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Russia's Constitutional Crisis 1990 to 1993: the (missing) Role of the Constitutional Court and its Chairman

Review of:

Edward Morgan-Jones

Constitutional Bargaining in Russia: Institutions and uncertainty

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Reviewed by Bill Bowring¹

This fascinating but startlingly incomplete book is based on the author's PhD thesis at Oxford University. His focus is on the constitutional negotiations in Russia from 1990, before the collapse of the former USSR, until the summer of 1993. The book is a work of high-level political theory, and I must confess that I am a lawyer, albeit a lawyer who spends a great deal of time in the company of political scientists. So I am not competent to comment critically on the technical aspects of this book. However, I am familiar with at least some of the literature to which the author refers, and the overall impression is one of confident application of up-to-date methods and tools to absorbingly interesting subject-matter.²

I have my own reason for interest in this book. Having first visited Moscow in 1983, I was a frequent visitor to Moscow as an expert and consultant in the period covered by the book, including several weeks immediately before the 1991 putsch and the period prior to the final breakdown of constitutional negotiations, the tearing up of the 1978 Constitution, and the shelling of the parliament in October 1993. On a number of occasions I visited the Constitutional Court and interviewed judges including Viktor

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² I am aware of the short review of this book written by my colleague Jane Henderson at (2011) v.89 n.4 *Slavonic and East European Review* 785-787. She is also a lawyer. I deliberately did not read it before writing this review.

Luchin, and came to know justices such as Ernest Ametistov, Tamara Morshchakova and Nikolai Vitruk, as well as the human rights reformers Sergei Kovalyov, Sergei Sirotkin, Valentin Gefter, Liudmila Alekseeva, and Lev Ponomarov. The relevance of the perspectives these contacts gave me will be apparent in what follows below.

In his introduction, the author brings together four approaches to understanding the outcomes of negotiations. These are first, what he refers to as the dominant approach, which stresses that outcomes are shaped by the strategic choices of the actors concerned. The three others are summarised (p.4) as follows: “When faced with uncertainty, politicians may: (i) rely on culturally inherited orientation to guide their actions; (ii) make strategic moves to take account of uncertainty; or (iii) use ideas to reason about their best course of action.” Thus (p.15), in the author’s not very elegant words “This study of the outcomes of constitutional negotiations will assess to what extent the predetermined preferences of powerful politicians and the impact the processes of preferences aggregation and the opportunities that this process provides for strategic interaction, will shape outcomes.”

While drawing on a wide range of relevant contemporary sources, the author adopts various kinds of formalism, including (p.64) “preference ordering over outcomes” to show how Yeltsin really made his decision in the Autumn of 1991 to pursue economic reform rather than a new constitution. I was less than convinced, but I am not a political scientist. But my own research project colleagues, in a research project on minorities in Russia organised by the European Centre for Minority Issues (ECMI, Flensburg) and the European Academy (EURAC, Bolzano/Bozen) include another practitioner of this methodology, Paul Chaisty (rendered “Chasity” in the Acknowledgments – one of a few typographical errors, but the most prominent), and there is no denying the rigour and seriousness of such political science research.

Of course, many observers including me saw Yeltsin as a politician who acted from instinct and gut feeling rather than any process of rational choice.

The book has the following structure (page 17). Chapter 1 investigates the reasons for the start of constitutional negotiations in 1990, and the choice of institutional rules which might structure decision-making. Chapter 2 looks at the outcomes of negotiations during 1991. Chapter 3 examines President Yeltsin’s decision not to pursue a constitutional settlement after the August 1991 putsch, but rather to go for

“shock therapy” economic reform. Chapter 4 uses the theory developed in the previous chapter to examine constitutional bargaining in the Congress of Peoples Deputies in 1992-3. Chapter 5 asks why the interaction of President, Speaker and Congress led to the collapse of constitutional negotiations in the summer of 1993.

However, there is one actor which is almost entirely missing from the book’s analysis, and that is the Constitutional Court and its Chairman (and still Chairman today) Valeriy Zorkin. There are no entries for the Court or for Zorkin in the rather short Index, although there are, as far as I could see, two references in the text. The Court is referred to in passing on page 36, with a mention of the fact that the Congress created a constitutional court.

