Problematizing the transgender phenomenon: sexual geopolitics and Europeanization in contemporary Ukraine

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Introduction

Shaping PhD research

Around the time of USSR was dissolved, gender studies was institutionalized as a new discipline in post-Soviet[1] countries: Center for Gender Studies in Moscow (Russia), founded in 1990, was followed by gender studies centers in Kharkiv[2] (Ukraine) in 1994 and Minsk (Belarus) in 1997. The early 1990s were also characterized by the emergence of the so-called third sector (*tretii sektor*) which represented "the forms and logic of political activism encouraged by international development agencies" with a particular focus "on the project to promote civil society development" (Hemment 2003, 215). In the post-Soviet region, a new gender and human rights vocabulary, informed by Anglo-Saxon intellectual and activist traditions, has emerged alongside socio-economic transformations (after the collapse of the Soviet Union), liberalisation of academia and activism, discrediting of Marxist analysis, and influx of international donors claiming to promote democracy and critical thinking (see Gapova 2007, 2009, 2010, Zhurzhenko 2008).

In the mid-1990s, the first gay and lesbian non-governmental organizations (NGOs) were officially registered in Ukraine. At the beginning of the 2000s, the LGBT[3] (lesbian, gay, bisexual, transgender) acronym gained momentum and obtained a widespread use in old as well as newly registered organizations aimed at delivering services to specific populations. The number of officially registered NGOs that defined their target groups through the LGBT acronym rose drastically, reaching 48 in 2015 (Kasyanchuk 2015,

[1] Here I use "post-Soviet" in a narrow sense referring to the territories of the former Soviet republics. For further discussion about the meaning and use of the term see Chapter 3.

[2] Throughout my thesis I use Ukrainian spellings while transliterating geographical and topographical names. Therefore, I use "Kharkiv" in place of Russian-speaking "Kharkov", and the capital of Ukraine states as "Kyiv" instead of Russian-spelled "Kiev". I see it as a de-colonial gesture to disrupt a taken for granted tradition of using Russian as a universal language for post-Soviet countries and challenge recognizability of words transliterated from Russian equivalents for English-speaking academic audience. In the case of names and surnames of people, I use spelling they indicated as the preferred one (in a consent form, on their social media profiles, in e-mails, or in personal communication).

[3] In my research, I use "LGBT" abbreviation critically. I acknowledge epistemological conditions of its emergence in post-Soviet/East European/Central European spaces. As Mizielińska and Kulpa (2011) note, "'transgender' was included in lesbian and gay politics in CEE [Central and Eastern European] almost from the very beginning of these movements. Homosexual activism was self-labelled as 'LGBT', even if 'B' and 'T' were purely discursive invocations. This 'inclusion before coming into being' occurred because of different temporalities of West and CEE as in many other spheres of life, activists in CEE adopted labels already in use in the West, even if these markers did not denote their new reality" (Mizielińska and Kulpa 2011, 14). I will elaborate on different temporalities of LGBT activism and gender studies development in post-Soviet/CEE spaces in Chapters 4 and 6.

126-133, Martsenuyk 2010, 135). From the late 2000s, there has been a growing attention to transgender rights in Ukraine, and a number of NGOs concerned with LGBT rights have taken up their cause.

Insight has been one of the major players in the field of LGBT activism in Ukraine since 2007, when it was launched as an informal activist group in Kyiv. At the time of its inception, *Insight* had one project, *Drugoi Vzgliad*[4], which was a photo exhibition aimed at representing the LGBT community in Ukraine, funded by MamaCash, an international fund that supports women's, girls and trans people's movements around the world. In May 2008, *Insight* was officially registered as a non-governmental organization. The registration of the organization was paramount for the donor's support to continue.[5] As co-founder Anna Dovgopol stated, "otherwise it would have been impossible [to continue]" (informal correspondence with Anna Dovgopol, 3 July 2018). *Insight* was the first NGO in Ukraine to initiate a consistent transgender-focused advocacy program[6] in 2009, which coincided with the advent of transgender activism in Central and Eastern Europe[7] (Mizielińska and Kulpa 2011, 14). Since 2009, *Insight* has been assisting and advising transgender people, providing them with information and psychological and legal counselling. In 2010 *Insight* appointed a permanent staff member to coordinate their ongoing trans-related activities and services.[8]

When I started working on my PhD proposal in 2012, I had obtained my MA in gender studies from the European Humanities University (EHU) in Belarus, conducted in-depth research of LGBT activism and trasgender politics in South Africa, taught gender studies in the relocated EHU in Lithuania[9], delivered a series of gender-related human

[4] It can be translated both as *A Different View* and *A Different Gaze.*
[5] Later, as a registered organization, *Insight* relied on several donor agencies whose contacts the co-founders obtained and carried on from their previous engagements in the professionalized LGBT activism. I will discuss the donor's involvement and implication in the development and professionalization of LGBT activism in Ukraine in Chapter 6.
[6] Prior 2009, transgender issues and/or constituencies were sporadically included into agenda of other LGBT NGOs. Mainly, it concerned HIV-prevention services (Naumenko, Karasiychuk, and Kasyanchuk 2015). Frequently, this "inclusion" remained nominal as a sign of the rapid appropriation of the "LGBT" abbreviation (see more Mizielińska and Kulpa 2011).
[7] I take the concept of "Central and Eastern Europe" (CEE as Kulpa and Mizielińska abbreviate it) as a continuously shifting, contested and constructed one. I discuss the process and aim of its (re)creation in Chapter 3.
[8] Since 2010, different people have taken up this position. During my fieldwork, I worked with two coordinators.
[9] European Humanities University was founded in Minsk (Belarus) in 1992 as a private university with a strong (Western) donor's support. In 2004, it was closed for political reasons, and a year later – in 2005 –

rights training across Belarus, and participated in various academic and activist events together with my post-Soviet (Ukrainian, Belarusian, Georgian, Lithuanian, and Russian) colleagues. I had gained first-hand knowledge of how gender as a category of analysis and activism functions in the educational and NGO sector in some of the post-Soviet countries, and I had become progressively critical of the import of a "Western" vocabulary and forms of political activism in the post-Soviet region, triggered by the collapse of the USSR and subsequent transformations in the domains of knowledge production and activism. This shaped my interest in exploring "transgender" as a phenomenon that is produced and problematized in particular ways in the context of European Union enlargement and the influx of LGBT NGOs in Ukraine. The emergent transgender phenomenon in Ukraine is characterized by the deployment of human rights discourse and a distinct Anglo-Saxon gender and sexuality vocabulary.

Shortly after I started my PhD project, the EuroMaidan events unfolded in September 2013, erupting at full strength in February 2014. I entered the field in April 2014, in the wake of the abrupt annexation of the Crimea by the Russian Federation and a month before the presidential election in Ukraine.[10] Only two weeks after my second fieldtrip to Kyiv and Odesa, at the end of August 2014, the military conflict broke out between Ukrainian armed forces and separatists, allegedly backed up by Russia, in the East of the country – in the Donetsk and Luhansk regions.[11]

The EuroMaidan events have been discursively framed – in media and in political discourse – as a threshold, the point of decision for Ukrainian citizens on which path they (or the country) want to follow: one of the possible options is defined as the East/Russia/Soviet/Past direction, in opposition to the West/Europe/EU/Future path. Meanwhile, the debates around LGBT issues intensified, especially debates surrounding the Kyiv Pride and a new national anti-discrimination legislation. Perhaps not

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it was relocated in Lithuania were it became "Belarusian University in exile". More on University's current mission see http://www.ehu.lt/en/about, accessed 11 September 2017.

[10] The presidential elections were held on the 25th of May 2014 and resulted in Petro Poroshenko being elected as the president for a five-year term.

[11] As for July 2018, the military struggle for the Eastern territories is ongoing, the political and economic consequences of the EuroMaidan are yet to be comprehended, and the status of Crimea remains contested.

coincidently, these debates coincided with Ukraine declaring its "civilizational choice" in favor of a "European future".[12]

Over the course of my research project, the professionalized transgender activism increased significantly in Ukraine. When I worked with the Insight Transgender Archive in May 2015, a report on discrimination against transgender people in Ukrainian medical settings had just been finalized and published (Husakouskaya and Insight 2015a, b). It should be mentioned that I took an active role as an invited researcher in shaping the research questionnaire and writing the final report, which I will discuss in due course.[13] During my last fieldtrip to Ukraine in October 2015, I attended – as a participant and presenter – the Transgender Conference in Kyiv, which claimed to be the first international conference on transgender issues in the country. Around the same time, in October and November 2015, three other transgender-oriented and transgender-lead groups appeared in Kyiv. My experience in the field and unfolding socio-political events in Ukraine brought intricacies of geopolitics and its relation to sexual/gender issues to my attention on a scale that was hard to ignore. As a result, I have become particularly interested in the role of geopolitics in the framing of transgender politics, notably the role played by professionalized transgender activist groups, and vice versa: the formative role of gender and sexuality in world politics.

Research aims and objectives

The primary objective of this dissertation is to explore how the transgender phenomenon has been formed within professionalized transgender activism in contemporary Ukraine: how it is constructed as a particular object for thought and problematized. The study investigates how the transfer of ideas from "West" to "East" pertaining to (trans)gender issues and activism is interwoven with current global and local geopolitical interests and implicated in East/West dynamics. The research also pays attention to the ruptures in discourses and practices that occur in the process of translation of globalized approaches into local settings.

[12] See, for example, Petro Poroshenko's interview to CNN, on the 27th of June 2014, after he had become a newly elected president of Ukraine: http://edition.cnn.com/videos/world/2014/06/27/intv-amanpour.cnn, accessed 25 September 2016.
[13] I will elaborate on my role as an invited researcher in *Insight* in Chapter 5.

The key research questions are:

- How do geopolitical dynamics, evolving around the East/West discursive divide recreated both within the European Union and Ukraine, affect the development of the Ukrainian LGBT sector in general, transgender politics in particular?

- How has the transgender phenomenon been constructed as an object for thought and problematized through professionalized transgender activism in Ukraine, including offered solutions or interventions?

- To what extent and in which ways have LGBT NGOs shaped the transgender agenda through international donors support (sponsoring the third sector) in Ukraine?

- How have the suggested solutions to the "transgender problem" been translated into advocacy framework in Ukraine, and is there any room for political struggles or ruptures in the transfer of advocacy ideas into local contexts?

Key analytical concepts

As the research questions suggest, I intend to juxtapose the emergence of transgender as a problematized phenomenon in professionalized LGBT activism in Ukraine on the one hand, and geopolitical dynamics pertaining to the East/West divide on the other. Thus, I attempt to bridge the gap between three ostensibly separate issues: firstly, legal/medical/social conditions of transgender lives; secondly, geopolitical negotiations over belonging of Ukraine to "Europe"; and thirdly, professionalized transgender (and LGBT) activism with conditionality imposed on it by donor agencies and "Western" discourses.

To this end, I draw on the concept of problematization as an analytical tool, developed within Foucauldian governmentality studies (Deacon 2000, Bacchi 2009, 2010, 2012b, a, Rose 1996, 1999, Gilson 2014, Frederiksen, Lomborg, and Beedholm 2015). More accurately, I draw on Carol Bacchi's (2010, 2012b) understanding of problematization

as a set of practices that result in the production of certain things and phenomena as problems and certain objects as objects for thought (Bacchi 2012b, 1). In my research, problematization "refers to the practical conditions that make something into an object of knowledge, specifically to the networks of power, institutional mechanisms, and existing forms of knowledge that direct the attention of theorists" as well as activists to specific problematized phenomena, thereby producing new knowledges and practices (Deacon 2000, 131).

I argue that the "transgender problem" is constructed and represented (at least) on three different levels, and can be analysed through exploration of (1) medical and legal regulations regarding the procedure of transgender transition; (2) dynamics, strategies, and solutions manifested as relevant and appropriate by transgender and LGBT professionalized activism; and (3) broader geopolitical "transitions" of Ukraine towards democracy and (gendered) solutions and choices associated with this geopolitical shift towards a "European perspective".

I theorize what in political terms has been depicted as a desired and forthcoming "European integration" of Ukraine, using the critical concept of Europeanization. Taking Europeanization as a useful critical tool for scrutinizing the East/West division with respect to LGBT politics in contemporary Ukraine, I also lean on a conceptual vocabulary developed by scholars who have problematized the construction of "Central and Eastern European" and/or "post-Socialist" spaces from an explicit or implicit post-colonial stance (Bakić-Hayden and Hayden 1992, Bakić-Hayden 1995, Wolff 1994, Böröcz 2001, 2006, Kuus 2004, Buchowski 2006, Chari and Verdery 2009, Sušová-Salminen 2011), as well as scholars who have critically investigated sexual politics in "Eastern and Central Europe" in the context of EU enlargement (O'Dwyer 2010, Blagojević 2011, Kulpa and Mizielińska 2011a, Mizielińska 2011, Kulpa and Mizielińska 2011b, Mizielińska and Kulpa 2011, Woodcock 2011, Bilić 2016b, Belavusau and Kochenov 2016, Kristoffersson, Bjorn, and Poghosyan 2016, Mole 2016, Slootmaeckers, Touquet, and Vermeersch 2016a, Slootmaeckers and Touquet 2016, Slootmaeckers, Touquet, and Vermeersch 2016b).

I will discuss the concept of Europeanization in Chapter 3. Here I want to briefly define Europeanization as a set of discursive practices aimed at reproducing Europeanness

through the invocation and production of the West/East dichotomy. In particular, Europeanness is produced through development and institutionalization of (global) rules, norms, and values that are defined in the EU and considered to be "European" and that later are disseminated and incorporated into domestic (local) practices and discourses (Radaelli 2004 cited in Ayoub 2013, 283). In the context of EU enlargement, either in terms of actual incorporation of new member states, or a possible prospect (as in the case of Ukraine), "the feeble Eastern Europe" is constructed as "making a transition to the West while being coached by the West" (Kuus 2004, 476).

Analytically I also take up the concept of instrumentalization of sexual diversity defined as a set of discursive and non-discursive practices that deploy adherence to LGBT rights as a litmus test to produce differences between geopolitical entities along the lines of modernization, development and progress (Ammaturo 2015, O'Dwyer 2010, O'Dwyer and Schwartz 2010, Ayoub and Paternotte 2014, Slootmaeckers, Touquet, and Vermeersch 2016a, Kulpa and Mizielińska 2011a, Gressgård 2015). The instrumentalization of sexual diversity is one of the distinctive features of the process of Europeanization. It constructs a linkage between "a country's successful development and modernization" and sexual and minorities' rights and freedoms so that sexual and minorities' rights and freedoms come to mark "a difference between civilized and non-civilized nations" (Gressgård 2015, 99).

Europeanization as a process that unfolds through external governmentality (Schimmelfennig and Sedelmeier 2004, 2005) and the instrumentalization of sexual diversity bring limited options of practices, policies and discourses for those countries defined as "undergoing transition". As transgender people are limited in their choices of how to present themselves to the doctors in order to get access to body modifications and/or necessary documents, professionalized transgender activism aligns itself with the international donors' expectations and the forms of activism considered most appropriate by these agencies.

Methodology and data

I ground my research in problematization as a methodology examining "how and why, at specific times and under particular circumstances, certain phenomena are questioned, analyzed, classified, and regulated, while others are not" (Deacon 2000, 127). I collected my data using qualitative research methods. Qualitative methods have been chosen because they emphasize the socially constructed nature of reality, calling attention to how social experiences and practices are created (as objects, problems, solutions etc.) and given meaning within particular discursive frameworks. Qualitative research methods open up for substantial interrogations of discursive as well as non-discursive practices and the way they function, especially in politicized areas such as gender/sexuality and health/medical/governmental-related experiences and practices (Denzin and Lincoln 2000). I base my study on a combination of interviews, participant observations, as well as texts and documents, including transgender archive material from the above-mentioned *Insight* NGO.

The fieldwork was conducted between January 2014 and October 2015 in Ukraine, Belarus and Lithuania. Overall, I spent 130 days in the field, predominantly in Ukraine, mostly in Kyiv, but I also made shorter visits to regional cities/towns: in 2014, to Kamianets-Podilskyi in the west and Kharkiv in the east and in 2015, to Odesa in the northwest. In 2018, I made a follow up short field trip to Zaporizhzhia in the southeast and Lviv in the west (see Appendix 1). Partly, the fieldwork was done in Belarus (Minsk) and Lithuania (Vilnius) in cases when significant LGBTQ and/or feminist events related to the areas of the research took place there. In Ukraine, the fieldwork was carried out in close collaboration with *Insight*. At the time I entered the field, *Insight* was the only organization in Ukraine, among more than 40 officially registered LGBT organizations, that positioned itself as explicitly trans-inclusive.

The data gathered for the analysis during my fieldwork and text analysis is grouped and shortly described below.

(1) Twelve face-to-face semi-structured interviews with Ukrainian (8) and Belarusian (4) actors who have been involved in the professionalized LGBT activism, international donor organizations, and/or academic research on gender issues. Interviews were used as

a tool for gathering information related to transgender (and LGBT) politics, international donor strategies, and academic gender-related research in Ukraine and in the post-Soviet region (see Appendix 1). It allowed me to collect rich and detailed data for further critical analysis (Rubin and Rubin 2005, Gubrium and Holstein 1997). Participants were selected through personal networks and based on their relevance to the research objectives. I knew most of my interviewees, either personally or professionally, prior to the interview process.

(2) Legal, medical, and policy documents related to transgender issues in Ukraine. In addition to the national regulations, such as the Decrees on gender recognition procedure (no.60 from 03.02.2011 and no.1041 from 10.10.2016), I included in my data collection international prescriptive texts, such as the medical standards for transgender care (i.e. The World Professional Association for Transgender Health 2011) and political resolutions and recommendation issued by the EU governmental bodies.

(3) Publications, reports, statements, and media texts produced by Ukrainian LGBT NGOs, notably by NGO *Insight* on transgender issues and/or areas related to gender/sexuality/body politics in contemporary Ukraine (see Appendix 3).

(4) Participant observations (DeWalt and DeWalt 2002, Wright and Hobbs 2006) were used and notes were taken during various academic and activist events and activities related to gender and sexuality politics in the post-Soviet region. The most central events turned out to be: *Feminist Camp* (Belarus, August 2014); *Soviet and Post-Soviet Sexualities* conference (UCL, SSEES, UK, February 2015); *Week against homo- and transphobia* (European Humanities University, Lithuania, April 2015); *Gender, Nationalism and Citizenship in Anti-Authoritarian Protests in Belarus, Russia and Ukraine* workshop (University of Cambridge, UK, June 2015); *Orientalism, Colonial Thinking and the Former Soviet Periphery* conference (Lithuania, August 2015); Queer Festival *META* (Belarus, September 2015); and the international conference *Transgender issues in medical and social context* (Ukraine, October 2015).

(5) Field notes from seven field trips conducted from January 2014 till October 2015 and from a follow up trip in May 2018.

(6) Insight Transgender Archive materials that include:

- documentation and research material, including anonymized interview transcripts, of the two transgender research projects conducted by *Insight* in 2009-2010 (Insight 2010b; 37 interview transcripts) and in 2014-2015 (Husakouskaya and Insight 2015a; 27 interview transcripts);

- diverse documentation related to *Insight*'s transgender program, including detailed plans and schedules of events, court cases, correspondence with the Ministry of Health, notes from staff meetings, etc.[14]

Ethical concerns

The research was done with the ethical clearance (project number 39267) obtained from the Norwegian Social Science Data Services in September 2014. I respected the right of participants (twelve face-to-face semi-structured interviews) to refuse to participate in the research and to withdraw their participation at any stage without any consequences for them. Information obtained in the course of research that may reveal the identity of a participant has been treated as confidential, unless the participant has agreed to its release. The participants were allowed to respond anonymously or under a pseudonym to protect their privacy.

Positioning the research: novelty and contribution

I position my research in relation to transgender and LGBT studies on the one hand, and Russian and Eastern European (post-socialist) area studies on the other. My primary focus lies in the domain of critical transgender studies dealing with institutionalization of "transgender" as a category of analysis and its deployment in various institutional settings as well as its re-enactment in different geopolitical locations. I will briefly

[14] I worked with Insight Transgender Archive in May 2015. At that time, it was by no means an institutionalized well-organized repository of the documents. The archive comprised of a collection of miscellaneous documents gathered and fitted in a box by a transgender program coordinator who worked for the organization from 2010 till 2014. He preserved the documents he considered important and organized them in a manner that seemed adequate for him. The materials cover period from 2007, when *Insight* was launched as an informal group, till 2014, when the then coordinator resigned from work at *Insight*.

outline my contribution to the above-mentioned fields of study, which will also serve as a short introduction to key terms and themes of my research.

"Transgender" as an institutionalized category in Anglophone American and European mainstream academic and activist context

The Anglo-American activist context of the early 1990s was the beginning of the institutionalization of the category of transgender, and it gradually proliferated as a collective political identity. According to David Valentine, whose book *Imagining Transgender* (Valentine 2007) deals with the institutionalization of transgender as a collective term in U.S. political activism, transgender "as a collective category of identity […] incorporates a diverse array of male- and female-bodied gender variant people who had previously been understood as distinct kinds of persons, including self-identified transsexuals and transvestites" (Valentine 2007, 4). The capacity of the term to encompass a vast diversity of gender variant identities is key to understanding how it could travel across national and sectorial borders and be incorporated into academic as well as policy discourses, including political activism and social services.

In the past two decades, in the dominant Anglo-American and Western European academic and activist contexts, "transgender" has become an extensive and inclusive term for diverse gender-variant practices, identities, subjectivities and experiences such as transsexuality, transvestism, gender queer, gender fucking, female and male drag, gender blending, cross-dressing, (sometimes) intersex, and others (Stryker 2008). In other words, it functions as an umbrella term that "denotes a range of gender experiences, subjectivities and presentations that fall across, between or beyond stable categories of 'man' and 'woman'" (Hines 2010, 1). This conceptualization suggests that the transgender phenomenon may "call into question traditional ways of seeing gender and its relationship with sex and sexuality" (Hines 2007, 6) and may hold the potential to "disrupt the way in which sex, gender, and sexuality intersect with each other" (Tauches 2006, 176).

At the same time, "transgender" is often used in a more applied sense, as a term that refers to people whose gender does not match the sex category they were placed into at birth and "who cross-identify or who live as another gender, but who may or may not

have undergone hormonal treatments or sexual reassignment operations" (Butler 2004, 6). This understanding of the "transgender phenomenon" may overlap with a broader definition outlined above, but it has a more particular focus on the body, the need for recognition, and the "capacity to persevere in a livable life" (Butler 2004, 1), as well as on human rights and their infringements by various governmental institutions.

On the one hand, this take on transgender as a more practical term emphasizes the body as the site upon which a transgender person "erects a reliable sense of self" (Boddy 1995 in Cromwell 1999, 129). Within the "true self" discourse, the body of an individual becomes "a crucial element in personal identity formation and perception", and "facilitate[s] intra- and intersubjective recognition of a core (gendered) self" (Rubin 2003, 11). As a result, the body evolves as a site of personal(ized) problems. As Jamison Green notes in his book *Becoming a Visible Man* (2004), "it's the body that gives us problems – it's the body that we have to deal with (whether we dress it up or alter it hormonally and/or surgically) in order to express our deepest sense of self" (Green 2004, 36).

On the other hand, some activists and scholars oppose the "true self" discourse, directing their attention instead to the tensed relationships between transgender bodies and governmental institutions and practices. The idea of the true self is, in this approach, reframed as a medically-approved narrative that is often strategically deployed by gender variant people who "must submit to the language of the diagnosis" (Butler 2004, 93) "in order to obtain body-alteration goals" (Spade 2006b, 316). This type of critical transgender scholarship draws attention to various (trans)national governmental techniques, simultaneously oppressive and productive, that render transgender as an intelligible, (mis)recognized, and ultimately governed phenomenon in need of regularization and normalization. The governmental techniques in question include, amongst others, sex reassignment[15] and legal gender recognition[16] processes, asylum procedures, border control, citizenship regulations, anti-discriminations policies, inclusivity and recognition politics (Butler 2004, Currah, Juang, and Minter 2006, Spade

[15] Sex reassignment refers to a process of medical interventions that alter body, including (but not limited to) hormone replacement therapy and sex reassignment (gender confirmation) surgeries.
[16] Legal gender recognition refers to a process that is entrenched in legislation and enables transgender people to achieve full legal recognition of their preferred gender and allows for the acquisition of a new birth certificate, passport, and other documents that reflect this change.

2006a, Juang 2006, Cabral and Viturro 2006, Robson 2006, Enke 2012, Aizura 2012, Spade 2012, Snorton and Haritaworn 2013, Shakhsari 2013, Gossett 2013). My research project lies within the confines of this governmental approach to the transgender phenomenon, addressing the ways in which the transgender phenomenon is constructed as "a public problem needing to be managed by an increasingly large group of medical, psychiatric, and criminal specialists" (Spade 2006b, 318).

For the purposes of my research, it is also important to highlight the geopolitical, epistemological, and socio-economic premises of the institutionalization of transgender as scholarly and political category. There are three dimensions that are of particular importance to my work, namely, (1) the Anglo-American origin of the concept (both in academia and activism); (2) its medical (sexological) foundation; and (3) its implication and embeddedness in the neoliberal and capitalist systems. These are indeed broad themes, but I will narrow them down when addressing specific thematic and analytical issues. In the following, I will briefly sketch out the framing of these three themes.

(1) In her introduction to transgender studies in *The Transgender Reader* (Stryker and Whittle 2006), Susan Stryker acknowledges that "the geo-spatial, discursive, and cultural boundaries of transgender studies…have been developed within Anglophone America and Europe" (Stryker 2006, 14). She makes it clear that in the beginning of the 1990s, new discourses and debates about transgender issues started to shape the new field "where the margins of the academy overlapped with politicized communities of identity" (Stryker 2006, 5). The Anglophone American and European discursive framework of "transgender" as a category in both activist and academic settings remains a salient one in relations to "transgender" as a geo-political phenomenon. Arguably, this "Western" framework restricts multiple other meanings and terms from global circulation, and serves to conceal colonial and racialized dimensions[17] of "the 'history' of transgender" (binaohan 2014, 3, see also Bakshi, Jivraj, and Posocco 2016). As Mauro Cabral, an Argentinian intersex and trans activist, critically remarks:

[17] I will not extrapolate on colonial implications of the transfer of the term here, in the introduction. It would have required a much longer discussion. I will attest to some of the issues later in the dissertation: see the discussion on the possibility of a dialogue between post-Soviet and post-colonial studies in Chapter 3; the analysis of (trans)gender terminology in practical texts of local NGOs in Chapter 5; and the investigation into donor aid and the transfer of ideas around (trans)gender and LGBT activism in Chapter 6.

> Many denominations circulate currently as examples of a geographically neutral category—transgender, or trans*—and terms such as travesti, hijra, fa'afafine, and meti or katoey become doubly local, localized in their own culture and in relation to the international scope of transgender as a culturally nonspecific umbrella term (Boellstorff et al. 2014, 436).

(2) The transgender phenomenon is constructed in relation to and in dialogue with historical, globalized medical and sexological texts, which can be embraced, refuted, or appropriated by transgender activists and scholars. This body of work includes texts of Western medical professionals, such as Magnus Hirschfield (Hirschfeld 1991 [1910]), Harry Benjamin (Benjamin 1977 [1966]), Robert Stoller (Stoller 1984 [1968]), Harold Garfinkel (Garfinkel 2006 [1967]), whose texts, or rather excepts from them, have been included in *The Transgender Studies Reader* (Stryker and Whittle 2006, 21-93). Through this gesture of inclusion, the body of knowledge becomes indispensable in the process of institutionalization of transgender identity.

In spite of "transgender" being theorized as a possible destabilizing category in the way it challenges the binary notions of gender, sex, and sexuality, some widely used transgender categories, such as transman, transwoman, female-to-male (FtM), and male-to-female (MtF),[18] explicitly refer to a sexed dichotomy of male/female (Fausto-Sterling 2000). These categories were devised in Anglophone American and European medical contexts in the beginning of the 20th century in relation to the emergence of the "transsexual" figure within the so-called psy-disciplines, notably psychiatry, psychology and medicine, which for a long time occupied and challenged clinical experts (see more in Stryker and Whittle 2006).

(3) The emergence of "transgender" as a collective identity in Western activism is linked to the emergence of identity politics more generally, and the ways in which activism and identitarian thinking have become intertwined. Some would argue that identity-oriented activism has been fueled by a "neoliberal capitalist modes of production and consumption where 'difference' can be exploited as a market niche as much as enabling

[18] Transmasculinity (transman, FtM) is defined as a concept that describes a person who has been assigned female sex at birth and whose gender identity does not correspond with this assigned sex. Similarly, transfemininity (transwoman, MtF) is defined as a concept that describes a person who has been assigned male sex at birth and whose gender identity does not correspond with this assigned sex.

new forms of subjectivity" (Valentine 2007, 36). From this point of view, the transgender category has been translated and transmitted to other geo-political settings as "a western medical concept of the modern capitalist era, where gender binary is essential to the division of labour" (Gabriell 2016, 60). Regardless of how one understands the relationship between identity politics and neoliberalism, it is possible to argue that the "travel" of transgender as an institutionalized and collective term to other socio-political, activist, and cultural contexts carries the baggage of pathologization, gender binarism (or gender normativity), and a division of labor linked to production, as well as an us/others dichotomy in a large-scale geo-political framing.

Eastern European studies and LGBT issues

As Ulrika Dahl (2012) points out in the introduction to the special issue of Lambda Nordica on "transition" and Central/Eastern European sexualities:

> Within the field of Baltic, Central and Eastern European studies […], research on gender and sexual politics is still fairly marginalized, at the same time as Central and Eastern European perspectives are also fairly marginalized within the international field of LGBTQ studies. Questions of how geopolitical relations of power shape fields of knowledge and how concepts and identity categories travel and get translated and reworked are of crucial importance […]. What are the relationship between LGBTQ rights activism, processes of democratization, European integration and capitalist "development"? (Dahl 2012, 16).

Over the last decade, there has been a growing body of scholarly work[19] offering an analysis of how Europeanization has affected the development of local LGBT activism and policies related to "sexual orientation and gender identity" (SOGI) in post-communist/post-socialist countries (Slootmaeckers, Touquet, and Vermeersch 2016a, Ayoub and Paternotte 2014, Kulpa and Mizielińska 2011a). The majority of academic discussions on these issues focuses on "Central and Eastern European"[20] countries in the process of negotiating their status in the EU (see e.g. Blagojević 2011, Bilić 2016b) and those who are now ("new") member states (see e.g. Mizielińska 2011, O'Dwyer and

[19] I account only for the body of work produced in English for English-speaking academic audience, unless specified otherwise.
[20] See the critical discussion on the constructed nature of "Central and Eastern Europe" in Chapter 3.

Schwartz 2010, O'Dwyer and Vermeersch 2016, Woodcock 2011, Slootmaeckers, Touquet, and Vermeersch 2016a). Russia as a country that has historically "overshadowed the rest of Eastern Europe" (Zaborowska, Forrester, and Gapova 2004, 4) covers the rest of non-accession countries of the post-Soviet region, reflecting its privileged position within Eastern European studies as such (see, for example, the prevelance of Russian cases in Attwood, Schimpfössl, and Yusupova 2018).

As Kulpa and Mizielińska (2011b) note, Russia stands out within a growing scholarship on "women and feminism (with hardly any of the efforts to scrutinize non-heterosexuality) with only a couple of publications that target the issue of homosexuality" (Kulpa and Mizielińska 2011b, 2). However, in addition to the works by Dan Healey (Healey 2001, Healey 2017), which give a historical account of LGBT issues in Russia, there is an emergent body of queer literature that focuses on contemporary Russian society (Nartova 2007, Kondakov 2011, Stella 2015), including Yana Kirey-Sitnikova's work on transfeminism and transgender communities in Russia (Kirey-Sitnikova 2016, 2017) and the first book in Russian devoted to the transgender phenomenon analyzed from a feminist, non-binary and non-pathological approach (Kirey-Sitnikova 2015).

While the generic term "Central and Eastern Europe" (CEE) purports to be inclusive of so-called Central and Eastern European post-communist countries, the critical task of the de-centralizing Western sexualities is often limited to the most "western" countries of the eastern post-communist bloc (such as Poland, Serbia, Slovenia, Bulgaria), and/or in relations to former empires (such as Russia).[21] Ukraine is among the countries that have remained in the shadow,[22] with little attention to non-heterosexuality, queer politics and alternative theoretical and critical takes on the development of LGBT movements and identities.[23]

[21] The same is true for literature on Europeanization, where "the term Central and Eastern Europe (or simply Eastern Europe) includes the 10 new member states of the EU that joined in 2004 and 2007" (Bafoil 2009, 2) and/or it is applied to the countries "associated with the EU and given a membership perspective" (Schimmelfennig, Engert, and Knobel 2005, 34).

[22] I am not going into the details of further Orientalisation and geo-temporal racialized hierarchies within the post-Soviet region in relations to, for example, "Asian" post-Soviet "stan" countries (Kazakhstan, Uzbekistan, Tajikistan, Kyrgyzstan, Turkmenistan). Therefore, I am mostly focusing on "Slavic" countries of Russia, Ukraine, and Belarus.

[23] However, some research assess the level of homophobia in Ukraine and describe LGBT movement in the country (Martsenuyk 2010, Martsenyuk 2012). There are also several PhD research, finished or on-

When conferences on gender politics in Belarus, Ukraine, and Russia take place and academic work is published, the focus of "Western" scholars and activists alike is typically on the authoritarian nature of the states, protests, and unrests, with little (if any) problematization of the persistent East/West divide, the instrumentalization of sexual diversity, and the import of particular sorts of policies and discourses around "LGBT issues".[24] Moreover, post-colonial tensions and de-colonial inclinations *within* the post-Soviet region regarding gender politics and scholarship remain rather obscure, unacknowledged and/or irrelevant to many "Western" scholars.[25]

Structure of the thesis

The thesis consists of six chapters, in addition to the introduction and a short conclusion. The introduction has offered a brief outline of research aims and objectives, key analytical concepts, methodology and contribution to the literature. The first three chapters expand on the contextual and theoretical background of my research. Chapter 1

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going, that deal with LGBT/queer politics in Ukraine: for example, Marina Shevtsova's PhD dissertation "Exporting European values: promoting LGBT rights to third countries (cases of Ukraine and Turkey)" (2017, Humboldt University, Berlin Graduate School of Social Sciences), and Olga Plakhotnik's PhD project focusing on imaginaries of sexual citizenship in post-Maidan Ukraine (on-going as of September 2018, Open University, UK).

[24] In June 2015, I was one of the participants of a two-day mixed academic and activist event entitled "Gender, Nationalism, and Citizenship: An anti-authoritarian protest in Belarus, Ukraine and Russia", which took place in Cambridge, UK. The conference exemplified a typical external approach to gender/LGBT politics in Eastern and Central Europe, reproducing a non-problematized geopolitical divide. To give another example of an epistemological take when the difference between "East" and "West" holds as unquestionable, I want to cite a comment I received from a reviewer when I submitted an article to an edited volume "Gender and choice after Socialism" (Husakouskaya 2018). The reviewer's comment is in italics: "Here, the instrumentalization of sexual diversity can be defined as a set of discursive and non-discursive practices that deploy adherence to LGBT rights as a litmus test to produce *[I don't think 'produce' is the right word, 'identify', perhaps?]* differences between geopolitical entities along the lines of modernisation, development and progress".

[25] In late 2016, I was invited as one of the contributors to an edited volume entitled "Gender and choice after Socialism" (Attwood, Schimpfössl, and Yusupova 2018). The volume has a strong focus on women, femininity, and masculinity with priority given to Russia, which can be (and has been) explained by the fact that few gender and sexuality researchers have actually been preoccupied with Ukraine and Belarus. A colleague from Belarus and I tried to address issues of power imbalance, but we failed to ignite any substantial discussion. I will cite our answer to a Russian colleague to hint at tensions that exist within the region amongst gender scholars: "As we work together on 'post-Soviet' issues, we all are aware of complex relationships and tensions within the region, especially related to (post)coloniality and difference(s). We would appreciate, if we can make an effort and try to avoid misspelling of countries (like 'Beielorus' instead of its official name Belarus) and ambivalent in this particular situation syntax (like Ukraine/Belarus, as we see the agency of every country and differences between them). From our point of view, this practice of reflexivity and (linguistic) sensitivity is necessary, if we want to acknowledge and be conscious of how knowledge and language are inevitably connected to power" (informal correspondence, 13 November 2016).

gives an account of Ukrainian LGBT NGOs dealing with transgender issues and describes the gender legal recognition and sex reassignment procedures in contemporary Ukraine (1996 – 2018). Chapter 2 focuses on the concept of problematization. Chapter 3 explores the analytical framework of Europeanization and the broader geopolitics in the region with its East/West discursive divide, addressing tensions and relations between terms such as "Eastern European", "Post-Soviet" and "post-colonial". In the subsequent three empirical chapters, I focus on the transgender phenomenon and transgender (and LGBT) professionalized activism in Ukraine. Chapter 4 investigates the instrumentalization of sexual diversity in relation to the case of transgender politics, while Chapter 5 examines the relations through which "transgender" emerges as a problematized phenomenon in practical texts produced by LGBT NGOs. In chapter 6, I focus on the transfer of ideas (from "West" to "East") in the local professionalized transgender activism in the light of the external conditionality imposed by donor agencies as well as contestations and ruptures that occur in the process of translation of globalized approaches into local settings. The conclusion briefly sums up key findings of the research, reflects on the latest developments in the field, and maps out further directions for research.

Chapter 1. Contextualizing "transgender issues" in contemporary Ukraine

In this chapter, I offer an account of Ukrainian LGBT NGOs dealing with transgender issues, paying particular attention to the Kyiv-based NGO *Insight*. Thereafter, I describe the gender legal recognition and sex reassignment procedures in contemporary Ukraine and its development over the span of 22 years (1996–2018).

Transgender issues in Ukrainian professionalized LGBT activism

From the late 2000s, transgender rights received increasing attention in Ukraine, and a number of non-governmental organizations (NGOs) concerned with the "LGBT"[26] community have taken up their cause. *Insight* has been a pioneering organization in targeting "transgender people"[27] as a separate group with specific challenges, giving priority to lesbian, transgender and intersex constituencies as society's "most vulnerable groups" (interview with Olena Shevchenko, July 2014; Husakouskaya 2014).

According to Yuri Frank, a coordinator for the transgender program at *Insight* 2014–2016, there have been three key areas of work (intervention) central to the organization's transgender program. *Advocacy work* has aimed to change current legal gender recognition procedures in Ukraine and improve access to medical services for transgender people. *Social work* has been directed towards transgender constituencies in the form of social gatherings, support groups, educational and recreational activities, as well as psychological and legal support. Focusing on journalists, human right activists, and psychologists, *educational work* has aimed at sensitizing society through dissemination of information concerning transgender issues, transgender people's lives, and problems they face.[28]

[26] On the use of "LGBT" abbreviation in my research see footnote 3.
[27] I am using inverted commas to indicate the constructed nature of the category "transgender" and highlight the process of singling out certain people as "target groups" symptomatic for work of professionalized NGOs. I will discuss the use of the "transgender" category and the processes of production of "target groups" in case of the professionalized transgender activism in Ukraine in Chapters 5 and 6.
[28] Yura Frank's introductory talk at the opening of the International Conference "Transgender issues in social and medical context", Kyiv, October 22, 2015 (originally delivered in Russian).

Based on my fieldwork observations, I would also add a forth area of work that underpins and sustains the aforementioned priorities: *production of practical texts*. The term of practical (or prescriptive) texts can be traced back to Michel Foucault as referring to diverse regulations that are "written for the purpose of offering rules, opinions, and advice on how to behave as one should" (Foucault 1986, 12). Typically, "practical texts" refer to guidelines, policy papers, reports, manuals etc. In the case of *Insight*, practical texts include transgender-specific research, analytical reports, and informational materials (brochures) that have been produced and published by the organization in hard copy and/or at their web page (on-line).

Over the span of seven years (2010–2016)[29], *Insight* carried out trans-related research and produced a number of reports on the overall situation of transgender people in Ukraine (Insight 2010b); impediments of their civil rights (Vovkogon, Romanyuk, and Insight 2012); specificity of gender legal recognition procedure in Ukraine in relation to international practices (Insight 2012); documenting discrimination of transgender people in medical settings (Husakouskaya and Insight 2015a); as well as social barriers and general discrimination of the Ukrainian transgender community (Insight 2016a). Most of these publications have been produced in Ukrainian and subsequently translated into English (rarely vice versa). All of them came into existence due to financial support from international donors such as Astrea Lesbian Foundation, ILGA-Europe, amFAR Fund, Open Society Institute Foundation, Heinrich Boll Stiftung, Norwegian Helsinki Committee, and Embassy of Netherlands in Ukraine (see Appendix 3).

Until 2015, *Insight* claimed to be the only organization amongst more than 40 registered LGBT organizations in Ukraine (Dovbakh 2015, 14) that represented itself as a lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI)-inclusive (interview with Olena Shevchenko, July 2014). In October 2015, two self-identified transsexual women who fled from a southeastern region of Ukraine (after the war had erupted in the region) registered the civic initiative *T-ema,*[30] a non-governmental organization with explicit

[29] The first practical texts published as brochures and available at *Insight* web pages are dated 2010. My fieldwork ended in late 2015 with a follow up trip in Ukraine in May 2018. Therefore, I limit my analysis of the practical texts to those texts produced and published by *Insight* from 2010 up to 2016. See Appendix 3.

[30] The name of the organization plays up to "t" for "transgender" and for "tema", a Russian-speaking reference to a range of non-confirming gender expressions (see further elaboration on "tema" in Chapter 6).

focus on the "transgender community", rather narrowly defined as "people with gender dysphoria and/or transsexual people".[31] At that time, *T-ema* supported medicalization of transsexual people but did not overtly oppose pathologization of gender variance. The strictly medical profile of *T-ema* led to clashes with other transgender groups in Ukraine (registered NGOs and grassroots groups alike), most of whom aim to depathologize and demedicalize transgender issues, in accordance with the World Health Organization's revised diagnosis manual of 2018, which depathologizes transgender identity (World Health Organization 2018).

From 2013, grassroots transgender/queer-oriented groups started to appear in Ukraine, some of them with the focus on the post-Soviet Union region. In the summer 2013, with the support of *Insight* and *Open Society Foundation*, the trans* camp took place in the Carpathian region of Ukraine, and *Trans*Koalitsiia* (Trans*Coalition) – a grassroots network of trans* activists from post-soviet countries – was formed in its wake. Since 2013, the network has operated intermittently as an on-line platform of and for trans* people in the post-Soviet region, with occasional strategic meetings off-line. As of 2018, *Trans*Koalitsiia* includes representatives from seven post-Soviet countries: Armenia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, and Ukraine. Among the long-term goals of *Trans*Koalitsiia* are "deconstruction of patriarchy, cisnormativity and heteronormativity; formation of gender-neutral language; depatologization of gender variance; abolition of gender in the documents; recognition of reproductive and parental rights of trans* people, abolition of forced sterilization; and abolition of forced sex change operations of intersex children".[32]

In November 2015, an activist group, *Lavandovaia Ugroza* (Lavender Menace), emerged as an Internet initiative whose mission is "deconstruction of patriarchy and queer revolution through radical education".[33] *Lavandovaia Ugroza* propagates values of feminism, trans*feminism, anarcho-feminism, and queer.[34] In July 2016, the trans*feminist leadership initiative, *AdamanT*, was launched in Kyiv by an expert

[31] See *T-ema*'s web page (http://t-ema.org.ua/#) and their statute (http://t-ema.org.ua/files/Ustav_CI_T-ema.pdf), in Russian, accessed 11 January 2016.
[32] For more see their web page: http://www.transcoalition.info, in Russian, accessed 17 February 2017; and the web page in English (reduced version): http://transcoalition.info/en/, accessed 15 March 2017.
[33] See group's FB page - https://www.facebook.com/groups/lavandovaya.ugroza/, in Russian and Ukrainian, accessed 10 January 2016.
[34] "Queer" is used as a stance without any extantion such as "studies", "activism" or "theory".

interdisciplinary team. The group consists of and caters for trans*, intersex, queer and gender non-binary people who share *AdamanT*'s focus on strengthening the socio-economic situation of the trans*community in post-Soviet countries.[35] In 2016, *AdamanT* organized a roundtable discussion on "t* activism" in Ukraine[36] and conducted research on "current socioeconomic situation of transgender and queer individuals in the post-Soviet Union region" with 394 participants from 11 countries.[37]

The above overview suggests that transgender activism in the post-Soviet Union region in general, Ukraine in particular, is a fairly recent phenomenon. In my research, I draw specific attention to the *professionalized* transgender activism, which refers to both the NGOization of activism and the professionalization of (mostly) officially registered non-governmental organizations. I focus attention on NGOs dealing with "transgender people", their take on and creation of transgender "problems", as well as local and global contexts by which transgender activism and transgender issues have been shaped and problematized in contemporary Ukraine.

NGOization can be defined as a process of establishment and strengthening of non-governmental organizations as dominant actors and representatives of "civil society", the so-called third sector. Non-governmental organizations are characterized by four defining features: they are non-profit, non-violent, non-state, and formally organized (Zarnett 2016, 116). The latter entails having "internal hierarchies, decision making processes, agreed-upon budgets, […] well-defined job descriptions to their staff, [and] infernal governing structures" in place (Zarnett 2016, 116).

The process of NGOization is typically fueled by financial support from Western donor agencies aiming "to spread democracy" (Jamal 2015, 232). Following Sabine Saurugger and Wolf-Diter Eberwein (2009), I understand professionalization as "one component of the adaptation of an NGO to the requirements related to its activities", adaptation being "the process whereby an organization defines or redefines its strategic choices embodied in its mission [and] thereby reacts to the changing environment in which it operates"

[35] See *AdamanT*'s web-page (http://adaman-t.org.ua) and FB page (https://www.facebook.com/pg/adamant.trans/about/?ref=page_internal), accessed 17 February 2017.
[36] See more http://adaman-t.org.ua/2016/10/pervyj-kruglyj-stol-po-voprosam-takti/, in Russian, accessed 16 March 2017.
[37] An English version of the report is available here: http://adaman-t.org.ua/wp-content/uploads/2016/11/TG-POST-SOVIET-UNION-REGION.pdf, accessed 16 March 2017.

