the victim and perpetrator are described in gender-inclusive language, which suggests that the law is broader in scope. At the same time, a qualitative difference between rape (forced heterosexual intercourse) and other forms of forced sexual violence is retained in the new Criminal Code. Homosexuality is not criminalized, but “sodomy, lesbian and other depraved acts” are criminal when used with force or violence. In retaining the separation between types of forced sexual acts, the law’s focus on proper sexual conduct is sharpened. I argue that this detracts from both the humanist principles that spurred the changes and ultimately undermines the moral and economic harm previously recognized in the compulsion statute.

My argument is based on an analysis of why statutes #131 and #132 are made separate in the new criminal code. If gender-inclusive language was brought into criminal law in order to “democratize” the law, why insist on distinguishing the specific sexual acts used in violent crimes? In other words, if homosexuality is de-criminalized and the law can now acknowledge a wider range of criminal instances (i.e., who the victim and perpetrator are), then why classify rape differently than other forms of forced sexual violence? I will first give a brief description of the statutes as they stand now.



Statute #131 on rape is solely in reference to the penetration of a female victim by a male perpetrator. In his commentary on the 1996 *UK*, Radchenko states that “rape refers to the sexual relations of a man with a woman in a natural form with the use of physical or psychological violence to the victim [female declination]” (Radchenko 2000, p. 265). By natural form he means vaginal penetration by the man’s sexual organ. No other forms of sexual violence are within the jurisdiction of rape. He also clarifies that the victim of rape can only be a woman (a person of the female sex). While the penalties for statutes #131 and #132 are identical, outside of the reproductive sexual act the description of rape is not used. Statute #132, regarding violent acts of a sexual nature, is intended to cover all other instances of adult sexual violence. The language of statute #132 specifies that “sodomy, lesbianism or other acts of a sexual nature” are the separate jurisdiction of the statute. Therefore, these specific acts do not constitute rape.

The distinction between rape and other forms of forced sex introduces a legal concern for forms of sexual acts not previously differentiated outside of the criminalization of homosexuality. I suggest that one effect of this is a sharpened legal concern for proper sexual behavior and a de-emphasis on the tools of that violence, such as physical, psychological or economic tools. At face value, sexual violence is stated as the central focus of the statutes, but by distinguishing types of sexual acts, that focus is blurred by sexological clamor. Indeed, legal commentary on statute #132 expresses confusion about what lesbian sexual acts are and what defines sodomy (Kibal'nik and Solomonenko 2001; Koneva 2002; Radchenko 2000).

The sharpened legal concern for proper sexual behavior is evident in legal commentary on sex crime cases. In a 1998 case regarding the beating and rape of a Kaliningrad woman, the General Procurator and Supreme Court of the Russian Federation got involved because of a complication around whether both statutes #131 and #132 were applicable to the case. An abstract of the case explains that the perpetrator Larin, under a drunken state, came upon a woman in a park. He beat her severely (*izbit*'), raped her (meaning sexual copulation), threatened to kill her, and then "laid her on the ground and again performed horrible violent acts of a sexual nature" (Lebedev and Borodin 2001).

From the vagueness of the later part of this account, and given the clear understanding that rape refers only to vaginal penetration, we can assume that the additional sexual violence inflicted on the victim involved forced anal and/or oral sex. The decision of the court of first instance (Oktiabr'skii district court) found Larin guilty of both rape (#131, 2.b) and violent acts of a sexual nature (#132, 2.a,b). After the decision was considered by the Kaliningrad regional court, the General Procurator of the Russian Federation and the Supreme Court of the Russian Federation, it was altered to find that Larin was guilty under statute #132, 2.a. This section of the statute refers to repeatedly performing violent acts of a sexual nature (but in one criminal instance) or with a person who was previously raped (Radchenko 2000, p. 271).

Regarding Larin's case, it is unclear whether or not the juridical machinations that occurred resulted in a greater or lesser prison sentence. As the criminal code reads, the punishment provided by the original court judgment is identical to the revised judgment

(4-10 years). Furthermore, in all judgments, the courts recognized that the case was dealing with an aggravated form of sexual violence because Larin had committed multiple acts upon his victim. What this case does intonate is that the separation of statutes #131 and #132 reflects the laws continued (from pre-Soviet and Soviet days) concern for proper sexual contact, which in turn regulates the recognition of sexual violence. The emphasis on distinguishing (and judging) forms of sexual violence outside of single or multiple acts, suggests that there is a hierarchy of acceptable sexual acts. When those acts are performed by the use of force, their legal meaning is rendered differently. The Larin case suggests that the sexual deeds rather than the overall fact of sexual violence is the organizing principle for these two statutes.

The problem that I have identified with statutes #131 and #132 also suggests an underlying awkwardness with recognizing sex outside of heterosexual copulation. In essence, the use of gender-inclusive language is primarily a vehicle for recognizing what the law understands to be unnatural forms of sex—“sodomy, lesbianism and other sexual acts.” While the law may allow for women and men to be both the victims and perpetrators of a crime, as well as recognize same-sex instances, the overall effect of the language is a continued fixation with forms of sexual activity, and proper sexual activity, rather than sexual violence.<sup>96</sup> In other words, the legal ordering and deciphering of sex acts undermine the sexual inviolability of individuals.<sup>97</sup>

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<sup>96</sup> A St. Petersburg city court decision regarding a rape case was altered in 1998 in order to further distinguish statutes #131 and #132. The decision states that “violent imitations of the sexual act [i.e. copulation] do not qualify as rape.” Rather, they qualify as violent acts of a sexual nature. The case was in reference to forced oral sex. *Iuridicheskii Praktika* No.1(16) 1999, p.39

<sup>97</sup> It could be argued that the use of gender-inclusive language in criminal law operates as a coding for perceived forms of unnatural forms of sex. Further research is necessary to support this claim however.

What are the implications of this analysis for the statute on compulsion? I suggest that the meaning of the compulsion statute (#133) is constructed in the shadow of statutes #131 and #132. In its previous formulation, compulsion was recognized as a non-violent sex crime that affected only women. The special status of female victims was rooted in economic and sexual understandings of women's sexual difference. The evidence for this non-violent crime was tied to an economic understanding of women's sexual vulnerability. Because women are no longer classified in this way, the economic and moral harm addressed in the old statute is erased. As a result, only the sexual behavior component is left. And, in relationship to the surrounding statutes on sex crimes, compulsion is now in effect a lesser form of statute #132. It is a non-violent form of improper forced sex. But, the core meaning and evidence for the crime is gone, which makes compulsion practically impossible to prosecute.

In other words, there are competing frames at work in the sex crimes statutes. There is the "modern" framework that attempts to democratize the law by allowing a wider range of crimes (female on male and same-sex instances). There is also the "woman question" framework that views women as a separate class of legal subjects and who are, in addition to minors, the primary focus of the sex crime statutes. These competing frames co-exist in the sex crime statutes because of the inconsistent use of gender-inclusive language. Because women are protected as separate under rape law but not under compulsion law, I argue that the compulsion statute is legally incoherent and possibly anachronistic. This is because the original impetus for situating non-violent crimes of sexual nature in criminal law is replaced by gender-neutrality. The crime of

compulsion remains but the logic for why it exists in criminal law is gone. Overall, gender-inclusive and gender-neutral language in the sex crime statutes places more emphasis on proper sexual conduct and in the case of compulsion, now weakens women's ability to prosecute potential sexual harassment complaints that are not examples of forced sex (rape).

The inconsistency of the application of gender-neutral language in the sex crime statutes is also present across the field of Russian law on women. Ultimately, this inconsistency also weakens the ability of the current formulation of compulsion law to address the economic dimension of sexual discrimination.

### ***Inconsistent Approaches to Framing Women's Legal Status***

In the Constitution of the Russian Federation, it is stated that citizens are to be treated equally despite differences of religion, ethnicity and sex. It is this principle of equality that supports the gender inclusive language implemented in statutory law. With the establishment of equality under the law in the Constitution, it can be instructive to see the areas where women retained their special legal classification. In criminal statutory law some examples include: since 1992, the state is no longer allowed to commit a woman to the death penalty; the murder of a pregnant woman or a woman with a newborn child receives harsher punishments (statute #105 and #106); the abduction of and stealing from a pregnant woman receives harsher punishments (statute #126 and #127); and the denial of work for pregnant women or women with children under the age of three is separated in the criminal statutes regarding the protection of constitutional rights (statute #145).

In the new labor code, women retain most of the protective legislation implemented during the Soviet period, including prohibiting women from forms of physical labor that may impede their reproductive capacities or from work that keeps them away from home in the evenings. The question that these examples raise is not simply to show an inconsistency. As debates regarding women's rights show, there are times when women are better served by being viewed as different as well as the same as men. Yet, it is odd that women are not seen as special legal subjects more in the criminal code statutes regarding sex crimes given the legal tradition of recognizing women as a distinct class of legal subjects and the international language of humanism flowing through legal discourses. This inconsistency lends a different meaning to the gender-neutral standard. Gender-neutral language does not expand the law in terms of women's rights, rather it de-classifies them as separate in a legal and social context that is not gender neutral. In effect, the inconsistent application of gender-neutral legal standards defeats the potential value the "woman question" frame could have for contemporary Russian women—particularly in the context of marketization, a reduced welfare state and the growing representation of women as sexualized subjects.<sup>98</sup> Furthermore, in the instances that women are recognized as separate legal subjects the economic logic is either absent or weakened.

The tension between the introduction of gender-neutral language into the criminal code and the indigenous relevancy of the "woman question" is apparent especially in the case of statute #133. Under previous Soviet law, this statute exclusively protected

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<sup>98</sup> On the sexualized female subject in post-Soviet Russian society see, Ellen Berry (ed). 1995. *Post-communism and the Body Politic*. New York: New York University Press.

women in cases where they were compelled into sexual relations for fear of losing property or work related possessions. The recognition of compulsion reflected the legal constitution of sexual difference, presenting women as socially vulnerable and in need of special protections. In fact, according to Soviet ideology, the equality that Soviet women enjoyed was due to the many respects in which the state deciphered her as a distinct citizen in the polity. Furthermore, the Soviet crime of compulsion also focused on a work-related scenario, which reflects an underlying principle of communist law—the protection of work that is necessary for the fulfillment of the state economic plan. With the post-Soviet 1996 *UK*, women are no longer the primary concern nor is work given special attention in the law on sexual compulsion. Just when the post-Soviet economic context made the relevancy of sexual harassment more acute, the crime of compulsion was re-written to obscure women's particular experience.

Men as well as women can be the victims and perpetrators of compulsion. However, the problem with the new language of statute #133 is that it does not retain the particular instance of sexual compulsion against women and in effect dilutes the applicability of the statute to cases of sexual harassment. Keep in mind that in terms of sexual violence, female victims continue to be seen as different in cases of rape. Retaining some gender asymmetry in this instance would not be inconsistent if it was extended to compulsion as well. In addition, during the period when the special committee was working on re-drafting the criminal code, the language of sexual harassment had already been solidly institutionalized as a norm for adjudicating women's equality in global women's rights rhetoric. Given the concern legal scholars and

politicians were showing for meeting international standards of human rights (for example, restricting the reach of the death penalty and the re-introduction of jury trial), it is ironic that the decision to retract special recognition of women in cases of compulsion was made. Despite Constitutional declarations of gender equality and the rights of citizens to work without infringements, these values ultimately came up short when they were not wired into statutory law.

The inconsistency of the law in how women are framed as juridical subjects is reflected in legal commentary as well. The compulsion statute is an interesting case to research precisely because it exists between two traditions—Soviet and post-Soviet.

### ***Understandings of Compulsion in Russian Legal Literature***

There are generally three interpretive responses to what statute #133 means in the literature: silence, sex crime or sexual harassment. With respect to the first response, I want to refer to silence in a couple of ways. In comparison to commentary on rape and violent crimes of a sexual nature (but especially rape), the re-working of the compulsion statute has received very little attention. After reading the pages and pages of explanation and annotation on statute #131 (rape), the lacunae one faces when they turn to statute #133 is glaring. Therefore, the silent response of legal commentary is literally a lack of recognition. This silence could suggest that the presence of compulsion in post-Soviet law is somewhat anachronistic. If the statute is associated with Soviet theories of law and sexual difference, contemporary legal commentators may have very little to say about this “old” law. Of course, the question remains why the statute was retained in the criminal code if it had lost its relevancy.



There is another way in which compulsion is viewed as silent. Assistant professor (*dotsent*) of civil law G. Shafikova calls statute #133 a “quiet statute” (*tikhaia stat’ia*) (Shafikova 2000). This is because the legal statute of compulsion is silent in its response to the social problem of sexual harassment. In her estimation, the statute does little to adjudicate sexual harassment of women in the workplace because it does not sufficiently focus on the moral harm (*moral’nyi vred*) that organizes other pieces of legislation on worker’s rights. The implication of her short article (one of very few publications by jurists on the subject of sexual harassment) is that statute #133 is a crime whose object is not sexual harassment. While the instruments to compel someone into sexual relations (blackmail, work or other material possessions) are the object sexual harassment legislation, compulsion focuses on sexual behaviors. Thus, it is not an effective instrument for addressing sexual harassment. By retaining the crime of compulsion within the context of sex crimes, and with the elimination of differentiated language for women, the sexual harassment component of compulsion is silenced.

A second interpretive response to the statute is to recognize it as a sex crime. The full statutory explanation of compulsion reads in the following way:

Compulsion of a person [gender neutral] to sexual relations of sodomy, lesbianism or other acts of a sexual nature by means of blackmail, threat of damage, destruction or taking-away of property either with the use of material or other forms of dependency of the victim [both declinations used] (*UK* 1996).

Radchenko describes the new statute as broader in nature than its 1960 analog and explains that compulsion consists of psychological forcing a victim for the purpose of obtaining their consent to enter into sexual relations (Radchenko 1996, p.212). He also distinguishes compulsion from statutes #131 and #132 in terms of their instruments of

execution (violence) and not in terms of their overall subject—sexual misdeeds. In a consistent fashion, professional legal commentary on this statute recognizes that the statute has become more inclusive (as a result of the gender neutral language) and that the harm addressed by the law is rooted in the mischievous abuse of sexuality.

Legal commentators conceive of the crime of compulsion as a sexual crime because it is embedded in the part of the Russian criminal code that addresses these issues. And, from the historical work presented earlier, it is certainly the case that the state's recognition of non-violent sex crimes grew out of larger legal and cultural debates regarding proper sexual practices. When the crime of seduction became doctrine in the 19<sup>th</sup> century, it was closely associated with the other forms of sexual impropriety, against women and un-wed girls in particular. These concerns are similar to the concerns in contemporary society—what constitutes an abuse to social norms of sex. Legal commentary focuses more on the analytical aspects of the law. But, when we turn to criminological literature, the focus is more on evaluating the status of society, why crime is committed and how to prevent it. This perspective further reveals the sexological interpretation of the crime of compulsion.

Citing an increase in criminal behavior since the beginning of *perestroika*, criminologist G.M. Min'kovskii explains that,

Since the beginning of *perestroika* the spring of 1985, there has been a sharp worsening of anti-social and anti-governmental sentiments. Some of these take on a socially antagonistic character. The sources of difficult movement towards a civilized capitalistic and lawful society lays with the legacies of the past, the real difficulties of any transitional period as well as the serious mistakes and errors conducted while applying economic, social and legal reform (Min'kovskii 1994).

One of these mistakes was not revising the criminal code, or parts of it, prior to the economic reforms undertaken in 1990 and 1991. The Soviet Criminal Code of 1960 was not oriented toward regulating “market-related criminal activity” (*rynochno-kriminal’noi*). This was aggravated in 1992 by what he calls “financial crimes” (*finansovye prestuplenie*). At that time, only weak laws were available to protect Russian economic interests against the massive flight of contraband, natural resources and goods out of Russia (Min’kovskii 1994, p.146). In addition to the economic crimes and errors, he also states that as a result of the transition period a “crisis of the soul” (*dukhovnyi krizis*) has ensued. Min’kovskii explains that, “A crisis of the soul is always reflected by criminality, one of whose primary parts is criminal behavior against morality: sexual crimes, alcohol and drug crimes, pornography, prostitution, and the theft of cultural treasures” (Min’kovskii 1994, p. 146). The overall increase in such criminal behavior is in part due to the “sexualization” and sexual freedom that has crossed into Russian culture from the West (p.147).

The underlying message of Min’kovskii’s criminological textbook is that a combination of factors, including a decline in morality, contributes to criminal behavior. This is especially the case regarding sex crimes.<sup>99</sup> Leading sexological criminologist Iu. Antonian argues that anti-social behavior is the source of most sex crimes, such as rape.

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<sup>99</sup> From criminological literature the rate of sex crimes has fluctuated since the 1980’s. In one source, the various sex crimes stated in the Soviet 1960 criminal code (st. 117-120) are grouped together and compared on a yearly basis. The registration of these crimes is documented as such (number of cases and increase in relation to 1993 numbers): 1988—18,093(+1); 1989—19,574(-7); 1992—17,122(+7); 1993—18,295. In reference to statute #118 (compulsion of women) the documentation reads as follows (number of cases): 1986—18; 1987—8; 1988—5; 1989—4; 1990—7; 1991—8; 1992—14; 1993—10 (Dolgova 1994, p.59).

The cause of sexual violence rests not only on the perpetrators but also on the inappropriate behavior of the victims. Antonian argues that,

We can assume that the causes for rape are connected to the subcultures of several social groups. Their sexual norms are absent of a spiritual connection between sexual partners and disgracefully relate to women who are pressured into sex. Meanwhile, these sexual norms promote violence. Anti-social behavior provides a majority of negative social norms and not only because they commit violence against women. Rape is a frequent practice, especially in these subcultures (Antonian 1999).

One characteristic of this anti-social behavior that promotes sexual violence is what Antonia calls “public girls” (*obshchie devochki*) who make themselves vulnerable to rape because they present themselves in a sexual manner (Antonian 1999, p.180). In this same work the author does not address the newly written compulsion statute, rather he speaks of sex crimes (using the term interchangeably with sexual violence) in general.

Furthermore, in support of my earlier point on the statutes’ emphasis on sexual acts, Antonian titles the section regarding the revised statute on violent acts of a sexual nature, as “homosexual violence.” His main concern in these pages is the deleterious psychological effects on (heterosexual) men when they are forced into a passive sexual position. Placed into the same passive role that is natural to women, the experience of men who are raped goes against their nature. This is why the crime is both physical (because of the violence) and psychological. His language belies the humanism of the criminal code as he uses the terms sodomy and homosexuality interchangeably. As it is legally stated, forced sexual acts that are not related to heterosexual copulation are criminal, not homosexuality per se. Antonian contradicts the possible humanistic interpretation of the gender neutral language used in the statutes as well. His discussion

of “homosexual violence” is in fact about same-sex sexual violence (especially forced male sodomy) and not a broader conception of women and men being perpetrators and victims of sexual violence. In fact, he largely ignores the potential of women to act in a violent manner against men. He also does not fully address the use of sodomy by heterosexual men against other men (such as in war or prison, etc) or against women.<sup>100</sup>

I have drawn on legal and criminological works to show how that the statute on compulsion is interpreted as a sexual crime (and not as sexual harassment per se). We can also get an indication of this perspective by looking at the practical guides written for lawyers and judges. In one type of guide, fictitious scenarios are provided to give readers a sense of what each statute is about. For example, regarding compulsion the following example was presented,

Direzin (male), having met his acquaintance Lapin (female), led her to the park and began to bate her into sexual relations with him. Lapin refused and began to leave. At that point, Direzin grabbed her jacket and declared that he would only return it to her if she agreed to sexual relations. In court, Lapin argued that she agreed to sex with Direzin only because she did not want to lose her coat (Antonov and Ivanov 2001).

Clearly this scenario is meant to leave no ambiguities about the non-violent component of compulsion. However, the material instrument Direzin uses against Lapin seems almost absurd. Even if we take into consideration that Russia is a cold place and that wages are low and so purchasing a quality coat is a kind of luxury (let us not forget Gogol’s *The Overcoat* after all), this scene still fails to encompass the serious material or power

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<sup>100</sup> I suggest elsewhere that the guiding principle in Antonian’s analysis of sexual crime is proper sexual relations as they relate to what he understands to be a natural gender constellation. I argue that, according to Antonian, “rape is what happens when men have a frustrated sexual development or women lose touch with their gentile side. In other words, rape is the result of the disruption of the delicate constellation of proper active/passive sexual roles” (Suchland 2004, p. 98-90).

differentials between the victim and perpetrator that occur in situations of non-violent, but forced, copulation. This example seems even more off base given the potential the statute could play in relation to the illicit use of sexuality in the formal and informal economy.

A somewhat more realistic example is given in another guide of an earlier publication date. In it the following scenario is used to describe compulsion:

Dundykin (male) became acquainted with Iu (female), who was previously married and has a small child (female). At one point, while he was at her apartment, Dundykin invited her into sexual relations with him, but she refused. Then, Dundykin declared that if she refused he would rape her five-year-old daughter who at that time was playing in the courtyard. Iu agreed to the sexual contact, but then Dundykin said that he would be back tomorrow and she would need to agree again or else he would use her daughter for sex (Naumov and Nikulin 1997).

This example is an improvement upon the previous one because the material power Dundykin has over his victim is more relevant and meaningful. The perpetrator has threatened to commit violence against the victim's daughter if she does not consent to sexual relations. The mother wants to protect her child and so unwillingly agrees to sex. In looking at both examples through the lens of the historical work on the criminal code, the scenarios resemble a form of seduction. A woman's honor, or in a more modern sense her sexual inviolability (chastity), is taken advantage of by a man who has used some material possession to compel her to sexual actions. As a historically marked crime even in the legal understandings of 2001, compulsion is a crime against sexual propriety. Compulsion is not, rather, primarily a crime against property (represented by a job or by a child or possibly even a coat) that is executed by the use sexual activity. It is primarily

against social mores about sex. And, as a result, legal and criminological analysts do not raise the issue of sexual harassment as an example of compulsion.

At the same time, some legal and professional analysts consider statute #133 on compulsion Russia's version of sexual harassment. Or, stated differently, the crime of compulsion is the legal window of opportunity for addressing sexual harassment in the workplace. The acknowledgement of the crime of compulsion as an analog for sexual harassment (*seksual'noe domogatel'stvo*) is not present in the official commentary and textbooks on the criminal code. In my trawling of all major law journals from 1990 to 2002, I found only one mention of sexual harassment (Shafikova 2000). Yet, in speaking with actual lawyers working in St. Petersburg, they agreed that the statute on compulsion should work as (and could be recognized) as sexual harassment.<sup>101</sup>

While not finding much discussion in professional legal journals on the statute on compulsion or sexual harassment, I did come across other types of professional or institutional recognitions of the link between the two.<sup>102</sup> For example, in several

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<sup>101</sup> Marina Zlomnova (principle lawyer at St. Petersburg Crisis Center), in interview with author, November 12, 2002; Liudmila Iantova (lawyer), in interview with author, January 28, 2003; Liudmila Volga and Mariia Sagitova (social worker and lawyer at St. Petersburg Crisis Center "Trafficking"), in interview with author, February 7, 2004. It is important to note here that the major concern of these and other jurists was not that the statute on compulsion could not serve as an analog but that it was "dead" in a practical sense. There are several reasons for this, including women's overall reluctance to seek out legal help (even in cases of sexual violence) and the difficulty of finding adequate evidence for a non-violent crime that is prosecuted under criminal law. On this point, I learned that the major concern rested not just with the law per se but with the procedures ruling the prosecution of the law. For example, I interviewed Marina Zlomnova's mother-in-law, Zoia Zlomnova, who has forty years of experience as a jurist in Russia. In her practice, even the most obvious signs of sexual violence are brushed aside in criminal cases regarding rape. The difficulty, particularly if there was alcohol involved, for women to prosecute rape charges has led them to inflict further physical violence on themselves to ensure that their cases will not be thrown out. If this is the case for rape, Zlomnova and others argued that it would be even more difficult for cases of compulsion. Zoia Zlomnova (lawyer in St. Petersburg with 40+ years of experience), in interview with author, February 4, 2003.

<sup>102</sup> In an interview with labor specialist Zoia Aleksandrovna by the Russian newspaper *Trud*, she recalls a conversation with a lawyer who had been working for twenty-five years in the profession. In his practice,

newspapers there are question/answer sections dedicated to legal questions. This has become particularly relevant since the introduction of a plethora of new legislation, including constitutional, statutory and legislative law. The legal experts writing for the newspapers typically respond to questions that are either popularly known or that present a considerable disjuncture from how an issue was addressed in Soviet law.

