Individual Agency, the Traffic

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La question de la décriminalisation internationale de la prostitution est considérée comme un moyen de contrer la mondialisation du trafic des femmes à des fins de prostitution. La question d'auto-détermination chez les victimes est envisagée dans une perspective anthropologique et sociale de la personne et de l'individu. Une histoire de cas en Ukraine est utilisée pour démontrer que dans certaines conditions la décriminilasation de la prostitution peut limiter l'auto détermination des femmes plutôt que de l'encourager.

The issue of free choice and respect for women's agency is at the core of debates concerning the means necessary to effectively combat the trafficking of women for purposes of prostitution. Dorchen Leidholdt of the Coalition Against Trafficking in Women rejects a number of distinctions that differentiate the trafficking of women for purposes of prostitution from other forms of sexual exploitation. She is especially vehement in her objection to the distinction between "so-called forced" and "so-called 'voluntary' prostitution" because she sees it as "the best gift that pimps and traffickers could have received" (5). Her argument centres on force of circumstance determining women's participation in prostitution as opposed to free choice. As a result, government legalization of prostitution, for Leidholdt, becomes a means of validating it as work for poor women who must then suffer all the forms of violent organization, trafficking and exploitative tourism it attracts.

On the other hand, the non-governmental organization (NGO) roundtable on "The Meaning of Trafficking in Persons" held in 1998 (McPhedran) arrived at a somewhat different perspective. It identified the lack of acknowledgement of the agency of trafficking victims as a fault of current legal instruments. A case could be made that decriminalization of prostitution would be a positive step in respect of women's agency (McPhedran). Clearly, it would act to diminish the degree to which victims of trafficking for purposes of prostitution are blamed and punished. However, in decriminalization there is the danger of reifying the commodification of sexual services as a viable life choice and thus limiting and essentializing women's contribution to productive life. Such an instance is cited by Leidholdt drawing on the 1996 CEDAW report by the Government of Belize: "Recognized prostitution in Belize is a gender-specific form of migrant labour that serves the same economic function for women as agricultural work offers to men and often for better pay" (5).

In response to whether a job as a dancer or as a strip-teaser were considered "acceptable jobs abroad," 100 per cent of this age group answered "yes" to both questions.

I point out these opposed stances as a means of underlining the complexity of the considerations in arriving at legal definitions that would best serve the interests of women vulnerable to trafficking. Also, this discussion allows me to contribute elements growing out of social anthropology's unique orientation to policy debates. I would like to develop a contextualization of the phenomenon in a social and cultural totality that allows the inherent logic of seemingly "wrong" or "bad" choices on the part of particular actors to emerge. By placing the issue in a historical perspective, a particular set of actions or events can be seen as neither shocking nor inevitable but a result of the interplay of a number of identifiable factors. This sort of contextualization serves to desensationalize reactions and judgements.

In considering the trafficking of women from Ukraine to various countries in Western Europe and elsewhere, it is necessary to understand the factors which contribute to the willingness of women to risk trafficking. Three factors contribute to this willingness: a historical, culturally accepted pattern of short-term work abroad as a means of financing future ambitions "at home"; the dramatic economic and social dislocations of the post-Soviet transition period; and, finally, the rise of a robber baron type of capitalism allowing criminal elements to flourish at the expense of vulnerable women. The rise of a robber baron type of capitalism with the attendant transcendent value of commodification of all as-

in Women and Layered Hegemonies in Ukraine

pects of persons can be seen as an outgrowth of a general orientation to the West as a source of wealth and well-being and the economic and ideological vacuum left by the retreat of the Soviet empire. Before I explore this relationship further, I would like to return to the issue of free choice as opposed to force of circumstance determining the outcome of social action.

The dialectic between the individual and society has been the bedrock of classical social theory and acted as the focal point of early feminist discussions of the universality of the oppression of women by men. In a seminal work, Gayle Rubin posits that all exchanges of women within kinship systems are, in fact, trafficking. She asserts that "the social relations of the kinship system specify that men have certain rights to their female kin, and that women do not have the same rights either to themselves or to their male kin" (177). She calls for the development of further tools with which to analyse "the political economy of sexual systems" (177). Developing this line of inquiry, anthropologists have attempted to identify under what conditions women are exchangeable for other women, for things, and for labour.