(Saurugger and Everwein 2009, 16-17). Saurugger and Eberwein further highlight that professionalization leads to bureaucratization, and is tightly linked to the donor agendas as "donors define relatively narrowly the conditions for how the resources have to be managed" (Saurugger and Everwein 2009, 20, see also Le Naëlou 2004).

NGOization and the professionalization of NGOs are intertwined processes that point to the "developments" started in the end of the Cold War in so-called "non-Western" or "developing" countries. Through these processes, certain countries and places are constructed as "developing" in accordance with established global divides along the North/South and East/West axes (Chahim and Prakash 2014, Biernat-Jarka and Dabrowski 2014, Bayalieva-Jailobaeva 2014, Zamfir 2015).

From its onset in 2009, professionalized transgender activism in Ukraine focused on advocacy with a view to change existing procedures of legal gender recognition and medical sex reassignment (interview with Olena Shevchenko, July 2014, informal talks with a lawyer and two transgender coordinators in *Insight*). At the time of my fieldwork in 2014–2015, both *Insight* and *T-ema* criticized existing procedures for being discriminatory to transgender people and limiting their choices of accessible, affordable and available legal and/or medical transition.

The Procedure 1996–2018: (per)forming a recognizable transgender subject

After the collapse of the USSR, Ukraine was the first post-Soviet country to decriminalize homosexuality in 1991.[38] According to hearsay, decriminalization was suggested by one of the MPs as the easiest and fastest way to become the first democratic country amongst post-Soviet counterparts (Naumenko 2015, Nash Mir 2000). Another explanation points towards the necessity to combat the HIV epidemic in Ukraine, which were impeded by male homosexuality being criminalized (Naumenko 2015, 5). I found both explanations, however tentative they might be, indicative of the

[38] The decriminalization of homosexuality refers to the repeal of the Article 122 in the Criminal Code of the Ukrainian SSR. The Article 121 that expressly prohibited male homosexuality was added to the criminal code in the Soviet Union on 7th of March 1934. Sexual relationships between women were not mentioned in the law.

ways gendered phenomena are problematized through medicalized and geopolitical discourses in the country.

The article 51 in the legislation of Ukraine on health care from 1992, made a provision for Ukrainian citizens who wanted "to change (correct) sex assigned at birth".[39] Within four years, the Ukrainian state had further formalized the process of legal gender recognition of its citizens through Decree no.57 issued by the Ministry of Health in 1996.[40] In the late 2000s, as I outlined above, transgender activists gathered around a handful of NGOs and started lobbying for changes to the existing procedures which they depicted as pathologizing, humiliating, and almost impossible to pass. The procedures were re-examined and replaced by the Decree no.60 of 2011.[41] However, very few substantial changes were incorporated into the Decree. One of them was to lower the age limit for starting (legal and medical) gender transition – from 25 y/o in 1996 to 18 y/o in 2011. In other respects, the Decree no.60 replicated 1996 regulations. It took another five years before the Decree no.60 was replaced by the Decree no.1041, which introduced considerable changes in the procedure.[42] The previous Decree no.60 was repealed on the 31st of December 2016.

The procedures that were replaced in 2016 had existed for 20 years (1996–2016), shaping the ways in which transgender lives were lived (or were unlivable) and how activism was organized in Ukraine. All transgender-related research done by the Ukrainian NGOs has been carried out with "transgender people" who lived and legitimized themselves through (or despite of) the procedures that were formulated in the Decrees of 1996 and 2011 (Insight 2010b, Vovkogon, Romanyuk, and Insight 2012, Insight 2012, Husakouskaya and Insight 2015a, Insight 2016a). My own time spent in the field, between early 2014 and late 2015, was precisely the period when central debates around the procedures were taking place. As one of the transgender participants of the above-mentioned 2014–2015 *Insight* research summed up:

[39] The bases of the legislation of Ukraine on health care, issued November 19, 1992 No. 2801-XII, see: https://www.apteka.ua/article/90571, in Ukrainian, accessed 3 July 2018.
[40] See Decree no.57 from 15.3.1996: http://zakon4.rada.gov.ua/laws/show/z0279-96, in Ukrainian, accessed 22 January 2017.
[41] See the Decree no.60 from 3.2.2011: http://www.moz.gov.ua/ua/portal/dn_20110203_60.html, in Ukrainian, accessed 22 January 2017.
[42] See the Decree no.1041 from 10.10.2016: http://zakon0.rada.gov.ua/laws/show/z1589-16, in Ukrainian, accessed 25 January 2017.

> It [the Decree] looks like it has been written by people who had no idea about transgender and for the sake of some regulations in the law. It has been written with no account for experiences and specific problems of the [transgender] people. Those people who came later and could have changed something [in the Decree] they just, you know, did Ctrl C - Ctrl V, they just changed the date and maybe a few elements, like wrote 25 years old instead of 18 years old as far as I remember. It feels like it hasn't been changed for so long. All of it is so outdated and irrelevant; I am not even mentioning UN and WHO [World Health Organization] requirements. It is very sad, very sad (Respondent #26, raw data, 2014-2015 *Insight* research)

In the following, I will give an account of the procedures in their continuity from 1996 onwards to outline the governmental practices in their longevity and transformations. I will focus on the Decree no.60 and offer notes on new regulations. I take up the laws (decrees and regulations) as an example of practical texts, "written for the purpose of offering rules, opinions, and advice on how to behave as one should" (Foucault 1986, 12). These texts address and regulate "transgender people" as a distinct group and thus simultaneously produce the transgender phenomenon as a problem to be governed and solved.

The Decree no.60 consists of 13 pages written in Ukrainian. The document replicated regulations from 1996 and continued to link legal recognition of gender to medical sex reassignment. Legal gender recognition could then only be accessed at the end of the procedure and only through irreversible medical interventions (such as sterilization).

From 1996 till 2016, there were two primary governmental mechanisms: the Decree and the Commission. Through discursive practices, these regulatory mechanisms shaped transgender subjects as problematic and offered specific solutions to this/their "problem". The Decree stipulated how the procedures should be carried out. It specified steps for transgender persons to undergo "transition" (medically and legally), determined the "medico-biological" and "socio-psychological" indications and counter-

indications[43] for this process, and established a commission of doctors (often referred as "the Commission") with the authority to mandate and control access to medical and legal procedures related to gender markers and change of name.

The Decree operated as a regulatory mechanism that defined consecutive steps for a person willing to get access to legal and/or medical gender transition. Briefly, these steps looked as follows: (1) meeting with sexopathologist, psychologist or psychiatrist and preliminary diagnosis of "transsexualism" (diagnosis F64.0 in ICD-10); (2) mandatory hospitalization in a psychiatric clinic for no less than 30 and no more than 45 days for confirmation/elimination of the diagnosis; (3) first hearing of the Commission which confirms (or not) the diagnosis and provides (or not) the authorization for medical and surgical interventions; (4) hormonal and surgical treatment (if the Commission is passed successfully); (5) secondary hearing by the Commission which determines whether transgender individuals have the "necessary" and "sufficient" grounds to have their sex legally changed.

For most of those who fall under the category "transgender people" in Ukraine, the whole process and the commission was a mechanism that they had to deal with in order to have the body modifications they wanted and to get their name and gender legally changed. While some "transgender people" in Ukraine have opted for name and surname change based on the Civil Code without undergoing legal gender recognition procedure,[44] it is necessary to undergo the whole process to fully change one's name (including patronym[45]).

Since gender could be legally changed only at the very end of the process, it placed transgender people under constant surveillance for the whole length of "transition". The

[43] This is how these indications and counter-indications are formulated in the Decree.
[44] In Ukraine, a person has a right to change their first name and surname once they reach age of 16. This right is regulated by the Civil Code (Chapter 22, par. 295/1; see Ukrainian Civil Code: http://zakon4.rada.gov.ua/laws/show/435-15/page6, accessed 11 January 2016) and is gender-neutral, i.e. there is no explicit restriction on cross-gender name change.
[45] The Civil Code regulation does not apply to a patronym that stays unaltered in documents, inadvertently revealing person's gender. Patronym (in case of Ukraine, Belarus, and Russia) is a part of a personal name based on a given name of one's father. Ukrainian (as well as Russian and Belarusian) is a synthetic language, therefore, patronym referring to relation to one's father is gendered, i.e. has a gendered ending. For example, my patronym is Aleksandrov*na*, and my brother's is Aleksandrov*ich*. Thus, some people after a name change based on the Civil Code regulation may end up having confusing (for officials) name constellations such as Anna (a female name, changed) Alexandrov*ich* (a male patrynom, unchanged) Dovzhenko (gender-neutral surname).

central concern was to preserve the norm and curb the possibility of socio-biological multiplicity. As Foucault (2003, 252) sees it, the norm is the element that "circulate[s] between the disciplinary and the regulatory". As pointed out above, both disciplinary and regulatory techniques were routinely applied to transgender bodies, such as mandatory hospitalization in a psychiatric clinic and the Commission's hearings.

According to *Insight*, the 12 doctors[46] who made up the Commission did not rotate. This made it almost impossible for transgender people who failed in the first place to challenge the verdict of the commission and try one more time. According to a 2015 research report, only two transgender interviewees out of 28 made it through to the second hearing (regarding gender legal recognition), and both applications were eventually rejected (Husakouskaya and Insight 2015a, 61).

The Commission gathered in Kyiv intermittently: once or twice a year in the beginning, more frequently over the last few years, with a 2,5-year gap between 2006 and 2009.[47] All applicants had to submit all required documents in person, which for many proved difficult due to long distance and travel expenses. The number of applications for each session of the Commission was limited. The scarcity of allocated places put pressure on the applicants, and allowed authorities to keep the statistics low. The Commission also appeared to be corrupt as some of its doctors allegedly took a bribe and offered the medical services (for example, surgeries) that they prescribed for the applicants (informal conversation with a transgender activist, May 2014).[48] Moreover, it was challenging to get through all the previous steps and gather all the documents before even appearing in front of the Commission: the Decree did not provide any medical protocols for doctors, and mandatory hospitalization prevented many applicants from going any further.

[46] The list of twelve doctors appointed to the Commission and approved by the Ministry of Health: http://mozdocs.kiev.ua/view.php?id=14552 (as of 2013, in Ukrainian), accessed 3 July 2018. The previous list of doctors who comprise the Commission: http://zakon3.rada.gov.ua/laws/show/ru/z0282-96 (approved on 15.03.1996, in Ukrainian), accessed 3 July 2018.

[47] *Insight* indicated that there was no commission hearings between 22 December 2006 and 3 July 2009 with commission gatherings being delayed in 2009 and 2010 when the new regulation was anticipated (Insight 2010b, 5). Also see in the Insight Transgender Archive: an interview #3 (raw data, 2014-2015 *Insight* research) and Letter no.13/09 from 5th of July 2009, *Insight* to Ministry of Foreign Affairs of Ukraine.

[48] I conceal the name as requested.

For those making it through the process, various disciplinary techniques were at play during the Commission's hearings: observation, normalizing judgment, and examination (Foucault 2003). On the one hand, applicants had little influence. According to Anna Kirey, a researcher at a LGBT program of Human Rights Watch at that time, "the doctors didn't seem interested in [the applicants'] individual needs and didn't even think to ask them whether they in fact wanted medical or surgical procedures".[49] On the other hand, applicants were often obliged to confess, to reiterate recognizable and legitimate narratives to reveal their "true self", complying with particular rules and norms (Respondent #19, raw data, 2014-2015 *Insight* research).

All transgender applicants were inevitably guided by the Decree language in these acts of self-reporting to doctors (sexopathologists, psychologists, and psychiatrists), and the Commission became an audience for whom "a verbal and visual picture of selfhood [was] being produced" (Butler 2004, 67). The Decree provided the language that one should submit to – even if strategically – to "pass the test": the language that in Butler's words is always already "saturated with norms" and predefine transgender people as they are seeking to speak themselves (Butler 2004, 69).

In the discourse of the Decree, the transgender individual was constructed as abnormal, unstable, and in need of codification and normalization, although one had to be cautious when navigating and presenting one's extent of abnormality and instability. The extent of abnormality was defined by a list of "medico-biological" and "socio-psychological" indications and counter-indications in the Decree. To qualify for sex reassignment and legal gender recognition and to be classified as "transgender", one had to show the *presence* of following traits: "a disorder of sexual identity formation at the age up to 3–4 years"; "a firmly formed transformation of gender identity diagnosed as transsexualism"; "sufficient prospect for social adaptation in new life conditions in the future (based on opinion of a psychologist written in a free format)"; "social maturity for making decisions regarding sex change (correction)", and "ability to adequately proceed with further social adaptation" (The Decree no.60 from 3.2.2011).[50] Alongside this, one had to ensure that the following factors and characteristics were *absent*: "mental

[49] Anna Kirey, Proiti komissiiu chtoby byt' soboi, 22.11.13 https://www.hrw.org/ru/news/2013/11/22/251869, accessed 19 September 2017.
[50] See here: http://www.moz.gov.ua/ua/portal/dn_20110203_60.html, in Ukrainian, accessed 22 January 2017.

pathology that can cause the development of desire to sex change"; "homosexuality, transvestism or any other sexual disorders as the leading motive for sex change (correction)"; "delinquent behavior"; "an endogenous disease with appearance of transsexualism"; "sexual disorders as the leading motive for sex change (correction)"; "any sexually perverse tendencies"; "gross violations of social adaptation (absence of work or permanent residence, alcoholism, drug abuse, antisocial behavior, etc.)"; and "psychological characteristics that complicate (or make impossible) social and psychological adaptation in the desired civil sex" (The Decree no.60 from 3.2.2011).[51] Being under 18 years old, being a parent of children under the age of 18, being married at the time of application, and being in "violation of social adaptation" (for example, being unemployed) were other factors that fell under "medico-biological" and "socio-psychological" counter-indications.

The final point on the list of counter-indications was the refusal to agree to the diagnostic and therapeutic measures recommended by the Commission. This was a common reason for refusing access to the medical procedures and alterations to legal documents. As already mentioned, however, what constituted the recommended measures was not entirely clear, and was determined arbitrarily by the Commission. In response to a request from *Insight* for more transparency on these recommendations, the Institute of Urology of the National Academy of Medical Sciences of Ukraine (where the Commission was based) responded unequivocally that the minimum requirement for surgical interventions was "the removal of breast and reproductive organs" for biological females and "reproductive organs, i.e. testicles and penis" for biological males.[52] This response revealed that forced sterilization had de facto been practiced on "transgender people", even if this requirement was not articulated in the Decree. Moreover, the biopolitical control of transgender bodies reaffirmed reproductive and family norms in that the diagnosis of "transsexualism" deprived them from both the right to child adoption and assisted reproductive technologies.

In the end, these mechanisms produced the transgender bodies as medicalized,

[51] These indications and counter-indications are translated from the original document as accurate as possible following the wording of the Decree.
[52] See Letter no.106, 13.03.2013, from the Institute of Urology of the National Academy of Medical Sciences of Ukraine to *Insight* (Insight Transgender Archive). Ukrainian phrasing in the document is "statevy organy" which can be translated as sex organs, reproductive organs, and/or genitals.

dangerous, contagious and in need of sterilization in both a literal and figurative sense – with no children (neither prior to nor after the sex reassignment), no sexual practice (unless it is heterosexual and after the sex reassignment), no suspicious diseases, no recorded mental health issues, no gross "violations of social adaptation", and no psychological characteristics that may complicate or make impossible social and psychological adaptation after transition.

Transgender bodies were governed through a combination of medicalized epistemological framework (categorization and pathologization), timing (the length of the procedure) and spatiality (location of the Commission in Kyiv, requirement for doctors and clinics to be in an *oblast'*[53] of one's *propiska*[54]). The detailed and lengthy process (some interviewees from the 2014-2015 *Insight* research claimed to have been struggling for five years or more) constructed the transgender subject as unreliable (one that ought to be diagnosed at least three times), mentally unstable (in need of close surveillance by psychiatrists, including mandatory hospitalization), and striving for recognition (the Commission's hearings were orchestrated precisely for the purpose of (per)forming a recognizable transgender subject).

As indicated above, local LGBT activists and international or intra-national organizations[55] severely criticized the Decree no.60. Under the pressure of local and global actors and after

[53] *Oblast'* is a type of administrative division in Ukraine (similarly in Russia, Belarus, Kyrgyzstan, and Kazakhstan) that can be tentatively translated into English as "province", or "region". There are 24 oblasts as primary administrative units in contemporary Ukraine with population ranging from app. 910 000 (Chernivtsi oblast) to app. 4 263 000 (Donetsk oblast) as of 1st of February 2016.

[54] The *propiska* is a system of registration of population and a tool for the demographic control used in the Soviet Union. According to Höjdestrand (2003), "the Soviet propiska system was established by a decree by Stalin of 27th December 1932 as an instrument for the state to restrict the mass immigration to the large cities that was caused by expanding urban industrialisation and rural mass famine". Further she elucidates, that "[t]he propiska became (and to a large extent remains) the precondition for most civil rights and social benefits such as formal employment; access to housing; medical insurance; education; unemployment benefits; ration cards; the right to vote; even access to public libraries…" (Höjdestrand 2003). In 2002, the system of *propiska* in Ukraine was replaced by *rehestraciia miscia prozhyvaniya* (registration at a place of permanent living). Nevertheless, despite rebranding the procedure, its meaning (population control) and certain social ramifications (for example, access to medical services that is crucial for transgender people) remained unchanged.

[55] Including UN Human Rights Committee, Human Rights Watch, and Transgender Europe (TGEU): see "Concluding observations on the 7th periodic report of Ukraine: Human Rights Committee", 108th session, 8-26 July 2013 (http://www.refworld.org/docid/5390425d4.html, accessed 17 February 2017) and "Allegation letter regarding the legal gender recognition procedure in Ukraine, as specified in Order No. 60 of the Ministry of Health of Ukraine", Human Rights Watch, 27 April 2015 (https://www.hrw.org/news/2015/04/27/allegation-letter-regarding-legal-gender-recognition-procedure-ukraine-specified, accessed 17 February 2017).

several court litigations that resolved in transgender people's favor[56], the Ministry of Health formed a *multidisciplinary* working group[57] and initiated a process of reworking the Decree no.60. The working group consisted of medical professionals, including two doctors from the Commission, and the "transgender community" represented by transgender activists from *T-ema* (known for their assimilationist, binary, and medicalized approach). Other transgender activists, professionalized and grassroots alike, such as *Insight,* were excluded from the negotiations.[58] However, in February 2016, a draft of the new decree was made available for public discussion, and transgender activists, including *Insight*, were allowed to submit comments, some of which were accepted while others never made it into the revised version of the Decree.

While their approaches to and understanding of what should "get better" in the transgender procedures differed, both *Insight* and *T-ema* entered the dialogue with decision makers (medical professionals and state representatives) as representatives of the "transgender community". As a result, the Decree no.1041, which replaced the previous protocol, came into force from the 1st of January 2017. The new Decree is based on the British standards of care for transgender people's health; indeed, it is in many respects a direct translation of its British counterpart (see Royal College of Psychiatrists 2013).[59] The document is lengthy (more than 50 pages), elaborate, and less pathologizing than the previous one. All the former counter-indications are annulled, and the Commission is abolished. The changes also include replacement of the "transsexualism" diagnosis with "gender dysphoria" as well as a simplification of the procedures. Now "transgender people" consult their general

[56] One of the milestones in legal fight was the decision of the Administrative Court (from 19 June 2015) that overturned "the despicable legal requirement for transgender people in Ukraine to undergo forced sterilization" (see: http://insight-ukraine.org/kievskij-administrativnyj-sud-priznal-nezakonnoj-prinuditelnuyu-sterilizaciyu-transgendernyx-lyudej-v-ukraine/, accessed 12 January 2016). It is important to note that the legal system of Ukraine is based on code law, not common law. Thus, a precedent does not change/create the law but may be used as an advocacy tool.

[57] The choice of words – like *multidisciplinary* – is already pointing towards the adaptation of more recognizable and legitimate language of/for "Western" actors.

[58] The tensions between *Insight* and *T-ema* (and subsequently between two approaches to transgender advocacy) became apparent during the first international transgender conference in Ukraine in October 2015 in Kyiv. It turned out that the working group had planned its meeting so that it overlapped with the conference thus preventing doctors from attending the conference and, in turn, hindering transgender activists partaking in the conference from joining in the working group (field notes and observations, October 2015).

[59] The British standards were adopted as they were on the list of the international medical protocols that, in the course of a law reform in Ukrainian health sector, were made available for doctors to use in Ukraine. The list is available here: http://zakon3.rada.gov.ua/laws/show/z0530-17, accessed 3 July 2018. Chapter 6 provides the context and further discussion for the new Decree and the law reform in the health sector in Ukraine.

practitioner (GP) and psychiatrist, the latter being responsible for the diagnosis, referrals for hormonal therapy and surgeries, as well as the final decision regarding legal gender recognition. There is a separate chapter in the Decree dedicated to psychological assistance to children and teenagers with gender dysphoria. Reproductive choices and a requirement for doctors to inform people about them are also mentioned in the document.

Substantive revisions notwithstanding, the process of transition is still grounded in a psychiatric diagnosis and involves heavy engagement with psychiatrists. Psychotherapy (along with hormonal therapy) is mandatory for legal gender change. Surgical interventions fall under *optional* medical procedures, listed as one of the *requirements* for legal gender recognition. Mandatory hospitalization is no longer *mandatory* but persists as *an option* (hospitalization for up to two weeks) in case a psychiatrist needs to eliminate suspicious symptoms and confirm the correct diagnosis. The diagnostic process is prolonged to two years (compared to one year in the Decree no.60). Overall, the text of the Decree contains depathological definitions combined with a norm-preserving binary language.

Like elsewhere, medical and state institutions have to a considerably degree shaped transgender identities and problems in contemporary Ukraine through sex reassignment and legal gender recognition procedures that limit the choices available to transgender citizens, normalize their bodies and standardize the transgender phenomenon itself. Likewise, local LGBT NGOs have formed transgender identities through certain types of transgender politics and activism. When tackling issues concerning "transgender people", medical and legal institutions as well as registered NGOs and professional activists deploy a set of governmental practices through which specific individuals and groups are shaped, constructed as "problematic" and intervened upon.

Chapter 2. Problematization. Theoretical and methodological framework

The theoretical and methodological framework of my research draws upon the concept of problematization that has been taken up from the later Foucault's works and developed into an analytical tool in diverse scholarship concerned with political, cultural, social, medical, methodological, and ethical issues in a broader scope of critical thinking on modern governmentality (Deacon 2000, Bacchi 2009, 2010, 2012b, a, Rose 1996, 1999, Gilson 2014, Frederiksen, Lomborg, and Beedholm 2015). The term problematization can be traced to Foucault's work as being deployed in two interwoven ways: firstly, to depict a particular method of analysis, and secondly, to refer to governmental practices of producing certain things as problems and certain objects as objects for thought (Bacchi 2012b, 1).

Problematization as method of analysis

In 1970, Foucault discussed the significance of problematization as an analytical method in his essay "Theatrum Philosophicum" (Foucault 1998). The essay is written as a review of two books by Gilles Deleuze – *Difference and Repetition* (Deleuze 1994; original in French published in 1968) and *The Logic of Sense* (Deleuze 1990; original in French published in 1969). In this review, Foucault expresses his preliminary thoughts on importance of "thinking problematically":

> The freeing of difference requires thought without contradiction, without dialectics, without negation; thought that accepts divergence; affirmative thought whose instrument is disjunction; thought of the multiple – of the nomadic and dispersed multiplicity that is not limited or confined by the constraints of the same [...] a thought which addresses a multiplicity of exceptional points, which is displaced as we distinguish their conditions […] What is the answer to the question? The problem. How is the problem resolved? By displacing the question. [...] We must think problematically rather than question and answer dialectically (Foucault 1998, 358-359).

The concept of problematization is formative for Foucault's genealogical method,[60] if we take genealogy as an "effective history" (Foucault 1984, 86-90) that "objectif[ies] what is considered to be objective" and "problematizes what is taken for granted" (Deacon 2000, 127-128). Problematization as a method is not concerned with questions of origins, attempts to find a correct explanation of historical conditions or search for the one rightful response to situations or questions. As mentioned in the Introduction, problematization examines instead "how and why, at specific times and under particular circumstances, certain phenomena are questioned, analyzed, classified, and regulated, while others are not" (Deacon 2000, 127). Applied to my research, problematization as a method investigates the circumstances and consequences of the emergence and deployment of the transgender phenomenon as a discursive construction in the discourses of the professionalized LGBT NGOs in the late 2000s in Ukraine.

The beginning of the genealogical approach was marked by Foucault's book *Discipline and Punish: The Birth of Prison* (Foucault 1977a). After this work, Foucault embarked on two theoretical projects, one that took interest in political rationalities and the "genealogy of the state", which he explored in the lectures held in 1978 and 1979 (Foucault 2007, 2008), and another that dealt with sexuality and "genealogy of the subject", published as the three-volume work *History of Sexuality* in French between 1976 and 1984 (Foucault 1978, 1985, 1986). Both these genealogical projects are grounded in problematization as a method, and have governmentality as an analytical concept at their core (Lemke 2000, 2001). The methodological and theoretical link between problematization and governmentality brings to light several aspects of the later Foucault's thought central to my analysis.

Firstly, the shift in the later Foucault's research interests towards governmentality and problematization involves a re-conceptualization of the state and subject formation, while bringing into the picture biopolitics and various governmental practices through which (one)self and the others are governed. Secondly, the concepts of governmentality and problematization (as method) form the basis of and further develop Foucault's theorization of the knowledge–power–subjectivation triad. Both problematization and

[60] Genealogy negates the assumption that there are fixed and objective "facts" to be interpreted, rather it stems from the supposition that facts are constructions constructed out of the "will to truth". Therefore, "facts" need to be problematized.

governmentality are linked to the production of truth and consequently to the regimes of truth.[61]

To understand how problematization is bound to this array of concepts – governmentality, power, knowledge, truth, subject, and biopolitics – I have to consider and unpack the second meaning of problematization, which is intertwined with the first one, namely, problematization as production of problems and objects for thought.

Problematization as production of problems and objects for thought

The second meaning of problematization denotes governmental practices of producing certain things as problems and certain objects as objects for thought. These two – problems and objects of thought – are produced in a two-stage process of problematization (Bacchi 2012b, 1).

Problematization stage One: producing a problem

In 1983, Foucault gave six lectures on "parrhesia" (translated into English as "free speech") at the University of California (Berkley) as part of his seminar "Discourse and Truth" (Foucault 1983). He dealt with the problem of truth through problematizing "parrhesia", scrutinizing relationship between the speaker and what one says. In his concluding remarks, Foucault concedes that while frequently using the word "problematization" throughout the lectures, he barely provides any explanation for the term. He then moves on to explain that he attempts "to analyze the process of 'problematization' – which means: how and why certain things (behavior, phenomena, processes) became a problem" (Foucault 1983, 75). His interest in problematization concerns the process of how and why certain things or certain forms of behavior are characterized and classified as, for example, "madness", "mental illness", "crime", "delinquency" at a certain historical moment, while other things and forms of behavior are disregarded and neglected as being similar to those singled out and problematized.

[61] Foucault explains: "My problem is to know how men govern (themselves and others) by means of the production of truth. I repeat, by the production of truth: I do not mean the production of true statements (énoncés) but the disposition of domains where the practices of the true and the false can be at once regulated and relevant" (Foucault 1980 in Flynn 1985, 533-534).

Foucault repudiates any possible accusation of "historical idealism", highlighting that problematization as a process of producing a problem relies on phenomena that really exist in the world and are subject to regulation or intervention. Therefore, there is a relation between the thing that is problematized and the process of problematization; problematization is an "answer" to a concrete, real situation (Foucault 1983, 75). In my research, it means that there is a subtle but persistent link between the situation people face (or rather find themselves in) while navigating institutional settings pertaining to gender recognition procedures and the multiple ways their experiences and subjectivities are problematized through sets of solutions and interventions offered by local as well as global actors. It is the latter that I focus on in my project, while also acknowledging the former.

The critical point of problematization lies precisely in "this transformation of a group of obstacles and difficulties into problems to which the diverse solutions will attempt to produce a response" (Foucault 1984 in Deacon 2000, 139). While "a problem" may be traced back to a concrete situation, in the process of problematization it is framed – discursively and non-discursively – in such a way that an offered solution dovetails with a given problem. A scrutiny of solutions or interventions can thus be seen as a proper starting point when studying the process of problematization.

Analyzing problematizations requires critical investigation of how a certain problem is represented, in so far as various discursive and non-discursive practices form different representations of what the problem "truly" is (while concomitantly providing appropriate solutions). For example, transgender issues are not represented as "problematic" in the same way in medical practice, state policies, and LGBT activism (where they can be further fragmented). As already mentioned, problem representations will be accompanied by corresponding problem-solving paradigms, which will have different effects: "discursive effects (what is discussed and not discussed); subjectification[62] effects (how people are thought about and how they think about themselves); and lived effects (the impact on life and death)" (Bacchi 2010, 4).

[62] "Subjectification" is Bacchi's translation of Foucault's "subjectivation" (see Bacchi 2012b, 5, footnote 16).

Against this backdrop, we can formulate a set of questions regarding the production of the transgender phenomenon as a "problem" in contemporary Ukraine: How do different actors construct the transgender phenomenon and the transgender subject as "problematic"? What are the solutions to the "problem" offered by the main actors involved: local governmental institutions (e.g. medical and juridical institutions and procedures); local non-governmental organizations; global actors (donor agencies); and the local "transgender community"? What are the relationships between the involved actors? What is gained by different actors in the process of problematization when the transgender phenomenon is cast as "problematic" in a particular moment of time and in a specific geopolitical situation, and when a particular set of solutions is offered in response to the "problem"?

Problematization stage Two: Producing an object for thought

In his interview with François Ewald, entitled "The Concern for Truth", Foucault (1988) reflects on two of his volumes of *History of Sexuality – The Use of Pleasure* (1985) and *The Care of the Self* (1986). Foucault situates his later work on sexuality within the history of thought as an analytical approach that has less to do with the history of ideas and representations, and more to do with the constitution of a particular body of knowledge. Importantly, Foucault crystallizes the process of problematization as an analytical method and at the same time the object of analysis:

> It should be clearly understood that I am not writing a history of morals, of behaviors, a social history of sexual practices, but a history of the way in which pleasures, desires, and sexual behavior were problematized, reflected upon, and conceived [in Antiquity] in relation to a certain art of living […] Problematization doesn't mean representation of a pre-existing object, nor the creation by discourse of an object that doesn't exist. It is the totality of discursive and non-discursive practices that introduces something into the play of true and false, and constitutes it as an object for thought (whether in the form of moral reflection, scientific knowledge, political analysis, etc.) (Foucault 1988, 256-257).

This approach to problematization highlights the production of an object for thought as a direct result of the process of problematization. Thought is not "merely a mental,

cognitive, speculative, or linguistic phenomenon" but has to be understood as "a set of practices in its own right, i.e. process that participates in the constitution of the objects of which it speaks, and that has specific and identifiable political effects" (Deacon 2000, 132). This understanding of thought as a productive practice provides a basis for dismantling the pervasive dichotomy of theory v. practice, bringing "practice" back into the picture of theoretical endeavors.

When we define thought as a set of practices, it becomes clear that problematization as a process of knowledge production is interlinked with subject formation and power (which is not only repressive, but always-already productive). As Deacon puts it, problematization "refers to the practical conditions that make something into an object of knowledge, specifically to the networks of power, institutional mechanisms, and existing forms of knowledge that direct the attention of theorists to specific phenomena and thereby produce new knowledge" (Deacon 2000, 131).

According to Bacchi, studying problematizations (i.e. problematized phenomena) aims "to consider the relations involved in emergence [of certain phenomena] through examining how they are 'thought' (remembering that thought refers to a material practice not to a mental image)" (Bacchi 2012b, 4). Therefore, researchers have to draw attention to what Bacchi calls "problematizing moments": those places and times when shifts in practices and thoughts (understood as practices) occurred, thereby allowing certain phenomena to emerge. In my research, as I will explain in more detail later, the emergence of the transgender phenomenon as an object for thought for professionalized LGBT NGOs in Ukraine coincided with geopolitical discussions about East/West paths and possible EU membership.

In the context of EU enlargement, another set of questions arises: When and how was the "transgender phenomenon" produced, transferred and translated into the contemporary Ukrainian context (or, to be more accurate, to a territory located in an Eastern-European part of the former Soviet Union)? Through which relations of "connections, encounters, supports, blockages, plays of forces, strategies and so on" (Foucault 1991 in Bacchi 2012b, 2) was the "transgender phenomenon" brought into the field of (mostly, activist) practice and knowledge production in Ukraine, and how and why has it been re-shaped and re-thought in this particular geopolitical context? In what

terms has it been conceptualized, in which discourses has it been grounded, in which categories has it been engrained, in which paradigms of thought has it resided, and in what language(s) – quite literally – has it been contained and constrained?

Problematization and production of truth

In an 1976 interview, "The political function of the intellectual", Foucault defines truth as being "produced by virtue of multiple constraints", "induc[ing] regulated effects of power" (Foucault 1977b, 12). He locates truth in the midst of power relations, hence departing from philosophical and ethical traditions of viewing truth as something that opposes and escapes power. Truth is contextual and depends on society where and when it is produced. Regimes of truth can be conceptualized as "the mechanisms and instances which enable one to distinguish true from false statements" (Foucault 1977b, 12). Importantly, regimes of truth consist of and are based on "the techniques and procedures which are valorised for obtaining truth"; therefore, they validate "the status of those who are charged with saying what counts as true" (Foucault 1977b, 13).

In short, truth is a complex ordered network of mechanisms, procedures, and techniques that aim to produce and regulate circulation and function of true and false statements in a given society in a given historical time. Truth within the Foucauldian paradigm is thus inseparable from the system of power that produces and preserves it, and the system of power incites production of truth as a necessary element of its own sustainability (power). As Foucault attests in his acclaimed essay "What is Critique?":

> [N]othing can function as a mechanism of power if it is not deployed according to procedures, instruments, means and objectives which can be validated in more or less coherent systems of knowledge. It is therefore not a matter of describing what knowledge is and what power is and one would repress the other or how the other would abuse the one, but rather a nexus of knowledge-power has to be described so that we can grasp what constitutes the acceptability of a system, be it the metal health system, the penal system, delinquency, sexuality, etc. (Foucault 2007 [1990], 61).

Problematization as a practice of formation of problems and objects for thought can be theorized through regimes of truth, since in the core of every problematization there lies the need (and the will) to know what the problem "truly" is as well as knowing its solution. The production of truth takes place in multiple sites and in different ways through political, economical, and institutional settings. Thus, truth can be shaped in the form of policies (politics) and in the form of scientific knowledge. Noteworthy, problematizations as "problematized phenomena" are not confined to any definite or discrete disciplinary field of policy analysis (Bacchi 2010, 4). Bacchi defines politics broadly as "the complex strategic relations that shape lives" (Bacchi 2012b, 1). This understanding of politics allows us to zoom in on "relations" rather than fixed "objects", which is informed by Foucault's conceptualization of power as relational, as opposed to traditional (liberal and Marxist) understanding of power as "a thing" or a possession.

In this theoretical framework, discourses and practices "are seen not as simply reflections of 'reality', but rather as structuring what is thinkable and sayable about certain issues", thus forming objects for thought and "defining problems as well as proper solutions to these [problems]" (Dahlstedt and Lozic 2017, 209). The very process of problematization modeled in the form of legitimation and recognition underpins and rests upon a concomitant process of producing phenomena, practices, and subjects that are considered illegitimate, unintelligible, unthinkable, or unsayable.

Judith Butler, in her book *Undoing Gender* (2004), shows how intelligibility in the network of power relation is implicated in politics of recognition, regimes of truths and a (hetero)normative gender order. Intelligibility "is understood as that which is produced as a consequence of recognition according to prevailing social norms" (Butler 2004, 3). In Chapter 3, "Doing Justice to Someone: Sex Reassignment and Allegories of Transsexuality", Butler critically investigates the politics of truth that stipulates the production of transsexual gendered bodies and lives. She initially outlines her critical take on the Foucauldian understanding of politics of truth, while raising a set of questions that, in the end, are related specifically to the challenging process of "doing justice" to transgendered bodies/subjects. She refers in the following passage to Foucault's essay "What is Critique?":

> What Foucault describes as the politics of truth pertains to those relations of power that circumscribe in advance what will and will not count as truth, which order the world in certain regular and regulatable ways, and which we come to accept as the given field of knowledge. We can understand the salience of this point when we begin to ask: What counts as a person? What counts as a coherent gender? What qualifies as a citizen? Whose world is legitimated as real? […] And what happens when I begin to become that for which there is no place within the given regime of truth? (Butler 2004, 57-58).

If we follow up on Butler's thought, we could proceed with a set of questions regarding the transgender phenomenon: What happens when who I have become takes its place within the given regime of truth? What is this "I" that is becoming within the given regime of truth? What are those places that are constructed as suitable for me to become intelligible? But also, what is the process of becoming intelligible, and what are the benefits and the liabilities of being intelligible?

Problematization, governmentality, and biopolitics

As the above outline suggests, problematization has been developed as an analytical tool within governmentality studies which draw on Foucauldian notions of power and politics from his later works/lectures (Foucault 1978, 1985, 1986). Governmentality studies are concerned with modern operations of power/knowledge, emergence of particular regimes of truth, "a particular 'stratum' of knowing and acting… ways of speaking truth, persons authorized to speak truth and assemblage of particular apparatuses and devices for exercising power and intervening upon particular problems" (Rose 1999, 19).

The process of producing things as objects for thought and "problems" is inherently governmental. Therefore, governing can be "understood as problematizing activities whereby certain phenomena, domains or subjects in society are represented as 'problematic' and thus in need of intervention" (Miller and Rose 2008 in Dahlstedt and Lozic 2017, 208). Problematization understood as governmental practice is hence inextricably linked to the process of making phenomena, issues or subjects visible and

intelligible: “problematic” phenomena, issues or subjects must be made recognizable in order to be amenable to management and governance. When the phenomena are established through various diffused governmental techniques as visible and problematic, they are concurrently constructed as in need of intervention. Thus, the analysis of problematizations includes the scrutiny of the discursive and non-discursive techniques through which specific phenomena, issues, behaviors, individuals, and groups are shaped as in need of management, investigation, and intervention or treatment.

While disciplinary power seizes the individual body and therefore operates on the level of the individual, the power in its governmental seizure is “massifying”, targeting “man-as-species” (Foucault 2003, 243). Population becomes the ultimate target and aspiration of government that works through regularization (rather than discipline) aimed at controlling life and biological processes, such as birth rate, life longevity, and morbidity.

Even though governmentality concerns population, it still maintains a focus on the body and its implication in the socio-economic (corpo)reality. Sexuality as an umbrella term for sexed/gendered/corporeal phenomena is of vital importance to governmental techniques of population control and regularization. As Foucault notes, “[s]exuality exists at the point where body and population meets”; it “takes effect in broad biological processes that concern not the bodies of individuals but the element, the multiple unity of the population” (Foucault 2003, 252). The transgender phenomenon – its production through discursive and non-discursive means as problematic – is a form of regularization that targets a specific sub-population, combining disciplinary and regulatory mechanisms: governing on the level of individual bodies as well as having normalizing ramifications for the generality of the (sub)population.

It is important to note that the norm of the average modern sexed/gendered body, which is thought in binary categories of male/female, has been produced by scientific discourses through consistent and persistent abuse of transgender and intersex bodies (Butler 2004, Fausto-Sterling 2000). The norm, as noted earlier, is the element that “circulate[s] between the disciplinary and the regulatory” (Foucault 2003, 252). The norm is routinely applied to body and population, and “make[s] it possible to control both the disciplinary order of the body and the aleatory events that occur in the

biological multiplicity" (Foucault 2003, 253). In many ways, the transgender phenomenon epitomizes the biopolitical problem and object for though that occurs in the intersection of disciplinary and regulatory productive mechanisms of power.

It is also important to note that biopolitics serves as an array of new governmental mechanisms of power that controls population as generality. Biopolitical means of control and regularization include statistical estimates, measures, and other governmental and disciplinary techniques that have as their purpose not modification but intervention "at the level at which general phenomena are determined" (Foucault 2003, 246). Government in terms of biopolitics does not merely deal with and target populations but approaches them as problematic, producing them "as a problem that is at once scientific and political" and in need of regularization and intervention (Foucault 2003, 245).

Government also directs its attention "to the nature, means, actions, manners, techniques and objects by which actors place themselves under the control, guidance, sway and mastery of others, or seek to place other actors, organizations, entities or events under their own sway" (Rose 1999, 19). Studies of governmental rationalities are therefore attentive to assemblages of disciplinary and regulatory techniques through which government as a particular mode of power occurs.

Importantly, when Foucault theorizes modes of power (disciplinary and governmental) and analytical series (the body-organism-discipline-institutions series and the population-biological processes-regulatory mechanisms-State), he stresses that these modes and series are not separate, sequential and self-consistent (Foucault 2003, 250). On the contrary, they are interlinked and function concurrently.[63] As Foucault assets:

[63] Stephen S. Collier (2009) points out that Foucault, in his later lectures, treats "population" as a field that does not admit to control: a field that cannot be possessed by the state. Population is instead "discovered" as a new "principle of limitation" on state activity. In Collier's view, this signals a significant methodological shift in Foucault's treatment of the relationship between discipline and regulatory power. He writes: "If previously Foucault saw regulatory power and discipline as complementary parts of a coherent logic of power that operated on different registers, then in the later work he posits no necessary link between them" (Collier 2009, 87). They go from being isomorphic and functionally interrelated to becoming heterogeneous and in many ways opposed principles.

> we need to see things not in terms of the replacement of a society of sovereignty by a disciplinary society and subsequent replacement of a disciplinary society by a society of government, in reality one has a triangle, sovereignty-discipline-government, which has its primary target the population and as its essential mechanism the apparatuses of security (Foucault 1991, 102).

Foucault distinguishes between a simple replacement mechanism and one that disperses mechanisms of control across an array of institutional functions. In contemporary Ukraine, local medical institutions conspicuously control the transgender population. Concurrently, LGBT NGOs (which were institutionalized after the collapse of USSR as part of the third sector, with the support of donor agencies), represent the governmental mechanism of "developing" under-developed countries through "civil society", and holding "developing societies" responsible for the transition towards Western standards of development and values. As will become clear in later chapters, LGBT rights function as an index of (sexual) modernity and social progress in processes of Europeanization. Transgender people are targeted by NGOs precisely at the time of Ukraine's negotiation over European belonging, and function as a marker of required tolerance towards sexual minorities.[64]

Foucault diverts the analysis from "étatisation of society" to the "governmentalization" of the state, placing at the core of his critical investigation heterogeneous "tactics of government" that are at once internal and external to the state, continuously defining and redefining what is public and private, what is political and non-political, what stays in the competence of the state and what does not (Foucault 1991, 103). Studies of governmentality, while not abandoning the State, reconceptualize the state as non-unitary. The state is hence not seen as "an entity with a presumed essential necessity or functionality" but rather as a "mythical abstraction" encompassing multiple strategic relations (e)merging in specific political forms (Rose and Miller 2010, 272-273).

This understating of the (nation-)state as a method for assembling power relations (Bacchi 2012b, 6) indicates a productive shift away from analysis of essentialized static entities towards various strategic power relations seen as "politics" which in fact sustain

[64] I will discuss these governmental mechanisms at length in Chapters 4, 5 and 6.

and reinforce acceptance of these (imagined) state entities as taken-for-granted, stable and legitimate. Analysis of governmentality implies exploration of "a whole array of technologies that assemble calculations and strategies developed in political centers to those thousands of spatially scattered points where the constitutional, fiscal, organizational and judicial powers of the state connect with endeavors to manage economic life, the health and habits of population, the civility of the masses and so forth" (Rose 1999, 18).

The governmentality approach allows us to define contemporary Ukraine as a configuration of arrays of power relations that unfolds in a territory constructed as "post-Soviet" and "Eastern European". This analytical framing does not, however, limit our analysis to the "national state" of Ukraine, but enables us to view the transgender phenomenon in relation to a broader geo-political network of power relations that involve both global and local actors.

Chapter 3. Problematizing contemporary Ukraine: geo-political logics and post-colonial considerations

Shortly after my first field trip to Ukraine was over, Petro Poroshenko, a newly elected Ukrainian president, stated in an interview on CNN 27th of June 2014 that Ukraine intends to move towards Europe. He defined this move as "a civilizational choice" and as crossing the Rubicon to Europe while leaving the Soviet past behind. He distinguished two important events in the history of contemporary Ukraine: "getting independence" and "signing the agreement with the European Union".[65] The so-called civilization choice of Ukraine was defined as a decisive movement from the shadow of Soviet legacy[66] towards a European perspective.

In my research, I explore the problematization of the transgender phenomenon within the professionalized LGBT activism in Ukraine in this particular moment in time, in the 2000s, when "a European perspective" for Ukraine started gaining its momentum. As I noted in the Introduction, my analysis focuses on the mechanisms and actors implicated in the transfer of ideas (from "West" to "East") through a particular "Western" terminology on gender and sexuality and professionalized transgender activism sponsored by "Western" donors. My research situates the emergence of the transgender phenomenon in a broader geopolitical region designated as post-Soviet and Eastern European, which is constructed along the axes of the East/West discursive divide. This discursive divide is reproduced both within the EU and Ukraine.

In the context of EU enlargement, it is pertinent to ask what the signifiers "East", "West", "Europe", and "Soviet" (in relation to Ukraine) signal. How can "post" be understood in relation to the Soviet legacy? How, why and by whom are these terms reified or contested? How do these ostensibly descriptive categories serve to problematize contemporary Ukraine as an object for thought and a geopolitical problem

[65] Petro Poroshenkos's interview on CNN, 27th of June 2014: http://edition.cnn.com/videos/world/2014/06/27/intv-amanpour.cnn, accessed 25 September 2016.