For example, the “free lawyer” (*besplatnyi advokat*) for the newspaper *Moskovskii Komsomolets* was presented with the question “if your boss pesters” (*pristat*) (*Moskovskii Komsomolets*, June 27, 2004). The scenario under review proceeds in the following manner: 24-year old Veronika got a job working as a secretary at a prestigious business. Her boss, Dmitrii, who was 38-years old, is married with two children. Soon after her employment, Dmitrii would say inappropriate things. In one instance, when giving him a cup of coffee, he whispered to her that he was wearing French underwear. At a corporate party he slapped Veronika on the rear in public. When he finally openly invites her to sleep with him, she declines and explains that she is not interested in having a romance at work. Moreover, he is married and has children. The situation gets worse when he begins to spread rumors that they in fact were sexually involved. Veronika asks the lawyer if she can take him to court.

Vasil’eva responds by explaining that while the Russian government does not keep official statistics on sexual harassment, it is a common occurrence in society. Even lawyers are under-trained in this area. Veronika’s only legal recourse is to use statute

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he had never dealt with the statute on compulsion nor had he ever learned anything about it in school. For Aleksandrovna, this is an example of how the statute on compulsion is “dead.” Nadezhda Nadezhdina. “Ne chastnoe delo po dolgu sluzhby, no s otvrashchenium. Vse bol’she zhenshchin v nashei podveraiutsia seksual’nym domogatel’svam na rabote.” *Trud*, June 22, 2000.



#133 of the Russian criminal code. However, she warns that it is very difficult to gather proof of compulsion. She concludes her advice with these remarks: “Remember, the most important thing is your self-esteem. This is your most important protection against sexual harassment.

Police lieutenant Elena Shelkovnikova also gives legal advice to the readers of *Argumenty i Fakty*, a popular weekly newspaper. Sexual harassment was the subject of one of her columns (*Argumenty i Fakty*, September 16, 1999). She cites MVD documentation that in 1997 there were 124 cases filed under statute #133 and that in the following year that number went up slightly. Overall, the purpose of Shelkovnikova’s piece is to educate her public about sexual harassment and the legal instrument of statute #133 for protecting against it. Like other analysts and professionals, she warns that providing appropriate evidence for compulsion is quite difficult. However, she encourages her readers to consider that compliments at work are not the same as sexual harassment.<sup>103</sup> In another, although more sensational, newspaper, a variety of people were asked, “Does Russia need a law on sexual harassment?” One of the respondents was Valentina Iashenkova, a procurator for the Dorogomilovskii inter-district procurators office. His response was that Russia already had a law on sexual harassment located in statute #133 of the Russian criminal code.

A variety of other professional sources give evidence to the fact that some interpret statute #133 as a law that encompasses sexual harassment. Soon after the

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<sup>103</sup> The title of the piece is a play on a well-known Soviet film called *Osennii Marafon*, which depicts a romantic affair at work. A work romance (*sluzhebnyi roman*) is often used euphemistically for sexual harassment. This usually suggests that there is nothing harmful about it.

passage of the revised Criminal Code, a legal encyclopedia for women was published (Polenina 1997).<sup>104</sup> The book is intended as a guide for women to navigate their legal rights. The topics discussed range from “what is feminism” to “what are women’s labor rights regarding pregnancy.” A section is also devoted to “sexual harassment” and statute #133 is analyzed in that context.<sup>105</sup> In a similar fashion, legal scholar Svetlana Polenina covers the topic of women’s rights in her recent work (Polenina 2000). She discusses statute #133 of the criminal code in relation to Russian sexual harassment legislation. Finally, in the Russian fifth periodic report on the implementation of CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women), it is stated that sexual harassment is addressed via statute #133 of the Russian *UK* (CEDAW 1999). All of these sources suggest that many in Russia equate sexual harassment with statute #133.

There is no single legal interpretation of the statute on compulsion. Some see it as non-existent; others have a more sexological view and see compulsion as an issue of proper sexual behavior, while others correlate the idea of sexual harassment and compulsion. Many of the views expressed in the professional legal literature are mirrored in popular representations of the idea of sexual harassment (*seksual’noe domogatel’svto*). In the next section I consider how the concept of sexual harassment is understood in the major newspapers from 1990 to 2004. I show that there is very little recognition of sexual harassment as a valid indigenous women’s complaint. As such, even if there were

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<sup>104</sup> I found another encyclopedia for women published in 1994. The topics in this book ranged from family and labor law to how to make a cucumber facial. Z. E. Molokova i L. S. Rzhantsina. 1994. *Sovremennaiia Zhenshchina*. Moskva.

<sup>105</sup> An important issue to point out here is that the topic of sexual harassment falls under the chapter on violence against women and not the chapter of labor rights/concerns. I will raise this issue later as well.

legal coherence around what constitutes compulsion, there are cultural barriers to recognizing sexual harassment even as a proxy for the indigenous legal concept of compulsion.

***Sexual Harassment: feminist folly and flirting at work***

The confusion that has resulted from the competing legal views of sexual harassment and the meaning of statute #133 could suggest that the concept of sexual harassment as a social category is absent in Russia. Therefore, the legal confusion over compulsion is due to the weak political consciousness of the issue. My research shows that since 1990, there has been widespread popular representations sexual harassment. By looking more closely at the character of these discourses, I argue that it is not a lack of a consciousness that keeps sexual harassment from becoming a more significant political and popular issue. Rather, the issue of sexual harassment is embedded in conflicting meanings that keep it from developing into an indigenous political category. Ultimately, because of the varied normative implications of the concept of sexual harassment in Russia, an indigenous language to politicize the real issue of sex discrimination in the workplace has been slow to develop. In the next chapter I draw out the current context of sexual harassment in Russia by focusing on those who understand sexual harassment as discrimination. I will analyze the full legal and social dynamics of sexual harassment there. At this point I will turn to the popular press coverage of sexual harassment.

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The issue of sexual harassment was a recent topic on the Russian radio program Kanal 3.<sup>106</sup> The correspondent interviewed three people for the show and each perspective coordinates with the three general meanings associated with sexual harassment in Russia. The first view is a legitimization of sexual harassment as sex discrimination in the workplace. A young woman, Ania, who had been the victim of a *quid pro quo* form of harassment, talked about her experience. A lawyer was also interviewed and she supported Ania's experience as a case of sexual harassment and argued that Russian law is inept at properly adjudicating a significant problem for women (particularly women under the age of 30).

The two other perspectives presented on the radio program are the subjects of this section. In one, a well-known actress Natasha Simakova explained that sexual harassment was no more than women taking advantage of their natural instincts as women to get ahead. Simakova, who also argued that in nine out of ten cases of harassment women are to blame, represents the general perspective that sexual harassment is natural at work, and indeed, that women desire this type of flirting. To politicize the natural sexual needs of men and women would only be the absurd notion of Western feminists. In Russia, it is just different. In another view, the well-known *Duma* member Vladimir Zhirinovskii had this to say about sexual harassment:

No alcohol. No drinking. No drugs. No women. No men. And what are you allowed? How can a peasant work, receive little pay and sit at home and wait for the next working day? You will go out of your mind. There would be more serial killers, maniacs and terrorists.

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<sup>106</sup> May 18, 2004. Transcripts obtained through ISI Emerging Markets index.

Although Zhirinovskii can easily be disregarded as hyperbolic and extremist at best, the sentiment he expresses here is a thread we can find in many other sources.<sup>107</sup> His view can be grouped with those who argue that sexual harassment is no more than a work romance (*sluzhebnyi roman*). When men and women work together, sexual propositions are bound to happen. Indeed, according to Zhirinovskii, if we deny this instinct, men are likely to go mad.

Both of the views by Zhirinovskii and Simakova rest on assumptions about the natural differences between men and women. These differences are thought to be the cause of sexual harassment. In this way, sexual harassment is an imported (Western) term that unnecessarily politicizes the sexual interactions that occur in the workplace. Sensational representations of these views are common in the press. Examples of sexual scandal are used to disqualify and muddle the meaning of sexual harassment. For example, sexual harassment is discussed in articles that covered the sexual scandal between President Bill Clinton and Monica Lewinsky. The sexual contact between Clinton and Lewinsky is presented as a sexual harassment scandal, presumably because the contact occurred at work. In one article, the article title reads “Sexual Harassment, Everywhere, on Earth and in Space” (*Zerkalo*, July 18, 1998). The jocular tone of the article expresses sarcasm about the cases of sexual harassment that seem to abound around the world. From Bill Clinton to the American citizen in Saudi Arabia to the

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<sup>107</sup> Zhirinovskii has also recently expressed the view that the death penalty should be used for the crime of homosexuality and that he wants to legalize polygamy so that he can have several wives. “Gosduma otkazalas’ podderzhat’ Riakova, Mutsoeva a takzhe Zhirinovskogo, trebovavshego smertnoi kasni za gomoseksualizm.” *UralPolit.ru*, May 28, 2004; and Ol’ga Gerasimenko. “Vladimir Zhirinovskii: Ia khochu zhenit’sia na dvukh zhenshchinakh.” *Komsomol’skaia Pravda*, October 7, 2000.

Canadian astronaut who unwillingly received a New Year's kiss from her Russian colleague, the message of the article is: those crazy, sex crazed foreigners.<sup>108</sup>

In addition to the context of sexual scandal, the issue of sexual harassment is presented as the culturally specific problem of Western, and particularly American, society. The underlying message of this representation separates Russia, where sexual harassment is not an issue, from Western/American society where men are practically strangled by sexual harassment claims. For example, the opening line of two recent articles on the topic proclaim that for American men there is no word more frightening (*strashno*) than sexual harassment (*SPB Vedmosti*, January 23, 2001; *Vechernaia Moskva*, January 30, 2001). The articles go on to explain how sexual harassment has become an “epidemic” since the Anita Hill and Clarence Thomas case. As this quote suggests, the widespread character of harassment is understandable given the sensitivity of American women workers:

You are in the office and gather your things and leave. You get up to the door and quickly look back—if in that moment you see a co-worker or boss glancing at your legs or some other place, from this others will develop, and so, this is the beginning sign of sexual harassment. Do not stop this without caution, but you have the right to defend yourself (*SPB Vedmosti*, January 23, 2003).

These and other articles primarily focus on non-Russian examples of sexual harassment, yet they do not deny that it occurs in Russia. Thus, the sensationalism of the rhetorical style concerns how sexual advances at work are understood not whether or not they occur.

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<sup>108</sup> Similar coverage of the Canadian astronaut case appeared in the *Moscow Times*, “Plans for Keeping the Peace in Space,” September 28, 2000.

Feminist terminology is also the subject of scorn in articles discussing sexual harassment. As one journalist for *Kommersant Vlast* argues, “American women have reason to be proud. They not only achieved equality, but they also compel men to speak in their language” (*Kommerstant Vlast*, March 7, 2000). The proceeding text of the article is a compilation of terms and their definitions that feminists have created and that are presumably forced upon the male population. Examples of terms include “survivor,” which refers to a woman who survives sexual violence (and used instead of victim) and “obscene female nudity,” which refers to a classification for television or movie content. The term sexual harassment is also included and is described in the following manner: “unwanted sexual attention, the victim of sexual harassment is in a vulnerable position and occurs at work or in an education setting. The term came into being in the 1970’s and since has continued to increase.” This definition is not far off from the legal norm, but it is couched in the context of what I call “feminist folly” that the meaning is delegitimated and belittled at best. It also depicts the concept as entirely foreign to Russia.

In addition to the excesses of American feminism, sexual harassment is associated with the follies of American “political correctness” as well. In a *Stavropol’skaia Pravda* article a series of examples are given that juxtaposes typical Russian behavior against “political correctness,” the final product is Russian style political correctness (*Stavropol’skaia Pravda*, February 7, 2003). For example, the article explains,

You should not call people from Kavkaz *kavkaztsami*, you should only say “Russian people” [*rossiiane*, which refers to nationality and not ethnicity]. Jewish people should be called “smart Russian people” [*umno-rossiiane*] and Chinese [*chukchei*, which is an ethnic epithet for Chinese] are also Russian people.

In this instance, the author presents political correctness as an exercise in the polite refusal to engage in racial epithets. The tone of the piece shows annoyance that “traditional” views of racial and ethnic difference are diffused (erased) by politically correct language. Through several other examples, such as not referring to “old people” as such but rather as “those in their final years,” the message becomes clearer. Russian political correctness is a form of sugar-coating the sentiments of traditional society. Sexual harassment is also a form of political correctness: “Giving women flowers is flagrantly incorrect and furthermore sexual harassment. If a woman needs flowers, she can buy them herself or grow them in the garden.” The message of this example is that political correctness requires that men not treat women differently, and indeed giving them flowers expresses that difference. Flowers represent femininity and if women really want to have flowers, rather than have men emphasize that feminine proclivity; they are capable enough (money and strength) to acquire them themselves.

In my interviews with activists, scholars and lawyers, most agreed that the issue of sexual harassment was largely sensationalized in the media. The result of this representation is that the actual behaviors that could feasibly constitute sexual harassment are muddled. As my newspaper sources show, harassment can range from glancing at a woman’s legs, giving her flowers and “flirting.” These examples not only fail to give a voice to the actual experiences of Russian women who have experienced harassment that had psychological and/or material effects but they represent the idea of sexual harassment as innocuous, trite and/or sexually provocative. According to Ol’ga Lipovskaia, the director of the St. Petersburg Center for Gender Problems, the issue of sexual harassment



will not gain acceptance of political import until serious education of the public occurs.<sup>109</sup> She contends that unlike the United States, Russia does not need a public case in order to politicize sexual harassment (i.e., the Hill v. Thomas case). Such a case would ultimately become the victim of sexual scandal and in the end not further the cause for ending sexual discrimination in the workplace. Lipovskaia believes that public education is more important, but up to this point, sexual harassment has not been a priority of Western funding agencies.

As my research of popular media shows, the topic of sexual harassment is on the cultural radar screen, but it is often not portrayed as a serious issue. It is more likely a topic of sexual scandal, an example of Western (especially American feminists) excesses that do not bother “real” Russian women. The Russian poet Rimma Kazakova stated, “I wish that someone would sexually harass me” (*Vechernaia Moskva*, January 30, 2001). The media largely presents this view as a typical Russian woman’s desire to be treated like a real woman. There are other voices, however, that represent the issue of sexual harassment as a legitimate concern. I turn to those in the next chapter.

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<sup>109</sup> Ol’ga Lipovskaia, Director of St. Petersburg Center for Gender Problems, in interview with author, January 29, 2003.

## Chapter Five

### Whither Sexual Harassment?: Local and Global Dynamics

*The introduction of the feminine is viewed as a refusal of the rational progression of a market economy and liberal society. – Tat’iana Zhurzhenko*

The politics of sexual harassment in Russia involves both legal and socio-cultural questions. In the previous chapter, I analyzed several of the legal questions. I argued that the introduction of gender-neutral language into the criminal statute of compulsion potentially undermines the applicability of the law to contemporary experiences of sexual harassment in Russia. This is because women no longer serve as the specified victims of compulsion; rather, any sex can be the victim or perpetrator of compulsion. Furthermore, there is a sharper emphasis on compulsion as a sex crime and a weakened emphasis on the particular economic or material dependence of the victim. I showed that in official legal commentary and textbooks, the crime of compulsion is “silent” and that it is deeply embedded in the overall legal understanding of sex crimes and moral harm.

I also addressed the legal question of whether compulsion could be used to negotiate contemporary sexual harassment complaints. My findings suggest that the statute on compulsion is presented as the primary legal avenue for registering sexual harassment complaints. Yet, I argue that it is unlikely that any sexual harassment claim could be prosecuted as compulsion. Sexual harassment is not a violent crime whereas compulsion is associated with sexual violence and situated in criminal law. This factor will make it virtually impossible to find prosecutable evidence for sexual harassment as compulsion.

Overall, the picture I have drawn depicts a context where the problem of sexual harassment is “impossible.” Criminal law silences the issue because it altered the compulsion statute by taking out the “woman question” logic in the non-rape sex statutes. The popular media, with few exceptions, also makes it difficult to present the issue of sexual harassment as legitimate within Russia because it has overwhelmingly associated *seksual’noe domogatel’s tvo* with American sexual harassment and feminism. Yet, at the same time, both legal commentary and popular voices acknowledge that women face forms of sexual harassment and discrimination at work. Thus, there is a gap between the experiences of women, the law, and the popular media. What can account for this gap? It is not simply the case that Russia has yet to politicize the issue of sexual harassment.

The problem of sexual harassment both exists in Russia and is addressed by activists and scholars. What I show in this chapter is that the problem of sexual harassment as it exists in Russia is both incommensurable with Russian law (compulsion) and the predominant Western category of sexual harassment (understood as sex discrimination). As such, both available frames effectively silence the experience of and indigenous understanding of sexual harassment. I explore how activists frame the issue of sexual harassment in Russia to expose the problems with Russian law and Western imported categories by navigating the implications of advancing either the compulsion statute or a new sexual harassment statute in the future.

I first provide a snapshot of who is discussing the issue of sexual harassment and highlight the specific ways that sexual harassment is understood. The common understanding of sexual harassment is that it is an issue of economic discrimination that

has flourished because of privatization. The masculinization of certain sectors of the economy and the sexualization of women's work are two examples of how the nature of work is changing. However, the impact of these changes is qualitatively different because of economic restructuring. Women are facing both a more masculine and sexualized workplace as well as increased vulnerability because of the loss of a social safety net.

The voices that articulate the problem of sexual harassment in terms of economic transition also place it under the larger umbrella issue of violence against women. I argue that this is for two reasons. First, because compulsion legally acts as Russia's sexual harassment statute, sex and sexual violence are tied to what is typically a non-violent crime. Second, the predominant language of post-Soviet women's organizing is focused on violence against women. This emphasis on violence against women is a reflection of local needs as well as the impact of exogenous forces, such as foreign support that is normatively tied to particular goals. However, the association of sexual harassment with sexual violence and sex also feeds into indigenous discourses that delegitimize the recognition of sexual harassment as a tenable claim. Therefore, there is a considerable tension between the dominant legal and cultural (both indigenous and global) frames for sexual harassment and the core indigenous analysis of sexual harassment as a specific economic experience.

The conceptualization of the problem of sexual harassment as economic discrimination is not fully addressed by the dominant global concept of sexual harassment, with the indigenous Russian legal concept of compulsion, or with the

dominant framing device of violence against women. This disjuncture presents an important set of questions. Is the legal framework of compulsion adequate for the adjudication of sexual harassment as indigenous groups politicize it? Is the concept of sexual harassment the most effective and accurate rendering of workplace discrimination for Russians in the new market economy? There are advantages and limitations to advancing women's labor issues through either the category of compulsion or the social category of sexual harassment. I analyze each of these possibilities separately and find that both have major drawbacks. As an alternative, I advance the argument that sexual harassment should be re-framed as an issue of economic discrimination with legal redress situated in both the Criminal Code and the Labor Code. The placement and frame of sexual harassment law needs to be adjusted in order to reconcile the incommensurability between indigenous frameworks for understanding women's rights in the current socio-economic Russian context and the global rendering of sexual harassment as the recognition of sex discrimination.

***Wanted: Working Girls Without Inhibitions***

Observers of post-socialist economic and social transformations in Russia describe the introduction of market capitalism as a process of masculinization.<sup>110</sup> The

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<sup>110</sup> Tat'iana Zhurzhenko's work on gender and the transition to a market economy in the Former Soviet Union argues this. As the quote at the start of this chapter suggests, women's labor (and femininity overall) is viewed as antithetical to capitalism. This is not because women cannot work or should not work, rather because their labor does not symbolize "the market." Zhurzhenko argues that economic theory and political rhetoric now present the division of labor between the sexes as natural (and unchanging). This re-telling of economic behavior is used as a frequent ideological legitimation for the market. Tat'iana Zhurzhenko. 1999. "Analiz polozheniia zhenshchin v perekhodnoi ekonomike: v poiskakh feministskoi epistemologii." In, Khotkina, Pushkareva and Trofimova (eds). *Zhenzhina, Gender, Kul'tura*. Moskva: RLSHG. Scholars of Eastern Europe have also made this observation. For example, Jacqui True. 2003. *Gender, Globalization, and Postsocialism: The Czech Republic after Communism*. New York: Columbia University Press.

transition to a free and open market, where the economic winners and losers are determined by the rules of the game and not by government directives, ushered in a new gendered division of labor.<sup>111</sup> While paid work is not the sole propriety or responsibility of men, the role of the new worker in the competitive capitalist market is depicted most often as a male figure. This figure is that of the *biznesmen*. He is an entrepreneur, independent, well connected, and aggressive. In equating business with masculinity, the valorization of the market translated into a valorization of the masculine as well. Women were not shut out of paid work per se, but marginalized from and feminized within the new economic sectors of prestige.<sup>112</sup> For example, there is the rise of business entrepreneurship and the gendered model of a male boss and female secretary.<sup>113</sup>

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<sup>111</sup> The gendered division of labor of the Soviet period was not totally altered with the introduction of the market economy. Despite the idealization of the non-working housewife in the early 90's, most women still work and are expected to work for wages. In 1989, 79.4% of all women were employed and in 1993/94, 72.4% of all women worked. The rate of employment for men also decreased from 87.5% in 1989 to 79.8% in 1993/94. Overall, the changes to the division of labor in Russia are not reflected in the changes to the division between paid and unpaid work. Women still do a majority of unpaid work as well as continue their duties in the wage-earning economy. The changes to the division of labor are reflected in the reduction of women in certain sectors of the economy (trade and catering, banking, and finance and in administrative positions) that are now more prestigious (and masculinized) and the increase of women in other sectors of the economy (service sector) that are feminized and paid less. Changes to occupational segregation have made a significant impact on the relative economic standing of men and women. According to Katarina Katz, the market economy has exacerbated the prejudice, discrimination, and inequality that the Soviet order held for women. See, Katarina Katz. 2001. *Gender, Work and Wages in the Soviet Union*. London: Palgrave.

<sup>112</sup> Unemployment statistics vary depending on the agency calculating the numbers. The International Labor Organization publicizes an unemployment rate that is higher than the Russian employment service (*sluzhba zanyatosti*). There are also a variety of social factors that contribute to the inaccuracy of any unemployment statistics, including the percentage of individuals working in the informal economy and the percentage of workers who are not receiving wages but working. See, Manfred Fullsack. 2001. "Official Figures and Unofficial Realities: Employment Rates and their Significance in Russia." *Europe-Asia Studies* 53(4):613-625. The unemployment rates between men and women are also difficult to verify. Men may comprise the majority of Russians who are officially unemployed, particularly because of privatization, yet a majority of those working in the informal economy (which is a socially vulnerable position) are women. See, Marina Liborakina. 2002. "Zhenshchiny i Privatizatsiia: Rossiiskii Opyt." In, E. B. Mezentseva (ed). *Gender i Ekonomika: mirovoi opyt i ekspertiza Rossiiskoi praktiki*. Moskva: Russkaia Panorama.

<sup>113</sup> The idealization of entrepreneurship as masculine and the propriety of men is both challenged by and in some respects validated by the prevalence of "*biznesladies*." Vice President of the Russian Commerce and

Women's groups and activists have politicized sexual harassment, as it is conceived of as a practice in the changing economic and social context of post-Soviet Russia. For the individuals who work on the issue in Russia, sexual harassment is not historically understood as a practice that emerged as the result of women entering the paid labor-force (as in the United States), but as a form of sex discrimination that is indicative of and exacerbated by economic transition. The fact that paid labor has not been gendered by the strict separation of public and private spheres coded as feminine and masculine is important for unpacking the politics of sexual harassment in Russia today. The separation of public and private spheres is significant in terms of gender issues and politics in Russia, but it does not fully explain the politics of sexual harassment. In the United States, where the concept of sexual harassment first emerged, sexual harassment is the behavior that occurs (in part) because women breach the divide between public and private spheres. As women enter into the paid labor force, the

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Industry Chamber, Sergei Katyrin, stated that women are in charge of 40% of small and medium business ventures in Russia. Tatyana Gvilava, Director of the Russian-Arab business council and President of the Women and Business Association, has also stated that business ventures headed by women show more dynamic growth (with rates up to 170%) than male-owned companies. *RIA Novosti*. "Business Ladies Increasing in Russia," November 29, 2004. At the same time, news articles and reports also emphasize the difference and peculiarity of women in business. A recent humorous example is a *Vedomosti* newspaper article on the branding of a Lenor television advertisement as "unethical towards to the equality of the sexes." In the ad, a woman sits at work in front of her computer. She begins to daydream about the mountain of clothes she has to iron but suddenly remembers her new Lenor washing machine. This solves her ironing problem and she turns to thinking about the vacation spot she will go with her family. The title of the article is called "What women think about at work," and symbolizes the mixed messages about gender in the new capitalist workplace. *Vedomosti*, December 22, 2004. Other news articles on women in business emphasize the fact that women turn to entrepreneurship as the result of sexism in the workplace. As the boss, women are able to set their work schedule and are not confronted with the glass ceiling. Thus, the robust rate of female entrepreneurship both attests to women's participation in the new capitalist economy and to the discrimination they face within it. See: *Vedomosti*, March 2, 2002; *Rossiiskie Vesti*, December 13, 2000; *Ekonomika i Zhizn*, March 9, 1996; Irina Sandul, "Trying to break through the glass ceiling," *The Russia Journal*, March 22, 2002; Katherine Tiers, "Gender prejudice still strong in Russia," *The Russia Journal*, September 20, 2002; and Cain Burdeau, "Russian women find success in workplace," *The Russia Journal*, December 14, 2001.

workplace (i.e., men) must adapt to gender differences. Sexual harassment is the behavior that results when men do not adapt to women's presence in the workplace.

