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Assessing Russia’s Ban on U.S. Adoptions From a Constructivist Framework of Image Construction

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This paper explores Russian image construction by analyzing Russia’s Federal Law No.272-FZ, known in the U.S. and referred to in this paper as the Dima Yakovlev Law, which bans the U.S. adoption of Russian orphans. This research challenges the commonly held view that this law was solely an act of political retaliation against the U.S. by instead indicating that the law more broadly illustrates the Russian state’s long-term image construction process. The Dima Yakovlev Law presents a useful case study in this regard as it received considerable public attention from Americans and—notably so—Russians. The structure of the paper is as follows. First, the events preceding the passage of the Dima Yakovlev Law are discussed. The next sections unpack the Russian image construction process by exploring the development and lasting significance of the Soviet “happy childhood” and anti-West sentiments. The discussion then focuses on the fluidity of Russia’s national identity and mythmaking, two phenomena that have strong linkages to the image construction process. The final section provides concluding remarks regarding the lasting impact and future implications of the Dima Yakovlev Law.

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Introduction

The claim that the Russian state pursues an “anti-West, nationalist, political agenda” only begins to capture the complexity of the government’s orchestrated attempts to manage the image of Russia.¹ This paper explores Russian image construction by analyzing Russia’s Federal Law No.272-FZ, known in the U.S. and referred to in this paper as the Dima Yakovlev Law, which bans the U.S. adoption of Russian orphans. The paper’s argument challenges the commonly held view that this law was solely an act of political retaliation against the U.S. by instead positing that the law more broadly illustrates the Russian state’s long-term project of image construction. The Dima Yakovlev Law presents a useful case study in this regard as it received considerable public attention from Americans and—notably—Russians. The structure of the paper is as follows. First, the events preceding the passage of the Dima Yakovlev Law are discussed. The next sections analyze the Russian image construction process by exploring the development and lasting significance of the Soviet “happy childhood” and anti-West sentiments. The discussion then focuses on the fluidity of Russia’s national identity and mythmaking, two phenomena that have strong linkages to the image construction process. The final section provides concluding remarks regarding the lasting impact and future implications of the Dima Yakovlev Law.

Theory

This paper’s argument mirrors a constructivist framework and draws upon the work of key scholars who applied this theory to analyze international relations. Most notable is Alexander Wendt, who in particular articulated in the late twentieth century the distinct role that “state identities and interests” play in this realm.² Such arguments diverge from other prominent schools of thought. For example, neoliberals perceive the world to be in anarchy and consequently value cooperation and institutions in understanding international relations. In contrast, constructivism draws from “beliefs, expectations, and interpretations,” overall perceiving the world in terms of social constructions.³ Moreover, all of these dimensions are fluid and rarely remain unchanged, which prompts constructivists to often explore the trajectory of state actions, decisions, and interests throughout history.⁴ This exploration, coupled with an understanding of state identity and interests, ultimately aids constructivists in proposing future actions and decisions of state actors.

In addition to Wendt’s theory, this paper also aligns with notable scholar Ted Hopf. In his work, he defined the multiple identities of Russia that had developed by the late twentieth century.⁵ Such analysis demonstrated that state actors in international relations may embody more than one identity. This paper will present a brief overview of national identity formation in Russia, which has quite often been subject to considerable change and upheaval as state interests evolve and leaders change. Furthermore, Hopf posited that the Soviet and Russian approach to foreign policy has been shaped by “the identities of key actors.”⁶ This distinctly constructivist lens contrasts with other theories that attribute “the influence of external factors” as primarily molding a state’s foreign policy.⁷ In this essay, image construction is the independent variable and a macro-level tool manipulated purposefully by the state when shaping its foreign policy and interactions with other national actors. Image construction is thus interactive and accentuates the role of individual actors and their interests, which are shaped by cultural, historical, and political factors.