Significantly, on page 136, Yeltsin is quoted as saying in a speech of 11 December 1992, at the height of the crisis:

“Moreover, part of what the chairman of the Constitutional Court said in his speech coincides with my programme for getting out of the crisis and in this I support him.”

But the author gives no indication why Yelstin might have said that in December 1992, or what significance the Court or its chairman (Zorkin) might have had for him or for the other actors. December 1992, a crucial period, is not analysed as such. Indeed, a significant complaint about the book as a whole is that dates are rarely given. One has to look at the notes, and many of those are not dated. Perhaps dates were lost in the overall abstraction of the thesis. So, for the assistance of my reader, here are the dates of the ten sessions of the Congress³:

- First: 16 May 1990 – 22 June 1990
- Second (extraordinary): 27 November 1990 – 15 December 1990
- Third (extraordinary): 28 March 1991 – 5 April 1991
- Fourth: 21 May 1991 – 25 May 1991
- Fifth (extraordinary): 10 July 1991 – 17 July 1991; 28 October 1991 – 2 November 1991
- Sixth: 6 April 1992 – 21 April 1992
- Seventh: 1 December 1992 – 14 December 1992
- Eighth (extraordinary): 10 March 1993 – 13 March 1993
- Ninth (extraordinary): 26 March 1993 – 29 March 1993
- Tenth (emergency): 23 September 1993 – 4 October 1993

³ Set out at <http://www.politika.su/gos/ndrs.html> (accessed on 2 April 2012)

As far as the author is concerned, there are three actors: President Yeltsin, the Congress of Peoples Deputies and Supreme Soviet and their members, and the Speaker of the Supreme Soviet from 29 October 1991, the Chechen scholar and politician Ruslan Khasbulatov, born in 1942.

The most prominent of the deputies for the author and in fact was the lawyer Oleg Rumyantsev⁴, who studied at Moscow State University, Budapest, the LSE and Toronto, became a prominent reformer, and was elected a deputy of the Congress of Peoples Deputies of the RSFSR on 31 March 1990 at the age of just 29. He first appears on page 29 of this book, though without any biographical or contextual information. It was Rumyantsev who in April 1990 promoted the idea of forming a Constitutional Commission to examine the 1978 Constitution of the RSFSR with a view to its reform, and work on a possible new constitution. The Constitutional Commission started work in June 1990. The author interviewed Rumyantsev on 2 March 1999, presumably while researching his PhD.

At that time, and until the collapse of the USSR at the end of 1991, there was no constitutional court, but a very important innovation, the Committee for Constitutional Supervision (*nadzor*), which began work in May 1990. It too is missing from this book. It rendered some very important decisions, which were in the main respected by the authorities.⁵ It ceased to exist along with the USSR in December 1991. The author does not mention that on 15 December 1990 the 1978 Constitution of the RSFSR was amended inter alia so as to provide for the establishment of a Constitutional Court of the RSFSR, though the relevant law was not approved by the Fourth Congress.⁶

On 29 May 1990 Boris Yeltsin, a Communist Party boss from the Urals, was elected chairman of the Supreme Soviet, and on 12 June 1991 he was elected President of the RSFSR by popular vote. He won 57% of the vote in a six-candidate contest. He was sworn in on 10 July 1991 in a grandiose ceremony in which Mikhail Gorbachev, the President of the USSR, but not elected by popular vote, was very much sidelined.

⁴ Rumyantsev, now in his early 50s, has his own web-pages and blog at <http://www.rumyantsev.ru/>, with a wealth of contemporaneous materials from the period covered by the book under review, and is Managing Partner of his own Consulting Agency – see <http://www.rumyantsevconsulting.ru/team/head/> (both accessed on 1 April 2012).

⁵ For a discussion see Bill Bowring “Russia and Human Rights: Incompatible Opposites?” v.1, n. 2 (2009) *Göttingen Journal of International Law* 257-278

⁶ See the web-site of the Constitutional Court, at <http://www.ksrf.ru/Info/History/Pages/default.aspx> (accessed on 1 April 2012)

Along with millions of others, I witnessed this on TV in Moscow. Yeltsin secured his place in history when on 18 August 1991 he evaded the KGB officers sent to arrest him and defied the putsch, famously standing on a tank outside the White House.

