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datory national vote, scheduled for 22 April 2020, was postponed due to the corona virus pandemic.

In general, the constitutional reform relies on the procedure established by Article 136 of the Constitution. According to this procedure the amendments could already be in force. However, the new amendment law introduced two additional procedural preconditions: approval by the Constitutional Court and a national

vote. The amendments will come into force on the day of the publication of the results of the national vote if more than half of the voters participating voted in favor of the amendments.

Therefore, at the moment, it is hard to predict how and when the constitutional amendment process will be completed.

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ANALYSIS

The Institutionalization of Personalism? The Presidency and the President after Putin's Constitutional Overhaul

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Abstract

Is it still possible to conceive of the institution of the presidency being separate from Vladimir Putin, the president? The constitutional amendment that would zero out Putin's current presidential terms and therefore allow him to run once more for president in 2024 suggest that regime personalization has further progressed. Nonetheless, it still remains analytically useful and important to distinguish between the presidency and the president: presidential power remains a polymorphous phenomenon. Putin needs to maintain control of a strong presidency to exert authority.

One-Man Rule?

Vladimir Putin seems to have merged with the Russian presidency. He even admitted this himself in his speech to the State Duma plenary session on 10 March 2020: "I am convinced that a time will come when the supreme power in Russia, that of the President, will no longer be personified and will no longer be associated with a specific person."¹ However, he left open the question of when that time will come. In Putin's view, Russia still has to go through a long, evolutionary development, for which a strong presidential hierarchy of power is absolutely indispensable.

When on 15 January Vladimir Putin unveiled his plans for the most comprehensive overhaul of Russia's constitution since its adoption in 1993, it initially

appeared to many observers that he intended to remain in power beyond 2024 by stepping down from the presidency, and by occupying another high-ranking position in the state and thereby retaining power as the de facto ruler. This theory was suspicious from the very beginning² for two reasons: First, contrary to Putin's rhetoric, the draft amendments submitted to the Duma on 20 January strengthened the presidency at the cost of other state organs. Second, as a consequence, no other position in the state was bolstered to such a degree that would allow Putin to wield enough power to check a future successor president. Take Kazakhstan for comparison: The formal upgrade of Russia's State Council is negligible compared to the sweeping powers Nazarbaev prescribed to the chairman of Kazakhstan's Secu-

1 Kremlin.ru (2020) 'Plenarnoe zasedanie Gosudarstvennoi Dumy', 10 March. Accessed 30 March 2020.

2 Burkhardt, F. (2020) 'Putins Verfassungstreik: Die Nachfolgefrage in Russland ist weiterhin offen', 21 January. Accessed 30 March 2020.

rity Council³, the position he took up later after stepping down from the presidency while retaining far-ranging prerogatives as the first president of Kazakhstan-Elbasy⁴.

The 10 March “Tereshkova amendment” during the second Duma reading was the first clear and unambiguous signal that the constitutional overhaul was about Putin’s “end game”⁵: The “zeroing out” of Putin’s presidential terms would allow Russia’s long-term ruler to run for the presidency once more in 2024. At this point, however, it remains unknown when the constitutional amendments will come into force⁶. The plebiscite initially slated for 22 April was postponed indefinitely due to the Covid-19 pandemic. Moreover, uncertainty will remain up until 2024 whether Putin will run again for the presidency. Nonetheless, the formal zeroing out of presidential terms marks a further increase in personalization of Russia’s authoritarian regime. Given this high degree of personalism⁷, one might ask whether it is possible to conceive of the institution of the presidency being separate from Putin, the president? What system of power has Putin built over the past 20 years? And finally, how much does Putin control in Russia today?

Does Putin Decide Everything Himself?

In comparative presidentialism, it is common to distinguish between president-centered and presidency-centered explanations of presidential behavior.⁸ In authoritarian regimes with a high degree of personalization such as Russia, one might indeed ask whether a presidency-centered approach is still justified. But as I argue in a forthcoming article⁹ on the Russian Presidential Administration, presidential power can be conceptualized as a polymorphous phenomenon: Depending on the level of analysis such as time or policy domain, presidential behavior can follow highly personalized or, to the

contrary, institutionalized patterns. A related conception is the “double state” in Russia.¹⁰ In this state, there are two different regimes whose interaction creates constant tension and uncertainty. One regime is that of the president’s “manual control,” in which his personal authority is paramount. The second regime is governed by regular and rule-based patterns of behavior, for example in the everyday management of the civil bureaucracy, in which even the strong president cannot easily interfere.