Discussion

U.S.-Russia relations vis-à-vis adoption policy

This section details the adoption policy exchange between Russia and the U.S. around the time that the Dima Yakovlev law was passed. In 2011, then U.S. Secretary of State Hillary Clinton and Russian Foreign Minister Sergey Lavrov initiated talks to improve the U.S.-Russia adoption policy and consequently created the Agreement Between the United States of America and the Russian Federation Regarding Cooperation in Adoption of Children, or Adoption Agreement.⁸ This agreement was the result of growing public attention and discourse in both countries surrounding several mishandled cases of adopted child abuse in the U.S. The Russian media had taken a particular interest in these cases, repeatedly covering these stories and raising questions about American parenting and the overall safety of Russian orphans in the U.S. The Adoption Agreement, intended to be in effect until 2014, established rules to “strengthen procedural safeguards in adoptions” between the two countries.⁹

In broader terms, Russia has noticeably altered its adoption policy to shift toward promoting domestic adoptions and creating institutional barriers within its international adoption process. This transition has been almost exclusively done under President Putin’s leadership.¹⁰ Since 1998, under Putin’s order, prospective parents must “meet their child two times before being eligible to adopt,” which can conflict with work schedules, time availability, and ultimately create a “financial burden.”¹¹ Furthermore, found in Russia’s Family Code, prospective parents must not be “recognized as either fully or partially incapable by the court” and are ineligible if their “living conditions do not meet health or sanitary standards” or they “do not have an income to ensure minimum subsistence levels.”¹²

Perhaps the most convincing piece of evidence to support Russia’s de-emphasis on international adoptions is found in Article 124 of the Family Code. It affirms that international adoptions “shall be admitted only in cases when it is impossible to give these children for upbringing into the families of citizens of the Russian Federation, who permanently reside on the territory of the Russian Federation, or for adoption to the children’s relatives, regardless of the citizenship or the place of residence of these relatives.”¹³ Various studies have also explored the level of bureaucracy prospective parents face, for example, the level of documentation requested by the Russian Federation Civil Code, adoption agency, and the Ministry of Education and Science.¹⁴ Coupled with the demands made by similar U.S. institutions, the overall process is costly, at times surpassing \$50,000.¹⁵ Lastly is the fact that “a child’s information must have been placed on the federal database of children without parental care for at least six months before any child may be adopted by prospective international adoptive parents,” which further underscores that Russia is instituting an increasingly restrictive international adoption policy.¹⁶

American citizens and leaders were caught by surprise when, at the end of 2012, President Putin signed into law the Dima Yakovlev Law.¹⁷ Still in effect today, this law “bans the adoption of Russian children by U.S. citizens, bars adoption service providers from assisting U.S. citizens in adopting Russian children, and requires termination of the U.S.-Russia Adoption Agreement.”¹⁸ Close to fifty adoptions that were being processed when this law was passed were nullified, prompting outcry in both the U.S. and Russia and warranting coverage by numerous U.S. media sources. Americans largely perceived this law as a retaliatory political act by the Russian state in response to the U.S. passage of the Magnitsky Act, which allows “the U.S. to withhold visas and freeze financial assets of Russian officials thought to have been involved with human rights violations.”¹⁹ Russians’ response, however, likely stemmed more from the belief that Russian orphans’ lives were at serious risk in the U.S.²⁰ Public opinion polls purportedly showed that 54% of Russians supported the Dima Yakovlev Law upon its passage, growing to 76% by December 2015.²¹

Soviet legacy draws domestic support for adoption policy

Even before, but especially during Soviet times, the state resorted to drawing from historical legacies to justify its interests, particularly through inciting “forms of nostalgia based on reconsideration, or on restoration of imperial memory.”²² Indeed, studies have shown that Russian leaders use history as “the main source of justification” for their political moves.²³ Thus, the first factor that pushes the Russian state to construct a restrictive adoption policy draws upon the Soviet belief that spending one’s childhood in Russia is ideal. Both now and in the past, state actors have projected an image that Russia is the best environment for youth.