Chapter 2 of the book under review starts by asking why the Congress did not debate the work of Rumyantsev's Commission until October 1991, despite having completed the drafting of a new constitution by October 1990. (page 36). Having put forward a number of hypotheses, the author asks (page 48) why Yeltsin did not pursue his goals of transfer of control of policy from the USSR to the RSFSR, with a presidency, in the form of a new constitution, when the draft produced by the Commission, which Yeltsin supported in September 1990, sought to establish all his goals. That is, the Second, Third and Fourth Congresses did not pursue discussion of a new constitution. The author's technique is to summarise the information "viable" (I think the author means "available") to Yeltsin about Deputies' preferences. The author also, correctly, focus on the "parade of sovereignties" in 1990 to 1991.⁷

Thus, the author's conclusion is that (page 57)

"It was Yeltsin's concerns about the implications of the federal issue that kept him from proposing discussion of the new Constitution at the Second Congress, but because Boris Yeltsin knew he could do better than the status quo with regard to the presidency and Russia's relations with the Soviet Union, he was prepared to put these issues on the agenda and shape constitutional outcomes in Russia."

It was not clear to me that Hypotheses 2a to 2f (pages 43-44) and their evaluation, and the discussion of uncertainty, were required in order to reach that conclusion. But then I am not a political scientist.

Chapter 3 is headed "Yeltsin's missed opportunity?" (page 58) and asks why Yeltsin and the Congress "launched a programme of radical economic reform and made limited alterations to the current Constitution." This choice of strategy was, in the author's words, "puzzling in retrospect", even a mistake. The author's tactic is to model Yeltsin's decision using "expected utility theory" (page 63). This is a "decision-theoretic analysis of the conditions that would motivate a rational power-

⁷ See Bill Bowring "The Russian Constitutional System: Complexity and Asymmetry" in Marc Weller and Katherine Nobbs (eds) *Asymmetric Autonomy and the Settlement of Ethnic Conflicts* (University of Pennsylvania Press, 2010) 48-74; see the long list of regions declaring sovereignty at 55

seeking politician in Yeltsin's position" which "identifies some conditions that must hold for this to have been a rationally intelligible decision." The conclusion is that Yeltsin did not miscalculate. Whether he was rational is a moot point, at least in my view. And it is well-known that in the face of acute economic crisis in late 1991 he followed the advice of Yegor Gaidar and some Harvard experts, and pursued radical neo-liberal policies of rapid privatisation (known in Russia as *prikhvatizatsiya*), and the rapid and dubious creation of the "oligarchs" who have played such an important role in Russia to this day.

Chapter 4 is where I find a great deal missing from the author's account and analysis. Here he investigates the period from autumn 1991 to the last quorate meeting of the Congress from March 1993. On pages 87-89 the author presents a table showing "Changes to the current constitution from the Fifth to the Seventh Congresses", showing that at the Sixth Congress, when the Federal Treaty became part of the 1978 Constitution, two articles, 81 and 86, referred to powers of the Constitutional Court. But the text contains no explanation of what this Court was or how it had appeared. In fact, the constitutional amendment referred to above was approved by the Fifth Congress on 12 July 1991. On 29-30 October 1991, 13 out of 15 justices of the Constitutional Court were elected on the initiative of the Speaker, Ruslan Khasbulatov, including Valeriy Zorkin, who had for several years been a member of Rumyantsev's Constitutional Commission. The American scholar Robert Sharlet wrote at the time:

"[Zorkin's] public career as an active reformer did not get underway until he became a senior consultant to the Russian Constitutional Commission in 1990. On the Commission, Zorkin strongly advocated a presidential republic within a separation of powers doctrine, a position he continues to hold, notwithstanding the widespread canard that he is trying to undermine the presidency on behalf of the parliament."⁸

On 30 October 1991 the first working meeting of the Court of the RSFSR took place, followed on 14 January 1991, following the collapse of the Soviet Union, by its first

⁸ Robert Sharlet "Chief Justice as Judicial Politician" (1993) 2 *East European Constitutional Review* 32-37, at 32-3

sitting as a Court.⁹ On 1 November 1991, Valeriy Zorkin was elected Chairman of the Constitutional Court by secret ballot of the justices, for an unlimited period.¹⁰

That first session was highly significant, since the new Court heard a case on the constitutionality of President Yeltsin's decree (*ukaz*) "On the formation of a Ministry of Security and Internal Affairs of the RSFSR", seeking to merge the two institutions. The Court held that the decree was unconstitutional, and that the President had exceeded his competence, and that his decree would lead to real restrictions of the rights and freedoms of the citizen.¹¹ Yeltsin obeyed.

