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ABUSIVE CONSTITUTIONALISM AND THE LIMITS OF CONSTITUTIONAL FORM: POLITICAL CULTURE, CIVIL SOCIETY, AND DEMOCRATIC RESILIENCE

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Abstract

The attack on democracy in the contemporary era rarely comes by coup or use of force. It arrives through the very mechanisms meant to protect the constitution- this phenomenonis described as abusive constitutionalism. This article examines the impact of the form of the constitution compared to the political culture and civil society that sustain constitutional norms.The political scenarios in different countriesare analysed using doctrinal and comparative analysis to study its impact. The political scenarios in multiple countries, both with written and unwritten constitutions are evaluated, such as in Hungary, El Salvador, Mexico, Colombia, Israel, United Kingdom, and then focuses on India, outlining the contemporary challenges posed by majoritarian regimes. The article argues that abusive constitutionalism is not confined to any particular form. Rigid written texts have repeatedly failed when independent institutions, political restraint and a free civil society fail to act, while flexible and uncodified forms have been defended where the conditions held. Yet, constitutional rules remain important. A codified system provides legal grounds for judicial intervention, establishes institutional limits, and offers citizens a basis for democratic resilience. Form and culture are therefore complementary rather than rivals, although neither can fully substitute for the other. The article thus concludes that for constitutional morality to sustain, it requires effective checks on executive power, procedural safeguards against arbitrary actions, along with protection of civic space and a political culture to defend constitutional norms.

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I. Introduction

In *Marbury v. Madison*, Chief Justice Marshall pointed out the written constitution as "the greatest improvement on political institutions".[3] Two centuries later, the picture is not the same. As time progressed, the methods adopted by authoritarians have changed, and now constitutional democracies are rarely overthrown by aggravated use of force. They are more often reshaped from within by elected majorities who amend, replace or reinterpret the constitution while leaving its outward form intact. David Landau calls this "abusive constitutionalism": the use of the formal tools of constitutional change, chiefly amendment and replacement, to make a state "significantly less democratic than it was before".[4]

This challenges a long-standing belief in constitutional theory: the classification of constitutions into written or unwritten, or as rigid and flexible, and the assumption that a single entrenched text is a firmer barrier to tyranny than a body of statutes and conventions without a codified structure. Abusive constitutionalism shows otherwise, by pointing out the political situations in different countries. In Hungary, the governing party rewrote its constitution with a parliamentary majority, whereas the situation in El Salvador saw the legislature remove presidential term limits in a single sitting. Israel's coalition succeeded in its judicial overhaul through Basic Laws that an ordinary Knesset majority could change, which was later annulled as a result of widespread protests. The instruments differed, but the method was the same: legality was turned against constitutionalism, irrespective of its form or structure.

The formal character of a constitution cannot predict how resilient it is.What decides it depends on whether political actors treat them as binding when compliance is mandatory, which B.R. Ambedkarcalled constitutional morality, and whether people, the press, and revolutionary uprisings have the freedom and capacity to resist it when those actors do not.[5] The claim nonetheless needs qualification. Written rules are not irrelevant. They serve as the

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[3]*Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 178 (1803).

[4] David Landau, *Abusive Constitutionalism*, 47 U.C. Davis L. Rev. 189, 195 (2013).

[5]Constituent Assembly Debates, vol. 7 (Nov. 4, 1948) (statement of Dr B.R. Ambedkar), discussed *infra* Part V.

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means for citizens to coordinate,[6] standards that courts enforce, and symbols that mobilise movements.

The argument proceeds in six further parts. PartsIIand III set out the concept of abusive constitutionalism and its relatives in the literature. Part IV provides comparative evidence as to the situations in different countries. Part V turns to India, where an unwritten doctrine, the basic structure, guards a written constitution, and where current pressures are testing that settlement. Part VI weighs the strongest objections to the thesis, and Part VII concludes.

II. Written and Unwritten Constitutions: Beyond Constitutional Form

The written/unwritten distinction describes its form, not how it functions. James Bryce, writing in 1901, already disregarded this classification and proposed instead to contrast "rigid" constitutions with "flexible" ones, which can be changed like ordinary law.[7] However, even Bryce's contrast measures only the process of formal change,not whether limits will be respected by the majoritarian leaders.