Yeltsin was already called an “electoral monarch”¹¹ because of his personalistic style. However, personalization has steadily increased under Putin.¹² A growing number of policies that were once part of the second regime are no longer protected from attacks by the first regime. Of course, this rules-based, institutionalized behavior should not be confused with “democracy” or “good governance”: even under Stalinism such a second regime existed to a certain extent.¹³ To illustrate that presidential power is still a polymorphous phenomenon, in the following sections I attempt to disentangle president- and presidency-centered characteristics of Putin’s Russia.

Putin as the Mafia Boss of a Network State?

To describe the Putin system, one can imagine a kind of solar system in which various actors from the political and economic elite orbit the Putin sun. The celestial bodies are of different weights, are closer to the sun or further away from it, and can also have their own satellites. Other metaphors can also be used: a politburo in which there are different categories of members according to the Soviet model. Or several Kremlin towers that face each other in contention.¹⁴ One of the most elaborate models is that of *sistema*:¹⁵ a network state in which the elite bends or bypasses laws. The network state cre-

3 Adilet.zan.kz (2020) ‘O nekotorykh voprosakh Soveta Bezopasnosti Respubliki Kazakhstana’, 12 February. Accessed 30 March 2020.

4 Adilet.zan.kz (2017) ‘O pervom Prezidente Respubliki Kazakhstan-Elbasy’, 15 June. Accessed 30 March 2020.

5 Hale, H. (2020) ‘Putin’s end game?’ Ponars Policy Memo 638. Accessed 30 March 2020.

6 There is convincing evidence that both the content and procedure of the constitutional amendments are unconstitutional: Rogov, K. (2020) ‘Dekonstruksiya Konstitutsii’. Moscow: Fond ‘Liberal’naya Missiya. Accessed 30 March 2020.

7 Personalism is understood as a regime trait rather than a regime type. For a time-variant concept of personalism see: Geddes, B., Wright, J. G., Wright, J., and Frantz, E. (2018) ‘How dictatorships work: Power, personalization, and collapse’. Cambridge University Press.

8 Hager, G. L., and Sullivan, T. (1994) ‘President-centered and presidency-centered explanations of presidential public activity’. *American Journal of Political Science*, p. 1079–1103.

9 Burkhardt, F. (2020) ‘Institutionalising Authoritarian Presidencies: Polymorphous Power and Russia’s Presidential Administration’, *Europe-Asia Studies*, <https://doi.org/10.1080/09668136.2020.1749566> (forthcoming).

10 Sakwa, R. (2010). ‘The dual state in Russia’. *Post-Soviet Affairs* 26(3), p. 185–206. The concept of the dual state goes back to Ernst Fraenkel: Fraenkel, E. (1941). ‘The Dual State: A Contribution to the Theory of Dictatorship’. Oxford: Oxford University Press.

11 Shevtsova, L. (2007) ‘Russia lost in transition: the Yeltsin and Putin legacies’. Carnegie Endowment.

12 Batur, A., & Elkins, J. A. (2016) ‘Dynamics of regime personalization and patron–client networks in Russia, 1999–2014’. *Post-Soviet Affairs*, 32(1), p. 75–98.

13 Gorlizki, Y. (2002) ‘Ordinary Stalinism: the Council of Ministers and the Soviet neopatrimonial state, 1946–1953’. *The Journal of Modern History*, 74(4), p. 699–736.

14 Petrov, N. (2011) ‘The nomenklatura and the elite’, in: Petrov, N. and M. Lipman (eds.) ‘Russia in 2020: Scenarios for the Future’. Brookings Institution Press, p. 499–530.

15 Ledeneva, A. V. (2013) ‘Can Russia modernise? Sistema, power networks and informal governance’. Cambridge: Cambridge University Press.

ates interdependencies in the extremely complex network of relationships among this elite.