The Court then got utterly bogged down in the Case of the Communist Party of the Soviet Union for most of 1991, arriving on 30 November 1992 at a compromise judgment¹² which was not, as had been hoped by many, a Russian Nuremburg, and which permitted the Communist Party of the Russian Federation to survive until the present day as the second force in Russian politics. The case has been well analysed by my colleague Jane Henderson.¹³

It is at this point that the book under review has a rather large gap. For December 1992 was the moment at which Valeriy Zorkin intervened prominently in the ongoing constitutional negotiations. Robert Sharlet's article was entitled "Chief Justice as Judicial Politician"¹⁴. He argued as follows:

"Since December 1992, Russia's newest democratic institution, the Constitutional Court, and especially its Chief Justice, Valery Zorkin, have been at the center of the country's ongoing constitutional crisis."¹⁵

Sharlet relates how, with the Congress and President at daggers drawn, Zorkin boldly took the initiative and summoned President Yeltsin and Speaker Khasbulatov to a meeting which he chaired. The two attended the meeting, a sign that Zorkin was not

⁹ <http://www.ksrf.ru/Info/History/Pages/default.aspx> (accessed on 1 April 2012)

¹⁰ See Zorkin's biography on the web-site of the Constitutional Court, at <http://www.ksrf.ru/Info/Judges/Pages/judge.aspx?Param=2> (accessed on 1 April 2012)

¹¹ Decree (*postanovleniye*) of 14 January 1992, 10-P-U/1992, at <http://www.ksrf.ru/Decision/Pages/default.aspx> (accessed on 1 April 2012)

¹² Decree (*postanovleniye*) of 30 November 1992, 9-P/1992, at <http://www.ksrf.ru/Decision/Pages/default.aspx> (accessed on 1 April 2012)

¹³ Jane Henderson "The Russian Constitutional Court and the Communist Party case: Watershed or whitewash?" (1997) v.40 n.1 *Communist and Post-Communist Studies* 10-16; Jane Henderson "Making a Drama out of a Crisis: The Russian Constitutional Court and the Case of the Communist Party of the Soviet Union" (2008) v.19 n.3 *Kings Law Journal* 489-506

¹⁴ Robert Sharlet "Chief Justice as Judicial Politician" (1993) 2 *East European Constitutional Review* 32-37

¹⁵ *Ibid* p.32

to be ignored. Speaking on behalf of the Court, he advised them that if the meeting did not produce a resolution of the crisis, the Constitutional Court would begin proceedings against both for failure to fulfil their constitutional obligations. The Court at that time had the right to commence a variety of procedures on its own initiative. The parties agreed to hold a referendum on 11 April 1993, and this was approved by the Congress. The crisis having been averted, Zorkin was feted by both sides, was awarded a prestigious prize, and was declared "Man of the Year."¹⁶ I recall a magazine cover from the time, with the headline "Zorkin the Peacemaker", and his portrait with laurels.

This is plainly what Yelstin was referring to in his speech cited by the author, noted above, but the author does not for some reason seem to pay it or its context any attention.

At the December (Eighth) Congress, Zorkin created a Reconciliation Commission, and Yeltsin called upon him to broker a new deal. But Zorkin was unable to reconcile Yeltsin and Khasbulatov, and evidently began to have serious doubts about the wisdom of a referendum in Spring 1993. He withdrew as mediator.¹⁷

However, the Court remained a key player, and after the close of the chaotic Ninth Congress, the President, the liberal and conservative factions in the Congress, and the press, all turned to the Court with fresh petitions, including one on the April 25 referendum. On 21 April 2003, the Court adjudicated¹⁸ on one of these complaints, the Referendum Case, finding for Yeltsin against the Congress, declaring that only a majority of the turnout was necessary to win the first two questions, namely, confidence in the President and approval of his economic policy. On the third and fourth questions, which could have led to legally binding calls for early elections of the parliament and President, the Court found that the Law on Referenda required the approval of a majority of eligible voters.¹⁹

