Introduction

A government approaches perfection, the more it persuades, by the power of its constitution, the subjects and even the least virtuous ones to voluntarily do what the common weal may demand...¹

Karl Marx introduced 'The Eighteenth Brumaire of Louis Bonaparte' with Hegel's remark that 'all great world-historic facts and personages appear, so to speak, twice'. For the sake of precision, Marx added with magisterial authority: 'the first time as tragedy, the second time as farce.'² Caution would advise against contradicting two eminent philosophers at the very beginning of a book. Let's settle for a few questions instead. Did the authoritarian-populist marriage of *Cinque Stelle* and *Lega* in Italy³ (now divorced) provide the farce to the fascist tragedy written by Benito Mussolini and his black-shirt militias? And is the autocracy of Hungary's Viktor Orbán likewise the farce to Mátyás Rákosi's Stalinist tragedy?⁴ Has Donald Trump evoked memories of Richard M. Nixon's tragedy of democracy? Or – almost forgotten in the 'Global North', although not in Ethiopia – was Mengistu Haile Mariam's 'Red Terror'⁵ a tragedy replaying the imperial farce of Haile Selassie's massacre of peasants and pastoralists? Hardly. The victims who bear indelible scars in their minds and on their bodies would object to that framing. And they would be right.

Sultan Selim I, a devout Sunni, ruled the Osman Empire from 1512 until 1520.⁶ During his reign, the cruel and heavy-handed despot disempowered

¹ Anonymous author (1789), *Révolutions de Paris, dédiées à la Nation*, Prudhomme, L.M. (ed) (Paris: Imprimerie des Révolutions), No 20, 21–28 November, quoted from Preuß, U.K. (1990), *Revolution, Fortschritt und Verfassung* (Berlin: Wagenbach), 12.

² Marx, K. (1852), 'The Eighteenth Brumaire of Louis Bonaparte', *Works of Marx & Engels*, Chapter I, www.marxists.org/archive/marx/works/1852/18th-brumaire/ch01.htm/ (last accessed 25 November 2019).

³ See Tronconi, F. (ed) (2015), *Beppe Grillo's Five Star Movement. Organisation, Communication and Ideology* (London: Ashgate).

⁴ Rákosi, first secretary general of the Communist Party, then also prime minister of Hungary, referred to himself as 'Stalin's best Hungarian student'.

⁵ Tegegn, M. (2012), 'Mengistu's "Red Terror"', in: *10 African Identities*, 249 ff.

⁶ See Çıpa, H.E. (2017), *The Making of Selim: Succession, Legitimacy and Memory in the Early Modern Ottoman World* (Bloomington: Indiana University Press).

his father, had his brothers and nephews executed, fought against Shiites and Alawites and waged war against Persia. Would Marx have described this as a tragedy, since replayed as farce by Recep Tayyip Erdoğan's authoritarian sultanate? As likely as not, the Turkish president would not mind being compared to the Osman ruler. After the Turkish society had explored and accepted – or to be precise: had been forced to accept – a new post-Osman collective identity under the anything but liberal Kemal Atatürk,⁷ it seems 'the State has returned to its oldest form – the shamelessly simple domination of the sabre and the cowl'.⁸

In short, one harbours scepticism towards the alluring metaphor of tragedy and farce, and has little confidence in their sequence, even if it could be reversed – allowing, for example, for the regime of Nicholas Maduro in Venezuela to be interpreted as the tragedy that has followed Hugo Chávez's farce. Those who suffer in the setting of political farce are likely to object strenuously against a naïve reading of Marx's correction of Hegel.

1. AUTHORITARIANISM: APOCALYPSE NOW?

If the twentieth century is remembered as the epoch of human rights, then it might be hoped that the breakthrough of liberal democracy would in the same way come to characterize the following century. However, both are eclipsed by dark shadows. Mass murder organized by governments, torture, deportations and other macro-crimes must be inscribed on the balance sheet of the past century.⁹ Modifying Marx's famous quote, one might say that the victims of past generations weigh like a nightmare on the psyche of the living.

There is ample evidence that authoritarian regimes have been on the rise for some time; unless it is to be assumed that they have been lurking in the shadows of normality for even longer, waiting for their historical moment. The renaissance and globalization¹⁰ of political authoritarianism¹¹ – indeed, 'the

⁷ Just a few years back, the world learned about massacres committed against religious minorities in Turkey ordered by the brutal civilizer Atatürk; www.deutschlandfunk.de/minderheiten-unter-atatuerk-der-massenmord-des-tuerkischen.886.de.html?dram:article_id=323714/ (last accessed 4 December 2019).