This distinction is not absolute. The United Kingdom has an uncodified constitution, spread across multiple statutes. Conversely, every codified constitution may also rely on unwritten understandings. The United States Constitution set no limit on presidential terms for more than a century and a half, which was only written into the Twenty-Second Amendment after Franklin Roosevelt broke it.and won a third term.[8] Levitsky and Ziblatt argue that the American system has rested above all on two unwritten norms: mutual toleration of opponents and forbearance in the use of institutional power.[9]

Weingast explains why: limits on power become self-enforcing only when citizens share an understanding of what counts as a violation and are ready to act together against it.[10] A written text can make violations easier to see. However, it cannot supply the will to resist them.Citizens may recognise an abuse of power, but may remain unable to resist it due to

[6]Barry R. Weingast, *The Political Foundations of Democracy and the Rule of Law*, 91 Am. Pol. Sci. Rev. 245 (1997).

[7] James Bryce, *Flexible and Rigid Constitutions*, in 1 *Studies in History and Jurisprudence* 145, 148–51 (Oxford, Clarendon Press 1901).

[8]*U.S. Const.* amend. XXII.

[9]Steven Levitsky & Daniel Ziblatt, *How Democracies Die* ch. 6 (2018).

[10]Weingast, *supra* note 4.

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political divisions, fear of retaliation or absence of confidence in support. Constitutional resilience therefore depends not merely on the clarity of constitutional rules, but also on the political and social conditions that enable those rules to be enforced. This is observedin Abusive Constitutionalism, where political activism exerts its majoritarian dominance, under the veil of constitutional safeguards. The problem therefore is not whether restrictions exist, but whether institutions and citizens possess the capacity and willingness to make these restrictions effective.

III. The Anatomy of Abusive Constitutionalism

Landau identifies two vehicles of abuse: formal amendment procedures and entire replacement of the constitution, often through a constituent assembly.[11] Neither is illegitimate in itself; constitutions are meant to change. However, this change becomes abusive through its purpose and intentions. It empowers the incumbents and disables the institutions that can hold them accountable, or distorts electoral competition, leaving a regime that still holds elections in theory but is significantly less democratic in actual practice. Landau's leading illustrations were Venezuela and Hungary. He argued measures like militant democracy and the doctrine of unconstitutional constitutional amendments are either hard to deploy against gradual, lawful erosion of the constitution or caneasily be sidestepped.[12]

Scheppele's "autocratic legalism" describes leaders who combine electoral mandates with constitutional and legal change in order to further their agenda, thereby weakening democracy.[13] Her image of the "Frankenstate" denotes a regime combined from different parts that each exist in some respectable democracy, that may appear legitimate individually, but when combined becomes dangerous, defeating accountability, which is why formal institutions fail to detect it.[14] This makes it difficult to combat, as it is composed of independent legal systems appearing to be legal when looked at independently, but as a whole torments democracy. Landau and Dixon developed "abusive judicial review", which identified and captured the courts that legitimate anti-democratic laws, remove term limits or

[11]Landau, *supra* note 2, at 195.

[12]*See generally id.*

[13]Kim Lane Scheppele, *Autocratic Legalism*, 85 U. Chi. L. Rev. 545, 547–48 (2018).

[14]Kim Lane Scheppele, *The Rule of Law and the Frankenstate: Why Governance Checklists Do Not Work*, 26 Governance 559 (2013).

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ban opposition parties, thereby undermining democracy. They emphasised political capture or lack of independence of courts, which could manipulate the legitimate institutional protections to achieve majoritarian goals.[15]

These concepts all point to how abusive constitutionalism works, and demonstrate that it can take different forms depending on the institutional and political circumstances in which it emerges. Government may exploit amendments where majoritarian rule commands supremacy, and ordinary statute where it lacks a majority. They may resort to judicial interpretation where courts have been compromised, and through the breach of conventions where the constitution is uncodified. Neither a written nor an unwritten constitution is inherently immune to such abuse. What this requires is the combination of independent institutions willing to change the misuse of power and a public that comes forward to support them. The decisive question is therefore less inclined towards the form of constitution, but the kind of constitutional culture in which it operates. The comparative evidence provides an insight into this.