¹⁶ Ibid, p.35

¹⁷ Ibid, p.36

¹⁸ Decree (*postanovleniye*) of 21 April 2003, 80-P/1993 at <http://www.ksrf.ru/Decision/Pages/default.aspx> (accessed on 1 April 2012)

¹⁹ Ibid, p.37

The American scholar Kim Lane Scheppele referred to Zorkin in a survey on “Guardians of the Constitution”, the Hungarian and Russian Constitutional Courts²⁰ as a “Russian Phoenix”²¹

“By late Saturday, Zorkin had presided over a compromise acceptable to all. Yeltsin agreed to withdraw his proposed referendum and to stop insisting on Gaidar as the lone candidate for Prime Minister; the Congress of People's Deputies agreed not to hold its planned votes to strip the executive branch of power; and a referendum on a new Constitution would be held in April 1993. After the Congress of People's Deputies voted overwhelmingly in favor of this compromise, Khasbulatov and Yeltsin shook hands.' The role of Valerii Zorkin in brokering this deal was clear to all, as he was the one who read the final agreement to the Congress of People's Deputies, ending the dangerous standoff. ”²²

On 18 December 2002 the New York Times editorial exclaimed how surprising it was that a "democratic temperament" had emerged in Russia.²³ The editorial credited Valerii Zorkin with the transformation, calling him "Russia's answer to Chief Justice John Marshall."

All of this is entirely absent from the book under review.

Another US scholar, Herman Schwartz, wrote that

“... the Court and its Chairman, Valery Zorkin, won great public approval. Activist beyond any other judge in recent history in any Western or East Central European country, he continually gave speeches and interviews, asserting the Court's responsibility to defend the constitution. In 1993, Zorkin became the chief mediator between the Russian parliament and President Yeltsin, straddling the line between legal and political judgments, and often

²⁰ Kim Lane Scheppele “Guardians of the Constitution: Constitutional Court Presidents and the Struggle for the Rule of Law in Post-Soviet Europe” (2006) 154 *University of Pennsylvania Law Review* pp.1757-1851

²¹ Ibid, p.1791

²² Ibid, p.1807

²³ Editorial, A Russian Democrat, N.Y. TIMES, Dec. 18, 1992, <http://www.nytimes.com/1992/12/18/opinion/topics-of-the-times-a-russian-democrat.html?scp=19&sq=zorkin&st=cse> (accessed on 1 April 2012)

casting doubt on the independence and neutrality of the Court through his actions.”²⁴

Another optimistic voice was that of Mark Brzezinski²⁵, who wrote

“It is clear that President Yeltsin and the deputies of the Russian Congress will abide by the Court's decisions and that the justices who serve on the Court are able to act impartially and independently. The Court's success in controlling the other branches during this period of economic and political crisis-when political expediency could easily replace constitutionality in public policy-making sets an important precedent for legality in the new Russian State.”²⁶

The Court under the leadership of Valeriy Zorkin continued to intervene during early 1993. On 20 March 2003 President Yeltsin gave a television address (*obrashcheniye*)²⁷ in which he explained his decision to order a referendum concerning the question of confidence in the President and Vice-President. The main reason for the political crisis in the country, he said, was not a conflict between the Congress and the President, but a conflict between the people and the Bolshevik system. The Congress, Yeltsin claimed, had manipulated the Constitution and blocked the referendum on land ownership and constitutional principles. Yeltsin argued that as the possibility of agreement with the conservative majority in Parliament had been exhausted, the President would assume direct responsibility for the fate of the country. It was his duty to guarantee the observation of fundamental constitutional principles such as popular government, federalism, separation of powers, human rights, and basic freedoms.”²⁸

Although this TV address was neither a Law nor a Decree, the Court under Zorkin's leadership took rapid steps to consider its constitutionality, by way of one of the five non-judicial functions given it by the Law “On the Constitutional Court”, the *Zaklyucheniye*, or “Finding”. Under that Law, suspended in October 1993 and subsequently replaced with an entirely new law, the Court had the right to issue a Finding under its own initiative. According to Herbert Hausmaninger, Zorkin

²⁴ Herman Schwartz “The New Courts: An Overview” 2 *East European Constitutional Review* 28-32

²⁵ Mark Brzezinski “Toward “Constitutionalism” in Russia: The Russian Constitutional Court” (1993) v.42 n.3 *International and Comparative Law Quarterly* pp. 673-690

²⁶ Ibid, p.690

²⁷ Text at http://www.rau.su/observer/N09_93/9_01.HTM (accessed on 1 April 2012)

²⁸ Herbert Hausmaninger “Towards a “New” Russian Constitutional Court” (2005) 28 *Cornell International Law Journal* 349-386, 359-60

considered this television statement to amount to an attempted coup d'état. The Court, on its own initiative, subsequently endorsed by a request from the Supreme Soviet, examined the broadcast. President Yeltsin refused to attend this session or to submit documents requested by the Court, including the text of his decree.