[66] In February 2014, before the annexation of Crimea and the military unrest in the east of the country, a wave of *Leninopads* ("Lenin-falls") shattered Ukraine. Over the course of few weeks, monuments of Lenin were carried down and destroyed in differed regions throughout Ukraine. In other circumstances, these acts would be persecuted as disorderly conduct. However, in the context of the EuroMaidan, they were seen as an indication that Ukrainian society was ready to disassociate itself from its Soviet past. See the map of the Lenin-fall as of February 2014: http://glavred.info/zhizn/leninopad-v-ukraine-povalili-pervyy-pamyatnik-v-krymu-i-10-tysyach-po-chernigovschine-272047.html, accessed 3 July 2016.

in need of a set of policy solutions in terms of "transition towards democracy"? What conceptual framework can be deployed to grasp if not all then at least some of the geopolitical tensions over meanings, belonging and borders in contemporary Ukraine? To which extent can the vocabulary of "post" (Soviet) and "East" (European) be deployed within a post-colonial analytical frame, and what would such a framing imply with respect to the analysis of the East/West dynamics in general, the role of gender and sexuality politics in particular? These are questions to be addressed in the following interrogation of "contemporary Ukraine", perceived as a certain localization and temporal entity in geopolitical terms. The underlying premise of the analysis is that the ways in which "contemporary Ukraine" is produced and problematized in the geopolitical context of EU enlargement are inextricably linked to the production of gendered and sexualized phenomena, including the transgender phenomenon, which are concurrently problematized as part of the "transition" process.

"Post" and "Soviet" in post-Soviet

Post-Soviet can be analyzed as a spatial legacy of the USSR and as a temporal entity. While my research is mostly concerned with the mechanisms of othering and the regimes of imposed ("Western"/modern) temporalities, I will briefly attend to the spatial dimension of post-Sovietness. The scrutiny of the "territory of contemporary Ukraine" is relevant for at least two reasons. Firstly, from 2014 onwards, the ongoing conflict and the contestation over borders in the eastern regions of the country have gained momentum in the public debates, overshadowing other apparently "less relevant" issues. As a result, the anxiety over territorial integrity and national security diverted attention away from other "untimely" concerns, including economical decline, corruption, and gender- and sexuality-related issues. Secondly, the concerns over territory, borders and sovereignty, which are integral to the nation-building process that started after the collapse of the USSR (Kuzio 1998, Szporluk 2000, Yekelchyk 2007), have been increasingly used as a discursive tool to proliferate nationalistic rhetoric and to fuel both anti-Russian and anti-Western sentiments. The nationalistic sentiments give rise to widespread homophobia and transphobia in the country (Martsenyuk 2012), while at the same time making it difficult to criticize so-called Western influence without being associated with right-wing rhetoric about EU politics as "the problem" or threat.

Narrowly defined, the spatiality of "post-Soviet" refers to the territories of former Soviet republics, which – after the dissolution of the USSR – formed new independent nation states and subsequently have been categorized as belonging to various geopolitical entities.[67] A broader understanding of "post-Soviet" as being "post-Communist" and "post-Socialist" encompass different localizations consisting of at least thirty-three countries, which respectively or variously fall under the (contested) geopolitical categories of "the Baltic states", "Central and Eastern Europe", "the Caucasus" and "Central Asia".

In these broader spatial-ideological terms, "Soviet" can be defined as related to the Soviet sphere of influence. According to Chari and Verdery (2009), "Soviet" encompasses three tiers: the "inner tier" is the Soviet Union, a "large and expansionist unit incorporating peoples differentially within a single entity"; the "second tier" comprises East European satellites "in orbit around 'Moscow Centre' but not directly incorporated into Soviet territory"; and the "outer tier" is made up of various "client states" in Africa, Asia, and the Americas, such as Cuba and South Yemen, "as well as leftist parties aspiring to create such states in Mozambique, South Africa" (Chari and Verdery 2009, 16). In this framing, the Soviet sphere of influence includes the territories commonly referred in Cold War era as the "Eastern Bloc" (East Germany, Poland, Hungary, Bulgaria, Romania, Albania, Yugoslavia, and Czechoslovakia). The categorization and topography of "the region" can vary depending on discursive frameworks and the ways in which this region is problematized. This fluidity of the categorization foregrounds "a problematic cartography, one in which symbolic geography is constitutive of discours[ive] othering mechanisms" (Şandru 2012, 36), which I will discuss later in this chapter.

The USSR emerged as an entity through territorial (and ideological) expansion over the first 20 years of its existence[68] with the territory of Ukrainian Soviet Socialist Republic

[67] To be precise, former Soviet republics consist of 15 countries, now independent nation states: Estonia, Latvia, Lithuania (referred as "Baltic states"); Armenia, Azerbaijan, Georgia (falling under "Southern Caucasus"); Belarus, Moldova, Ukraine (known as "Eastern Europe" or "East-Central Europe"); Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan (defined as "Central Asia"); and Russia (sometimes covered by the contested category of "Eurasia").

[68] The Ukrainian Soviet Socialist Republic was one of the six constituent republics, along with Russian Soviet Federative Socialist Republic and Belarusian, Armenian, Georgian, and Azerbaijan Soviet Socialist

changing its borders and growing until 1954, when the Crimean oblast was transferred from the Russian Soviet Federative Socialist Republic to the Ukrainian SSR.[69] The country of Ukraine, as we know it, got its independence as a result of the dissolution of the USSR in 1991 with the fixed 1954 Soviet borders. Hence, the Soviet legacy legitimizes Ukraine as a territorial entity. Taras Kuzio in his book *Ukraine: state and nation building* (1998), writes:

> … until the establishment of the Ukrainian SSR in 1922 Ukraine as a recognised coherent entity did not exist. The territories that were claimed by Ukrainian political activists were divided between Tsarist Russia, Austria, Hungary and Romania. Attempts to bring them together within one state between 1917 and 1920 failed. This was only successfully undertaken by the Soviet regime during the Second World War (Kuzio 1998, 104).

If we take into account the complex history of territories that fall under the border of contemporary Ukraine, we have to acknowledge that the reference to the Soviet legacy in political and populist discourses in contemporary Ukraine does not directly address the territorial division per se, but rather the ideological otherness and the history of Russian/Soviet domination.

In temporal terms, "post" in "post-Soviet" is used with reference to the ideology and regime changes that occurred in the late 1980s and early 1990s. As Madina Tlostanova points out, "[t]he almost overnight vanishing of the second world led to a typical Western understanding of the post-Soviet as time not a space. It is the time after socialism" (Tlostanova 2011, 2). In this framework, the post-Soviet is constructed in relation to the "West" through a distinct ideological otherness – as post-Socialist or/and post-Communist[70] – and within a distinct developmental-temporal logic (Tlostanova

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Republics. These six proto-states were part of the USSR from its inception in 1922. Other Soviet Socialist Republics followed: Uzbek and Turkmen SSR in 1924, Tajik SSR in 1929, Kyrghyz and Kazakh SSR in 1936, Lithuanian, Latvian, Estonian and Moldavian SSR in 1940.

[69] See the territorial evolution of Ukraine from 1922 till 1954: http://www.opednews.com/articles/Ukraine-and-Its-Border-Pro-by-Frank-Munley-Agreement_Democratic_Elections_NATO-140514-431.html, accessed 19 June 2018.

[70] Socialism is a complex matter. One of the possible usages of the term that I embrace in my thesis refers "to actual societies characterized by two central features: social ownership of most important means of production, and relative monopoly of political activity by one party, the Communist Party" (Chari and Verdery 2009, 10, f7). Within this conceptual framework, postsocialism can be defined as "whatever would follow once the means of production were privatized and the Party's political monopoly

2011, 2012, Suchland 2011). I want to outline two dimensions of this understanding of the (post)-Soviet that are crucial for my analysis.

(1) "The Soviet project" has been constructed as a politico-ideological project of building communism and socialism, in opposition to Western imperialism and capitalism. The Soviet project strived to claim a possibility of a different modernity and therefore insisted on a different temporality that was beyond the Western capitalist logic of progress (even though the socialist paradigm still heavily relied on notions of "progress", "development", and "success"). From a "Western" point of view, undermining or labeling the "post-Soviet" as backward serves to reinforce and promote a linear capitalist and liberal-democratic notion of modernity.

(2) In many ways, "post-Soviet" or "post-socialist" territories (and states) share a postwar history and geography. The countries referred to as post-socialist have shared histories of "Soviet influence" (Chari and Verdery 2009, Moore 2001) – not uniformed, but with some commonalities.[71] In those states defined as post-socialist, the Socialist or Soviet past "is often invoked as prime reference point in multiple spheres" (Stenning and Hörschelmann 2008, 322), and this past (or rather Soviet legacy) in many cases defines the ways that post-socialist states position themselves on the global arena and justify their "transitional" choices. In the case of Ukraine, as Molchanov points out, this is the choice of "Europe over Russia" (Molchanov 2016). At this juncture, the "Russo-Soviet form of (post)colonial relations" (Moore 2001, 118) comes into light and necessitates the discussion about the applicability of a postcolonial framework for post-Soviet/post-Socialist countries (Tlostanova 2015).

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disestablished" (Chari and Verdery 2009, 10-11). It is worth noting, that post-communism and post-socialism are questionable umbrella terms, as they "[lump] together people with totally different local histories and different understanding of their situation, aims, roles and prospects in the global world" (Tlostanova 2011, 3). Undoubtedly, one should approach with caution the commonness of "Soviet"/ "socialist" experiences in different locations, and investigate the extent to which the terms "Soviet" and "post-Soviet" speak to and get interpreted by people who have inhabited these spaces. For example, Ibañez-Tirado (2015) re-thinks categories of "post-Soviet", time and social change in Tajikistan, while Adams (2008) questions to which degree Soviet domination was perceived as "alien" in Central Asian republics of the USSR. Moreover, the term "Soviet period" refers to the multiple complex "periods" within this ostensibly continuous and homogenous timeline of the existence of the USSR. See George G. Grabowicz (2007) on the Stalinist and post-Stalinist periods and various legacies of Soviet politics in Ukraine (Ukrainian SSR) such as *ukranizatsiia* (Ukrainization) in the 1920s and *russifikaziia* (Russification) under Stalinism.

[71] Importantly, local actors, including LGBT activists, may use these commonalities (including shared understanding and use of Russian language) as grounds for intraregional collaborations and solidarities.

"Post" in post-Socialist and post-colonial: bridging the gap

The "crisis in Ukraine" reinvigorated the debates in media and academic circles on the applicability of postcolonial perspectives to the post-Soviet/post-Socialist region, notably to Ukraine (see, for example, Sakwa 2015). The three-day conference "Orientalism, Colonial Thinking and the Former Soviet Periphery" held in Vilnius in August 2015, explicitly named "the Ukraine crisis" as a trigger for the event. The mission of the conference was to give a platform for "countries of the former Czarist and Soviet peripheries […] to influence the mainstream debate and present a self-centered approach". The organizers felt that the post-colonial perspectives of "smaller actors of Eastern and Central Europe, Central Asia, the Baltics and the Caucasus"[72] are "ignored or put on secondary level".[73]

If Ukraine can be considered post-colonial, then how can the post-colonial conditions be defined and in relation to which actors? In Jennifer Suchland's words: "which empire(s) […] are the referent for claiming a postcolonial standpoint?" (Suchland 2011, 856).

In contemporary public, academic and media discourses, the Russian or Soviet haunting past is the most conspicuous colonizing legacy Ukraine needs to leave behind while heading towards a European future. Therefore, the conditions of contemporary Ukraine are frequently conceptualized as post-colonial in relation to the Soviet Union and Russia (Pavlyshyn 1992, Chernetsky 2003, Ryabchuk 2010, Polegkyi 2015). There is a body of scholarly work that addresses the specificity of Russian imperial domination as distinct from Anglo-Franco forms[74] of (post)colonial relations (Etkind 2011, Moore 2001,

[72] Interestingly, the Balkan region was absent from the geo-political landscape of the conference. This absence may be explained by the well-established intellectual tradition of applying a framework of orientalism and post-colonialism to Balkans (Bakić-Hayden 1995, Todorova 1997, Goldsworthy 1998), while "other" territories of post-Soviet periphery still largely remain in the grey zone of post-colonial debates.

[73] The conference concept is available in the paper copy of the Conference program and also in a brief description of the event on-line (https://theotherorient.wordpress.com, accessed 20 September 2016). See also: http://www.oc.vu.lt/dokumentai/20150827_Orientalism_conference_-_programme.pdf, accessed 20 September 2016.

[74] Said (1994) explicitly rules out Russia's and America's forms of imperial domination from his focus of attention in *Culture and Imperialism*, concentrating on the Western (British and French) empires. He underlines that "there are several varieties of domination and responses to it", and compared to the English and French empires, "Russia's and America's joint superpower status […] derives from quite different histories and from different imperial trajectories" (Said 1994, 9). The specificity of Russian domination is briefly mentioned but not developed in the first chapter, "Overlapping territories, intertwined histories". Said points out that Russia "acquired its imperial territories almost exclusive by adjacence. Unlike Britain

Morozov 2015, Adams 2008). Moore depicts the case of post-World War II expansion of the USSR to the Baltic states, Bulgaria, Romania, Czechoslovakia, Poland, and Hungary as a "reverse-cultural colonization" (Moore 2001, 121), and explores the applicability of the term "postcolonial" to the former Russo- and Soviet-controlled regions post-1989 and -1991 (i.e. not confining the term to the contexts of South Asia post-1947 and Africa post-1958) (Moore 2001, 115). In a similar vein, Alexander Etkind (2011) examines the specific mode of colonization deployed in the Russia/Russian Empire through the coined concept of "internal colonization"[75], while Viatcheslav Morozov (2015) deploys the term "subaltern empire" to investigate Russia's catching-up imperial logic.[76] Laura L. Adams (2008), for her part, investigates the colonization of Soviet Central Asia[77], conceiving of the Soviet as a hybrid empire that combines "elements of a centralized empire and a high modernist state" (Dave 2007 quoted in Adams 2008, 3).

In my research, I want to explore a different aspect of a possible dialogue between "post-colonial" and "post-Socialist". The referent point for claiming a post- or de-colonial standpoint is an imaginary idea of West/Europe or, to be more precise, "the

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or France, which jumped thousands of miles beyond their own borders to other continents, Russia moved to swallow whatever land and people stood next to its borders, which in the process kept moving further and further east and south" (Said 1994, 9). See also Etkind (2011).

[75] According to Alexander Etkind (2011), internal colonization "connotes the culture-specific domination inside the national borders, actual or imagined" (Etkind 2011, 7). Etkind highlights the emergence and development of the discourse on self-colonization in the works of leading Russian historians such as Soloviev and Kliuchevsky who "found the language of colonization appropriate and necessary for their work" (Etkind 2011, 70). He distinguishes Russia's self-colonization (or internal colonization) from "traditional" British and French colonial projects based on the adjacent nature of continuous colonial movements further south and east when the territories were absorbed by Russia, and the difference between Russia's colonies and its metropolitan centre gradually ceased. According to Etkind, "[w]ith the territorial growth of the state, Russia colonized the newly appropriated territories but it also (though probably in different forms) colonized itself at its imperial core, which has recurrently undergone this process of colonization" (Etkind 2011, 68).

[76] By this term, Morozov attempts to grasp Russia's specific positioning and functioning in the international arena, while retaining attention on internal practices and systems of governmentality. Unlike the colonial empire, the subaltern one can have its own colonies and/or colonial peripheries while at the same time "being incorporated in the hegemonic order as a subaltern who retains its sovereignty and thus is not colonised in the formal sense" (Morozov 2015, 4). The notion of Russia as "subaltern empire" offers an unexpected answer to Spivak's question, "Can the subaltern speak?". As Morozov puts it: "…a voice claiming to speak in the name of the subaltern must not be endowed with unquestionable moral authority. Speaking in the name of the subaltern is what Russia (as a state) does all the time, demonstrating the full spectrum of subversive techniques that scholars of postcolony normally associate with postcolonial hybridity and the agency of the subaltern. And yet, each claim made in the name of the subaltern consolidates the oppressive authoritarian regime within Russia and thus reinforces its imperial order" (Morozov 2015, 4).

[77] Adams asserts that in the case of Soviet Central Asia the common features with "canonic" colonial regimes are the crucial role of (Soviet) modernity and notion of progress, "the hierarchy of cultural difference that emphasized Russian superiority, and the creation of national elites" (Adams 2008, 3).

colonial imperial order" manifested in the "Eastern Enlargement" of the European Union (Böröcz 2001, 18).

When "post" in "post-Socialist" or "Post-Soviet" is defined temporarily as "after socialism/communism", it implies further developmental movement towards another economic and political order, i.e. market capitalism or neoliberalism. This is when the temporal-spatial term "transition" enters the discourse.[78] In this "transitional" framework, "post-Soviet" or "post-Socialist" countries are lumped together and assumed to be in a singular process of transition towards a characteristically "European" kind of democracy. In many instances, such as Serbia, Georgia, Kyrgyzstan, and Ukraine, this "transition towards democracy", or rather "transitional diffusion of democracy" (D'Anieri 2015, 235), has been manifested through "coloured revolutions" (Wilson 2015, Dyczok 2015, Molchanov 2015, D'Anieri 2015). In Ukraine, there were two such events: the Orange Revolution of 2004 and the more recent EuroMaidan (or Revolution of Dignity) of 2014.

The discourse of "transition" suggests that the category of "post-Soviet" or "post-Socialist" overlaps with "European"[79], when the "Western model of economic and social development" manifested amongst other forms through the desired membership in the European Union "reigns uncontested" (Şandru 2012, 8). Within this framework, postsocialism can be defined as "a set of conditions which exists in the articulation of EU enlargement and the legacies of socialism" (Stenning and Hörschelmann 2008, 330). Ukraine is constructed simultaneously as "post-Soviet" (in its narrow meaning, in relations to the USSR/Russia) and "Eastern European" (with its constantly redefined borders, in relation to "Europe" or the EU).

[78] As Claus Offe (1991) argues, after 1989, the countries in Central and Eastern Europe and those from the Soviet Union entered so-called "triple transition" – the reform of economic sphere, the (re)construction of political institutions, and the reconfiguration of international relations. "Transition" in this respect functions "as a part of an explanatory framework [of post-communist transitology] for conceptualizing, standardizing, and analyzing the changeover from autocratic communism to democratic capitalism" (Petrov 2015, 12).

[79] For example, the International Monetary Fund (Roaf et al. 2014), in its Special Report "25 years of transition: Post-Communist Europe and the IMF", covers 25 countries under the umbrella term of "post-communist Europe": "Baltics" (Estonia, Latvia, Lithuania), "Central Europe (CE5)" (Czech Republic, Hungary, Poland, Slovak Republic, Slovenia), "Commonwealth of Independent States (CIS)" (Belarus, Moldova, Russian Federation, Ukraine), "Southeast Europe EU members" (Bulgaria, Croatia, Romania), "Non-EU Southeast Europe, or Western Balkans" (Albania, Bosnia-Herzegovina, Kosovo, FYR Macedonia, Montenegro, Serbia) (Roaf et al. 2014, vi).

In the context of "Eastern Enlargement" of the EU – either actual (as in the case of new members[80]) or possible/potential (as in the case of Ukraine) – "the feeble Eastern Europe" is discursively constructed as "making a transition to the West while being coached by the West" (Kuus 2004, 476). Importantly, as Csilla Kiss reminds us, even after some countries joint the European Union, they "continued to be referred as 'new members' and remained 'second-hand Europeans', 'Europeans' with a qualification, and they were handled together as 'democratizing', 'transitional', and 'post communist'" (Kiss 2015, 25). In short, in this framing, East-European states are rendered "permanently transitional, 'post-communist'" (Kulpa and Mizielińska 2011b, 3).

Postcolonial perspectives founded by works of Frantz Fanon, Edward W. Said, Ngũgĩ wa Thiong'o and Gayatri Chakravorty Spivak cannot be superimposed on the post-Socialist/Eastern European region unequivocally. However, a dialogue between "post-colonial" and "post-Socialist" can prove productive if we understand postcolonial approach in the broadest possible sense as "a set of theoretical perspectives within which questions of constituting places occupy a central position" (Sidaway 2000, 591), thus extending it towards "a broader range of imperial projects, especially those that are not based on capitalism as a historical mode of domination" (Adams 2008, 6). As Veronika Sušová-Salminen puts it:

> Colonialism and its legacies are not relevant only for those who have been formally colonies or colonizers, but for the entire structures of capitalist world-system including its knowledge-system. In this sense nations and countries labelled as Eastern Europe have been epistemologically integrated into this world-system also by means of Eastern Europe's idea (Sušová-Salminen 2011).

From this point of view, an imaginary West disrupts, constitutes, and problematizes not only postcolonial temporalities, localities and histories but also "the never-colonial, yet always imperial, histories of various, clearly recognizable localities *within* Europe" (Böröcz 2006, 134).

[80] In 2004, eight former socialist/soviet countries – Lithuania, Latvia, Estonia, Poland, Slovakia, the Czech Republic, Hungary, and Slovenia – entered the European Union as new members. Bulgaria and Romania followed in 2007 and Croatia became a member in 2013.

Before proceeding to analyze the construction of "Eastern Europe" in the context of EU Eastern enlargement, I want to outline the current state of affairs in academic attempts to bridge the gap between postcolonial analysis and post-socialist studies. Some scholars have pointed to similarities between the two "posts".[81] For example, Chari and Verdery assert

> Despite difference in timing, both 'posts' followed and continue to reflect on periods of heightened political change – the fall of the Berlin Wall and of Communist Party monopolies, or the formal granting of independence – and both labels signify the complex results of the abrupt changes forced on those who underwent them: that is, becoming something other than socialist or other than colonized (Chari and Verdery 2009, 11).

However, as Şandru notes, "few studies have attempted to link the two majors "posts" of the 20th century, and, indeed, one can more readily see the obvious ways in which they differ rather than the subtler ways in which they inform each other" (Şandru 2012, 6). Etkind is concerned with the "double silence" resulting from this lack of dialogue. On the one hand, scholars dealing with postcolonial issues tend to be silent about the former Soviet region. As Moore notes, the former "Second World" has received "extraordinary little attention" within postcolonial studies (Moore 2001, 114); it has been left as "the great blank space on the map" (Moore 2001, 116). On the other hand, researchers investigating post-Soviet transformations tend to leave out postcolonial ideas from their analyses. This mutual exclusion is somewhat surprising given the fact that the decolonization of the "Third World" and the de-Sovietization of the "Second World" historically coincided and were intertwined in certain geopolitical respects. Intellectually, however, they have been kept almost entirely separate (Etkind 2011, 25-26).

In the 1990s and early 2000s, a postcolonial lens in academic works on post-socialist experiences appeared in only a few publications, and when a post-colonial vocabulary was deployed, it was done rather cautiously (Pavlyshyn 1992, Wolff 1994, Gunew and

[81] Cristina Şandru highlights that after the fall of the Berlin Wall and collapse of the Socialist project the situation of the former "second world" countries "replicated in a paradoxical way the post-independence moment in much of the Third World half a century earlier, which saw the desired achievement of decolonisation drown in tribalism, excessive nationalism and political dictatorship" (Şandru 2012, 2).

Tolosy 1995, Cavanagh 2004, Kelertas 2006). From the mid 2000s onwards, the overlapping fields of postcolonial and post-soviet/post-socialist critical studies expanded to include Central Asia (Tlostanova 2015, Zubkovskaya 2008), Russia and politics of trauma and memory (Oushakine 2013, 2007, 2006), questions of gender and production of knowledge in post-soviet spaces (Oushakine 2000, Tlostanova 2009), and theoretical questions around the applicability of postcolonial perspectives to the analysis of dynamics in post-Socialist spaces (see Stenning and Hörschelmann 2008, Suchland 2011, Chari and Verdery 2009).

This transfer of ideas between critical thinking on post-colonial and post-Socialist has two important features. Firstly, as I have already noted, this gradually emerging trend in academic knowledge production mostly addresses the forms and residues of Russian/Soviet domination in the former Soviet periphery. Hence, most of the debates about the postcoloniality of Ukraine (in relation to Russian/Soviet domination) reflects the understanding of postcoloniality as a term for "historical periodization defined in relation to a set of prevailing political developments" and a range of political struggles (Nichols 2010, 113). Secondly, the transfer of ideas between post-colonial and post-Socialist – when it occurs – is predominantly one-directional with those researching the post-Socialist region attempting to find insights in post-colonial critical thinking.

The lack of a meaningful dialogue between the two "posts" is of paramount importance to my analysis, as it sheds light on the discursive deadlocks that scholars and activists encounter in their attempts to conceptualize and negotiate the specificity of Ukrainian sexual geopolitics. One of the impasses is the above-mentioned difficulty to meaningfully criticize the transfer of Western globalized norms to a Ukrainian context without being associated with nationalistic rhetoric, which has recently managed to hijack critical discourses on both Soviet/Russian and Western/European modes of domination.

There are at least two possible reasons for the lacking dialogue between postcolonial theory and post-socialist studies:

(1) Madina Tlostanova draws attention to the Marxist and neo-Marxist epistemological grounds of postcolonial theory, to which postcommunist researchers have been skeptical

due to the historical role of Marxism in the Soviet Union (Tlostanova 2012, 130). After the dissolution of the USSR, the legitimacy of Soviet knowledge began to erode: the "old" Soviet knowledge was proclaimed "politicized", biased and non-objective. This shift inevitably brought down Marxism as a valid epistemological framework (Gapova 2009, 276).

The suspicion towards critical (neo)Marxist epistemological groundings has several consequences for the conceptualization – or rather the missing conceptualizations – of post-Soviet transformations. Firstly, one of the ramifications of the delegitimizing Marxism was the emergence of "gender"[82] as a critical tool for analyzing the changing society at the cost of other possible categories, such as class and race (Gapova 2006). Secondly, it impeded (or at least considerably halted) the use of postcolonial tools for analyzing and conceptualizing post-socialist/post-communist experiences and imaginaries (Tlostanova 2012, 13). Finally, the failure to reclaim (neo)Marxist epistemology has put postcommunism into "the binary either/or logic", where "postcommunism sees itself as forced to either accept liberalism and capitalism as the only remaining options or go back to idealizing socialist myths" (Tlostanova 2012, 131). This dichotomous logic mirrors the way that the Ukrainian situation is currently problematized (both by local and global political actors[83]) as being ostensibly stuck with two opposite options for further trajectory: pro-European (Western modernity) or pro-Russian (Soviet legacy). Importantly for our purposes, the LGBT activists are prone to replicate this binary framing of "choice" between a progressive European future and a Soviet rudimentary past[84] – as will become evident in the following chapters.

(2) Another cause of the "theoretical void" (Tlostanova 2012) between post-colonial and post-Socialist scholars lays in the hierarchical organization of global academic knowledge production. There are two crucial dimensions of this hierarchization. Firstly, the academic labour is still divided unevenly: postcolonial theory produced in the Anglo-American academic settings is seen "as generative of theoretical and general

[82] I will get back to the formation and proliferation of the vocabulary around gender issues in post-Soviet academia and activism in Chapter 6.
[83] See, for example, the resolution of the European Parliament, 17th of April 2014: http://www.europarl.europa.eu/sides/getDoc.do?type=PV&reference=20140417&format=PDF&language=EN&secondRef=SIT, accessed 3 July 2016.
[84] I will expand on the instrumentalization of sexual diversity within this dichotomous geopolitical logic in the case of LGBT activism in Ukraine in Chapter 4.

geographical knowledge", while post-socialist contexts are "usually been incorporated as add-on 'case studies' which confirm and/or interpret existing framework" (Robinson 2003, 278). The same holds true for other forms of knowledge production, including gender and transgender studies, and mainstream global LGBT activism.[85]

Secondly, the meta-geography of the three-world order allocates to the "Third" World and (former) "Second" World a certain type of critique of the so-called First World. As Suchland argues, the Third World is included in the "global" in a particular way of being very different[86] and concomitantly producing the valid (post-colonial) critique of the First World. The (former) Second World is not different (and yet not similar) enough, and is deprived of possibility to take a post- or de-colonial stance toward the West:

> [T]he third worlds was associated with anticolonial and critical views of the West (partly through production of postcolonial knowledge). On the other hand, dissident voices originating from the second world were understood as opposing totalitarianism and Soviet hegemony… the dissident or anti-Soviet position was presumed to also be pro-Western (Suchland 2011, 845).

This brings us back to the complex relationship to Marxist theory and possible ways of imagining a different futurity. While the postcolonial thinkers and activists "were advocating or, in some cases, seeking to implement, the Marxist project (as a liberating alternative to neo-colonial capitalism), East-Europeans were waiting (in vain) for 'the Americans' with their capitalism to free them from under the boot of the Big Socialist Brother" (Şandru 2012, 7). After the collapse of socialism and the end of the Cold War era, therefore, "postocolonial and third-world critiques were left to challenge neoliberal

[85] I will come back to this discussion in Chapters 5 and 6.

[86] As Suchland (2011) notices, the "global" is unequivocally embedded and implicated in a racialized understanding of difference. The way racialization is manifested in the Eastern Enlargement of the EU deserves a separate discussion and falls beyond the scope of my research. There is a discussion of racialized difference in the case of the Eastern Enlargement of the European Union in Böröcz (2001) where he, for example, states: "Acceptance vs postponement for accession to the EU [can be read] as reinforcement or rejection of Europeanness (i.e., non-Orientalness), and, hence, ultimately of 'whiteness'" (Böröcz 2001, 32). See also Cristina Şandru's discussion and her quoting of Etienne Balibar: "Ideologically, current racism ... fits into a framework of 'racism without races' which is already widely developed in other countries, particularly the Anglo-Saxon ones. It is a racism whose dominant theme is not biological heredity but the insurmountability of cultural differences, a racism which, at first sight, does not postulate the superiority of certain groups or peoples in relation to others but 'only' the harmfulness of abolishing frontiers, the incompatibility of life-styles and traditions; in short, it is what P. A. Taguieff has rightly called a differentialist racism" (Balibar 1991 quoted in Şandru 2012, f2, 2).

globalization while the former Soviet Union and Eastern bloc were left to the normalizing processes of democratization and Europeanization" (Suchland 2011, 846).

"East" and "Europe" in "Central and Eastern Europe"

During and after the EuroMaidan, the debates on the "crisis in Ukraine" were widely portrayed in media, political discussions and academic circles (especially close to political science) as being "essentially about geopolitics – about whether Ukraine will be part of the East or West, about whether Russia will accept or reject the borders it was left with after the dissolution of the Soviet Union" (D'Anieri 2015, 235, see also, Molchanov 2015, 2016, Walker 2015). This problematization of the "crisis in Ukraine" invokes the West/East dichotomy, and begs the questions of how "East" and "West" are constructed *in relation to* and *within* "Europe".

The idea of "Eastern Europe" as a geo-historical construct emerged in "metropolitan countries such as England, France and Germany" between 1700 and 1900 (Sušová-Salminen 2011, 1), and has been evolving ever since. Larry Wolff (1994), in *Inventing Eastern Europe: The Map of Civilization in the Mind of Enlightenment*, discusses the creation of Eastern Europe in relation to the "civilized Europe" and the "barbarian Asia", in an imaginary "in-between" place. According to Woolf, the project of discovering Eastern Europe is rooted in the Enlightenment as a distinct discursive formation that ascribed Eastern Europe to "an ambiguous space, in a condition of backwardness, on a relative scale of development" within the binary logic of civilization v. barbarism (Wolff 1994, 357). As indicated above, this "in-between" space is replicated in the localization and problematization of contemporary Ukraine (by and for a "Western" gaze) as being trapped and facing a choice between "civilized Europe"/desirable future and "backward Russia"/the Soviet past.

The projects of Western and Eastern Europe – both in Wolff's writing and in the production of "contemporary Ukraine" – constitute each other as "complementary concepts, defining each other by opposition and adjacency" (Wolff 1994, 5). This problematization of Eastern Europe, and Ukraine as being post-Soviet/Eastern European country with a European perspective, suggests that the geo-temporal categories of

"East", "West", and "Europe" are on-going and contested geopolitical *projects* rather than given geographical *places*.

As indicated, the canonic definition of Orientalism (Said 1978) cannot be uncritically applied to the East/West discursive division created within contested "European" borders.[87] It seems more appropriate to focus on "Orientalizing" processes, defined as "a set of discursive practices through which the West structured the imagined East politically, socially, military, ideologically, scientifically and artistically" (Buchowski 2006, 463). Drawing on postcolonial theory, this analytical framework allows us to critically explore processes of othering pertaining to the discursive East/West divide, that is, the creation of Eastern Europe by and for the Western European imaginary, while acknowledging that Orientalizing processes are differently deployed and have different effects in different sites.[88]

One of the main differences between the global East (the "Orient") and the European East ("Eastern Europe") is that the latter is located not outside but inside Europe, in the guise of its Eastern spaces (Şandru 2012, 14), populated by the predominantly white and Christian "others". The Orientalizing discourses in relation to the Soviet Union and later

[87] Edward Said describes orientalism as "a style of thought based upon an ontological and epistemological distinction made between 'the Orient' and [..] 'the Occident'" (Said 1978, 2). While Said (1978) makes no explicit references to Eastern or Central Europe, he notes that "the East as a major branch of US national policy includes both the 'traditional Orient' as well as Eastern Europe [and] US policies are especially missionary toward Russia and the former Soviet republics" (Said 1978, 26). Some scholars assert that "Said's 'East' in many important respects is reminiscent of the Central and Eastern European one: epitomized by sensualism, irrationality, traditionalism or conservatism, despotism, primitivism, compliance and femininity" (Korek 2007a, 14, see also Korek 2007b).

[88] For example, Orientalizing practices were prevalent *within* the Soviet Union and even earlier in the Tsarist Russia. Kemper (2010), in his article "Red Orientalism", traces the emergence of Marxist Oriental Studies in early Soviet Russia, arguing that while "Marxist Oriental Studies were 'anti-Orientalist' in their rhetoric" and aimed "to support the liberation of the contemporary East from colonialism and imperialism", they deployed the very same orientalist notions and methods for which they condemned Western Oriental Studies (Kemper 2010, 435). Mykola Ryabchuk, Ukrainian public intellectual and political analyst who investigates Russian-Ukrainian asymmetric relations through a postcolonial perspective, offers a sketch written as a trip log to Little Russia by Prince Dolgoruky in 1810. "*Khokhol* [derogatory ethnonim for Ukrainians which is used to this day] appears to be created by nature to till the land, sweat, burn in the sun and spend his whole life with a bronzed face. ... He does not grieve over such an enslaved condition: he knows nothing better. ... He knows his plough, ox, stack, whisky, and that constitutes his entire lexicon. ... He willingly bears any fate and any labor. However, he needs constant prodding, because he is very lazy: he and his ox will fall asleep and wake up five times in one minute. ... I dare think, if this entire people did not owe a debt to well-mannered landowners for their benevolence and respect for their humanity, the *khokhol* would be difficult to separate from the Negro in any way: one sweats over sugar, the other over grain. May the Lord give them both good health!" (quoted in Ryabchuk 2010, 15). The trip log reminds of Wollf's examples and serves as an illustration of Orientalizing attitudes of Great Russians towards "*other*" territories *within* the Tsarist Russian empire.

to the so-called post-Socialist region are rooted in the Cold War ideological framework, which has been transferred to the post-Cold War era.[89] As Şandru notes,

> [t]he true significance of the Cold War beyond its political repercussions, emerges from its role as a form of knowledge and representation of the world which has neatly filled the gap left by the rapid dissolution of Western empires after WWII: it laid down, in a different fashion, but using old assumptions and binaries, the conceptual geography grounded in the East/West opposition (Şandru 2012, 7).

While the Cold War rhetoric was preoccupied with the opposition between the capitalist West and the communist East, the other crucial development implicated in this rhetoric was the process of gaining independence by former colonies of the Western empires. In *Over the Wall/After the Fall: Post-communist cultures through an East-West gaze* (Forrester, Zaborowska, and Gapova 2004), the editors point to this discursive link between de-colonizing processes in the "Third World" and Orientalizing processes in the "Second World" after WWII:

> After the breakdown of the colonial empires, […] Eastern Europe has supplied the West with a badly needed other, safely "Orientalizable" while seemingly racially unmarked. The nations and peoples of Eastern Europe could be imagined as faceless (though almost entirely white) bloc and unproblematically used by the West both to justify Cold War ideology (see how they are oppressed by the Soviets!) and to idealize Western ideals of capitalist richness and variety (see how they crave our political system and lifestyle!) (Zaborowska, Forrester, and Gapova 2004, 10).

The name "Eastern enlargement", when used as "the marker of the current re-division of Europe", can be regarded as an Orientalizing tool, "given that in such idiomatic

[89] Apart from the demolition of the Berlin Wall and the collapse of the Soviet Union, other geopolitical shifts occurred. Within two weeks of the dissolution of the USSR, on 7th of February 1992, the European Community (EC) signed the Maastricht Treaty. The Treaty later transformed the European Community into the European Union (EU). Between 1990 and 1992, the Yugoslav state collapsed into diverse independent states, some of which became immersed in ethnic conflicts and war. These geopolitical shifts have been connected with changed national self-perceptions, altered spatial and temporal relations, and the reshaping of the politics of gender and sexuality. New questions arose that intensified contestation over (new) borders, boundaries, belonging, and identities.

expressions as Eastern Europe, the term Eastern means either inferior or non-Europe" (Böröcz 2001, 6). The Eastern Europe name and idea has often been merged and expanded to include the denomination "Central", leading to designations such as "Central and Eastern Europe", "East-Central Europe", and "Central-East Europe" (see, for example, the definition and use of Eastern and Central Europe in the volume dedicated to the de-centralization of Western sexualities in Kulpa and Mizielińska 2011a). For the purposes of my research, I want to highlight the difference that is often marked between "Central Europe" and "Eastern Europe" and the discursive mechanisms that are used to produce this difference.

Historically, the designation "Central Europe" has referred to different borders, ethnic groups, nations and divisions.[90] More recently, Milan Kundera (1984), in his essay "The Tragedy of Central Europe"[91], subtly adjusted the boundaries between Central, Western, and Eastern Europe, defining Central Europe as "an uncertain zone of small nations

[90] Buchowski and Kolborn (2001) argue that "Central Europe" as an object of thought has been produced in different politico-linguistic contexts. Polish scholars trace the history of the concept from well-known "Mitteleuropa" coined by Friedrich Naumann to Milan Kundera's manifesto on the tragedy of Central Europe in *The New York Review of Books* (Kundera 1984). Along the way, there were other spatio-political terms through which one could imagine possible ways for coalitions and federations of states/ethnic groups beyond and in opposition to German and/or Russian/Soviet influence. The Czech politician and president Tomáš Masaryk, for example, developed a concept of *Středni Evropa* that would encompass a large number of "small nations" (in Czech it refers to *národ* which can be translated also as *people*), namely: Lapps (Sami people), Finns, Swedes, Norwegians, Danes, Estonians, Latvians, Lithuanians, Poles, Lusatians, Czechs, Slovaks, Hungarians, Serbs and Croats, Slovenians, Romanians, Albanians, Bulgarians, Turks, Greeks, and possibly Kašuba and Ukrainians (if they can be counted as separate nations/ethnic groups) (Pokorna 2014, 82). After the World War I, the Polish leader Józef Piłsudski pursued the project of *Międzymorze* (Intermarium) with a view to launch a federation of Central and Eastern European countries, including Lithuania, Latvia, Estonia, Finland, Belarus, Ukraine, Hungary, Romania, Yugoslavia and Czechoslovakia (Buchowski and Kolbon 2001).

[91] Kundera's essay was originally written in French, entitled "Un Occident kidnappé ou la tragédie de l'Europe centrale", and first published in a Swedish translation in 1983. The French original was published in the journal *Le Débat* in November of 1983, and the English translation (by Edmund White) appeared in 1984 in two journals with two different titles: in *Granta* it appeared under the title "A Kidnapped West", and in *The New York Review of Books* as "The Tragedy of Central Europe". All of these translations differ in small but crucial geopolitical details, pointing towards adaptations that Kundera himself made while approaching different "western" audiences. In the French version, Kundera explicitly distanced European cultural tradition from somewhat underdeveloped America. This reference obviously disappeared from the American version of the essay (see more Sabatos 2011). Bulgarians are explicitly excluded from the French version and merely deleted from the English version. Slovaks are, on contrary, added in the English version where the place of Ukrainians is also more clearly defined as oppressed by Russians. As for Ukraine, in the English version of the essay, Kundera adds the following footnote: "One of the great European nations (there are nearly forty million Ukrainians) is slowly disappearing. And this enormous event, which is almost unbelievable, is something Europe doesn't realize!" (Kundera 1984, 33). Thus, as Sabatos (2011, 26) claims, Kundera "broadens his scope to include Ukraine, whose capital Kiev is inseparable from the traditions of Russian culture [and] moves his 'imaginary borders' deep into Soviet territory" while simultaneously dismissing other (largely Turkic and/or Muslim) republics of the Soviets from Azerbaijan to Kazakhstan, ignoring their possible oppression by Russian/Soviet cultural and political domination.

between Russia and Germany" (35) and "Europe" as a word that "does not represent a phenomenon of geography but a spiritual notion synonymous with the word 'West'" (33). Kundera highlights the end of WWII as a decisive moment in history for Hungarians, Czechs and Poles (those defined as "Central Europeans") when "the border between two Europes shifted several hundred kilometers to the west, and several nations that had always considered themselves to be Western woke up to discover that they were now in the East" (Kundera 1984, 33). In the context of EU enlargement, the contemporary concept of "Central Europe" continues this tradition, purposefully building "on the region's distinctiveness from Eastern Europe in general and from Russia in particular" with the implicit (and sometimes explicit) aim "to legitimize countries' NATO and EU accessions and provide a platform for certain countries to make an appeal to the Western assistance" (Balogh 2015, 19).

Kundera's claim illustrates quite clearly how the "return to Europe" trope functions as a rhetorical device in Central-Eastern European political campaigns. This metaphor of "returning home" involves a concealed racialization, that is, East European nation's "unspoken insistence of their whiteness" (Imre 2005, 84)[92], and an overt "nesting orientalism" when the otherness of various localities in "Eastern and Central Europe" has its own gradations or scales of Europeanness and Easterness (not directly connected to actual geographical locations).[93] Nesting orientalism denotes the process through which the designation of the "other" is "appropriated and manipulated by those who have themselves been designated as such in orientalist discourse" (Bakić-Hayden 1995, 922), which means that "the 'essence' of 'otherness'" is shifted "to different peoples, cultures, and religions" (Bakić-Hayden 1995, 930).

As I have already noted, Western media and politicians have portrayed Ukraine as in need of alignment with the European Union, in opposition to the backwardness of its

[92] As Anikó Imre argues: "East European nation's unspoken insistence of their whiteness is one of the most effective and least recognized means of asserting their Europeanness" and rationalize their desire to "return home" (Imre 2005, 84).

[93] As Kuus highlights, "the East is never a fixed location but a characteristic (East Europeanness) attributed differently in different circumstances" (Kuus 2004, 480). Magdalena Zaborowska, Sibelan Forrester and Elena Gapova while mapping postsocialist cultural studies illustrate these graduations of "Europeanness" irrespective of actual geographical locations of "Eastern European" countries: "Regardless of geography, Hungary was more 'Western' than Czechoslovakia, while Albania, just across the Adriatic from Italy, was most 'Eastern' of all. Many Poles who considered themselves to be 'western' resented being lumped together with the 'peasant' Bulgarians and saw Russians as even worse, with no taste and fashion sense at all" (Zaborowska, Forrester, and Gapova 2004, 12).

Soviet heritage. Russia is pictured as still Soviet, backward, barbarian, invasive, and authoritarian in comparison to Ukraine, which moves forward, evolves, develops, and strives for a European future. The resolution of the European Parliament, while crediting Ukraine's "European perspective", "condemn[s] Russia's actions aimed at destabilisation of eastern Ukraine and call[s] for tighter sanctions against Russia".[94] Thus, while tightening the relationship with Ukraine as a potentially European country, EU draws a line in the sand with Russian actions, a gesture that moves Easterness (with all its characteristics) further east (to Russia). Along with the EU, Ukraine supports this creation of its own East through Orientalizing Russia, thus, moving "East" eastwards and re-claiming a European perspective and a possible membership in the EU.

Europeanization and contemporary Ukraine

The possibility of EU accession for Ukraine has never been discussed in the same terms as for other post-socialist countries that joined EU as member states in 2004 and afterwards. However, after the EuroMaidan events in 2013-2014[95], the European Union has progressively framed Ukraine as a state that has "a European perspective", as affirmed in the resolution adopted by the European Parliament on the 17th of April 2014. The resolution "welcomed the signing of the political part of Ukraine's Association Agreement", thus suggesting that the country has a potential to join the EU sometimes in the future. Georgia and Moldova were listed as two other countries with a so-called European perspective.[96]

Some political commentators and scholars in the domain of political science take the "European perspective" to be a driving force and a teleological core of "the third wave of democratization" in Eastern and Central European countries. In the East/West slope (Melegh 2006), Ukraine has been located as a pro-European "transitional" country by both local and global political actors. For instance, in the beginning of the EuroMaidan events in February 2014, the US Secretary of State, John Kerry, made it clear that the

[94] "European Parliament reiterates prospect of EU membership for Georgia, Moldova and Ukraine". Eastern Partnership Index, 24 April 2014: http://www.eap-index.eu/node/342, accessed 3 July 2016.
[95] Including "Revolution of Dignity" (February 2014), the annexation of the Crimea (March 2014) and the following Ukrainian-Russian conflict in/over the eastern territories of the country (March 2014 onwards).
[96] See the resolution of EP, 17th of April 2014: http://www.europarl.europa.eu/sides/getDoc.do?type=PV&reference=20140417&format=PDF&language=EN&secondRef=SIT, accessed 3 July 2016.