IV. Comparative Evidence

A. Hungary: The Constitution - Used as an Instrument, and a Remedy

Hungary serves as a paradigm case with regard to Abusive Constitutionalism. In 2010, Fidesz won the election with a two-thirds parliamentary majority, which under the existing constitution was sufficient to amend the constitution itself. And the existing constitution was amended repeatedly and then replaced with a Fundamental Law that came into effect on January 1st 2012.[16] A sudden reduction of the judicial retirement age to 62 forced out many senior judges, and this measure was held unlawful by the Court of Justice of the European Union in 2012.[17] When the Constitutional Court resisted and challenged these governmental measures, the government responded by enacting the Fourth Amendment of 2013, which annulled the Court's pre-2012 case law and restored provisions it had struck down; the

[15]David Landau & Rosalind Dixon, *Abusive Judicial Review: Courts Against Democracy*, 53 U.C. Davis L. Rev. 1313 (2020).

[16]Scheppele, *supra* note 12; MagyarországAlaptörvénye [The Fundamental Law of Hungary] (adopted Apr. 18, 2011, in force Jan. 1, 2012).

[17]Case C-286/12, *European Commission v. Hungary*, ECLI:EU:C:2012:687 (Nov. 6, 2012).

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government's use of constitutional amendments extended beyond restructuring to matters affecting Individual rights. Similar political suppressions were observed in 2025, where the Fifteenth Amendment enforced restrictions on LGBTI assemblies and the suspension of certain rights of dual nationals.[18]The decline of constitutionalism in Hungary was severe, where, at each step, the written constitution was not an obstacle but served as the instrument of decline.

In 2026, a new government was formed, witha two-thirds majority, under the same electoral rules which were established by its predecessors.[19] In July 2026, the new majority adopted the Seventeenth Amendment that ended the sitting President's term with immediate effect and removed four of the fifteen Constitutional Court judges by invoking a new age limit of 70, and also restoring powers the Court had lost. The same procedure was used first to empower a governing party and then to dismantle its legacy. However, nothing in the constitutional text distinguishes between the two uses. This shows that the amendment procedure itself does not distinguish between using constitutional power to empower political dominance and using it to reverse the same, using the same power. Thus, the difference must be assessed by examining thepurpose, substance and the consequences of change with the help of procedural safeguardsand independent institutions.

B. Latin America: Entrenchment Defeated, Entrenchment Defended

El Salvador shows that even strong constitutional provisions cannot be effective without independent institutions such as the courts and other accountability measures to enforce them. In El Salvador, the 1983 Constitution ensured that presidential power would change hands rather than remaining with the same person indefinitely, in six separate provisions, including an unamendable clause in Article 248 and Article 88 declaring that violation of the principle of presidential alternation obliges insurrection.[20] However, none of it held, as the country saw

[18]Human Rights Watch, *Hungary: Fundamental Law Changes Attack Rule of Law, Rights* (Apr. 17, 2025), https://www.hrw.org/news/2025/04/17/hungary-fundamental-law-changes-attack-rule-law-rights.

[19]*Final Hungarian Election Results Confirm Supermajority for Tisza*, bneIntelliNews (Apr. 2026), https://www.intellinews.com/final-hungarian-election-results-confirm-supermajority-for-tisza-438174/; Ilona Gizińska, *Elections in Hungary: The Triumph of Péter Magyar*, Centre for Eastern Studies (OSW) (Apr. 13, 2026), https://www.osw.waw.pl/en/publikacje/analyses/2026-04-13/elections-hungary-triumph-peter-magyar.

[20]Constitución de la República de El Salvador arts. 88, 248 (1983); Daniel Olmedo, *From Term Limits to No Limits: El Salvador's Constitutional Reform on Presidential Re-election*, ConstitutionNet (Aug. 26, 2025), https://constitutionnet.org/news/voices/term-limits-no-limits-el-salvadors-constitutional-reform-presidential-re-election.

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a major dismantling of these regulations. On 1 May 2021, the new legislative supermajority removed every judge of the Constitutional Chamber, and four months later the newly appointed judges held that the sitting president could seek immediate re-election. The legislature then rewrote the amendment rule so that a single legislature could amend the Constitution.[21] This shows a political culture in which written guarantees become ornamental and are not followed in practice.