However, it would be too simplistic to reduce the *sistema* to a kleptocracy, a mafia state, or a militocracy under the sole rule of the *siloviki*, the leaders of Russia's military and intelligence agencies. Informal practices remain ambiguous,¹⁶ moving smoothly between legality and illegality, legitimacy and illegitimacy. For example, someone in the presidential administration can pick up the phone to influence the courts (telephone justice). On the other hand, governors sometimes make calls to overcome bureaucratic hurdles in building factories, or to call back aggressive regulators from successful companies. The new prime minister, Mikhail Mishustin, for example, succeeded in modernizing the tax authority. He is considered a comparatively effective manager in the civil service, who in 2020 received the second most important post in the country. At the same time, he amassed a significant fortune with the help of his family members, according to Alexey Navalny's Anti-Corruption Foundation.

How Popular is Putin?

The Kremlin likes to measure Putin's popularity in polls, and there is good reason for that. The presidential rating is one of the most important resources available to Putin. His consistently high approval ratings have hovered between 60 and almost 90 percent over the past 20 years, symbolizing the leader's direct engagement with the people. To maintain the "image of invincibility" and the sense that there is no alternative, the Kremlin must ensure that Putin is the most popular politician in Russia permanently and by far. As constant plebiscites of approval,¹⁷ ratings and polls are intended to replace other broken feedback channel to the population, such

as elections or the media. Even for governors in the regions, they are considered one of the most important indicators that determine their careers.¹⁸

But what makes Putin popular, and to what extent is this popularity real? In particular, the fluctuations in confidence and approval ratings show that it is not so much Putin's biography and personal traits that contribute to his popularity, but above all two aspects: the perception of economic development and the expectation that one's own economic situation will improve, and, in the foreign policy sphere, the sense of an external danger.

Large fluctuations after unpopular social or pension reforms or longer-term downward trends after the Great Recession reflect changing perceptions among the population.¹⁹ Russian foreign policy sometimes causes erratic changes: especially in conflict situations in which Russia is threatened, or to the contrary, when foreign policy "successes,"²⁰ such as the annexation of Crimea, trigger euphoria, there are rally-'round-the-flag effects that at least temporarily increase support for Putin.²¹

However, media control and Internet censorship play a crucial role. One simulation assumes that a repeal of Internet censorship would cause Putin's rating to plummet by 35 percentage points.²² The question of whether Putin's popularity is genuine is therefore not clear. In any case, research shows that respondents do not lie when asked about Putin.²³ The restriction of political competition, censorship of television and Internet control create an alternative reality, which suggests majority support for the president.²⁴ Since most Russians are above all apolitical, the minority, which is willing to answer questions from pollsters, often joins the perceived majority for social reasons.²⁵

16 Ledeneva, A. (2016) 'The ambivalence of favour' in: Henig, D. and Makovicky, N. (eds.) *Economies of Favour after Socialism*. Oxford University Press, p. 21–49.

17 Yudin, G. (2019) 'Governing Through Polls: Politics of Representation and Presidential Support in Putin's Russia' *Javnost – The Public*, p. 1–15.

18 Reuter, O. J., and Robertson, G. B. (2012) 'Subnational appointments in authoritarian regimes: Evidence from Russian gubernatorial appointments' *The Journal of Politics*, 74(4), p. 1023–1037 // Ukaz Preyidenta Rossiiskoi Federatsii ot 25.04.2019 no. 193 'Ob otsenke effektivnosti deiatelnosti vysschich dolzhnostnykh lits (rukovoditelei vysschich ispolnitelnykh organov gossudarstvennoi vlasti) subektov Rossiskoi Federatsii i deiatelnosti organov ispolnitelnoi vlasti subektov Rossiskoi Federatsii'. Accessed 30 March 2020.

19 Treisman, D. (2011) 'Presidential popularity in a hybrid regime: Russia under Yeltsin and Putin'. *American Journal of Political Science*, 55(3), p. 590–609.

20 Barbashin, A., Irisova, O., Burkhardt, F., and E. Wyciszkievicz (2017) 'A successful failure: Russia after Crime(a)'. Warsaw: Center for Centre for Polish-Russian Dialogue and Understanding. Accessed 30 March 2020.

21 Frye, T. (2019) 'Economic sanctions and public opinion: Survey experiments from Russia'. *Comparative Political Studies*, 52(7), p. 967–994 // Hale, H. E. (2018) 'How Crimea Pays: Media, Rallying 'Round the Flag, and Authoritarian Support'. *Comparative Politics*, 50(3), p. 369–391.