US would back Ukraine's "fight for democracy"[97], while Oleksandr Turchynov, then interim president, said "he was open to dialogue with Russia as long as Moscow respected Ukraine's European choice".[98] Strategically employing the "return to Europe" trope, Turchynov also stressed that one of the priorities of Ukraine is to return to the course of European integration, to return to the family of European countries.[99]

It seems pertinent to use the critical concept of Europeanization to capture that which in political terms has routinely been depicted as a desired and forthcoming "European integration" of Ukraine. In the context of EU enlargement, we could conceive of Europeanization as a set of discursive practices aimed at producing Europeanness by invoking the West/East dichotomy, where countries from the "East" are constructed as not fully (not yet, not enough, not ever) European, in need of transitional move towards the more European Europe, or the "EUropean West" (Woodcock 2011, 64). As a response to the problematization of the "other" Europe, Europeanization also involves a set of offered solutions aimed at bridging the gap between Eastern and Western Europe, while at the same time keeping this very distinction and dichotomy between the (authoritarian, post-socialist, (post)-communist, backward) "East" and the (democratic, liberal, capitalist, progressive) "West" intact. Importantly, as Böröcz emphasies, "'Eastern Europe' as a trope is firmly set as a negative stereotype, not only in public parlance within the European Union but also, in not-so-subtle ways, even in official rhetoric of all kinds, especially as politicians of the EU-member states brand enlargement as a 'threat' or a 'problem'" (Böröcz 2001, 18).

If we take problematization as a key analytical lens, we could argue that what is at stake in the process of Europeanization is an interdependent construction of East and West through, for one, the (re)construction of "Eastern Europe" as problematic and therefore in need of assistance and soft governing from the "Western Europe" (with various problem-solution paradigms on offer), and secondly, the (re)construction of "Eastern Europe" as a particular object for thought (for and by the "Western Europe") which serves as the "other" in relation to which the Europeanness, as a Western European

[97] "Ukraine unrest: EU and US clash with Russia in Munich" BBC: Europe, 1 February 2014: http://www.bbc.co.uk/news/world-europe-25996453, accessed 28 June 2016.
[98] "Ukraine: Speaker Oleksandr Turchynov named interim president". BBC, 23 February 2014: http://www.bbc.co.uk/news/world-europe-26312008, accessed 28 June 2016.
[99] Charter 97, 23 Feb 2014 (in Russian): https://charter97.org/ru/news/2014/2/23/87890/, accessed 3 July 2016.

imaginary project and object for thought, sustains itself.

The above discussion has suggested that the concept of Europeanization acquires different meanings and entails different practices depending on political-historical context, and that in the current geopolitical situation, the conceptions of Europe and Eastern Europe are deeply entrenched in the EU enlargement processes. In this context, Europeanization manifests itself in the "'export' of [West-]European authority and social norms" (Featherstone 2003, 6), that is, in EU-induced practices of construction, diffusion, and institutionalization of formal and informal rules, procedures, policy paradigms, styles, "ways of doing things", and shared beliefs and norms. These are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic discourse, political structures, and public policies (Radaelli 2004 cited in Ayoub 2013, 283).

Following an analytical framework offered by Schimmelfennig and Sedelmeier (2004, 2005), Europeanization of Eastern Europe could be further conceptualized in terms of *external governance by conditionality*. The aforementioned resolution adopted by the European Parliament on the 17th of April 2014 highlighted that Ukraine has a prospective interest to join the EU in the future. Significantly, this possibility is framed as provisional and *conditional*: Ukraine "may apply to become [a member] of the European Union provided that they adhere to the principles of democracy, respect fundamental freedoms and human and minority rights and ensure the rule of law".[100] In other words, Ukraine is expected to uphold and internalize *certain* (Western) European norms to be recognized as eligible for *certain* (Western) European freedoms (above all, freedom of movement).

A key difference between the internal and the external dimension of governance is that "while the former concerns primarily the *creation* of rules as well as their implementation in national political systems, the external dimension is exclusively about the transfer of given EU rules and their adaptation by non-member states" (Schimmelfennig and Sedelmeier 2004, 661). The "rule adoption" and *transfer of rules*

[100] "European Parliament reiterates prospect of EU membership for Georgia, Moldova and Ukraine". Eastern Partnership Index, 24 April 2014: http://www.eap-index.eu/node/342, accessed 3 July 2016.

can follow two models[101], which are often overlapping rather than being exclusively applied. The first one – the "external incentives" model – employs the "logic of consequences" and stresses conditionality, whereas the second model – the "social learning" model – deploys the "logic of appropriateness" and emphasizes identity and values (Schimmelfennig and Sedelmeier 2004, 2005, see also O'Dwyer 2010, in case of Latvia and Poland).

Both models are implemented, implicated and embodied in a set of governmental techniques. These techniques (or mechanisms) of Europeanization as Europe "goes East" include but may not be limited to "provision of legislative and institutional templates; [financial] aid and technical assistance; benchmarking and monitoring; advice and twinning; gate-keeping (access to negotiations and further stages in the accession process)" (Grabbe 2003, 312). All these techniques bear traces of the othering applied to certain places considered problematic and simultaneously re-created as such through the offered policy solutions, "transition" being the overarching frame.

As the discussion above also suggests, difference is routinely reduced to backwardness in processes of Europeanization, as post-Socialist or Eastern European states are "perpetually deemed to be 'catching up' in both material and institutional terms" (Stenning and Hörschelmann 2008, 320). Eastern Europe "appears as populated by immature apolitical and social subjects", which "becomes obvious in the way the discourse of post-communist transition talks about democracy in the post-communist East: it ought to learn the lessons, make its first steps, grow and mature" (Buden 2013, 187).

We have seen that the composite process of Europeanization is tightly linked to de-legitimation of the Soviet (Russian) imperial legacy and the socialist past on the one

[101] The modes of external governmentality are reformulated in Checkel's (1997, 2005) terms as *rational institutionalism* and *sociological institutionalism.* The former "advances a logic of consequences, whereby domestic actors make cost-benefit calculations based on external incentives provided in Brussels", and the latter "purports a logic of appropriateness, according to which actors internationalize EU norms and rules as part of their identity as members of an international society" (Ayoub 2013, 283). Importantly, both models – "external incentives"/rational institutionalism and "social learning"/sociological institutionalism – take the form of top-down processes as the European Union enables changes "by imposing sanctions and/or through persuasion, capacity building, and promotion of transnational cooperation" (Ayoub 2013, 284).

hand, and to practices of transfer (or rather translation) of (Western) normative ideas about "development" and "progress" on the other. As we shall see in the following chapters, these normative ideas are inscribed in and deployed through foreign aid, international/donor funding of research centers and NGOs, financial investments and international politics (Janos 2001, Stenning and Hörschelmann 2008, Gapova 2007, Zubkovskaya 2008, Cavanagh 2004).

In what follows, I am particularly concerned with the processes of Europeanization that involve (1) striving for and prices of recognition in "Europe", (2) negotiating the post-Soviet/Russian legacy[102], and (3) re-creating the East/West dichotomy through strategic use of legal norms in the field of gender and sexuality.

[102] I acknowledge that there may be other frames to analyze the development and challenges of the LGBT movement in Ukraine. As my co-supervisor, Jack Halberstam, commented, one of the possible frameworks could be "a post-World War II context, the issue of industrialization, […] and the implication [of certain counties as Ukraine and Poland] in the Nazi project, [and further] involvement in Fascist movements oriented towards racial purity and a very specific form of normativity". While I do address the raise of far-right nationalism in contemporary Ukraine to a certain degree, I am chiefly concerned with how the country is subject to processes of Western "othering" by way of "transition" or Europeanization, particularly through instrumentalization of sexual rights.

Chapter 4. Defining Ukraine through LGBT rights: instrumentalization of sexual diversity

The first officially registered organizations to openly target gays and lesbians appeared in Ukraine in the mid 1990s.[103] In the beginning, Ukrainian NGOs dealing with what would later become labelled "LGBT issues" defined their target groups through the terms "gay", "lesbian", and "men-who-have-sex-with men" (MSM). From 2003 onwards[104], the LGBT acronym became increasingly popular, used as an umbrella term by old and new organizations alike.[105] From 2006, the number of officially registered Ukrainian NGOs defining their target group as LGBT rose drastically, reaching 24 in 2010 (with a quarter of them registered that year), and increasing to 48 by 2015 (Kasyanchuk 2015, 126-133, Martsenuyk 2010, 135).

During the same period as the LGBT terminology gained momentum, Ukrainian organizations took up the global human rights vocabulary to formulate their mission, to voice concerns and problems of "LGBT people" as a distinct target group, and to choose appropriate strategies and solutions for advancement of the issues at hand. Olena Shevchenko highlights human rights as the underlying principle according to which *Insight* determine their interventions: "*Insight* fight for human rights. But we understand that we cannot succeed without being concrete, so we focus on women's rights and LGBT" (Interview with Olena Shevchenko, July 2014).

[103] In 1996, the first organization was formally registered in Mykolaiv as *Liga*, an Association for Gays, Lesbians and Bisexual people. The word "liga" can be translated from Russian as "the league". It can also be deciphered as an abbreviation to "**L**esbiiskaia **I** **G**eiskaia **A**ssotsiatsiia" (lesbian and gay association).
[104] A project *Strengthening of LGBT community in Ukraine,* launched in Kyiv in 2003, can be used as one of the turning points in the proliferation of the LGBT acronym (Kasyanchuk 2015, 139).
[105] Despite this ostensibly positive shift towards the inclusion implied by "LGBT" acronym, the professionalized LGBT activism in Ukraine has maintained its focus on (male) gay/MSM target groups (a trend prominent in other geopolitical localities as well). The sidelining of "other" groups – for example, lesbians and transgender people – is evident in a special publication produced by *Gay Alliance Ukraine* and devoted to "25 years of LGBT movement in Ukraine" (Naumenko, Karasiychuk, and Kasyanchuk 2015) where the transgender strand of LGBT activism as well as the lesbian movement (for example, the work of *Women's Network*) mentioned sporadically and their influence and role in the movement is heavily overlooked by the gay male editors. Olena Shevchenko, *Insight* director, described the state of affairs of Ukrainian LGBT activism in 2014 as following: "At the last national LGBT conference, where 80% of the attendees were gay men and 20% 'the rest', there was a particularly animated debate about lesbians, bisexual women and transgender people… I am always surprised by people who say they only work with gay men and transgender issues should be optional issues for those who are interested in them" (Interview with Olena Shevchenko, July 2014).

Over the past decade, Ukrainian LGBT NGOs have focused mainly on two key issues: the Kyiv Pride and the incorporation of sexual orientation and gender identity (SOGI) into the country's anti-discrimination legislation. Transgender organizations were prominent in these debates, advocating more visibility and legal changes.[106] In addition to advocacy efforts to change the legislation, *Insight* have more recently expanded their work to tackle hate crimes[107], and increased the amount of publications and awareness-raising activities concerned with "LGBT rights" (Insight, Shevchenko, and Frank 2014a, Guz, Shevchenko, and Iriskina 2016).

In April-May 2014, when I came to Ukraine to conduct my fieldwork, the spirit of the EuroMaidan had strengthened, the Crimea had just been annexed, and the country was about to elect a new president for a five-year term. The popular nationalistic rhetoric was at new heights. As indicated above, the Ukrainian LGBT organizations use human rights rhetoric (including concepts such as tolerance, equality, and diversity)[108] in their attempt to counter rampant nationalism, to assert their aspiration for a European future, and to encourage decision makers to adhere to "European" values and standards. It is important to note that the intensification of debates about the Kyiv Pride and the anti-discrimination legislation, including the call for visibility of transgender issues, occurred precisely at the moment when Ukraine declared its "civilizational choice" in favor of a "European future".[109]

This chapter is devoted to the analysis of the transgender phenomenon taken as an indispensable part of the problematization of "LGBT rights" in the process of

[106] As I outlined in Chapter 1, a set of transgender/queer oriented groups, professionalized and grassroots alike, started to appear in 2015, rendering transgender issues increasingly visible in Ukrainian political and social landscape.

[107] See, for example, comments of Oksana Guz in an on-line publication "How the fight for traditional values leads to crimes", 17.07.17, Alexandra Gorchinskaya, Update.com.ua: http://update.com.ua/zhizn_tag158/kak-borba-za-traditcionnye-tcennosti-privodit-k-prestupleniiam_n3642, accessed 26 September 2017.

[108] For example, in 2016, according to *Insight*'s official web page, the organization saw its mission as "the improvement of the quality of lives of homosexual, bisexual, transgender, intersex, and queer people in Ukraine through implementation of educational, human rights oriented, informational, and socio-cultural programs, and through delivering necessary services" ("About us" section, http://insight-ukraine.org/about/, accessed 18 June 2016). "The vision", a desired future the organization strives to achieve, the utopian futurity "beyond the quagmire of the present" (Muñoz 2009, 1), was defined in 2017 as "a society where people are equal regardless of their sexual orientation, gender identity, racial or ethnic origin, age, sex, gender or any other characteristics, and where equality and diversity is a wide-accepted social value" (http://insight-ukraine.org/o-nas-1/, accessed 25 July 2017).

[109] See Poroshenko's interview: http://edition.cnn.com/videos/world/2014/06/27/intv-amanpour.cnn, accessed 25 September 2016.

Europeanization and geopolitical (re)orientation of Ukraine towards the "West" in the East-West civilizational slope (Melegh 2006). I start by outlining the general dynamics and particularities of the instrumentalization of sexual diversity as part of the Europeanization processes, before discussing how the transgender phenomenon serves to produce Ukraine as a not-European-enough geopolitical entity. At the end of the chapter, I direct attention to the geo-temporal effects of the instrumentalization of sexual diversity in contemporary Ukraine.

Europeanization and instrumentalization of sexual diversity in Ukraine

The process of Europeanization is underpinned by external governmentality of conditionality (Schimmelfennig and Sedelmeier 2004, 2005). To prove its "EU-worthiness" (Böröcz 2006, 124) and continue its "European integration" after the EuroMaidan events, Ukraine was encouraged through external incentives to adopt European values, including those of tolerance, acceptance and inclusion of sexual diversity. LGBT rights and freedoms are subsumed under the more general "human and minorities rights"[110] that have been a crucial part of the negotiations between Ukraine and the European Union over access to a visa-free regime for Ukrainian citizens.[111]

I have defined instrumentalization of sexual diversity as a set of discursive and non-discursive practices that deploy an adherence to LGBT rights as a litmus test to produce differences between geopolitical entities along the lines of modernization, development and progress. Recall that the instrumentalization of sexual diversity constructs the linkage between "a country's successful development and modernization" and sexual and minorities' rights and freedoms so that at the end sexual and minorities' rights and freedoms mark "a difference between civilized and non-civilized nations" (Gressgård 2015, 99).

The instrumentalization of sexual diversity in the "West" and "North" has been problematized through the related notions of homonormativity (Duggan 2002) and

[110] See the resolution adopted by the European Parliament on the 17th of April 2014 cited above: http://www.eap-index.eu/node/342, accessed 3 July 2016.
[111] The visa-free regime with the EU was one of the key promises and premises for mobilization of pro-European Maidan protesters and the change of the elite in the country.

homonationalism (Puar 2007), with particular emphasis on how sexual diversity has been implicated in neo-liberal market economy and served to sustain heteronormativity. Duggan (2002) defines homonormativity as "a politics that does not contest dominant heteronormative assumptions and institutions but upholds and sustains them while promising the possibility of a demobilized gay constituency and a privatized, depoliticized gay culture anchored in domesticity and consumption" (Duggan 2002, 179). Drawing on Duggan's concept, Jaspir Puar (2007) introduced the term homonationalism to explore the complexities of tolerance and acceptance towards gay and lesbian subjects that "have become a barometer by which the right to and capacity for national sovereignty is evaluated" (Puar 2013, 336).

Puar defines homonationalism as "a facet of modernity and a historical shift marked by the entrance of (some) homosexual bodies as worthy of protection by nation-states, a constitutive and fundamental reorientation of the relationship between the state, capitalism, and sexuality" (Puar 2013, 337). She argues that homonationalism is a global tendency that inevitably structures national, international and transnational politics in relation to the discourse of modernity. She moves on to explain that the epistemological framework of homonationalism is "fundamentally a deep critique of gay and lesbian liberal rights discourses and how those rights discourses produce narratives of progress and modernity that continue to accord some populations access to citizenship – cultural and legal – at the expense of the delimitation and expulsion of other populations" (Puar 2013, 337). Importantly, this framing delineates a particular socio-historical context in which the state can tolerate homosexual subjects to foreground concomitant production of homophobic others, inside and outside of "tolerant" geo-political entities.

As mentioned earlier, I take instrumentalization of sexual diversity as an indispensable part of the process of "Europeanization of East" (O'Dwyer and Schwartz 2010, 221), in so far as it serves (as a discursive tool) to re-position geopolitical entities on the East/West civilization slope by "creating and promoting lines of fracture between presumably *queer-friendly* and *homo-transphobic* countries both within and outside the European borders" (Ammaturo 2015, 1152). To the extent that celebration of sexual diversity serves as a marker of "Europeanness", Gay Pride events have strategically functioned to demonstrate the candidate country's adherence to European norms (Kulpa and Mizielińska 2011a, Slootmaeckers, Touquet, and Vermeersch 2016a). And the

incorporation of SOGI (sexual orientation and gender identity) into the anti-discriminatory legislation has become a prerequisite for Central and Eastern European countries to enter the EU as member states.

Not accidentally, the increased visibility of LGBT issues, shaped by human rights rhetoric, became conspicuous around 2004, the year of the Orange Revolution. This event was attributed, nationally and internationally, to the Ukrainian longing for a European future. It was the Orange Revolution that announced Ukraine's "orientation towards Europe" and the arrival of a "new nationalism with a European face" (Zhurzhenko 2008, 193). As Tatiana Zhurzhenko (2008) points out, the style and representation of the protests in 2004 made Ukrainian events "recognizable" for the Western audience and allowed the US and (Western) Europe to recognize Ukraine as part of Europe (Zhurzhenko 2008, 193-194).

The Orange Revolution of 2004 and the EuroMaidan of 2014 set out a geopolitical premise for the question of gender and sexuality to enter Ukraine's public sphere and play a significant role in the county's negotiation over its choice of the "European path". In February 2014, the European Union declared that it is ready *to assist* a new Ukrainian government in its fight for democracy, and Olli Rehn, Economic and Monetary Affairs Commissioner, said it was important to "provide a clear European perspective for the Ukrainian people".[112] In the context of EU enlargement, "European perspective" translates into human rights[113] and democracy.

[112] "Ukraine crisis: Protesters remain in central Kiev as MPs meet", BBC News, 23 February 2014. Retrieved from the archive, it is not available on-line anymore. Emphasis is mine – NH.

[113] Scholars offer different definitions of human rights. DiGiacomo (2016a) enumerates following understandings of human rights: human rights are universal and inalienable and "are held by all human beings by virtue of being human" (Reeta Tremblay); "human rights involve the ability to demand and enjoy a minimally restrictive yet optimal quality of life with liberty, equal justice before law, and an opportunity to fulfill basic cultural, economic, and social needs" (Michael Haas); human rights represent "a set of universal claims to safeguard human dignity from illegitimate coercion, typically enacted by state agents" (Alison Brysk); human rights are "legally enforceable instruments for the protection of their claimants" (Cass Sustein); human rights protect human agency, i.e. "the capacity of individuals to set themselves goals and accomplish them as they see fit" (Michael Ignatieff) (all authors quoted according to DiGiacomo 2016b, xix-xx). For the purpose of my research, I understand "human rights" as "the modern human rights idea [..,] particularly in the form it has adopted since the 1970s" (Burke and Kirby 2016, 35), which has been entrenched in the Universal Human Rights Declaration (UHRD) as "a universalized expression of the sort of liberal nationalism" (30) with the core premise of the state being the primary and crucial means for securing and therefore governing individual liberties (30-44).

It is worth noting that adherence to human rights and democracy as a condition for EU membership is a relatively new invention, even as it is promoted as an essential part of European identity: something that "has always been there". The process of constructing human rights as the European cornerstone evolved during the 1990s, manifested in the unified foreign and security policy (CFSP) of the Maastricht Treaty. The process was initiated in response to the fall of the Iron Curtain which "opened the perspective of enlargement to a high number of new countries with a contestable human rights record" (Smismans 2010, 53).

Heather Grabbe (2003) describes this decisive moment of the introduction of the external conditionality into the EU accession politics:

> At the Helsinki European Council in 1999, the European Union explicitly made fulfillment of the democracy and human rights conditions for accession a prerequisite for starting negotiations – and excluded Turkey from negotiations on these grounds. The Commission also imposed specific tasks for Bulgaria (on nuclear power) and Romania (on economic reform and state orphanage) before they could join negotiations in 2000. This was an innovative move for the European Union, in making an explicit linkage between benefit and specific tasks for applicants, and it may herald the start of more targeted use of conditionality (Grabbe 2003, 316).

In the process of EU enlargement, the issue of LGBT rights and what eventually became SOGIESC (sexual orientation, gender identity and expression, and sex characteristics) issues[114], have gradually gained a central position in fundamental rights rhetoric (Slootmaeckers, Touquet, and Vermeersch 2016a), thus gradually becoming "a litmus test for a country's broader human rights record" (Slootmaeckers, Touquet, and

[114] See, for example, ILGA's "comprehensive annual compilation and analysis of all the SOGIESC references made by seven UN Treaty Bodies (CESCR, HRCtee, CEDAW, CRC, CAT, CRPD and CERD) in 2016" released in November 2017: http://ilga.org/downloads/Treaty_Bodies_SOGIESC_references_2016_ILGA.pdf, accessed 19 December 2017.

Vermeersch 2016b, 1). This was particularly evident in the process of the fifth and sixth[115] Eastern enlargements of the EU (Slootmaeckers and Touquet 2016).

The process of advancing LGBT rights into EU's external relations can be traced back to 1997 in the Treaty of Amsterdam[116], culminating in 2013 in a thorough "Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons" (Council of the European Union 2013). The latter policy document "unequivocally placed LGBTI human rights issues at the core of what EU represents" (Kristoffersson, Bjorn, and Poghosyan 2016, 45), and provided a checklist of requirement for those wishing to grasp the European understanding of LGBT rights and the ways that sexual diversity issues should be tackled (see more Slootmaeckers and Touquet 2016, 20-24).

In the early 2000s, the link between LGBT rights (as human rights) and democratic development of the country had been already acknowledged and appropriated by Ukrainian NGOs addressing the needs of various LGBT populations. In 1999, in Luhansk, *Nash Mir* (Our World), one of the oldest LGBT organizations in Ukraine, was founded by local activists as a regional human rights center for gays and lesbians (Martsenuyk 2010, 134, Kasyanchuk 2015, 135-138). In the introduction to the first research on lives of gay and lesbian people in Ukraine (Nash Mir 2000), the premise for the research was formulated as follows:

> This research aims to provide a thorough overview of the situation of gays and lesbians in contemporary Ukraine, and also a comparative analysis of the change in relation to this situation in our country and abroad. Research of this kind has been carried out repeatedly in other countries, who entered *a path towards democratic development* a long time ago and for whom *human rights* is not an

[115] The fifth enlargement is referred to the accession of Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia, Cyprus, and Malta in 2004, and Bulgaria and Romania in 2007. The sixth enlargement started with the accession of Croatia (2013) (Slootmaeckers and Touquet 2016, 35, f4).

[116] In the Amsterdam Treaty for the first time "sexual orientation" was stated amongst other categories protected against discrimination by the EU institutions: "Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation" (European Communities 1997, 26).

empty word, but in Ukraine this work has been done for the first time (Nash Mir 2000; translation from Russian and emphasis are mine - N.H.).

In October 2008, the conference "Lesbian and Gay rights are human rights" was held in the capital, organized (amongst international organizations) by *Nash Mir*. In a preamble to the conference, the organization formulated their mission as "monitoring the LGBT rights situation" in Ukraine.[117] The appropriation of human rights rhetoric is widespread in reports and brochures produced by other local LGBT organizations as well.[118]

In 2016, the organizers of the Kyiv Pride/Equality March[119] opted for "security" as the main focus of their mission, remembering violent attacks in the previous years.[120] "Security of a person – development of the country!" was their official slogan. Significantly, the organizers saw security as "human right and an obligation of the state", marking their stance with a quote from the Constitution of Ukraine (Article 3): "The human being, his or her life and health, honor and dignity, inviolability and security are recognized in Ukraine as the highest social value… To affirm and ensure human rights and freedoms is the main duty of the State".[121] In 2017, the Pride themes were "inclusivity, human rights and solidarity", under the slogan "Country for all".[122]

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[117] See: http://www.hirschfeld-eddy-stiftung.de/fileadmin/images/projekte/ukraine/tagung_agenda_eng.pdf, accessed 17 July 2017.

[118] See for example, *Nash Mir*'s reports, which they started producing in English from 2013 onwards (Nash Mir 2013, Kravchuk and Zinchenkov 2014, Nash Mir 2014, Kravchuk 2014, Kravchuk and Zinchenkov 2015, Nash Mir and Equal Rights Trust 2015, Kravchuk and Zinchenkov 2016, Nash Mir 2016). *Insight* followed the same trend focusing on LGBT rights in the later publications (Insight, Shevchenko, and Frank 2014a, Guz, Shevchenko, and Iriskina 2016).

[119] Starting from 2014, the Pride has been alternatively called "the Equality March" along with "Kyiv Pride" title.

[120] The first Kyiv Pride took place in May 2013 with 50-60 participants (up to 100 participants according to other sources) despite of being banned by a local court (see http://www.pinknews.co.uk/2013/05/25/ukraine-lgbt-activists-in-kiev-holds-first-ever-peaceful-gay-pride-march/, accessed 11 July 2016). In July 2014, after the EuroMaidan events, the Kyiv Pride was cancelled due to authorities refusing to protect the event by police means (see http://www.pinknews.co.uk/2014/07/05/ukraine-kyiv-pride-cancelled-after-authorities-refuse-to-police-event/, accessed 21 July 2016). The Pride in 2015 was held in Kyiv. Radical far right groups attacked it: ten march participants and nine policemen were injured, and twenty-five people (from those who assaulted the participants) were arrested (see the detailed account of the event written by Masha Gessen in New Yorker - http://www.newyorker.com/news/news-desk/the-assault-on-kiev-pride, accessed 11 July 2016). See also "The History of LGBT movement in Ukraine", a version of the LGBT movement development in Ukraine according to NGO FULCRUM (Tochka Opory) - http://t-o.org.ua/istoriya-lgbt-dvizheniya-v-ukraine/?lang=ru, in Ukrainian, accessed 11 July 2016.

[121] http://kyivpride.org/en/our-team/kyivpride2016/, accessed 16 March 2017.

[122] See http://www.kyivpride.org/en/our-team/kyivpride-2017/, accessed 1 November 2017. See also the discussion around The Eurovision Song Contest held in Kyiv in 2017. The contest in Kyiv had a motto of "celebrating diversity". As Jon Ola Sand, Executive Supervisor of the Eurovision Song Contest, commented: "It is at the heart of Eurovision values: it is all-inclusive and all about countries around

After the EuroMaidan, the newly elected Ukrainian government was expected to prove Ukraine's genuine desire and readiness to join the "European family". "Western" actors (EU and US governmental bodies in particular) saw the inclusion of sexual orientation and gender identity into the anti-discrimination legislation as the next logical step to demonstrate the country's adherence to liberal-democratic values. However, Ukraine's Parliament struggled to pass the anti-discrimination bill that would include sexual orientation due to wide-spread fears amongst MPs that the legislation would pave the way for same-sex marriage, thereby undermining "traditional values". In April 2014, the first stage of the Visa Regime Liberalization agreement with the EU was signed *without* the adoption of a comprehensive anti-discrimination legislation. As part of the compromise with the EU, the Ukrainian government proposed "to implement a number of 'soft measures', such as the expansion of the Ombudsman's powers in the sphere of anti-discrimination, including on the grounds of SOGI features."[123] In May 2015, sexual orientation and gender identity were included as protected grounds in the anti-discrimination section of Ukraine's Labour Code. No further comprehensive anti-discrimination legislation followed. On 11 May 2015, The Council of Europe "adopted a regulation on visa liberalisation for Ukrainian citizens travelling to the EU for a period of stay of 90 days in any 180-day period".[124]

In 2014, Olena Shevchenko, alongside other LGBT activists in Ukraine, expressed disappointment in the condonation from the EU, and described the development of the situation as follows:

> Now we observe a backlash against human rights, not only in Ukraine but globally. What happened in Ukraine with LGBT, it is the same situation in Moldova: the same opposition to LGBT rights, "EuroSodom", the debates and protests. But unlike us, the anti-LGBT movement is consolidated. In Moldova,

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Europe, and beyond, joining together to celebrate both our common ground and our unique differences, as well as some great music" (http://www.esc-plus.com/discover-creative-concept-graphics-eurovision-2017/, accessed 1 November 2017).

[123] "Ukraine is to be transferred asap to the second phase of VLAP, ILGA-Europe concerned about 'the undermining of the EU principles'", Gay Alliance Ukraine, 8 April 2014: http://upogau.org/eng/inform/uanews/worldnews_912.html, accessed 2 June 2016.

[124] http://www.consilium.europa.eu/en/press/press-releases/2017/05/11/visa-liberalisation-ukraine/, accessed 16 July 2018.

> where LGBT people were attacked massively, the [anti-discrimination] law was passed. In Georgia, last year was a horrific year with more than 10000 people coming to the streets to kills gays, lesbians, and transgender people during the Pride, but in Georgia the law was passed, too. In Ukraine, the law did not pass. Why? And I am citing Marlstrom here – [because] "it's a difficult situation in Ukraine; there are primary problems and there are human rights". It is what I call "voluntary acceptance of hierarchies in the theory of human rights". Now it is the war in Ukraine, it is not the time for LGBT and human rights, some more time should pass. No, I do not understand why time should pass – I want to know what should happen so that the law will pass. It was possible to do it now, but Europe, in essence, I would say Europe betrayed LGBT in Ukraine (Interview with Olena Shevchenko, July 2014).

This quote from the director of *Insight* ties together several important aspects of the geopolitical conditions for Ukrainian LGBT politics, the problematization of transgender issues in particular.

Firstly, LGBT issues are constructed as a global problem that must be tackled through a human rights approach ("Now we observe a backlash against human rights, not only in Ukraine but globally"). Shevchenko highlights the universal problem with LGBT rights and, simultaneously, positions *Insight* within a wider human rights framework. As Thoreson points out, by adhering to and "adopting a human rights framework, activists appeal to principles that are both supranational and suprapositive; they situate themselves in a global community and invoke universal values that are supposed to transcendent the local contexts" (Thoreson 2014, 6). In this case, Ukraine is constructed as a local actor in relation to a global (i.e. European/universal) standard. This take on LGBT rights and their centrality to European values echoes the commitment of the EU to promote human rights *globally* as it was highlighted and strategized in "EU Strategic Framework on Human Rights and Democracy" (Council of the European Union 2012), adopted by the European Council in 2012.

Secondly, the LGBT rights are attributed to European values, which Europe, naturally, is responsible for protecting and advocating by means of external pressure on other states. In October 2017, Chatham House, the Royal Institute of International Affairs, published

a comprehensive analytical report, "The Struggle for Ukraine", "which assesses Ukraine's position and prospects, and examines its double existential threat: resisting Russian interference, and the fierce internal contest to determine its own political, institutional and civic future". The report makes the case for increased Western support, arguing that the EU has been too timid in applying its unprecedented political mandate to drive forward post-2014 reforms in the country.[125] In Shevchenko's comment there is an indication of the increasing reliance of the local LGBT actors on the external conditionality imposed by the EU on Ukrainian politicians.

Thirdly, the state of affairs with LGBT rights is used to constitute Ukraine as a place that oscillates between "East" and "West". In Shevchenko's remark this geopolitical attribution is subtle and appears in the form of nesting orientalism, that is, self-orientalization (Bakić-Hayden 1995). Ukraine is pictured in relation to its post-Soviet neighbors, Moldova and Georgia, that both managed to pass the anti-discrimination laws and thus "score high on the hegemonic western scale" (Bakić-Hayden 1995, 924). Put differently, Ukraine is inevitably "othered" in relation to Moldova and Georgia, the countries that were mentioned in the resolution adopted by the European Parliament on the 17th of April 2014 as having a European perspective along Ukraine.[126]

Finally, the quote conveys the sense of emergency and appropriateness of the moment, shared by many in the professionalized LGBT activism, for the EU pressure to be applied to Ukraine to secure certain rights for the "LGBT population". Starting from 2014, some of the LGBT NGOs' reports produced for the "Western" audience (in English) explicitly linked the "situation of LGBT people" in the country to "emergency" over the right geopolitical choice ("West" over Russia) amid growing East/West struggles within Ukraine. For example, *Nash Mir*'s publications used headline wordings such as "on the threshold" (Kravchuk and Zinchenkov 2014), "between two worlds, Russia and the European Union" (Kravchuk 2014), "in the crosscurrents" (Nash Mir and

[125] Chatham House, The struggle for Ukraine, Report, 18 October 2017, https://www.chathamhouse.org/publication/struggle-for-ukraine?utm_source=Chatham%20House&utm_medium=email&utm_campaign=8789094_AMENDED%20-%20Publication%20Alert%20The%20Struggle%20for%20Ukraine%2018102017&dm_i=1S3M,58DPI,QQ7LRI,K59F5,1, accessed 2 November 2017.

[126] See the resolution of EP, 17 April 2014: http://www.europarl.europa.eu/sides/getDoc.do?type=PV&reference=20140417&format=PDF&language=EN&secondRef=SIT Accessed 3 July 2016.

Equal Rights Trust 2015), "from despair to hope" (Kravchuk and Zinchenkov 2015), and "the ice is broken" (Kravchuk and Zinchenkov 2016). This brings the issues of temporarily and its complexity into view. The matter of bad/good timing comes into light in the discussions over the strategic time-sensitive approaches when certain issues should be prioritized in certain times. Concurrently, the tension between the local actors and external global actors on that matter becomes apparent.

The geo-political dimension of "being in transition": the transgender phenomenon and the reproduction of Ukraine as not-European-enough

The problematization of the transgender phenomenon in Ukraine started when LGBT rights had already become "a strong political currency" (Ayoub 2016, 215-220) in the country's negotiation over its European belonging. After having outlined the broader geopolitical frame of the LGBT rights agenda and Europeanization in contemporary Ukraine, I shall now elaborate on how sexual diversity is instrumentalized by both local and global LGBT actors through the problematization of the transgender phenomenon.

In October 2015 in Kyiv, *Insight* organized an international conference entitled "Transgender issues in social and medical context". This three-day event aimed at becoming "a platform for communication, exchange of experiences, best practices and finding a common language between medical experts, government agencies, human rights defenders, researchers and trans* activists from different countries and different contexts".[127] The conference addressed best practices and solutions (from Western European countries), and critically investigated the state of affairs of transgender issues in Ukraine. The event gathered main local and global actors in the field of transgender activism, both from Ukraine and other part of the post-Soviet region (Russia, Georgia, Kyrgyzstan, Kazakhstan, Moldova). It also included a few local medical professionals, delegates from international intergovernmental human rights organizations, such as the Council of Europe and Human Rights Watch, and representatives of the international networks of organizations, initiatives and professionals dedicated specifically to transgender rights, such as Transgender Europe, Global Action for Trans* Equality,

[127] http://transconf.org.ua/en/, accessed 8 January 2016.

Transgender Reference Group at the Global Forum on MSM & HIV, and the European Professional Association for Transgender Health.

In her opening speech, Petra De Sutter, who is a member of the Parliamentary Assembly of the Council of Europe, invoked a linear-temporal frame when stating (by way of problematization) that we have "a very long way still to go" when transgender rights in Ukraine are concerned:

> Friends, I have the honor of being a member of the Parliamentary Assembly of the Council of Europe of which your country is a member state. And you know we passed the revolutionary resolution against transgender discrimination in Europe in April. We called for a lot of things that will be discussed in the next sessions… The Parliamentary Assembly hereby gives a clear signal to those member states, which still have a long way to go. I believe Ukraine is such a member state. In the latest ILGA Europe rainbow map – you might know this - Ukraine received the score of only 10 per cent. This means – a very long way still needs to be gone. And this is why we all here today in the following three days – legal and medical experts, politicians and activists – we will all together debate medical, psychological and legal aspects of transgender health and rights and hopefully bring some positive changes in Ukraine to the field of LGBTQI care and rights, because LGBTQI rights are human rights. (Petra De Sutter, opening speech, Transgender Conference, October 2015, Kyiv).[128]

The speech of Petra De Sutter eloquently sums up the logic of the discussions around the transgender phenomenon in Ukraine:

(1) transgender issues are largely problematized through the legal and medical dimensions of the "transition" procedure (see Chapter 5);

(2) transgender (inter)national professionalized activism translates the transgender problem and its solution into the human rights vocabulary and a law-oriented advocacy framework (see Chapter 6);

[128] Quotes are from my field notes and audio recordings from the Conference.

(3) (Western) Europe holds the position of an exemplary point of reference for the best practices and achievements in the domain of gender equality and sexual politics, while other countries are relegated to the position of "less developed" and in need of catching up.

In the following, I will mainly focus on the centrality of the idea of (Western) Europe as a repository of "best practices" and on the instrumentalization of transgender issues in this process of recreation of the East/West divide.

As I noted in Chapter 3, the linear-temporal "catching up" rhetoric underpins the logic of geopolitical "transition" which Ukraine as a "post-Soviet" country is presumably going through. When "post" in "post-Soviet" is defined in temporal terms as "after socialism/communism", it assumed a movement from the constraining Soviet past to the desired European future. Moreover, the teleology of such "transition" defines the content of the "Soviet"/"past" and the "Europe"/"future", constituting specific ideas about another economic and political order (i.e. capitalism and neoliberalism) and social progress in terms of gender equality and LGBT rights, including transgender rights, which symbolize "European", "desired", and "the future".

The category of "Sovietness" is crucial in the way that Ukraine is framed in local political discourses about the current "civilization choice" of the country. This category also pervades, however subtly, the discussions around the transgender problem, both in statements of the local professionalized LGBT activists and in interviews with transgender respondents (Insight Transgender Archive, 2009-2010 and 2014-2015 transgender research). Accordingly, in the annotation to the transgender conference, *Insight* stated that "[i]n Ukraine the ability of transgender people to affirm their identity and to integrate into society […] is based on an outdated pathologizing and dehumanizing approach within *post-Soviet* psychiatry, which reduces individuality and needs of transgender persons to a set of symptoms".[129] During my fieldwork, the team members of *Insight* and other LGBT activists often lamented that the "Soviet way" of thinking and acting, presumably prevalent amongst Ukrainian bureaucrats and medical

[129] http://transconf.org.ua/en/, accessed 27 November 2017, italic is mine – NH.

professionals, hinders the process of negotiations over desired changes in the gender recognition procedure.

When describing their "transition" within society, particularly in the medical sector in Ukraine, several respondents in the interviews that were conducted for *Insight*'s transgender research in 2009/2010 (Insight 2010b) and 2014/2015 (Husakouskaya and Insight 2015a) reproduced the spatio-temporal opposition between the "West" and the "Soviet/ness", ascribing "Soviet/ness" to people's attitudes and structures persistent in Ukrainian governmental/medical bodies (and society at large) when talking about:

- the rudimentary forms of bureaucratization (respondent #20, *Insight*'s research 2009/2010, raw data); [130]
- the past, backwardness, and out-datedness (#1 and #11, 2014/2015);
- the impossibility to imagine other futures (#25 and #27, 2009/2010);
- the lack of education (#25, 2009/2010);
- the dearth of diversity (#2 and #9, 2009/2010); and
- stagnancy (#21, 2014/2015 and #15, 2009/2010).

In opposition to "Soviet" backwardness, "Europe" is being imagined as a place where

- a transgender person feels "free and at ease" (#18, 2009/2010);
- transgender individuals can "easily change their documents and get a job" (#36, 2009/2010);
- "citizens can change their passports based on their written request" (#7, 2014/2015); and
- "some countries pay for surgeries for transgender citizens" (#10, 2014/2015).

In some instances, especially in the later research (2014/2015), participants expressed their anticipation of Ukraine choosing the trajectory towards the European future. As one of the respondents said:

> In the light of the latest developments, when Ukraine orients itself towards more civilized countries, and I like that country where I live moves in this direction, in this light I like calling myself a Ukrainian (#1, 2014/2015).

[130] Further I use a shorten version of the reference to raw data in research indicating the serial number for the interview and the year of research.

Both local and international transgender activists tend to reinforce this dichotomist geopolitical logic in their attempt to create a European frame of reference for (better) practices and policies. The reports and brochures produced by *Insight* are imbued with references to EU documents and other "Western" prescriptive texts dealing with human rights, transgender rights, and transgender health. One fifth of the Insight Transgender Archive consists of texts from international conferences, network meetings, and seminars, including papers from the Trans Rights Conference (October 2009, Malta), the European Conference on new ways in overcoming gender stereotypes (Prague, May 2009), and the legal seminar on implementation of EU laws on equal opportunities and anti-discrimination (October 2009). Most of the recourse materials are preserved as originals in English, with very few documents being translated into the local/national/regional language. The documents preserved and used later for advocacy and educational purposes include, for example,

- a paper on HALDE's cases (The French Equal Opportunities and Anti-discrimination commission);
- a discussion paper on The Dutch Equal Treatment Commission;
- a briefing paper on "examples of legal and policy good practices on trans equality and inclusion" (delivered by the representatives of ILGA-Europe and Transgender Europe);
- a discussion paper on gender identity discrimination;
- an "intersex and transgender list of demands" (developed by activists in Atlanta in 2005);
- "10 tips for working with transgender individuals, a guide for health care providers" (compiled by the Transgender Law Center, USA); and
- a translation to Russian of the CommDH/IssuePaper (2009).

At the transgender conference in Kyiv, the resolution 2048 (2015) of the Council of Europe, "Discrimination of transgender people in Europe"[131], was one of the most cited political documents that set the framework for advocating "for quick, accessible, and

[131] See the Resolution here: http://semantic-pace.net/tools/pdf.aspx?doc=aHR0cDovL2Fzc2VtYmx5LmNvZS5pbnQvbncveG1sL1hSZWYvWDJILURXLWV4dHIuYXNwP2ZpbGVpZD0yMTczNiZsYW5nPUVO&xsl=aHR0cDovL3NlbWFudGljcGFjZS5uZXQvWHNsdC9QZGYvWFJlZi1XRC1BVC1YTUwyUERGLnhzbA==&xsltparams=ZmlsZWlkPTIxNzM2, accessed 27 November 2017.

transparent legal gender recognition procedures based on self-determination". [132] Therefore, in the domains of the professionalized transgender (and LGB) activism, the "Western" frame of reference serves as "internationally sanctioned political scripts deploy[ed] locally" by NGOs (Alvarez 2000, 47).

During the transgender conference, Ukraine was time and again depicted as "a bad place to live for transgender people" with "a long way to go" towards the better practices and better quality of life. The international experts in the field of transgender rights reproduced the ostensibly monolithic picture of a progressive "Europe". Denmark kept being mentioned as a good example in papers delivered by representatives of international NGOs, while Argentina was mentioned occasionally (often on the second place). Likewise, a close reading of the interviews (especially those from 2014/2015 transgender research) offers a perception of the "West" as narrowed to a set of European countries, namely Germany, France, and Denmark. However, the signifier "Europe"/"West" emerges as a very vague imaginary in transgender people's accounts. By contrast, the neighboring countries appear to be more concrete and manageable. They are considered as easier to navigate, with available networks and information, an understandable logic within medical settings, and comparably affordable prices. Somewhat counter-intuitively, therefore, Belarus appears as a more desirable alternative than does any other "Western" country when it comes to the transgender procedures (respondents #7, 11, 18, 27 and 28, 2014/2015) and affordable surgeries (respondents #4, 9, 10, and 17, 2014/2015). Designated by Western actors as the "last dictatorship in Europe" [133], Belarus offers the legal gender recognition before medical interventions/modifications are performed. In the interviews, Moldova stands out as another place of better (comparing to Ukraine) treatment available for people.

[132] See the TGEU statement: https://tgeu.org/issues/legal-gender-recognition/, accessed 27 November 2017.

[133] As for a persistent usage of "Europe's last dictatorship" with regards to Belarus, see, for example, The Economist publication, 10.10.2015 (http://www.economist.com/news/europe/21672234-nail-biting-election-incumbent-looks-scraping-home-europes-last-dictator), its later explanation "why "Europe's last dictatorship" is offering visa-free entry", 17.01.2017 (http://www.economist.com/blogs/economist-explains/2017/01/economist-explains-13), The Telegraph's excurse inside Belarus, 25.08.2016 (http://www.telegraph.co.uk/travel/destinations/europe/articles/belarus-inside-the-last-dictatorship-in-europe/), Al Jazeera's analysis of Belarusian political regime, 21.01.2016 (http://www.aljazeera.com/programmes/peopleandpower/2016/01/belarus-europe-dictator-160120104016003.html), and German Ze.tt's account of Belarus, 16.12.2016 (http://ze.tt/meine-reise-durch-die-letzte-diktatur-europas/?utm_content=zeitde_redpost_zei_link_sf&utm_campaign=ref&utm_source=facebook_zonaudev_int&utm_term=facebook_zonaudev_int&utm_medium=sm&wt_zmc=sm.int.zonaudev.facebook.ref.zeitde.redpost_zei.link.sf), accessed 18 February 2017.

According to the Transgender Europe's (TGEU) Trans Rights Europe Map & Index 2016, the "map of Europe" [134] with regards to "transgender rights" looks more complicated than the strict West/East divide suggests. As of 2016, only 30 out of 49 European states "have robust legal procedures [regarding legal gender recognition] in place", and "23 states in Europe (13 in the EU) require by law that trans people undergo sterilization before their gender identity is recognized". The map and its explanatory note highlight that there are also other discriminatory requirements in place, such as diagnosis of mental disorder (36 states), medical treatment (30) and invasive surgery (23), single civil status – forcing those who are married to divorce (22), and/or exclusion of minors (34).[135]

Moreover, many of the "improvements" in "Europe" happened quite recently. For instance, sterilization was banned in Germany only in 2011. In France, "gay and transgender activists welcomed a new law that lets transgender people change their legal status without having to be sterilized" [136] only in October 2016. The first "self-declaration" gender identity law was passed outside of "Europe", in Argentina in 2012, and more recently in Denmark in 2014, with Malta and Ireland following in 2015. In 2016, the media were saturated with news that "Norway has one of the most liberal transgender laws"[137], but it was hardly mentioned that prior to this recent change of laws, the state required full-scaled surgical and medical intervention to be recognized as legible for gender/name change.[138]

Therefore, while there is a tendency to discursively construct a progressive/democratic West in contrast to a barbarian/authoritarian East, the analyzed international reports on transgender issues as well as the interviews conducted with Ukrainian transgender respondents point towards discrepancies in this picture. Nevertheless, the LGBT issues

[134] See http://tgeu.org/wp-content/uploads/2016/05/trans-map-B-july2016.pdf, accessed 20 January 2017.
[135] Transgender Europe, "Trans rights Europe map and index 2016", http://tgeu.org/trans-rights_europe_map_2016/, accessed 20 January 2017.
[136] "Transgender rights: France scraps sterilization in status law", BBC, 14 October 2016: http://www.bbc.co.uk/news/world-europe-37653459, accessed 26 October 2017.
[137] "Norway has one of the most liberal transgender laws in the world – and here's the result", Business Insider Nordic, 3 August 2016, http://nordic.businessinsider.com/norwegian-gender-law-2016-8/ , accessed 20 January 2017.
[138] See Tarald's post, "Transgender in Norway": https://framandkar.wordpress.com/2008/03/06/transgender-in-norway/, accessed 20 January 2017.

and the transgender phenomenon continue to be instrumentalized in the discursive (re)distribution of geopolitical entities along the East-West civilizational slope, which, amongst other things, leads to a set of geo-temporal effects.