As communism emerged in the Soviet Union, the state took a particular interest in youth to sustain support for socialism.²⁴ Personal narratives largely constructed by the state abounded that highlighted how wonderful life was growing up in the Soviet Union. An influential discourse thus emerged and spread across the nation that constructed images of happy childhoods under the regime. In effect, this childhood was distinct from any other country and “children were of the only privileged class in the new socialist world.”²⁵ Communist actors were responsible for creating this narrative in efforts to promote widespread support and loyalty to the regime. Yet this narrative was largely deceptive and did not reflect the reality of living conditions for many Russians. Orphans—along with children of lower classes and from disadvantaged areas—continued to be largely ignored by the state and were a blatant exception to this happy childhood image.²⁶ Instead, they experienced “deportation, war, famine, and abandonment” and later were state targets to be “liquidated.”²⁷ These circumstances underscore the hypocrisy of communist propaganda.

The significance of this historical perspective is twofold. First, similarities can be drawn between the state treatment of Russian orphans during Soviet times and today. Though Putin and his political elite perpetuate a discourse and image of Russia as the best environment for its children, including orphans, they generally ignore the corruption and financial troubles that plague the orphanage system. Therefore, the notion of a happy childhood in Russia remains alive in the Russian public’s minds, fueling support in banning U.S. adoptions and the belief that Russian orphans cannot experience a better life elsewhere. The potency of memory politics—defined as “a purposeful activity for the representation of a particular past image which is needed in modern political context using different verbal . . . and visual . . . practices”—illustrates how the Russian state today resurrects previous popular support for the happy childhood notion to reinforce that Russian orphans must be cared for in Russia.²⁸ Complementary to constructivist thought, memory politics is used “to design the most efficient collective identity, reduce the level of conflict within the state and to represent a country in the global community.”²⁹ These points are often the desired results of image construction. In integrating a past political tool to mold public support today, the state appears to have had considerable success in swaying Russian public opinion and projecting a unified stance.

Anti-West image within Russia’s adoption policy

Taking the previous argument further, the state constructs an image of Russia as not only a positive environment for children, but also one that is superior to that of the U.S. In effect, this image substantiates the state’s efforts toward producing a good-versus-evil dichotomy between Russia and the U.S. Through control over the media and political discourse, the state amplifies the dangers of living in the U.S. and American parenting to distort the image of the U.S.

The Russian state inflates the stories of Russian orphans who have died after being adopted by American parents, suggesting that U.S. parenting is not just bad but downright abusive. To start, it cannot be overlooked that “between the years of 1996 and 2008, fifteen Russian adoptees have died under the care of their United States citizen adoptive parents.”³⁰ The media and bureaucratic elite have used this statistic to produce outlandish or hyperbolic narratives. They emphasize issues like domestic violence, crime, and gun violence across the U.S.³¹ For example, Russia’s popular *Pravda* news source stresses that “over the past 10 years, four times more children died in the U.S.

from domestic violence than soldiers in Iraq and Afghanistan during the war.”³² Furthermore, widely accepted public perceptions include the notions that the U.S. court system does not adequately penalize abusive U.S. parents toward Russian adoptees, U.S. parents force their Russian children into human trafficking, and U.S. parents leave their Russian children on isolated farms and never return.³³ Ultimately, Putin's leadership and the state control of media construct an image of the U.S. that is unsafe and violent, a stark contrast to the ideals woven into the happy Soviet childhood.

However, what the Russian state purposefully neglects to highlight is the relative success of U.S. adoptions of Russian orphans and shortcomings of the Russian orphanage system. For example, “in this period from 1996 to 2008, over 54,525 Russian children were adopted by families in the United States.”³⁴ In effect, “the death of these children represent .0275 percent of the adoptions that occurred during that period.”³⁵ Statistics on the number of deaths of Russian orphans in Russia are not readily accessible, but it is reasonable to suggest that “numerous incidents of adoption abuse and fatalities” unfortunately occur in both Russia and the U.S.³⁶ Indeed, the sad irony of the situation is that Russians do not largely recognize “the similar situations that are occurring much more frequently within the Russian Federation itself.”³⁷ Studies by outside scholars and nonprofit organizations expose the “human rights abuses coupled with corruption, and ultimately the lack of resources with which orphanages and other institutions must work” in Russia.³⁸

