

Contents

<i>Preface</i>	<i>vii</i>
Introduction	1
I. The Conventional Answer	1
II. My Answer	2
III. The Constitutional Dark Arts	3
IV. The Constitutional Dark Arts in Russia	4
V. A New Constitutional History of Post-Soviet Russia	6
VI. Methodology	8
VII. Lessons	9
VIII. Plan of the Book	12
 1. The Constitutional Dark Arts: Concept and Consequences	14
I. Constitutional Centralisation	17
II. The Centralised State Tradition	19
III. The Constitutional Dark Arts	22
IV. Identifying the Constitutional Dark Arts	24
V. The Constitutional Dark Arts in Action	26
VI. Conclusion	32
 2. The Russian Democratic Constitutional Movement	34
I. Russia's Centralised State History	35
II. The Intellectual Roots of Russian Democratic Constitution-Making	37
III. Sakharov's Constitutional Draft	39
IV. Early Russian Democratic Development: 1988–91	40
V. Rumiantsev's Constitutional Commission.....	42
VI. The Rise of Boris Yeltsin, 1992–93.....	44
VII. Yeltsin's Constitutional Draft	50
VIII. Conclusion	52
 3. The Foundation of the Constitutional Dark Arts in Russia	54
I. Russian Crown-Presidentialism	60
II. President as Monarch.....	63

III.	President as Chief Executive Officer	67
IV.	Justifying Russia's 1993 Constitution	70
V.	Conclusion	73
4.	The Personal President (1994–99)	75
I.	Centre-Periphery Relations.....	76
II.	Economic Reform	81
III.	Effectiveness	83
IV.	Popular Accountability	84
V.	Domestic Legal Accountability.....	86
VI.	International Legal Accountability	92
VII.	Conclusion	94
5.	The Managerial President (2000–08)	95
I.	Presidential Institution-Building.....	97
II.	Dictatorship of the Law	100
III.	Recentralising Power in Moscow	102
IV.	Controlling the Oligarchs.....	104
V.	Effectiveness	106
VI.	Popular Accountability	109
VII.	Domestic Legal Accountability.....	110
VIII.	International Legal Accountability	114
IX.	Conclusion	115
6.	The Constrained President (2008–12)	117
I.	The Compliance Pull of the Presidential Term Limit.....	118
II.	Constraining the New President	119
III.	Impact on Domestic Policy	122
IV.	Impact on Foreign Policy	125
V.	Popular Accountability	128
VI.	Domestic Legal Accountability.....	129
VII.	International Legal Accountability	134
VIII.	Conclusion	136
7.	The Imperial President (2012–the Present)	138
I.	The Closing of Russian Politics	139
II.	Confrontation with the West	141
III.	2020 Constitutional Reforms	142
IV.	Full-Scale Invasion of Ukraine.....	148
V.	Effectiveness	150

VI.	Popular Accountability	152
VII.	Domestic Legal Accountability.....	153
VIII.	International Legal Accountability	157
IX.	Conclusion	157
8.	Constitutional Law in a Post-Putin Russia	160
I.	Status Quo Successor: Continuing the Constitutional Dark Arts	161
II.	Real Democratic Reform: The Need for a New Constitutional Foundation	164
III.	A New Constitutional Structure	170
IV.	Building a More Effective and Accountable Russian State	174
V.	Conclusion	178
9.	Countering Constitutional Authoritarianism.....	180
I.	Authoritarian Populism.....	181
II.	The Populist Threat to Democracy	187
III.	Strengths of the Constitutional Dark Arts	190
IV.	Weaknesses of the Constitutional Dark Arts.....	194
V.	Conclusion	200
10.	Renewing Democratic Constitutionalism	201
I.	The Dangers of Legal Constitutionalism	202
II.	The Political and Normative Foundations of Democratic Constitutionalism	211
III.	A Balanced and Energetic Constitutional Democracy.....	213
IV.	Engaging with Anti-Centralist Political Philosophy.....	215
V.	Conclusion	221
	Conclusion: Constitutions at the End of History	223
I.	Better Understanding Russia	224
II.	An Old Ideological Debate Continues.....	224
III.	Democratic Constitutionalism in the Twenty-First Century	226
	<i>Bibliography</i>	228
	<i>Index</i>	239