In its nine-to-three Finding of March 23²⁹ (the reform-minded judges Ametistov, Morshchakova, and Vitruk dissented and judge Kononov was absent), the Court found seven violations of the Constitution and the Union Treaty in the President's address. The Court, however, remained silent on the question of impeachment.³⁰

According to one Russian account, Zorkin found out by early September 1993 how far he had fallen from presidential approval. His presidential security was withdrawn from the government dacha which had earlier been made available to him, on the grounds that its surroundings were in an unsanitary condition. The guards, entertaining themselves, shot Zorkin's cat.³¹

However, the most recent textbook prepared for Russian school-teachers presents a remarkably charitable view of Zorkin and his activities from December 1992:

In December 1992 at the Seventh Congress the relations between the Executive and Legislature reached the limit. The deputies blamed Yeltsin for the fall in production and the impoverishment of the population. New amendments to the Constitution were adopted, according to which the president must be subordinated to parliament, and then Yeltsin came out against this and appealed through the Congress to the citizens of Russia: "It is impossible to work with such a congress... It is not even the road back, it is the road to nowhere. I see only one way out from the crisis of power, and that is a universal referendum." The Congress refused to approve Yegor Gaidar as Premier. The conflict came to a head. The parties tried to come to a compromise. Through the mediation of the Chairman of the Constitutional Court, an agreement was signed on constitutional stabilisation, which enabled the conflict to be solved peacefully: the Supreme Soviet was able to reject the unhappy Gaidar, and the new premier was Viktor Chernomyrdin. The President and Supreme Soviet were obliged by 31 March 1993 to adopt either

²⁹ Vedomosti RF, Issue No. 13, Item No. 466 (1993), at http://www.rau.su/observer/N09_93/9_02.HTM (accessed on 1 April 2012)

³⁰ Hausmaninger, op cit n.24, 360

³¹ At <http://www.uroki90.ru/wiki.htm> (accessed on 2 April 2012)

a joint version or two versions of a new Constitution and put them to a universal referendum. However, the next Supreme Soviet refused to fulfil its obligation.”³²

But for the author of the book under review, these events might never have occurred, and the key actor involved is apparently not worth the mention.

It is probably not for me to suggest that the author’s methodology, sophisticated and rigorous though it is, has blinded him to such an important component of his subject-matter. His conclusion is to be found in his final sentence at page 156.

“The insights of this book suggest that, if we want to understand the conditions in which politicians choose institutions, we need not just to understand how institutions structure decision-making about constitutional rules, and what politicians want and value, but we also need to understand how dynamic elements of the political environment, that are subject to rapid change, such as information and ideas, shape politicians’ decisions as they struggle to create new political orders.”

Again, the English is convoluted, but the meaning is clear.

Finally, I was puzzled by the reference in the Acknowledgments to a Centre for Constitutional Research in Moscow. The author does thank Olga Sidorovich, the Director of the Institute for Law and Public Policy (ILPP³³), which publishes the journal *Comparative Constitutional Review* and pursues constitutional research at a very high level. Perhaps he had ILPP in mind. Or perhaps there was such a Centre in the 1990s. Furthermore, on page 18 there is reference to “the Central Communist Party” in 1990. This is a new one on me.

Overall, my view is that this is a book to be consulted by all scholars researching the topic of the constitutional crisis of the early 1990s. The author has interviewed many of the leading actors, and consulted extensive archives. I have no reason to doubt that the book is a monument to political science methodology. But, as I said at the outset, there is a rather large gap.

³² A. Bezborodov, N. Yeliseeva, V. Shestakov *Perestroika i krakh SSSR* (Perestroika and the collapse of the USSR) 1985-1993, St Petersburg, NORMA, 200

³³ www.ilpp.ru (accessed on 2 April 2012)