The Russian president, Vladimir Putin, has emphasized the idea that the state should be a leading actor in post-Communist reconstruction. Proponents of the liberal point of view, too, have argued that the state is a crucial instrument for achieving post-Communist goals, including paradoxically the idea that the state powers should be limited and that a civil society should emerge (Weigle, 2000). A constitution should be an important tool for such a delicately balanced transition. The central question of political reconstruction is therefore: what type of constitution should be adopted and what role should it play?

The question becomes even more urgent if you put the Russian presidential system in a constitutional context. The role of presidentialism and the constitutional foundation of the presidential regime have provoked a great deal of scholarly discussion (Shugart and Carey, 1992; Linz and Valenzuela, 1994). For Huskey (1999), the deeply rooted social, moral and economic problems in Russia would be similar even with a parliamentarian regime; historical experience is more important than concrete institutional arrangements. On the other hand, Gadzhiev (2001), attributes the weak Russian state and its relative inability to implement constitutional and legal norms to the institutional design of the Russian Constitution with its emphasis on presidential power. Given the strong personalistic elements in Russian political culture, Nichols (1999) has argued for a presidential system. The Russian Federation is a new state but an old nation and the president should be independent from lobbying groups (Nichols, 1999: xxii).
In this article it is argued that constitutionalism, in the narrow meaning of the rule of law in the political process, coexists with a mildly authoritarian, state-oriented presidential regime such as the Russian Federation under Vladimir Putin.

In Russian discourse, political reconstruction has been seen as more or less cynical ‘political technology’ and Putin’s way to power is the primary example of such a kind of technology (see Pavlovsky, 2002). This is an accurate observation, but it should not diminish the significance of the presidential figure in the state-building process in the Russian Federation. Political reconstruction is a process of state-building closely connected with the creation of integrative symbols and mechanisms. It is precisely in the process of political reconstruction that presidentialism performs an integrative function. For the first time in modern Russian history a figure has appeared who does not seem to arouse severe opposition or give rise to dramatic confrontations.\footnote{The stagnation period under Brezhnev was an exception but this model cannot be repeated.} Polls show continuing support for the president (Interfax, 9 January 2002). Although this popularity may have several causes, it cannot be denied that the president’s role in creating an image of national leadership in his person has few parallels in modern times. The traditionally personalistic, authoritarian and patriarchal political culture in Russia (Afanas’ev, 1997) could in Putin’s presidency find a manifestation in which tradition and modernity is united.

The scope of constitutionalism in the Russian Federation, however, is limited in the sense that constitutionally grounded prohibitions of violations of human rights in the Russian Federation are seldom well enforced (without even mentioning the Chechnya problem, which cannot be dealt with here). The constitution is not very effective in several areas.

\textbf{Modern Constitutionalism}

In the European tradition, constitutions formed the \textit{framework} for the legal order and the political process but did not interfere in its actual workings. Such ‘thin’ (Lane and Ersson, 2000) or ‘procedural’ (Preuss, 1999) constitutions were and are partly still to be found in Northern Europe, for example, in Sweden or in the UK. This type of constitu-