As briefly mentioned, accusing U.S. parents of child abuse is a popular state tactic. While abuse that does occur can never be justified, the state's gross generalization does not take into account that orphanage staff often did not disclose relevant information to those U.S. parents who were adopting Russian orphans who had mental disabilities or medical problems, which then led to a new host of challenges upon these families' arrival to the U.S.³⁹ Indeed, research has disclosed “well over 165,000 children live in Russia's state orphanages for children with disabilities, comprising nearly 50% of the country's orphanage system.”⁴⁰ Moreover, statistics of child abuse in Russia are often manipulated, so little attention is given to this issue within the country. While the deaths that did occur in the U.S. should not be forgotten, the Russian state amplifies and distorts the stories to use them as political leverage in demonizing the West. The result is that the Russian public largely supports a restrictive adoption policy.

An evolving Russian national identity

So far, this essay has established the connection between the Dima Yakovlev Law and the state's broader image construction process, taking into account the historical and political layers that help to produce it and foster the support of the Russian public. Now, this paper explores the fluidity of Russian national identity, which has the potential to complement the country's image construction process yet at present challenges the state's ability to produce a single image.

A common mechanism to construct a national identity is to establish the “Other,” which Russia has made the Western world, particularly the U.S., to be. Anti-West sentiments stem from “the nineteenth century, if not further, first concerning Europe and later the United States.”⁴¹ In fact, “from the time of Peter the Great, Russia defined itself in opposition to ‘the West’ as its significant ‘other.’”⁴² These sentiments were later used in the political realm in communist Russia, where “official ideology said that aggressive capitalist robbers were preparing to invade the worker's paradise.”⁴³ Today, decisions like passing the Dima Yakovlev Law reflect the Russian state's broader perception that the West symbolizes “capitalist exploitation, moral decadence, and American dominance.”⁴⁴ Furthermore, after the breakup of the USSR, there was “disillusionment with Western economic prescriptions for Russia and, even among liberal Russians, a feeling of betrayal by the West at the enlargement of NATO into Eastern Europe.”⁴⁵ The Russian state presents itself as the heir of the Soviet Union and strives to re-establish its former prestige.⁴⁶ Reflecting this belief, Putin's speech in 2007 underlined the radical upheaval of the current “global balance of power” and asserted that Western powers would no longer serve as hegemonies.⁴⁷

Of note, Russian identity formation does not include a distinct ethnic dimension, which is often integrated in identity-building processes. Scholars cite this reason as being because “imperial identity ‘gave the Russians a very weak sense of themselves as an ethnos, and to a considerable extent it divorced Russian national identity from ethnicity.’”⁴⁸ Ethnicity is also ignored in Russian political discourse. For example, political leaders like Yeltsin and Putin have “address[ed] their fellow citizens as *rossiiane*, the non-ethnic word for Russians, and the Russian Constitution refers to the ‘multi-ethnic people of the Russian Federation.’”⁴⁹ Amidst heated ethnic conflicts in the post-Soviet space, this avoidance of distinct ethnic ties might serve to bolster Russia’s fragile identity formation process. Yet Russia’s expanding compatriot policy may establish ethnic ties that may be a factor toward promoting a feeling of shared identity among Russians.⁵⁰ President Putin has especially incorporated aspects of “imperial and the Soviet traditions” in attempting to consolidate a national identity to legitimize its image construction process.⁵¹ Notable ways in which he integrates history into national identity building includes the fact that he “brought back the Soviet state anthem as the Russian anthem” and “the tsarist flag and eagle.”⁵²

This section highlighted the evolving nature of Russian national identity, which obstructs the state’s success at establishing a unified image. At the same time, the growing trend of state centralization under Putin’s leadership may be one factor that could help to bolster a more concrete national identity, which in turn might project a more consistent image of Russia. Drawing from constructivism, the above discussion also underscores the importance of historical legacy, particularly imperialist times and Soviet rule, in shaping the trajectory of Russia’s identity building. Of note, this section has not emphasized external factors and international events—such as intervention in Chechnya and the terrorist attacks in the U.S.—that likely also play a role in Russian identity formation. Instead, this section mirrors constructivist thought by accentuating the role of national actors, national interests, and historical memory in influencing identity and images.