Geo-temporal effects of the instrumentalization of sexual diversity in Ukraine

The external governance by conditionality (Schimmelfennig and Sedelmeier 2004, 2005) with its political pressure and the logic of consequences, has been utilized by some LGBT activists in order to speed up the process of achieving certain rights for their constituencies. This external pressure coupled with local activists' lobbying efforts brought some important reforms to life (including the introduction of the SOGI into the Labor Code[139] and the new Decree no.1041), and made the LGBT issues visible and more widely discussed in the Ukrainian society.[140] Nevertheless, the "pressure to transition"[141] exercised by the "Western" actors, the instrumentalization of sexual diversity, and the concurrent production of Ukraine as not-European-enough lead to a set of geo-temporal effects on the discursive level, subjectivation and lived lives. Following Bacchi's approach, these forms of effects are interconnected: discursive effects point to "what is discussed and not discussed", subjectification effects encompass "how people are thought about and how they think about themselves", and lived effects reveal "the impact on life and death" (Bacchi 2010, 4).

It is possible to discern between three geo-temporal effects of the instrumentalization of sexual diversity in contemporary Ukraine:

(1) the production of Eastern European/post-Soviet territories, including Ukraine, as permanently transitional, which conceals strategies and forms of "doing politics" that

[139] See http://zakon0.rada.gov.ua/laws/show/322-08, in Ukrainian, accessed 20 December 2017.
[140] While I agree that these developments can be seen as an improvement, I argue that there may be (un)expected consequences of the heightened LGBT visibility and the introduction of certain laws. I discuss the consequences and limitations of these developments in Chapter 6 and Conclusion.
[141] I indebted for this phrase and its underlying logic to *crashchaoscats* and her blog entry, "Pressure to Transition", where she tries to respectfully approach tensions and points of solidarities between transgender issues and lesbian embodiment. As she outlines in the beginning, she addresses concerns of "lesbian, butch and other gender non-conforming women" who have been "pressured to identify as trans and transition female to male" and who have "transitioned in response to the cultural environment [they] live in and how other people have treated [them]". For more nuanced reading: https://crashchaoscats.wordpress.com/2017/11/14/pressure-to-identify-as-trans-and-transition/, accessed 28 November 2017.

fall beyond the geo-temporal "transitional" logic;

(2) the contribution to the anti-Western and anti-gender backlashes, which feeds local nationalist rhetoric and complicates the critical position towards Europeanization; and

(3) the imposition of the linear logic of "Western" development, which leads, amongst other things, to local gendered/sexual identities and histories being erased and/or rendered unintelligible.

I will next attend to each of these effects, focusing on the transgender phenomenon and its instrumentalization when possible.

The production of the Eastern European territories as permanently transitional

To reiterate, in December 2016, the Decree no.60, which had been adopted in 2011 to regulate the gender legal recognition procedure in Ukraine, was repealed and replaced by the new, more inclusive and less discriminatory Decree no.1041. Not surprisingly, the international transgender organizations welcomed this "progressive" development in Ukraine. In January 2017, *Insight* embarked on intense negotiations with Ulyana Suprun, a new acting Minister of Health, in order to push for further amendments in the law. The same month, Richard Köhler, TGEU's Senior Policy Officer (who attended the transgender conference in Kyiv in October 2015) made an official statement:

> We would like to congratulate everyone involved in this important step forward. Ukraine is on the right track by doing away with the worst health and legal provisions for trans people in Europe. Civil society insisting on a human rights approach have brought this fundamental change to the lives of trans people in Ukraine… Nevertheless, more needs to be done for legal gender recognition and trans-specific health care to be compatible with human rights standards: requirements for medical intervention, surgery, a minimum 2-year psychiatric assessment, and the remaining possibility to be psychiatrized need to be gone… Ukraine should follow the examples of Norway, Ireland, Denmark, and Malta

and remove all medical elements from gender recognition procedures.[142]

Köhler's statement of 2017 echoes Petra De Sutter's conference speech in October 2015: it highlights the importance of a human rights approach to the transgender phenomenon, and it positions Ukraine in relations to the allegedly better and more progressive Europe. In both messages, the transgender phenomenon is instrumentalized in a way that produces Ukraine as a country that needs to get back "on the right track" and "follow the example" of European countries. Ukraine is portrayed as a country with "the worst" practice towards transgender people "in Europe", despite the fact that TGEU included Ukraine on the list of "the best practice examples of gender recognition laws and case law"[143] with three administrative court decisions won in June and July 2015.[144]

In short, the transgender phenomenon problematized within the framework of the instrumentalization of sexual diversity produces Ukraine as a country caught up in the persevering transitional effort to leave its "Sovietness" behind and join "the West". As mentioned earlier, this mechanism of othering renders geopolitical entities of "Central and Eastern Europe", such as Ukraine, "permanently transitional, 'post-communist'" (Kulpa and Mizielińska 2011b, 3). Within this catching up developmental logic intrinsic to the East/West civilizational divide, Ukraine is destined to make the transitional move that can never be completed; the destination (end-goal) is unachievable *per se*. In temporal terms, all countries of "Central and Eastern Europe" (CEE), including Ukraine, linger "in a stagnant moment of time before capitalism and after socialism, lagging behind the singular trajectory of EUropean development" (Woodcock 2011, 65).

Ukraine can be seen as being the grey zone of Europe, "neither in nor out but somewhere in between" (Pachmanová in Koobak and Marling 2014, 334). "Being in transition" discursively bounds Ukraine to the constant oscillating movement between "East" and "West", which translates into the pressure to constantly "choose Europe over Russia" (Molchanov 2016).

[142] Transgender Europe, "Ukraine abolishes arbitrary and cruel trans health protocol", 25 January 2017: http://tgeu.org/ukraine-abolishes-arbitrary-and-cruel-trans-health-protocol/, accessed 26 January 2017.
[143] See: https://tgeu.org/issues/legal-gender-recognition/, accessed 28 November 2017.
[144] See the list: https://tgeu.org/gender_recognition_laws/, accessed 27 November 2017.

It is important to highlight that the geopolitical function of instrumentalization of sexual diversity is twofold: it builds a "specific conception of *backwardness* in the context of human rights protection", while strengthening "a model of European citizenship grounded in the liberal concept of 'tolerance' as a cultural and political marker of civilization" (Ammaturo 2015, 1161). Both statements, the one by Petra De Sutter and the other by Richard Köhler, demonstrate the central role of "Western" actors, with their insistence on "European values", human rights and civil society as markers of the progressive transition from "post-Soviet" hybrid regimes towards democracy. The instrumentalization of sexual diversity inevitably problematizes Ukraine as a never-European-enough, while simultaneously producing Europe as repository of the better, more civilized practices in the domain of transgender rights and health.

Moreover, the transgender problematization within the logic of Europeanization entails bolstering "transition" as one of the key concepts around which the progressive developmental European narrative unfolds (on the geo-political level) and which becomes focus for the transgender advocacy-oriented activism (on the level of "transgender lives and problems"). On the one hand, the idea of "transition" taken critically can be used fruitfully while analyzing "both epistemological and geopolitical perspectives and points of departure" (Dahl 2012, 13). On the other hand, it may conceal multiple and complex strategies and alternative forms of "doing politics" pertinent to local contexts that go beyond the transitional logic. Redi Koobak and Raili Marling unpack this complexity of "transitional" movement towards West:

> The end of Soviet dominance was not characterised by a simple replacement of one ideology with another, as the metaphor of transition would imply, but by a multiplicity of coexisting viewpoints and anxieties about location, globalisation, ideology, nation and, above all, the aspiration to be accepted in the West as West (Koobak and Marling 2014, 334).

In the "transitional" framing, what is less discussed (if at all) is the potential of alternative survival strategies and the hybrid forms of activism and political regimes that may be grounded in a different temporal logic.

The contribution to the anti-Western and anti-gender backlashes

In November 2015, the law banning discrimination in the workplace, including that based on sexual orientation, finally passed. After the first Kyiv Pride in May 2013 took place, despite being banned by a local court,[145] and the Kyiv Pride 2014 was cancelled due to authorities refusing to protect the event[146], Pride in 2015 was held in Kyiv with Poroshenko supporting it as *a European president*.[147] The newly elected president stated: "I will not participate in it, but I don't see any reason to impede this march because it's a constitutional right of every citizen of Ukraine".[148] In 2016, the organizers of the Equality March managed to keep the event uninterrupted with the support (protection) from local authorities and the police. It claimed to be the most massive Equality March that had taken place in Ukraine. Therefore, one can argue that the link between LGBT rights and "EU-worthiness" (Böröcz 2006, 124), and the external political pressure applied by EU to the Ukrainian state, have proved fruitful.

Nevertheless, it is important to take into account that in newly formed post-Soviet nation states, the Soviet legacy of "yok[ing] together the sexual and political dissident by virtue of a shared criminality and pathology" (Kayiatos 2012) persists. This discursive pattern of lumping together sexual and political "others" has animated nationalist discourses, which widely employ "the figure of homosexual […] in the process of creating the image of the purified national self" (Navickaite 2012, 133). In this regard, the entanglement of the LGBT movement with a Western/European epistemological framework (channeled through external political pressure and financial aid from donor agencies), unwittingly defeats the goals set by the activists as their preferred agenda.[149]

The anti-Western and anti-LGBT (or anti-gender) backlashes have occurred in many Central and Eastern European countries (Poland, Hungary, Serbia are some of the examples) in times when the process of "European integration" ceased to be a geopolitical issue, that is, when membership in the EU has been obtained (see, for

[145] See http://www.pinknews.co.uk/2013/05/25/ukraine-lgbt-activists-in-kiev-holds-first-ever-peaceful-gay-pride-march/, accessed 11 July 2016.
[146] See http://www.pinknews.co.uk/2014/07/05/ukraine-kyiv-pride-cancelled-after-authorities-refuse-to-police-event/, accessed 21 July 2016.
[147] See http://www.pravda.com.ua/rus/news/2015/06/5/7070271/, in Russian, accessed 18 June 2016.
[148] See http://mashable.com/2015/06/05/ukraines-poroshenko-supports-pride-parade-in-kiev/#Z9uDgmZX4ZqB, accessed 18 June 2016.
[149] I will analyze the role of donor agencies in the transfer of ideas in Chapter 6.

example, Mole 2016, Slootmaeckers and Touquet 2016, Bilić 2016b, Heinrich Böll Foundation 2015). However, I want to highlight that the rise of alt-right movements and anti-LGBT rhetoric is not confined to the "East". These tendencies are becoming more conspicuous in the "West" as well (e.g. Donald Trump in the US and Marine Le Pen in France). Moreover, as Suchland notes, the far-right groups connect to each other and operate transnationally, which "blur[s] the 'civilizational' boundaries" (Suchland 2018, 12). These developments no doubt challenge the "European exceptionalism on human rights as a distinguishing cultural, political and legal feature of the whole continent" (Böröcz 2006, 124), and defies the simplistic instrumentalization of sexual diversity in an attempt to reconstruct the firm East/West divide.

In Ukraine, the problematization of LGBT issues against the backdrop of the geopolitical negotiations of Ukraine over its European belonging has fed anti-LGBT as well as anti-Western sentiments and caused a severe backlash for the LGBT communities and activism in recent years. The purported compliance with the EU requirement on the level of law adaptation is accompanied by the rise of nationalist discourses in their attempt to get away from the Soviet past while simultaneously adhering to "traditional values", notably "family values". In November 2015, when the law banning discrimination in the workplace passed, including that based on sexual orientation, Petro Poroshenko explained the meaning of the event for the Ukrainians through a tweet: "Ukraine is breaking free from the shackles of discrimination from the Soviet past. Meanwhile, family values remain inviolable". The speaker of the Parliament assured the fellow deputies that the "family values" would stay intact, stating: "I hear some fake information which says that there may be same-sex marriages in Ukraine. God forbid [that] this will ever happen. We will never support this".[150]

According to Martsenyuk, the increased homophobic sentiments in Ukraine became evident shortly after the Orange Revolution (Martsenyuk 2012, 53). The incapability of the government to stabilize the economy after the EuroMaidan exacerbated the situation and strengthened the far right extremism which had been on the rise from 2010 onwards (Likhachev 2013). As Nicole Disser notes:

[150] See: http://www.bbc.co.uk/news/world-europe-34796835, accessed 11 June 2016.

> If the economy is in shambles, then rally popular support for a government incapable of fixing the problem by distracting people with an unsavory scapegoat, in this case the LGBT community and its supporters, who were characterized as channels of European influence and thus a threat to traditional Ukrainian values and culture (Disser 2014, 111).

The military conflict in the East of the country augmented the militarist rhetoric, and allowed LGBT, feminist and gender-related issue to be sidelined and/or absorbed by the nationalist agenda (see Mayerchyk 2014, von Klein 2017). Local politicians problematized LGBT, gender- and sexuality-related issues as being *ne na chasi*, meaning badly timed in Ukrainian (interview with Olga Plakhotnik, July 2014). In June 2015, Vitaly Klitscho, the Kyiv Mayor, asked the organizers to withhold and cancel the Kyiv Pride due to safety issues and, more importantly, the necessity to keep Ukraine united. In his message, Klitscho stated:

> Today, when the war continues in the East of the country, it is *bad timing* to hold public events, especially those that are ambiguously perceived by the society. Now we have only one enemy – the military aggression in the East. Therefore, I call to everyone, don't play into the hands of the enemy, don't incite hostility and don't create further confrontation in the center of the capital.[151]

In June 2015, Dmyto Yarosh, a leader of the *Right Sector* (the Ukrainian far right group) and then a member of the Parliament, who had run for the presidency in May 2014, urged the Kyiv mayor Klitschko to ban the Kyiv Pride. In his statement, he overtly linked the Pride, "gender ideology", and LGBT activism to European integration:

> Additionally, I will say a few words on "LGBT" and Euro[pean] integration. To a great extent, propaganda of homosexuality and gender ideology is reinforced from the West, through the governmental and non-governmental channels. And that's very interesting! Apart from financial support of the relevant organizations and programs, the West performs a serious pressure on other Kyiv authorities to force them to introduce the "LGBT" ideology. Now let's think whether Ukraine needs

[151] The original message of the Mayor of Kyiv in Ukrainian: https://kievcity.gov.ua/news/24644.html, accessed 11 July 2016. The emphasis is mine.

> such a Euro[pean] integration when someone is imposing their will on us? We are fighting Moscow imperialism not so that someone else should have the opportunity to govern us – we are fighting for our freedom![152]

As the quote and discussion above suggest, the discourses of "Europeanness" as "a moral geopolitics of goodness in human rights" (Böröcz 2006, 124) feeds into Ukrainian nationalistic rhetoric, invoking the East/West civilizational divide. In the current geopolitical climate, the discursive practice of problematizing some countries as homophobic and transphobic "directly strengthens the dichotomy between liberal (queer-friendly) and illiberal (homo/transphobic) members of the Council of Europe", thus re-entrenching "political resistance to values and norms seen as being imposed… directly by the 'West'" (Ammaturo 2015, 1151). More importantly for our purposes, nationalist rhetoric opposing "Western" values of tolerance and human (sexual) rights deter critical thinking around the processes of Europeanization and the strategic transfer of ideas from "West" to "East" (by way of instrumentalization of sexual diversity). As Yarosh's comment suggests, criticisms of these processes has to a large extent been hijacked by anti-Western and anti-LGBT populist rhetoric. This supports and contributes to my statement in Chapter 3 that the challenge to find a tangible critical position towards "the West" in contemporary Ukraine stems from the local historical context along with the hierarchical organization of global knowledge production.

The imposition of the Western linear developmental logic

The transgender phenomenon in Ukraine has been problematized within the professionalized LGBT activism, which in turn has been part of the development of the third sector (*tretii sektor*). The third sector emerged in the early 1990s as the "realm of citizens' initiatives", alongside the first sector (the state) and the second, private sector of business (Hemment 2003, 217). The third sector represents "the forms and logic of political activism" with its focus "on the project to promote civil society development" where understandings of "political activism", "civil society", and "development" have been largely "encouraged by international development agencies" (Hemment 2003, 215) and underpinned by the neoliberal understanding of transition towards democracy and a

[152] See: https://www.facebook.com/dyastrub/posts/839707806106105?pnref=story, in Ukrainian, FB public entry by Yarosh, on 4 June 2015, accessed 11 July 2016.

Western version of modernity.[153]

In the case of sexual politics, the westernized temporality of LGBT histories and progressions has been imposed as a central part of this wider developmental framework of "political engagement". In the edited volume on de-centralizing western sexualities, Mizielińska and Kulpa (2011a) offer a critical stance towards this "Western style of political and social engagement" that was "quite unanimously adopted [by Central and Eastern European countries after the collapse of the "Iron Curtain"] without much questioning of its historical particularism and suitability for their context" (Mizielińska and Kulpa 2011, 14). Mizielińska and Kulpa note that in the West,[154] "queer history" has been unfolding linearly, going gradually through stages of "gay movement", "lesbian feminism", the AIDS epidemic, queer theory, and more intersectional or plural LGBTIQ movements, eventually with an added "T" and "I" for transgender and intersex constituencies.

Meanwhile, the CEE countries, after 1989, were thrown "in the protuberance of clutching ideas […] far from a linear and progressively accumulative vision of time" (Mizielińska and Kulpa 2011, 16). In acordence with this non-linear temporal development, the organized LGBT movements in the post-Soviet/Eastern European region were discursively constructed as simultaneously a desired step forward, towards democracy, and an inevitable step back, comparing to a Western timeline of the LGBT development (see Mizielińska and Kulpa 2011, Buelow 2012). For example, Elena Gapova, a founding director of the Centre for Gender Studies at European Humanities University in Belarus, described "a new generation of women's movement in Russia and Ukraine with anarchist inclinations" as "voicing something that the West said in 1970s" (interview with Elena Gapova, July 2014). In the same vein, Anna Dovgopol, the coordinator at the Heinrich Böll Foundation's program in Ukraine, "Gender Democracy", compared the politics of the women's organizations in Ukraine to "what

[153] Anastasia Kayiatos notes on "queer coincidences of [the] supposedly opposed [capitalist and socialist] ideologies": "although the USSR constructed its own modernity narrative, one deliberately at odds with the American story, it nonetheless deployed a matching idiom of enemy-production, and yoked the sexual and political dissident together by virtue of a shared criminality and pathology" similar to the capitalist ideology that "forced communist and queer bodies into an inextricable embrace as enemies of the state in the latter half of the twentieth century" (Kayiatos 2012, 34).

[154] The notion of the "West" in Mizielińska and Kulpa's writing refers to the domination of Anglo-American, mostly, US-American thinking and influence in knowledge production, and also to "a normative ideal of 'how things should be'" (Mizielińska and Kulpa 2011, 22).

was in America in the 1960s", concluding that "there is nothing unique here [in Ukraine]" (interview with Anna Dovgopol, October 2015).

As a consequence of this imposition of the Western liner development logic, the post-Soviet/Eastern European countries – in their "transition towards democracy" – are more or less stripped of their own "queer" history that might have been written prior to the rupture of the big narrative in 1989 and long before the Western mode of temporality was installed. This historical oblivion leads, amongst other things, to the erasure of histories of sexual liberation or emancipation that predate the well-recognized narratives of Western liberal modernity and its sexual revolution(s). For example, Elena Gapova comments:

> Now we are revising Soviet and communist [heritage]. Now I understand that those issues western feminist theory started raising in the beginning of 1970s, they were voiced [in the Soviet Union] in the 1920s through these women's councils (*zhenotdel*). In 1918, Bolsheviks founded the whole department dedicated to women's issue. It [the department] was closed in 1929 since it was decided that the women's issue had been resolved. But they introduced free childcare, kindergartens, and health care in rural areas and all these women's magazines like *Rabotnica i krest'anka*[155] (interview with Elena Gapova, July 2014).

Bini Adamczak, a political scholar, underlines that "the Russian Revolution instituted the most progressive code on marital relations and divorce that the modern world had ever seen" (quoted in Buden 2013, 190).[156] Similarly, researchers "confront the 'erasure of memory' of the feminist tradition in the former Yugoslavia in European genealogies" (Mitrović 2014, 135). Paradoxically, while having too little queer history, the former "communist countries" seem to suffer from an excess of history: from "too much past" with reference to the alleged backwardness of the "post-socialist heritage" (Zaborowska, Forrester, and Gapova 2004, 22). The backwardness of the region is reinstated through

[155] *Rabotnitsa i krest'anka* translates as "Worker and peasant" with both nouns being of feminine gender.
[156] In her lecture in the Institute for Cultural Inquiry in Berlin on 16th of June 2011 she continues: "It [the Russian Revolution] abolished Tsarist penalties against homosexuality and legalized abortion. In 1922, a Soviet court ruled that marriage between a cisgendered woman and a transgendered man was legal, regardless of whether it was a same-sex or trans-sexual marriage. It sufficed that it was consensual. […] The Russian Revolution was not only ahead of its own time, but also of ours. It was, in part, a queer-feminist revolution" (quoted in Buden 2013, 190).

the concomitant erasure of local histories of sexuality and the emphasis on the region's political otherness. Additionally, queer temporality scholarship (Cvetkovich 2003, Edelman 2004, Halberstam 2005, Hemmings 2011, Puar 2005, Berlant 2011), which questions heteronormative assumptions about temporality, fails to address the temporal normativity of sexual politics within the East/West civilizational divide. Discussions of Eastern/Central European queer temporalities in this scholarship are scarce.[157]

As suggested above, one of the most important means for channelling the globalized linear developmental logic into local LGBT activism is donor financial support that sustains the third sector while transferring ideas about "productive" forms of activism and terminology around gender and sexuality (recognized by the globalized actors). In the next two chapters, I will focus on this transfer – both of terminology and forms of activism.

[157] I refer specifically to a reading list of a PhD course titled "Theorizing Queer Temporalities" that was held by InterGender Research School on the 16-18th of January 2014 at Gothenburg University, Sweden, and to Jackie Stacy's lecture "Embodying Queer Temporalities: The Future Perfect of Peggy Shaw's Butch Noir" given at Gothenburg University in January 2014.

Chapter 5. Defining "transgender": problematization of the transgender phenomenon in practical texts of LGBT NGOs in Ukraine

In my research I treat "transgender" as a historic and performative category in line with Butler's theoretical approach to "gender" (Butler 2004, 10). As would be clear by now, I understand "transgender" as a problematized term: "the product of a constant, social reiteration (and contestation) of those meanings on a range of contexts – from the day-to-day assertions of gay, lesbian, and transgender communities and the activist strategies of LGBT movement, to the intellectual labor of scholars" (Valentine 2007, 31). Taking up problematization as an analytical lens, I approach "transgender" as a *practical* and therefore *relational* category. I define practices as "places" where "what is said and what is done, rules imposed and reason given, the planned and the taken for granted meet and interconnect" (Foucault 1991 in Bacchi 2012b, 2-3). As already mentioned, this understanding of practices as places of interconnection and interplay shifts the analysis from *objects* – be it the transgender population or LGBT NGOs – towards *relations* through which these objects are constantly re-created.

As also mentioned above, a good starting point for the analysis of problematized phenomena is the analysis of policies and policy proposals, since they offer a concise vision of a "problem representation" (Bacchi 2012a, b). I take this to include practical (or prescriptive) texts – the diverse regulations that are "written for the purpose of offering rules, opinions, and advice on how to behave as one should" (Foucault 1985, 12). I have highlighted that practical texts are produced with a purpose to propose solutions, voice opinions, and manifest the rules with regard to certain phenomena while simultaneously producing these phenomena as problems, providing the reason for rules and actions, and creating an expert knowledge (and experts themselves) as a result of knowledge production around the problem. Typically, "practical texts" refer to guidelines, policy papers, reports, manuals etc. Under a wider umbrella of practical texts, my data material consists of a selection of transgender-specific research, analytical reports, and educational and informational materials (brochures) that have been produced and published by Ukrainian LGBT NGOs.

In this chapter, I analyse the ways that the transgender phenomenon is constructed by Ukrainian LGBT NGOs. I centre my analysis on texts produced by *Insight*, with a special focus on definition of the transgender category, conceptualization of the problem (usually through "needs assessment"), and formulation of solutions that seem reasonable and relevant in these texts. I also draw on participant observation and interviews with members of *Insight,* other LGBT activists, and representatives of donor agencies. I start by discussing the meaning of "transgender" that appeared in practical texts of LGBT NGOs prior to *Insight*'s transgender research. I then concentrate my analysis on the practical texts produced by *Insight* and on shifts in practices of defining the "transgender phenomenon" and "transgender community" as a certain problem and a particular target group respectively. The identified shifts, which should not be taken as unilinear and clear-cut, have occurred over the last eight years (2010–2017).

I follow and simultaneously question the widespread strategic usage of the term "transgender" by local Ukrainian LGBT NGOs, medical professionals, and international (mostly, US-American and Western European) transgender advocacy activists and bureaucrats. In my analysis, I focus on the *relations* through which "transgender" arises as a problematized phenomenon in the practical texts produced by local LGBT NGOs. How is "transgender" defined and constructed as a category and a target group in these texts? What kind of needs constitute the "transgender problem"? How do they construct "the community" as a community? Does the community speak back to the professionalized LGBT movement? Are there any other relations at play when it comes to the "transgender phenomenon" being "questioned, analysed, classified, and regulated… at specific times and under particular circumstances" (Deacon 2000, 127) in contemporary Ukraine?

Prior to the first transgender research in Ukraine: "transsexuals" and "transgender"

Prior to *Insight*'s pioneering research on transgender persons in Ukraine (Insight 2010a, b), the transgender phenomenon was mentioned sporadically and briefly in LGBT NGO publications, mostly as a form of comparison (to gays and lesbians) and a call for inclusion (along with gays and lesbians). Prior to 2010, we can identify two trends in the practical texts. One tendency is to leave "transgender" as a category absent, that is,

completely absorbed by the pathologized figure of "transsexual". The second tendency is to use "transgender" as a broader umbrella term for multiple subcategories, including "transsexual" but not limited to it. These two tendencies can sometimes be identified in one and the same texts (due to a mix of logics or inconsistency in the argument), but mostly they are separate trends.

The first tendency: the figure of "transsexual"

The first approach can be illustrated by the first "comprehensive survey on the situation of gays and lesbians in contemporary Ukraine", published as "Golubaia Kniga"[158] by *Nash Mir* in 2000 (Nash Mir 2000). In a four paragraph section on "transsexuals", the figure of "transsexual" is heavily medicalized, reduced to the bodily sense of self, and used as a tool to distinguish between homosexuality and "a full-fledged permanent sense of self as being a person of an opposite biological (physical) sex". "Transsexuality" is in this case simplistically defined through the "ultimate dream to change sex" (Nash Mir 2000). All provided accounts of "transsexuals" are anecdotal, referring exclusively to male-to-female transsexual people. In essence, "transsexuality" is used to draw a clear line between "gender and sexuality as distinct categories of human experience" (Valentine 2007, 145), similar to early texts on sexology and sexopathology but without scientific justification. The distinction between gender and sexuality is implicit and practical, aiming at defining the problematic population and territory of intervention on behalf of an NGO (and an emerging gay/lesbian movement).[159] The research deploys neither "transgender" nor "gender" as descriptive or analytical terms.

[158] *Golubaia Kniga* translates as *The Blue Book* and alludes to "goluboi" (blue), an offensive word used in Soviet times to refer to a gay male. Probably, it is close to the meaning and functioning of the word "faggot" in English.

[159] In October 2015, Anna Dovgopol, a gender program coordinator at Heinrich Böll Foundation in Kyiv, suggested that similar dynamics of keeping gender and sexuality apart were reenacted by women's movement in Ukraine. Dovgopol was referring to rampant anti-gay movements, or "anti-gender movements", in Ukraine (see, for example, a separate publication on that matter by Heinrich Böll Foundation 2015). In particular, she noted that these anti-gay movements link "gender" and "homosexuality" and claim this mixture to be "the Western propaganda". Dovgopol assets that this understanding of "gender" by members of anti-gay movements prompts women's organizations distance themselves from LGBT movement and insist on working solely on "women's issues", which then excludes any issues around "sexuality" (interview with Anna Dovgopol, October 2015).

Nine years later, the same take on "transsexuality" can be found in an edited manual[160], "Social work with people who practice same-sex sexual relations: Theory. Methods. Best practices" (Geidar 2009). Here, "the problem of transsexuals" is thoroughly explained in sexopathological terms:

> Supposedly, pathology that leads to transsexuality stems from a severe dysfunction of differentiation of the brain's structures responsible for sexed behavior. This deviation leads to the distortion of self-identification and to sense of belonging to another sex despite of biological sex and relevant role upbringing of a child… At the moment, the only method of curing transsexuality with positive results is hormonal and surgical correction of a person's sex in accordance with one's gender identification, and also – social measures: change of documents and resocialisation of an individual in a new gender role (Geidar 2009, 21-22; translation from Russian is mine - N.H.).

In both research reports, "transsexual" is defined against the backdrop of local legislation related to medicalized gender recognition procedures (the Decree no.57 at that time). An important difference between the two texts lies in their point of reference when positioning and interpreting the "transsexual" phenomenon. The section devoted to "transsexuals" in "Golubaia Kniga" is based entirely on one, local source: a journalistic article entitled "Ministry of Health and Ministry of Justice are deciding whether to cut genitals, or one more dead end of the Ukrainian demographics".[161] The article was published in 2000 in *Politika i kul'tura* (Politics and Culture), a Ukrainian-speaking magazine that claimed to be "the first attempt to adapt a western format of weekly newsmagazine to the Ukrainian media market".[162] One can infer from the magazine's profile that "a western format" might have been the reason that this topic received coverage at all. At the same time, the category "transsexual" appears in this article – and is in this capacity transferred into the report – as a problematic *population*

[160] The manual, literally a practical text, was co-authored by representatives of LGBT NGOs across Ukraine, including those working overtly with MSM and HIV/AIDS. The section on "the problems of transsexuals" is written by Elena Semenova (Informational and Education Centre *For Equal Rights*) and Laima Geidar (Informational and Education Centre *Women's Network*).

[161] The article was authored by Povaliaieva and is not available on-line. I am quoting the article's title as it stands in a bibliography section of the report.

[162] See: https://uk.wikipedia.org/wiki/ПіК, accessed 29 July 2017. This magazine in its previous version ceased to exist in 2004.

(hence, "demographics" in the title). The transsexual phenomenon is positioned in relation to the *national* governmental bodies, notably the Ministry of Health and the Ministry of Justice, and their anxiety about regulating certain bodies. This national governmental context continues to frame the transgender phenomenon in Ukraine in later publications and developments of the transgender agenda.

In addition to national governmental mechanisms, the "Social Work" manual legitimizes transsexualism as a "disorder" through two *international* frameworks of medicalized knowledge: "Soviet" and "Western". The report explicitly refers to a manual of sexopathology published in the 1970s by a Soviet (Russian) sexopathologist Vasilchenko[163] (Vasilchenko 1990, section 8.4.1.2. on deviation of sexual development) and the Intentional Statistical Classification of Diseases and Related Health Problems, the 10th version (Geidar 2009, 21-23). The latter reference to ICD-10 is brief and underdeveloped, with the diagnosis of "gender identity disorder – GID" (F 64.0) translated in Russian simply as "personality disorder". These two geopolitical signifiers – the Soviet and the Western – will continue to serve as reference points in transgender activism, although with some alterations in what each of them represents.

The second tendency: emergence of "transgender"

The second tendency is considerably weaker than the first one prior to the transgender research conducted by *Insight* (Insight 2010a, b). In the following, I mostly refer to the first research report on lesbians, "To be a lesbian in Ukraine: Getting empowered", where "transgender" is introduced as a complex phenomenon that consists of various identities (practices) (Geidar and Dovbakh 2007). The report itself hardly deals with

[163] Georgii Vasilchenko was a Russian/Soviet neuropathologist. He is one of the founders of Soviet sexology and sexopathology. He developed and introduced "systematic approach" in sexology along with a method of the structural analysis of sexual disorders, sexologist anthropometry, and age and conditional norms of sexual behavior. He was the first to write handbooks for doctors on sexopathology in 1977 and 1983. In 1960-1965, Vasilchenko worked as an assistant of a head of the department dealing with international stipends in the European Regional Bureau (Copenhagen) of the World Health Organization. Vasilchenko contributed considerably to the institutionalization of sexology and sexopathology in the USSR: he established sexopathology as a separate discipline and a medical specialization and launched a set of sexologist rooms, departments and centers across the USSR. The genesis and genealogy of sexopathology as a discipline in the USSR goes beyond a scope of my research. Nevertheless, I would note that the development of this discipline was unfolding in a close dialogue (and competition in a Cold War manner) with Western (American) sexologists such as Alfred Kinsey and John Money (Vasilchenko 1977, 15-31). See a short biography of Vasilchenko here - https://cyberleninka.ru/article/v/georgiy-stepanovich-vasilchenko, accessed 01 August 2017.

transgender and/or transsexual people, but it provides definitions for the terms "transvestite", "transsexual", and "transgender person" in the glossary section.

This terminological expansion introduces several important shifts in discussions around the "transgender phenomenon" in Ukraine. Firstly, "gender"[164] enters the discourse as "the sociocultural sex" and "a complex of social expectations and norms, values and attitudes" (Geidar and Dovbakh 2007, 91). "Gender" is used throughout the report in various constellations: "gender stereotypes", "gender role", "gender expression", and "gender identity".

Secondly, the western medicalized origin of the terms is made explicit. For example, the terms "transvestite" and "transsexual" are traced to Magnus Hirschfeld's work in the 1920s. The connection to the Western origin and ideas will gradually be concealed in further NGO reports, with many terms (not only "transgender") being taken for granted or explained without an overt point of reference.

Thirdly, as noted above, the "transgender" term earns a separate glossary entry. It appears as an umbrella category which encompasses "transsexuals, transvestites and people who wear clothes of an opposite sex because of ritual or traditional reasons" (Geidar and Dovbakh 2007, 96). Transgender person is defined as "a person whose gender identity or gender self-expression does not match his or her biological sex". A similar definition is applied to a transsexual person with the addition of "a sense of being trapped in the wrong body" (Geidar and Dovbakh 2007, 96). Nevertheless, while a separate glossary entry is dedicated to "transgender" and "transsexual" and there is obviously an attempt to discern between the two, the distinction remains blurred or elusive.

[164] There is no equivalent of "gender" word/term in Ukrainian, Russian and Belarusian. Therefore, the term and all its derivatives (including "transgender") is simply transferred/transliterated from English. The same is true for many other gender- and sexuality-related terms such as "transvestite" and "transsexual". More on the development of gender- and sexuality-related vocabulary see Chapter 6.

The transgender phenomenon in Insight's practical texts: main shifts in practice

In 2010, *Insight* instigated the first research focusing solely on transgender people in Ukraine, using interviews to gather relevant data for the report (Insight 2010a, b). From 2010 onwards, the organization produced a considerable amount of practical texts that address transgender needs and (infringement) of transgender (and LGBT) rights (see Appendix 3). In my analysis, I draw primarily on three field-based research reports (Insight 2010b, Vovkogon, Romanyuk, and Insight 2012, Husakouskaya and Insight 2015a). I also pay attention to four transgender-related papers/guidelines (Insight 2012, Iriskina 2016, Insight 2016a, Insight and Iriskina 2017) and four publications with a broader focus on LGBT issues (Yarmanova 2012, Insight, Shevchenko, and Frank 2014a, Insight, Frank, and Shevchenko 2014, Guz, Shevchenko, and Iriskina 2016).

First, however, I want to briefly address my engagement in the 2014-2015 advocacy-oriented research (Husakouskaya and Insight 2015a). In 2014, I decided to accept *Insight*'s offer to act as an invited researcher in the project dedicated to documentation of cases of discrimination against transgender people in medical settings (Husakouskaya and Insight 2015a). My work with *Insight* was grounded in a mutually beneficial collaboration: I gained access to *Insight*'s transgender archive in exchange for conducting research for them.[165] Given my short-term field visits, it would have been hardly possible for me to gain access to the field if not through a well-established NGO with its networks and data gathered over the years of activities. This work allowed me to witness how transgender activism is done on the ground, and at the end, these observations influenced the aims and objects of my own research project; I shifted from transgender narratives to the problematization of the transgender phenomenon in a broader geo-political setting. Ethical and methodological challenges encountered in the field deepened my understanding of how different actors produce different objects as problems and how these problematizations function in different discursive formations.

[165] To comply with the ethical clearance I obtained from the Norwegian Social Science Data Services, I limited my responsibilities as an invited researcher to (1) analysis of the medical and bureaucratic/state framework related to sex reassignment procedures and legal gender recognition in Ukraine; (2) development of the guidelines and questions for semi-structured interviews; (3) coding and analysis of the anonymized interviews; and (4) report writing. All interviews from the *Insight* project of 2014-2015 were conducted, transcribed and anonymized by *Insight* staff members.

Being an invited researcher at *Insight*, I have of course contributed to the very same problematization of the transgender phenomenon that I critically investigate in the current thesis. That makes me complicit in the process of problematization of the transgender phenomenon in Ukraine. I contribute to the problematization of the transgender phenomenon both as an invited researcher who produced an NGO report used later for advocacy purposes, and as a scholar who has been enrolled in a scholarship funded by a Norwegian university to do research and write the thesis in English for an English-speaking academic readership. This "problematic" positionality points to the more general problem of always being partial in research projects (which supports a long standing feminist critique of "objectivity"), and situates me as simultaneously an insider and an outsider in local activist as well as globalized academic settings, which in turn might allow me to be more attentive to the ruptures and irresolvable conflicts within both fields.

In this section, I take my involvement in *Insight*'s research activities critically and include my self-observations as part of the data material when analyzing how the transgender phenomenon is put into practice. Given the fact that *Insight* inaugurated and somewhat crystallized the transgender agenda in Ukraine, I use the term "practice" here to denote the "intelligible background" for actions (Flynn 2005, 31).

I discern between five shifts that occurred over the course of eight years (2010-2017) in the practical texts produced by *Insight*:

(1) Proliferation of an inclusive "transgender" terminology, while simultaneously reducing "transgender" to "transsexual";
(2) Construction of the "transgender problem" through needs related to local legal and medical gender recognition procedures;
(3) Utilization of "transgender voices" to manifest the problem, justify the needs and offer solutions;
(4) Production of the "transgender community" as a target group for further action/services;
(5) Emergence of Western European and North American medical and legal frameworks as a key reference point for solutions and better practices.

The transgender terminology: proliferation and reduction

From the first report on transgender people (Insight 2010a, b) onwards, in glossaries as well as introductory sections of research reports, guidelines and papers, *Insight* has continued to define "transgender" as an umbrella term, with "transsexual" specified as a subcategory. In this respect, *Insight* has followed the second, less medicalized trend in approaching the transgender phenomenon, and gradually expanded it: allowing more identities and subcategories to be included in the phenomenon and, more recently, making the (non)normative and (non)binary premises of it more explicit, that is, problematized gender normativity based on the male/female binary.

The first research report on transgender persons defines transgender as "a general term applied to a variety of individuals whose gender identity deviates from the sex assigned at birth", which includes "transvestites, cross-dressers, androgynes, intersex and bigenders" (Insight 2010b, 3). In an informational brochure on LGBT rights, transgender as "a general term" refers to "persons whose sense of self, self-expression and behavior does not correspond to those considered normative for people of certain sex (usually male or female) in different cultures" (Insight, Shevchenko, and Frank 2014b). In the research devoted to the discriminatory treatment of transgender people in Ukrainian medical settings, I described transgender as "an umbrella term" and overtly situated it in relation to "an Anglo-American context" where it "encompasses a diverse range of gender-variant subjectivities and experiences such as transvestism, transsexuality, genderqueer, female and male drag etc." (Husakouskaya and Insight 2015a, 6). In the latest *Insight* publication, "androgynous, bigender, genderqueer, and also agender people – people who do not identify with any gender" – are included as identities that exist along with "familiar female and male [identities]", and are "collectively referred to as non-binary" (Insight and Iriskina 2017, 3).

However, in most of the practical texts, the authors tend to analyze and assess (in terms of needs and solutions) "transgender" in the narrow meaning of "transsexual". The reduction of "transgender" to "transsexual" is signaled by the frequently used labels "Female-to-Male (FtM)" and "Male-to-Female (MtF)" (Insight 2010a, b, 2012) as well as "transman" and "transwoman" (Husakouskaya and Insight 2015a, b). The report on the civil rights of *transgender* people in its terminological section provides only these

definitions:

> Transsexual (*transsexual*)[166] is a person whose gender identity is one of opposite to the innate biological sex and who desires to bring her[167] body in accordance with self-feeling, usually through means of hormonal and surgical correction. Transsexual *MtF (Male-to-Female)* is a person who was born with a male body but feels himself being a woman. *FtM (Female-to-Male)* is a person who was born with a female body but feels herself as a man. As for surgeries, there are pre-op *(pre-op)* transsexuals – those who are preparing for the operation; post-op *(post-op)* – those undergone surgery; non-op *(non-op)* – those for whom surgical operation is not possible or is undesirable because of the state of health or other reasons (Vovkogon, Romanyuk, and Insight 2012, 3).

In the reports that follow the first research of 2010, the narrow meaning of "transgender" is localized and attributed to the local Ukrainian context. In the research report on discrimination of transgender people in the medical settings, I opted for "transman" and "transwoman" as shortcuts to define respondents. I stated at the beginning that in a local Ukrainian context, "transgender" is used to signify what "transsexual" usually means: a person "whose gender identity does not match the biological gender assigned to them at birth and who usually opt for medical procedures in order to 'transition' to the opposite sex (both medically and legally)" (Husakouskaya and Insight 2015a, 6).

The report of 2012, which deals with the impediments to access rights for transgender people in Ukraine, makes an attempt to contextualize and problematize "transgenderism" as being a new (and alien) concept for the post-Soviet region:

> [I]n post-Soviet space, transgenderism has been hanging in the air, for it has been unable to be grounded in cultural or social descriptions and therefore it ended up being embedded in medical psychopathological practices in a form of psychiatric diagnoses such as "transsexualism", "transvestism", and others. Till this day, the

[166] I highlight in italic the words that in the original text are preserved in English providing a linguistic reference to the terminology.
[167] The original text is written in Ukrainian where "a person" ("liudyna") is a noun of female gender. Therefore, a possessive pronoun correlates in (female) gender with the noun. Ukrainian does not have an equivalent of a singular "they" in English (see on the use of "they": https://en.oxforddictionaries.com/grammar/using-they-and-them-in-the-singular, accessed 22 July 2018).

> only officially recognized group is "transsexuals", but they are recognized only in a medical aspect (Vovkogon, Romanyuk, and Insight 2012, 5).

To be sure, most of *Insight*'s practical texts acknowledge the interchangeability of the terms, but do not subvert it. The report on social barriers and discrimination that transgender people face sums it up:

> In the Ukrainian context, [transgender] is often used to refer to transsexual people – individuals who are experiencing a significant psychological discomfort from gender they have been raised in, and wish to socialize in a different gender role and, consequently, make their appearance as close as possible to that of the opposite gender (by means of hormonal therapy, various cosmetic and surgical procedures) and also change their name and sex in identification documents. Transsexualism is listed in the 10th revision of the International Statistical Classification of Diseases (ICD) as a diagnosis under the code F64-0 (Insight 2016a, 3).

In a nutshell, the transgender and transsexual terms are introduced into discourse in *Insight*'s practical texts simultaneously and used interchangeably, which bring to our attention the question of different temporalities linked to import of terminology and local specificity – linguistic, epistemological, and geo-political. *Insight*'s practical texts attempt to combine the two approaches discussed above: to maintain "transgender" as an umbrella category for various identities, and at the same time ground "transgender" in a medical and legal frame identical to a "transsexual". The meaning of "transgender" is often defined within a local context but also in relation to a broader meaning which is implicitly credited to either the global context (this is where the East/West divide surfaces), or to the vast variation of gender identities in Ukraine (which obviously escapes attempts to narrowly pin them down). This oscillation between a "local" and a "global" view is in keeping with major NGOs' services in Ukraine (and this is where the generic "transgender community" is constructed as an elusive and yet specific category).

The problematization of the transgender phenomenon through needs assessment

The problematization of a phenomenon unfolds not only within "networks of power" and "institutional mechanisms" but also through "existing forms of knowledge that direct the attention … to specific phenomena and thereby produce new knowledge" (Deacon 2000, 131). The transgender phenomenon has been consolidated as a problematized phenomenon in Ukraine primarily in three field-based transgender-oriented research conducted by *Insight* in 2009-2010 (Insight 2010a, b), 2012 (Vovkogon, Romanyuk, and Insight 2012), and 2014-2015 (Husakouskaya and Insight 2015a, b). In all three reports the needs of transgender people were voiced and presented as stemming from and grounded in the gender recognition procedures (medical and legal) and discrimination (in medical settings and in a wider society). Thus, the "transgender problem" has been formulated in *Insight*'s practical texts in terms of "transgender health" and "transgender rights". The focus on rights has been supported in other analytical reports and advocacy papers where *Insight* addresses the human rights of transgender people, with increasing attention given to discourses on hate crimes and acts of violence (Insight, Shevchenko, and Frank 2014a, b, Guz, Shevchenko, and Iriskina 2016).

