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**POLITICS**

**Valery Zorkin: a year and a half in search of objectivity**

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**In power: at the top**

October 1991. The Congress of People's Deputies. "Judge not, that ye be not judged," the Professor of the higher school of the Ministry of the Interior of the USSR and a candidate member of the Constitutional Court proclaimed from the rostrum. First, the deputies voted for him, then came his ultimate triumph, when twelve colleagues gathered at the first sitting of the court and elected Zorkin their permanent chairman. The only criterion required was that the man should be "completely honest".

Statements at the start, included an address to the President: "If the current leaders continue along this illegal path, they will lead us to a neoauthoritarian regime. First, unbounded lawlessness, then arbitrariness and dictatorship, and probably collective dictatorship, i.e., ochlocracy." To the parliament: "The renaming of the RSFSR as the Russian Federation was done with a violation of legal procedure. Using a bad precedent parliament itself may be disbanded one day with the stroke of a pen." Let us recall the end of 1991 when the word "democracy" had not yet gone out of fashion and Yeltsin was synonymous with democracy...

The first matter brought glory and respect. The court cancelled Yeltsin's decree on the merger of the Security and Interior ministries. Zorkin conducted the trial with the utmost severity. It was only when he left the hall that it became obvious how highly strung he was. He was not accustomed to anything, and failed to understand what was going on behind the scenes, when, for instance, Sergei Shakhrai, protecting the President's position in public and reviling the decree in the lobbies... After the verdict was passed, Zorkin spent an hour in private with Yeltsin, persuading the President to obey the law. On this occasion he managed, but where is the guarantee that the verdict will not be ignored next time? What should be done then?

Zorkin made a speech at the Supreme Soviet, spoke on TV on subjects which went beyond purely legal matters. ... In

other words, he became a politician. It would hardly be possible otherwise in a non-legal state to draw the attention of public opinion and of the two branches of power to the fact that "there is the supreme court" whose decisions, according to the law, "are final and shall not be appealed". And that the President and parliament should be interested in the independence of such a court. "As a man sows so shall he reap," he will tell the President much later.

Meanwhile the inevitable statements followed. But what line separates them from direct interference in politics?

Western specialists in constitutional law are at a loss. On the one occasion when John Marshall, Chairman of the US Supreme Court, allowed himself to make non-legal appraisals, he did it under a pseudonym. Another chairman, Byron White, when he was about to retire said with pride that he had never given advice to presidents and never rejected their advice, writes, for instance, Professor Robert Sharlet from New York.