In the Russian context, sexual harassment (or compulsion) is not described as the consequence of women entering the paid labor force. Although domestic or private sphere work is categorically believed to be the domain of women, this gendered division of labor has not socially excluded women from work in the public sphere. Therefore, the central crisis at the root of sexual harassment in the Russian polity is not the gendered separation of public and private spheres.<sup>114</sup> Rather, sexual harassment (compulsion) is the behavior that results from improper sexual morals and taking advantage of women's vulnerability.<sup>115</sup> As my legal genealogy shows, sexual harassment is not new to Russian workers or society. However, the introduction of a capitalist market economy and the

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<sup>114</sup> At the same time, the gendered division of labor does play a part in structuring social asymmetry, such as assigning attributes to certain types of jobs and professions. The public/private distinction in Russia varies from the American experience in another way. The private sphere during the Soviet Union was marked as a cherished place and did not symbolize weakness. Rather, all citizens retreated to the private realm to escape "the state." The political overtones to the public/private distinction in Russia complicate any one-dimensional assessment of discrimination based on a gendered view of the public/private distinction. For example, feminist commentators in the West were shocked that after the collapse of the Soviet Union some women wanted to retreat into the home. What Western observers did not realize was that this retreat was a kind of liberation from state oppression. Finally, "the state" also took on (in theory) some of the private realm tasks that were deemed feminine. As such, the gendering of the private sphere did not exclude women from wage labor. On the Soviet state's support of domestic responsibilities see, Wendy Goldman. 1993. *Women, the state, and revolution: Soviet family policy and social life, 1917-1936*. New York: Cambridge University Press.

<sup>115</sup> Rose Glickman's historical work on Russian factory women from 1880-1914 shows that women collectively made complaints regarding sexual molestation and verbal insults made by male bosses. Rose Glickman. 1984. *Russian Factory Women: Workplace and Society, 1880-1914*. Berkeley: University of California Press. Experiences of sexual harassment as a form of moral insult were also a theme of complaints directed to newspaper editors. For example, Paraskeva Ivanova's retelling of her experience with sexual harassment (she does not use that word) by her boss and Party leader focuses on the moral component of the actions. She struggles with whether or not acquiescing to his demands would or would not be a Communist thing to do. Sheila Fitzpatrick and Yuri Slezkine (eds). 2000. *In the Shadow of Revolution: Life Stories of Russian Women, from 1917 to the Second World War*. Princeton: Princeton University Press. Because so few women came forward with complaints of sexual harassment, and thus there are few if any documents on the issue from the Soviet period, letters to the editor and memoirs are better indicators of these experiences. See, Jim Riordan and Sue Bridger (eds). 1992. *Dear Comrade Editor: Readers' Letters to the Soviet Press under Perestroika*. Bloomington: Indiana University Press.



opening up of popular expressions of sex and sexuality have generated new dynamics that both inhibit and facilitate the advancement of women's position in the Russian polity.<sup>116</sup>

One of the first post-Soviet public responses to sexual harassment was Valerii Vikulov's organization *DIANA*. Vikulov was a journalist working at the Moscow newspaper *Vse Dlia Vas* (Everything For You) in the early 1990's when he started to receive complaints from female employees about the lack of professionalism in the workplace. He and his wife started an organization that compiled a list of enterprises that had a record of sexual harassment against women. A list of over 300 firms, or 1 in 3 firms in Moscow, was compiled into a document (*Obshchestvo i Zazhchity Zhenshchin ot Seksual'nykh Presledovaniy na Rabote*).<sup>117</sup>

The lack of professionalism that female employees complained about was tied to the sexualization of women in the workplace. Rather than view women as potential assets to a growing firm or as having their own career goals, women were often relegated to the post of "secretary." For example, one of the most common and blatant displays of

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<sup>116</sup> Examples of literature on the sexualization of post-Soviet Russian public sphere include: Masha Gessen. 1995. "Sex in the Media and the Birth of the Sex Media in Russia." In, Ellen Berry (ed). *Postcommunism and the Body Politic*. New York: New York University Press; Helena Goscilo. 1995. "New Members and Organs: The Politics of Porn." In, Ellen Berry (ed). *Postcommunism and the Body Politic*. New York: New York University Press; and Igor Kon. 1997. *Seksual'naia Kul'tura v Rossii*. Moskva: O.G.I

<sup>117</sup> To my knowledge, the organization is no longer in existence. In an Interpress Service news article in 1995, Vikulov states that when his office was robbed he decided that it was too dangerous to maintain a database targeting companies whose respect for the law is at a minimum. References to the DIANA Foundation and to Vikulov include: Zoya Khotkina. 1996. "Problema Seksual'nykh Presledovaniy v Rossii: Obsor." In, *Seksual'nye Domogatel'stva na Rabote*. Moskva: MTsGP; Dmitry Babich, "Workplace Harassment," Moscow Times, July 5, 1994; Human Rights Watch. *Neither Jobs Nor Justice: State Discrimination Against Women in Russia*. March 1995; Sergei Strokan. "Russian women's rights activists say sexual discrimination diminishes benefits women might gain from economic and political reforms there," Interpress Service, November 3, 1995.

the sexualization of women's work was found in job advertisements. Various Russian newspapers were known for listing job advertisements by sex, which exacerbated the sexualization of jobs for women. It was not uncommon to see an advertisement that requested only female candidates under the age of 25, with long legs, and without inhibitions (*bez komplekov*). In 1994, the special court of the Judicial Chamber on Information Disputes in Moscow (which is tied to the office of the President), reviewed a challenge to the publication of job advertisements that were gender exclusive. The case was filed against *Izvestia*, *Finansovaya Izvestia* and *Ekonomika i Zhizn* for printing job ads that specify that men only need apply or for female applicants "without inhibitions" listed in separate sections. In March, the court decided that the advertisements were a breach of Russian Constitutional Law (Human Rights Watch 1995). However, while these sexualized job advertisements were prohibited, this did not necessarily correlate with a shift in behavior towards female workers.

For example, Russian scholar of economics Zoya Khotkina argues that while exact numbers for the rate of sexual harassment in Russia are difficult to find, the fact that women seeking jobs through newspaper advertisements use the qualification "without intimacy" (*krome intima*), suggests that this practice is still fairly widespread. In response to bosses and advertisements that look for female employees who do not have inhibitions, some women are challenging these tendencies by explicitly stating that they are not interested in intimacy. A limited run of news articles in the late 1990's also indicates that while the special court of the Judicial Chamber outlawed sexist job advertisements in 1994, women's work was still sexualized in many of the burgeoning

sectors of the economy (Hunt 1997; Ivanova 1998; Nadezhdina 200; Shelkovnikova 1999; Tracy 1999; and Varoli 1999). From my sampling of job listings from Moscow and St. Petersburg newspapers in 2002-2003, I did not find separate employment columns for men and women.<sup>118</sup> However, the advertisements for secretarial positions consistently asked for women (*devushka*) and often listed an age limit (30 years old). Jobs that are typically gendered masculine, such as managers and repairmen, were also listed in advertisements with specific sex qualifications (*muzhchina*).

There are reasons to believe that the practice of sexual harassment could be checked within the business sector in time. For example, Elena Khiltova, who is the head of the International Federation of Business and Professional Women in St. Petersburg, acknowledges that sexual harassment of working women is a common practice in Russia and that it remained silenced.<sup>119</sup> She explained that there was too much embarrassment for women to come forward and that social beliefs about women as sexual objects also prevented an open discussion of the topic. At the same time, she believes sexual harassment will become less of a problem when firms realize that it could jeopardize the economic vitality of the company. Market competition will continue to make it important

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<sup>118</sup> I looked at two employment newspapers in St. Petersburg and Moscow: *Iz Ruk v Ruki* and *Rabota dlia Vas*.

<sup>119</sup> The International Federation of Business and Professional Women is an organization with networks across Russia. According to Khiltova, the central purpose of the organization is to help women prepare themselves for the current workplace. They provide training on how to prepare a resume, on interviewing skills and on how to negotiate contracts. Khiltova believes that women need to be educated about how to navigate the work world and was adamant that women should go through employment agencies, such as Kelly Girl or Manpower, rather than through want-ads to find a job. She also discussed the fact that sexual harassment is not only an issue of gender but also age. Women over the age of 35 and especially 40 have had a difficult time finding work in the private sphere. Women who are older than 35 are often forced to work in the government sector which is not as competitive and typically poorly paid. The irony here, as she explained it, is that Soviet women are demographically a highly trained and educated population. To shut these women out of private sector jobs does not work to the advantage of economic development. Interview with author, St. Petersburg, February 7, 2003.

that firms hire qualified people, which may dilute the emphasis on women's sexualized role to focus more on her business capabilities.<sup>120</sup> While Khiltova's observation may bear out, it also symbolizes a kind of resistance to politicizing the issue. Rather than address the issue head-on, such social attitudes believe that market forces—forces that have made women more economically vulnerable in the first place—will ultimately decide the problem of sexual harassment.

### ***Sexual Harassment as a Form of Violence against Women***

For the activists and scholars who work on the topic of sexual harassment in Russia, a central theme in their work is to establish the issue of harassment as a credible concern. As I stated earlier, part of that process of legitimization is situating the experience of sexual harassment within the socio-economic context of a transition economy. The organization *DIANA*, as well as other non-governmental groups who focus on violence against women, place an emphasis on the sexualization of female workers and the sharpened economic consequences for women who now work without a social safety net.<sup>121</sup> Researchers have also focused on unpacking the social factors that keep the topic of sexual harassment from wider popular concern.

For example, with the support of the American Bar Association's Central and East European Law Initiative (ABA-CEELI), the NIS-US Women's Consortium and the Moscow Center for Gender Studies, a conference on sexual harassment in Russia was held in Moscow in 1995.<sup>122</sup> The participants in the conference ranged from social

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<sup>120</sup> Interview with author, St. Petersburg, February 7, 2003.

<sup>121</sup> This is particularly true for women and workers in general who labor in the informal economy.

<sup>122</sup> In 1999, a similar conference took place in the city of Tula with the help of Diane Post (affiliated with ABA-CEELI).

activists and academics to politicians and lawyers. Russian Duma Deputy and member of the Women of Russia political bloc (1993-1995) Liudmila Zavadskaya spoke at the conference as well as Aleksei Ignatov, who is a professor of law and member of the research/consulting group for the Russian Supreme Court. The voice most associated with the issue of sexual harassment in Russia is Zoya Khotkina. She has written short articles on the issue and has done work on economic issues more broadly as well.

With the monetary support of the ABA-CEELI and USAID, the conference was documented and transcribed into book form. As the editors of the book state in their conclusion, this book (*Seksual'nye Domogatel'stva na Rabote*) represents the first independent discussion of sexual harassment in Russia. Since its publication in 1996, there have not been any further serious collections on the topic. Khotkina's talk in the program focuses on the question of whether sexual harassment is a widespread occurrence and considers the reasons why it has not been more publicized. She laments that there are no consistent or reliable data on the prevalence of sexual harassment in Russia and mostly refers to statistics provided by *DIANA* which state that sexual harassment is common in 35% of all Moscow firms.

In fact, current statistics on the prevalence of sexual harassment are difficult to find. The only social science research on the topic was conducted in 1996-1998 by Alexander Kletsin (Kletsin 1998). His work focuses on women in St. Petersburg and evaluates how women perceive sexual harassment more than the prevalence of it in their lives. However, he does show that from 1996 to 1997, 35% of the women in St. Petersburg experienced some form of sexual harassment at work (Kletsin 1998, p. 48).

Further sociological work is necessary in order to gauge the extent and character of sexual harassment. We cannot rely on caseload numbers because so few individuals take their complaints to court. Prior to 1990, there were 20-25 legal cases regarding the compulsion statute. At the beginning of 1990, there were 2-3 cases and in 1994, there were no cases.<sup>123</sup> Since then, very few if any cases were filed under the compulsion statute. There are also no federal statistics gathered on this issue. However, regional newspapers have conducted their own opinion polls. An opinion poll taken in Nizhny Novgorod found that 75% of the female respondents had been subject to sexual harassment in the past. In another poll taken in St. Petersburg, 39% of the respondents (75% of who were women) stated that they had been the subject of sexual harassment (*Delovoy Peterburg*, February 4, 2002).<sup>124</sup> A February 1998 article in the Russian weekly *Argumenty i Fakty* also stated that one in three women in Russia are sexually harassed.<sup>125</sup>

Khotkina's work supports the newspaper polls that suggest that sexual harassment is not isolated to the major cities of Moscow and St. Petersburg (where entrepreneurship is a major sector of those economies). In a seminar that she conducted in May of 1993 in Tosno (located in the Leningrad oblast) on women's unemployment, Khotkina explains that women were frequently the victims of some form of sexual harassment or sexual

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<sup>123</sup> Dr. Zoya Khotkina provided information on caseloads.

<sup>124</sup> No dates are given for the polls.

<sup>125</sup> See also, Larisa Ponarina. 2000. "Seksual'nye domogatel'stva na rabote: sluzhebnyi roman, ili torzhestvo muzhskogo bezpredela?" In, *Nasilie i Sotsial'nye Izmeneniia*. Moskva: Tsentr ANNA (Assotsiatsiia Net Nasiliu).

violence at work. However, she explains, women are reluctant to come forward with their complaints.<sup>126</sup>

A mixture of legal and social factors contributes to the reluctance of female workers to speak out about their experiences with sexual harassment. The failure of the legal system to adjudicate or address the concerns of citizens severely hampers women from coming forward with complaints.<sup>127</sup> Activists and scholars have shown that the legal system is inept in properly processing cases of sexual violence, such as rape and domestic violence, where criminalizing evidence is blatant (Attwood 1997; Johnson 2001, 2004; Post, 2000; Zabadykina 2000; and Zabeliina 1996). The reluctance of legal professionals to take harassment claims seriously is even stronger because the evidence is harder to corroborate.<sup>128</sup> Furthermore, most legal professionals are not familiar with the laws on sexual harassment, which in turn exacerbates the overall public ignorance of the topic and ensures that Russian law is “silent” on the subject.<sup>129</sup> Although a lesser crime, according to statutory law and society, sexual harassment is harder to validate precisely because it is not viewed as an extreme experience.

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<sup>126</sup> To my knowledge, the first Russian case of sexual harassment that received press coverage occurred in the city of Barnaul when Tatyana Smyshlayeva advanced a case against her employer in 1994. The judge dismissed the case stating that there was no precedent for criminally prosecuting sexual harassment. Most articles on sexual harassment refer to cases in the United States (Anita Hill) or Canada.

<sup>127</sup> This point was made across my interviews with legal professionals and those working in women’s non-governmental organizations.

<sup>128</sup> In interviews with legal professionals in St. Petersburg, there was a uniform experience with the difficulty of successfully prosecuting sexual violence despite clear signs of physical violence on women’s bodies.

<sup>129</sup> Zoya Khotkina states in an interview in 2000 that most legal professionals are not educated in the parts of criminal law that relate to sexual harassment (compulsion). This ignorance de-legitimizes the few complaints that are brought forward because the experiences fall on deaf ears. The disjuncture between legal education and women’s experiences suggests that there is also a rift between Russian statutory law on compulsion and the popularization of the category of “sexual harassment.” Nadezhda Nadezhkina. “Ne Chastnoe Delo.” *Trud*. June 22, 2000.

In my research, I found that sexual harassment and sexual violence were closely related or used interchangeably by activists and in scholarship on women's issues. Part of the reason for this has to do with the statutory history of sexual harassment. The crime of compulsion is situated with other sexual crimes of a violent nature and so they have been closely linked for some time. Indeed, the association between sexual harassment and more serious sexual crimes such as rape is one of the major legal barriers that keep the Russian statute on compulsion from being a more effective tool against sexual discrimination. By associating sexual harassment with violent crime, judges, legal professionals, and common citizens expect sexual harassment to be a physically threatening act. Anything less is not seen as worthy of complaint and certainly not worthy of legal prosecution.<sup>130</sup> The overwhelming emphasis on the issue of sexual violence by indigenous groups (and their donors) is another reason why sexual harassment has largely been treated as a sub-issue of sexual violence.<sup>131</sup> Because they are legally and conceptually tied together, sexual harassment has not developed as a distinct issue. This lack of clarity between sexual harassment and sexual violence narrows the potential meanings (and impact) of "sexual harassment."

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<sup>130</sup> It may be the case that women's groups continue to link the issue of sexual harassment to sexual violence precisely because it has more popular sway. Vesna Nikolic-Ristanovic's work on civil society shows how the issue of violence against women is used by women's groups in Eastern Europe and has propelled the emergence of feminism in post-communist societies. With the aid of foreign groups as well, women's NGO's in post-communist societies have overwhelmingly focused their work on sexual violence. Vesna Nikolic-Ristanovic. 2002. *Social Change, Gender and Violence: Post-Communist and War Affected Societies*. London: Kluwer Academic Publishers.

<sup>131</sup> Julie Hemment argues that the advancement of the global framework of "violence against women" advanced women's organizations in Russia. At the same time, indigenous activists were forced to compromise and negotiate local concerns with global frames and donors' understanding of women's issues in Russia. Julie Hemment. 2004. "Global Civil Society and the Local Costs of Belonging: Defining Violence Against Women in Russia." *Signs: Journal of Women in Culture and Society*, vol.29, no. 3



If the legal side of the equation is deficient, the worker's side of the equation only exacerbates this. Khotkina found that women often see themselves as the guilty party and have a strong opposition to making their experiences publicly known. The reluctance of women to come forward with a complaint has several sources, including: women's unwillingness to talk about sexual matters; the popularization of romantic work relations; and the sexualization of women in the public sphere. From my interviews with activists and lawyers, I learned that a major goal of their work is to encourage women to be self-confident and comfortable with talking about sex and sexuality issues. In this sense, the work of women's crisis centers on the problem of domestic violence and sexual violence is very connected to strategies for confronting sexual harassment. For example, the St. Petersburg Center for Gender Issues provides free seminars on "Assertiveness Training," which includes learning to talk about the body and sexual experiences. Rape crisis centers in St. Petersburg and Moscow all provide some type of personal counseling that encourages and supports women to speak about sexual issues—particularly as they relate to their health and psychological well-being.<sup>132</sup> Support of this kind can help open up space for women to talk about sexual harassment as well.<sup>133</sup>

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<sup>132</sup> USAID money supported non-profit groups in Russia to translate and distribute (on a small scale) a version of *Our Bodies Ourselves*, the quintessential feminist guide to women's health in the United States. This is one of the few guides on sexual health for women available, outside pamphlets that NGO's have made available.

<sup>133</sup> All of the organizations that I worked with had experiences with sexual harassment complaints. In contrast to the numerous cases of rape that were legally prosecuted through the organizations, no single case of sexual harassment was pursued by any of the organizations. Liudmila Iakhontova, a Russian lawyer who specializes in gender issues, stated that in cases of sexual harassment women seek legal advice when they are unsure how to fix their situation. If women are able to leave their jobs or arrange some other way out of their unwelcome circumstances at work, then they are not likely to seek out help from support groups or legal advocates. Unlike cases of domestic violence or rape, the victim of sexual harassment wants to exit their work situation and not place a legally binding restraint on the perpetrator. Interview with author, St. Petersburg, January 28, 2003. From my analysis, I believe that more women would come

It is not uncommon that people, and women in particular, are reluctant to speak publicly about their bodies and sexuality. In this way, Russian women are no different from many women around the world. At the same time, scholars of Russian society and history have argued that the Soviet Union stifled sexual freedoms and repressed healthy public discourse on the subject with deleterious long-term effects. Public discourse on sexual matters is a new phenomenon in Russia and is not necessarily widespread.

According to Igor Kon, the Soviet system created what he calls “sexophobia,” which is a fear of anything relating to sex and sexuality. Totalitarianism controlled all information about sexuality, limited what educational materials were available, and linked sexuality with pathology.<sup>134</sup>

The effects of Soviet sexophobia on post-Soviet society are apparent in two extremes. There is the frenzied production and fascination with sex and sexuality in the media, which sensationalizes topics that were once taboo such as HIV/AIDS, contraception, homosexuality, and the idea that sex serves a function beyond reproduction. There is also the continued embarrassment and silence of individuals in talking about these topics and the underdevelopment of public sex education.<sup>135</sup> The

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forward to speak out about sexual harassment and seek support from women’s organizations (and possibly pursue legal redress) if the crime was less associated with sexual crimes and more with economic discrimination.

<sup>134</sup> Igor Kon wrote the first book on “sexology” in 1984. It was not printed in Russia for ten years. He states that despite the international legitimacy of the academic field of sexology, he is often referred to as a “sexopathologist,” which suggests that sexuality is pathological no matter what. In other words, any discussion of sexuality is pornographic. Igor Kon. 1993. “Sexuality and Culture.” In, Igor Kon and James Riordan (eds). *Sex and Russian Society*. Bloomington: University of Indiana Press.

<sup>135</sup> In a 1991 All-Union Public Opinion Center poll, young people were asked whether their parents talked to them about sex education. Only 13% of the respondents said “yes” and 87% said “no.” The percentages were lower overall for males than females. Poll results cited in Kon (1993), p. 30. More recent reports on sex education do not indicate that these numbers have changed. The Orthodox Church is opposed to providing sex education in schools as well. Yelizaveta Boykova. “Russian TV Blames Failure of School

results are potentially dangerous. As Kon explains, the biggest threat to Russian society since the “sexual revolution” is not simply a decline in sexual morals. Rather, the opening up of sexual discourses and practices in a context of relative ignorance about contraception and protection will increase the rates of HIV/AIDS contraction and the spread of other sexually transmitted diseases (Waters 2004).

Remnants of Soviet sexophobia have an impact on the politics of sexual harassment in Russia today as well. Women who are reluctant to speak about their sexual lives and issues relating to sex are also less willing to confide in professionals on these topics. As I mentioned earlier, women’s organizations put considerable resources into public education (which includes popularizing a language to discuss sexual violence issues in a productive manner) and counseling to support the development of a healthy public discourse on a variety of issues. The lack of public education on sex and sexuality makes it more difficult to discuss sexual violence and sexual harassment as well. In the case of rape, the failure of public sex education translates into a pathologizing of sexual violence.<sup>136</sup> In the case of sexual harassment, the failure of public sex education helps to silence the problem because it is both taboo and petty in comparison to violent sexual crimes.

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Sex Education for High VD and Abortion Rates.” *BBC Monitoring International Reports*. May 19, 2002; Greg Waters. “A Serious HIV Education Problem.” *Moscow Times*. May 14, 2004.

<sup>136</sup> In much of the Russian criminological literature rape and other sexual crimes are discussed in their most extreme sense. The cases used in textbooks and reference books draw on the most pathological examples. Although women’s groups have documented that a majority of rape cases are between close acquaintances (such as between husband and wife or partners), the criminological literature focuses largely on brutal cases of anonymous sexual violence. For example, it is not uncommon to find fairly sensationalized books written by legal professionals on the subject of crime. Take for example, V.N. Kudriavtsev. 2002. *Prestupnost’ i Nravny Perekhodnogo Obshchestva*. Moskva: Gardariki. I discuss these issues more thoroughly in an article on rape law (Suchland 2004).

An additional factor that contributes to women's tentativeness to speak about the subject of sex that is particular to the issue of sexual harassment is the cultural stereotypes of the "work romance" (*sluzhebnyi roman*). The idea of the work romance is that individuals will meet their future spouse through work. Flirting with one's co-workers is natural and in fact a highlight of the dreary workplace.<sup>137</sup> *Sluzhebnyi roman* is a common phrase today in Russia and is epitomized in the 1979 Soviet film *Autumn Marathon* (*Osenii marafon*).<sup>138</sup> The prevalence of the phrase in popular culture and in my interviews with women's organizations suggests that the baggage of Soviet sexophobia works in tandem with the naturalization of workplace romances to de-legitimize the issue of sexual harassment as a tenable workplace concern.

### ***The Future of Sexual Harassment in Russia***

Thus far, I have provided a picture of how the legal category and idea of sexual harassment has developed in post-Soviet Russia. My research shows that scholars and activist groups use the dual framework of economic transition and violence against women to politicize the issue. Within these frameworks there is an emphasis on women's vulnerability in the new economic environment as well an association between sexual harassment and other forms of violence against women. While sexual harassment is recognized as a practice in Russia, local groups have not directly taken-up the issue and individual women are reluctant to prosecute their complaints. I believe that this is

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<sup>137</sup> It could also be the case that because sexophobia restricted public discourse on sexuality, the workplace became a sexually charged environment.