⁸ Marx (n 2), 13.

⁹ Arendt, H. (1951), *The Origins of Totalitarianism* (New York: Harcourt, Brace & Co).

¹⁰ See Heitmeyer, W. (2018), *Autoritäre Versuchungen* (Berlin: Suhrkamp), whose empirical analyses of authoritarian attitudes, movements, programmes and temptations have been invaluable for the following considerations and interpretations.

¹¹ Definitions and characteristics of authoritarianism are discussed in Chapters 2 and 4–7 below. See Frantz, E. (2018), *Authoritarianism: What Everyone Needs to Know* (Oxford: Oxford University Press) with further references; Brown, W., Gordon,

ascendancy of a [ubiquitous] new authoritarian international' – is reflected in the statistics. According to a study by the Bertelsmann-Foundation, the total population of autocracies increased continually from 2.3 billion in 2003 to 3.3 billion in 2017. Currently, 58 out of 128 states are governed by authoritarian regimes.¹² In contrast, democracies registered only a modest demographic increase over the same period, from 4 billion to 4.2 billion. Other research groups count more autocratic than democratic regimes and constitutions;¹³ although the majority of studies suggest that most societies still come under democratic rule. A sorry comfort.

No wonder, then, that recently an apocalyptic tone has sounded. Its protagonists deduce from these frightening statistics, as per a zero-sum calculation, a democratic malaise. The discourse abounds with dramatic formulae: the 'reversal of 1989'; dangers to freedom; and the 'collapse', 'decline' or even 'death' of democracy.¹⁴ And the scenario is indeed dramatic.

P.E. and Pensky, M. (2018), *Authoritarianism: Three Inquiries in Critical Theory* (Chicago: University of Chicago Press).

¹² See the transformation index of the Bertelsmann-Foundation: www.bertelsmann-stiftung.de/de/unsere-projekte/transformationsindex-bti/ (last accessed 6 November 2018); Lührmann, A. *et al* (2017), 'Regimes in the World (RIW): A Robust Regime Type Measure Based on V-Dem', V-Dem-Institute Working Paper, 4 May 2017: ranking 97 out of 174 countries as democratic, but only 52 as 'liberal democracies'; www.v-dem.net/media/filer_public/8bc/c9/8bc9f1c8-0df2-4ea4b46d-81539c791aad/v-dem_working_paper_2017_47.pdf (last accessed 7 December 2019).

¹³ See Ginsburg, T. and Simpsen, A. (eds) (2013), *Constitutions in Authoritarian Regimes* (Cambridge: Cambridge University Press); Alviar Garcia, H. and Frankenberg, G. eds (2019), *Authoritarian Constitutionalism – Comparative Analysis and Critique* (Cheltenham: Edward Elgar Publishing), with further references.

¹⁴ See, for example, Mounk, Y. (2018), *The People vs. Democracy: Why Our Freedom Is in Danger and How to Save It* (Cambridge: Harvard University Press) (action is urgently needed if democracy is to be rescued); Levitsky, S. and Ziblatt, D. (2019), *How Democracies Die – And What History Reveals About Our Future* (London: Penguin) (democracy can be rescued with 'targeted' defence, if need be on its death-bed); Luce, E. (2017), *The Retreat of Western Liberalism* (New York: Abacus) (the end of Western hegemony); Snyder, T. (2018), *The Road to Unfreedom* (New York: Random House) (democracy is threatened by revolt against established political practices in the United States and the United Kingdom); Deneen, P. (2018), *Why Liberalism Failed* (New Haven: Yale University Press) (liberalism's strengths account for failures); Huq, A.Z. and Ginsburg, T. (2018), 'How to Lose a Constitutional Democracy', in: 65 *UCLA Law Review*, 13 ff and the rescue mission by the same authors: *id* (2018): *How to Save a Constitutional Democracy* (Chicago: University of Chicago Press). See also Choudry, C. (2018), 'Will Democracy Die in Darkness? Calling Autocracy by Its Name', in: Graber, M.A. *et al* (eds) *Constitutional Democracy in Crisis?* (Oxford: Oxford University Press), 571 ff.