Rubin's understanding of marriage exchanges as trafficking by men comes very close to the definition of slavery given in the Convention on Slavery, Forced Labour, and Similar Institutions and Practices as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised" (cited in Leidholdt 2). Rubin equates kinship rights with rights of ownership of a thing or person. Significantly, Marilyn Strathern's major contribution is to demonstrate that such a notion of ownership of people is only found in association with the fully developed concept of the individual very much tied to a commodity economy. She contrasts the individual embedded in a commodity economy with the individual embedded in a kinship defined, gift economy. Strathern would thus refute Rubin's assertion that all marriage transactions of women are trafficking in the sense of alienating the rights of the woman from herself, as within gift economies those rights do not exist in the form envisaged by Rubin.

The of capitalism with the attendant transcendent value of commodification of all aspects of persons is an outgrowth of a general orientation to the West as a source of wealth and well-being.

What is developed here is equivalent to the popular comprehension of societies and lifestyles organized around the needs and wants of the individual and those societies and lifestyles organized with the needs and wants of a collective, whether it is kinship based or communal in some other sense. Rubin's view grows out of a commodity economy where the trafficking of women and other forms of slavery are simply unfree labour violating the integrity of the individual. Strathern's view sees labour and sexual services transacted as a means of perpetuating kin and other relations, thus not violating an individuality based on a commodity logic. I have developed this opposition to demonstrate that there are two perspectives on the transaction of rights of sexual access to women but also that these perspectives are commensurate with the privileging of the rights of an autonomous individual on the one hand as opposed to the obligations of social life on the other.

This distinction is not entirely academic. Assuming one or the other has consequences in the formulation of policy for it underlies the understanding of the potential impact on the lives of individuals particularly in terms of individual choice and social obligation for citizens' well-being on the part of the state. This will be illustrated in the example of current labour out-migration from Ukraine which has historically served as a labour reserve for the West.

Labour Migration and Imagined Milk and Honey

It is estimated that the total population of ethnic Ukrainians worldwide is as high as 60 million, but only 37,419,000 reside within the country itself, which has a total population of 51.7 million (Pawliczko). Orest Subtelny identifies three waves of migration to the new world. The

first, which took place before 1914, was initiated in 1877 by a Pennsylvania coal company which sought strike-breakers from the poorest areas of the Austro-Hungarian Empire. This largely male migration tended to view their stay in the host country as temporary, establishing a pattern of short-term labour out migration, termed *zarobitok* (Rohatynskyj). By 1905, only 25-30 per cent of the migrants were women and they often worked as domestics. The immigration to Canada dating from about 1895, was undertaken under somewhat more favourable conditions encouraged by a Ukrainian professor of agriculture who wanted to aid the peasantry and the Canadian government which wanted experienced farmers for the prairies. The promise of cheap land outweighed the deterrent of back-breaking labour. By the start of World War I, half a million Ukrainians had emigrated to the West (Subtelny).

The second, inter-war, and third, post-World War II wave of immigrants were largely political émigrés and refugees generated by the failure of Ukrainians to establish a viable nation state independent of foreign control. But like the immigrants of the first wave, they too, were, in their host countries, forced to take on menial work and were subject to discrimination and various types of exploitation. Lack of language and other marketable skills and poverty made both men and women vulnerable. And it is not inconceivable that those women who worked as domestics, especially in the first wave of migration, or who believed the glowing promises of unscrupulous agents were subject to trafficking or its equivalent. My point is that the precedent for the current exploitation of women may well have been set over 100 years ago.

Although this fourth, current wave of permanent and temporary labour migration may be motivated by the same push/pull factors as the first wave in particular, the opening of the borders were a necessary pre-condition. A report by the Global Survival Network relates statistics from the U.S. Immigration and Naturalization Service which show a dramatic rise in the number of visa applications from Russia, Belarus, and Ukraine, leaping from 3,000 in 1988 to 129,500 in 1992. The general economic situation in Ukraine acts as a push factor for both men and women to seek employment abroad. The perception of corruption by high government officials (Motyl) and poverty has lead to a despair that Independence will allow an improved standard of living. Several authors report the low level of confidence in the future improvement of economic conditions (Sochanyk; Kuzio). The slowness of the government in undertaking radical economic reform is seen by Alexander Motyl as a kind of muddling along rejecting "revolutionary voluntarism" (5). This slow pace of government action has resulted in what Gertrude Schroeder calls "marketization from below" (15), the development of a booming unofficial economy seen by Marc Nordberg (1998) as the largest in Europe.