<sup>138</sup> *Autumn Marathon* is a romantic comedy of a man (Oblomov) who is caught in-between his wife, mistress (from work) and friends. It was produced by Georgy Daneliya and sold 20 million tickets. Richard Stites. 1992. *Russian Popular Culture: Entertainment and Society since 1900*. Cambridge: Cambridge University Press.

because the perceived fact of sexual harassment (as economic discrimination) is disjointed from the predominant legal and cultural frames available for politicizing the issue. The influence of Western rhetoric and indigenous interpretations of Western rhetoric also play into why the issue of sexual harassment is largely silenced.

It is clear that the experience of sexual harassment (as it is generally understood in Russia) exists. The question remains whether the legal device of compulsion is adequate for adjudicating sexual harassment. And, if not, whether the concept of *seksual'noe domogatel'stvo* should or can advance the concerns of Russian women. I will consider these two questions next. In each instance, there are advantages and disadvantages for reconciling the current “silence” of the law and issue.

***Can and should compulsion serve the purpose of “sexual harassment?”***

I argued in chapter two that the discourse of the “woman question” is the most salient indigenous frame for understanding women’s rights and equality. Until recently, the statute on compulsion had embodied the normative meanings of the “woman question.” The statute had advanced a special protection for women, which was processed through a legal conception of women’s special/different status. In recognizing women as a special class of legal subjects in the Soviet compulsion statute, the economic dimension of women’s sexual difference was highlighted. The changes made to the statute on compulsion in the current Criminal Code neuter the ability of the law to protect women in the specific realm of sexual harassment. This is because the introduction of gender-neutral language both declassifies women as a special class of legal subjects and emphasizes the sexual rather than economic component of compulsion. In the context of

a gender-neutral statute on compulsion, there are advantages and disadvantages of pursuing sexual harassment through that legal category.

The legal category of compulsion can be seen as expedient for addressing sexual harassment for several reasons. There is a legal and social precedent for understanding behaviors associated with sexual harassment as compulsion.<sup>139</sup> This is a significant advantage over the incorporation of a statute in either the Criminal or Labor Codes on *seksual'noe domogatel'stvo*. Given the negative connotations around this American legal term, the category of compulsion could legitimate the indigenous experience and adjudication of sexual harassment. Furthermore, the success of the “violence against women” discourse that has been advanced by local civil society groups and encouraged by transnational advocacy networks (TAN's) supports the recognition of sexual harassment as a form of violence against women.<sup>140</sup>

The inclusion of compulsion into the fold of the violence against women discourse both legitimates the issue and coincides with the parameters of current law. This is because violent sexual crimes against women (individuals) are located together with “compulsion” in the Criminal Code. As such, there are advantages to pushing the issue of “sexual harassment” through the legal category of compulsion and through the civil society activist rhetoric of violence against women. In this scenario, indigenous groups could make a claim that “sexual harassment” is not a foreign import, rather a local

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<sup>139</sup> Although the legal term of compulsion (*ponuzhdenie*) is not necessarily popularly known (as is the legal term of rape), it is most commonly referred to as Russia's “sexual harassment law” by legal professionals and activists. I discuss this point in chapter four.

<sup>140</sup> Margaret Keck and Kathryn Sikkink developed the now ubiquitous term Transnational Advocacy Networks (TANs). See, Keck and Sikkink. 1998. *Activists beyond Borders: Advocacy Networks in International Politics*. Ithaca: Cornell University Press.

legal issue of compulsion. Groups can engage in a counter discourse to the popular disdain to the American concept of sexual harassment by emphasizing the historical roots of Russian law recognizing women's economic and sexual vulnerability in the workplace. That the statute on compulsion is located in the Criminal Code attests to Russia's particular take on sexual harassment.

In addition, the current understanding of compulsion as a sex crime could also legitimate and further develop indigenous understandings of sexual harassment. As I discussed earlier, activists and professionals conceptualize the experience of sexual harassment in Russia as a symptom of economic transition. Thus, the sexualization of female workers (working within the "masculine market") can be loosely understood as a sex crime. There is a legal and social precedent for registering improper sexual behavior as a moral and sexual crime, even if violence is not used. In this way, the popular representation of sexual harassment as a "sexual crime" feeds into the current legal framework of compulsion.

Although compulsion is not a violent crime, and thus requires different forms of proof, it is connected to other categories of sex crimes by a juridical concern for "moral harm" (*nravstvennyi vred*). In fact, re-engaging the indigenous legal term of moral harm could also be an effective way to legitimate a larger social discussion of sexual harassment in the sexophobic Russian context. In this scenario, indigenous groups could engage in public dialogue about public morality and the harm of a range of sexual violence, including compulsion. However, an obvious logistical set-back to advancing sexual harassment as compulsion is that the current law does not treat women as a special

legal category. Any socio-cultural sense of women's sexual difference (and particular forms of moral harm) would not help in prosecuting compulsion.

There are also problems with wedding sexual harassment to the current law on compulsion. Most importantly, the prosecution of compulsion as a sex crime is virtually impossible. There is clearly a major disadvantage to situating sexual harassment in criminal law. The rules regulating procedure and the weight of prosecutorial evidence are more rigorous for criminal law than labor or civil law. No lawyer that I spoke with had attempted to advance a compulsion complaint, but they all agreed that it would be very difficult if not altogether impossible to do so. The law is also vague in its explanation of what constitutes compulsion. As such, its association with the surrounding statutes on violent sexual crime essentially silences the lesser crime of compulsion. This point was apparent in my research of legal scholarship, where there is very little reference to compulsion at all. Although there may be social support for the recognition of compulsion (and sexual harassment) as a sex crime, the procedural implications of compulsion severely narrow the adjudication of sexual harassment.

In addition to the procedural disadvantages of locating sexual harassment in the criminal statute on compulsion, there is also the disadvantage of framing compulsion as a sexual crime in general. This point can play out in a couple different ways. First, framing sexual harassment as a sex crime can effectively de-legitimize the experience. In the inverse of my previous point about the impact of the violence against women framework, tying sexual harassment to sexual violence and sex crimes feeds into social stigmas about sexual issues. For example, a woman who experiences sexual harassment



at work and understands this experience as “sexual harassment” (or compulsion) may choose to remain quiet about it precisely because it relates to issues of sexual improprieties. Furthermore, because compulsion is a non-violent sex crime (and thus viewed as less serious) it requires that women emphasize their personal inviolability in ways that are not culturally supported. The seriousness of a violent sex crime lends more legitimacy (in theory) to women advancing their complaints as an individual. In contrast, because compulsion is a lesser charge, there is also less social acknowledgment of compulsion as a valid individual complaint.

The legal category of compulsion is not a perfect solution to addressing what indigenous groups argue is a silenced form of economic discrimination. The benefits that I have outlined are not sufficient to counteract the numerous problems with tying compulsion to sexual harassment. The specific economic characteristic that Russian voices claim makes sexual harassment a different phenomena in Russia is not addressed in the compulsion statute. Furthermore, the current sexualized meaning of compulsion and sexual harassment plays into indigenous discourses that further silence the issue. Would turning to a ready-made international concept with transnational legitimacy solve this problem? Why not implement a separate and new sexual harassment law in Russia?

***Sexual Harassment: a global standard or local nuisance?***

The fact that the term sexual harassment has achieved global prominence and legitimacy is both a serious advantage and disadvantage for advancing the issue in the Russian context. The three major public works on the theme in Russia (two conferences and one sociological study in St. Petersburg) were partially or wholly supported by

American funding agencies or organizations. Feminist legal advocates in the United States spearheaded the two conferences that I discussed earlier. Additionally, the MacArthur Foundation supported Alexander Kletsin to do research on sexual harassment in St. Petersburg (Kletsin 1998). To my knowledge, Kletsin's study is the only scholarly project on sexual harassment to date. In addition to monetary support, the language and politics of sexual harassment in the United States (and Europe, to a lesser extent) provide intellectual fodder for indigenous voices to speak out about the subject. In all of the academic or NGO documents on sexual harassment in Russia, references are made to the development of sexual harassment law and cases of sexual harassment in the United States.

In addition to recognizing the specific monetary support provided by the United States, it is important to consider the broader normative impact and complications that the concept of sexual harassment engenders. The topic of sexual harassment is not free-floating, but attached to broader global discourses regarding women's rights. International norms on human rights have developed over the course of the last fifty years. With the UN Declaration of Human Rights (1948) marking a beginning point to this historical development, we can see that concerns for gender equality have created explicit and implicit responses to sexual harassment (see Table 4). However, the definition of what sexual harassment is, what actions constitute sexual harassment, and which socio-legal norms best frame this concern are widely contested and nationally varied. For example, in Zimbabwe sexual harassment is framed as an issue of mental and physical health, while in France it is framed as an issue of moral insult and abuse of

authority. Yet, at the same time, the development of national principles and instruments for addressing “sexual harassment” have largely occurred in a global context where the term sexual harassment imposes certain normative connotations. As a part of a broader discourse of women's rights, and as it is marked as an American idea (or excess), the concept of sexual harassment has had positive and negative consequences.

*Table 4: Non-Exhaustive List of Relevant International Instruments, Declarations and Resolutions on Sexual Harassment (explicit prohibitions and principles which implicate sexual harassment)*

<b>Instruments</b>
<ul style="list-style-type: none"> <li>* International Labor Organization (ILO) Declaration on Fundamental Principles and Rights at Work, 1998</li> <li>* ILO Tripartite Declaration concerning Multinational Enterprises and Social Policy, 1977</li> <li>* ILO Article 20 (d) of the Indigenous and Tribal Peoples Convention, 1989</li> <li>* United Nations (UN) Declaration of Human Rights, 1948</li> <li>* UN Covenant on Civil and Political Rights, 1966</li> <li>* UN Covenant on Economic, Social and Cultural Rights, 1966</li> <li>* UN Convention on the Elimination of all Forms of Discrimination Against Women, 1979</li> <li>* UN Declaration on the Elimination of Violence Against Women, 1993</li> <li>* Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, 1996</li> <li>* CARICOM Model of Legislation on Sexual Harassment adopted by the Ministers of Women’s Affairs (Caribbean regional instrument), 1989</li> <li>* African Charter on Human and People’s Rights, 1968</li> <li>* EC Directive on Equal Treatment of Men and Women, 1976</li> <li>* EC Resolution on the Protection of the Dignity of Women and Men at Work, 1991</li> <li>* European Parliament Resolution on Violence Against Women, 1986</li> </ul>
<b>Resolutions</b>
<ul style="list-style-type: none"> <li>* ILO Resolution on Equal Opportunities and Equal Treatment for Men and Women in Employment, 1985</li> <li>* ILO Resolution on Women Workers, 1991</li> <li>* UN Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, 1993</li> <li>* UN Copenhagen Declaration on Social Development and Programme of Action, 1995</li> <li>* UN Beijing Declaration adopted by the Fourth World Conference on Women, 1995</li> </ul>
<b>National Legislation (non-exhaustive)</b>
<ul style="list-style-type: none"> <li>* Argentina, Derecho del Trabajo, 1993</li> <li>* Australia, Equal Opportunity Amendment Act, 1997</li> <li>* Belgium, la protection des travailleurs contre le harcèlement sexual, 1992</li> <li>* Belize, Protection Against Sexual Harassment Act, 1996</li> <li>* New Zealand, Harassment Act, 1997</li> </ul>

- \* Philippines, Anti-Sexual Harassment Act of 1995
- \* Canada, Human Rights Act, amendment, 1992
- \* France, reform of Penal Code, 1992; 2002
- \* Germany, sexueller belästigung, 1994
- \* Ireland, Employment Equality Act, 1998
- \* United States, Civil Rights Act, as amended in 1991
- \* Zimbabwe, Mental Health Act, 1996

The most salient normative principle attached to the concept of sexual harassment for the Russian context is that the central harm associated with it is unequal treatment. Popular interpretations in Russia of the legal experience in the United States view sexual harassment as the legal categorization of behaviors that do not treat women the same as men. Or, stated differently, the harm of sexual harassment is treating women differently (i.e., like women). The underlying normative principle is that sexual harassment is a form of discrimination and discrimination is coded as unequal treatment or “different treatment of women because of their sex.”<sup>141</sup> This interpretation of sexual harassment is incommensurable to the Russian statute on compulsion and the framework of the woman question.

My study of the media's representation of harassment shows that there are strong negative connotations associated with the term sexual harassment. Sexual harassment is seen as an American feminist complaint about not wanting to be treated “like women” (recall the image of a female worker refusing flowers because she could buy her own). Discrimination (*diskriminatsiia*) has indigenous resonance in Russia. Yet, “sexual

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<sup>141</sup> I am not arguing that there is a single definition of sexual harassment. Like all concepts, the meanings attached to it are varied. This is the case with the term “sexual harassment” within the United States and globally. Rather than deny the complexity of the term, my goal here is to speak about the general and hegemonic meanings associated with the concept. My interest is in how individuals and societies perceive what “sexual harassment” is – especially outside of the United States.

harassment” is marked as an American feminist complaint that goes beyond the “natural” contours of discrimination. In effect, these negative views make it harder to recognize experiences of sexism outside of the “woman question” framework as sex discrimination.

Furthermore, the normative principle underlying most Soviet and post-Soviet legislation law regarding women’s equality frames women's difference as something to protect. Discrimination is understood as taking away, marring or insulting that difference. Inside the Russian legal and cultural context, discrimination is not the central harm addressed by “sexual harassment.” The harm identified in the compulsion statute and in sympathetic views of *seksual’noe domogatel’s tvo*, is generated through beliefs about moral and sexual inviolability, the social good of motherhood, and economic vulnerability. Socio-legal conceptions of sexual difference inform these auxiliary beliefs (which I have shown in the legal genealogy of sex crimes). The subject of the protective measures that explicitly constitute women’s rights in Russian law is not gender sameness (equality). Thus, the fact that sexual harassment is perceived to be an issue sexual discrimination proves to be problematic.

There is an additional normative problem that is carried with the term “sexual harassment.” In addition to the harm, the remedy for that harm is also presumed within the category of sexual harassment. The remedy for discrimination in the Russian socio-legal context is protection whereas the remedy in the American legal context is equal treatment. While protection can be presented as a right, this right is not ontologically

coded as being established by gender equality (i.e., sameness).<sup>142</sup> Thus, the harm codified in sexual harassment (unequal treatment) is incommensurable to the dominant framework of women's rights in Russia. This presents a fundamental problem for "using" sexual harassment in Russia. This normative principle of requiring equal treatment presents a serious challenge to indigenous cultural and legal structures.

The normative principles attached to the concept of sexual harassment can complicate the recognition of discrimination and the development of indigenous remedies for such experiences. This is not only the case in Russia. For example, the development of sexual harassment legislation in France was complicated by the global discourse of sexual harassment because it was popularly marked as an American concern and because the normative principle of discrimination tied to sexual harassment clashed with the indigenous frames and tools prevalent in France. Abigail Saguy explains that when the proposal for sexual harassment was pushed in the legislature, some lawmakers were intent on discrediting it by appealing to anti-American rhetoric (Saguy 2003, p.38). These lawmakers argued that "passing a sexual harassment law in France would have the undesirable effect of importing 'American excesses' of litigiousness, Puritanism, and the Battle of the Sexes" (Saguy 2003, p.38).

In the end, French feminists re-framed the policy of sexual harassment in "traditional socialist values" and classified the law as an issue of abuse of authority.<sup>143</sup> In

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<sup>142</sup> This can be witnessed on a semantic level as well. Laws relating to women are often referred to as privileges or protections (*l'goty*) and not rights (*prava*). Women's equality, from the 'woman question' framework, is not about equal/same rights/laws but separate privileges/protections for women.

<sup>143</sup> The issue of sexual harassment was raised in 1991 when the French Parliament was revising the Penal Code. Like Russia, "sexual harassment" in France resides in criminal law and is not framed as an issue of

2002, the law was revised again. The new framework for harassment (which can apply to any sex) is called “moral harassment.” Marie-France Hirigoyen, the creator of the term, argued that sexual harassment is not the result of structural inequalities (i.e., an American view of discrimination) but psycho-dynamic tensions between individuals. Employees often harass women and minorities because groups do not tolerate difference. Thus, “harassers are perverse rather than bigoted people” (Saguy 2003, p.146).

Sexual harassment is recognized in France as a tenable legal and cultural concern but it is framed in very different terms than the American experience (Mazur 1996). It is important to note that national differences in law and approaches to sexual harassment are not a problem. This national variation is expected and interesting to research.<sup>144</sup> The larger point of concern is the impact of broader (hegemonic) conceptualizations of sexual harassment on the local politics of sexual harassment. Saguy’s assessment of the French experience is telling:

Globalization proved to be a mixed blessing during French parliamentary debates. On the one hand, as we saw, French feminists found useful theoretical, empirical, and legal examples by looking to Europe and North America. On the other hand, opponents of the bill appealed to anti-American rhetoric in order to discredit the bill as an import that would replicate “American excesses.” (Saguy 2003, p.43)

The “mixed blessing” of American sexual harassment law in France also played out on the European level. Kathrin Zippel explains that activists on the EU level manipulated

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discrimination per se. However, France also has a complementary statute in the Labor Code that addresses sexual harassment from another angle—employment retaliation.

<sup>144</sup> While the focus of my work is not on explaining the variance between national legislation on sexual harassment, it is important to note that institutional and cultural factors play a major role here. Therefore, the decisions made in France and the European Union to frame sexual harassment differently than in the United States are due to institutional and cultural differences. The legal apparatus and language available in the United States helped to dictate how sexual harassment is framed there (as sex discrimination). Thus, it cannot be simply stated that divergence from this American framework is only due to cultural differences. Indeed, the distinction between culture and law is difficult to decipher in this instance.

(and rejected) U.S. sexual harassment law to “fit” the context of Europe. Most member states did not have provisions for individual redress and access to courts for complaints of discrimination. Furthermore, the issue lacked political legitimacy in the EU member states (Zippel 2004, p.60). The strategy of European feminists was to frame sexual harassment as an issue of a worker’s right to dignity rather than gender discrimination. Zippel explains that the issue of sexual harassment was Europeanized because the U.S. model had been delegitimized. This strategy accelerated the incorporation of sexual harassment legislation on a EU national level. However, “compliance with the EU, not concern about sexual harassment itself, became the decisive factor” (Zippel 2004, p.74).

In the ways that the concept of sexual harassment carried negative and positive connotations in France and the European Union, the politics of sexual harassment in Russia is no different. The concept of sexual harassment is often marked as an American excess and irrelevant to the Russian context. We can see that there is an overall tension between local politics and global ideas that is similar across national contexts. However, there is one important difference between the European and Russian experience with sexual harassment: to date, there has not been a significant public discourse on the issue of sexual harassment in Russia. The issue has received some media attention and a limited response from the political and non-governmental sphere. What potential is there for this global issue to become a more significant local issue in Russia?

### ***The Future of Sexual Harassment in Russia: policy suggestions and speculations***

I will focus on two areas, one practical and the other speculative, to address the question of the future of sexual harassment in Russia. My analysis of the advantages and



disadvantages of advancing the statute on compulsion or incorporating an explicit sexual harassment law in Russia can provide important practical policy implications. The two practical suggestions I have for advancing “sexual harassment” in Russia relate to the location of the law and how the law is framed. With an alternative location and language for sexual harassment law, there are attendant implications regarding women’s rights and the rule of law.

The statute on compulsion is historically rooted in criminal law and is thoroughly marked as a sex crime. There are advantages to framing sexual harassment as an issue of violence against women, but the logistics of administering workplace complaints through criminal law practically undermines the advancement of women’s labor rights. I do not see any feasible alteration for the compulsion statute that would make it serve the social purpose of adjudicating workplace harassment. At the present moment compulsion may serve as Russia’s sexual harassment law, but it is practically incapable of serving the needs of workers in the postcommunist economic context. Therefore, similar to the French system, I believe that sexual harassment should be located in both criminal and labor law.<sup>145</sup> The statute on compulsion has historical and cultural significance and there may be a time when it makes sense to tap into that. However, it is also critical that the

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<sup>145</sup> Some observers argue that the weakness of rights in Russia is not because of a lack of laws, but because of the failure of the practice of law. This sentiment was supported in my interviews as well. William Flanagan describes the abundance but ineffectiveness of Russian law around HIV/AIDS and human rights as a “paradox of over-legislation.” I hope that I have provided sufficient evidence to show that current law on sexual harassment is both practically and symbolically ineffective. Thus, I am suggesting that an additional law be added. However, this addition will not solve all of the practical problems (such as rule of law). William Flanagan. 2001. “HIV/AIDS and Human Rights in Russia: Compliance and the Rule of Law.” *Osgoode Hall Law Journal* 39.

Labor Code include a concrete statute that provides a legal response to (non-violent) harassment.

In many respects, a new statute on sexual harassment in the Labor Code would not be an imposition on tradition. There is the common legal practice of establishing special measures for women in the Labor Code. The challenge is how to frame the new measure. Keeping the normative problems I discussed in mind, I believe that the framework of economic discrimination (*ekonomicheskaiia diskriminatsiia*) would both extend current law and work within indigenous values. In this hypothetical statute, there should be an emphasis on social vulnerability, which would align with current labor law regarding women. However, I think that in using the concept of discrimination, the statute could be used from a traditional “woman question” understanding of protection as well as address the variety of socio-economic vulnerabilities that have emerged as a result of economic transition. Changing the location and language of sexual harassment law in this way negotiates local nuances while advancing a global developmental issue.<sup>146</sup>

Finally, there is also the important issue of practicing law and whether changing the location and language of “sexual harassment” will make it more effective for workers. I want to provide a few speculative thoughts on the rule of law and women’s rights in

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<sup>146</sup> James Richter’s work on Western monetary assistance to Russian women’s organizations sheds important light on why the issue of sexual harassment as an economic discrimination issue has not received more local attention. He argues that Western assistance diminishes “externalities,” which is the impact of civil society groups on indigenous populations. The effectiveness of these groups is challenged because foreign monetary support creates strings that pull them in a variety of directions. Rather than respond to indigenous concerns and frameworks, organizations are keen to maintain their proper bureaucratic status with the donor, for example. Richter sites that women’s groups have downplayed economic issues because they do not easily fit into the gender frameworks of Western donors. See, James Richter. 2002. “Evaluating Western Assistance to Russian Women’s Organizations.” In, *The Power and Limits of NGO’s: A Critical Look at Building Democracy in Eastern Europe and Eurasia*, ed. Sarah Mendelson and John K. Glenn. New York: Columbia University Press.

Russia. I have mentioned before that laws relating to women's rights (and labor rights) have been tied to sub-legal or administrative forms of justice. The institutions set-up to process complaints (or to actualize abstract rights) were considerably devolved from the center of institutional power in part because women's issues were not top priority and because the legal extension and adjudication of women's rights were viewed as minor in comparison to other themes. For example, until 1930, the Women's Department of the Communist Party (*Zhenotdel*) operated as an important organization that gave voice to women's complaints. Workers, peasants, housewives and servants participated in local *Zhenotdel* meetings and Women's Congresses. The issue of discrimination and unemployment preoccupied the thousands of women without work in the economically lean times of the NEP (Goldman 1993). At that time, like today, women were more likely than men to be fired, less likely to be hired, and comprised a significant pool of unemployed workers. Bolshevik rhetoric of a "worker's state" emboldened women to declare their right to work despite the discrimination and barriers they faced. Some political pressure was exerted by the work of the *Zhenotdel* which may have altered the behavior of union leaders and factory bosses (Goldman 1993).

For example, *Kommunistka*, the newspaper associated with the *Zhenotdel*, published complaints and editorials by women that helped to politicize the particular concerns of women workers. However, the point that I am concerned with is that this administrative agency served as an avenue for women to activate, by way of participating in meetings and voicing their complaints, their citizenship rights. That there was a disparity between the rights written on paper and reality is well documented. However,

the significance of this disparity is that groups of citizens saw this as a problem and used a variety of methods to make Soviet rhetoric into reality.

The *Zhenotdel* was dismantled in 1930 when Stalin declared the “woman question” to be answered. Stalin’s decision rested partly on the fact that women had achieved legal equality (their issues were fully represented in formal law). However, the tensions and problems that women faced did not cease to exist after 1930. Several other administrative and sub-legal institutions were used to actualize, even if in a small way, the abstract rights of Soviet citizenship. Lisa Granik’s archival work shows that women used the complaint department (*biuro zhalob*) of the Workers’ and Peasants’ Inspectorate (*Narodnyi Komissariat Raboche-Krest’ianskoi Inspektsii* [RK] or *Rabkrin*) to file their complaints about sexual discrimination at work (Granik 1997).<sup>147</sup> While the *biuro zhalob* could respond to complaints by pursuing investigations, the process of complaining through the agency directly or through other avenues (such as newspapers, Party offices or the People’s Commissariat of Labor) expanded the original function of the agency to address the concerns of female workers. According to Granik, the intended function of the *biuro zhalob* was to address the abuse or improper activity on the part of soviet organs; thus, fitting sexual harassment claims (understood as disparaging behavior or *prenebrizhitel’noe otnoshenie*) into the parameters of the agency reflected an ideological concern with proper Soviet attitudes and behavior (Granik 1997, p.140).