The European Union – widely deemed to be plotting a safe course towards wealth, democracy and an almost ‘perpetual peace’ that Kant¹⁵ would have appreciated – must now cope with phenomena of nationalism and political and constitutional authoritarianism. At the heart of the European Union itself, statespersons and the European Commission demonstrated little resistance to the temptations of authoritarianism during the global financial (or rather, investment banking) crisis.¹⁶ Moreover, the ghosts of a past that it was believed had long been exorcised – nationalism, racism, xenophobia, anti-Semitism – are alive and well in many member states as movements, parties or governments that have already yielded to the authoritarian temptation. Both at Europe’s centre and at the peripheries, one witnesses transitions to autocratic forms of participation and decision making, intolerance of minorities, dismantling of the media and independent courts, harassment of opposition movements and parties, and so on. The Bermuda triangle of nation, race and ethnicity¹⁷ has become the site in which resentment organizes under the banner of identity politics, rises up against strangers and elites (in a turn generally referred to as ‘populist’) and promotes intolerance against all groups of society that come under the term ‘minority’.

Autocrats have seized power and hijacked constitutions. Anti-democratic rhetoric and propagated illiberalism reap considerable electoral benefits – even in societies that should know better from the experiences of their own submission and liberation, and that seemed to be well on their way to sustainable democratization, such as Hungary and Poland.

Authoritarian movements and parties continually try to obtain power. In France, piqued by electoral defeat, the nationalist-chauvinist *Rassemblement National* (better known until 2018 as *Front National*) hoped that the protests of the Yellow Jackets (not gloves)¹⁸ might help them to overthrow the Macron government and finally have power placed in their authoritarian laps. In Italy, the *Lega Nord* (then *Lega*) successfully morphed from an extremist xenophobic and nationalist movement to a no less extremist party and coalition

¹⁵ Kant, I. (1982), *Perpetual Peace and Other Essays* [1795] (Indianapolis: Hackett Publishing).

¹⁶ Gill, S. (1998), ‘European Governance and New Constitutionalism: Economic and Monetary Union and Alternatives to Disciplinary Neoliberalism in Europe’, in: 1 *New Political Economy*, 5 ff; Wilkinson, M. (2013), ‘The Spectre of Authoritarian Liberalism: Reflections on the Constitutional Crisis of the European Union’, in: 14 *German Law Journal*, 527 ff; *id* (2019), ‘Authoritarian liberalism and authoritarian constitutionalism’, in Alviar Garcia and Frankenberg (n 13), 317 ff.

¹⁷ Hall, S. (2017), *The Fateful Triangle: Race Ethnicity, Nation* (Cambridge: Harvard University Press).

¹⁸ See Marx (n 2), 12 f, referring to the ghost of the old revolution: the ‘*républicains en gants jaunes*’.

government partner – first Berlusconi IV and finally *Cinque Stelle*.¹⁹ With immigration increasing and Euroscepticism rising, Britain witnessed the rise of first the ‘right-wing populist’ UK Independence Party and then in 2019 the Brexit Party, shaking up the two-party system at least momentarily.²⁰ The Sweden Democrats, with their roots in Swedish fascism, began as a white nationalist movement and remained isolated in Parliament; but in 2019, they were invited to commence negotiations with the Christian Democrats to form a coalition.²¹ Likewise, other Scandinavian, Central and Eastern European countries must deal with extremist, authoritarian nationalist movements and parties – some of them already in government.

In 2016, courtesy of the country’s antiquated election system, the ‘majority’ of US voters – or certainly the majority of those who believe that being white is important – succumbed to the authoritarian temptation and voted for Donald Trump. As president, he has since demonstrated how fast what had been assumed to be a consolidated democracy can be transformed into a semi-democratic autocracy – in particular, by deploying the rhetorical arsenal of authoritarianism. Since his victory, Trump has demonstrated how a political culture can be officially poisoned by the official normalization of racist, sexist and xenophobic language and practices, and how a president can create an atmosphere of siege.