Mythmaking in image construction

Despite the fluidity of Russian national identity, there is a recurring presence of nationalism in political discourse and decision-making.⁵³ This phenomenon is a product of a common strategy known as mythmaking, which underpins the image construction process. Moreover, this tactic has been and still is used by the Russian state in attempting to establish a national identity.⁵⁴ As described earlier, the pervasive memory of the Soviet childhood concept is raised to myth-level as state actors perpetuate claims that Russian orphans lead a better life in Russia.

Mythmaking is a key strategy utilized by Russian state actors, notably under Putin’s leadership. Mythmaking is an everyday feature in the media, for example, so that the U.S. is continually cast in a negative light and as a stark contrast to Russia. In particular, mythmaking is embodied through Russian nationalists’ mythmaking discourse of “Novorossiia,” used in both a geographic and cultural context.⁵⁵ This concept is broken down further by a “post-Soviet” layer that helps “to reformulate Russia’s great-powerness and messianism.”⁵⁵ A second layer of Novorossiia integrates “Tsarist nostalgia and the reactivation of ultraconservative Orthodox circles that benefit from the Kremlin’s ‘conservative turn.’”⁵⁶ These two narratives are tools that nationalist actors use to construct an image of Russia as a mighty, formidable actor on the world stage, while simultaneously emitting a pure and religious presence.

Within this mythmaking discourse, one narrative supports the Russian state’s quest in being a hegemonic power by revering the Soviet Union, a global power that emerged due to its “blend promoting a large unified territory, great-powerness, opposition to the West, and a socialist mission.”⁵⁷ Various nationalist actors, most notably Alexander Prokhanov and Vitaliy Averyanov, additionally promote an image of Novorossiia based on “messianism and anti-Westernism.”⁵⁸ In effect, their vision is a “renewed form of the Soviet Union” that opposes “Western aggression,” which reflects the lasting legacy of history.⁵⁹ This narrative thus propels public resentment toward

the West, as well as establishes that Russia should rightfully reemerge as a key actor on the global stage.

The second narrative related to Russia's image construction is "motivated by political Orthodoxy, a trend that claims a worldview inspired by religious precepts," where the country is "a distinct country with strong religious values that should shape the theocratic nature of the regime."⁶⁰ This strand has ties to Russia's imperial times and emphasizes "tsarist imagery, including pictures of Nicholas II and his family."⁶¹ This paper makes the connection that creating and popularizing an image of holy Russia—against the backdrop of the evil West—justifies why Russian orphans should be the responsibility of the state, not that of other countries. Both images collectively serve to further demonize the West, casting it as morally inferior and corrupt. The images constructed by nationalist actors largely influence public opinion, especially in regards to supporting a restrictive adoption policy.

In effect, the Russian nationalist movements that integrate mythmaking narratives today may not represent the majority of the Russian public but do have considerable influence in elite political circles. Their perception that Russia needs to counter the evil Western world and reemerge as a righteous, superior religious force complements the state's overall efforts toward projecting Russia's image.

Conclusion

This paper describes Russia's image construction from a constructivist lens by exploring Russia's ban on U.S. adoptions. The widespread U.S. perception that Russian orphans are now political pawn of the Russian state has catalyzed negative sentiments toward Russia; this, in contrast, challenges the Russian state's image construction of a pious, rightfully powerful actor that is capable of providing for its population. This paper highlights the critical role that individual actors and interests have in shaping events and public perception. Analyzing the case study of the Dima Yakovlev Law helps to unpack the complexity of Russia's image construction abroad by identifying the rationale and motivations behind the state's decision to ban U.S. adoptions. What can be most definitively stated is that the Russian state is intent on projecting a host of positive images of Russia and appears undeterred amidst international criticism. No substantive attempts have been made on the national level to dismantle the Dima Yakovlev Law, and public support has not seemed to waver over the years. These circumstances underscore that this law is an orchestrated move by the Russian state in its long-term project of image construction. They also serve as a dismal omen that the trajectory of Russian orphans' lives may continue to be largely subject to and determined by political actors and their self-interests for years to come.

Notes

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