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<sup>147</sup> Rose Glickman’s work on pre-Soviet factory women shows that women made complaints about sexual harassment as well. This suggests that the concern, even if not the language, for sexual harassment existed in Russia prior to the politicization of “sexual harassment” in the West and in international rights documents (Glickman 1984).

In addition to giving voice to women's complaints, these sub-legal and administrative institutions solidified the association between "women's issues" and these types of institutions. According to Wendy Goldman's work, women approached the administrative agencies in increasing numbers (rather than formal judicial courts) particularly because of their widened jurisdiction. For example, the bureau of statistics, known as ZAGS, processed marriage, divorce and family law in general (such as the distribution of assets and alimony). This administrative agency was very important for women and their claims to equality in family legal matters. Thus, women's issues "played out" on this localized and sub-legal area. This was particularly the case regarding women's issues that related to family law or proper communist conduct.

A real paradox for women in the postcommunist context is that previous legal instruments have been destroyed; yet women's issues are not effectively administered in the current centralized system. At a time when women need the administrative intervention of the state, the official re-conceptualization of the state privileges a new constitutional order that has dismantled sub-legal structures which once adjudicated many women's issues. The inefficacy of law is exacerbated by the increased centralization of legal and administrative power under Vladimir Putin's presidency (what is called superpresidentialism) (Colton and McFaul 2003; Fish 2000). For basic citizenship rights, such as the right to receive wages for contracted work, the current superpresidential system combined with the dismantling of extralegal avenues for administering and adjudicating complaints, provides little hope or encouragement for change (Desai, Padma and Idson, 2000). At the same time, unlike many other legal systems, Russia does have a

strong indigenous tradition of people's courts and forms of local justice. Furthermore, given the specific history of tying women's rights issues with sub-legal institutions, there may be cause for adjusting the entirely bleak picture depicted in the scholarship. Rule of law in the formal sense may be far from effective in regards to serving as an avenue for women to activate their rights as citizens of the Russian state. However, if we shift our emphasis to extralegal institutions there may be more hope.

Dianne Post's work provides evidence that this may be the case. In her work as a representative for the American Bar Association Central and East European Law Project (ABA CEELI) in Moscow (1998-2000), Post developed a program to train non-lawyers in Russian law in order to represent victims of domestic violence (Post 2001). Post found that, "lawyers who were trained under Soviet rule had a very narrow idea of the role of lawyers in society and do not conceive of law as an instrument of social change" (Post 2001, p.137). However, women who have become active in advocacy work see the need for social change and the potential of law to act as a conduit for that change. The women who are trained in the program see themselves as "social advocates" and are armed with knowledge of legal procedure and statutory law in order to guide, counsel and represent women. This work is an example of local forms of justice or a shadow system of law that could develop despite the oligarchic and superpresidential character of the Russian state.

A strong tradition of sub-legal forms of justice may also facilitate extra-legal avenues of justice outside of Russia, such as the European Court of Human Rights in

Strasbourg.<sup>148</sup> The potential of extra-legal courts such as the ECHR to serve as an institutional supplement depends on whether complaints are within its jurisdiction. Cases of police brutality and failure to abide by proper legal procedure may have more success seeking redress outside of Russia than worker's complaints. It is unlikely that extra-legal courts would have jurisdiction or be effective in this area of the law.<sup>149</sup> At the same time, the symbolic power of law in Russia is strengthened when these external courts are used. The impact of the increased symbolic power of law could be wider acceptance of sub-legal courts. For example, people's courts and labor courts are being tested as possible institutional additions to the current legal order. In Moscow, Mayor Luzhkov may set up 628 "comrade's courts." In his research on the old comrade's courts, Yoram Gorlizki argues that the primary function of such courts was to provide an alternative mode of dispute resolution (Gorlizki 1998, p.425). In his assessment, this need has not subsided since the fall of the Soviet Union.

Ultimately, the parameters of labor rights continue to be negotiated in postcommunist Russia. The treatment and expectations of workers in all levels of the economy are changing. From the perspective of democratization, scholars and activists

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<sup>148</sup> On September 18, 2001, the European Court of Human Rights (ECHR) in Strasbourg heard the first case brought against the Russian Government by a Russian individual. By the end of August 2001, 1,400 cases had been registered with the Court. "European Court of Human Rights Hears First Case Brought by Individual Russian." *International Enforcement Law Reporter*, November 2001. Individual Russians are increasingly using international courts of justice in order to advance their complaints. Alexei Mikheyev, a man from Nizhny Novgorod, filed a human rights complaint to the ECHR in response to the brutality that he experienced by local police. Yulia Latynina. "Police are at War with the Russian People." *Moscow Times*, August 11, 2004. Russian oligarch Mikhail Khodorkovsky has also hired a Western team of lawyers to take his case to the ECHR. Michael Goldhaber. "Russian Roulette." *The American Lawyer*, August 2004.

<sup>149</sup> There are mixed results regarding the effectiveness of international courts and law in adjudicating sexual harassment claims. See, Jane Aeberhard-Hodges. 1996. "Sexual harassment in employment: recent judicial and arbitral trends." *International Labour Review* 135(5): 499-533.

may be looking for signs of social advancement, or for the emergence of a discourse on sexual harassment. In my final assessment of the development of legal categories and the politics of sexual harassment in postcommunist Russia, it is clear that these traditional signs of Western politics are inaccurate barometers.



## **Chapter Six**

### **Reflecting On and Looking Beyond Sexual Harassment in Russia**

#### ***Project Summary***

The starting point for this project began with the question of the concept of gender in the postcommunist Russian context. I analyze how local activists and academics have embraced the term in order to create a discursive space for social criticism. In this way, the concept of gender is “translated” by local academics and activists for indigenous purposes. Without diminishing the importance of their work, it is also necessary to analyze this strategic engagement with the term gender within a larger global context. While the development of a gender discourse in Russia has created a critical form of social criticism it may also impede indigenous frameworks from growing. This is because the political life of the concept of gender (e.g., in policy recommendations, foreign aid and transnational civil society) carries a set of normative meanings that are difficult to disengage and cloud its potential as a neutral analytic category. The globalization of the concept of gender as a political tool and meaningful category for collective action raises a host of questions about the meanings connoted by the term and about the universal character of “gender” to speak to women’s concerns.

I engage the issue of what the concept of gender means and how it functions in Russia not because I want to police its usage or because I argue that there should only be one universal meaning tied to it. Rather, through the process of fieldwork and translating my ideas in American-Russian conversations, I came to recognize the limitations of framing my research on women’s legal status in post-Soviet Russia in terms of gender

politics. Cross-cultural research into “gender politics” must reflect on what precisely “gender” confers. For an American student of post-Soviet Russia, this reflection should include an investigation of how Russian indigenous voices speak about gender. In chapter one I show how the concept of gender is viewed as a necessary category for socio-political analysis and one that can promote a space for women’s voices. There are also competing perspectives that see the concept of gender as limiting, especially with regards to its effectiveness for structuring collective action. Yet, the normative implications of the concept of gender not only apply to the particularities of post-Soviet Russian politics.

The mixed political impact of the concept of gender in Russia advances the critical methodological issue of cross-cultural research. Rather than begin cross-cultural work with the assumption of gender, I argue that a better place to start is with the question of how difference is politically constituted. I suggest that focusing on sexual difference opens up analyses of subjectivity, inequality and citizenship. Sexual difference is not a replacement term for gender nor stands alone as a sufficient lens for unpacking the complexities of inequality. However, it does serve as an important heuristic device to flesh out nuances that the concept of gender may preclude. A genealogical vision of politics can unearth these nuances.

A traditional gender politics approach to studying sexual harassment in non-Western contexts (such as Russia) would generally focus on the major factors that can explain why there is no law on sexual harassment. These factors may include a traditional or conservative cultural context or the institutional weakness of women’s

organizations or the lack of international support. This (fictitious) study would not necessarily tell us much about how the issue of sexual harassment is understood on an indigenous level and to which local and global discourses the issue is tied. Furthermore, this study paints a picture of women's rights that is based on the experiences of women in the Western liberal context. In this way, the presence of sexual harassment law operates like a barometer for rights in general and "gender" is the master tool of that barometer. One of the underlying goals of this project is to move beyond thinking about the concept of gender as a barometer.

An investigation of sexual harassment in post-Soviet Russia that begins from the starting point of sexual difference challenges the timeline and questions I asked in the project. The overall question of the project focuses on the politics of sexual harassment in present-day Russia. I approach that question by establishing a genealogy that draws on cultural, historical and legal sources. To begin with, I consider how women's sexual difference emerged and exists as a politically salient category. In chapter two I trace how the rhetoric of the "woman question" serves as the primary register for framing women's sexual difference in the Russian polity. From the time of the early Soviet state to the present Russian Federation, the substance of the woman question dominates the parameters of official discourse on women. The normative implications of the woman question are important for navigating the current legal and political arena. I argue that the woman question established an important formal discourse on women's equality. This equality is understood in terms of protecting or honoring women's sexual difference. In contrast to the predominant normative meaning of equality tied to the concept of gender

(sameness), the woman question operates with a qualitatively distinct framework of equality (difference).

The presence of the woman question framework of sexual difference is evident in the historical development of sex crimes. In chapter three I trace a century of criminal law to show how, through the modernization of secular law in Russia, the vision of women's legal subjectivity remained fairly constant. The equal status that women grew to have in the Soviet Union was rooted in the historical (legal) precedence of exalting women through protection. I show how the Soviet statute on compulsion (*ponuzhdenie*) did not alter women's legal position from its Imperial incarnation (seduction or *obol'shchenie*) despite significant substantive changes. The pre-Soviet concern for women's honor transformed into the Soviet legal concern for women's economic vulnerability as women. Both statutes rest on similar understandings of women's rights—rights that confer different treatment. I also flesh out how the statutes relating to sex crimes developed such that non-violent crimes remained part of a “set” group of sex crimes. Thus, the legal understanding of women's sexual difference (and sexual vulnerability) played a role in retaining the post-Soviet “sexual harassment” statute within the criminal code.

In Chapter four I build on the complexity of the issue of sexual harassment by engaging the formal-legal as well as popular discourses that treat sexual harassment as an idea rather than a legal category. I first show in chapter four that the current criminal statute of compulsion sits functions as Russia's sexual harassment law. Despite widespread acknowledgement in the legal literature that compulsion functions as sexual

harassment, no supporting commentary addresses the topic in any serious way. In effect, what I find is that compulsion is a silent statute. The overwhelming silence around the compulsion statute exacerbates the barriers that prevent women from using this statute for adjudicating a sexual harassment complaint. The most significant legal barrier that I identify is the de-emphasis of compulsion as a crime addressing women's sexual vulnerability. With the introduction of a standard of gender-neutrality into the post-Soviet criminal code, women are (partially) de-throned from their previous legal position of needing special protections. I argue that the incorporation of gender-neutral language creates mixed results in Russia because of the continued prevalence of the woman question framework.

In addition to the formal legal tensions that characterize the current politics of sexual harassment, there are also socio-economic and popular variables at play. At the end of chapter four I analyze how the idea of sexual harassment is represented in the major popular media outlets (1990-2004). I show that sexual harassment is most commonly associated with the extreme antics of American feminists (what I call feminist folly) or is believed to be the Russian equivalent of workplace flirting (work romance). Both of these views de-legitimize sexual harassment as a tenable social complaint of Russian women. At the same time, while the idea of sexual harassment is made questionable, some popular discussions of harassment speak to the fact that sexual discrimination is a problem for women in the current economic context.

I draw out the indigenous legal practices associated with "sexual harassment" before it became associated with Western feminism. I also show how the particular

crime of compulsion is linked to the Russian framework of sexual difference (the woman question) and how this local practice is challenged by the implementation of gender-neutral legal standards. But what, if any, relevance does the issue of sexual harassment have for women in Russia? In chapter five I address whether the issue of sexual harassment is part of the agenda of the growing women's civil society activism. The issue of sexual harassment is recognized as an important issue facing women today in Russia but that it is not framed as a problem of unequal treatment. From the perspective of Russian activists and lawyers, sexual harassment is an acute form of discrimination that women are vulnerable to in the current economic transition. Sexual harassment is also framed as an issue of sexual violence. This is both because of the prominence of the violence against women framework promoted by the transnational advocacy work of "women's human rights" and because of the particular legal precedence of treating compulsion (*ponuzhdenie*) as a sex crime.

At the end of chapter five I present my final analysis of the future of sexual harassment in Russia. Keeping both the legal and cultural factors in mind, I argue that the framework of economic discrimination has the most potential to serve as a device for adjudicating workplace discrimination. Rather than alter the current law on compulsion, I suggest that an additional statute be added to the Labor code. This statute should be framed within the contours of what local activists call economic discrimination. In this way, the new statute can speak to the current understandings of women's status in the Russia economy without breaking from the Russian socio-legal tradition of the woman question.

### ***From the Narrow to the Broad: Theoretical and Practical Implications of the Project***

The above project summary gives an overall picture of what the various components of this research project say about sexual harassment in Russia. I show how the issue of sexual harassment in Russia is affected by local factors such as legal and social norms and economic tensions that emerged as a result of privatization. There are also global factors at play, such as the mixed reception of the Western concept of sexual harassment and the financial support of transnational advocacy groups. While my project speaks to the impact of globalization on women's issues in Russia, my focus thus far has primarily been on sexual harassment as an indigenous issue (in Russia). At this point, it is also important to reverse the gaze of my analysis to consider what the research on Russia can say about broader questions. I want to consider two general questions, one methodological and the other is both practical and speculative.

I began this inquiry with the suggestion that a genealogical approach to sexual difference could side-step the pitfalls I identified with gender politics and the concept of gender (such as an overemphasis on representation and normative assumptions about equality). I want to return to the issue of genealogy and reflect on what the case study of sexual harassment in Russia can say about cross-cultural or global feminist/gender studies. Specifically, I explore the benefits of using a genealogical approach for mediating the tensions between particular experiences and general categories in cross-cultural and transnational "gender studies." Feminists have shown the effects of over-emphasizing "local" politics, which can result in reductionism, as well as the effects of over-emphasizing the "global," which hinges on an unitary conception of global forces

(and their impact). The idealization of either the local or global (the particular or the broad) also defies the presence of interconnections, contradictions and interdependencies. A genealogical approach may not be the approach for all social inquiries, but it is a valuable contributor to current research and conversations.

In addition to the above theoretical considerations, there are practical implications that can be drawn from the specific work I have done in Russia. I want to also explore the tensions that exist in Russia around sexual harassment for the lessons that can be used to revise transnational categories and frameworks that advocate for women's economic rights. Over the course of the past twenty years, the framing device of "human rights are women's rights" has precipitated a major global mobilization around women's issues. Despite the significant (symbolic and logistical) gains made as the result of the strengthening of women's voices on the world scene, important reservations and questions remain about the benefits, consequences, and limitations of this mobilization.

Namely, I am interested in taking the example of sexual harassment in Russia and the observations made by feminists about the limitations of the "human rights are women's rights" framework to a future (speculative) level. I want to argue, albeit tentatively, that sexual harassment is an important axis on which transnational feminist organizing can and should occur. However, I believe that the framing device for this issue should be divorced from the American practice of compensating discrimination on the basis of sex alone. Rather, I see "sexual harassment" as an issue of economic justice. It is an issue that links peoples (largely women) who are vulnerable because of their socio-economic positions. The cause for this vulnerability is not the same but the effects



are similar enough to link their struggles. These positions are located simultaneously on global, local and regional levels. One of the consequences of re-framing “sexual harassment” as an issue of economic justice will be a reformulation of the core feminist critique that currently maintains “sexual harassment” as a hegemonic category. That critique is the Western (liberal) feminist analysis of the public/private distinction. In the current context of global neoliberalism, the socio-economic mechanisms that perpetuate domination are not easily reduced to the liberal feminist critique of white Western women’s exclusion from the paid labor force.

***Why genealogy? Or, what can the politics of sexual harassment in Russia say about global feminist studies?***

The impetus for using a genealogical approach came from a desire to give particularity to a politics of sexual harassment that did not use the experience of sexual harassment in the West (especially in the United States) as a measuring stick or as an ideal type for cross-cultural comparison. It would be difficult to summarize “the experience” of sexual harassment in the West; yet the rights category of sexual harassment does operate as an abstracted category on a global level. It is in response to the potential homogenizing effects of “sexual harassment,” as well as the concepts inability to grasp the social and economic rendering of sexual difference across different contexts, that pushed me towards genealogy. As Joan Scott argues, scholars should not presume the content of the concept of gender. Sexual difference is not a unitary social fact. It is a constituted set of meanings and cultural product. Scott provides this example as an illustration:

The political decision that associated citizenship with maleness, introduced sexual difference where it did not and ought not exist. Women became visible in their difference in the sphere of politics only when they were barred on the ground of their sex. Sexual difference was, then the effect, not the cause, of women's exclusion (Scott 1999, p. 208).

Thus, my choice to use a genealogical approach meant that I would have to unpack the sexual social order that is assumed by the category of sexual harassment. Investigating that social order, or how sexual difference is constituted, led me to the “woman question.”

I also re-oriented my approach to the question or “problem” of sexual harassment. I treated “sexual harassment” as an idea and tried to not assume that it is a legal and social good that should or will inevitably exist in every political context. The economic vulnerability of women across the globe is hardly contestable. Yet, the specific powers and forces that subject women to that vulnerability are not unitary, nor are the effective responses to that vulnerability unitary.

At its core, a genealogical approach searches for the registers that allow for the emergence of categories, and experiences, that are socially and legally tenable in a particular context. In a similar vein, James Joseph Scheurich makes a case for “policy archaeology” (Scheurich 1997). He states that there are important nuances to policy studies that are lost when social problems are accepted as empirically given. “Consequently, the territory of policy archaeology, contrary to that of traditional postpositivist approaches, begins prior to the emergence and social identification of a ‘problem’ as a problem.” (Scheurich 1997, 97) His statement that a research project into a problem should begin prior to the articulation of that problem does not mean the

approach is simply historical. Influenced by the work of Foucault and others, Scheurich argues that “the focus is to investigate the intersection or, better, the constitutive grid of conditions, assumptions, forces which make the emergence of a social problem possible” (Scheurich 1997, 98).

To get a sense of the kinds of nuances that get lost when a policy issue is assumed as empirical fact, Scheurich examines the assumptions about race and class in U.S. education policy. He argues that the focus in the United States on underprivileged schools, which are predominantly poor and service children of color, has set the stage for political, cultural and academic concern for only seeing a specific problem within education policy. This “problem” is with the education of poor, racially mixed schools and not with white privilege. In the recognition (and construction) of one problem the field of educational policy is formulated and renders other views invisible.

For example, it could reasonably be argued that overwhelmingly white suburban schools (substantially born of white flight from people of color) are training grounds for white supremacy, not in the South African or Fascist sense, but in the sense that the social order privileges whites and that suburban schools inscribe the white supremacy regularity within the subjectivity of their white students. The social order will not construct this white suburban student group as a problem group; it will not label, describe, study, and treat this group as a problem (Scheurich 1997, 108).

Rather than treat the policy issue or legal category as an empirical given, a genealogy (or policy archaeology) searches for the constitutive dynamics that afford some experiences legitimacy.

Sexual harassment also represents a problem that emerged out of a particular grid, to use Scheurich’s language, of dynamics. That grid shapes how certain behaviors are addressed by the legal category of sexual harassment and then come to be understood and

represent the empirical fact or problem of sexual harassment. Feminist legal scholar Kimberlé Crenshaw explains that the term sexual harassment was developed by Anglo-American feminists who were responding to the specific experience of sexism that white women experienced upon entering a privileged, albeit racialized and gendered, workforce. These women politicized their experiences in order to create anti-discrimination law. While their experiences were felt through the category of gender (they were being targeted because of their sex) and in a context specific to them (a newly integrated wage-labor force), with the emergence of “sexual harassment,” these experiences came to represent the primary official meaning of sexist discrimination in the workplace. And, as Scheurich argues, when a “problem” emerges, some experiences are legitimated while others remain in the shadows of the primary grid of dynamics.<sup>150</sup>

Crenshaw’s work on the politics of the Anita Hill and Clarence Thomas hearings provides a lucid example of how this works. In her analysis, she argues that as a Black woman, Hill was framed within two competing social hierarchies (racism and sexism) that ultimately silenced her particular experience as both a woman and an African American. Furthermore, neither of the critical narratives of antiracism or antisexism were able to “communicate the reality of her experience as a black woman to the world” (Crenshaw 1992, p.404). On the one hand, feminist discourse supported Hill on the basis of her gender and did not see how race played a role in her case. In not seeing the

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<sup>150</sup> Of course, this is not to say that categories are unchanging or uncontested. Sexual harassment litigation in the United States has changed the contours of what counts as sexual harassment. For example, the 1998 U.S Supreme Court decision in *Oncale v. Sundowner Offshore Services, Inc.* announced that same-sex sexual harassment could be actionable sex discrimination under federal anti-discrimination law. There is also debate in the United States about the implications of such changes. For examples see, Vicki Schultz. “Reconceptualizing Sexual Harassment.” *Yale Law Journal*, April 1998; and Mark S. Spindelman. “Sex Equality Panic.” *Columbia Journal of Gender and Law*, January 2004.

racial component of her experience, feminists were not able to understand why many in the Black community did not support Hill. On the other hand, anti-racist discourses supported Thomas on the basis of his race (and his access to the prestigious position of Supreme Court justice) and thus did not see the sexism involved from Hill's perspective.<sup>151</sup> The result for Hill was the symbolic annihilation of her intersectional reality.

Crenshaw's analysis of the Thomas/Hill trial speaks to the significance of genealogy for feminist theorizing. The inability of the legal category "sexual harassment" to explain and adjudicate the experience of Anita Hill speaks to the limitations of the concept to function as one of (if not the) most salient tools for administering women's rights in the paid labor force. In recognizing that "sexual harassment does not directly challenge the kinds of stereotypes and myths that justified the sexual abuse of women in slavery and continue to play out in current society," it is apparent that the legal concept of sexual harassment is rooted in a specific normative understanding of workplace discrimination (Crenshaw 1992, p.412).

Similarly, the limitations of the concept of sexual harassment to either frame the current experience of Russian female workers who experience discrimination or to substantively correlate with socio-legal norms exhibits the value of not assuming "sexual harassment" as an empirical fact. The implications of Crenshaw's work and my study on post-Soviet Russia raise important limitations for focusing on the "problem" of sexual

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<sup>151</sup> Crenshaw describes the tension between these two discourses as the competing historical narratives of rape and lynching. Neither narrative holds Black women as the primary subject and thus fails to see the intersectionality of their experiences.

harassment within the United States and on a transnational level. One of the limitations that I am most interested in relates to how (feminist) scholarship conducts cross-cultural studies. The intersectionality that is displaced by dominant discourses on sexual harassment in the United States is mirrored and complicated by globalizing sexual harassment as a “women’s human right.” The tension between particular experiences and the general categories that are expected to speak to a broad and diverse population is a critical issue for women’s rights activism. In terms of international politics, this tension is depicted as occurring between the local and global. Feminists have had a lot at stake in resolving this tension and in the development of transnational feminist studies/politics.

A genealogical approach to cross-cultural “gender studies” can mitigate some of the intractable tensions between the particular and general and between the local and the global. My point here is not original (Braidotti 1994; Ghorayshi 1996; Sedillo Lopez 2000). But my extensive case study into sexual harassment in Russia exhibits the significant work that ought to be done as part of the growing academic and policy discourses on women and global studies.

In feminist discussions of transnational women’s issues, some have argued that the emphasis on either global or local research on women can be problematic. Many of the criticisms are about what the typical vantage point of the global or local leaves out or perpetuates. For example, Caren Kaplan explains that the feminist strategy of exposing the “politics of location” in an attempt to critique hegemony can be tricky (Kaplan 1994). An uncritical romanticization of location (i.e., the local or global) can also reify hegemonic understandings of gender and essentialize difference. She states that “a

politics of location is most useful in a feminist context when it is used to deconstruct any dominant hierarchy or hegemonic use of the term gender” (Kaplan 1994, p.139). The example Kaplan focuses on is the use of the term “politics of location” by the American feminist scholar-poet Adrienne Rich. Rich’s first intention in bringing up the politics of location was to challenge Western women to take notice of their privileges and positions in relation to other women. Yet, as Kaplan explains, “despite her efforts to account for the politics of location, Rich remains locked into the conventional oppositions between global and local as well as Western and non-Western” (Kaplan 1994, p.141). In the language of genealogy, Rich did not see the underlying dynamics at play that created her difference(s) as politically salient.