To better understand the logic of authoritarianism, it might be preferable to disregard particularly egregious versions of despotism – such as Robert Mugabe, until recently the cruel dictator of Zimbabwe; his Sudanese colleague, Omar al-Baschir, or the Ethiopian dictator Mengistu; or the post-Soviet despot from Turkmenistan, Gurbanguly Berdymuhamedov. In the category of the bizarre fall the absolutist centre of Islamic-Wahhabite fundamentalism in Saudi Arabia and the absolutist monarchy of Brunei Darussalam. By avoiding these outlandish specimens, one can gain a better view of regimes and protagonists that mark the often less conspicuous, but no less dangerous standard of authoritarianism – the autocratic middle of the road, so to speak. Here Vladimir Putin (Russia) and Xi Jinping (China) take centre stage as global actors. However, in perusing the register of authoritarianism, one should not overlook Narendra D. Modi in India; the theocratic regime in Iran; the al-Assad clan in

¹⁹ Bulli, G. and Tronconi, F. (2011), ‘The Lega Nord’, in: Elias, A. and Tronconi, F. (eds), *From Protest to Power: Autonomist Parties and the Challenges of Representation* (Vienna: Braumüller), 51 ff.

²⁰ See Bale, T. and Wager, A.J. (2015), ‘The United Kingdom Independence Party: Insurgency or Splinter?’, in: Decker, F. *et al* (eds), *Rechtspopulismus und Rechtsextremismus in Europa. Die Herausforderung der Zivilgesellschaft durch alte Ideologien und neue Medien* (Baden-Baden: Nomos, 217 ff).

²¹ See Widfeldt, A. (2014), *Extreme Right in Scandinavia* (London: Routledge).

Syria; Paul Kagame, president of Rwanda since 2000; Hun Sen, Cambodian prime minister for more than 30 years; Alexander Lukashenko, well into his fifth term as president of Belarus; and Viktor Orbán, who since 1998 has managed to convert Hungarian democracy into a façade for a despotic, radically nationalist regime with a xenophobic agenda. One may also want to take a look at Thailand, Bangladesh, Burundi, Pakistan, Lebanon, Turkey, Uganda, Mozambique, Malaysia, Egypt, Poland, Morocco, Vietnam and many more.

Not to forget hybrids such as the para-civilian military regime of Myanmar; and the recently elected, far-right extremist president of Brazil, Jair Bolsonaro, who makes no bones about his admiration for the military, torture and other forms of violence – like torching the rainforest, terrorizing the indigenous people and, most recently, the violence of a pandemic. After the orchestrated impeachment of former President Dilma Rousseff – who had long been persecuted by evangelical groups as an enemy of the family – on charges of breaking budgetary laws, and after the protracted lawfare against popular former President Lula, the conservative economic elites finally cleared the decks for Bolsonaro to re-establish in 2019 the dictatorship of 1964–85 as a mix of militarism and electoral democracy.²² Meanwhile, sharp turns towards authoritarianism were also taken by erstwhile revolutionary, now despot Daniel Ortega in Nicaragua; and by Nicholas Maduro, heir of *Chavismo*, in his struggle to stay in power in Venezuela. They all will be revisited below.

2. THE CONSTITUTIONAL QUESTION

But why draft and adopt a constitution in an autocracy where repression is always an option, in the form of show trials, deportations, arrest of opposition groups, discrimination against minorities, intimidation of political adversaries and even mass murder (albeit that not all of these measures are always available to the same degree)? Do constitutions actually have any impact or are they mere paper tigers? Where constitutions are bestowed with authority, whom do they address and what purposes do they serve in an authoritarian context? Do they come with practical import or are they intended merely as empty rhetoric and window-dressing for authoritarian regimes? Together, these queries – which will be answered in the following chapters – encompass the ‘constitutional question’.

²² Sousa, J.J. (2019), ‘Subversive, Mother, Killjoy: Sexism against Dilma Rousseff and the Social Imaginary of Brazil’s Rightward Turn’, in: 44 *Signs*, no 3; Leahy, J. (2015), ‘What is Brazil’s president Dilma Rousseff accused of?’ in: *Financial Times*, 12 May; Hunter, W. and Power, T.J. (2019), ‘Bolsonaro and Brazil’s Illiberal Backlash’, in: 30 *Journal of Democracy*, 68 ff.

Given the deep aversion of autocrats to control by parliaments and courts, by the media and, of course, by the people, as well as their dislike of democratic political risks and actionable legal obligations, one wonders why they would submit to a charter of government – albeit merely symbolical. Why bow to a founding document if constitutional constraints can ultimately be shaken off, flouted or manipulated? Why pay tribute to a constitution that has been established by the constitutive power of a previous generation? Thus, the constitutional question harks back to a theme that has been agonized over for centuries – at least since the times of the Old Testament: why would an almighty God submit to a covenant?