In Mexico, this shows abuse through a rigid federal amendment procedure, which requires two-thirds of the members present in each chamber of Congress and approval by a majority of state legislatures. In September 2024, the governing coalition used that procedure to make every federal judge, including the Supreme Court, elected by popular vote.[22] While legal challenges to the judicial reform challenges were pending, Congress adopted another "constitutional supremacy" amendment barring courts fromreviewing constitutional amendments, which was approved by twenty-three state legislatures in less than a day.The institutional safeguards at the federal level failed because one political movement exercised influence overinstitutions capable of blocking it.

Colombia servesas the counterpoint to these instances. In 2010 the Constitutional Court struck down, by seven votes to two, the law calling for a referendum on a third consecutive term for President Álvaro Uribe, citing serious procedural defects and relying on the judge-made constitutional substitution doctrine that distinguishes between amending the constitution and replacing its fundamental structure,holding that a further re-election would substitute the constitution, and that the power to amend does not include the power to replace.[23] The decisive fact came afterwards: Uribe, still highly popular, accepted the ruling immediately and left office at the end of his term.[24] And thus in Colombia, it was not a written measure, but an unwritten doctrine that prevailed because the President and the

[21]Olmedo, *supra* note 18; Sala de lo Constitucional de la Corte Suprema de Justicia, Resolución 1-2021 (Sept. 3, 2021) (El Sal.).

[22]Ishrat Chahal, *Mexico Supreme Court Narrowly Gives Clearance to Controversial Judicial Reforms*, JURIST (Nov. 2024), https://www.jurist.org/news/2024/11/mexico-supreme-court-narrowly-gives-clearance-to-controversial-judicial-reforms/.

[23]*Corte Constitucional* [C.C.]. Sentencia C-141/10 (Feb.26,2010) (Colom.).

[24]*Court Rejects Uribe Third-Term Bid*, Al Jazeera (Feb. 27, 2010), https://www.aljazeera.com/news/2010/2/27/court-rejects-uribe-third-term-bid.

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political class treated the Court's word as final. Political culture and judicial safeguards did the work that the texts could not do alone.

C. Israel and the United Kingdom

Israel has no single codified constitution, and an ordinary Knesset majority can amend most Basic Laws. In 2023, the governing coalition used its parliamentary majority to pass an amendment restricting the power of the judiciary to reviewon the grounds of unreasonableness, amidst months of mass protest. On 1 January 2024, the Supreme Court annulled an amendment to a Basic Law for the first time, regarding the restricted judicial review, by eight votes to seven, with a clear majority affirming its power to do so, thereby invalidating the amendment[25] In March 2025, the Knesset nonetheless passed another Basic Law amendment increasing political control over judicial appointments, which deferred to the next Knesset and is now under challenge.[26]

The United Kingdom offers the purest test of an unwritten order without codification. In 2019, the Supreme Court held that the Prime Minister's advice to suspend Parliament for five weekswas unlawful because it frustrated Parliament's constitutional functions without reasonable justification, during a crucial period surrounding BREXIT; the limits it enforced came from the unwritten principles of parliamentary sovereignty and accountability.[27] Flexible and codified orders both,as these cases suggest, depend on courts, officials and citizens prepared to defend the norms and values of constitutionalism.

V. India: A Written Constitution Guarded by Unwritten Norms

India's framers anticipated the problem this article addresses. Introducing the Draft Constitution in November 1948, Ambedkar warned that it was "perfectly possible to pervert the Constitution, without changing its form", simply by changing the form of administration.

[25]HCJ 5658/23 *Movement for Quality Government in Israel v. Knesset* (Jan. 1, 2024) (Isr.); Amichai Cohen & Yuval Shany, *The HCJ Strikes Back: Israel's Supreme Court Pulls the Plug on "Judicial Reform"*, Lawfare (Jan. 11, 2024), https://www.lawfaremedia.org/article/the-hcj-strikes-back-israel-s-supreme-court-pulls-the-plug-on-judicial-reform.

[26]Int'l IDEA, *Democracy Tracker: Israel – March 2025*, https://www.idea.int/democracytracker/report/israel/march-2025.

[27]*R (Miller) v. Prime Minister; Scotland* [2019] UKSC 41, [2020] AC 373.

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Because constitutional morality could not yet be presumed, he defended writing administrative detail into the text itself.[28]And the events that followed showed its signs.