According to Kaplan, a homogeneous or essentialized view of location locks women and their experiences into discrete entities and apart from each other.<sup>152</sup> In addition, the power differences between women and the different impact of global politics (such as neoliberal economics) on women are flattened out or dismissed in a strictly dichotomous view of gender politics. By locating difference or privilege in a location, Kaplan and others are arguing that feminists fail to see the interconnections between women across social and geographic locations. Even well intentioned attempts to “give voice” to non-Western women can feed back into forms of domination.

Chandra Talpade Mohanty continues to be an important voice in the dialogue about essentializing “the local” and “woman.” Her work troubles the feminist

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<sup>152</sup> Joan Scott makes a similar argument about how the social sciences essentialize experience as empirical truth. She argues that while experiences are empirically important, they should not stand alone in explaining why or how those experiences were made possible (i.e., to stand in for structure). Joan Scott. 1992. “Experience.” In, *Feminists Theorize the Political*, ed. Judith Butler and Joan W. Scott. New York: Routledge.

valorization of “the local” and “situated knowledges” because of the way that Third World women are homogenized into a seamless category of “Third World woman” (Mohanty 2003). In her widely read essay “Under Western Eyes,” Mohanty traces out the discursive domination of Western feminist scholarship. Cautious not to be reductive of Western feminism herself, she focuses on examples of Western feminist writings that

discursively colonize the material and historical heterogeneities of the lives of women in the Third World, thereby producing/representing a composite, singular ‘Third World woman’ – an image that appears arbitrarily constructed but nevertheless carries with it the authorizing signature of Western humanist discourse. (Mohanty 1991, p.19)

Mohanty does not argue that only those from within a certain context can study that context. Rather, the discursive colonization she speaks of can be enacted by a variety of voices. Mohanty is concerned with silencing the interconnections and complexity of domination.

A recent example that exhibits Mohanty’s concerns is the Western media attention given to female genital surgeries (FGS) in Africa. Isabelle Gunning shows how Western feminist and popular attempts to politicize FGS perpetuate views that African women are defenseless and weak while Western women are viewed as advanced, emancipated and capable of emancipating other women (Gunning 1998). For example, Alice Walker and Pratibha Parmar’s *Warrior Marks* is a movie that exposes the local issue of FGS for some African women. However, in the movie there are no depictions of actual local African women who oppose the FGS. Gunning argues that what the audience sees are backwards societies who practice inhumane procedures. The African women are depicted as trapped in culture while the film’s hosts (two Western women of



color) are juxtaposed against them. In this instance, the local is homogenized and essentialized. “By deploying the monolithic, static images of Africa and her peoples in an effort to reach First World audiences, Parmar and Walker’s critique of FGS simultaneously reinvigorate those very destructive myths.” (Gunning 1998, p.207) In an attempt to globalize women’s issues by raising the local “problem” of FGS, the representation of African FGS in the Western media feed into current economic and cultural hierarchies.<sup>153</sup>

A genealogical approach can mediate the issues raised by Kaplan and Gunning because “the local” is not treated as a pre-determined entity. In my research on Russia, I tried to contextualize the issue of “sexual harassment” by exploring the legal and cultural roots of the current debate. However, in emphasizing the local (by doing primary research) I do not divorce the politics of sexual harassment from the array of attendant practices that are connected to women, work and law. I also wanted to see the specific impact of the globalized concept of sexual harassment in Russia. As I stated earlier, a genealogy is not simply an historical retelling, but an effort to unpack the dynamics at play when a “problem” emerges. This lens rendered a more nuanced analysis of sexual harassment as an indigenous practice but also one that is simultaneously intertwined with larger processes, such as economic transition, postsocialism and internationalization of human rights standards. Furthermore, there is an important re-orientation that can occur

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<sup>153</sup> A similar argument can be made regarding the representation of *Hijab* and other coverings for Muslim women. While an issue that can be homogenized as the un-modern practice of “Islamic women,” veiling is increasingly viewed as a Western issue because of the presence of (and tensions around) Muslim immigrants living in Europe and the United States. The legal decision made in France to ban all signs of religious symbolism from schools is a recent example of how the “problem” of *Hijab* must be analyzed as the result of a complex grid. No simple unitary explanation of “veiling” can be made in this instance.

when a genealogy is used. I plan to discuss this in more detail later as well. The point is that in complicating the meaning of sexual harassment in Russia, we can also grasp an alternative vantage point for framing transnational feminist and women's issues. In other words, rather than look for sexual harassment law around the world, we could re-orient our concerns towards various forms of economic discrimination. As such, sexual harassment is not the frame for workplace sex discrimination, rather an example or constitutive effect of larger workings of economic discrimination.

Gunning's work on FGS further illustrates my point about how genealogy can re-orient feminist politics. When FGS is viewed from a critical perspective, other types of questions arise. Rather than view FGS as an isolated practice in Africa, a genealogical approach can uncover the inter-relationship between the power of the medical industry and women's societal and familial positions. In this way, while there are particularities to "FGS", they can also be seen in the context of the medicalization of women's bodies. As a counter example to *Warrior Marks*, Gunning points to the movie *Fire Eye*, which presents a critical global view of how women's bodies are medically altered in the name of femininity, including Western European and American practices of cosmetic surgery.

In addition to the problem of essentialism in cross-cultural work, Mohanty is also concerned with the question of whether forms of feminist politics are themselves part of hegemonic projects and whether social science knowledge (and classrooms) obscure our understanding of the exploitation of women and dominated peoples. I engage this point of Mohanty's (and others) by wrestling with the limitations of the concept gender. As the primary concept or tool of Western feminist politics, it is difficult to not see the

discursive power the concept of gender wields. I think that one of the key lessons of my project is that I show highlight the discursive domination of the concept of gender and the potential heuristic value of sexual difference. Thus, in cross-cultural work, it is important to ask how sexual difference is constituted and in what ways is it politically salient and through which registers (national, racial, economic) is it rendered. I also recognize that there are limitations to using sexual difference as a starting point, especially in the ways that it privileges thinking of difference through constructions of sex rather than other socially salient categories.<sup>154</sup> My intention was not to privilege one difference over another but to de-naturalize “gender” as a coherent analytic tool. Indeed, I believe that genealogy also demands that we think in terms of intersections and contradictions, and in this way, “sexual difference” is an important piece of the puzzle in Russia.

The potential of genealogy to negotiate the problems within Western feminist scholarship is also linked to Mohanty’s vision of critical multicultural feminism (Mohanty 2002, p.125). As an Anglo Western feminist academic, I have wrestled with these issues in this project. This study of the politics of sexual harassment in Russia exhibits how a re-orientation towards a genealogy of sexual difference challenged my use of the concept of gender and the assumptions I carried about “women in Russia.” My attempt at genealogy opened up discussions of how the concept of gender is both an imposition and democratic tool for a range of indigenous activists, thus showing the interconnections between indigenous structures and the internationalization of gender politics in the constitution of local Russian politics. An analysis of “sexual harassment”

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<sup>154</sup> And, as Joan Scott has stated, “the physical presence of females is not always a sure sign that ‘women’ are a separate political category, or that they have been mobilized as women” (Scott 1999, p. 212).

as a legal practice contextualized the meanings tied to the category in Russia. A genealogy can remind social scientists that the categories of our research are themselves social constructs. No unitary understanding of “Russian women” emerged from the research on sexual harassment. Yet, I have a stronger grasp of some of the primary and most salient tensions that constitute many of the experiences of women in Russia. I also have a sense of how insufficient the sexual harassment lens is for encapsulating the social and economic vulnerabilities of women in transition economies.

### ***Sexual Harassment in Russia and Links to Transnational Feminist Politics***

The idea that the politics of sexual harassment in Russia and the United States are diametrically opposed and that the norms carried by the concept “sexual harassment” are unproblematic at the local level of U.S. politics appears to be an implicit assumption running in this project. In some respects, my work can be criticized for being reductive. Yet, my goal in the research was not to answer some final question regarding the meaning of sexual harassment *writ large*. I wanted to unpack this discussion within Russia by articulating the normative assumptions that are part of (and exported by) the concept of sexual harassment. I do not believe that the issues at stake in the United States and Russia on this issue are necessarily opposite, simply different. There are important similarities and points of connection as well.<sup>155</sup>

What would it take for sexual harassment to become an axis on which transnational feminist activism rallied? Given the normative issues I have assiduously

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<sup>155</sup> At another time and in another project, I think it would be interesting to explore the developments that I have analyzed in Russia as part of a liberal political tradition. In this way, the differences that I have exposed and the particularities I have drawn concerning the politics of sexual harassment in Russia could be seen as points within a constellation of liberal politics. The “problem” of sexual harassment in Russia is thus not about the lack of liberal principles but with the specific liberal politics at play in Russia.

raised, why would this be a good idea? I realize the murky waters I am entering here, but I also think that there are important lessons to extrapolate from the Russian experience with sexual harassment. My speculations about the transnational potential of sexual harassment are connected to current debates on the framework of “women’s rights are human rights” as a political tool for combating gender hierarchy and global domination. I will first give a brief synopsis of this debate and then consider what the Russian case study can lend to that debate. I want to consider the framework of economic discrimination as a potential axis for future cross-border activism.

### ***From Universal Human Rights to Women’s Human Rights***

The rise of the “women’s rights are human rights” framework was the result of many factors, including a desire to challenge the gender-neutrality of international human rights norms and a compromise position that assuaged the rifts between international women’s groups. A range of women’s NGO’s have played a key role in advancing women’s issues as part of the international expansion of human rights. Despite the presence of the Universal Declaration of Human Rights (1948) and subsequent declarations, such as the UN International Covenants on Economic, Social and Cultural Rights (UNICESCR) and on Civil and Political Rights (UNICCPR), women’s groups have exposed the glaring distance between the abstract equality promoted in these declarations and the daily injustices experienced by women the world over. The inability of gender-neutral and abstract human rights to cover the specific experiences of women fueled a movement to recognize women’s human rights. One of the centerpieces of the politicization of human rights was violence against women (also referred to as

gender violence).<sup>156</sup> According to Charlotte Bunch, the movement to challenge the limited notions of human rights “seeks to demonstrate both how traditionally accepted human rights abuses are specifically affected by gender, and how many other violations against women have remained invisible within prevailing approaches to human rights” (Bunch and Reilly 1995, p.530).

The Universal Declaration of Women’s Rights (1967) and the Convention on the Elimination of All Forms of Discrimination or CEDAW (1979) embody the first advances of the drive towards the recognition of women’s human rights. However, during the UN decade of the woman (1985-1995), women’s groups vehemently worked on a global and cross-regional basis to push the cause of women’s human rights.<sup>157</sup> This drive was due to the insufficiency of and noncompliance with declarations such as CEDAW to bring gender violence to the forefront of human rights discourse (Moller Okin 2000, p. 27). Real change occurred at the 1993 World Conference on Human Rights in Vienna, where “in spite of women’s invisibility in its original mandate, when the World Conference ended in June 1993, gender-based violence and women’s human rights emerged as the most talked-about subjects” (Bunch and Reilly 1995, p.534). The

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<sup>156</sup> The criminalization of wartime rape was an important issue for advancing women’s human rights. At the center of this campaign was the genocidal war in the former Yugoslavia where Muslim women were systematically raped, tortured and enslaved. For the first time in 2001, the International Criminal court in The Hague handed down a guilty verdict for three Bosnian Serb soldiers for their participation in the 1992 rape campaign. This would not have been possible if women’s groups had not pushed for rape to be classified as a war crime. On the criminalization of rape and the case of Yugoslavia see, Beverly Allen. 1996. *Rape Warfare: The Hidden Genocide in Bosnia-Herzegovina and Croatia*. Minneapolis: University of Minnesota Press; and Barbara Bedont and Katherine Hall Martinez. 1999. “Ending Impunity for Gender Crimes under the International Criminal Court,” *The Brown Journal of World Affairs* 6:1.

<sup>157</sup> I am using “women’s groups” as a short-hand in this section in order to cover the breadth of the debates on women’s human rights in a brief space. It is important to note that these groups are varied and include organizations such as NGO’s, social movements, issue and identity networks, project coalitions, and issue-based campaigns (Basu 2000, p. 72).

Vienna Declaration both recognizes violence against women as a human rights violation and establishes this issue as a major concern of the UN by establishing a special rapporteur on violence against women.

The strength of the “women’s rights are human rights” framework was also due to the coalescence of diverse and often conflicting voices. According to Amrita Basu, the first broad phase of international feminism (between 1975 and 1985) “was marked by bitter contestation over the meaning of feminism and over the relationship between the local and the global” (Basu 2000, p. 70). Global North/South divisions on how best to portray women’s rights characterized the tensions of this first period. For example, Northern-based groups tend to sponsor campaigns to extend women’s civil and political rights while Southern-based groups are more likely to address poverty, inequality, and basic needs (Basu 2000; Grewal 1998). Basu explains that these differences were diminished during the second broad phase of international feminism (between 1985 and 1995), which culminated in the 1995 World Conference on Women in Beijing and the parallel NGO Forum in Huairou. She attributes these changes to the influence of women of color in the United States to shape feminist discourse and build bridges with Southern-based women and because of the significant changes pushed by women in the South for anti-discrimination policies. Both of these factors breached the divide between women’s groups. Another important factor that brought women’s groups together during this

period was the coalescence of powerful conservative voices from the global North and South challenging the work of the Beijing conference (Basu 2000; West 1999).<sup>158</sup>

There is a general consensus in the literature on the internationalization of women's rights that the universal framework of "women's rights are human rights" is important to bridging the differences between women around the world (Basu 1995; Dutt 1998; Peters and Wolper 1995; and Schuler 1995). For example, Basu argues that the recognition of the violation of women's rights as a human rights abuse has re-framed women's movements as transnational, which now "appeal to universal principles of human rights and seek redress in global arenas" (Basu 2000, p.73). However, this acknowledgement resides within the context of continued debate about the efficacy of the international human rights framework for advancing women's diverse concerns. At the center of this debate are questions regarding the imposition of Western cultural standards, an over-emphasis on individual rights over community empowerment, and the impact of transnational elite NGO's on local non-elite women's activism (Alvarez 2000; and Dutt 1998).<sup>159</sup>

The different views of Susan Moller Okin and Iderpal Grewal on women's rights to asylum provide an instructive juxtaposition of views regarding the "women's rights are human rights" framework. Moller Okin unequivocally contends that the recognition of

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<sup>158</sup> In March 2005, at the 10-year anniversary of the Beijing Conference, United States President Bush has held back his intentions to join in re-validating the UN Platform of Action for Women's Rights. From the coverage of the Beijing +10 gatherings in New York, it is evident that the Bush administration is aligning with other conservative religious voices (such as the Vatican and some Islamic countries) to withdraw from the historic international agreement. See, *U.S. Newswire*, February 25, 2005. Accessed on Lexus Nexus, March 1, 2005.

<sup>159</sup> Other important views and criticisms of the Beijing conference on women are discussed in a special issue of *Signs*, Vol. 22 (1) 1996.



women's rights as human rights is critical to supporting oppressed women around the world. "It is no coincidence that, in the climate of international human rights generated by the series of U.N. conferences culminating in those in Vienna, Cairo, and Beijing, both Canada and the United States granted legitimate refugee status to women fleeing persecutions such as forced marriage or genital mutilation." (Moller Okin 2000) For Moller Okin, the fact that women's rights are abstracted internationally through a human rights discourse means that women's concerns have greater validity. Furthermore, there is also greater leverage for individual women to adjudicate their concerns.

While Grewal acknowledges the effectiveness of the human rights framework as a political tool, she is also concerned with the assumptions, and harmful discourses, that are carried by universal declarations. She studies cases of Third World women seeking asylum in the West and finds that pernicious views of "backwards states" ground the successful applications. As a result of these asylum cases, dominant discourses on gender based oppression become constitutive discourses on cultural backwardness and cover the important socio-economic forces at play (some of which are generated from within the West, such as with TNC's). "If human rights activism and immigration activism rely on remedies that promote notions of a white, freedom-giving America, then U.S. state power yoked to new imperial and global formations will advance." (Grewal 1998, p. 517)

Even its harshest critics cannot deny the ubiquity of the "women's rights are human rights" framework and its potential as a tool for women's activism. There are also important criticisms to consider. From my research on sexual harassment in Russia, I

think that the greatest deficiency of the “women’s rights are human rights” framework is that it does not (in practice) encourage genealogical understandings of oppression.

Without a genealogical understanding of how difference matters and creates social hierarchies it is difficult to mediate the complexities of the local/global tensions I have highlighted. At the heart of this tension is the balancing act between the necessity for constructing a political strategy that can operate on a global-wide scale (such as the “women’s rights are human rights” framework) and effectively combating and disengaging from hegemonic discourses that (re)inscribe domination. The difficulty of this balancing act has limited the levels on which different women’s groups have linked their efforts. In fact, most observers of current transnational women’s and feminist organizing state that violence against women is the dominant (and easiest) point of connection within the current “women’s rights are human rights” global politics. While violence against women (or gender violence) is a key axis of transnational advocacy, it is also important to see what is not getting appropriate attention.

Economic justice is still a critical issue upon which transnational women’s activism has not sufficiently organized. One reason for this is that the Northern-based women’s groups who emphasize civil and political rights have an advantage (or hegemony) over Southern-based groups who emphasize economic, social and cultural rights (Basu 2000; Chow 1996).<sup>160</sup> Some scholars also point out that the fundamental rights presumed by the concept of human rights often leaves out socio-economic rights

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<sup>160</sup> Brenner asserts that “transnational feminism has depended for its organizational growth not on funds generated from grass-roots membership but on resources provided by powerful institutions such as the UN, social democratic governments in the North, and private foundations in the capitalist core countries” (Brenner 2003, p. 80).

(Grewal 1998; and Brenner 2003). Both of these factors are exacerbated by the fact that many women's organizations in the North have yet to frame or conceptualize their issues in terms of globalization. Therefore, a division is made between the dominant indigenous women's issues in the global North that are framed in terms of civil and political rights and women's issues in the global South that are framed in terms of globalization (such as Free Trade, neoliberalism and economic restructuring). The problem with this division is that the economic dynamics of women's inequality in the North and South are homogenized and rendered as disparate problems. As such, the interconnections and interdependences are obscured.

Sexual harassment provides an interesting lens on these issues. Thus far, the globalized issue of sexual harassment is largely framed as a national issue of political or civil rights and not an international/global economic rights issue. For example, many of the studies on sexual harassment outside of the Western liberal experience focus on comparative analyses rather than on points where struggles may intersect (Feld 2002; Webb 1994; Zalesne 2002). How could we re-conceptualization "sexual harassment" in order facilitate greater cross-border transnational links? What potential areas of conflict should we be aware of, given the difficulty of balancing international advocacy tools and the potential of those same tools to reinforce hierarchies?

I described the mixed impact of sexual harassment on the advancement of women's issues in Russia (and Europe). This work suggests that the concept of sexual harassment provides both an important nexus to build on and an opportunity for reformulating international tools. The most salient lesson from my work in Russia is that

sexual harassment is an issue that exists on the level of economic discrimination and not just unequal treatment. I am not advocating for a comprehensive and unitary meaning of sexual harassment. Rather, I am suggesting that the experience of “sexual harassment” in the United States should be particularized while the broader issues of economic discrimination are globalized as a point of interconnection and transnational organizing.

Refashioning sexual harassment as an issue of economic discrimination expands the dominant registers for understanding those aspects of women’s inequality that are represented by “sexual harassment.” The different treatment that is at the heart of the hegemonic conceptualization of sexual harassment as unequal treatment is a fairly narrow view of the wide range of possibilities for why and how women are affected by “sexual harassment.” At the heart of this conceptualization is an understanding of women’s labor as primarily developing along a private/public divide. That is, women’s exclusion from the paid labor economy (and the repercussion of their eventual inclusion) is generalized as the linchpin of women’s public sphere exploitation. However, as I explained earlier, “sexual harassment” is not conceptualized in Russia as the effect of women’s working but as an effect of specific economic structures (such as privatization). In fact, “sexual harassment” is probably more frequently an experience of women who have traditionally been paid for their work and for whom access to work has been an issue of necessity and survival, rather than something that defines a gendered political identity. The experiences of African American and immigrant women in the United States and Global North, women laborers in the informal economies of Eurasia, and the women who make

up the majority of workers in Free Trade Zones (FTZ's) cannot be reduced to an exclusion/inclusion model of the public/private distinction.

While the separation of public and private spheres has been and remains a critical mechanism in the gendered division of labor, it does not constitute the only register through which sexual harassment is rendered an important component of economic justice. Again, returning to Russia, the separation of public and private spheres has not historically regulated women's access to work. To the contrary, women during the Soviet period were required to work equally as men. The injustices experienced by women in the formal economic sphere were associated with state policies and economic plans more than patriarchy (i.e. men not wanting women to work). This is changing to some extent in the postsocialist context, but the most salient register for analyzing women's labor issues is still focused on the state and economic transition. The separation of public and private spheres does contribute to the gendered division of labor but not in the same developmental ways as in other contexts. As such, sexual harassment is a more profound statement against economic policies than against unequal treatment of women in a patriarchal society.<sup>161</sup> In this regard, the state response to sexual harassment in Russia focuses on different treatment (via protective legislation) rather than establishing equal (same) treatment.

Drawing on the lessons from the experiences in Russia, what new areas of interconnection and organizing are possible with an understanding of sexual harassment

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<sup>161</sup> There are points of intersection as well. Russian scholars have also pointed out that the post-Soviet state has adopted the patriarchal qualities of Western capitalism that over-value masculinity and under-value femininity. One could also argue that the post-Soviet state has continued the Soviet tradition of state paternalism but has re-packaged it in new rhetoric. The difference today is that the same or similar patriarchal values are in place without the social safety net that was once provided by the state.

as an issue of economic discrimination? Any reformulation of sexual harassment in terms of economic discrimination would require genealogical thinking and strategizing. I think that much of the work that can be done will require that Western women push the boundaries for how they conceive of sexual harassment.<sup>162</sup> One potential area for exploration could be linking the experiences of migrant and immigrant women workers in the global North (or core economies) with the experiences of privileged women workers in the global North. Research on recent labor organizing in the United States shows that immigrant women are one of the fastest growing populations joining labor unions (Clark 2004; Stern 2004). Using a more genealogical approach to “sexual harassment” will ensure that their experiences in the workplace are not strictly construed in terms of the experiences of middle-class white women in the American workplace. Thus, while their experiences may be quite similar, the impact and meaning of women and men’s experiences can be quite different.

A variety of experiences can be linked under the broader framework of economic discrimination but will require more privileged women and labor organizations to think in terms of intersectionality. For example, this reformulation of sexual harassment will

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<sup>162</sup> Ann Ferguson argues that the Western liberal feminist organization Women in Development (WID) was first structured around a narrow view of development and women’s exploitation. This view was rooted in their understanding of the gendered division of paid and unpaid labor that helped fuel modernization in the West as well as women’s second-class citizenship status. Ferguson points out that this view of modernization does not apply to women around the world. In contrast, women’s organizations in the global South such as DAWN (Development and Women for a New Era) focus more on an empowerment approach to international development. Groups such as DAWN understand that women’s oppression cannot simply be reduced to their unequal status with men. In a similar fashion, I am arguing that the issue of sexual harassment is too narrowly viewed as an issue of unequal treatment rather than economic vulnerability or economic discrimination. Ann Ferguson. 2000. “Resisting the Veil of Privilege: Building Bridge Identities as an Ethico-Politics of Global Feminism.” In, Uma Narayan and Sandra Harding (eds). *Decentering the Center: Philosophy for a Multicultural, Postcolonial, and Feminist World*. Bloomington: Indiana University Press.

require linking workplace discrimination with issues such as immigration law, free trade and the privatization of social services. In the similar ways that the issue of trafficking of women and girls can be too narrowly understood in terms of gender rather than racial, social and economic marginalization, sexual harassment is also too narrowly understood.<sup>163</sup> There are already examples of this work happening (Clawson 2003; and Domínguez 2002). In any future work on sexual harassment it will be critical that activists and scholars think in terms of genealogy in order to organize more effectively, while negotiating the complexities of pursuing social change.

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<sup>163</sup> The concept of intersectionality has slowly entered NGO thinking and strategizing in part because of the important work of women activists and scholars who advance the concerns of women who experience multiple forms of oppression (Anzaldúa 2002; Crenshaw 1994; and Sandoval 2000).