22 Guriev, S., & Treisman, D. (2015) 'How modern dictators survive: An informational theory of the new authoritarianism' *National Bureau of Economic Research*.

23 Frye, T., Gehlbach, S., Marquardt, K. L., & Reuter, O. J. (2017) 'Is Putin's popularity real?' *Post-Soviet Affairs*, 33(1), p. 1–15.

24 Volkov, D. (2020). *Is Putin no longer Russia's Mr. Popular?* *Riddle Russia*. Accessed 30 March 2020.

25 Greene, S., & Robertson, G. (2017) 'Agreeable authoritarians: personality and politics in contemporary Russia' *Comparative Political Studies*, 50(13), p. 1802–1834.

And this majority is undergoing a significant transformation. Especially in the last two years, the appetite of the Russian population for change has grown considerably. By the end of 2019, a clear majority of 59% thinks decisive, comprehensive changes are needed.²⁶ Recent polls on constitutional amendments suggests that an unambiguous pro-Putin majority is absent. Russia's population is split in half: While 48% of Levada respondents approve of the “zeroing amendment” nullifying Putin's presidential terms and allowing him to run again in 2024, 47% disapprove.²⁷ Younger and more urban Russians are more likely to oppose Putin running again for president. Moreover, the Covid-19 pandemic did not lead to a rally-‘round-the-flag in the face of a dangerous disease. Putin's somewhat erratic reaction to the Coronavirus in conjunction with a historic drop in the oil price led to a sharp decline in Putin's approval ratings. Given that those who oppose a violation of term limits are more likely to protest²⁸, and that mass mobilization is a major threat²⁹ for personalist authoritarian regimes, it is fair to assume that uncertainty³⁰ is to remain the main characteristic of Russia's regime transformation.

Organization Chart of Power: The Continued Significance of Formal Institutions

In the network state, not only personal, but also predominantly formal, competences play a prominent role. Constitutions can be conceived of as “power maps” that signal to the individual actors of the elite who is the most powerful patron of the network. Because of his position as head of state, Putin is the linchpin of this patronal presidentialism.³¹ He is at the forefront of various pyramid-shaped networks and thus acts as a referee in the struggle for power and resources in the state and the economy.

Vladimir Putin inherited from Boris Yeltsin a 1993 constitution in which the presidency was endowed with enormous powers, especially by international standards. The powers are distributed among different state bodies, but the president is hardly ensnared by checks and balances. He hovers over the other branches of govern-

ment and has the final say, especially with regard to Parliament.³²

Although the Constitution remained virtually untouched until 2020 with a few exceptions, the president's powers have been steadily expanded beyond the constitution since 1993 via changes in federal (constitutional) laws, presidential decrees and decisions of the Constitutional Court. The result is an institutionalized asymmetry of power in which the president and the executive branch play a much greater role than any other branch.³³ In terms of the separation of powers, Putin's constitutional overhaul therefore achieved two goals: First, it sends a clear signal that the presidency will remain by far the most powerful organ in the state. Tereshkova's “zeroing amendment” was needed precisely because the initial constitutional amendment draft from January diluted the signal of who would be the main patron after the reform. The threat of Putin being perceived as a “lame duck” loomed large. Second, chapters 3 to 8 of the constitution are amended in a way that to a large degree adapt the constitutional text to constitutional reality in which the presidency already had powers such as the general leadership over the cabinet, the dual executive divided in a presidential and a prime ministerial bloc in the cabinet, the coordination of federal relations as chairman of the State Council, or control over local self-government, either informally or formally via gradual subconstitutional change.

All Just “Virtual Politics”?

While in the 2000s many observers argued that formally democratic institutions such as parties, parliament, or even elections in Russia under Putin were simply “virtual politics” or made for propaganda, a new realization has emerged in recent years: political institutions function differently than in democracies, but they still perform important roles.³⁴ With regard to the Presidential Administration (“the Kremlin”), we often tend to focus on salient personalities such as the chief of staff Anton Vaino, or the grey cardinals from the domestic politics department such as Vladislav Surkov or Sergei Kirienko. But as I show in my work, the reorganization of administrative units or recruitment patterns demonstrate a con-

26 Kolesnikov, A. and D. Volkov (2020) ‘Russians’ growing appetite for change’. Carnegie Moscow Center. Accessed 30 March 2020.