Svetlana Kupriashkina argues that the economic dislocation caused by the transition from a command to a free market economy in Ukraine has impacted women more severely than men. She estimates that 70 per cent of all unemployed people are women and that women's incomes on the whole are 30 per cent that of men's. She notes that there are 25 per cent more women than men in the state sector and only 14.3 per cent women in private ventures. If, as the International Organization for Migration (IOM) Report suggests, Ukrainian women surveyed place a high value on "business" as a desirable occupation, then it would appear that employment opportunities are skewed towards men in this sector.

Focussing specifically on the problem of trafficking in women, the IOM Research Report emphasizes that the perception of the reality at home and in the host country influences the decision to move more than the reality itself. In attempting to identify the proportion of potential migrants among the 1,189 women interviewed from ten regionally distributed *oblasts*, the report notes that although women between the ages of 15 and 19 accounted for 39 per cent of the respondents, they constituted 45 per cent of women considered "at risk" (IOM 22). In response to whether a job as a dancer or as a strip-teaser were considered "acceptable jobs abroad," 100 per cent of this age group answered "yes" to both questions. Interestingly, the majority of "at risk" women were from the ethnically Russian parts of the country. The survey revealed that emigration intentions decreased with age and found some particularly disturbing attitudes among the "at risk" group including the glamorization of life within criminal organizations and the lack of discrimination between legal business enterprises and illegal ones.

"The World Beyond What the Eye Can See"

The willingness to entertain the possibility of the commodification of sexual services can be seen as an indication of what can be called the latest cultural hegemony to manifest itself through the Ukrainian population typified by aspirations to individual consumerism and participation in "business." Speaking of cultural matters is a complex and sensitive undertaking as contemporary Ukraine is by no means culturally homogeneous (Kuzio; Khmelko and Wilson).

More significant than ethnic or linguistic identity, or perhaps underlying them, are differences in colonial histories. Different regions of the country reference different sequences of colonial regimes and these variations have left traces in terms of language use, customs, religious orientations, etc. These are traces of layered hegemonies, to borrow Jonathan Friedman's term, indicating the ebb and flow of empires with accompanying shifts of populations and their stratification. Given this

regional variation, it is difficult to make statements about current culture that would be true of the entire country. With those reservations, I would like to develop the concept of layered hegemonies in the Western part of the country with the latest layer being Western consumer culture.

The term *svit za ochi* has been used to describe the perception of the destination of migrants within their home villages (Rohatynskyj). It can be literally translated as the world beyond what the eye can see. In a sense it is a place yet in another, it is a negation of place, as it encompasses the unknown and the unseen (Appadurai). Towards the end of the last century representations of this place started to trickle into the homes of peasants in the form of letters, eventually photographs and accounts by returning migrants. In her fascinating research concerning the transnational connections between a village in Western Ukraine, Hrytsavolia, and a town in Alberta which became home to many migrants from that village, Natalia Shostak attempts to understand the nature of that link. She concludes that the two places are "two mutually dependent worlds ... yet invisible to each other" (2000: 2). The visual representations of that place beyond what the eye could see until the demise of the Soviet Empire, were restricted to photographs of relatives posed before new cars, new houses, new combines. Much was left to the imagination. Until Independence and the opening of borders to labour migration, information about western lifestyles was extremely limited among ordinary Ukrainians as were western-produced goods. Remittances from emigré relatives constituted a dependable supplement to household economy. With the demise of empire, these places and the goods they contain became suddenly and urgently accessible both through undertaking temporary labour sojourns in Western European countries as well as in the United States and Canada and in the flood of western, largely American, visual media which bedazzle and fascinate viewers in even the most humble village. In my own brief travels through Western Ukraine, I found that televisions, in particular, as well as other consumer goods could be found in even the most humble village home. Educated and thoughtful people in both the towns and the villages spoke with detailed knowledge and discrimination about fashion trends, films, and life-style issues in the United States and Western Europe. In their concerns and aspirations, it became clear that the people I encountered had developed "the ability to want and to choose" (Robbins 5) a seemingly endless array of things that have come to determine identity and relative worth.