The Emergency of 1975–77 gave an emphatic answer, followed by a series of amendments: the Thirty-Ninth placing the Prime Minister's election beyond judicial scrutiny, the Forty-Second purported to bar the review of constitutional amendments.[29] The judiciary's response was mixed. Relying on *Kesavananda Bharati*, which had held that the amending power cannot destroy the Constitution's basic structure,[30] the Supreme Court invalidated the election clause in *Indira Nehru Gandhi v. Raj Narain*[31] and, after the Emergency, the ouster clauses in *Minerva Mills*.[32]Yet in *ADM Jabalpur* it accepted that detainees could not seek habeas corpus while enforcement of the right to life was suspended, a decision which was repudiated only in 2017.[33]

The basic structure doctrine is not explicitly stated anywhere, but it serves as an implied, judge-made limit,which rests on a shared constitutional culture rather than on any particular clause. The Supreme Court has gone further, using constitutional morality as its standard. India'sstrongest defences against abusive amendment are, in short, unwritten norms grafted onto a written text.

In the current scenario, political pressures run mostly through ordinary law-making and government practices rather than amendments. The Aadhaar Act was passed as a Money Bill, bypassing the Rajya Sabha, and Justice D.Y. Chandrachud called this a fraud on the Constitution.[34] The electoral bonds scheme, enacted through Finance Act amendments, was struck down in 2024 on petitions led by the Association for Democratic Reforms.[35] After the

[28]*Constituent Assembly Debates*, vol. 7 (Nov. 4, 1948) (statement of Dr. B.R. Ambedkar).

[29]The Constitution (Thirty-ninth Amendment) Act, 1975 (India); The Constitution (Forty-second Amendment) Act, 1976 (India); *see* Granville Austin, *Working a Democratic Constitution: The Indian Experience* (1999).

[30]*Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225 (India)

[31]*Indira Nehru Gandhi v. Raj Narain*, 1975 Supp SCC 1 (India).

[32]*Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625 (India).

[33]*ADM Jabalpur v. Shivkant Shukla*, (1976) 2 SCC 521 (India), overruled by*K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1 (India).

[34]*K.S. Puttaswamy v. Union of India (Aadhaar)*, (2019) 1 SCC 1 (India) (Chandrachud, J., dissenting).

[35]*Ass'nfor Democratic Reforms v. Union of India*, (2024) 5 SCC 1 (India).

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Supreme Court in 2023 placed the Chief Justice on an interim committee to select Election Commissioners,[36] Parliament replaced the Chief Justice with a Union minister; in September 2026, a bench had divided opinion on whether to refer the challenge placed before the Chief Justice to be given to the Constitution Bench.[37] The abrogation of Jammu and Kashmir's special status in 2019, carried out through Presidential Orders, was upheld by the Supreme Court in 2023; the Court declined to rule on the State's conversion into a Union Territory, relying instead on the Union government's assurance that statehood would be restored.[38]

Governors in opposition-ruled states often hold bills for years, which is in fact contrary to Article 200. In April 2025, the Supreme Court declared it unlawful and deemed ten Tamil Nadu bills to have received assent.[39] But in a presidential reference in November 2025, the Supreme Court clarified that courts cannot prescribe a specified timeline for the governor or president, or deem assent to be granted; however, a prolonged inaction may justify a limited mandamus.[40] The constitutional text remains unchanged; but office holders' willingness to honour conventions varied. Meanwhile, the Constitution (One Hundred and Thirtieth Amendment) Bill, 2025 would remove a Prime Minister, Chief Minister or minister detained for thirty consecutive days on charges carrying five years' imprisonment or more, and it remains with a Joint Parliamentary Committee.[41] Critics fear its use against opposition governments through arrests by central agencies. Its effect will depend less on its words than on the independence of those agencies and of the courts

[36] *Anoop Baranwal v. Union of India*, (2023) 6 SCC 161 (India).

[37] Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023 (India); *Jaya Thakur v. Union of India*, W.P. (C) No. 14 of 2024 (India Sept. 23, 2026) (order); Supreme Court Observer, *Challenges to the Appointment of Election Commissioners Act, 2023*, https://www.scobserver.in/cases/jaya-thakur-v-union-of-india-challenges-to-the-appointments-of-election-commissioners-act-2023-eci/.

[38] *In re Article 370 of the Constitution*, 2023 INSC 1058 (India).

[39] *State of Tamil Nadu v. Governor of Tamil Nadu*, 2025 INSC 481 (India).

[40] *In re Assent, Withholding or Reservation of Bills by the Governor and the President of India*, Special Reference No. 1 of 2025, 2025 INSC 1333 (India).