The first field-based research on "the situation of transgender people in Ukraine" introduced the transgender phenomenon as a (mental) health problem of transsexual people (Insight 2010a, b). It provided needs assessment and therefore laid out the foundations for further advocacy efforts. The second research set out to tackle "civil rights of transgender people in Ukraine", with a persistent focus on the entwined procedures of legal gender recognition and medical sex reassignment. At its core, there was still the accessibility and availability of necessary medical interventions and legal gender/name change in identity documents in Ukraine (Vovkogon, Romanyuk, and Insight 2012). The third, explicitly advocacy-oriented research documented the "cases of discrimination of transgender people in medical settings in Ukraine": it tied up discourses around "health" and "rights" of "transgender people" (Husakouskaya and Insight 2015a, b).

When reading the finished reports against the accompanying documents (i.e. the project applications, the budget, the questionnaires, the informational sheets for the participants

etc.) and the raw data (i.e. the interview transcripts), we get a better grasp of the discursive construction of the transgender phenomenon in the practical texts: what has been emphasized and directed attention to, what has been left out and remain obscure. My further analytical notes are based on the first and third research conducted by *Insight* (Insight 2010a, b, Husakouskaya and Insight 2015a, b), since I have had access to the raw data and the accompanying documents in these cases.

The first report (Insight 2010b), written by Svetlana Ivanchenko [168], represented transgender as a highly problematized and medicalized phenomenon embedded in psychological discourse of a distraught self and life in the "wrong body". The questions for respondents were grouped into five sections: general section (questions around identity); family; health; work and study; and discrimination. The underlying logic of the questionnaire required a linear and non-conflicting narrative, much in tune with the narrative anticipated by doctors and the Commission.

Sometimes, trans-terminology and the concept of "a problem" was introduced or specified by an interviewer and then followed up by a respondent. For example, one of the first questions was: "At what age did you feel for the first time that you are a man/a woman (that your gender identity to a certain extent does not correspond to your innate sex)?" Sometimes this question in an actual interview was simplified and translated into: "When did you feel for the first time that something was wrong?" In other occasions, however rarely, an interviewer would use the transgender label, even if a participant had identified as transsexual or transvestite or was elusive in their use of label and gendered endings. For example, in the transcript of an interview #25, a transcriber left a note at the beginning of the transcript:

> I had a feeling that the participant did not use consistently gendered endings. He does not always use female [grammatical] forms while talking about himself.

[168] Svetlana Ivanchenko, who designed research and produced the report, has a candidate degree (a post-Soviet equivalent for PhD) in Psychology. At the time of the research, she was employed at the Institute of Social and Political Psychology (a division of the Pedagogic Academy of Science). Based on data gathered during the field research for and by *Insight*, she produced two academic articles: "Transgenderism, gender identity and gender stereotypes" (Ivanchenko 2009) and "Social-psychological aspects of transgenderism in Ukraine: the problems of transition, the position of the state and public opinion" (Ivanchenko 2010). The articles were written in Russian and published in an on-line journal on Psychological Studies for Russian-speaking audience. Both of them are foregrounded in psychological discourse of "transgender identity formation".

> Sometimes the endings are flexible, not always verb's female endings could be heard [on the recording], or he avoided using verbs in sentences all together. So I guess this [discrepancy] can be found in the text (transcript of the interview #25, 2009-2010 Insight Transgender Research, Insight Transgender Archive).

The binary approach (man/woman) was reiterated constantly by the interviewers, and reaffirmed in the choice of terminology in the final report (FtM and MtF). The questions revolved around the complexities and problems that a transgender person encounters when realizing their identity, during transition, in medical settings, in family, at work etc. In some instances, a researcher stressed the need for a detailed account of problematic moments: "If you have started your transition, has the way your family treats you changed in the process of your transition and/or after your transition? If it has changed, then specify how? (Please provide details if it has worsened: have there been verbal abuse, ruddiness, violence)" (Research questionnaire, 2009-2010 Insight Transgender Research, Insight Transgender Archive).

Transcripts show that the interviewers tended to stick to the interview guideline, thus keeping track of problems and difficulties, dismissing almost entirely alternative narratives and episodes of self-sufficiency, family support, successful navigation of medical system through bribes or networks, satisfaction in private life, resistance to be categorized or stigmatized etc. Below, I provide just two examples of such episodes.

> *Interviewer:* I am still having difficulties grasping how you identify. You don't associate yourself with transgender, do you?
> *Participant:* I do associate myself with transgender, but I do not associate myself firmly with transsexual or transvestite. I cannot strictly define myself (excerpt from Interview #8, raw data, 2009-2010 Transgender Research Project, Insight Transgender Archive).

> *Participant:* And my grandfather told me: "You can do what you want and live as you wish. I had an inkling [about you]". But my grandfather had been a military man and had had experience working with people. He told me: "Yes, I have met such people. So I have known [them]". I asked him: "Didn't you think I was a lesbian or something like that?" [He answered] "I knew that it was something like

this, I just didn't know what it was called" (except from Interview #23, raw data, 2009-2010 Transgender Research Project, Insight Transgender Archive).

I found these alternative narratives to be the most intriguing parts of the transcripts, because they disrupt or contradict the interviewers' intent and sometimes the overtly linear stories of the participants. Here, I refer to the stories of "older" "transgender people who were born and raised in the USSR and who were mostly "discovering" themselves before 1991 and before the Internet become available; the stories of support (especially from the grandparents); the resistance of some participants to frame their experience in terms of "discrimination based on gender identity"; the persistence in voicing importance of class over gender; various ways of reclaiming identities beyond the "transgender" term. These alternative narratives were left out of the report, and no justification for this omission was given. This omission becomes conspicuous only when the report is juxtaposed to the raw data.

The research project of 2014–2015 was less pathologizing but still firmly ingrained in the medical discourse surrounding the Procedure, which was conditioned by the research focus outlined in the project application. I attempted to influence the research agenda at the stage of compiling questionnaires and analyzing the material. In the questionnaire, I incorporated some questions with a less binary approach to leave room for participants to question trans-related terminology and tell alternative stories. However, when I read the transcripts, I realized that some questions (like the one about being proud or joyful of one's gender identity) were left out in the interviews. In some instances, the interviewer provided lengthy explanations about the Procedure.

I included transgender people's voices (Husakouskaya and Insight 2015a, 80-82) and positive experiences of the participants in medical settings (Husakouskaya and Insight 2015a, 65-67) throughout the report, but failed to alternate the report in any other ways: the writing was structured according to the Procedure process (focusing on sex reassignment procedures and medical interventions, services, and institutions) and shaped by the aims of the project and advocacy rationality. I was instructed to follow the project's aims as outlined in the project application (the research was supported by ILGA-Europe and Open Society Foundation), using it as a guideline when writing up the

report.[169]

As a result, the main needs of transgender people in both reports were confined to the discrimination that transgender people face in medical and legal settings as well as the legal and medical facets and faults of existing procedures. These needs – formulated through "transgender health" and "transgender rights" – are the focal points of both research projects, which is particularly evident in the recommendations given at the end of each report (to the Ministry of Health, medical professionals, legal institutions, and civil society, LGBT NGOs in particular).

Needless to say, the reports are written for advocacy purposes, thus fulfilling their function as practical texts, forming the basis for certain types of action, i.e. justifying advocacy as the main tool to tackle the transgender problem. There is no denying that the treacherous and humiliating gender recognition procedures have caused a lot of harm for people subjected to them. Yet, at the same time, it is evident – from my position as both an insider and outsider – that these needs were singled out and constructed as the most urgent issues in the "transgender community", thus making the need for intervention on these issue a defining feature of the "community" as a target group. The needs of transgender people were voiced quite literally through the process of "giving transgender people" a voice.

"Transgender voices": when the "community" speaks back

One of the key differences of the *Insight* reports from their predecessors was that *Insight*'s work involved transgender people. Through the process of interviewing, the organization attempted to give "transgender people" a voice – an opportunity to express their concerns. As already mentioned, not everything voiced by the participants made it into the final reports, and the issues that were discussed in the reports were strictly guided by the interviewer who, in turn, was directed by the questionnaire. To make the production of the transgender phenomenon more evident, I want to expand on the discrepancies between the final reports and the raw data used for the analysis. I will continue to focus on the self-definition and needs assessment.

[169] I will elaborate on donor agencies and their influence on the forms of local transgender activism in Chapter 6.

The majority of the respondents in the 2009–2010 and the 2014–2015 research projects were unwilling to ally themselves unequivocally with the term "transsexualism" due to its medicalized nature and its adhering to the diagnostic criteria for gender reassignment treatment in Ukraine. Keen to distance themselves from the pathologizing medical label of "transsexual", many of the respondents also tried to avoid using the term "transgender" when describing themselves. This ambiguous take on the "transgender" label was omitted in the 2009– 2010 report, and only touched upon in the 2014–2015 report. It is fair to say that it was largely ignored in both reports when it came to the choice of terminology.

Those with negative attitudes to the transgender label were inclined to conform to the binary system: they viewed the prefix "trans" as temporary, unnecessary and/or humiliating, and claimed to be aiming for transition into the neat category of "man" or "woman".[170] Even those who saw the term transgender as neutral stressed that they were uncomfortable or reluctant to use it. Some participants recognized the term transgender as used *for* and *by* others (by and for the society at large, academics, NGOs and doctors). As one of the respondents noticed:

> Transgender… I was surprised when I heard this word [some time ago]. I asked my friend what it was, what it meant. And my friend, she started explaining to me that there are different variations and she promised to share videos with me. I asked her what is the point of this differentiation. And she said: "So people can better understand". And I said: "Ok, if it is more understandable for people"… and overall, maybe it is used only for people to understand (Husakouskaya and Insight 2015a, 16).

Some respondents noticed the "Western" origin of the tern "transgender", being "used somewhere in the US and Europe" (respondent #23, raw data, 2014-2015 Transgender Research Project, Insight Transgender Archive). Other participants reflected on the

[170] For example, this is an account from an interview #4 (2009-2010 Transgender Research Project, Insight Transgender Archive): *Participant*: "For me a [transsexual] person is someone who is in-between, who is in the process, in the process of becoming. When he reaches his goal, his personal harmony, he stops being a transsexual. This is more like a temporary event in his life. This is how it is for me. This is a process he is going through. It can be a surgery, a change of documents, or hormonal treatment, or something else, which leads to a balance in his feelings. After that, he identifies differently".

constructed nature of the term "transgender", as being introduced recently in the vocabulary of those who were in search for an appropriate word to (self)identify. One of the respondents in the 2014–2015 research gave an example of coming out to a friend:

> When I started telling her this [that I felt as a man], she said to me that she understood. In fact, at that time there was no such word as "transgender". One would say that you were a man, you felt like a man. No one was saying anything about transgender, absolutely not. It appeared around three years ago, that is when I learned about it, about this distinct category, "transgender", and about different variants of it (Respondent #11, raw data, 2014-2015 Transgender Research Project, Insight Transgender Archive).

Importantly, those few participants who proudly used the term "transgender" and considered it part of their political identity tended to be associated in one way or another with activism or social work. In other words, they had already been exposed to certain ideas and vocabularies. While acknowledging challenges that transgender people face in society, this group stressed the potentiality of the term (and identity) for highlighting their distinctness and eluding traditional understandings of gender roles. This positive attitude was hardly discernible in the 2009–2010 research. It became conspicuous only in 2014–2015, which can probably be attributed to the visibility that transgender activism gained over these 5–6 years in between.

Some participants did not relate to the man/woman opposition, falling somehow beyond conventional gender categories when describing themselves. In the 2009–2010 research, quite a few participants attempted to avoid direct answers to the question about self-identification or the relevance of the transgender category. In the 2014–2015 research, these participants actively tried to evade binary categorizations, describing themselves through an expanded gender- and sexuality-related vocabulary[171], for example as "queer", "bigender", or "gender-queer". I want to give two examples of how participants evaded strict labelling, one from each research:

[171] I will elaborate on this expansion of gender vocabulary in Chapter 6.

> What I mean – I don't have this firm inner self-realization that I am a woman. It is rather constructed from different moments… If I lived in an isolated island, I wouldn't care less who am I – a man or a woman. But taking into account the reality of humanity, I feel more like a woman than a man (Respondent #3, raw data, 2009-2010 Transgender Research Project, Insight Transgender Archive).

> I feel like neither a man nor a woman, nor do I feel like in-between […] or somewhere at the continuum [between man and woman]. I rather feel … it is hard to explain… I rather feel like a human being, a human. Do you understand? But a human being of a different kind (Husakouskaya and Insight 2015a, 15).

As I already pointed out, for all its diversity, people interviewed by *Insight* for transgender-focused research were lumped together under the category of transgender – being categorized as FtM/MtF or transman/transwoman – regardless of the gender variations. While writing the report in 2015, I attempted to give room for the multiple variations in identity expressed by the participants (Husakouskaya and Insight 2015a, 14-17), but I nevertheless used "transman" and "transwoman" as a shorthand term, which alleviated slightly the medical rigidity of the FtM/MtF terms but was still constrained to a binary understanding of gender. My choice of terminology was based on the premise that this terminology was recognizable (for the local community, LGBT actors, donors etc.) and widely accepted in the Western academia and activism (the report was written in English, translated into Ukrainian, and tailored to advocacy efforts on national and international levels).

As for needs assessment, in the 2009–2010 research, participants were explicitly asked about their need for NGOs services and their experiences (if any) of turning to an NGO for assistance. As the raw data suggests, the vast majority of the participants stated that they had never asked NGOs for assistance or help, which can be explained through the absence of trans-specific organizations at the time (*Insight* had just launched its program, and this research was the first step in establishing it). When asked hypothetically about what they would have needed from such an organization if it had existed, some of them expressed an interest in more practical information (about doctors and the procedures), others wanted a place to meet up and socialize. However, most participants did not have such needs because they had already sorted things out or were

planning to do so by themselves. The following account from one of the participants illustrates this self-sufficient attitude:

> *Interviewer*: Have you ever sought any assistance or support from any organization?
> *Participant*: No.
> *Interviewer*: Why?
> *Participant*: What is the point? They would grab a person who offended me by the scruff of the neck or they would go to my parents and tell them that I am a girl… I do not see it as relevant support. First of all, I have to become independent, stand on my own feet, and then I will not need any organization. Unless… when I graduate from the university, to get a proper job, where I will be treated normally – that would be a good help (Interview #7, raw data, 2009-2010 Transgender Research Project, Insight Transgender Archive).

To be sure, some participants did express the need for an NGO, especially to intervene in (reform) the procedures, but this was quite rare. As one of the participants stated:

> When there is a third party, an NGO, who protects my interests and my rights, I feel secure and confident, I trust that the information is correct and my confidentiality will be preserved… but amongst those organizations that exist now, none of them can assist me (Interview #1, raw data, 2009-2010 Transgender Research Project, Insight Transgender Archive).

On the one hand, there was very little understanding of what kind of services an NGO could provide.[172] On the other hand, when directed by the questions, many of the participants agreed that the procedures had to be changed and anti-discrimination laws should be in place. The 2014–2015 research (that I was part of) had been already predefined as an advocacy tool to change the procedures, and its questions targeted problematic aspects of the process, thus suggesting that transgender people need these

[172] One of the possible reasons for this difficulty to locate and define NGOs as acceptable service providers may stem from the fact that the third sector (in a form of NGOization) appeared in the post-Soviet region after the collapse of the USSR. Therefore, there has been no tradition in place to trust, participate in and/or rely on such organizations. In addition, their functioning may have been compromised by the donor's support and (Western) discourses used in their rhetoric. I will address these issues in Chapter 6.

changes. As a result, the participants' needs had already been assumed and were not questioned.

Production of the "transgender community" as target group

As of 2009, the transgender agenda steadily transpired as a conspicuous part of the professionalized LGBT activism in Ukraine. As noted above, 2009 was the year when *Insight* officially launched its transgender program and started appointing staff members to lead it,[173] and in 2010, the first report on transgender people in Ukraine (based on field research) was published (Insight 2010a, b). According to the *Insight* director, Olena Shevchenko, working with "the community" was one of their priorities from the very start. This work, in the forms of training, film screenings, and gatherings has run along advocacy work and gained strength from 2011 onwards (interview with Olena Shevchenko, July 2014).

In 2012, lesbians, transgender, and intersex people were singled out as the key target groups (see Insight 2012-2014 Strategic Plan in Insight Transgender Archive), framed as "more vulnerable and more discriminated against", and therefore in need of services and protection (Interview with Olena Shevchenko, July 2014). Despite defining these three groups as their primary constituencies, however, *Insight* kept focusing on the "transgender community". Until 2016, the English version of the *Insight* web page provided a timeline span of the main breakthrough activities carried out by the organization, most of which centered on trans-related advocacy, including multiple research reports on the situation of transgender people in Ukraine, submission of an International Covenant on Civil and Political Rights (ICCPR) shadow report, and consultation on sexual orientation and gender identity (SOGI) issues in Ukraine.[174]

The first transgender research report issued by *Insight* contains one of the starkest and most concise descriptions of "transgender people" as a target group and "a phenomenon":

[173] It has to be mentioned that all coordinators of the transgender program in *Insight* have self-identified as "transgender" (taken up various subcategories within a "transgender" continuum).
[174] As of July 2018, the web page has been updated and restructured. See the new English version of the page here: https://www.insight-ukraine.org/en, accessed 24 July 2018.

> The transgender (transsexual) phenomenon in Ukraine is a silenced issue and is not on the public agenda. Unlike other stigmatized groups, transgender people do not stand up for their rights and recognition, they do not attempt to organize and start form interest groups. In most cases they silently fight their problems tête-à-tête, often without understanding or even with total rejection by their close friends and family, lack of qualified medical help and refusal in the right to be who they feel they are (Insight 2010b, 5; this excerpt is originally written in English).

This quote from the introductory section of the report suggests that specific transgender needs necessitate a set of actions, that is, solutions to the transgender problem. The key constitutive features of the "transgender community" are said to be: supreme stigmatization and lack of rights and recognition (hence the necessity to introduce anti-discrimination legislation and change the gender recognition procedures), silence (hence advocacy work towards greater visibility), and dearth of agency (hence activities to empower the community).

When asked about the transgender program – the group it targeted and the needs of this group – Olena Shevchenko (*Insight* director) characterized "transgender people" as following:

> Transgender people are very diverse. There are people who insist on depathlogization and on individual choice and the right to change the documents. But there are many very stereotypical transgender people who change from one "box" to another. And for them, it's very important to be a true woman or a true man, and genitals are important here. They want surgical modifications. I am fine with it, but there are other people, and I do not see any contradiction here. There are problems in the community. Many people support sterilization, and there are even people who believe that they should not reproduce, should not give birth to monsters. It reflects the society as a whole – they are common people from different paths of life. We are united by discrimination. It is hard to belong to a community that is united by a common problem and not because of shared interests (Interview, Olena Shevchenko, July 2014).

This excerpt from the interview demonstrates that alongside an acknowledgment of "transgender people" being "very diverse", there is a discursive effort to produce a "transgender community" as a group of people with a common problem (or rather a set of problems), namely, discrimination, the medical sex reassignment process, and legal gender recognition procedures. On the one hand, this problematization seems to reflect the difficult situations that many (self-defined) transgender people face. The interviews that were available to me through the *Insight* archive testify to this problem focus. That suggests that the problematization (production of a problematized phenomenon) is "an 'answer' to a concrete situation which is real" (Foucault 1983, 75). On the other hand, the realness of the transgender problem does not diminish the concealed and yet consistent process of the production of truth regarding the transgender phenomenon, underlying problems and the best solutions. The (re)creation of a transgender community through crystallization and articulation of certain problems and needs is one of the effects of truth production, and it is also a prerequisite for professionalized transgender activism.

Interestingly, most of those interviewed for research undertaken by *Insight* in 2014–2015 indicated that they do not think that a particular "transgender community" exists in Ukraine (field notes, 2014-2015). However, for many of them the non-existence of the "transgender community" did not mean absence of communication, silence or dearth of agency amongst transgender people. It rather reveals cognisance of too diverse needs among transgender people, thus inadvertently divulging the discursive construction of the "transgender community" as a target group *by* and *for* NGOs.

In fact, almost all interviewees pointed to Internet and on-line forums as pivotal sites for gathering information and seeking support. At the same time, professionalized NGOs seem to exist in a different realm, rarely reaching out to people through Internet. The channels for spreading and receiving information used by (transgender) people and NGOs barely overlap. Anna Kirey, the then senior program officer at the Public Health Program for the Open Society Foundation, identified these two different forms of activism: NGO-based and grassroots, describing the interrelation between them in the post-Soviet region as follows:

> There are several initiatives in the region. I understand T-activism differently. It is not a classic understanding when it [the activism] is where the organizations are. T-people, they are activists out of need… they have to face the state, bureaucracy, the system, they have to go to courts… I think there are many activists. And there are forums… These are the places where one can get lots of information. There are plenty of them, and each has its own politics. Many of them uphold stereotypes: they promote sexist cis-normative stereotypes. But they are good for mobilization. It's an informal network of people. They [people] go to an organization out of need. The only organization that interacts with [transgender activists from Internet] forums is *Transgender Legal Defense Project* in Russia. They [TLDP] have an account [on forums], and people know about them. They try to involve people from forums into project work. […] Another example is a [female] activist from Kryvyi Rih.[175] She wrote a guidebook on hormones, dosages; she's got a [natural science] education […] This type of activism is interesting because it is happening outside of donor movements, and it is embedded in concrete needs of people (Interview with Anna Kirey, October 2015).

This was the first account during my fieldwork where someone indicated that international donor agencies are a driving force behind the professionalization of LGBT activism in Ukraine (and overall in the region). Later, Anna Dovgopol, one of the founders of *Insight*, who at the time of interview worked at the Henrich Böll Foundation, reflected on the dawn of *Insight* and its (re)orientation towards a particular kind of activism:

> We had to work with the Commission. We had to gather people. At the beginning, we were trying to bring people together, but very few people would come. At first, in fact, lots of people were coming but we didn't know what to do with them. For a long time, we were like blind kittens… and then [it changed] thanks to different international conferences and trainings and inclusion into all these networks (Interview with Anna Dovgopol, October 2015).

Dovgopol's comment on the influence of international LGBT networks corroborates

[175] Kryvyi Rih is a city in the Dnipropetrovsk region of Ukraine (central Ukraine).

Kirey's account of the pivotal role that international donors play in shaping local NGO agendas and therefore in producing the "transgender community" as a coherent target group for local NGOs as well as international activist and donor circles. This disparity between "activists" and "people" ("community") was emphasized by Dovogopol in a TV debate about Kyiv Pride 2017:

> The [LGBT] community does not support activists because the community consists of people who are united by certain characteristics like sexual orientation, color of skin and so on, and activists, they are the people who go and do something, who are ready to take certain responsibilities, and they say that they know how to define a problem and how to solve it. Obviously, not all people from the community will always agree with the definition of the problem and with [offered] ways to solve it. [But] if we are saying that activists are those people who voice the problem and offer ways to solve it, it means that they try to change status quo, to change an existing situation (Anna Dovgopol, Ukrlife.tv, Kyiv Pride 2017: "pros" and "cons", 19 June 2017).[176]

This quote from Dovgopol problematizes the relationship between the "community" and "professionalized activists", the former depicted as a target group defined for and by the latter through the formulation of the problem and offered solutions. In keeping with the analytical approach of the current thesis, Dovgopol is concerned with the ways in which the community as a target group is produced through problem formulations, while retaining at its core the discrepancy or possibly irresolvable conflict between the production of the (transgender) phenomenon and the lived lives of people who fall into the fabricated category – the target group.

International frame of reference: best ways "to solve the problem"

The launch of the specific transgender agenda by *Insight* and various approaches taken up by other Ukrainian transgender and LGB organizations and initiatives do not indicate a distinct moment of emergence of the "transgender community" in Ukraine, and it does not necessarily (cor)respond to the intensified difficulties that transgender individuals, or

[176] http://www.ukrlife.tv/video/suspilstvo/kievpraid-2017-za-i-protiv-diskussiia-organizatorov-i-kvir-feministok, accessed 24 July 2017.

those falling under this category, face in various institutional settings. The solidification of the transgender agenda indicates the moment when transgender people became constructed within the Ukrainian NGO as a problem. This moment was supported and fostered by the influx of material and epistemological "support" from Western donor organizations, which rendered transgender people into a specific population and distinct target group in need of a set of pre-empted solutions.

All practical texts produced by *Insight* over the span of eight years (2010–2017) engage in a dialogue – however one-directional the communication might appear – with national as well as international practical texts: medical and legal regulations dealing with transgender people, their health, and legal status. The purpose of these frames of references is to pinpoint bad/good practices and map out solutions for the desired change.

As indicated above, the national framework has been severely criticized by *Insight*, the problem being that it epitomizes bad practices. Amongst the national prescriptive texts, *Insight* has named and critiqued the following (see Insight 2016a, 4):

- The Ukrainian Ministry of Health Decrees that regulate gender recognition procedures (no.60 from 03.02.2011 and no.1041 from 10.10.2016) [177];
- The Ukrainian Health Law (from 19.11.1992, no.2801-XII, article 51)[178];
- The Order of the Ministry of Justice of Ukraine on amendments to the act records of civil status and their renewal and cancellation (from 12.01.2011, no. 96/5).[179]

Other Ukrainian LGBT NGOs, however superficially, mention the national framework of legal gender recognition in their reports prior to *Insight*'s texts. The novelty of *Insight*'s practical texts is mainly their persistence in locating the Ukrainian transgender phenomenon against the backdrop of international practices in the field.

[177] See detailed description and comparison of the both decrees in Chapter 1.
[178] Full text of the Law is available in Ukrainian: https://www.ecolex.org/details/legislation/basic-legislation-on-the-protection-of-public-health-no2801-xii-lex-faoc050161/, accessed 3 August 2017.
[179] Available in English: http://cis-legislation.com/document.fwx?rgn=32822. And Ukrainian: http://zakon2.rada.gov.ua/laws/show/z0055-11, accessed 3 August 2017.

International practical texts function in *Insight*'s publications as a reference point for transgender health care and transgender rights. In their practical texts – as well as in their advocacy efforts, in courts, in correspondences with the Ministry of Health, in national and international presentations of their mission and work etc. – the international frame of reference constitute *the* solution to a local transgender problem. Amongst the international prescriptive texts serving as a reference point are the following (see Insight, Shevchenko, and Frank 2014a, 31-42):

- The International Statistical Classification of Diseases and Related Health Problems (World Health Organization 2011)[180],
- The Diagnostic and Statistical Manual of Mental Disorders (American Psychiatric Association 2013)[181],
- The Standards of Care (SOC) for the Health of Transsexual, Transgender, and Gender Nonconforming People (The World Professional Association for Transgender Health 2011)[182],
- The recommendation CM / Rec (2010)5 about measures to combat discrimination on grounds of sexual orientation and gender identity, the Committee of Ministers of the Council of Europe[183],
- The resolution 17/19 on human rights, sexual orientation, and gender identity adopted by the Human Rights Council in 2011[184],
- The Report of the United Nations High Commissioner for Human Rights A/HRC/19/41, Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity[185],
- Gender recognition laws in Britain, Spain, Portugal, and Argentina (see especially Insight 2012, 14-21),
- The Resolution no.1728 (2010) by Parliamentary Assembly on Discrimination

[180] The 43rd World Health Assembly endorsed the 10th edition of ICD in 1990.
[181] The American Psychiatric Association updated the 5th edition DSM in 2013.
[182] The last 7th version was released in 2011.
[183] The recommendation is available here: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cf40a, accessed 3 August 2017. Ukraine is a member state of the Council of Europe.
[184] Available in English: https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/148/76/PDF/G1114876.pdf?OpenElement, accessed 3 August 2017.
[185] Available in English: http://www.ohchr.org/Documents/Issues/Discrimination/A.HRC.19.41_English.pdf, accessed 3 August 2017.

on the basis of sexual orientation and gender identity[186],

- The Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity (2006)[187],
- Decisions by the European Court of Human Rights (see Insight 2016a, 6-8),
- Universal Declaration of Human Rights[188].

Internationalization of activism constitutes the solution to the local transgender problem precisely because it means a clear and consistent orientation towards Europe, thus turning bad practices into best practices in the transgender-related medical services and laws. This Europeanization unfolds through two modes of external governmentality: "rational institutionalism" and "sociological institutionalism" (Checkel 1997, 2005). Sociological institutionalism as "a logic of appropriateness, according to which actors internationalize EU norms and rules as part of their identity as members of an international society" (Ayoub 2013, 283) is illustrated by Dovgopol's remark mentioned above on the importance of being included into international networks and having access to Western knowledge production and activism. Rational institutionalism in relation to transgender (and LGB) activism can be reformulated as "a logic of consequences, whereby domestic actors make cost-benefit calculations based on external incentives" (Ayoub 2013, 283), provided in this case by donors and other international actors.

We could conceive of both modes of external governmentality as a process of transferring/translating globalized ideas into local contexts. Clearly, the transfer of ideas about gender, sexuality and activism is an indispensable part of Europeanization within the LGBT sector in Central and Eastern Europe (Blagojević 2011, Mizielińska and Kulpa 2011, Kulpa and Mizielińska 2011a, Woodcock 2011, Mizielińska 2011, Kulpa and Mizielińska 2011b, Slootmaeckers and Touquet 2016, Ayoub 2013). The next chapter explores the governmental techniques of "provision of legislative and institutional templates" and financial "aid and technical assistance" (Grabbe 2003, 312) which underpin this transfer of ideas.

[186] Available in English: http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=17853&lang=en, accessed 3 August 2017.
[187] Available in English: http://www.yogyakartaprinciples.org/wp/wp-content/uploads/2016/08/principles_en.pdf, accessed 3 August 2017.
[188] Available in English: http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf, accessed 3 August 2017.

Chapter 6. Translating transgender: donor aid and the transfer of ideas

The process of Europeanization ties the political legitimacy of the states opting for European integration to prescribed vocabularies and techniques (Brković 2014, 183). From this point of view, Europeanization can be analysed as the process of translation (Mörth 2003) with NGOs being amongst the key actors that take an active role in these processes. Acting and simultaneously legitimizing themselves as representatives of civil society, NGOs "convey local problems to the outside world, meaning that social problems are translated" (Zamfir 2015, 67). In the case of professionalized LGBT NGOs, local activists reproduce, interpret, contest, and negotiate "European values" and "the identitarian activist politics based on 'non-normative' sexualities… articulated by supranational political and professional activist bodies" (Bilić 2016a, 6).

Starting from the 1990s in the post-Soviet region, donor agencies have played a pivotal role in the development of the third sector and in LGBT NGOs' survival.[189] They provided necessary means for NGOs to be established and sustained, given scarcity or lack of governmental support. The economic conditionality of the professionalized LGBT activism goes hand in hand with the import of a certain language to conceptualize the problems to be addressed and solved. On a palpable level, this import expands the use of English (and Anglicized vocabulary) as "part of the appearance of modernity" (Altman 2001, 98) and as the lingua franca of activism and knowledge production (Dahl 2012, 17). On a more subtle level, this import entails the transfer and translation of the epistemological frameworks that reflect the "Post-Cold war explosion of human rights" into a global vernacular (Burke and Kirby 2016, 31). As I have discussed in earlier chapters, the human rights framework underpins the current expansion of "advocacy work" as a dominant form of activism.

[189] The similar logic is intrinsic to the formation and sustainability of "women's movement" and women's groups and NGOs, which appeared in the 1990s in post-Soviet countries. As Elena Gapova notes: "One can't say that there was women's movement. This is rather a figure of speech. At first, different groups started emerging. Usually, there was a person, someone who wanted to do something, and people would gather around her. And at that time, it was easier to register [an organization]. Nothing came from most of them. Survived only those who are now affiliated with some western groups, like La Strada, YWCA (Young Women's Christian Association of Belarus), with bigger structures" (interview with Elena Gapova, July 2014).

In this chapter, I focus on the transfer of ideas in the professionalized transgender activism in Ukraine in the light of the external conditionality imposed by donor agencies. I pay particular attention to the ruptures that occur in the process of translation of globalized approaches, that is, installing "Europe" as a universalized, silent reference point (Chakrabarty 2000, 28) into the local contexts. To this end, I analyze homogenizing attempts of "the re-transcription of [local] practices into the idiom[s] of 'modernization' and 'liberalization'", while indicating the persistent presence of "untranslatable and unpresentable" local practices at odds with these attempts (Venn 2006, 82).

When assessing the translation processes, I focus on Anglicized vocabularies and the external influence of the idea of "Europe". I take "Europe" to be a donor, inspiration and a model (Wilkinson 2014, 59-65), which emphasizes both asymmetrical power relations at a procedural level (highlighting the conditions for transference) and the actual content being transferred in terms of problematizations. As I have already made clear, I take up translation not as a linguistic issue but as a transfer of ideas, a defining feature of the civilizational discourses and processes of Europeanization of the East.

I start out by providing a bigger picture of the arrival of international donors in the post-Soviet territories and their role in fostering and sustaining the "transition to democracy" through the third sector. I pay special attention to the gender vocabulary that came along with the donor aid in post-Soviet academia and activism. Then, I move on to focus on the professionalized LGBT and transgender activism in Ukraine and the new language that came to dominate the sector. Thereafter, I analyze the donors' conditionality of the transgender agenda in Ukraine, exercised through, amongst other mechanisms, grant distribution. Finally, I investigate how transgender has been translated into the advocacy framework and attend to the inconsistencies and ruptures in the transfer of globalized ideas into local contexts.

The emergence of international donors and their vocabulary in post-Soviet academia and activism

In the post-Soviet region, as in other non-Western/non-European geopolitical contexts, many gender- and sexuality-related terms found their way into academia and activism after being transl(iter)ated from Anglo-Saxon, often US-based, intellectual and activist traditions (Valentine 2007, Boellstorff et al. 2014, Wesley 2014, Dutta and Roy 2014, Ravine 2014, Swarr 2009, Morgan and Wieringa 2005, Nkabinde 2008, Bakshi, Jivraj, and Posocco 2016, binaohan 2014, Stryker 2006). In the early 1990s, after the dissolution of the Soviet Union and the emergence of the third sector in the post-Soviet territories (Hemment 2003, 2004), projects aimed at promoting democracy, gender equality and gender education were initiated in both academic and activist circles.[190] Most of the newly emerged gender-related – and later LGBT-related – projects were propelled by the financial support that had become available through the international development agencies and their mechanisms of grant allocation.

Elena Gapova, Belarusian gender scholar and founding director of the Centre for Gender studies at European Humanities University[191], recalled her experience of establishing the Centre in Minsk:

> The USSR collapses. Everything falls into pieces, and you do not understand in what kind of world you live… In 1992 and 1993, everything is unfolding. I am in Minsk and I am part of the intelligentsia environment… Some funds are appearing, some small conferences too. You come to a conference and you are told – "you know, the Soros foundation will be opening". And they explain what the Soros Foundation is and what a grant is… [So] people started coming, the funds

[190] As time passed, the issues worthy of support have followed global trends – from "women's issues" to LGBT, from HIV/AIDS to anti-discrimination advocacy. In some cases, recourses have also been moved further "eastwards", to Central Asia (see for example, Zubkovskaya 2008).

[191] European Humanities University was a private non-profit liberal art University established in Minsk, Belarus, in 1992. The University aimed to educate Belarusian elite according to European values and "Western" educational standards. In 2004, the University was closed due to political reasons. With financial support from the European Union, the United Stated, the Nordic Council of Ministers and other international bodies, the University consequently relocated to Vilnius, Lithuania, as "Belarusian University in exile", where the University continued "to contribute to Belarus and its integration into the European and global community" (see: http://old.ehu.lt/en/about, accessed 16 October 2017). The Centre for Gender Studies was founded at European Humanities University in Minsk in 1997 with financial support from John D. and Catherine T. McArthur Foundation (see: http://www.gender-ehu.org/?28_1, accessed 16 October 2017).

> opened. We realized that we could write a project [proposal]. No one knew what kind of project we should write. But it was possible to apply for these funds… Grants became an important thing. On the one hand, grants gave you recognition, and on the other hand, it was money (Interview with Elena Gapova, July 2014).

In the post-Soviet region, the application of Anglo-Saxon gender- and sexuality-related terminology, including the term "gender" itself, coincided with the arrival of donor agencies that allegedly promote democracy and critical thinking, nurturing, amongst other things, institutionalization of gender and women's studies[192] and NGOization of civil society. The external economic incentives channeled through the donor agencies to accommodate new epistemological frameworks and vocabularies occurred along with rampant socio-economic transformations, liberalisation of academia and activism, the desire for change, the internal crisis of previous explanatory models, and the concurrent discredit of Marxist analysis (see Gapova 2007, 2009, 2010, Zhurzhenko 2008).

After the collapse of the USSR, when the deconstruction of the Soviet version of Marxism began, the need for an analytical category that would describe and explain social reality, social transformations and inequalities became acute (Gapova 2007). The discredited category of "class" intrinsic to an "old" ideological vocabulary ceased to meet analytical expectations. This is when a new concept of "gender" comes into play (Gapova 2007, 158). On the one hand, the post-socialist shift towards gender studies, its problematics and terminology has been regarded as enriching and allowing for multiple theoretical perspectives to flourish. As Almira Ousmanova – a Belarusian gender and visual studies scholar – argues, gender as an analytical category and gender studies as an emerging discipline "offered a remedy for recovery from the methodology of class and economic reductionism [and] brought to view the fact that class identification is not the only axis of social tension and the only powerful force in history" (Ousmanova 2003, 45). On the other hand, when "gender" was taken up as a useful analytical category, it led to omission of other categories, such as "class"[193] and "race".[194] These other

[192] In the early 1990s, gender studies as a new discipline in post-Soviet countries started being institutionalized. The Moscow Center for Gender Studies was founded in Russia in 1990; the Kharkiv's Center for Gender Studies in Ukraine – in 1994; and the Center for Gender Studies at European Humanities University in Belarus – in 1997.

[193] The category of "class" is central for Gapova's analysis of the social and political transformations after the collapse of the USSR. For example, she reflects on the difference between the US forms of feminism and women's initiatives that appeared in the 1990s in the post-Soviet region as follows: "Our generation,

categories were largely dismissed as adequate axes of analysis for the post-Soviet context.

From the very beginning, those involved in the process of institutionalization reflected on the imported terminology and/or secondary nature of post-Soviet gender and women's studies.[195] The newly institutionalized field of gender studies engendered local critical voices that attempted to acknowledge, comprehend, and challenge the "new language", sometimes designated as "global Esperanto of commissioned criticality"

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we've changed certain things. We think that American feminists, they changed everything in the 1970s. Yes, they did. But there were not alone. There was a huge reformation (*perestroika*) of an American society and feminists were part of it. In our situation, everything is different, and the reformation of the society, it goes in a different direction. This [type of] feminism that occurred [after the collapse of the USSR], it was in spite of what was going on in the society. We are still in the process of class formation, the formation of the bourgeois order, and the formation of capitalism. And in the 1970s in America, class structure was getting less rigid and new groups became more visible and more accepted, groups that had been marginalized" (interview with Elena Gapova, July 2014). Also see her other work (Gapova 2007, 2009, 2010, 2016).

[194] I refer to various practices of racialization in the post-Soviet countries (see Zakharov and Law 2017), but also to the processes of creation of ethnical others within an ostensibly coherent and monolithic category of "the Soviet person" during the Soviet times. One of the examples for the former type of racialization can be provided from a critical account of the mass political protests in Russia in the end of 2011 – early 2012: "The political agenda of the opposition was extremely heterogeneous. While leftists advanced social claims of free education and health care, as well as solidarity with migrant workers, the liberal mainstream of the movement tended to interpret civil rights as referring strictly to rights associated with free travel to the European Union, calling for the strict closure of borders with former Soviet republics of Asia" (Dziemańska, Degot, and Budraitskis 2013, 7-8). The flourishing of new racisms in Central and Eastern Europe are attributed both to the effects of de-Sovietization, globalization and "the surviving discourses of the USSR period and other relicts of the Soviet colonial epoch" (Korek 2007a, 7). Thus, Vladimir Malakhov points out, "[t]he 'nationality policy' of the Soviet Union was aimed at creating a new historical and ethnic community [and] it was precisely this policy that institutionalized and sponsored ethnic nations" (Malakhov 2013, 163). Further he elaborates: "Since ethnic categories served as an instrument of power (namely, as a means of dividing the population and determining access to social benefits), ethnic identity was not derived from individual choice. The fact that people found themselves belonging to a particular ethnic group was a result of administrative decisions. The question of affiliation to a particular ethnic group was not a question of cultural choice. It was predetermined by a record in one's passport and/or the fact of living on the territory of a 'national republic', etc. In other words, individuals did not voluntarily identify with a particular ethnic group – their identification was prescribed from without, sometimes in extremely harsh ways (by deportations, for instance)"(Malakhov 2013, 164).

[195] Here I mostly refer to the context of Russia, Ukraine and Belarus. For example, Svetlana Kupryashkina, president of The Ukrainian Center for Women's Studies opened in 1992, lamented that "Eastern European feminists cannot always refrain from becoming a simple translation of feminist knowledge from the West… an abridged version of white middle-class American feminism" (Kupryashkina 1997, 385). Anastasia Posadskaya-Vanderbeck, one of the co-founders of the Moscow Centre for Gender Studies, recalled the conference "Gender Studies in Russia: Issues of cooperation and prospects for development" held in Moscow in January 1996: "[the conference] brought together eighty researchers, teachers and activists working on gender studies from fifteen cities in Russia and Ukraine. It was the first conference of this kind in Russia to focus on the practice of teaching gender studies…. For the first time we raised the issue of language we use; we discussed the pros and cons of Western 'imported' concepts and our relations to the newly established, state-approved 'feminology' studies" (Posadskaya-Vanderbeck 1997, 374).

(Chukhrov 2013, 260). Post-Soviet, mostly Russian-speaking and Russian-based [196] gender scholars have characterized "gender" as *naprokat* (rented/borrowed term) (Oushakine 2000), an "English recipe for Russian gender studies" (Voronina 2007), a "brand" (Savkina 2007), and a foreign (alien) concept domesticated and appropriated as *svoio* ("our own") (Zvereva 2002). While some scholars called for the rejection of the term all together, arguing that it had lost its critical potential (Oushakine 2000), others thought it best to look for ways to appropriate the borrowed terminology (Zvereva 2002). Elena Gapova recalls her conversation with Daša Duhaček over the ambiguity of the term "gender" and possible strategies to make use of it:

> On the one hand, there is this word "gender" and it means something that *attracts you*.[197] On the other hand, no one amongst us could define "gender". And it was a problem for all post-Soviet centers. Once I talked to Daša Duhaček, the director of [Women's] Center in Belgrade. And Belgrade was closer to the West – they read and travelled… And she said: "We decided that we don't define gender at all, and we do what we do" (interview with Elena Gapova, July 2014).

There are several interrelated points here regarding the process of translation. Firstly, the quote is indicative of the operative East/West division *within* the post-Socialist region when, according to the logic of nestling orientalism (Bakić-Hayden 1995), the geographical proximity to Western Europe along with the historical circumstances reinvigorate differences in terms of oppositions (Bakić-Hayden 1995, 931).

Secondly, Gapova's comment on the re-articulation of the term "gender" in the post-Soviet context challenges its universality and reveals the "performative contradiction" that occurs when "the universal begins to become articulated precisely through

[196] Unfortunately, the focus of this chapter eludes the complexity of language politics within post-Soviet territories. Nevertheless, I want to point out that it is an important feature of gender studies that they have been mostly developed within and translated into Russian language. Russian language has been also used amongst gender scholars from the post-Soviet territories as the lingua franca. Elena Gapova contemplates on the process of translation of gender theory into national languages: "During ten years we were trying to say Western theory in our language. I remember how we were doing this *Anthology of Gender Theory*. There were translators and they translated [these texts], and then I rewrote most of them since the way to express all of it had to be found. They had to be on the language people speak. And it so happened that for me it is Russian language. I speak Belarusian fluently and sometimes I write something in Belarusian but with mistakes. There is no body of [gender] texts in Belarusian. It exists in Ukraine though, but there is a different situation there. In case of Belarusian, it [the gender vocabulary] is not developed" (interview with Elena Gapova, Jul 2014).

[197] The interview was conducted in Russian, but this phase was said in Belarusian – "ciabie vabic".

challenges to its existing formulation, and this challenge emerges from those who are not covered by it… but nevertheless demands that the universal as such ought to be inclusive of them" (Butler 1996, 48). Similar processes can be observed in the work of LGBT organizations that take up and reclaim the universal human rights framework and advocacy approach in their work and strive to be included in the (Western) universality while simultaneously challenging it (in overt as well as covert ways).

Finally, abstaining from defining the term "gender" could be a risky strategy. One of the risks one runs is the appropriation and resignification of the term by the state apparatus and conservative academic circles[198], as well as anti-gender groups and its amendment to their normative projects of family and nation building (Heinrich Böll Foundation 2015, Korolczuk and Graff 2018). Olga Plakhotnik, a Ukrainian feminist and gender researcher, reflects on the ambiguity of "gender discourse" in Ukraine:

> The word [gender] started appearing, and along it other phrases became trendy, like "gender parity", "gender democracy" and "gender equality". This process has had different impacts. On the one hand […] some people accommodated this discourse and they started changing the ways they live and work. On the other hand, the emergence of the discourse induced counter discourses like the anti-gender religious one… For some people [the gender discourse] bore emancipation, but as for me, I would say the emergence of the discourse on gender equality did not improve the situation with actual gender equality. It resulted in the redefinition of the term (interview with Olga Plakhotnik, July 2014).