27 Levada-Center (2020) ‘Obnulenie prezidentskikh srokov’, 27 March. Accessed 30 March 2020.

28 Chaisty, P. and S. Whitefield (2019) ‘The political implications of popular support for presidential term limits in Russia’. *Post-Soviet Affairs*, 35(4), p. 323–337.

29 Grundholm, A. T. (2020) ‘Taking it personal? Investigating regime personalization as an autocratic survival strategy’. *Democratization*, p. 1–19.

30 Noble, B., and N. Petrov (2020) ‘Russia's uncertain regime transformation’, Chatham House. Accessed 30 March 2020.

31 Hale, H. E. (2014) *Patronal politics: Eurasian regime dynamics in comparative perspective*. Cambridge University Press.

32 Stykow, P. (2019) ‘The devil in the details: constitutional regime types in post-Soviet Eurasia’. *Post-Soviet Affairs*, 35(2), p. 122–139.

33 Burkhardt, F. (2017) ‘The institutionalization of relative advantage: formal institutions, subconstitutional presidential powers, and the rise of authoritarian politics in Russia, 1994–2012’. *Post-Soviet Affairs*, 33(6), p. 472–495.

34 Wilson, A. (2005) *Virtual politics: faking democracy in the post-Soviet world*. Yale University Press.

siderable institutionalization over time.³⁵ Elections, to give another example, are not free and fair, since the campaigns are distorted and undemocratic. Yet elections are not meaningless: in the first place, they should co-opt elites and opposition and provide information about how much popular support the regime has. Later, lopsided election results for Putin and United Russia are designed to send signals of strength and used to command the loyalty of regional bureaucrats.³⁶ The same applies to the so-called “party of power,” the ruling party of United Russia: Despite its poor public image, the party guarantees the internal cohesion of the elites through its dominant position in the Federal Assembly, among governors, in regional parliaments and among mayors, and serves as a warning system to bring disloyal behavior or counter-mobilization among the elite to light early on.³⁷

However, excessive centralization can be costly. Already at the beginning of his first term, Putin pushed for harmonizing federal and regional legislation, strengthened control over regional security agencies by establishing federal districts, abolished the 2004 gubernatorial elections, deprived the regions of significant tax revenues through a complicated redistribution system, and thus increased fiscal control.³⁸ However, this centralization did not lead to better policy outcomes. Rather, it is one of the reasons for Russia’s bad governance.³⁹ Governance problems, lack of feedback mechanisms and misincentives for the regions prevent the socio-economic objectives set in the May 2012 presidential decrees and the 2018 national projects from being achieved. Although there are individual “pockets of efficiency”⁴⁰ in federal and regional civil administration, the institutionalized power asymmetries lead to a paradox of power⁴¹: the omnipotent president, who can intervene in all policy areas through manual control, is also powerless when it comes to day-to-day management and long-term goals. In the face of a global health crisis such as Covid-19, for example, Putin can order to send Russian employees into paid holidays, but compliance by businesses is bound to be patchy. What he can’t order is to make Russia’s

crumbling health system fit for long-term health challenges beyond the pandemic.

Putinism as Ideology?

Especially after the annexation of Crimea, the debate about the role of ideology in Russia flared up again. For example, Masha Gessen⁴² saw Russia on the road to totalitarianism, and Timothy Snyder even diagnosed the dawn of fascism.⁴³ Although some elements of totalitarianism, such as ideologically driven state propaganda or high approval ratings for Putin, were present in the first period after the annexation as a sign of mass mobilization, developments during the following years showed that Russian society is moving in exactly the opposite direction: the overly clumsy state television is becoming more unpopular, and especially after the 2018 pension increase, approval ratings also fell back to pre-2014 levels.

Not only did the population struggle to mobilize for Putinism, but in many places, local networks of activists have begun mobilizing against the regime because of declining real incomes, environmental problems, or election manipulation. That is why politics in post-Soviet Russia is largely non-ideological. For most actors in the state, it can even be dangerous to position themselves ideologically. For ideological commitment would require a long-term planning horizon, which even the most important members of the elite have only limited access to.