[41] The Constitution (One Hundred and Thirtieth Amendment) Bill, 2025 (India); *Joint Panel Examining Bill to Remove PM, CMs Gets Extension of Deadline to Submit Report*, Deccan Herald (July 31, 2026), https://www.deccanherald.com/india/joint-panel-examining-bill-to-remove-pm-cms-gets-extension-of-deadline-to-submit-report-4094349

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Civil society and the voters have repeatedly been the decisive check, initiating action. A year-long farmers' movement secured the repeal of the three agricultural laws enacted in 2020.[42] V-Dem classifies India as an electoral autocracy, a characterization which the Government of India has rejected.[43]Regardless of whatever one makes of such indices, the Indian experience fits this theory. A long, detailed and rigid written constitution has been neither sufficient nor irrelevant; its protective force has depended on judges, opposition parties, voters and civil society treating its norms as binding.

VI. The Importance of Constitutional form

The form remains important, and its relation to democratic culture must be examined carefully. It determines how effectively democratic institutions can resist the concentration of political power.

Firstly, constitutional entrenchment raises the difficulty for government to misuse power even when it cannot prevent it. Fidesz needed a supermajority to amend Hungary's constitution, whereas Israel's proposed judicial overhaul could proceed by simple majority because most Basic Laws are unentrenched. Requirements such as approval by successive legislatures, staggering of appointments and multiple veto players can delay attempts by political leaders to concentrate power, thereby giving civil society time to organise resistance. This is visible in the removal of a rule requiring constitutional amendments to be approved across two legislative terms in El Salvador.

Secondly, written texts serve as a safeguard for democracy. India's basic structure doctrine was built on the meaning of "amendment" in Article 368. They also give citizens a focal point, since a clear written limit makes a violation visible and coordinated resistance easier.[44]

Third, constitutional culture is not self-sustaining, without continued support and reliance on unwritten constitutional principles, which can also be abused. Courts that invoke implied limits may overreach, and biased courts can turn the same tools against democracy, as

[42]Farm Laws Repeal Act, 2021 (India).

[43]Marina Nord et al., *Democracy Report 2025: 25 Years of Autocratization-Democracy Trumped?* 15,25 (V-Dem Inst.2025)

[44]Weingast, *supra* note 4.

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Landau and Dixon's account of abusive judicial review shows.[45] The Hungarian restoration shows, too, that a majority committed to restoring the rule of law can borrow the same methods of the regime it replaced.

Constitutional form and democratic culture, however, aren't two extreme opposites; rather, they complement each other in preserving democracy. A written constitution can strengthen democratic values by providing legal protections; it neither creates a democratic culture on its own nor survives without it. Formal constitutional restrictions seem to be more effective when political actors accept electoral outcomes, courts are independent and civil society is free, as seen in the case of Colombia. Where these institutional and political conditions fail, even the most stringent constitutional safeguard may prove ineffective, as seen in El Salvador and Mexico'sconstitutional amendment procedures. The written/unwritten distinction is real, but it is secondary.

VII. Conclusion

Abusive constitutionalism shows that constitutional form itself cannot determine a constitution's fate. Hungary, El Salvador and Mexico had rigid written constitutions, and each was bent to entrench power through its own procedures. Israel's flexible order was defended in the streets and in court while British judges protected theconstitutional principles that are not contained in a single document. And when it comes to India, the unwritten basic structure doctrine guards its written text, while both have depended on voters and civil society. Ambedkar's warning to the Constituent Assembly in November 1949, that even a good constitution will turn out badly under poor leadership.[46]

Therefore, it can be inferred that securing the values of the constitution not only depends on the strength of its written provisions, or the flexibility of the unwritten ones, but on the commitment to uphold them. There is not a single cure to combat abusive constitutionalism. No particular doctrine on its own can safeguard democracy without an independent judiciary, accountable political leadership, and an active civil society. What matters most is not what's

[45]Landau & Dixon, *supra* note 13.

[46]Constituent Assembly Debates, vol. 11 (Nov. 25, 1949) (statement of Dr. B.R. Ambedkar).

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given in the text, but how effectively its principles can withstand the pressures of political power. Preserving constitutional democracy therefore must not be just about protecting the constitutional text but also sustaining the values that give it meaning.

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