3. HOW TO ANSWER THE CONSTITUTIONAL QUESTION

A tentative answer to the constitutional question in autocratic settings might be that the authoritarian heart of darkness hides a paradox that combines odium and fascination. The discursive hegemony of liberalism suppresses this paradox without solving it. The radiation of liberal constitutionalism does not illuminate ambivalence, but casts a shadow over what can be neither measured nor resolved.

As political authoritarianism proliferates globally, and in some regions runs riot, it may be propitious to suspend the rehearsed perspective of liberal dominance in order to take authoritarianism – and thus authoritarian constitutionalism – seriously. Authoritarian regimes and their constitutional practices should be brought under close scrutiny and assessed from a critical distance. In this way, authoritarianism is not analysed as deviant or distorted liberalism – liberalism in deficit or liberalism's other – and thus cannibalized; but instead is treated as a phenomenon in its own right that should be submitted to analysis and critique on its own terms. The methodological challenge is 'how the deeply different can be deeply known without becoming any less different; the enormously distant enormously close without becoming any less far away'.²³

This programme of approaching and investigating, critiquing and rejecting political authoritarianism will be embarked on primarily from the perspective of constitutional theory and practice. After this introduction, the constitutional question is posed once again, illustrated by a few historical scenes and projects (Chapter 1), without examining *why* autocrats bother with drafting or revising constitutions. It seems crucial to clarify, first, how even authoritarian

²³ Geertz, C. (1983), 'Found in Translation: Social History of Moral Imagination', in: *id*, *Local Knowledge: Further Essays in Interpretive Anthropology* (New York: Basic Books), 48.

regimes work the constitutional narrative as a way to perceive and shape reality. Second, I am interested in uncovering the benefits that autocrats may hope to reap from constitutions and the extent to which (if at all) they obey the grammar of authoritarianism. Third, it strikes me as crucial to explore whether and how authoritarian constitutionalism mobilizes the magical powers accredited to constitutions for instrumental and/or symbolic purposes, as did the charters of the *ancien régime* which incorporated society (as body politic), personalized monarchic rule and transformed constitutional-legal obedience into a duty that subjects owed to their king or, later, leader.²⁴

This preliminary treatment of the constitutional question is followed by an attempt to clarify the complex notions and relations of power and authority, of authoritarian and totalitarian regimes (Chapter 2), so that they may inform the further study of authoritarian constitutionalism. Authoritarianism is investigated as a collective singular less for attitudes and psychic dispositions than for concepts of power, forms of governance and communication, and political technologies.

The relationship between power and authority determines the spectrum and the pathologies of political authoritarianism and its constitutional brand. If authoritarian constitutionalism is to be understood and criticized, one must maintain a distance from the liberal orthodoxy which considers authoritarian constitutions to be mere façades or shams, or ‘constitutions without constitutionalism’ which have nothing to contribute to the understanding of ‘authentic constitutionalism’ (Chapter 3). This jargon of authenticity will be confronted with the authoritarian moments of liberalism that it denies or camouflages – not to denounce liberalism or democracy, but rather to open the space for a robust analysis of functions of constitutions other than warranting rights, limiting government or separating powers – functions that autocratic systems might avail themselves of.

Chapters 4 to 7 assemble what I consider to be the crucial building blocks or modules of authoritarian constitutionalism. As a whole, they configure the essential elements that determine – in diverse combinations and specificity, depending on historical contexts, political constellations, cultural practices and economic imperatives – how political authoritarianism is moulded and constituted.

Rather common are authoritarian techniques of governing (Chapter 4). Drawing on my earlier work, I define these techniques (or political technology) as the ensemble of practices, norms and principles, forms of knowledge

²⁴ The imagined personal relationship will be discussed in Chapter 7. See also the Nazi-slogan: ‘*Führer befehl! Wir folgen.*’ (‘Leader command! We [the people] follow!’)

and skills, calculations, strategies and tactics that actors and institutions of the state bring to bear in their operations and decisions.²⁵ Autocratic political technology – that is, methods of exercising power – are characterized not only by ‘shifting the weights’ to the executive branch, but also by their *constitutional opportunism* and preference for *informal governance*. Opportunism connects claims to power with strategies to give authoritarian practices the dignity of law. Informality means that autocrats operate in the shadow of the constitution and institutions, not bound to forms and procedures, between law-rule and arbitrariness, and always shoulder to shoulder with the state of exception.