This does not mean, however, that ideological factors are completely arbitrary or play no role at all. In an elaborate attempt to crack the code of Putinism, the American political scientist Brian Taylor reduces it to the following three elements: ideas, behaviors, and emotions.⁴⁴ Among the guiding ideas are a strong state and great power status, an anti-Western and anti-American stance, as well as conservatism and anti-liberalism. As behaviors, the “collective Putin” prefers control, order, unity and antipluralism, loyalty and hypermasculinity. Emotionally, respect and humiliation, resentment as well as vulnerability and fear are of great importance. Taylor, however, warns against a too one-dimensional view

35 Burkhardt, F. (2020) ‘Institutionalising Authoritarian Presidencies: Polymorphous Power and Russia’s Presidential Administration’, *Europe-Asia Studies*, <https://doi.org/10.1080/09668136.2020.1749566> (forthcoming).

36 Zavadskaya, M., Grömping, M., and F.M. Coma (2017) ‘Electoral Sources of Authoritarian Resilience in Russia: Varieties of Electoral Malpractice, 2007–2016’. *Demokratizatsiya: The Journal of Post-Soviet Democratization*, p. 25(4), p. 455–480.

37 Reuter, O. J. (2017) ‘The origins of dominant parties: Building authoritarian institutions in post-Soviet Russia’. Cambridge University Press.

38 Libman, A., and M. Rochlitz (2019) ‘Federalism in China and Russia’. Edward Elgar Publishing.

39 Gel’man, V., & Zavadskaya, M. (2020) ‘Explaining Bad Governance in Russia: Institutions and Incentives’. Ponars Policy Memo 634. Accessed 30 March 2020.

40 Gel’man, V. (2018) ‘Exceptions and rules: success stories and bad governance in Russia’. *Obshchestvennye nauki i sovremennost*, (6), p. 5–15.

41 Burkhardt, F. (2020) ‘Institutionalising Authoritarian Presidencies: Polymorphous Power and Russia’s Presidential Administration’, *Europe-Asia Studies*, <https://doi.org/10.1080/09668136.2020.1749566> (forthcoming).

42 Gessen, M. (2017) ‘The future is history: How totalitarianism reclaimed Russia’. Granta Books.

43 Laruelle, M (2018) ‘Is Russia Really “Fascist”? A Comment on Timothy Snyder’. Ponars Policy Memo 539. Accessed 30 March 2020.

44 Taylor, B. D. (2018) ‘The code of Putinism’. Oxford University Press.

of this interpretation of Putinism: some elements were already present in Russia before Putin came to power. And, although these elements are shared by a significant part of the elite and wider society, factors such as generational change or the modernization of society from below contribute to Putin's life constantly rewriting the already incoherent code of Putinism.⁴⁵ What the constitutional overhaul demonstrates is that constitutional amendments with regard to social and health policy as well as the "nationalization of elites" are very popular among the population. Nationalistic and conservative constitutional amendments, however, such as heterosexual marriage, Russia's thousand-year history, or the status of the Russian language are mainly driven by the elite which is much more conservative than the general population.

The Question of Power and the Medvedev Experiment

The question of whether Putin should be separated from the institution of the president poses challenges to Putin himself. To at least preserve the appearance of legality, he launched a kind of natural experiment between 2008 and 2012. He left office because of the presidency's two consecutive term limit. His successor, Dimitri Medve-

dev, was elected president, and Putin formally held the *second* most important post in the Russian state as prime minister—but remained, *de facto*, the most important man in the state. This constellation is called *rokirovka* or castling and represents an almost ideal research design from a social science point of view.

The aim of the experiment was to find out whether it was enough to remain in power *de facto*. If Putin's power were to be pinned solely to his person and networks, then, counterfactually, nothing should have changed in these four years, even if the prime minister has far fewer institutional levers than the president. It is not known whether Putin and Medvedev had agreed in advance, and to what extent their differing preferences in domestic and foreign policy in the tandem were just a show. The experiment, however, demonstrated—at least as Putin and the wider elite understood it—that it was not enough to remain in power *de facto*: in order to continue the Putin system in the long run, Putin also needed the formal and symbolic power of the strong presidency. In the spring of 2020, Putin has created all the preconditions for this. But the future of both the presidency *and* the president are as uncertain as never before in Russia's post-Soviet history.

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45 Panejach, E. (2018) 'Otmiranie gosudarstva. Rossiiskoe obshchestvo mezhdru postmodernom i arkhairoi, InLiberty. Accessed 30 March 2020.