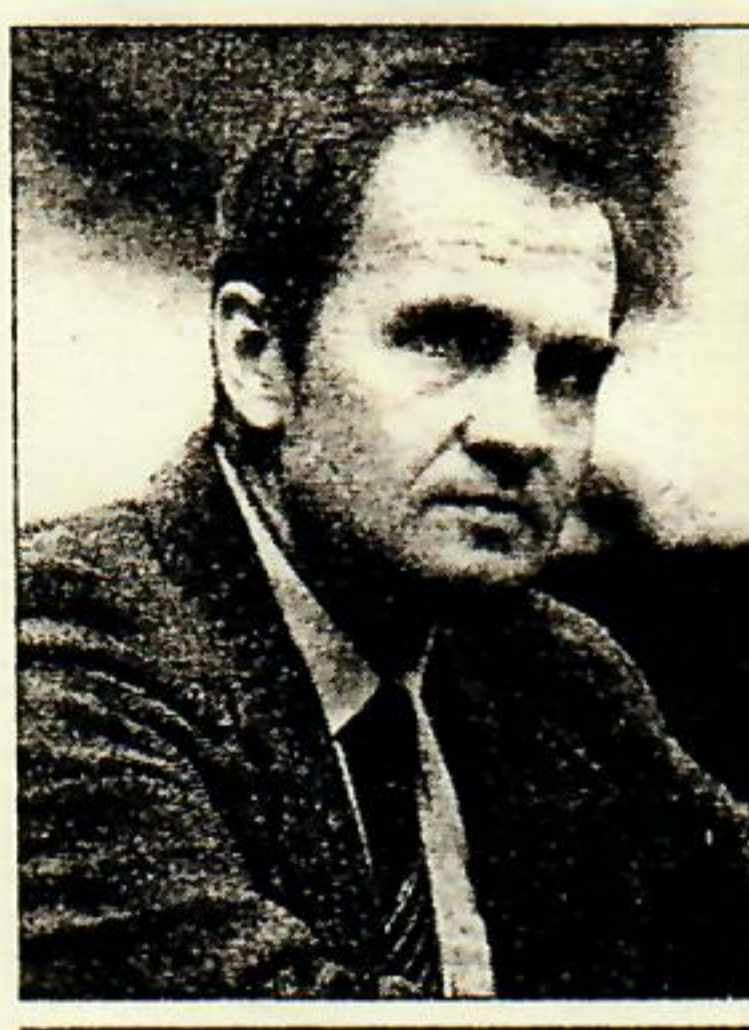
**In the centre of the struggle**

The attack of the Chairman of the Constitutional Court against Gorbachev "during the CPSU case" gave rise to a wave of rumours about Zorkin's "affair" with Yeltsin. The rumours gained ground in December when Yeltsin was unsuccessful in his first attempt to introduce presidential rule. Evidence came to light of the fact that the President took Zorkin's advice on the eve of his formidable statement. Zorkin all but edited the text, toning down the "obviously unconstitutional passages". Later on Zorkin was known to initiate the trilateral conciliatory commission...

But the fact is that people as different (both in world outlook and in character) as Yeltsin and Zorkin could hardly have a "political affair".

"One can tell a person: you are an idiot, a boor, and nothing good will ever come of you. Or one could say: you are doing alright, but if worked on this and that a little, you would be doing even better.

"Different approaches. I sought not to create enemies through my behaviour. I



"Peacemaker", "man of the year", "guarantor of national accord". "Victor sculpted from gypsum", "fussy and talentedless actor", "murderer of the Constitutional Court". These quotations from the press were separated by three months. It is not often that a politician's triumph is followed by such a swift rejection. Behind these rises and falls is the drama of the Chairman of the Constitutional Court, Valery Zorkin, who stays put on the political stage, despite all rebukes and dangers.

am accustomed to respect the individual and dignity in every one, even in those who speak badly of me. I approached Yeltsin and Khasbulatov in the same way, and it seemed to work.

However, on March 20, my approach failed to work, for I could not get through to the President over the phone. Had I managed to, events might have developed differently. Doors must never be closed and anger must not dim one's vision."

March 20 was a dividing line. It marked the end of Zorkin's idealism and the short period of playing "confidence games". After the President's TV speech Zorkin had two hours to solve the dilemma of what is stronger, law or morals? It is possible that he faced the dilemma for the first time, since these concepts usually coincide, and should coincide. But it was different this time. If legal norms were to be followed strictly, it was necessary to await the Court's collective decision (which was hardly likely to differ from Zorkin's first statement on television, but would be too late). The principle of morality forbade silence. Silence would first lead to the adoption of the strictest presidential decree, then inevitable impeachment, then...

Zorkin's choice resulted in an impressive fall in his popularity. Television, which is so good at showing "trembling hands" surpassed itself this time. Even without television though, Zorkin was obviously at a loss. He proved that he is not a fighter, and few people believed in his sincerity.

**After the clash**

Criticism revealed certain weak points in the Court's Chairman. He proved to be a leader without a team, a poor apparatchik and also a hypochondriac. His Achilles heels proved points sufficient for his opponents to strike. Zorkin began to justify himself: "From the reaction of the press, mistakes must have been made. Still I would not like to be called simply a politicized figure. I was motivated by the desire to preserve the constitutional system."