## References

- Abubikorova, N. I. 1996. "Chto takoe 'gender'." *Obshchestvennie Nauki i Sovremennost'* 6:123-125.
- Aeberhard-Hodges, Jane. 1996. "Sexual Harassment in Employment: Recent judicial and arbitral trends." *International Labour Review* 135(5):499-533.
- Ahdieh, Robert. 1997. *Russia's Constitutional Revolution: Legal Consciousness and the Transition to Democracy, 1985-1995*. University Park: Pennsylvania University Press.
- Alárcon, Norma. 1990. "The Theoretical Subject(s) of This Bridge Called My Back and Anglo-American Feminism." In *Making Face/Making Soul-Haciendo Caras: Creative and Critical Perspectives by Women of Color*, edited by G. Anzaldúa. San Francisco: Aunt Lute.
- Alekseeva, Ludmilla. 2000. "The Human Rights Situation in the Russian Federation, 1998." In *Human Rights in Russia*. Washington, D.C: Commission on Security and Cooperation in Europe.
- Allen, Beverly. 1996. *Rape Warfare: The Hidden Genocide in Bosnia-Herzegovina and Croatia*. Minneapolis: University of Minnesota Press.
- Alvarez, Sonia. 2000. "Translating the Global Effects of Transnational Organizing on Local Feminist Discourses and Practices in Latin America." *Meridians: feminism, race, transnationalism* 1(1):29-67.
- Anzaldúa, Gloria. 1987. *Borderlands La Frontera: The New Mestiza*. 1<sup>st</sup> ed. San Francisco: Aunt Lute.
- Antonian, Iu., A. A. Tkachenko, and B. V. Shostakovich. 1999. *Kriminal'naia Seksologia*. Moskva: Spark.
- Antonov, O. A., and V. D. Ivanov. 2001. *Sbornik Zadach po Ugolovnomu Pravu: kriminal'nye kazusy iz materialov sudebno-sledstvennoi praktiki*. Moskva: PRIOR.
- Aristarkhova, Irina. 1999. "Genealogiia otnoshenii rossiiskogo i zapadnogo feminizma: v teorii i na praktike." *Posidelki* May 14:10-16.
- Aristova, Vladimir. 2000. "Matriarkhaika i Sovremennye Gendernye Obrazi." In *Zhenshchina i Vizual'neye Znaki*, edited by A. Al'chuk. Moskva: Ideia Press.



- Attwood, Lynne. 1997. "‘She was asking for it’: rape and domestic violence." In *Post-Soviet women: from the Baltic to Central Asia*, edited by M. Buckley. Cambridge: Cambridge University Press.
- Azhgikhina, Nadezhda. 2000. "Empowering Russia's Women: Will Their Potential be Tapped?" *We/Myi*.
- Babich, Dmitry. 1994. "Workplace Harassment." *Moscow Times*, July 5.
- Bacchi, Carol Lee. 1996. *The Politics of Affirmative Action: Women, Equality and Category Politics*. London: Sage.
- Barry, Donald. 2002. *Russian Politics: The Post-Soviet Phase*. New York: Peter Lang.
- Baskakova, M. E. 1998. *Ravnye Vozmozhnosti i Gendernye Stereotipy na Rynka Truda*. Moskva: Tsentr Gendernykh Issledovaniia.
- Basu, Amrita, ed. 1995. *The Challenge of Local Feminisms: Women's Movements in Global Perspective*. Boulder: Westview Press.
- Basu, Amrita. 2000. "Globalization of the Local/Localization of the Global: Mapping Transnational Women's Movements." *Meridians: feminism, race, transnationalism* 1(1):68-84.
- Basu, Amrita, Inderpal Grewal, Caren Kaplan, and Lisa Malkki. 2001. "Editorial." *Signs: Journal of Women, Culture, and Society*. 26(4): 943-948.
- Bedont, Barbara, and Katherine Hall Martinez. 1999. "Ending Impunity for Gender Crimes under the International Criminal Court." *The Brown Journal of World Affairs* 6.
- Belyakova, A. M., Z. S. Bekiayeva, N. N. Sheptulina, and V. N. Tokunova, eds. 1978. *Soviet Legislation on Women's Rights*. Moscow: Progress Publishers.
- Berlin, Isaiah. 1979. *Russian Thinkers*. London: Penguin Books.
- Berry, Ellen, ed. 1995. *Post-communism and the Body Politic*. New York: New York University Press.
- Bevir, Mark. 1999. "Foucault, Power, and Institutions." *Political Studies* 67:345-359.
- Blum, Jerome. 1967. *Lord and Peasant in Russia: from the ninth to the nineteenth century*. New York: Anthem.

- Bourdieu, Pierre. 1994. "Rethinking the State: Genesis and Structure of the Bureaucratic Field." *Sociological Theory* 12(1):1-18.
- Boykova, Yelizaveta. 2002. "Russian TV Blames Failure of School Sex Education for High VD and Abortion Rates." *BBC Monitoring International Reports* May 19.
- Brenner, Johanna. 2003. "Transnational Feminism and The Struggle for Global Justice." *New Politics* IX (2): 78-90.
- Bridger, Sue, Rebecca Kay, and Kathryn Pinnick, eds. 1996. *No More Heroines? Russia, women, and the market*. New York: Routledge.
- Brown, Wendy. 1995. *States of Injury: Power and Freedom in Late Modernity*. Princeton: Princeton University Press.
- Brubaker, Rogers. 2000. "Beyond 'Identity'." *Theory and Society* 29:1-47.
- Brubaker, Rogers, Mara Loveman, and Peter Stamatov. 2004. "Ethnicity as Cognition." *Theory and Society* 33:31-64.
- Bryant, Raymond. 2002. "Non-governmental Organizations and Governmentality: 'Consuming' Biodiversity and Indigenous People in the Philippines." *Political Studies* 50:268-292.
- Bulkin, Elly, Minnie Bruce Pratt, and Barbara Smith. 1984. *Yours in Struggle: three Feminist Perspectives on Anti-Semitism and Racism*. Ithaca: Firebrand Books.
- Bunch, Charolette, and Niamh Reilly. 1995. "The Global Campaign: Violence Against Women Violates Human Rights." In *From Basic Needs to Basic Rights: Women's Claim to Human Right*, edited by M. Schuler. Washington, D. C.: Women, Law & Development International.
- Bunch, Charolette, and Susana Fried. 1996. "Beijing '95: Moving Women's Human Rights from Margin to Center." *Signs: Journal of Women, Culture, and Society*. 22(1): 200-204.
- Burdeau, Cain. 2001. "Russian women find success in workplace." *The Russia Journal*, December 14.
- Butler, W. E. 1997. "Comradely Justice Revised." *Review of Socialist Law* 3(3): 325-334.
- Butler, W. E. 2003. *Russian Law*. Second Ed. Oxford: Oxford University Press.

- Byrnes, Robert. 1955. "Pobedonostsev on the Instruments of Russian Government." In *Continuity and Change in Russian and Soviet Thought*, edited by E. J. Simmons. Cambridge: Harvard University Press.
- Carpenter, R. Charli. 2002. "Gender Theory in World Politics: Contributions of a Nonfeminist Standpoint?" *International Studies Review* 4(3):153-165.
- Chernyshevsky, Nikolai. 1986. *What is to be done?* Translated by N. Dole and S. S. Skidelsky. Ann Arbor: Ardis.
- Chistiakov, O. I. 1988. *Rossiiskoe Zakonodatel'stvo*. Vol. 6. Moskva: Literatura.
- Chow, Esther Ngan-ling. 1996. "Making Waves, Moving Mountains: Reflections on Beijing '95 and beyond." *Signs: Journal of Women, Culture, and Society*. 22(1): 185-192.
- Cichowski, Rachel. 2000. "Gender and Policy in Comparative Perspective." *Women & Politics* 21(1):107-115.
- Clark, Amanda. 2004. "A Hometown Dilemma: Addressing the Sexual Harassment of Undocumented Women in Meatpacking Plants in Iowa and Nebraska." *Hastings Women's Law Journal* Winter.
- Clawson, Dan. 2003. *The Next Upsurge: Labor and the New Social Movement*. Ithaca: ILR Press.
- Colton, Timothy, and Michael McFaul. 2003. "Russian Democracy Under Putin." *Problems of Post-Communism* 50(4).
- Corigliano Noonan, Norma, and Carol Nechemias, eds. 2001. *Encyclopedia of Russian Women's Movements*. Westport: Greenwood Press.
- Crenshaw, Kimberlé. 1992. "Whose Story is it Anyway? Feminist and Antiracist Appropriations of Anita Hill." In *Race-ing Justice, En-gendering Power: Essays on Anita Hill, Clarence Thomas and the Construction of Social Reality*, edited by T. Morrison. New York: Pantheon Press.
- de Cruz, Peter. 1999. *Comparative Law in a Changing World*. Second Ed. London: Cavendish Publishing Limited.
- Cushman, Clare, ed. 2001. *Supreme Court Decisions and Women's Rights*. Washington, D.C.: CQ Press.

- Dallmayr, Fred. 1999. *Border Crossings: Toward ad Comparative Political Theory*. Lanham, MD: Lexington Books.
- Dallmayr, Fred. 2004. "Beyond Monologue: For a Comparative Political Theory." *Perspectives in Politics* 2(2):249-257.
- Desai, Padma, and Todd Idson. 2000. *Work without Wages: Russia's Nonpayment Crisis*. Cambridge: MIT Press.
- D'iachenko, A. P. 1995. *Ugolovno-Pravovaia Okhrana Grazhdan v Sfere Seksual'nykh Otnoshenii*. Moskva: Akademiia MVD.
- Dobrianskii, A. M. 1904. "Oskorblenie Chesti po Novomu Ugolovnomu Ulozheniiu." *Zhurnal Ministerstva Iustitsii* No. 5
- Dolgova, A. I., ed. 1994. *Izmeneniia Prestupnosti v Rossii: kriminologicheskii kommentarii statistiki prestupnost*. Moskva: Kriminologicheskaiia Assotsiatsiia.
- Domínguez, Edmé. 2002. "Continental transnational activism and women workers' networks within NAFTA." *International Feminist Journal of Politics* 4(2): 216-239.
- Dutt, Mallika. 1998. "Reclaiming a Human Rights Culture: Feminism of Difference and Alliance." In *Talking Visions*, edited by E. Shohat. Cambridge: MIT Press.
- Echols, Alice. 1989. *Daring to be bad: radical feminism in America, 1967-75*. Minneapolis: University of Minnesota Press.
- Edmondson, Linda. 1984. *Feminism in Russia, 1900-17*. Stanford: Stanford University Press.
- Elman, Amy, ed. 1996. *Sexual Politics and the European Union: The New Feminist Challenge*. Oxford: Berghahan.
- Elshtain, Jean Bethke. 1987. *Women and War*. New York: Basic Books.
- Engels, Frederick. 1942. *The Origin of the Family, Private Property and the State*. New York: International Publishers.
- Engelstein, Laura. 1992. *The Keys to Happiness: sex and the search for modernity in fin-de-siecle Russia*. Ithaca: Cornell University Press.

- Enloe, Cynthia. 1990. *Bananas, Beaches, and Bases: making feminist sense of international politics*. Berkeley: University of California Press.
- Euben, Roxanne. 2002. "Contingent Borders, Syncretic Perspectives: Globalization, Political Theory, and Islamizing Knowledge." *International Studies Review* 4(1):23-48.
- Evans Clements, Barbara, Barbra Alpern Engel and Christine Worobec, eds. 1991. *Russia's Women: Accommodation, Resistance, Transformation*. Berkeley: University of California Press.
- Feld, Louise. 2002. "Along the Spectrum of Women's Rights Advocacy: A Cross-Cultural Comparison of Sexual Harassment Law in the United States and India." *Fordham International Law Journal* June.
- Ferguson, Ann. 2000. "Resisting the Veil of Privilege: Building Bridge Identities as an Ethico-Politics of Global Feminisms." In *Decentering the Center: Philosophy for a Multicultural, Postcolonial, and Feminist World*, edited by Uma Narayan and Sandra Harding. Bloomington: Indiana University Press.
- Fish, Steven. 2000. "The Executive Deception: Superpresidentialism and the Degradation of Russian Politics." In *Building the Russian State: Institutional Crisis and the Quest for Democratic Governance*, edited by V. Sperling. Boulder: Westview Press.
- Fitzpatrick, Sheila and Yuri Slezkine, eds. 2000. *In the Shadow of Revolution: Life Stories of Russian Women, from 1917 to the Second World War*. Princeton: Princeton University Press.
- Flanagan, William. 2001. "HIV/AIDS and Human Rights in Russia: Compliance and the Rule of Law." *Osgoode Hall Law Journal* 39.
- Foinitskii, I. Ia. 1890. *Kurs Ugolovnago Prava: Chast' Osobennaia*. Sankt Peterburg: Tipografiia M. M. Stasiulevicha.
- Foucault, Michel. 1973. *Madness and Civilization: A History of Insanity in the Age of Reason*. Translated by R. Howard. New York: Vintage Books.
- Foucault, Michel. 1988. *The History of Sexuality*. Vol.1. Translated by R. Hurley. New York: Vintage Books.
- Frank, Stephen. 1987. "Popular Justice, Community and Culture among the Russian Peasantry, 1870-1900." *The Russian Review* 46:239-265.

- Franks, Myfanwy. 2002. "Feminisms and cross-ideological feminist social research: standpoint, situatedness and positionality – developing cross-ideological feminist research." *Journal of International Women's Studies* 3(2): 40-53.
- Fullsack, Manfred. 2001. "Official Figures and Unofficial Realities: Employment Rates and their Significance in Russia." *Europe-Asia Studies* 53(4):613-625.
- Funk, Nanette. 2004. "Feminist Critiques of Liberalism: Can They Travel East? Theory Relevance in Eastern and Central Europe and the Former Soviet Union." *Signs: Journal of Women in Culture and Society* 29(3):695-726.
- Gal, Susan, and Gail Kligman. 2000. *The Politics of Gender after Socialism: A Comparative Historical Essay*. Princeton: Princeton University Press.
- Gardiner, Frances, ed. 1997. *Sex Equality Policy in Western Europe*. London: Routledge.
- Gerasimenko, Ol'ga. 2000. "Vladimir Zhirinovskiy: Ia khochu zhenit'sia na dvukh zhenshchinakh." *Komsomol'skaia Pravda*, October 7.
- Gessen, I. V. 1997. *Advokatura, Obshestvo i Gosudarstvo (1864-1914)*. Vol. 1. Moskva: Iurist'.
- Ghodsee, Kristen. 2003. "And if the Shoe Doesn't Fit? (Wear it Anyway): Economic Transformation and Western Paradigms of Women in Development Programs in Post-Communist Central and Eastern Europe." *Women's Studies Quarterly* 3/4:19-37.
- Ghorayshi, Parvin. 1996. "Women in Developing Countries: Methodological and Theoretical Considerations." *Women & Politics* 16(3)89-111.
- Glickman, Rose. 1984. *Russian Factory Women: Workplace and Society, 1880-1914*. Berkeley: University of California Press.
- Goldhaber, Michael. "Russian Roulette." *The American Lawyer* August 2004
- Goldman, Wendy. 1993. *Women, the State and Revolution: Soviet Family Policy and Social Life, 1917-1936*. Cambridge: Cambridge University Press.
- Gorbachev, Mikhail Sergeevich. 1987. *Perestroika: new thinking for our country and the world*. New York: Harper and Row.
- Gorlizki, Lisa. 1998. "Delegalization in Russia: Soviet Comrades' Courts in Retrospect." *American Journal of Comparative Law* 46:403-425.

- Granik, Lisa. 1997. "Trials of the Proletarka: Sexual Harassment Claims in the 1920's." In *Reforming Justice in Russia, 1864-1996: Power, Culture, and the Limits of Legal Order*, edited by P. Solomon. New York: M. E. Sharpe.
- Grewal, Inderpal. 1995. "On the New Global Feminism and the Family of Nations: Dilemmas of Transnational Feminist Practice." In *Talking Visions: Multicultural Feminism in a Transnational Age*, edited by E. Shohat. Cambridge: MIT Press.
- Grewal, Inderpa, and Caren Kaplan, eds. 1996. *Scattered Hegemonies: Postmodernity and Transnational Feminist Practice*. Minneapolis: University of Minnesota Press.
- Guerrina, Roberta. 2001. "Equality, Difference and Motherhood: The case for a feminist analysis of equal rights and maternity legislation." *Journal of Gender Studies* 10(1):33-42.
- Guy-Sheftall, Beverly and Kimberly Wallace Sanders. 1996. "Educating Black Women Students for the Multicultural Future." *Signs: Journal of Women, Culture, and Society*. 22(1):210-213.
- Gunning, Isabelle. 1998. "Cutting Through the Obfuscation: Female Genital Surgeries in Neoimperial Culture." In *Talking Visions: Multicultural Feminism in a Transnational Age*, edited by E. Shohat. New York: MIT Press.
- Hazard, John, William Butler, and Peter Maggs. 1997. *The Soviet Legal System*. Third Ed. Dobbs Ferry, NY: Oceana Publications.
- Healey, Dan. 2001. *Homosexual Desire in Revolutionary Russia: the regulation of sexual and gender dissent*. Chicago: University of Chicago Press.
- Heinen, Jacqueline. 1997. "Public/Private: gender – social and political citizenship in Eastern Europe." *Theory and Society* 26:577-597.
- Hendley, Kathryn. 1996. *Trying to Make Law Matter: Legal Reform and Labor Law in the Soviet Union*. Ann Arbor: University of Michigan Press.
- Heitlinger, Alena. 1979. *Women and State Socialism: Sex Inequality in the Soviet Union and Czechoslovakia*. Montreal: McGill-Queen's University Press.
- Hemment, Julie. 2004. "Global Civil Society and the Local Costs of Belonging: Defining Violence Against Women in Russia." *Signs: Journal of Women in Culture and Society* 29(31):815-840.

- Heinen, Jacqueline. 1997. "Public/private: Gender – social and political citizenship in Eastern Europe." *Theory and Society* 26: 577-597.
- Henderson, Sarah. 2003. *Building democracy in contemporary Russia: Western support for grassroots organizations*. Ithaca: Cornell University Press.
- Hoffmann, David. 2000. "Mothers in the Motherland: Stalinist Pronatalism in its Pan-European Context." *Journal of Social History* 34(1):35-54.
- Holc, Janine P. 1997. "Liberalism and the Construction of the Democratic Subject in Postcommunism: The Case of Poland." *Slavic Review* 56(3): 401-427.
- Holmgren, Beth. 1995. "Bug Inspectors and Beauty Queens: The Problems of Translating Feminism into Russian." In *Post-communism and the Body Politic*, edited by E. E. Berry. New York: NYU Press.
- Hooks, Bell. 1984. *Feminist Theory: from margin to center*. Boston: South End Press.
- Human Rights Watch. 1995. "Neither Jobs Nor Justice: State Discrimination Against Women in Russia." Washington, D. C: Human Rights Watch.
- Hunt, Karen. 1990. *Equivocal Feminists: The Social Democratic Federation and the Woman Question, 1884-1911*. Cambridge: Cambridge University Press.
- Hunt, Swanee. 1997. "For East Bloc Women, A Dearth of Democracy." *International Herald Tribune*, July 10.
- Inglehart, Ronald, and Pippa Norris. 2003. *Rising Tide: Gender Equality and Cultural Change around the World*. Cambridge: Cambridge University Press.
- Interfaks AIF*. 1999. "Sluzhebnyi roman i sexual harassment: distantsiia ogromnogo razmera." September 16.
- Ivanovna, Tamara. 1998. "Women complain about discrimination at work, low wages." *ITAR-TASS News Agency*, Marcy 7.
- Johnson, Janet Elise. 2001. "Privatizing Pain: The Problem of Woman Battery in Russia." *NWSA Journal* 13(3): 153-168.
- Johnson, Janet Elise. 2004. "Sisterhood versus the 'Moral' Russian State: The Postcommunist Politics of Rape. In *Post-Soviet Women Encountering Transition: Nation Building, Economic Survival, and Civic Activism*, edited by K. Kuehnast and C. Nechemias. Baltimore: Johns Hopkins University Press.



- Jung, Hwa Yol, ed. 2002. *Comparative Political Culture in the Age of Globalization: An Introductory Anthology*. Lanham: Lexington Books.
- Juviler, Peter. 1976. *Revolutionary Law and Order: Politics and Social Change in the USSR*. New York: The Free Press.
- Kahn, Jeffrey. 2002. *Federalism, Democratization and the Rule of Law in Russia*. Oxford: Oxford University Press.
- Kantorovich, Ia. A. 1899. *Zakony o Zhenshchinakh*. Sankt Peterburg. Izdanie Ia. A. Kantorovicha.
- Kaplan, Caren. 1994. "The Politics of Location as Transnational Feminist Practice." In *Scattered Hegemonies: Postmodernity and Transnational Feminist Practice*, edited by I. Grewal and C. Kaplan. Minneapolis: University of Minnesota Press.
- Kapur, Ratna. 2002. "Un-veiling Women's Rights in the 'War on Terrorism'." *Duke Journal of Gender, Law and Policy* Summer:211-226.
- Kassatsionnyi Departament Pravitel'stviushchogo Senata. 1873. *Zhenskoe Pravo, Svod' Uzakonenii i postanovlenii otnosiashchikhsia do zhenskogo pola*. Sankt Peterburg: Tipografiia K. P. Plotnikova.
- Kay, Rebecca. 2000. *Russian Women and their Organizations: Gender, Development and Grassroots Women's Organizations, 1991-96*. New York: St. Martin's Press.
- Katz, Katarina. 2001. *Gender, Work and Wages in the Soviet Union*. London: Palgrave.
- Keck, Margaret, and Kathryn Sikkink. 1998. *Activists Without Borders: Advocacy Networks in International Politics*. Ithaca: Cornell University Press.
- Kenney, Sally. 1995. "Women, Feminism, Gender and Law in Political Science: Ruminations of a Feminist Academic." *Women & Politics* 15(3):43-69.
- Kharkhordin, Oleg. 1999. *The Collective and the Individual in Russia: A Study of Practices*. Berkeley: University of California Press.
- Khotkina, Zoya, ed. 1996. *Seksual'noe Domogatel'stvo na Rabote*. Moskva: MTsGP.
- Khotkina, Zoya. 1996. "Problema Seksual'nykh Presledovaniy v Rossii: Obsor'." In *Seksual'noe Domogatel'stvo na Rabote*, edited by Z. Khotkina. Moskva: MTsGP.

- Khotkina, Z. A., N. L. Pushkareva, and E. I. Trofimova, eds. 1999. *Zhenshchina-Gender-Kul'tura*. Moskva: Izdatel'stvo MTsGI.
- Kibal'nik, A., and I. Solomonenko. 2001. "Nasil'stvennye deistviia seksual'nogo kharaktera." *Rossiiskaia Iustitsiia* 8:64-65.
- Kletsin, A. A. 1998. *Sotsiologicheskii analiz seksual'nykh domogatel'stv na rabote*. Sankt Peterburg: Institut Sotsiologii RAN.
- Knocke, Wuokko. 2000. "Migrant and Ethnic Minority Women: The effects of gender-neutral legislation in the European Union." In *Gender and Citizenship in Transition*, edited by B. Hobson. New York: Routledge.
- Kollman, Nancy Shields. 1991. "Women's Honor in Early Modern Russia." In *Russia's Women: Accommodation, Resistance, Transformation*, edited by Clements, Engel and Worobec. Berkeley: University of California Press.
- Kollontai, Alexandra. 1977. *Selected Writings of Alexandra Kollontai*. Edited by A. Holt. New York: W. W. Norton & Company.
- Kon, Igor, and James Riordan, eds. 1993. *Sex and Russian Society*. Bloomington: University of Indiana Press.
- Kon, Igor. 1997. *Seksal'naia Kul'tura v Rossii*. Moskva: OGI.
- Koneva, Marina. 2002. "Razvitie uголовnogo zakonodatel'stva Rossii za nasil'stvennye deistviia gomoseksual'nogo kharaktera." *Ugolovnoe Pravo* 4:25-26.
- Kozuharov, Simone. 2004. "Gender Stereotypes Persist in the Employment Process." *The St. Petersburg Times*, April 12.
- Kuchеров, Samuel. 1970. *The Organs of Soviet Administration of Justice: Their History And Operation*. Leiden: E. J. Brill.
- Kudriavtsev, V. N. 1994. "Sovremennye Tendentsii Razvitiia Uголовnogo Zakonodatel'stva i Uголовno-Pravovoi Teorii." *Gosudarstvo i Pravo* 6:44-65.
- Lagnado, Alice. 2002. untitled article. *The Times*, April 6.
- Lang, Sabine. 1997. "The NGOization of Feminism." In *Transitions, Enviroments, Translations: Feminism in International Politics*, edited by J. W. Scott, C. Kaplan and D. Keates. New York: Routledge.