The new hegemony, is centred on a transnational consumer culture which renders the consumer a consumable. The logic of consumerism renders all goods, persons and services commodities.

This ability to consume depends on a high value placed on individualism, a value discouraged both by the socialist ideology of the former state and by the kinship based forms of contemporary agricultural production. However, in as much as Motyl comments that the newly formed independent government may have been wise to reject the "revolutionary voluntarism" of western advisors, the ordinary population have not been spared its inroads. Again, drawing on personal experience, the advertising of such addictive consumables as cigarettes is geared to awaken a western sense of individualism based on ownership of self, things, and a radical voluntarism.

Natalia Shostak (1999) examines the complex history of the village of Hrytsovolia and the long term play between different centres of power and the constant peripherality of this part of Western Ukraine, especially as a labour reserve. She writes that in this century the village was on the periphery of at least four states with different centres: Vienna under the Austro-Hungarian Empire; Lviv under the short- lived Western Ukrainian Peoples' Republic; Warsaw under the Polish regime and finally the Soviet Empire. But what has remained a constant reference point in those hundred years is *svit za ochi,* a world imagined and dreamed of, to which men and women went *na zarobitok*, for short-term employment. With the collapse of the Soviet Empire and the opening of borders to the West it has become precipitously accessible. The new hegemony, with the decline of the Soviet, is centred on a transnational consumer culture which renders the consumer a consumable. The logic of consumerism, unchecked by a countervailing social ethic, renders all goods, persons and services commodities.

Strategies for International Systemic Change

In discussing the current danger of what he calls "Zaireization" of Ukraine, as a poor and corrupt third world country, Motyl sees hope in "creeping institutionalization" (12). He describes this as the ruling elites becoming entangled in "the tentacles of growing democratization and rule of law" (12). This trend entangling the remnants of Soviet institutions in international webs of standards and organization is the product of many aid and development projects. Rudneva (2000) writing of the impact of CEDAW on women's policy reform, states that given the supremacist nature of the Soviet legal sys-

tem whose vestiges now comprise the Ukrainian judiciary, the influence of CEDAW must be seen in the context of the influence of all international norms on legal state reform.

However, the question of interest is which international norms will influence a possible policy position in relation to prostitution and labour out-migration. The decriminalization of prostitution fits neatly into a neoliberal ideology that celebrates the rights of individuals to commodify their labour, various services, and their own bodies. This ideology draws on the cultural metaphor of ownership as a way of dwelling in the world. The individual has a right to dispose of one's possessions without interference from others and particularly not from the state. On the other hand, there is the opposite model drawing on a relational perspective on the disposal of labour, rights to sexual access and reproductive capabilities. This view of the question of decriminalization of prostitution in order to facilitate the transnational sex trade would raise the issue of the interests that a multitude of social actors have in the individual person and the relationship that emerges from those claims. Such a view brings into focus the responsibility that the state has for its vulnerable citizens.

Again, the tension between the rights of the individual and the control by the larger group, and ultimately the state, emerges. Proponents of decriminalization argue that their position is pragmatic and indeed enables regulation and protection for the workers. Efforts on the part of the state to protect its vulnerable citizens are seen as paternalistic. Such an argument would be acceptable if women subject to the transnational sex trade indeed had free choice between life as a prostitute in the West and the realization of social and cultural ideals of employment in their home country. This is not the case in the Ukraine. Economic opportunities within the country are more limited than under the Soviet regime for women, while the shock wave of consumer ideology prevails. It is possible to imagine a situation where women would freely choose between prostitution abroad and fulfilling employment at home. However, it would seem that many of these instances would be unlikely in contemporary Ukraine, as they would be unlikely in any number of third world settings that produce transnational sex workers. The decriminalization of prostitution in these settings serves to channel women's productive labour into a service industry that alienates women's bodies from themselves, from their communities, and from the complex social relations that construct their social person.

It seems clear that decriminalization in some contexts allows for free choice on the part of women. In other, like contemporary Ukraine, legalization would act to institutionalize and enforce its lack, given that the major option available in realizing the newly dominant life-style goals, is tied to the risk and vulnerabilities inherent in labour migration.

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