Successfully or otherwise he tried to parry the blows with the help of legal arguments. His opponents, however,

soon preferred persecution to a duel along legal lines. Zorkin was accused of machinations connected with procuring flats, threatened with criminal proceedings "for the illegal import of weapons into Russia". His dacha and limousine were confiscated. Despite all that, Zorkin continued to seek every opportunity for formal and informal contacts with the President. Each time, however, gentlemen's agreements with the master of the Kremlin were foiled or "forgotten" at the last moment. As a result there were times, according to sources close to the Court's chairman, when Zorkin was on the verge of a nervous breakdown. He seems to have calmed down at present. Does this mean he has become immune to all this?

"Yes, I am a sensitive man. But not to the point of vulnerability. Nor should my ancestry be ignored, for my ancestors had a peasant, military and pedagogical strain, hence my self-control. That is why I stood my ground in the spring. Another favourable factor is that I am a lawyer by profession and have read books by ancient authors. The idea that history repeats itself and the act of being prepared for such a repetition is a method of spiritual tempering."

"The Chairman of the Constitutional Court is a possible opposition for presidency," writes Rossiiskaya Gazeta. It is hardly accidental then that the "pocket edition" of the parliamentary speaker has published a list of potential candidates for the post of the future "coalition government". This is presented as a game, but is it in fact a preliminary sounding of opinion?

People who know Zorkin well say that he has already made "an important decision" and will announce it when the summer political slumber is over.

The position of the Chairman of the Court probably encourages a developing taste for power, but one and a half years have dealt a blow at Zorkin's intellectual idealism. "There are things I cannot write even in my diary," he says. "Let me express this the way Schiller did: the customs officials are rummaging in my luggage, but all my secrets are in my head."

Should Zorkin retire, resume teaching or repeat the path of Sergei Alexeyev, who has been so successful in drafting laws? But he can no longer jump off a train travelling at full speed, which would be a weakness, a lack of will. He must maintain his position.

But what is his position exactly? On the one hand, he stands for a state-run country and, on the other, he is a liberal. At once he is a supporter of a presidential republic and an opponent of Yeltsin's attempts at authoritarian rule. He himself says: "I am a centrist", but his statement is much too general, he is evading the issue.

The drama of "legitimize" Zorkin is the fact that he tries in vain to attain legal objectivity, and an equal distance from the participants in the clash. He could repeat what Maximilian Voloshin said at the height of the Civil War about his attitude to the Reds and the Whites: "I pray for both". At the same time Zorkin is involved in big-time politics, which is for life, whether he wants it or not.

**'Moonlight' as performed by Zorkin**

Valery Zorkin is delighted by American blockbusters, but takes exception to home-made ones: "Our films give you the feeling of hopelessness: in the development of the story and in the finale?"

However, Zorkin denies that he is an incurable optimist: "Living in the Tambov Region after the war, I used to eat goose-foot soup, and after this one finds it hard to be an incurable optimist. In general this is a property of the blissful."