The normalization of potentially critical or radical concepts is symptomatic of the universal LGBT rights discourse. For instance, both homonormativity (Duggan 2002) and homonationalism (Puar 2007) exemplifies political strategies of LGBT communities and activists to claim their rights while upholding, reinforcing and normalizing heteronormative institutions and relations ingrained in racialized nationalistic frameworks. Often, these strategies result in sidelining and ignoring more radical areas

[198] For example, there was a phenomenon of "feminology" specific to the post-Soviet academia. As Posadskaya-Vanderbeck explains: "'Feminology' chairs have recently opened in several Russian universities, mostly under the initiative of women, former professors of Marxism-Leninism. The term 'feminology studies' is used in order to distinguish from both too-radical feminist 'gender studies' and not-academic-enough 'women's studies'" (Posadskaya-Vanderbeck 1997, 381, f4).

of problematization, such as equal access to healthcare, immigration control, transgender status, labor rights, and state violence. In addition, these globalized political LGBT claims, when traveling and translating across geopolitical contexts, conceal their civilizational legacy and their racializing and normalizing underpinnings, thus reproducing the imperial, geopolitical East/West and North/South divides. Francesca Ammaturo (2015) remarks that while the "Pink Agenda" is used as "a yardstick in order to measure the progress of [the] states" towards Western modernity, it also "crystallises LGBT identities as given and unchangeable, removing both racial and class connotations and reinforces the importance – and exclusionary power – of institutions such as 'the family' and 'marriage'" (Ammaturo 2015, 1162).

Similarly, the appropriation and reconfiguration of "gender" by conservative groups is prevalent, and not confined to "Eastern Europe". Various parts of what is considered "Europe" are facing the wave of anti-gender campaigns[199] that target "gender ideology" and "gender theory" (Kuhar and Paternotte 2017, Korolczuk and Graff 2018). It is important to bear in mind that this mobilization against sexual rights and gender equality circulates transnationally and thus cannot be used (even though it usually is) as an indicator of the (reality of the) East/West divide.

Before moving further, I want to make two final comments regarding the arrival of international donor aid and the "gender" vocabulary into post-Soviet academia and activism. The first comment concerns the choice of "translation" rather than "Westernization" when discussing transference of ideas (i.e. the appearance of a gender-related vocabulary in the 1990s and the adaptation of a "new language" by local LGBT actors from 2000s onwards), which speaks back to the abovementioned risk of reinforcing the East/West division. The second comment concerns the "division of labor" between "gender centers" and "LGBT NGOs" in the Russian-speaking post-Soviet region.

The concept of Westernization may seem like an appropriate analytical tool when problematizing gender- and sexuality- related issues from the 1990s onwards, both in terms of identifying the problems and producing an object for thought. Westernization

[199] See: https://www.ips-journal.eu/topics/human-rights/article/show/the-globalisation-of-anti-gender-campaigns-2761/, accessed 18 August 2018.

appears to be a useful concept as it "emphasize[s] the role of the West in causing certain developments … through inspiration, coercion, or both" (Lau 2013, 513). However, as Holning Lau points out, the language of Westernization simultaneously "elevate[s] the status of the West, framing it as the reference point for understanding changes in other parts of the world" (Lau 2013, 508, see also Chakrabarty 2000). Therefore, it obscures the local histories and the complex mixture of influences that inform certain problematizations. Hence, using "translation" instead of "Westernization" may hinder (1) the simplistic understanding of ongoing local processes, and (2) the hijacking of "critical positions" by far-right and conservative groups in the region.

It should be noted that activists are constantly "accused of misappropriating funds or being 'foreign agents' working to promote the interests of America or Israel", and LGBT activism is regularly depicted as "the imposition of foreign norms by an aggressive group of morally corrupt deviants who are thought to be demanding special rights" (Wilkinson 2014, 64). The concept of translation allows for the exploration of knowledge production while keeping a critical distance to the re-production of the East/West dichotomy. It may also open up for new idioms in activism and academia, beyond the established frameworks. As Holning Lau notes:

> [The concept of] translation conveys processes of adaptation, through which ideas are altered to fit local conditions. A translation is never identical to its original, although some translations hew more closely to the original than others. This shift in tropes raises consciousness about hybridity in a way the language of westernization fails to do (Lau 2013, 522).

Most importantly still, the "translation" framework allows for ambiguities and complexities, signaling that "Europe" is a contested signifier, rather than invoking a totalizing frame in which all problematizations fall under a single logic – as if all conflicts in approach were in principle compatible and hence solvable on the basis of a common or shared (i.e. given) point of reference.

As for translational processes, it is crucial to note that in the Russian-speaking institutionalized gender studies, "gender" has been narrowed down to "woman's

questions".[200] For a long time, the LGBT-related topics in academic settings have been marginalized,[201] with some of them gaining attention quite recently (see, for example, an edited volume in Russian Kondakov 2014). The academic work on LGBT issues in Russia and the post-Soviet region is still predominantly produced in "Western" research institutions and published in English (see, for example, Kirey-Sitnikova 2016, Healey 2001, Nartova 2007, Wilkinson and Kirey 2010, Martsenyuk 2012, Stella 2015, Mole 2016, Kirey-Sitnikova 2017, Kondakov 2017a, b, Buyantueva 2018). It is fair to say that the local LGBT agenda dovetails (if not exactly so at least largely) with the discourses of NGO activism.

New language and professionalized LGBT activism

When I assert the emergence of a "new language" in the professionalized LGBT activist arena in the late 1990s and the beginning of the 2000s, I refer to three interlinked tendencies:

(1) the acknowledgement of English (language) as the lingo franca of global activism and the use of English in securing access to "Western" financial and intellectual

[200] I focus on the institutionalization of "gender studies". The established Centers for Women's studies may have had certain overlaps with "gender studies" but mostly they had different strategies, objectives and external affiliations. For example, the Ukrainian Center for Women's Studies was opened as a public organization of female scholars "to enhance the position of women in Ukrainian society, promote research on women, and disseminate feminist ideas" (Kupryashkina 1997, 388). Importantly, as Elena Gapova elaborated in her interview, "gender" was used in the titles of the Centres to distance oneself from Soviet ways of addressing "women's question" and find more legitimate vocabulary to voice (mostly women's) concerns: "To be a woman was shameful. We needed a different word for this. And also the 'democratic circles' (*tusovka*), they were very hostile towards it. When we made our first women's calendar, one of those 'homeland defenders' *(rupliucau backaushchyny*) said to us – why there are women in the calendar and not national heroes? So there was this grievance if you were involved with women's [issues]. We needed a word that would bear status and respect. This prejudice against anything that had to do with women stemmed from the communist ideology – it had to do with everyday life, with being part of a marginal group, being oppressed, being part of a socially failed group. At that time, we were awfully anti-communist and we were very liberal. Everything Soviet was resented. All these words like 'women's movement', 'women's initiatives' – they immediately alluded to the 'women's council' (*zhenotdel**). These organizations were extremely disrespected" (interview with Elena Gapova, July 2014). *The Zhenotdel was the women's department of the Secretariat of the Central Committee of the Bolsheviks devoted to women's affairs in the 1920s.

[201] In February 2011, in *Gendernyie Issledovaniia (Gender Studies)*, the most significant scientific journal on gender issues across the post-soviet region published by Kharkiv's Center for Gender Studies (Ukraine) from 1998 till 2010, gender scholars addressed "new gender identities" and touched upon politics of gay marriage and gay pride in Russia and LGBTI movement in Russia and Ukraine. Similarly, some Ukrainian scholars paid attention to LGBT and homophobic movements in Ukraine (Martsenuyk 2010, Martsenyuk 2012). Transgender issues, however, have remained largely marginalized in Russian-speaking academia.

recourses;

(2) the adaptation of the specific gender- and sexuality-related terminology and vocabulary to define "the problem"; and

(3) the transfer of globalized activist strategies and solutions offered in response to "the problem" in local contexts.

English as the lingo franca of (globalized) LGBT activism

English being the lingo franca of globalized LGBT activism (Thoreson 2014, Ayoub and Paternotte 2014) has an effect on at least three intertwined areas within the professionalized LGBT activism (in Ukraine and in the post-Soviet region more generally):

(1) access to funding;
(2) access to knowledge on gender and sexuality issues produced in English; and
(3) production of knowledge about the local "cases" for the English-speaking audiences.

Fluency in English (being a class indicator as well) conditions the access to donor recourses, thus being a prerequisite for many post-Soviet activists in their (routine) practices of securing funding for their activities. Anna Dovgopol (the former director of *Insight* and coordinator of the Henrich Böll Foundation's program "Gender Democracy" in Ukraine), notes that "in order to have a sustained financial support, one needs tirelessly work for it, and it is important to know English" (Dovgopol 2015, 34). Conversely, access to financial means is limited for those who are not familiar with the English vocabulary. Anna Sharygina, a director of a feminist lesbian NGO *Sphere* in Kharkiv and a leader of the KyivPride 2015, echoes Dovgopol's words: "We didn't aim for money, or I would rather say that we tried several times but it was in vain because we all had problems with English" (Sharygina 2015, 29).

The last couple of years have witnessed the introduction of English language courses within the LGBT sector. When I was in the field in 2014–2015, *Insight* offered English courses to its employees. An increasing number of NGOs reports are written in English

(or translated into English), making the LGBT movement visible and comprehensible for "a (broadly speaking) European public" (Eleftheriadis 2014, 152), including donors or potential donors. The names of local LGBT organizations have also become Anglicized. While the pioneering LGBT NGOs of the 1990s were given names that required translation, such as *LIGA* and *Nash Mir*, later arrivals took names such as *Gay Alliance* and *Insight*.

Naturally, proficiency in English facilitates access to knowledge that is produced in English-speaking academic and activist circles[202], which in turns paves the way for the adaptation of terminology and the transfer of globalized practices and solutions to "tackle the problem" in the local context. Mauro Cabral reflects on the role of English as a language in which transgender studies gets published and institutionalized:

> … after the publication of two Transgender Studies Readers — the very label of "trans studies" seems to be intrinsically associated not only with the academy but also with an academy that reads, writes, and speaks in English — and that colonizes the rest of the world in pursuit of "cases" (Boellstorff et al. 2014, 424).

Comparably, the usage of English as a "universal" language in the domain of LGBT activism predefines and epitomizes power dynamics between the "center" and the "peripheries" where local NGOs are destined to transfer and translate activist templates offered by global(ized) actors (in a global hierarchy of knowledge) and therefore risk being systematically and simplistically reduced to particular "cases" (be it cases of successful transition, fight for human rights, or backwardness).

Adaptation of terminology

In the previous chapter, I drew attention to the adaptation of terminology that underpins the formulation of "the transgender problem". Here, I want to broaden the scope slightly to capture significant translational processes that go beyond "the transgender problem"

[202] Anna Kirey emphasized that her move from Kyiv to Kyrgyzstan in early 2000s to attend American University of Central Asia was conditioned by the desire to be educated in the "non-Soviet educational system". Later in the interview, she eloquently explained her own move to gain further degrees in the "western" universities and the same tendency amongst some other LGBT activists: "And the West sucked me in … all of us who knew English we were all taken in [to the Western universities]" (interview with Anna Kirey, October 2015).

and affect the domain known as SOGI (sexual orientation and gender identities) issues.

After the collapse of the Soviet Union and especially from the 2000s onwards, transliterated/transferred terms – such as "lesbian" (*lesbianka*), "gay" (*gei*), "transgender" (*transgender*), "queer" (*kvir*), "bullying" (*buling*), to name a few – side-lined and absorbed other words and expressions from local Russian-speaking contexts: *goluboy* for "men interested in men"; *v teme* for any expression that diverges from heteronormativity; *pleshka* for informal public places where those *v teme* meet; *remont* for violent occasions when heterosexual men lure a homosexual and then beat him up; *klava* for an effeminate woman interested in women; and *khabalka* for a homosexual man's behaviour that can be located somewhere along the lines of vogue, mannerism, exacerbation and irony (Kasyanchuk 2015, 135-137, Mayerchyk 2015, 108-110, Mantsevich 2017, 263, Valodzin 2016, Nash Mir 2000).

In July 2014, a discussion termed "Ukrainian LGBT movement: retrospective" took place in Kyiv.[203] During the discussion, activists tried to retrace the emergence of the organized LGBT activism in the country and negotiate the vocabulary in use. The following excerpt is an example of the loss of specific meaning and history that may occur when a local signifier is translated into a "global" term:

> Alexander Zinchenko [participant, co-founder of *Nash Mir*]: I would like to dig even deeper and recall Liliya Taranenko's legendary organization *Ganymede*[204], the first LGBT organization in Ukraine. Liliya herself, as far as I know, she was *v teme*[205], but she was very *friendly*[206]. In her flat, constantly, various people of

[203] The discussion "Ukrainian LGBT movement: retrospective" is available on-line: http://upogau.org/ru/ourview/ourview_1233.html, in Russian, accessed 11 July 2016.

[204] Later Alexander Zinchenko clarifies: "The organization *Ganymede* existed over two years or so between [19]95 and [19]96. It was an amateur [organization]. It was located in a three-room flat […], and me and Andrei we happened to be there…(http://upogau.org/ru/ourview/ourview_1233.html, in Russian, accessed 11 July 2016).

[205] "V teme" is an idiomatic phrase in Russian used since the late Soviet times when referring to those who could be defined as not-heteronormative/gender non-confirming. It was used widely in the 1990s and continues to be in use ever since. When I asked my colleagues what would the most appropriate English translation for this phrase be I received following answers: to be in other team (Katerina Firago), to play for other team (Olga Mishina), to be in the team/topic (Andrey Vozyanov), being into the topic (Yaro Ha), to be in the picture, to be in the loop (Olga Zubkovskaya), clued up/clued in (Alexander Kuznetsov), tuned-in, well-versed (Ma Helena). Noteworthy, the same expression stands for "to be competent", "to be an expert in a certain field". Alena Lapatniova provided French "dans le coup" as an exact equivalent for the Russian-speaking "v teme". Elena Gapova suggested that it takes its origin from a title of a gay magazine "Tema" launched in St.Petersburg in the 1990s. If it appeared in the 1990s, it then, in hindsight,

unclear sex were hanging out. When greeting you, they would bob a curtsy.

Anna Dovgopol [facilitator]: Now it's called *kvir* (queer).

There are several possible readings of the quote. It can be read as an example of "Eastern time of coinsidence" when "East" in the Western temporal framework is simultaniously "going backward" and "stepping forward", when everything is happening "all at once" and "v teme" coexists with "LGBT" and "queer" (Mizielińska and Kulpa 2011, 16). It can fall into *either/or* logic and exemplify the irresolvable conflict that occurs when local histories are forced to conform to the "global" temporal framework, which results in erasure or reduced understanding of local identities and socio-political and cultural processes. However, I prefer another reading of the translational processes: "the original meanings of self-identification categories are neither fully adopted nor entirely dismissed in the new context into which they are adopted" (Szulc 2012, 91). In this "neither/nor" reading, "the use and *re*use of non-native vocabulary is a move pointing neither backwards nor forwards, as such understanding would presume a certain universalizing normativity of the English-conceived historiography, disregarding the specificity of the local setting" (Mizielińska and Kulpa 2012, 26, see more in Szulc 2012, Buelow 2012, Navickaite 2012).

Nevertheless, the perpetual tension between local and globalized gender- and sexuality-related vocabulary and forms of activism points towards an incompatibility of temporal and epistemological logics at work. As the above discussion has suggested, the tension or conflict issues from the governmental mechanisms that sustain normalizing and universalizing translational processes within the professionalized transgender and LGBT activism and discount local specificity, even as it delineates a distinct, local target group of trans people (presumably on the basis of their specific needs).

Transfer of globalized activist templates

The transfer of globalized activist templates in the professionalized LGBT activism in Ukraine has happened through both "social learning", when norms and certain

was transferred to describe sexual experiences of the earlier period. See: https://www.facebook.com/vera.tragne.7/posts/1796693413927335?pnref=story, accessed 18 February 2017.

[206] He used an English word.

discourses are internalized as appropriate and valuable for an NGO and a given society, and "external incentives", when certain "issues" are selected to be mobilized under the external stimuli, including donor aid (Schimmelfennig and Sedelmeier 2004, 2005). The access to knowledge on feminism and gender studies produced in English-speaking academia – both in formal and informal educational settings – has been one of the key channels for "social learning" in the domain of LGBT activism.

Anna Kirey, a long-time LGBT activist in Kyrgyzstan and Ukraine and a senior program officer at a Public Health program at the Open Society Foundation (at the time of interview), attributes the emergence of the transgender movement in the post-Soviet region to central figures being exposed to "Western" ideas, networks and ways of knowledge production.[207] She notes: "I think, everything started in Ukraine, because Anya [Dovgopol] came with knowledge on trans issues and Ceo [Olena Shevchenko] knew about trans issues from different events" (interview with Anna Kirey, October 2015). Anna Dovgopol, one of *Insight*'s founding directors, supports Kirey's statement and reflects on her acquisition of a new language and new ideas while doing her MA degree at the Central European University in Budapest:

> Gender education provided me with a vision, understanding of how everything works… It has formed this ideal worldview that we strive to achieve on the practical level (interview with Anna Dovgopol, October 2015).

Both Anna Dovgopol and Anna Kirey had been exposed to Western ideas about gender politics and activism[208] prior to founding *Labrys*[209], a group for bisexual and lesbian

[207] Based on Anna Kirey's interview the following timeline for the development of the transgender movement/activism in Ukraine and the post-Soviet region can be restored: August 2005 – a meeting with Richard Köhler in St Petersburg during the first meeting *Girls Get United*; October 2005 – the first LGBT conference in Ukraine and the decision to find transgender people in Kherson and Kryvyj Rih; November 2005 – an interview with Richard Köhler in Russian for Kyrgyz transgender people; November-December 2005 – the solidification of the transgender community in Kyrgyzstan through *Labrys* NGO; Summer 2006 – a second meeting of *Girls Get United* in Ukraine and finding more transgender people; 2008 – the establishment of *Insight* by former members of *Women's Network* as a response to the transphobic stance of the latter; 2010 – the transgender program launched in *Insight*; 2011 – a network building meeting with transgender activists from Kyrgyzstan initiated by OSF and Anna Kirey for *Insight*'s members; 2013 – Trans*camp and the foundation of *Trans*Coalition*.

[208] Both Kirey and Dovgopol have activist background in LGBT activism in Kyrgyzstan. Both earned their bachelor degrees from the American University of Central Asia (AUCA) in Bishkek, Kyrgyzstan, and at a certain point went "westwards" to pursuit graduate degrees. Kirey studied at the University of Peace of the United Nations Ciudad (Gender and Peace building, 2003-2004) and the University of North Carolina at Chapel Hill (Russian and Eastern European Studies, 2010-2012), and Dovgopol got her MA in

women and transmen in Kyrgyzstan, in 2004. In her article on LGBT activism in Kyrgyzstan[210], Cai Wilkinson (2014) writes:

> Significantly, among the founding members were people with experience of civil society organizations and LGBT activism in Europe and the US. While the emphasis was on being responsive to the needs of the local community, this awareness of how to "do" activism provided an important knowledge base and a source of inspiration, since despite the bleak situation it was known based on first-hand experience that change is possible (Wilkinson 2014, 56-57).

While the transfer of gender- and sexuality-related ideas and vocabulary – from academic to activist settings – has been contested and even opposed by some local professionalized actors[211], few have taken an explicit critical stance against the conditionality imposed by donor agencies.

From its inception, the third sector represented "the forms and logic of political activism" which were advanced by the international donors (Hemment 2004, 215). As already mentioned, the transnational LGBT agenda and activist templates have been transferred from the United States and the European Union with their emphasis on building civil society and promoting human rights. It seems fair to suggest that the

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Gender Studies (2003) from Central European University in Budapest, Hungary. Importantly, both AUCA and CEU came into being due to the financial support of the Soros foundation. AUCA was founded in 1993 with financial support from the US government and the Open Society Institute, a non-governmental donor organization set up by George Soros. According to the university web-page: "AUCA is the first university in Central Asia to offer US accredited degrees in liberal arts programs through a partnership with Bard College in the United States". See: https://www.auca.kg/en/auca_at_a_glance/, accessed 13 October 2017. Central European University was founded by Soros in 1991, "at a time when revolutionary changes were throwing off the rigid orthodoxies imposed on Central and Eastern Europe" (https://www.ceu.edu/about, accessed 13 October 2017).

[209] *Labrys* is an LGBT NGO established in April 2004 and officially registered in February 2006 in Bishkek, Kyrgyzstan (see: http://www.labrys.kg, accessed 18 October 2017).

[210] I pay attention to the professionalized transgender activism in Kyrgyzstan since it has been salient for the development of transgender program in Ukraine. See footnote 207.

[211] For example, when asked about people and texts that influenced her politics, Olena Shevchenko, *Insight*'s director, unequivocally stated: "I didn't attend any gender courses. I wasn't part of any feminist or gender trainings. I attended few HR trainings. Some of them were good. But I didn't gain any gender education… I think different people take different paths… I don't think that it should be universally accepted that you have to read certain books and then you become a gender expert. I know many people who studied and read and it didn't work out" (interview with Olena Shevchenko, July 2014). Moreover, the differences in educational background can prevent collaboration and alliances, and foster or contribute to the tensions between activists and "gender experts" educated in the "West" (interviews with Olena Shevchenko, Olga Plakhotnik, and Maria Mayerchyk in July 2014).

central role of civil society in "transition to democracy" and the concurrent human rights rhetoric have served to consolidate the East/West divide rather than dissolving it. As Boris Buden notes, the East largely has been "viewed as being the historical victim of both an excessively strong or violent state and a weak or underdeveloped civil society". Hence, the transition to democracy implies "bringing that state apparatus under democratic control" while strengthening the civil society (Buden 2013, 186). Inevitably, the external incentives from donor agencies contribute greatly to the choice of strategies and foci among local activist organizations, which to a large extent mirror the transnational LGBT agenda, with advocacy becoming a key template.

Despite a seemingly one-trajectory translation of the globalized activist temples, however, the transfer of ideas constitutes an "active negotiation and resignification of meaning[s]" (Szulc 2012, 91), occurring on multiple levels with various actors involved. This gestures towards both ruptures and irresolvable conflicts as part of the process, although radical conflicts are almost always ignored by the dominant parties. Yet, as we shall see below, the almost total domination of international funding agencies does not translate into a one-dimensional trafficking in ideas and a (dialectical) counter-activist-culture (despite the asymmetrical power relations). That said, the importance of financial support and the attendant professionalization of activism in terms of "advocacy" should not be underestimated, insofar as this material and non-material framework conditions what kind of problems are considered worthy of support, or more fundamentally, what kind of problems are possible to formulate as intelligible claims. These "external conditions" for problematization are what I will turn to next.

Transgender activism: donor aid and the transfer of ideas

In 2004, when the Global Fund entered the Ukrainian NGO sector, it provided financial means for HIV/AIDS prevention programs for MSM, thus encouraging the development of MSM-oriented activism, which obtained most of its financial support through HIV/AIDS funding (Dovbakh 2015, 15). The arrival of the Global Fund[212] has been considered a defining factor for the development of the LGBT movement in Ukraine (Kasyanchuk 2015, 141, interview with Olena Shevchenko, July 2014). Importantly, the

[212] In her interview, Anna Kirey mentioned the Global Fund as one of the key donors in LGBT scene in Kyrgyzstan in the beginning of 2000s.

timing of the Global Fund's entering Ukraine coincided with the Orange revolution. As I discussed earlier, the Orange Revolution sets out the geopolitical premises for the gradually rising importance of the LGBT agenda in Ukraine's public profile, while the Global Fund exemplifies the economic incentive behind the "traffic in ideas" (Chari and Verdery 2009), the latter being an indispensable part of the relationships between global donors and local NGOs.

The following interrogation of NGO professionalization, which highlights the transfer of ideas fostered through the flow of financial support from donor agencies to local NGOs, is based on field observations, interviews with transgender activists, and semi-structured interviews with Anna Dovgopol and Anna Kirey, the representatives of two different (as in, size and location) donor organizations. At the time of interview, Anna Dovgopol was a Kyiv-based coordinator at the Heinrich Böll Foundation's program, "Gender Democracy", and Anna Kirey was the senior program officer at the Open Society Foundation's Public Health program, working from its New York headquarters.[213] Both of them were responsible for the distribution of funds for gender and LGBT-related projects. Dovgopol's work focused on Ukraine and Belarus, whereas Kirey's post covered a wider geopolitical area, including but not limited to the post-Soviet region.

Despite the similarities in their biographies and careers[214], Kirey and Dovgopol represent different approaches to the (trans)gender activism in the region; their attitudes towards their respective donor agencies and local NGOs differ significantly. Their deployment of some terminology[215] and understanding of key areas for interventions are also somewhat dissimilar. I acknowledge that this sample – of merely two interviews – is partial and cannot aspire to be "representative". However, in combination with additional data from the field[216], and because of the differences in Kirey's and

[213] In September 2016, she relocated to London and joined Amnesty International's Russian and Eurasian region division as Deputy Regional Director. As of August 2018, she still works in Amnesty International London.
[214] See footnote 208.
[215] For example, Dovgopol translates "queer" in the post-Soviet region as an encompassing term for "gender issues", "gender sensitive approach" and identitarian politics (see a program of the conference "Multiculturalism. Gender. Identity. Queer Studies in the post-Soviet region", organized by Dovogopol on behalf of the Heinrich Böll Foundation on 16-17 June 2017, http://ua.boell.org/uk/2017/06/06/anons-mizhnarodnoyi-konferenciyi-multikulturnist-gender-identichnist-kvir-doslidzhennya, accessed 13 October 2017). Kirey rarely uses "queer" to describe identities or activist politics.
[216] The additional data includes informal conversations with Dovgopol, Kirey, and activists and scholars who have had experiences of dealing with donor's agencies in different capacities.

Dovgopol's positions, the data material is suggestive of important trends in rationales and techniques in the fund allocation policy in contemporary Ukraine.

The professionalization of NGOs and the transfer of ideas

The impact of donor assistance on the Ukrainian LGBT NGO sector bears common features with the influence that global donor agencies have on local NGOs in other "non-Western" contexts. The NGO professionalization is one of the inevitable consequences of international donor aid. For instance, Jamal (2015) reflects on gender empowerment in the Palestinian territories:

> Western donors often require institutions to "professionalize" their operations so that they are better able to keep detailed financial records and provide more accurate financial recording. The professionalization process entails a host of organizational changes which includes increased specialization, hierarchies of pay, more formal channels of communication and decision-making, and often a greater need for better-educated, English-speaking employees (Jamal 2015, 236).

Kirey and Dovgopol unanimously agree that there is a tendency amongst donor organizations to favor professionalized, registered, well-established, and financially stable NGOs with a record of consistent activities, transparent structure, and wide networks. Relevant information about an organization is requested in a grant application form which can be easily evaluated.[217] Anna Kirey points out that the size and level of professionalization as criteria for selecting a trustworthy NGO impedes the development of transgender and intersex activism in the post-Soviet region, but also globally:

> I believe that there is a tendency to fund big cool organizations, whereas small ones do not grow. And transgender and intersex organizations are all small… If we [OSF] give more than 1/3 of the [total] funding [for the project], the application has to go to the president of OSF [to be approved]… He knows

[217] For example, an application form for the project aimed to document the cases of discrimination against transgender people in the medical settings in Ukraine (Husakouskaya and Insight 2015a) explicitly asked to provide information about the mission, vision, and values of the organization, the length of its existence, the detailed structure and predominant activities. Previous experience in "the field of health" and "in documentation work in other fields" was also desirable.

> nothing [about the context], and he critiques these organizations for not being strong enough. But how are they going to be stronger? How can we expect big changes and financial stability from them if there are only 2-3 donors [who can give them financial support]?... If an organization started a year ago, there are maybe two people there. What kind of financial stability do they have? Who are this "board of directors"? What should they do if the only donor that has the trans and intersex division cannot support them because they are too new? If the conditions were like that when we were opening *Labrys*, we would not have survived (Interview with Anna Kirey, October 2015).

As this quote suggests, Kirey seeks to challenge rigid institutional approaches. Frequently, she tries to get around the request for professionalization, and tries to encourage local horizontal grassroots activism, informal groups, and non-registered initiatives. Moreover, Kirey attempts to reconstruct the system of institutionalized donorship from within: she advocates for the transgender issues within OSF's health agenda and seeks to strengthen the support for the post-Soviet region. Anna Dovgopol, for her part, speaks strongly in favor of a further professionalization of the LGBT NGOs:

> I don't believe in horizontal [structures], since I know from my experience that they don't work. Someone has to be responsible in the end. Another problem with the LGBT movement is that it is not professional. After [Euro]Maidan, new volunteer initiatives and NGOs appeared, those helping people in ATO[218], displaced people, people from Crimea… These initiatives were launched by people who are professionals in their respective fields, for example, by businessmen. Having business skills, they take the administration of an organization professionally: they invest their own money in education, development, they are pro-active… And we got used to being given grants… We need a different approach. We have to treat NGOs as businesses that have to earn money (Interview with Anna Dovgopol, October 2015).

[218] ATO stands for "Anti-Terrorist Operation" and refers to the ongoing conflict in the eastern part of the country. It is important to notice that ATO as a term is a part of an official state discourse about the conflict. People in the eastern regions refer to the conflict as "war" (fieldnotes, informal conversations with Amnesty International's employees, May 2018).

The two different stances towards the professionalization of NGOs, exemplified by Kirey's and Dovgopol's accounts, testify on the one hand to the occasional contestation within institutional settings of the pressure inflicted on NGOs to professionalize, and to the limitations of this contestation on the other.

Being dependent on external funding, the ability of local NGOs to challenge the demand for professionalization is obviously restricted. Securing the access to the financial recourses is essential for many LGBT organizations in Ukraine, given the lack of support from the authorities and the private sector. In the post-Soviet region, in the context of "transition toward democracy" by way of Europeanization, the professionalization of NGOs "enhance[s] their legitimacy in the eyes of donors who increasingly view them as the entities best equipped to fill in the social service gap left by neoliberal public sector shrinkage" (Markowitz and Tice 2002, 947).

When donor aid becomes vital for NGOs to deliver services and implement policies, the LGBT NGOs are compelled to focus on "upwards accountability toward the donors", often at the cost of "downward accountability to beneficiaries of organizations' outputs, and internal accountability that relates to responsibility to the staff and the mission" (Chahim and Prakash 2014, 491). As noted above, the "target populations" and forms of intervention are conditions by the donor's guidelines and vocabularies. In short, "global" material and non-material conditions are superimposed on local contexts.

Project-based approach and NGOization of language

Many NGOs function according to externally set agendas, "usually with short-term high rotation 'projects'" (Woodcock 2011, 66). As we have seen, the transgender program at *Insight* relies on external funding, which comes into the overall budget through specific projects, approved and financed by various donor agencies. I have earlier noted that all *Insight*'s publications came about thanks to financial support from international donors, such as Astrea Lesbian Foundation, ILGA-Europe, amFAR Fund, Open Society Institute Foundation, Heinrich Böll Foundation, Norwegian Helsinki Committee, and Embassy of Netherlands in Ukraine (see Appendix 3).

The same is true of other LGBT-related publications. For instance, the "Social work" manual (Geidar 2009) was supported by the Global Fund to Fight AIDS, Tuberculosis & Malaria (hence, its emphasis on HIV/AIDS prevention and health-centered approach); the research on lesbians in Ukraine (Geidar and Dovbakh 2007) came into existence thanks to COC-Netherlands (hence, its focus on lesbians and innovative approach); and the first investigation of lives of Ukrainian gays and lesbians (Nash Mir 2000) was made possible by financial contributions coming from the Kingdom of the Netherlands and the International Renaissance Foundation (Vidrodzhennia), a part of the Open Society Foundation's network established in Ukraine by investor and philanthropist George Soros in 1990.

The project-based approach to activism that donor funding necessitates involves result-based management with short-term measurable outcomes (Chahim and Prakash 2014, 491) and "a clear, distinct, and time-bound rationale, which is often described in a project cycle that moves from identification through implementation to evaluation" (Haan 2009, 93). The orientation towards project-based activism requires "expertise in proposal development, accounting and evaluation procedures, and the intricacies of international aid flows" (Markowitz and Tice 2002, 947-948). Moreover, the focus on grant proposals and clearly defined projects compels organizations to "abstract, objectify, and quantify their work" (Markowitz and Tice 2002, 948). In her Facebook post, Yana Sitnikova, a long-time transgender activist from Russia, unpacks this professionalized NGO orientation:

> Now I am translating a bunch of grant applications, and I want to point out two things. Firstly, there is this all-pervading NGO language. The longer an organization exists, the more pervasive this language is. Thus, instead of describing their activities in a common understandable language, they use such phrases as growing potential, team building (often without even an attempt to translate), mobilization, informing, advocacy, activities, strengthening, getting access etc. Unfortunately, as I understand, the probability of receiving a grant increases if you are able to express your thoughts in these bureaucratic formulas. And people begin thinking in these terms, and if you try to write differently, they won't be able to understand you. Secondly, it is the recitation of your achievements and quantitative indicators. Here they put everything in, like

> attending trainings, facilitating social media groups, distributing booklets […] In more advanced cases, all these are rendered into numbers: N events were organized with X or Y people taking part; a group in VK[219] has been created with S followers; an article was written that K people accessed… This is how neoliberalism crept into the post-Soviet activism. […] I know […] that big LGBT organizations were complicit […], that's why I have always tried to keep a distance from them, but now it seeps into smaller groups which deal with less mainstream topics (Yana Sitnikova, Facebook post, 2 May 2017).[220]

Yana's comment captures the need to adapt one's language and activities to the dominant frames of reference – to that which is intelligible for donor agencies. At the same time, the quote testifies to the heterogeneous, conflicting logics that characterize the NGO sector, suggesting that local NGO idioms are silenced through "bureaucratic formula". As local NGOs strive to represent themselves as coherent, legitimate, sustainable and able to provide adequate and much needed services for particular populations, they unwittingly reproduce the "problems" and requested "interventions" of donor agencies: when NGOs voice so-called local problems in intelligible terms, "they can claim to be capable actors of developing projects aimed at solving them" (Zamfir 2015, 67). Grant applications (at the beginning of the project cycle) and reports (at the end) serve the dual purpose of producing "legitimacy of intervention" and making "the population legible to outsiders" (Zamfir 2015, 67).

On the one hand, this adaptation and instrumental repetition of the language intelligible for donor agencies is a strategic move – a survival strategy – much the same as transgender people learn and use the medicalized language to access bodily modifications (and changes in their documents) vital for their survival or for their ability to live livable lives. On the other hand, the recitation of donor language entails adhering to its logic, even if it is only for instrumental reasons. And there is always the risk that local NGOs "end up internalizing some aspect[s]" of what the new language implies, including self-perception as temporally backwards and underdeveloped (see Butler on transgender people's submitting to the diagnosis in Butler 2004, 82).

[219] VK is VKontakte, a Russian online social media.
[220] The post is available on-line, accessed 1 March 2017: https://www.facebook.com/yana.g.sitnikova/posts/10211718096935223?comment_id=10211718582947373&notif_t=feed_comment_reply&notif_id=1493732090701341

Prioritization of issues and strategies

As Mary Ssonko Nabacwa (2005) elaborates on gender advocacy work in Uganda:

> Relationship between donors and local NGOs can be characterized in terms of those buyer and seller. The sellers are the local NGOs, who constantly adjust their "brand" – that is, their programmes and their guiding discourses – to fit the demands of the buyer (the donors). This is a relationship of domination, in which local NGOs fear losing the donors. Domination is expressed through the donors' requirement that local NGOs should conform to financial accountability mechanisms and other frameworks such as proposal formats and monitoring and evaluation mechanisms. Donors can also determine the broad themes on which NGOs may work, and determine the kinds of result that NGOs work towards, and the scheduling of their work. This result in the NGOs having increasingly limited room for manoeuvre (Nabacwa 2005, 36).

The call for application (the advertised funds) and the application form (to be meticulously filled in) strongly indicate the guiding discourse and specify areas of activism to be funded.[221] Obviously, calls for application and the criteria for selecting projects are guided by the donor agency's priorities. The processes of devising and updating the donors' strategies are not straightforward and may differ from one agency to another. In donor agencies with multiple branches, considerable bureaucratization, ambition for global impact, and extensive areas of prospective interventions, the transgender issues may be on the agenda but as an "add on" to sexual freedom or gender agendas rather than an integrated perspective. Anna Kirey describes the arbitrariness of the inclusion of some "transgender and intersex issues" to the overall OSF strategic plan:

> I wrote 4-5 pages of the strategy on working with transgender and intersex

[221] The sections in an application form usually allude to the ways the issues should be addressed. Thus, the forth section of *Insight*'s application to ILGA-Europe was devoted to "dissemination and advocacy strategy". This section required to outline the key arguments of the project, to list people "who need to understand the information", to lay out ways this information would be brought to people and foster the social changes (the latter had to be delineated in the section three under "social and legal change"), and to indicate plans "to use this information as part of the organization's wider advocacy efforts" (field notes, 2015).

> movements. Afterwards, out of these 4-5 pages, three sentences were included [in the OSF strategy], sentences that may not be a priority. But they made it into the [final] strategy, and this is what I have to work with and promote – the ICD [International Classification of Diseases] reform. No, I would like to reform ICD.[222] The thing is that it is a priority for fifteen international activists, that's that (Interview with Anna Kirey, October 2015).

As for transgender (and intersex) issues, the tangible, law-oriented advocacy approach seems to prevail, reflecting the current global trends within the transgender advocacy, which is narrowed down to lobbying the state and the medical sector to secure "quick, transparent, accessible" treatment for transgender people (see also Transgender Conference in Ukraine, October 2015). Another tendency within the transgender agenda is to prioritize trans-lead organizations and the Global South in the "North/South" divide.[223] Certain strategic issues, like diversity of identities, never make it into the agenda of donor agencies (interview with Anna Kirey, October 2015).

In short, the emphasis on advocacy promoted by donor agencies often "have the effect of curtailing certain kinds of political strategies" (Markowitz and Tice 2002, 949). The current trend reveals "selective patterns of advocacy" and induces local NGOs "to get on the bandwagon with ["global"] gatekeeper NGOs" and international donors, to follow and uphold their strategic choices. This, in turn, "may produce larger NGO coalitions working together on a single issue or targeting a single state", and "may exacerbate the problem of selectivity" in the NGO sector as a whole (Zarnett 2016, 128).

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[222] See also the statement of Transgender Europe (TGEU): "To include 'Gender incongruence of adolescence and adulthood' in the sexual health category is something that trans human rights NGOs such as Global Action for Trans* Equality (GATE), Stop Trans Pathologization (STP) and Transgender Europe (TGEU) have been demanding. However, the definition needs to be clearly focusing on trans people with a need for medical treatment". ("A step in the right direction: WHO proposes to remove F64 "gender identity disorders" from the mental and behavioural disorders", TGEU, 22 April 2014: http://tgeu.org/who-publishes-icd-11-beta/, accessed 20 July 2017). In 2018, The World Health organization revised the manual (ICD-11) and depathologized transgender identity (World Health Organization 2018).

[223] Kirey critically commented upon these two trends: "I do not agree with the Global South [strategy]. I know how little money trans and intersex organizations in the West have… And as for 'trans-lead', I am sorry, but there are 'trans-lead' organizations out there you would not want to know. For example, in Kyrgyzstan, those organizations that are trans-lead do not necessarily deal with trans issues. One of those organizations works with MSM. So 'trans-lead' doesn't mean trans-sensitive" (Interview with Anna Kirey, October 2015).

Scarcity of recourses

The scarcity of the donor bodies that allocate money for the transgender issues has a considerable impact on the local transgender activism. According to Kirey, there are four donors dealing with transgender issues: Open Society Foundation, Arcus, ASTRAEA, Anonymous (interview with Anna Kirey, October 2015, private correspondence with Anna Kirey, 20 July 2017). Some donors give only a fraction of the prospective project budget, prompting NGOs to secure additional funding from other sources, and the available funding is de facto shrinking. As Kirey notes on the funds for the LGB and transgender activist groups:

> Previously the budget was unlimited, and now the budget is limited. Every year we have the same amount of money. It means if none of the organizations [from the list of recipients] drops out, I do not have extra money. And this sum has to be spent, and it is not a big sum (Interview with Anna Kirey, October 2015).

The dearth of the available funding and scrutiny of donors who "select which causes or groups of people are 'most worthy' of their scarce resources" (Zarnett 2016, 116) result in LGBT NGOs competing for these meager recourses despite the donors' assumption that the paucity of recourses may forge alliances and coalitions (interviews with Oksana Guz, October 2017 and Olena Shevchenko, July 2014). The competition in the LGBT sector in contemporary Ukraine is rampant, and the stronger, well-established male gay organizations are better equipped to compete on the given terms. As Dovgopol notices, some of these organizations "have larger budgets than the [Heinrich Böll] Fund's annual budget" (Interview with Anna Dovgopol, October 2015). Under this circumstance, the transgender issues are either sidelined or appropriated by bigger actors.

To sustain organizations financially, NGO leaders have to enter into dialogue and do networking with donor organizations, which requires the capacity to communicate in English (Sharygina 2015). Different levels of access to donors and fluency in English create additional layers to inner hierarchies, enhancing already existing inequalities[224]

[224] Shevchenko highlighted sexism prevalent amongst male gay organizations within LGBT sector: "Even on the panel [during the National LGBT Conference] when the participants heard about discrimination within LGBT movement: that lesbians are discriminated against, that there is no access to the recourses, that women in gay organizations still asked to serve coffee – they were offended. *Gay Alliance* was

and discrimination of certain groups[225] within the professionalized LGBT sector. Thus, the structure of global donorship contributes not only to "a subversion – or more generously – a reorientation of social change agendas and strategies", but also "to the persistence or creation of social hierarchies within and between […] organizations" (Markowitz and Tice 2002, 954).

Bureaucratization and rigid funding procedures

The criteria used to evaluate project applications are twofold. The project must of course correspond with the donor's vision and values. However, the personal views of an intermediary responsible for handling and processing project applications may influence the outcome. Alongside the overarching institutional strategies, the intermediaries take into account their own experiences in/of the region (if they have any) and their perception of the global and local political and activist landscapes. This personal component can alleviate or, conversely, aggravate the process of getting funding for certain "target populations" or forms of activities. The comment of Dovgopol is illustrative in this respect:

> Criteria come from my experience. And the Fund has already established partnership relations [with certain organizations]. I also consider to what extent what is offered corresponds to Fund's priorities, to what extent the discourse is close [to the one of the Fund] (Interview with Anna Dovgopol, October 2015).

The capacity of the intermediaries to alter the donors' prioritized agenda, or influence

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offended the most. And at the end, the volunteer from *Gay Alliance* stood up and said – I don't know may be there is some discrimination, but the way you say it is unacceptable. So I asked him whether he didn't like my tone and he said – yes, you could have done it more softly. So he as a man, even as a gay man, he can assert his opinion firmly and I am as a woman I can't, because it offends him. So they just don't reflect on this" (Interview with Olena Shevchenko, July 2014).

[225] For example, in October 2017, *Nash Mir* decided to follow up their pioneering research on lives of gays and lesbians in Ukraine (Nash Mir 2000). Transgender people pointed out that the new on-line questionnaire was dismissive of transgender issues and identities. Maksim Kasyanchuk, the author of the overview of the LGBT movement in Ukraine (Kasyanchuk 2015) and researcher for *Nash Mir*'s project, responded that transgender people make up an insignificant minority and therefore can be seen as "statistical error" in a bigger LGBT survey. As a result, Ukrainian segment of Facebook erupted in a fleshmob with hashtag #NotAStatisticError (#NeStatystychnaPohybka, in Ukrainian). See: https://www.facebook.com/photo.php?fbid=1929735010609222&set=a.1726170824298976.1073741831.100007182241897&type=3&theater (Soldado Kowalisidi, 19 October 2017) and https://www.facebook.com/inna.iryskina/posts/1732949500345201?pnref=story (Irina Iriskina, 22 October 2017), accessed 26 October 2017.

the list of grantees, may be limited by the predecessor portfolio (when the list of NGOs that have been supported is already compiled) and depend on the structure of a given donor agency and the flexibility of this structure. One of the structural challenges for intermediaries who want to challenge and alter strategies, policies, and/or the ways in which funding gets distributed is the professionalized organization of donor agencies themselves. Anna Kirey notes:

> I think sometimes [applicants] do not comprehend how donor organizations work and what a horrendous bureaucracy it is. I inherited a portfolio [of organizations], and my task is to get an application, to analyze it, then I am writing a short resume and description, and then I "sell" it to those of higher ranks so that the project gets funded. It never depresses me that I am dealing with [transgender and intersex] issues, what depresses me is the bureaucracy that I am currently working in (Interview with Anna Kirey, October 2015).

On the one hand, as Kirey emphasizes, the ways that donor organizations operate may be obscure to local actors who apply for grants. On the other hand, she also acknowledges later in the interview that officers responsible for evaluating the projects and making the decisions might not have the capacity to possess (or gain) expert knowledge of the multiple different geopolitical contexts that they are supposed to cover.

As a result, some countries may continue to be absent from donors' agendas, small and/or grassroots groups may remain without funding for years and die out, and alternative strategies may never make their way to the supported projects. Taken together, the external conditionality makes "Eastern Europe" "caught in the deadlock of transition … [to translate] itself into the idiom of the West" (Buden 2013, 193). However, as Boris Buden also notes:

> Far from being a mere secondary production of an original that necessarily lacks its authenticity, the translation can claim an authenticity of its own. In its translations, as Walter Benjamin once stated, an original struggles for its survival. Isn't it the West that now exists, after the ideological edifice of the post-communist transition has crumbled, desperately struggling for historical survival

> in its Eastern translations? Or it is rather history itself that is struggling in these translations for its survival beyond the very divide of East vs. West? (Buden 2013, 193).

The problematization of the transgender phenomenon on the basis of globalized templates is an act of translation but never a complete incorporation or assimilation. In the next section I turn to the inconsistencies in the process of translating transgender issues into the globalized advocacy framework in Ukraine: to the instances that attest, although indirectly, to the fact that in the translational processes something always "remains untranslatable and unpresentable, harbouring alterity and testifying to what exceeds representation" (Venn 2006, 82).

Transgender advocacy and its discontent

Over the last decade, "advocacy" has become a prevalent form of activism declared by many Ukrainian LGBT NGOs. The interpretation of advocacy by the mainstream LGBT activist groups varies depending on the exposure of their members to the international practical texts, "Western" education, and supranational political and activist professional bodies, including donor organizations. Despite various ways of understanding "advocacy" and putting it into practice, local NGOs generally follow globalized templates where the law remains "a primary framework through which LGBT social movements [seek to] advance their claims" (Thoreson 2014, 6). In the following, I will attend to the translation of transgender issues into an advocacy framework in Ukraine, taking *Insight* as an example. I will focus on the residues and inconsistences produced along the way of this translation process, gesturing towards the disruptions palpable in the field, which problematize globalized understandings of what "transgender activism" entails.

