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Ivan the Terrible in Zorkin

By Sergey Matyunin

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In April 1992, just before the British parliamentary elections, the Society for the Protection of the Unborn Child, an organization consisting of about 50,000 members, distributed 1.5 million leaflets throughout Britain. The leaflets explained the candidates' affinities — who was for or against using human embryos in drug-testing trials.

Phyllis Bowman, head of the society, was charged with an offense under the British Representation of the People Act, which prohibited spending more than £5 by an unauthorized person on giving away information about candidates. Bowman, who at the time was almost 70, appealed to the European Court of Human Rights. "There is something slightly ridiculous," said Judge Nicolas Valticos, "in seeking to give the British government lessons in how to hold elections and run a democracy." Yet his colleagues did not follow suit and, in 1998, ruled against Britain.

Constitutional Court chief justice Valery Zorkin is becoming one of the most powerful men in Russia. Amendments to the federal law on the Constitutional Court of the Russian Federation, proposed by President Dmitry Medvedev and adopted by the State Duma, removed the age

limit for the chairman and made it virtually impossible to dismiss him against his will.

The Constitutional Court is a powerful institution that can strike down any law, presidential decree or act of government. Zorkin will stay in charge unless the president, the Federation Council and the judges all decide that he is unfit for the job.

We have some idea of how he will do his job and where he will lead the country. On Oct. 29, Zorkin published an article called "The Limits of Acquiescence," a curious mixture of an anti-globalization manifesto, the bitterness of an injured ego and a warning to the judges in Strasbourg to back off.

He starts from a somewhat bungling analysis of the global economic crisis and concludes that international organizations, primarily the World Bank and the International Monetary Fund, failed to prevent it. Then, he suddenly moves to the recent case of Konstantin Markin vs. Russia, where the European Court of Human Rights not only ruled against Russia but questioned the legitimacy of an earlier decision of the Constitutional Court in this matter.

Markin is a military serviceman from Novgorod who divorced his wife and took on the responsibility of bringing up their three children, including a newborn baby. He applied for three years' parental leave, but he was refused because it can only be granted to women. The Constitutional Court argued that granting so long a leave to male soldiers would weaken the army, while there are far fewer servicewomen who can therefore be allowed some privileges. In Strasbourg, judges disagreed, arguing that the case was a simple matter of discrimination. Thus, they ruled in favor of Markin.

For Zorkin, the problem is not that the Strasbourg court decided differently but that it overstepped the mark in trying to teach Russians how they should live. Local authorities, Zorkin said, know better than an international judge what people need because they understand Russia's "cultural, moral and religious code."

Several weeks ago, the European Court of Human Rights ruled in favor of a group of Russian opposition members who claimed that they lost the 2003 Duma elections because state media unequally distributed information about the candidates. Their even partial victory in Strasbourg, the judge writes fretfully, may be used "for destabilizing Russian society under the scenarios of Orange, Tulip or other constructed revolutions."

It is very sad that Zorkin, who will be leading the highest judicial body in the foreseeable future, perceives a difference in opinion as a conspiracy. It is even sadder that he seemingly believes that Russia's "cultural, moral and religious code" can be explained in the spirit of Ivan the Terrible, who liked to contrast the autocratic nature of Russian society with the contractual basis of the West. "The rulers of Russia," he wrote in the 16th century, "have not been accountable to anyone."

It is depressing that Zorkin believes that his job is to keep the status quo and not move the country forward.

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