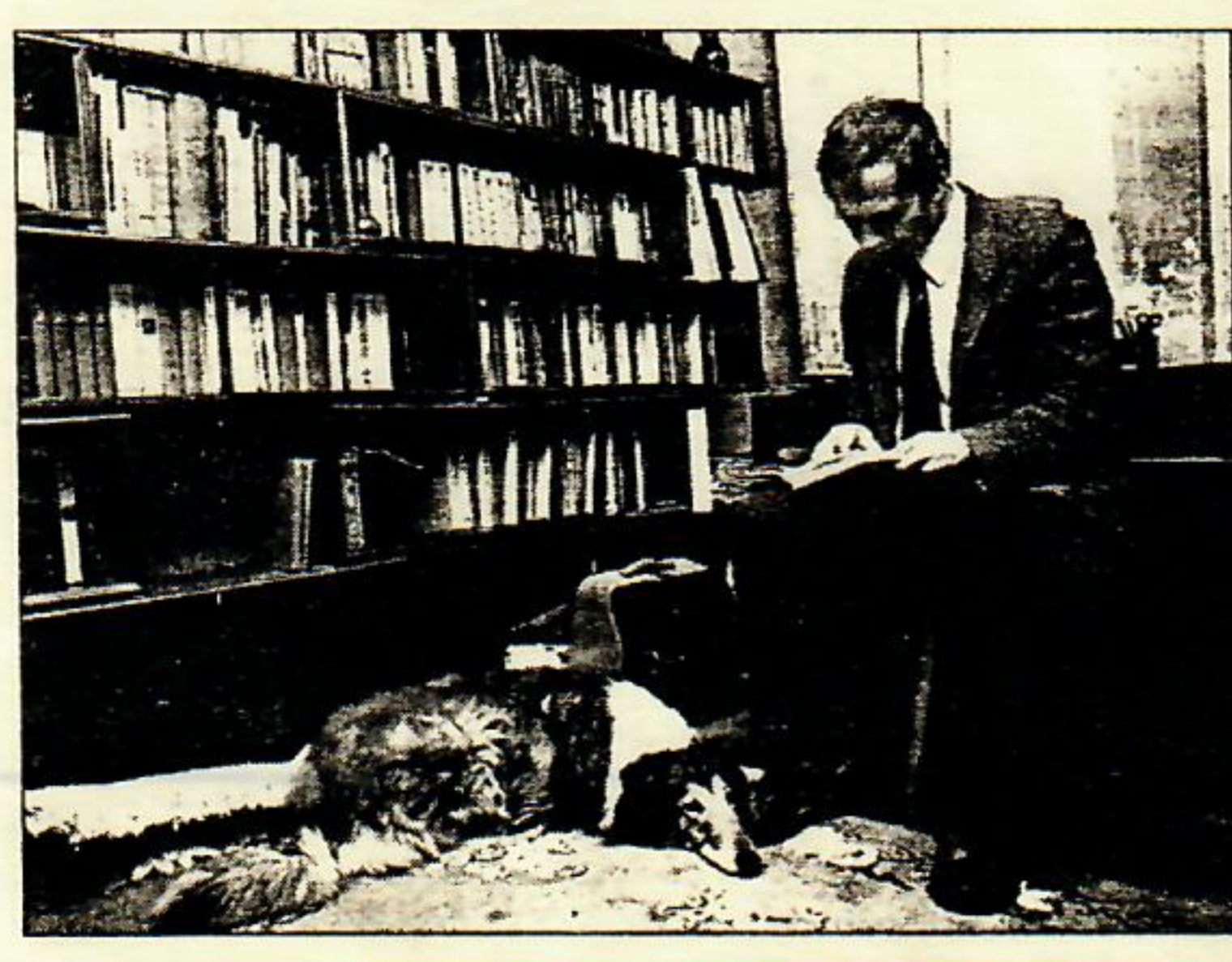
The chairman's dream is to become utterly engrossed in reading "thick" literary magazines, though he has little time for this: he can't even find the time to go for a walk with his collie, Shelga.

Someone has said that Zorkin's behaviour occasionally reminds one of some of Dostoyevsky's characters.

"The first time I read Dostoyevsky," Zorkin reminisces, "I felt very bad. On the one hand, it seemed to be realistic, but on the other, it was some kind of fantasy... And the heavy feeling has remained since then. I will not be able to read this anew. Dostoyevsky opened the eyes of the world to Russian unholiness. And I can't stand horror films."

Zorkin thinks of writing his memoirs, but not now, of course: "Not everything I have seen and do see can be entrusted to a diary."

He really relaxes when takes a seat at the piano. Depending on how the performer feels, his repertoire may vary from Beethoven to Russian romances. Zorkin plays music not like an ordinary amateur, but with great skill. However, he has yet accept a request to sing.



V.O.