Translating transgender into advocacy

The 2007 report on lesbian lives in Ukraine (Geidar and Dovbakh 2007) ties the LGBT movement to advocacy, defining the main goal of the movement as "lobbying the changes in existing laws" and securing human rights of "gendered and sexual minorities" (Geidar and Dovbakh 2007, 93). Olena Shevchenko, the *Insight* director,

echoes the understanding of advocacy as "work with the law" and, in the case of transgender activism, prioritizing changes in the gender recognition procedures and the introduction and implementation of anti-discrimination laws (interview with Olena Shevchenko, July 2014). Defining *Insight*'s work, Shevchenko links together human rights[226], advocacy, and identity politics: "*Insight* fights for human rights; but we understand that we cannot succeed without being concrete, [so] we focus on women's rights and LGBT" (Interview with Olena Shevchenko, July 2014).

The structure of the Insight Transgender Archive illustrates the central role of the legislation-oriented advocacy in the organization's agenda: almost one quarter of the archive consists of documents related to the law or desirable legal changes.[227] In this regard, advocacy is deployed by *Insight* as an umbrella term for multiple "strategies which specifically target and persuade decision makers in government, multilateral institutions, and elsewhere to change policy and practice" (Kingma and Sweetman 2005, 2). Advocacy is practiced in accordance with a commonly used definition of this form of activism as "policy advocacy within national or international political and/or juridical institutions" (Hesford and Kozol 2005, 20).

Half of the *Insight*'s archive chronicles local events: meetings, trainings, and conferences with LGBT actors and other groups.[228] These documents shed lights on the

[226] While in the 2007 research on lesbians, "human rights" are defined through the commonly used and widely known attributes of being "inherent and inalienable", they are discursively pinned to the "certain ideological frameworks such as liberalism and, to a great extent, socialism" (Geidar and Dovbakh 2007, 94-95). Over the next decade, the explicitness of this ideological foundation of the human rights discourse steadily disappears from the NGOs' practical texts. Thus, in *Insight*'s brochure on LGBT rights, human rights are universally determined through the Universal Declaration (Insight, Shevchenko, and Frank 2014a, 7).

[227] Here I refer to the content of Insight Transgender Archive as it was preserved in hard copies as of May 2015. The documents related to legal practices include the extensive correspondence between *Insight* and the Ministry of Health (regarding the Decrees), *Insight*'s analysis of the Decrees and those Ukrainian laws that touch upon SOGI, and the print outs of the Decrees with proposed corrections. The strategic transgender court cases and the research materials of 2009-2010 and 2014-2015 research (transcripts of interviews, in particular) were stored electronically. If we add the court-related materials to the body of the archive, the law- and policy-oriented share of the archive will amount to almost one-third of the preserved documents.

[228] The local events represented in the archive include the first film screening on intersex issues (2009), a meeting with transgender community (2009), meetings with doctors and (medical) students (2009/2010), a press-conference entitled "The visibility of the LGBT community in Ukraine" (held in Mykolaiv in 2010), a training on "how to mobilize the community" (2011), a series of trainings for the transgender population on their health and civil rights (held in Kharkiv, Odesa, Dnipropetrovsk in 2012), a round table discussion on the medical institutional violence (2013), an expert meeting on transgender issues (2014), and the most thoroughly documented Trans*Camp, organized in the Carpathian in 2013. The data from this "local" part

main goals of the local interventions: building alliances, disseminating the information, educating various target groups, and mobilizing the community. All of these interventions fits with the expanded understanding of "advocacy" which includes, according to the *Insight*'s coordinator, areas like research, "documentation of crimes and violence", "interaction with the local authorities and doctors", and mobilization of the community (interview with the *Insight*'s coordinator, May 2015).

As we can see, all areas of *Insight*'s interventions cater to and can be defined through advocacy. The advocacy efforts to change the Decree incite and, in turn, are sustained by the strategic court cases with transgender constituencies as defendants.[229] The work on anti-discrimination issues comprises of lobbying the relevant lawmakers, tackling hate crimes, conducting and publishing transgender research, and increasing awareness of the public and various communities of LGBT rights as human rights (Insight, Shevchenko, and Frank 2014a, Guz, Shevchenko, and Iriskina 2016). Both trends – the change of the Decree and the lobbying for anti-discrimination legislation – are key "areas of concern" covered by the questionnaires in the *Insight* transgender research (Insight 2010b, Husakouskaya and Insight 2015a).

At the time of my fieldwork, the *Insight*'s archive was preserved in a less ordered form and seemed to represent a random selection of documents. However, as an archive it remains tightly linked to consignation, "the act of consigning through gathering together

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of the archive includes schedules of the activities, preparatory remarks, outlines of discussions, feedbacks of participants, and materials distributed or used during the events.

[229] During my fieldwork there were three ongoing transgender cases *Insight* was involved in. The strategic cases challenge the decisions/rejections made by the Commission in order to make "a precedent" for further cases and ultimately to change the law. Oksana Guz, a lawyer who has taken up *Insight* transgender cases, clarifies: "We do not have the precedent law in Ukraine, but we have the Register [of Court Cases] or we can have a decision from previous similar cases. If we submit it to the court there is a fair chance that it will be taken into account". She also emphasizes the difference between current "strategic cases" and their predecessors: "Starting from 2006, according to the Register [of Court Cases], there have been eight court cases challenging the Commission. But most of these cases used different wordings and different argumentation, because there was a period of time when the Commission's gatherings halted, so the court hearings were used to get a decision in cases when sex had been medically changed to allow changes of gender marker in legal documents. Most of those cases – 90 percent of them – you can see that the decision was bought [through bribes]: it is obvious from the wording". As for number of the cases and their nature, Oksana Guz notes: "People come to us. It's not so many cases and not so many people who are ready to go to court, so we take all cases irrespective of their perspectives [of a favorable decision]. There were 2-3 cases, which we were ready to take to court. But one person decided to follow the Commission's requirements to undergo the surgery. So he did [undergo the surgery] and he will go back to the Commission hearing. If he gets a rejection we will go to court. Another person follows the recommendation of the Commission to come [to the hearing] in a year time. So we are waiting" (Interview with Oksana Guz, May 2015).

signs" (Derrida 1998, 3). Therefore, it is *eco-nomical* in both senses: it preserves what is selected to be preserved and it establishes and reinforces the law (Derrida 1998, 7-8) since it "aims to coordinate a single corpus, in a system or a synchrony in which all the elements articulate the unity of an ideal configuration" (Derrida 1998, 3). This way of reading the archive suggests that the "ideal configuration" (Derrida 1998, 3) evinced in the data preserved rests on the process of translation, i.e. transferring universalized norms and terms to the local context.

One fifth of the archive consists of the international prescriptive texts (see the list of them in Chapter 5), i.e. various recourse materials that are used as a guidance in the development and implementation of *advocacy tools*: research, lobbying and challenging the law, alliance building, communication to different target audiences, and analysis of the policies and the situation on the ground (Evans 2005, 11, 15-16). Despite the relatively small share, the prescriptive texts reappear in other parts of the archive as references, vocabulary, and preferred frameworks – and have a substantial impact on the agenda.

The juxtaposition of the prescriptive international texts with the documents from the local meetings and legal-oriented correspondence suggests that the transfer of ideas is one-directional. When local practices and knowledge "fail to travel in the reverse direction" (Markowitz and Tice 2002, 954), the translation process mirrors a broader process of Europeanization and a global knowledge hierarchy. As Grabbe notes, "[i]n the case of the CEE countries, the asymmetrical power relationship … with the Union [EU] … mean[s] that they [are] mainly downloading policy, with few opportunities for uploading" (Grabbe 2006, 4). At the same time, it is important to note that "Europe" and "West" are highly contested signifiers in this context. As we saw in the previous chapter, transgender people unsettle the ostensibly fixed categories that are transferred. Although, there are very few evidences of local practices and knowledge informing globalized templates, the templates are indeed contested by local activists. The process of translation is therefore more complex than simply an unimpeded transfer of ideas; there are always blockages in the flow of ideas.

"Why would I do this?": resistance from the "transgender community"

The salience of the local context and the shortcomings of the blind adaptation of globalized activist templates have been voiced by some members of the Ukrainian "transgender community" as well as by some professionalized transgender activists. In the summer 2013, the first Trans*Camp was held in the Carpathian in Ukraine, organized by *Insight* with financial support from the Open Society Foundation. Accoring to one of the organizers, the objectives of the camp were to explain and justify advocacy work, to provide advocacy tools[230] to the transgender community and activists, and to prompt the community to form local advocacy-oriented groups. Summarizing the outcomes of the camp against the backdrop of its initial tasks, one of the organizers admitted that their efforts fell short:

> Apart from giving the information out, we expected that grassroots initiatives would emerge locally; [we expected] that we would share a common understanding of human rights… how to write complaints... the basics. If something is happening to you, there are tools you can utilize. At the same time, we heard other [opinions]… like "why I would write [a complain] to someone if I know that if a person gets beaten my home is the only place this person can come to, and that's the biggest help I can give". I mean it's a different level [of conversation]. And if I am to talk about outcomes [of the camp], I would say we did not manage to explain fully why advocacy is needed, not just advocacy but how advocacy tools can be used for protection (interview with the organizer, May 2015).

The translation of values and ideas around LGBT issues into the local context "brings not only a novel *topic* – visibility and protection of people who practice certain forms of sexuality – but also novel *techniques* through which LGBT issues came to be governed" (Brković 2014, 180). As Brković notes, "the language and practices of NGOs, which

[230] The offered advocacy tools and essential knowledge around "transgender issues" provided during the Camp represented the following areas: the gender recognition procedure(s); de-pathologization of transsexuality; (the need for) the anti-discrimination laws; the mechanisms of the rights protection within existing laws; and the strategies for transgender advocacy including trans entryism, strategic court cases, and lobbying reproductive rights, better access to the medical services and change of the procedures (See the schedule for the Camp, the notes for the Camp, the list of presentations and discussions in Insight Transgender Archive).

include concepts such as 'target groups', 'project implementation', 'project evaluation', 'fundraising', and so forth, are relatively recent and not quite comprehensible to most people" (Brković 2014, 180).

As already mentioned, the imported terms, including those of empowerment, civil society, gender equality, may be of little relevance to the local context, "appear[ing] to be the recent additions to a succession of ideological frameworks as models for change" (Abirafen 2009, 69). In line with a certain level of resistance from the community during the Trans* Camp, some of the interviewed transgender people (Insight 2010b, Husakouskaya and Insight 2015a) contested the appropriateness and usefulness of the vocabulary and techniques deployed by NGOs. Even when they seem relevant and are appropriated by local communities, they may serve to strengthen the idea that the phenomena they signify – such as democracy and gender equality – and the way these phenomena get problematized are "Western products". Clearly, "labelling these ideas as Western can bring resentment and build resistance" within and outside the communities (Abirafen 2009, 69), which may lead to alienation of the communities and, as I have discussed earlier, may fuel the right-wing nationalistic rhetoric.

The contestation of NGOs' forms of work (their nature, purpose, and activists) is characteristic not only of LGBT NGOs, but of the third sector in the post-Soviet region as a whole (Tsetsura 2013, 411). The criticism seems to mainly concern the professionalization of the sector, which comes with donor financial support. Some of transgender respondents from 2014-2015 Insight's transgender research and few (mostly former) members of *Insight* are highly critical of donor-involvement because of the economic inequality between professionalized activists and "the community"/grassroot activists.[231]

For instance, Yuri Frank (the former coordinator of *Insight*'s transgender program, who left the position in 2016), harshly criticized what he sees as a void between professionalized LGBT activists (who sustain themselves through external funding) and

[231] Anna Kirey reflected on this discrepancy, too, when she recounted the launch of *Labrys* in Kyrgyzstan: "It was launched by people with privileges, with university education etc… When we started gathering people we realized that people do not have jobs, even if they do, they do not work according to their qualification… There were women with non-conforming short hair … and people had problems that we had never encountered because we were privileged, we studied at the universities… and people were thrown out of their houses" (Interview with Anna Kirey, October 2015).

the groups they claim to represent. In October 2017, he wrote in his public Facebook post:

> The majority of young and not so young people that I know who identify as queer, non-binary and transgender don't give a damn about all your bureaucracy, committees, protocols, codes, and this kind of stuff. Also, they don't bother what you think. You are just an outgrowth on the feeding money-breast, the outgrowth that soon will wither away (Yuri Frank, Facebook post, 23 October 2017).[232]

This quote points towards two significant developments in the field of transgender activism. Firstly, as already pointed out, financial means that are channeled through donor agencies advance the professionalized activism and simultaneously contribute to discrepancies between NGO activists and the "community". Secondly, the critical stance towards the ongoing NGOization and professionalization of activism does not imply a complete rejection of the globalized (Anglicized) vocabulary, including transliterated categories such as "queer" (*kvir*), "non-binary" (*nebinarnyi*), and "transgender" (*transgender*). Although this excerpt does not provide a full account of the ways the Anglicized terms get re-appropriated by grassroots activists and various communities, it gestures towards the development of a new counter-activist-culture which at once incorporates and rethink "Western" knowledge and practices, translating this scattered knowledge into local contexts and languages. Translation, in this sense, bears the possibility of alternative ways of problematizing the globalized phenomena.[233]

[232] See the post: https://www.facebook.com/chronozawr/posts/750375781828795?pnref=story, accessed 26 October 2017.

[233] I have scarce data from the field to expand my argument here. Due to the fact that I had different foci of the research while being in the field, some developments I noticed in hindsight. Nevertheless, I want to provide one such example of rearticulating the globalized claims and translating them into local terms. In spring and summer 2018, in Belarus, Andrei Zavalei, one of grassroots activists, offered to use "pidor" instead or along with "gay" and "queer" as an identity label which reflects the situated knowledge and histories of sexual minorities' lives in the soviet and post-soviet societies. "Pidor" (Russian) is an offensive term for "male homosexual". In his public Facebook post, in July 2018, Andrei claimed: "Pidor is queer. Queer is pidor. That's that". Later, while acknowledging the potential of "queer", he disregarded it as a colonial term that erases the local contexts and meanings. See: https://www.facebook.com/andrei.zavalei/posts/1907153159349494, accessed 08 August 2018.

"It is better to have gaps in the law": corrupted legal and medical frameworks

Transgender people in Ukraine may choose to elude NGO support and seek alternative ways to achieve their goals.[234] As noted in previous chapters, many transgender people use means not necessarily connected to "advocacy tools", such as informal negotiations with doctors, bribes, forged documents, and opportunistic use of the unawareness of state/medical professionals about the intricacies of the procedures. As Oksana Guz, the lawyer working with *Insight*, notes:

> People deal with it in other ways as well. You can go to ZAGS [the register office], and they would tell you – "give us a medical certificate, and we will not be checking where you got it from". So it is a simple technicality – to forge it, or to buy it. I sent a few clients to the Commission with bribes, but they [the Commission] declined the bribes. Maybe they were afraid, or maybe they knew these people were sent by *Insight*. However, a year ago the bribes were paid and taken, and the certificates were given (Interview with Oksana Guz, May 2015).

During our conversations, Oksana Guz described these kinds of informal tactics through the Ukrainian verb "*propetliat*", which translates as "to get through the loops". As a lawyer, she expressed her own doubts about the effectiveness of the law-oriented advocacy efforts in Ukraine. In 2015, during the Transgender Conference in Kyiv, she offered her view on the lobbying efforts to change the Decree. Although expressed as her "personal opinion", her critical view stemmed from her experience in courts and her discussions with medical and juridical professionals involved in transgender strategic cases in the post-Soviet region:

> As for the Decree no.60, I have talked with my colleagues from other [post-Soviet] countries, and I honestly think that given the reality of our country, it is better to have gaps in the law, which we can use to challenge unlawful actions [by the Commission] than to be trapped in a narrowly confined [newly introduced] law. Knowing those people who will be making all medical decisions… we won't be able to do anything for those transgender people who will need our assistance. So

[234] Based on the interviews conducted in 2014-2015, the two interviewees out of 28 who received their documents with desired gender marker did it by avoiding the Commission and choosing informal ways (Husakouskaya and Insight 2015a).

> for me – let this Decree no.60 stand. At least we can fight it. Otherwise, we will get something we won't be able to even challenge (Oksana Guz, October 2015, Transgender Conference).

She pointed out that while the new Decree no.1041 is less discriminatory, it lacks proper mechanisms of implementation. Transgender people therefore continue to encounter problems in medical settings: psychiatrists are unaware of the new scheme and thus keep on diagnosing transgender "patients", referring them to the Commission that ceased to exist; the general practitioners who are the first port of call for transgender people in the medial system are not always aware of what is expected of them; and the endocrinologists lack experience of prescribing the hormonal treatment, which leads many transgender people to the means of self-medication (interview with Oksana Guz, October 2017).

In addition, the attempts to correct inconsistencies in the Decree no.1041, notably with regard to the medical protocols, have been halted because they collided with a wider law reform in the health sector aimed at adopting "relevant EU norms and regulations in the context of the Association Agreement Ukraine-European Union".[235] Because the international medical protocols that "are deployed in the civilized countries"[236] were made available for doctors in Ukraine, the bureaucrats saw "no need to improve or introduce any local clinical protocols" (e-mail correspondence with Oksana Guz, 29 September 2017; interview with Oksana Guz, October 2017).

However, the transgender activists emphasized that the list of the international medical protocols[237] eligible for implementation in Ukraine is of limited use for the specific health care transgender people need (interview with Oksana Guz, October 2017). Despite its ostensible "progressiveness" towards the European standards of health care, the Decree no.1422, which allows Ukrainian physicians "to use evidence-based

[235] See the agenda of the Health Care Reform Workshop held in May 2017 in Kyiv with support of the International Labour Organization, International Trade Union Confederation, Pan European Region Council, and European Public Service Union: http://www.epsu.org/sites/default/files/article/files/Draft_Agenda_Expert_Workshop_Kyiv_EN.pdf, accessed 10 October 2017.
[236] See comment of Petro Pavlenko, the Minister of Justice: http://pravo.ua/news.php?id=0060111, accessed 10 October 2017.
[237] The list is available here: http://zakon3.rada.gov.ua/laws/show/z0530-17, accessed 10 October 2017.

medicine instead of the authority-based medicine" [238] has been criticized for its disregards of previous developments in this field [239], the risks it bears for further corruption in the medical settings, the potential raise of inequality due to the cost of health care, the lack of development of protocols sensitive to the local context, and the lack of implementation mechanisms (i.e. the paucity of financial support in the sector and the lack of translation of the protocols, given that very few doctors in Ukraine are able to read English[240]).

While the corruption and inconsistencies in the medical sector may enable some transgender people to get around discriminatory and hideous procedures, those who lack means or connections are often left behind. But professionalized advocacy is not an adequate solution to this problem (as defined by "grassroot" activists). Precisely because of the corrupted bureaucratic structures, professionalized advocacy hardly works through globally recognized strategies, such as lobbying, educational seminars, round table discussions, and negotiations. The specificity and heterogeneity of various local contexts makes it inadequate to apply a unified set of "better solutions". The *Insight* coordinator commented on the inability to reconcile interregional differences while searching for a common solution for the "transgender problem" in the post-Soviet region:

> We had the idea that we take one country and the whole team [of the Trans*Coalition[241]] will work on this country, and then we will move to another

[238] The Decree no.1422 came into force on the 28th April 2017. See the Decree no.1422: http://zakon3.rada.gov.ua/laws/show/z0530-17, in Ukrainian, accessed 10 October 2017. Also see more: http://en.brdo.com.ua/main/international-clinical-protocols-medicine-based-evidence/, accessed 10 October 2017.

[239] Here I refer to two relevant projects: "Support to the Development of a System of Medical Standards in Ukraine" (EUROPEAID – NICARE No. 2003/065-429), 2004-2006; and "Support to Secondary Healthcare Reform in Ukraine" (EuropeAid/123236/C/SER/UA), 2007-2009. See more details about the projects and the critical evaluation of the Decree by the projects' experts: http://www.ufm.org.ua/?p=1442 and http://www.vz.kiev.ua/novi-klinichni-protokoly-triumf-dokazovoyi-medytsyny-chy-chergovyj-haos/, in Ukrainian, accessed 10 October 2017.

[240] Trans*Coalition stressed the need and importance of the correct translation of the globalized templates regarding transgender health (including ICD and any other relevant guidelines) from English to Ukrainian. This translation has been defined as one of the priority areas of work in the Coalition's meeting in August 2018. See more, FB post from 8 August 2018, in Russian: https://www.facebook.com/transcoalition/posts/1720440148024516?__xts__[0]=68.ARDYyj9OmqxbQPs5EhQcsof6f0Jfbpr1E-ILgH4v7mVJmVTEnjJjdKSykaSJ3j0CKGCKB2koWCqKggUl2RkAtxEVcRYEeUPs-HU0Szr1-0q1Dedlf9r63aSkqYKflRViedeYIxky6QzI&__tn__=-R, accessed 18 August 2018.

[241] Trans*Coalition was launch during the Trans*Camp in 2013. See Chapter 1.

> country and then to another one. So we will go from one country to another, and in such a manner we will change the whole [post-Soviet] region. But, in my opinion, it doesn't work that way. I won't be able to take into account the context of another country. For example, in Ukraine, there is an immense corruption. And whatever you do, I mean you can organize round tables, you can get people to seminars, trainings, conferences – all this will be in vain until certain people on the top are interested in making this decision, or at least […] not hamper them. But I don't know what's happening in Kazakhstan, what is the context there. I know that in Kyrgyzstan they achieved a lot through personal contacts, through walking and talking with people, through personal communication… It won't work in our case (interview with the *Insight* coordinator, May 2015).

The case of Ukraine epitomizes the complexity of the process of Europeanization when it "induce[s] a primary formal adaptation on the level of legislation and official statements", while institutional and cultural frameworks may struggle to adjust to a rapidly changing legal landscape (Brusis 2005, 24). The EU way of governing and the ways that global advocacy templates are incorporated may actually, on the practical level, defer certain improvements to the system. In any event, the offered "better solutions" serve to reinstate the geopolitical status quo where "Europe" (EU) is produced, time and again, as a reference point for "other" territories to catch up and align with.

"Even advocates don't understand how advocacy works": advocacy and production of "activism"

When reflecting on the LGBT movement in Ukraine, Olena Shevchenko emphasizes several problems: the lack of implementation mechanisms within law-oriented advocacy, the absence of a common strategy among LGBT activists with regards to the aims and means of advocacy, and importantly, the lack of a common understanding of what "advocacy" means (Interview with Olena Shevchenko, July 2014). She critically comments on the development of donor-financed advocacy:

> We have 43 officially registered LGBT organizations. Most of them work with MSM groups and HIV prevention. They do it because the money was given for this purpose… Now the situation is changing because the Global Fund that was

> giving money is leaving Ukraine. The panic has erupted: all these MSM organizations are wondering how they are going to survive. Some of them have already closed, while others – the smarter ones – they are trying to re-orient [their work] towards the new trends. And the new trend is to do advocacy work. Not everybody understands what that is, but they are already working on it *(laughing)*. So now, I think, everyone will be doing advocacy (Interview with Olena Shevchenko, July 2014).

In a similar vein, Oksana Guz remarks: "I'll tell you that even advocates don't understand how advocacy works" (interview with Oksana Guz, October 2017). The above remarks, alongside my observations in the field, bear witness to a general dissatisfaction among local activists with the way that advocacy work is organized and problems are approached. An activist I encountered during my fieldwork noted:

> If they wanted to change the law [the Decree], everything was ready, we could have given a bribe, and the law would have been already changed. I had all that sorted and ready to go. I offered this way of solving the problem several times, and they [an NGO] said repeatedly "no". And now the top bureaucrats have rotated so we are stuck with what we've got (field notes, May 2014).

However, as one donor representative noted (in an informal dinner conversation), they could not resolve the situation through bribes, despite knowing that this might be feasible, because one of the main goals of the donor organization was "to incite a movement from below, to mobilize the community so that the community would organize and tackle the problem" (field notes, October 2015). These field encounters indicate that donors promote a specific type of (neoliberal) activism which nurtures so-called active citizenship. This globalized understanding of "activism"[242] targets (and thus produces) a homogenous version of the transgender community, provides the fabricated community with "democratic" tools to address the problem. An important part

[242] The 2007 research publication on the lesbian lives in Ukraine (Geidar and Dovbakh 2007) defines "activism" as "an Americanism that appeared in Russian language recently to depict varied activities". The offered definition indicates a variety of local words such as "obschestvennaia deiatel'nost" (community/social activity), or "deiatel'nost" (activity), "obschestennaia rabota" (community/social work), "obschestevennoe dvizhenie" (community/social movement) (Geidar and Dovbakh 2007, 91) that were absorbed and replaced by an "activism" term.

of the offered solution is capacity building aimed at "nurturing contacts and alliances with the State" as well as international governmental and non-governmental organizations, hence "framing [the] issues in ways that are palatable to [the] official circles", "developing movement cadres with specific kinds of (advocacy) skills and (policy) specializations (which in turn necessitates access to particular kinds of cultural capital)", and securing the funding "that make … strategizing and lobbying possible" (Alvarez 2000, 50).

In short, the promotion of a globalized kind of activism encourages the NGOization of the third sector, engenders the professionalization of NGOs, and prioritizes certain problematizations and solutions while preventing others from being articulated and implemented. As long as Europeanization remains the primary frame of reference, alternative forms of activism are either dismissed as unprofessional, silenced, or simply rendered unintelligible.

Conclusion

This thesis has explored the emergence of the transgender phenomenon within professionalized transgender and LGB activism in contemporary Ukraine. I have investigated the production of "transgender" as a problematized phenomenon at the intersection of three intertwined frameworks: (1) local legal and medical regulations, (2) local professionalized transgender and LGB activism with its external conditionality imposed by donor agencies and "Western" discourses, and (3) an ongoing geopolitical process of Europeanization which involves negotiations over belonging to "Europe". The analysis has borrowed from governmentality studies, notably the concept of problematization, and scholarly literature on Europeanization, paying particular attention to the instrumentalization of sexual diversity and the transfer of ideas (both seen as indispensable parts of Europeanization).

In contemporary Ukraine, the transgender phenomenon is shaped by local medical and legal frameworks, on the one hand, and by an international frame of reference, channeled through donor agendas and European legal and medical documents, on the other. In Ukrainian medical and legal regulations, the transgender phenomenon is constructed as a pathology – something unstable, abnormal and in need of regularization and normalization. The main concern is defined as "social adaptation", based on the assumed and imposed desire of transgender people to be accepted by society. Critical scholars and activist, by contrast, would emphasize the concealed governmental will to preserve the social order and minimize the disruptive potential of transgender bodies and identities.

In the practical texts of LGBT NGOs, the "transgender community" is produced as one of the most vulnerable and least organized populations in Ukraine, in need of professionalized protection and support. The main concerns of the professionalized NGO (third) sector are transgender health and transgender rights, with advocacy being the offered "solution" to the transgender problem (which mirrors the globalized ways of addressing the transgender problem). The international influence comes through external political and economic conditionality exercised, on the one hand, by political actors whose main frame of reference is Europeanization, and donor agencies supporting projects that advance the development of a civic society, which also takes

Europeanization as its main frame of reference. The external conditionality is grounded in the assumed will of Ukraine to be part of Europe and a long-standing dependence of the third sector on the international financial support (in the case of donor aid).

The professionalized LGBT NGOs in Ukraine reconstruct (Western) Europe as the "core" of civilization (in this context designated as democratization) and a repository of "best practices" in the domain of gender equality and sexual politics. Often, transgender and LGB activists use "Europe" strategically "as an external constraint to bypass national political and administrative systems [and] to enforce decisions and policies that would not otherwise have been agreed upon or accepted" (Grabbe 2006, 51). While they may endorse the required frameworks strategically to improve their chances of receiving funding, they inadvertently become complicit in the production of "LGBT activism" as part of the Europeanization process. We have seen that professionalized NGOs prioritize advocacy over other forms of activism, which involves the transfer of a globalized gender- and sexuality-related vocabulary into local settings (Jamal 2015, Saurugger and Everwein 2009, Hemment 2004).

The external conditionality of the professionalized transgender activism, the transfer of ideas and the asymmetrical power relations intrinsic to it have at least four significant effects on the problematization of "transgender":

For one, when the transgender phenomenon is produced within a globalized legal frameworks, it is politicized through the means of identity politics, which entails that "gender also now means gender identity" (Butler 2004, 6), and through advocacy work, which is based on the presumption that there is an immanent need for (legal) recognition of certain identities. The external political pressure to adopt the EU regulations in the sphere of LGBT rights and the donor agendas reflective of these political incentives are rooted in the taken-for-granted standpoint that incorporation of sexual minorities is "a certain pathway to progressive politics" (Haritaworn, Kuntsman, and Posocco 2013, 445). It makes human rights discourse and emphasis on visibility and recognition the only legitimate way of articulating and solving "the problem".

Secondly, in the context of Europeanization, LGBT issues in general and the transgender phenomenon in particular are instrumentalized, serving the function of discursively

(re)distributing geopolitical entities along the East–West civilizational slope. I have argued that the instrumentalization of transgender rights contributes to the problematization of Ukraine as "eastern" and "less civilized" as long as "the norms" move from supposedly more progressive countries where LGBT issues were politicized relatively early to the "new adopters" where the transgender issue has been problematized more recently (Ayoub 2016, 94). In short, the instrumentalization of sexual diversity renders Ukraine permanently "transitional" and imposes the linear logic of "Western" development and temporality (Kulpa and Mizielińska 2011a, Gressgård 2015, Bilić 2016a).

Arguably, globalized advocacy as the "way of ordering work" (Alvarez 2000, 49) is rooted in the developmental logic of progressive and desired movement towards (Western) modernity. The professionalized advocacy approach to activism is based on the problematization of certain phenomena unfolding through five key components (underpinned by a linear progressive temporality): the knowledge of the problem, the anticipated impact, the strategy (to solve the problem), the target audiences, and the recourses for the strategy (Evans 2005, 17). This often results in irresolvable conflicts with local activist initiatives that are based on a different idea of modernity (due to the Soviet legacy) and therefore may have different histories related to gender and sexuality as well as representing different ideas about development and change.

Finally, the NGOs are compelled to use the language and enact the forms of activism intelligible for the Western audiences, including political actors and donor agencies. As a result, the local professionalized activists "are not expected to shape the ideological and practical frame through which language and sexuality could be redefined, but rather to shape [the local] context by following the recommended path to 'Europe'" (Brković 2014, 183). We have seen that the transferred language and techniques are often at odds with how local activists conceptualizes their experiences, for instance by characterizing the new vocabulary as "external and imposed". Moreover the fact that these ideas can be easily identified as "Western" risks fueling nationalist rhetoric, allowing local actors who want to discredit "the legitimacy of LGBT issues" (Brković 2014, 180) to appeal to anti-Western sentiments.

The field data indicates that the prevalent definition and problematization of the transgender phenomenon is being contested or problematized by people on the ground. For example, some people who fall under, chose to use or get defined through the "transgender" term refute advocacy as an adaquete form to address their needs and, driven away by the suspicion towards NGOs, bypass the professionalized organizations in their seach for available and affordable options to get access to body modifications and/or changes in the documents. Within the prevalent framework of Europeanization, these conflicts might be "disregarded [as] childhood diseases or results of 'lagging behind' which would presumably disappear once [the whole country] shares the same time and place with Europe" (Brković 2014, 183). Nonetheless, by contesting the appropriateness of advocacy as the solution to the transgender problem, they contest the premises of problem setting, thus indirectly contesting the signifier "Europe" and disrupting the linear, homogenizing logic of Europeanization.

However, my data material is limited and the field is rapidly changing. It should be mentioned that some events that occurred after most of my fieldwork and interviews were conducted have had profound effects on the dynamics of local LGBT activism. The rampant and uncurbed rise of right-wing violence in Ukraine in recent year (specifically targeting LGBT and currently Romani population) have led to shifts in priorities of many activist groups. Strategies for visibility and recognition are becoming progressively unviable and dangerous in the country. As the priorities on the ground are changing, it becomes even more obvious for many actors that a project-based approach fails to accommodate their needs. As one of the activists said, "by the end of the project for which we applied maybe two years ago we have totally different aims, and these [financed] tasks may have nothing to do with reality, but we have to drag this project and write the final report" (field notes, May 2018). In other words, the demand of donors based on a fixed understanding of development is now in even starker contrast to the local realities than they were at the time of my data gathering. While being at a short field trip to Kyiv, Zaporozhzhia, and Lviv in May 2018, I noticed that local activists are more vocal and articulated in their critique of donor strategies in the region, questioning the underlying premises of Europeanization and international investments. For example, one of the local lawyers highlighted that a considerable amount of international aid money has been invested into development and training of local police forces who

systematically ignore anti-LGBT and xenophobic violence and thus inadvertently condone right-wing activities (field notes, May 2018).

The recent developments on the ground suggest that further investigation of the political, socio-cultural and economic premises of problematization of LGBT issues – including conflicts surrounding translations – is needed to shed light on (1) the complex relations between Europeanization and local nationalist responses; (2) the intricate dynamics between external financial-political incentives, local hybrid forms of democratization and desire for change[243] amongst the local NGO actors; (3) the agency of local actors, the multiplicity of intangible activist registers and resistance strategies, and the affirmation of different forms of history, modernity and temporality; and (4) the applicability and usefulness of a post- and de-colonial lens for analyzing transfer of the globalized ideas about LGBT politics, activism, resistance, rights, identities and citizenship into varied local contexts.

[243] The outreach to the West in order to find appropriate critical vocabulary for ongoing changes can hardly be reduced to the collapse of the old ideology and the influx of donor aid and knowledge. As a Ukrainian scholar Kupryashina noted in 1997, the changes in academia were grounded in social reality as well, namely in "the deteriorating status of women in the newly established democratic states, the concurrent rise of nationalism with its specific gender politics, and the loss of many legal rights and benefits that the previous system guaranteed" (Kupryashkina 1997, 384).

APPENDIX 1. Map of Ukraine.

The map of contemporary Ukraine (as of 2017), including the contested territory of Crimea and the eastern regions affected by the military conflict. The area of the conflict is a matter of constant change and this map does not reflect the shifting borders of the ongoing conflict. I marked the cities I visited during my fieldwork.

Source: https://www.nationsonline.org/oneworld/map/ukraine-political-map.htm, accessed 17 September 2018.

APPENDIX 2. Research documentation.

(a) Information sheet (in English, also available in Russian)
(b) Consent form (in English, also available in Russian)
(c) Interview guideline (in English, also available in Russian)

Note: The project was initially titled as "Feminist Movement(s) in Post-Soviet space in times of 'struggle for freedom': case of Ukraine and Belarus" with the main aim to explore formation, function and strategies of feminist movement(s) in post- Soviet countries over the last decade.

(a) Information Sheet

Title of Study: **Feminist Movement(s) in Post-Soviet space in times of "struggle for freedom": case of Ukraine and Belarus**

Principal Investigator: Nadzeya Husakouskaya, University of Bergen
Phone number: +4740622175
Email Address: nadzeya.husakouskaya@gmail.com

Research supervisor: Dr. Randi Gressgård
Email Address: Randi.Gressgard@skok.uib.no

Background and Purpose:
Hello! My name is **Nadzeya Husakouskaya** and I am conducting research that aims to explore formation, function and strategies of feminist movement(s) in post-Soviet countries (namely, Belarus and Ukraine) over the last decade. I am going to investigate relations and tensions between feminist politics and wider "struggle for freedom" and attempts to "transition" (to democracy) in Belarus and Ukraine. I use "struggle for freedom" referring to various activities, events and groups that are connected with and reflect endaviours to change socio-political situation in Belarus and Ukraine in the preiod of 2004 – 2014. Amongst others events I reffer to the Orange Revolution in Ukraine in 2004, Jeans revolution in Belarus in 2006, civic upraising in Minsk in 2010, and EuroMaidan Revolution in Ukraine in 2013/2014. I am also intrested to unpack how

"freedom" and "struggle" are understood in feminist movements and activites in Urkaine and Belarus and what are the needs, strategies, challenges and tensions (with)in the movement(s). This study is a PhD research project carried out at the Centre for Women's and Gender Research at the Universuty of Bergen, Norway. The University of Bergen is responsible for this study. The reseach will end on 01 March 2018 and will have as result a PhD thesis and set of academic articles based on the thesis. I would like to invite you to take part in this study as it will help to strengthen understanding of needs, specificity, challenges and pitfalls of feminist politics in Ukraine and Belarus over the last decade.

What's involved:

Your participation in this study will include participation in an interview focused on your vision, understanding and experience of feminist politics, its function, strategies, and challenges in Belarus and/or Ukraine.

Benefit:

You may not receive any direct benefit from participating in this study. But, this research will help us to strengthen understanding of needs, specificity, challenges and pitfalls of feminist movements in Ukraine and Belarus over the last decade.

Costs:

There are no direct costs associated with this research project. It will, however take up your time.

Confidentiality and anonymity:

If you give consent, you will be identified by name and professional occupation in the final reporting of results. Otherwise, you will be assigned a pseudonym in the final report. Confidentiality of information will be achieved through the assignment of security codes to computerized records. Any direct person-identifiable data will be replaced with a reference number that refers to a separate list of names. The list of names will be coded and stored under the password in a password secured computer. You will have an opportunity to read the transcript of your interview and approve quotes that will be used in a final report (PhD thesis and academic articles based on the thesis).

What happens to your information?

Hard copies will be kept in a locked filing cabinet and electronic files (including digital audio files) will be stored on a password-protected computer. Data will only be available to the researcher and applicant. If you give consent, data will be available for other researcher for further research/academic purposes only.

You may withdraw from this project at any stage; this will not affect you in any way.

Do you have any questions?

Would you like to go ahead with being part of this research project?

(b) Consent Form

Title of Study: **Feminist Movement(s) in Post-Soviet space in times of "struggle for freedom": case of Ukraine and Belarus**

Principal Investigator: Nadzeya Husakouskaya, University of Bergen

Phone number: +4740622175

Email Address: nadzeya.husakouskaya@gmail.com

Research supervisor: Dr. Randi Gressgård

Email Address: Randi.Gressgard@skok.uib.no

RESEARCHER: please read through the consent form with the participant

Nature of the research:

The research project aims to explore formation, function and strategies of feminist movement(s) in post-Soviet countries (namely, Belarus and Ukraine) in the last decade (2004-2014) while paying attention to relations and tensions between feminist politics and wider "struggle for freedom" and "transition" (to democracy) in the region. This study is a PhD research project carried out at the Centre for Women's and Gender Research at the Universuty of Bergen, Norway. The University of Bergen is responsible

for this study. The reseach will end on 01 March 2018 and will have as result a PhD thesis and set of academic articles based on the thesis.

What's involved:

Your participation in this study will include participation in an interview focused on your vision, understanding and experience of feminist politics, its function, strategies and challenges in Belarus and/or Ukraine.

Benefit:

You may not receive any direct benefit from participating in this study. But, this research will help to strengthen understanding of needs, specificity, challenges and pitfalls of feminist movements in Ukraine and Belarus over the last decade.

Costs:

There are no direct costs associated with this research project. It will, however take up your time.

Confidentiality and anonymity:

If you give consent, you will be identified by name and professional occupation in the final reporting of results. Otherwise, you will be assigned a pseudonym in the final report. Confidentiality of information will be achieved through the assignment of security codes to computerized records. Any direct person-identifiable data will be replaced with a reference number that refers to a separate list of names. The list of names will be coded and stored under the password in a password secured computer. You will have an opportunity to read the transcript of your interview and approve quotes that will be used in a final report (PhD thesis and academic articles based on the thesis).

What happens to your information?

Hard copies will be kept in a locked filing cabinet and electronic files (including digital audio files) will be stored on a password-protected computer. Data will only be available to the researcher and applicant. If you give consent, data will be available for other researcher for further research/academic purposes only.

You may withdraw from this project at any stage; this will not affect you in any way

PARTICIPANT:

Printed Name of Participant Date

RESEARCHER: please read through this carefully with the participant

- I agree to participate in this research project.
- I have read/been read this consent form and the information it contains and had the opportunity to ask questions about them.
- I agree to my responses being used for research.
- I am aware that I may be identifiable in the final research reports.
- I understand that I am under no obligation to take part in this project.
- I understand I have the right to withdraw from this project at any stage.
- I do / I do not give consent for my name to be used in the final research reports.*
- I do / I do not give consent for my professional affiliation to be used in the final research reports.*
- I do/ I do not give my consent to be audiotaped during the interviews. The researcher has explained to me that the tapes will be typed up and used only for the purposes of the study. The researcher has explained to me issues around confidentiality and anonymity.*
- I do / I do not give consent for the data gathered from the interviews to be stored on a password protected computer. Archive data may be utilized in future research in associated projects. The data will not be destroyed, it will be kept indefinitely.*

RESEARCHER:

*I (Nadzeya Husakouskaya), herewith confirm that the above participant has been fully informed about the nature and conduct of the above study and has given verbal / written consent to participate in the study.**

Printed Name Signature Date

FOR WRITTEN CONSENT ONLY - PARTICIPANT:

Printed Name Signature/Mark or Thumbprint Date

*Indicate appropriate response by ticking correct box

(c) Guidelines for interview

Thematic areas/preliminary questions

1. Describe your current professional and/or informal affiliation, areas of interest/research, activities/project you are involved in.

2. (for those from NGOs) Please, describe your organization: founding date/year; structure/staff/responsibilities; donors/supports; key aims; main activities to achieve these aims; your responsibilities

3. (for others) What are the key aims/target groups of your projects/research/activities?

4. Would you relate your activities, interests, projects to feminism? Why? If not – would you relate your activities/interests/project to any other social movement/set of ideas – which one?

5. What have been the most important events, people, ideas that brought you to your research/politics/ideas to the point where you are now? Who and what have influenced your work/way of thinking?

6. How do you understand feminism (broadly and/or locally in the region and/or personally)?

7. How would you describe feminist movement(s) in Belarus/Ukraine: aims, key

target groups, key actors, relationship between actors (including you and other actors/NGOs), important areas of interventions (actual and desirable), achievements, pitfalls, challenges, divisions/collaboration, further areas of needed development.

8. What is specific about feminist agenda/movement in Belarus/Ukraine comparing to (1) the Western feminist ideas/movements and (2) to the neighbouring countries within the post-Soviet region?

9. What is the place and role (actual or desirable) of feminist movement and/or your activities/research within "struggle for freedom" in the region? How do you perceive what this struggle is about? What does freedom meant? How is it related/reflected in your project/position/research?

10. What are/should be the relations between feminism/your project/activities and (1) national ideas and (2) broader political activities in the region? How do you understand "political" and "national" in this context?

11. How do you think the society in Belarus/Ukraine perceives and understands feminist ideas/activities (state, NGOs, oppositional parties etc)?

12. What is the dynamic as you see/experience it amongst different feminist groups? What are the differences (language/generation/politics etc)?

13. What is the dynamic/relation as you see/experience it between feminist groups and lesbi, gay, bisexual, transgender, intersex (LGBTI)/queer movement? Do you personally think these agendas overlap, correspond to each other?

14. What are/should be the relations between feminist activism and academic research in Ukraine/Belarus?

15. Taking your personal experience/life as a point of departure, does feminism reflect your ideas/needs/challenges? Why? If not – which set of ideas reflects? In which way?

APPENDIX 3. Insight's practical texts (2010-2017)

Year	Title[244]	Language of publication			Donor (as indicated in publications)
		UKR	**ENG**	**RUS**	
2010	Situation of transgender persons in Ukraine (Insight 2010a, b)		X	X	Astraea Lesbian Foundation for Justice ILGA-Europe Human Rights Violations Documentation Fund
2012	Дотримання громадянських прав трансгендерних людей (Vovkogon, Romanyuk, and Insight 2012) /Observance of civic rights of transgender people/	X			Fund amFAR
2012	Аналіз процедури зміни (корекції) статі в Україні та міжнародної практики (Insight 2012) /Analysis of the sex change (correction) procedure in Ukraine and international practice/	X			n/a
2012	ЛГБТ-сім'ї в_Україні: Соціальні практики та законодавче регулювання (Yarmanova 2012) /LGBT families in Ukraine. Social practices and law regulations/	X			Heinrich Böll Foundation
2013	Human Rights Violations of Lesbian, Gay, Bisexual, and Transgender (LGBT) People in Ukraine: A Shadow Report (Insight and Rights 2013)		X		n/a
2014	ABC of LGBT Rights (Insight, Shevchenko, and Frank 2014a, b)	X	X	X	Norwegian Helsinki Committee
2014	Сексуальна орієнтація та гендерна ідентичність: питання	X		X	Embassy of the Kingdom of the

[244] The title is given in English when the text is available in English (usually being translated from Ukrainian or Russian by *Insight*). Otherwise, the title is provided in Ukrainian as it stands in original text with my English translation following in parentheses.

	та відповіді (Insight, Frank, and Shevchenko 2014) /Sexual orientation and gender identity: questions and answers/				Netherlands
2015	Documentation of cases of discrimination in the field of access to health in the process of gender recognition procedure in Ukraine (Husakouskaya and Insight 2015a, b)	X	X		ILGA-Europe Open Society Institute Foundation
2016	Трансгендерность от МЖ до Х (Iriskina 2016) /Transgender from MF to X/			X	n/a
2016	Знай свої права! Гід з дискримінації та злочинів на ґруті гомофобої та трансфобії (Guz, Shevchenko, and Iriskina 2016) /Know your rights! Guide on discrimination and hate crimes based on homophobia and transphobia/	X			n/a
2016	Transgender people in Ukraine: Social barriers and discrimination (Insight 2016a, b)	X	X		Open Society Institute Foundation
2017	Дружній лікар. Сексуальна орієнтація та гендерна ідентичность. Рекоментації для лікарів (Insight and Iriskina 2017) /Friendly doctor. Sexual orientation and gender identity. Reccomendations for doctors/	X			STIFTUNG EVZ (Foundation "Remembrance, Responsibility and Future")

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