Furthermore, authoritarianism intimately connects *political power* and *private property* (Chapter 5). Autocrats (single leaders, groups, clans or political parties) tend to see and treat their political-legal powers – whether obtained by election or appointment, manipulation or usurpation – as their personal effects, which they are entitled to dispose of like proprietors. The right to centralize power, determine its termination and select a successor are all co-opted to their private domain and disposition. More often than not, they feel entitled to enrich themselves pursuant to a perverted Hobbesian ‘right to everything’.²⁶

Whether authoritarian regimes invite or even depend on participation, or avoid it like the plague, is a matter of controversy (Chapter 6). I intervene in these debates with a thesis that does not seek a happy medium, but rather tries to accommodate both autocrats’ fear of risk and their desire to be hailed and supported by the people; their affinity for repression and their yearning for acclamation. Autocracies, I argue, permit and encourage forms of participation that are targeted at attuning rather than voting, in order to entrap the citizenry as accomplices of government without actually sharing information or granting an active part in decision making. For *complicity* to come into being, both leader and followers must be present in the public sphere – whether at rallies, parades, referendums or (manipulated) elections – or must communicate through ‘authoritarian speech situations’, such as national consultations, rulers’ monologues or tweets.

Such participation and resulting complicity pave the way for the *cult of immediacy* celebrated by autocrats who occupy the theatrical dimension of politics and bring their charisma and propaganda to bear without institutional or media control (Chapter 7). They deactivate intermediary organizations (associations, guilds, political parties), the media and mediating institutions (parliament, courts). In this way, they replace the distanced, yet potentially

²⁵ Frankenberg, G. (2014), *Political Technology and the Erosion of the Rule of Law – Normalizing the State of Exception* (Cheltenham: Edward Elgar Publishing).

²⁶ Hobbes, T. (1958), *Leviathan* [1661] (New York/Indianapolis: Bobbs-Merrill), Chapter 14.

civilizing law-rule and democratic representation with varieties of direct communication with ‘their’ people aimed at inspiring delusions of *community* between leader and followers.

Chapter 8 translates these elements of authoritarian constitutionalism – the techniques of governing, the concept and practices of power, participation as complicity and the cult of immediacy – into a matrix composed of instrumental and symbolic purposes, as well as internal and external audiences. Since constitutions do not wear their purpose on their sleeves, and the motives of their drafters usually remain unknown, this matrix offers a heuristic that allows for plausible readings and attributions of authoritarian constitutions. It also generates constitutional patterns related to the political manifesto: the constitution as *manual of governance*, *tool for mobilization*, *identity card* in international relations and *showcase*.

After this manuscript had been written, the coronavirus pandemic hit the world and a global drama of human suffering began to unfold – also on the stage of authoritarianism. While a thorough analysis of how the virus spread and the destruction it caused is beyond the scope of this book, it seemed important to refer to authoritarian methods of infection prevention and to add some brief observations on the challenge of coping with a pandemic in a situation of uncertainty. Therefore, Chapter 9 discusses, albeit briefly, aspects of the coronavirus crisis as a driver of authoritarianism.

4. HOW TO READ CONSTITUTIONS

Constitutions are not hermetically closed texts, but rather opaque and porous. Therefore, they are open to interpretation. The constitutions of authoritarian regimes are no different. (Napoleon is said to have wanted them ‘short and dark’.) They have interesting stories to tell if one does not dismiss them as mere poetry or façades, but takes them seriously as texts with specific purposes written for specific audiences – competing elites, the opposition, the people, international actors and so on. Very much like liberal constitutions, authoritarian charters of government should not be expected to delineate a reliable map that neatly registers the allocation of power and how it can be controlled, or the use value of rights. But while they may be deceptive,²⁷ they are not without merit (as the thesis of constitutions as façades or shams would have it). Authoritarian constitutions are difficult to read and interpret. Between naïve constitutional faith (routinely given to liberal constitutions) and cynical disdain (usually implied with regard to authoritarian constitutions), there is a wide area

²⁷ See Frankenberg, G. (2019), *Comparative Constitutional Studies – Between Magic and Deceit* (Cheltenham: Edward Elgar Publishing).

to be covered by careful differentiated analysis. This looks out for imprudent moments, camouflaged premises or marginal comments that may reveal the purposes to be pursued and the audiences to be reached through a constitution. This is the project that will be undertaken in the following chapters.