- Lapidus, Gail Warshofsky. 1978. *Women in Soviet Society: Equality, Development, and Social Change*. Berkeley: University of California Press.
- Latynina, Yulia. 2004. "Police are at War with the Russian People." *Moscow Times*, August 11.
- Lebedev, V. M., and S. V. Borodin. 2001. *Sudebnaia Praktika k Ugolovnomu Kodeksu*. Moskva: Spark.
- Levin, Eve. 1989. *Sex and Society in the World of Orthodox Slavs, 900-1700*. Ithica: Cornell University Press.
- Liborakina, Marina. 2002. "Zhenshchiny i Privatizatsiia: Rossiiskii Opyt." In *Gender i Ekonomika: mirovoi opyt i ekspertiza Rossiiskoi praktiki*, edited by E. Mezentsseva. Moskva: Russkaia Panorama.
- Lokhvitskii, A. V. 1867. *Kurs' Russkogo Ugolovnogo Prava*. Sankt Peterburg: Pechatano v tipografiia Pravitel'stviushchago Senata.
- Lopez, Antoinete Sedillo. 2000. "Comparative Analysis of Women's Issues: Toward a Contextualized Methodology." In *Critical Race Feminism: An International Reader*, edited by A. K. Wing. New York: NYU Press.
- Lorde, Audre. 1984. *Sister Outsider*. Freedom, CA: The Crossings Press.
- Lukasheva, E. A. 1996. *Obshchaia Teoriia Prav Cheloveka*. Moskva: NORMA.
- MacKinnon, Catharine A. 1979. *Sexual Harassment of Working Women: A Case of Sex Discrimination*. New Haven: Yale University Press.
- MacKinnon, Catharine A. 1987. *Feminism unmodified : discourses on life and law*. Cambridge: Harvard University Press.
- Malia, Martin. 1999. *Russia Under Western Eyes: From the Bronze Horseman to The Lenin Mausoleum*. Cambridge: Harvard University Press.
- Mamonova, Tatyana, Sarah Matilsky, Rebecca Park, and Catherine Fitzpatrick, eds. 1984. *Women and Russia: feminist writings from the Soviet Union*. Boston: Beacon Press.
- Mamonova, Tatyana, and Margaret Maxwell, eds. 1989. *Russian women's studies: essays on sexism in Soviet culture*. Oxford: Pergamon Press.

- Mamonova, Tatyana, and Chandra Niles Folsom, eds. 1994. *Women's glasnost vs. naglost: stopping Russian backlash*. Westport, CN: Bergin and Garvey.
- Marchand, Marianne, and Anne Sisson Runyan, eds. 2000. *Gender and Global Restructuring: Sightings, Sites, and Resistances*. New York: Routledge.
- Marcuse, Herbert. 1961. *Soviet Marxism: A Critical Analysis*. New York: Vintage Books.
- Marsh, Christopher. 2002. *Russia at the Polls: Voters, Elections, and Democratization*. Washington, D.C.: CQ Press.
- Masluk, Nataliia, and Elena Iarskaia. 2000. *Gender i Sotsiol'naia Struktura*. Saratov: Sartovskii Gosudarstvenyi Tekhnologicheskii Universitet.
- Matland, Richard, and Kathleen Montgomery, eds. 2003. *Women's Access to Political Power in Post-Communist Europe*. Oxford: Oxford University Press.
- Mazur, Amy. 1996. "The Inteplay: The Formation of Sexual Harassment Legislation in France and EU Policy Initiatives." In *Sexual Politics and the European Union: The New Feminist Challenge*, edited by A. Elman. Oxford: Berghah Books.
- Mendelson, Sarah. 2002. "Russia's Rights Imperiled: Has Anybody Noticed?" *International Security* 6(4):39-69.
- Mendelson, Sarah, and John K. Glenn, eds. 2002. *The Power and Limits of NGOs: A Critical Look at Building Democracy in Eastern Europe and Eurasia*. New York: Columbia University Press.
- Mendelson, Sarah. 2004. "Wanted: A New U.S. Policy on Russia." *PONARS Policy Memo* 324 January.
- Meyer, Alfred. 1977. "Marxism and the Women's Movement." In *Women in Russia*, edited by D. Atkinson, A. Dallin and G. W. Lapidus. Stanford: Stanford University Press.
- Mezentseva, E., ed. 2002. *Gender i Ekonomika: mirovoi opyt i ekspertiza rossiiskoi praktiki*. Moskva: Russkaia Panorama.
- Meyer, Mary, and Elisabeth Prugl, eds. 1999. *Gender Politics in Global Governance*. Oxford: Rowman & Littlefield Publishers.
- Mills, Charles. 1997. *The Racial Contract*. Ithaca: Cornell University Press.

- Min'kovskii, G. M. 1994. *Kriminologiya*. Moskva: Izdatel'stvo Moskovskogo Universiteta.
- Mironov, O. O. 2001. "Institut zashchity prav cheloveka v Rossii: perspektivy razvitiia." *Zhurnal Rossiiskogo Prava*. 9:3-8.
- Moghadan, Valentine, ed. 1993. *Democratic Reform and the Position of Women in Transnational Economies*. Oxford: Clarendon Press.
- Mohanty, Chandra Talpade. 1991. "Under Western Eyes: Feminist Scholarship and Colonial Discourses." In *Third World Women and the Politics of Feminism*, edited by C. T. Mohanty, A. Russo and L. Torres. Bloomington: Indiana University Press.
- Mohanty, Chandra Talpade. 2002. "'Under Western Eyes' Revisited: Feminist Solidarity through Anticapitalist Struggles." *Signs: Journal of Women in Culture and Society* 28(2):499-535.
- Montgomery, Kathleen. 2003. "Introduction." In *Women's Access to Political Power in Post-Communist Europe*, edited by R. Matland and K. Montgomery. Oxford: Oxford University Press.
- Moraga, Cherrie, and Gloria Anzaldúa. 2002. *This bridge called my back: writings by radical women of color*. Berkeley: Third Woman Press.
- Moser, Robert G. 2001. *Unexpected Outcomes: Electoral Systems, Political Parties, and Representation in Russia*. Pittsburgh: University of Pittsburgh Press.
- Moser, Robert G. 2003. "Electoral Systems and Women's Representation: The Strange Case of Russia." In *Women's Access to Political Power in Post-Communist Europe*, edited by R. Matland and K. Montgomery. Oxford: Oxford University Press.
- Mourav'eva, M. G., ed. 2000. *Gendernaia Istoriia: pro et contra*. Sankt Peterburg: Nestor.
- Nabokov, V. D. 1904. *Sbornik Statei po Ugolovnomu Pravu*. Sankt Peterburg: Obshchestvennaia Pols'za.
- Nadezhkina, Nadezhda. 2000. "Ne chasnoe delo po dolgu sluzhby, no sotvreshchenium. Vse bol'she zhenshchin v nashei podveraiutsia seksual'nym domogatel'svam na rabote." *Trud*, June 22.

- Naumov, A. V., and S. I. Nikulin, ed. 1997. *Sbornik Zadach po Ugolovnomu Pravu: Uchebnoe Posobie*. Moskva: IMP.
- Naumov, A. V. 1999. *Rossiiskoe Ugolovnoe Pravo: Obshchaia Chast'*. Moskva: BEK.
- Nechemias, Carol. 1998a. "Women and Politics in Post-Soviet Russia." In *Women In the Politics of Postcommunist Eastern Europe*, edited by M. Reuschemyer. Armok, NY: M. E. Sharpe.
- Nechemias, Carol. 1998b. "Women's Participation: From Lenin to Gorbachev'." In *Women in the Politics of Postcommunist Europe*, edited by W. Rule and N. Noonan. Westport, CN: Greenwood Press.
- Nechemias, Carol. 2000. "Politics in Post-Soviet Russia: Where are the Women?" *Demokratizatsiya* 8:199-218.
- Nekliudov, N. A., ed. 1881. *Materialy dlia peresmotra nashego ugolvnogo Zakonodatel'stva*. Vol. 3. Sankt Peterburg.
- Nikolic-Ristanovic, Vesna. 2002. *Social Change, Gender and Violence: Post-Communist and War Affected Societies*. London: Kluwer.
- Nicholson, Linda, ed. 1997. *The Second Wave: a reader in feminist theory*. New York: Routledge.
- Offen, Karen. 2000. *European Feminisms, 1700-1950: A Political History*. Stanford: Stanford University Press.
- Okin, Susan Moller. 1999. "Is Multiculturalism Bad for Women?" In *Is Multiculturalism Bad for Women?*, edited by J. Cohen, M. Howard and M. Nussbaum. Princeton University Press.
- Okin, Susan Moller. 2000. "Feminism, Women's Human Rights, and Cultural Differences." In *Decentering the Center: Philosophy for a Multicultural, Postcolonial, and Feminist World*, edited by Uma Narayan and Sandra Harding. Bloomington: Indiana University Press.
- Ousmanova, Almira. 2003. "On the Ruins of Orthodox Marxism: Gender and Cultural Studies." *Studies in East European Thought* 55:37-50.
- Pateman, Carole. 1998. *The Sexual Contract*. Stanford: Stanford University Press.
- Parekh, Bhikhu. 2000. *Rethinking Multiculturalism: Cultural Diversity and Political Theory*. London: Macmillan Press.

- Peters, Julie and Andrew Wolper, eds. 1995. *Women's Rights, Human Rights: International Feminist Perspectives*. New York: Routledge.
- Peterson, V. Spike, ed. 1992. *Gendered States: Feminist (Re)Visions of International Relations Theory*. Boulder: Lynne Rienner.
- Peterson, V. Spike, and Anne Sisson Runyan. 1999. *Global Gender Issues*, second Edition. Boulder: Westview Press.
- Pipes, Richard. 1974. *Russia Under the Old Regime*. New York: Charles Scribner.
- Polubinskaia, S. V. 2001. "Gendernye problemy ugovnogo zakonodatel'stva." In *Gendernaia ekspertiza rossiiskogo zakonodatel'stva*, edited by L. N. Zavadskaia. Moskva: BEK.
- Ponarina, Larisa. 2000. "Seksual'nye domogatel'stva na rabote: sluzhebnyi roman, ili torzhestvo muzhskogo bezpredela?" In *Nasilie i Sotsial'nye Izmeneniia*. Moskva: Tsentr ANNA (Assotsiatsiia Net Nasiliu).
- Posadskaya-Vanderbeck, Anastasia. 1997. "On the Threshold of the Classroom: Dilemmas for Post-Soviet Russian Feminism." In *Transitions, Environment and Translations: Feminism in International Politics*, edited by J. Scott, C. Kaplan and D. Keates. New York: Routledge.
- Post, Dianne. 2000. "Domestic Violence in Russia." *Journal of Gender Studies* 9:81-84.
- Post, Dianne. 2001. "Women's Rights in Russia: Training Non-Lawyers to Represent Victims of Domestic Violence." *Yale Human Rights and Development Law Journal* 4:135-147.
- Priban, Jiri. 2002. *Dissidents of Law: On the 1989 Velvet Revolution, Legitimations, Fictions of Legality and Contemporary Versions of the Social Contract*. Aldershot: Ashgate-Dartmouth.
- Pushkareva, N. L. 1997. *Women in Russian History, From the Tenth to the Twentieth Century*. Translated by Eve Levin. New York: M. E. Sharpe.
- Quigley, J. B. 1989. "Socialist Law and the Civil Law Tradition." *American Journal of Comparative Law* 37:781.
- Racioppi, Linda, Katharine O'Sullivan. 1997. *Women's Activism in Contemporary*

- Russia*. Philadelphia: Temple University Press.
- Radchenko, V. I. 1996. *Kommentarii k Ugolovnomu Kodeksu Rossiiskoi Federatsii*. Moskva: Verdict.
- Radchenko, V. I. 2000. *Kommentarii k Ugolovnomu Kodeksu Rossiiskoi Federatsii*. Moskva: Spark.
- Raeff, Marc. 1983. *The well-ordered police state: social and institutional change through law in the Germanies and Russia, 1600-1800*. New Haven: Yale University Press.
- Raeff, Marc. 1994. *Political Ideas and Institutions in Imperial Russia*. Boulder: Westview Press.
- Raeff, Marc. 1999. *Russian Intellectual History: An Anthology*. New York: Humanity Books.
- Reingradt', N. V. 1885. *O lichnykh i imushchestvennykh pravakh zhenshchin' po Russkomu zakonu*. Kazan: Tipografiia Gubernskago Pravleniia.
- Reshetar, John. 1978. *The Soviet Polity: Government and Politics in the USSR*. Second ed. New York: Harper & Row.
- RIA Novosti*. 2004. "Business Ladies Increasing in Russia." November 29.
- Richter, James. 2002. "Evaluating Western Assistance to Russian Women's Organizations." In *The Power and Limits of NGOs*, edited by S. Mendelson and J. Glenn. New York: Columbia University Press.
- Riordan, Jim and Sue Bridger, eds. 1992. *Dear Comrade Editor: Readers' Letters to the Soviet Press under Perestroika*. Bloomington: University of Indiana Press.
- Ritter, Gretchen. 2000. "Gender and Citizenship after the Nineteenth Amendment." *Polity* 32(2):345-375.
- Ritter, Gretchen, and Nicole Mellow. 2000. "The State of Gender Studies in Political Science." *The Annals of the American Academy of Political and Social Science* 571:121-135.
- Rogov, V. A. 1995. *Istoriia gosudarstva i pravo Rossii IX-nachala XX vekov*. Moskva: Zertsala.



- Ruthchild, Rochelle Goldberg. 1993. *Women in Russia and the Soviet Union: an annotated bibliography*. New York: Maxwell Macmillian International.
- Saguy, Abigail. 2003. *What is Sexual Harassment?: From Capitol Hill to the Sorbonne*. Berkeley: University of California Press.
- Sandoval, Chela. 2000. *Methodology of the Oppressed*. Minneapolis: University of Minnesota Press.
- Sandul, Irina. 2002. "Trying to break through the glass ceiling." *Russia Journal*, September 20.
- Scheurich, James Joseph. 1997. "Policy Archeology: A New Policy Studies Methodology." In *Research Method in the Postmodern*, edited by J. J. Scheurich. London: The Falner Press.
- Schuler, Margaret A., ed. 1995. *From Basic Needs to Basic Rights: Women's Claim to Human Rights*. Washington D.C.: Women, Law & Development International.
- Schultz, Vicki. 1998. "Reconceptualizing Sexual Harassment." *Yale Law Journal* April.
- Scott, James. 1987. "Peasant Moral Economy as a Subsistence Ethic." In *Peasants and Peasant Societies: Selected Readings*, edited by T. Shanin. Oxford: Basil Blackwell.
- Scott, Joan. 1992. "Experience." In *Feminist Theorize the Political*, edited by J. Butler and J. Scott. New York: Routledge.
- Scott, Joan. 1999. *Gender and the Politics of History*, revised edition. New York: Columbia University Press.
- Sergeevich, V. 1903. *Lektsii i Izsledovaniia po drevnei istorii russkago prava*. Sankt Peterburg: Tipografiia M. M. Stasiulevicha.
- Shafikova, G. Kh. 2000. "O kompensatsii moral'nogo vreda, prichinennogo rabotniku umaleniem trudovoi chesti, seksual'nymi domogatel'stvami." *Iuzhnoural'skii Iuridicheskii Vestnik* 2:20-21.
- Sharlet, Robert. 1992. *Soviet Constitutional Crisis: From De-Stalinization to Disintegration*. Armonk, NY: M. E. Sharpe.
- Sharlet, Robert. 1993. "Russian Constitutional Crisis: Law and Politics Under Yeltsin." *Post-Soviet Affairs* 9.

- Sharlet, Robert. 2001. "Putin and the Politics of Law in Russia." *Post-Soviet Affairs* 17(3):195-234.
- Shchepkina, E. 1914. *Zhenskoi Lichnosti v Rossii*. Sankt Peterburg. Tipografiia B. M. Vol'fa.
- Shelkovnikova, Elena. 1999. "Sluzhebny roman is sexual harassment: distantsiia ogromnogo razmera." *Argumenty i Fakty*, September 16.
- Shevchenko, Iulia. 2003. "The Representation of Women's Concerns in the Russian Dumas: Voting Patterns of Female Legislators," unpublished paper, Havigurst Center For Russian and Post-Soviet Studies.
- Sigel, Feodor. 1974. *Lectures on Slavonic Law, being the Ilchester Lectures for the year of 1900*. Gulf Breeze, FL: Academic International Press.
- Skrinilev, E. A. 1992. *Razvitie Russkogo Prava Vtoroi Poloviny XVII-XVIII vv.* Moskva: Nauka.
- Smith, Barbara, ed. 1983. *Home girls: a Black feminist anthology*. New Brunswick: Rutgers University Press.
- Smith, Bruce, and Gennady M. Danilenko, eds. 1993. *Law and Democracy in the New Russia, Brookings Dialogues on Public Policy*. Washington, D.C.: The Brookings Institute.
- Solomon, Peter, ed. 1997. *Reforming Justice in Russia, 1864-1996: Power, Culture, and the Limits of Legal Order*. New York: M. E. Sharpe.
- Solomon, Peter, and Todd Foglesong. 2000. *Courts and Transition in Russia: the Challenge of Judicial Reform*. Boulder: Westview Press.
- Sperling, Valerie. 1999. *Organizing Women in Contemporary Russia: Engendering Transition*. Cambridge: Cambridge University Press.
- Spindelman, Mark. 2004. "Sex Equality Panic." *Columbia Journal of Gender and Law* January.
- Stern, Andrew. 2004. "Can Labor Lead Again?" *In These Times*, February 16.
- Stetson, Dorothy McBride, ed. 2001. *Abortion Politics, Women's Movements, and the Democratic State*. Oxford: Oxford University Press.

- Stites, Richard. 1990. *The Women's Liberation Movement in Russia: Feminism, Nihilism, and Bolshevism 1860-1930*. Princeton: Princeton University Press.
- Stites, Richard. 1992. *Russian Popular Culture: Entertainment and Society since 1900*. Cambridge: Cambridge University Press.
- Stoecker, Sally. 2003. "From Partinost to Zakonnost: The Languid Creation of Legal Consciousness in Russia." *Demokratizatsiya* 11(1):129-133.
- Strokan, Sergei. 1995. "Russian women's rights activists say sexual discrimination diminishes benefits women might gain from economic and political reforms." *Interpress Service*, November 3.
- Suchland, Jennifer. 2004. "Sexual Morality and the Impossibility of a Violent Act." In *(Re)Constructing Cultures of Violence and Peace*, edited by R. Jackson. Amsterdam: Rodopi.
- Svod Zakonov Rossiskoi Imperii*. 1913. Pod' redaktsiiu I. D. Mordukhai-Boltovskogo. Sankt Peterburg: Russkoe Knizhnoe Tovarichestvo Deiatel'.
- Thompson, Becky. 2001. *A Promise and a Way of Life: white antiracist activism*. Minneapolis: University of Minnesota Press.
- Thompson, Becky. 2002. "Multicultural Feminism: Recasting the Challenge of 2<sup>nd</sup> Wave Feminism." *Feminist Studies* 28(2):337-360.
- Tickner, Ann. 2001. *Gender and World Politics*. New York: Columbia University Press.
- Tracy, Jen. 1999. "Wanted: A Girl Who'll Work for Less." *The Moscow Times*, November 17.
- Trochev, Alexei. 2004. "Less Democracy, More Courts: A Puzzle of Judicial Review in Russia." *Law and Society Review* 38.
- Trofimova, E. I. 2002. "Terminologicheskii voprosy v gendernikh issledovaniakh." *Obshchestvennye Nauki i Sovremennost'* 6:178-188.
- Trotsky, Leon. 1970. *Women and the Family*. New York: Pathfinder Press.
- True, Jacqui. 2003. *Gender, Globalization, and Postsocialism: The Czech Republic after Communism*. New York: Columbia University Press.

- Tsygankov, Andrei. 2003. "The Irony of Western Ideas in a Multicultural World: Russians' Intellectual Engagement with the 'End of History' and 'Clash of Civilizations'." *International Studies Review* 5:53-76.
- Tucker, Robert, ed. 1970. *The Marx-Engels Reader*. Second Edition. New York: W. W. Norton & Company.
- Ushakin, S. A. 1997. "Pol kak ideologicheskii product." *Chelovek* 2.
- Ushakin, S. A. 2000. "'Gender' naprokat: poleznaia kategoriia dlia nauchnoi kar'ery." In *Gendernaia Istorii: pro et contra*, edited by M. G. Mourav'eva. Sankt Peterburg: Nestor.
- Vainshtein, G. 1935? "Zabota o zhenshchine-materi i vospitanii detei." *Sovetskoe Stroitel'stvo Zhurnal Tsentral'nogo Iсполnitel'nogo Komiteta Soiuza* No. 7: 38-47.
- Varoli, Jon. 1999. "Sexual Harassment, Russian Style." *The St. Petersburg Times*. March 9.
- Vasil'eva, Anna. 2004. "Esli boss pristaet." *Moskovskii Komsomolets*, June 27.
- Vedomosti*. 2004. "Chto zhenshciny odumivaet na rabote." December 22.
- Voronina, Olga. 1993. "Soviet Patriarchy: Past and Present." *Hypatia* 8(4):97-112.
- Voronina, Olga. 2002. "Formirovanie gendernogo podkhoda v sotsial'nykh naukakh." In *Gendernyi Kalaidoskop*, edited by MTsGI. Moskva: Academia.
- Wagner, William. 1989. "The Trojan Mare: Women's Rights and Civil Rights in late Imperial Russia." In *Civil Rights in Imperial Russia*, edited by O. Crisp and L. Edmondson. Oxford: Clarendon Press.
- Wager, William. 1994. *Marriage, Property, and Law in Late Imperial Russia*. Oxford: Clarendon Press.
- Waters, Greg. 2004. "A Serious HIV Education Problem." *Moscow Times*, May 14.
- Waylen, Georgina. 2000. "Gender and Democratic Politics: A Comparative Analysis of Consolidation and Argentina and Chile." *Journal of Latin American Studies* 32(3):765-789.
- Webb, Susan. 1994. *Shockwaves: The Global Impact of Sexual Harassment*. New York: Master Media.

- Weigle, Marcia. 2000. *Russia's Liberal Project: State-Society Relations in the Transition from Communism*. University Park: Pennsylvania University Press.
- Weiler, Jonathan. 2004. *Human Rights in Russia: A Darker Side of Reform*. Boulder: Lynne Rienner.
- West, Lois. 1999. "The United National Women's Conference and Feminist Politics." In *Gender and Global Governance*, edited by M. Meyer and Elisabeth Prügl. New York: Rowman & Littlefield.
- Whisenhunt, William Benton. 2001. *In Search of Legality: Mikhail M. Speranskii and the Codification of Russian Law*. Boulder: East European Monographs.
- White, Stephan, Richard Rose, and Ian McAllister. 1997. *How Russia Votes*. Chatham, NJ: Chatham House.
- William, Patricia. 1991. *The alchemy of race and rights*. Cambridge: Cambridge University Press.
- Wood, Elizabeth. 1997. *The Baba and the Comrade: gender and politics in revolutionary Russia*. Bloomington: Indiana University Press.
- Worobec, Christine. 1991. *Peasant Russia: Family and Community in the Post-Emancipation Period*. Princeton: Princeton University Press.
- Wortman, Richard. 1976. *The Development of a Russian Legal Consciousness*. Chicago: University of Chicago Press.
- Zabadynkina, Elena. 2000. "Pomoshch' zhertvam domashnogo nasiliia v sovremennoi Rossii." In *Nasilie i Sotsial'nye Izmeneniia*, edited by Tsentr ANNA. Moskva: ANNA.
- Zabelina, Tat'iana. 1996. "Sexual Violence towards Women." In *Gender, Generation and Identity in Contemporary Russia*, edited by H. Pilkington. London: Routledge.
- Zalesne, Deborah. 2002. "Sexual Harassment Law in the United States and South Africa: Facilitating the Transition from Legal Standards to Social Norms." *Harvard Women's Law Journal* Spring.
- Zavadskaiia, L. N., ed. 2001. *Gendernaia ekspertiza rossiiskogo zakonodatel'stva*. Moskva: Bek.

- Zdravomyslova, E., and A. Temkina. 2002. "Institutsionalizatsiia Gendernykh Issledovaniĭ v Rossii." In *Gendernyi Kaleidoskop*, edited by MTsGI. Moskva: Academia.
- Zdravomyslova, E., and A. Temkina. 2003. "Gender Studies in Post-Soviet Society: Western Frames and Cultural Differences." *Studies in East European Thought* 55:51-61.
- Zetkin, Clara. 1934. *Lenin on the Woman Question*. New York: International Publishers.
- Zetkin, Clara. 1975. Dialogue with Clara Zetkin." In *The Lenin Anthology*, edited by R. Tucker. New York: W. W. Norton & Company.
- Zhurzhenko, T. 1999a. "Diskurs rynka i problema gendera i ekonomika." *Obshchestvennye Nauki i Sovremennost'* 5:175-187.
- Zhurzhenko, Tat'iana. 1999b. "Analiz polozheniia zhenshchin v perekhodnoi ekonomike: v poiskakh feministkoi epistemologii." In *Zhenshchina, Gender, Kul'tura*, edited by Z. Khotkina, N. Pushkareva and Trofimova. Moskva: RLSHGI.
- Zippel, Kathrin. 2004. "Transnational Advocacy Networks and Policy Cycles in the European Union: The Case of Sexual Harassment." *Social Politics* 11(1):57-85.
- Zoelle, Diana G. 2000. *Globalizing Concern for Women's Human Rights: The Failure of the American Model*. New York: St. Martin's Press.

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