

BUCHBESPRECHUNGEN / BOOK REVIEWS

Wim Voermans, **The Story of Constitutions: Discovering the We in Us**, Cambridge University Press, 2023, 388 pages, \$29.99/36,99 €, ISBN: 9781009385046

By a stroke of luck, just one year after graduating from law school, I was selected to teach at one of Brazil's top universities. While this opportunity brought me immense joy, it also came with significant anxiety. Tasked with teaching an introductory public law course to first-year students, I faced the daunting challenge of distilling complex concepts like the “state”, “public powers”, and “constitutions” into clear and engaging lessons for 18- to 20-year-olds fresh out of high school.

However, what occupied my thoughts the most at that time was how to explain to these young students the reasons for having a constitution and the historical narratives behind the evolution of constitutionalism. My utopian idea – much like the questions Voermans received from his friends studying economics, literature, history, and sociology during his university days (p. 1-2) – was to demonstrate to my students “why it was good to have a constitution or a legal system; why nearly the whole world had these institutions; what the economic, political, or social consequences of constitutional systems were; whether it mattered which kind of systems were in place and so on” (p. 2). I aimed for them to grasp not just the technical aspects but also to appreciate why constitutions are crucial for political and social organization and to ignite their curiosity about the historical narratives that have shaped modern constitutionalism.

Given this, it seemed that I, then in my late twenties, faced the same doubts and uncertainties that led Wim Voermans to write the book under review. Even as an experienced professor with over 30 years of teaching in courses like the one I was venturing into for the first time, Voermans encountered similar questions and challenges. As Voermans himself states, it was these very uncertainties and the desire to address them that motivated him to write this book. To my great misfortune, Voermans' book did not exist during my early teaching adventures. Had I had access to it then, I am certain that my journey would have been significantly easier.

“The Story of Constitutions: Discovering the We in Us” is the kind of book that challenges the notion of a linear narrative in the development of human society. In this context, the idea of constitutions as social phenomena is explored from investigative angles often overlooked by legal scholars who tend to focus on more concrete and specific issues within the constitutional and legal realm. Voermans even admits that the inspiration for the book stems from simple yet profound questions that troubled him deeply whenever he paused to reflect, such as: “how did we end up in a world of constitutions, a world aspiring to be ruled by law? Where does this all come from? What consequences does this have?” (p.2).

Divided into an introduction and five parts, “The Story of Constitutions: Discovering the We in Us” invites readers from all backgrounds to embark on a journey through the

world of constitutions, blending storytelling with a deep exploration of legal, political, and historical contexts. More than that, the book aims to be “a narrative about a journey and at the same time an experiment in making the medium (this book) part of the message (the story of constitutions)” (p. 27). It is structured in a clear and accessible manner, guiding readers through fundamental inquiries: where constitutions emerge, their historical development, the concept and types of constitutions, their practical impacts, and, ultimately, the role of constitutions in shaping societal perceptions. Or, as Voermans puts it, each part of the book “follows the trail of basic questions on where, whence, why, what and how, as they appear in our exploration” (p. 29).

To provide a comprehensive exploration of constitutional phenomena from proliferation to the nuanced realities they create, Voermans masterfully interweaves personal anecdotes, historical events, and theoretical insights, making complex constitutional concepts accessible and engaging. This book not only sheds light on the origins and development of constitutional systems but also prompts readers to ponder the broader implications of living in societies governed by these foundational documents. It is a compelling read for anyone interested in understanding how constitutions shape our collective life and why they remain vital to the fabric of modern civilization.

Despite being one of those few and rare legal books that appeal to general readers, what truly sets “The Story of Constitutions: Discovering the We in Us” apart is its ambivalence. Thus, it is simultaneously light and practical for readers not versed in the humanities and social sciences while maintaining profound depth and rigorous methodology characteristic of a dense legal endeavor. Voermans deftly navigates the balance between accessibility and scholarly thoroughness, making the book an invaluable resource for both laypersons and academic audiences alike.

One of the highlights of the book is Voermans’ remarkable ability to advance his central argument through an expansive historical analysis that spans the globe. From the agricultural revolution of c. 10,000 BC to the Greek city-states, from the Roman Empire to the feudalism of the medieval era, and from the American Federalist debates to the post-Soviet world, his narrative seamlessly connects these diverse contexts. Through meticulous historical facts and insightful analysis, he addresses the central question: “why are there so many constitutions?”. This global and temporal breadth provides readers with a profound understanding of the universal quest for constitutional governance throughout human history.

It is interesting to note that Voermans does not claim to provide definitive answers to the myriad questions that arise throughout his exploration. Nevertheless, he suggests that a straightforward explanation for the proliferation of constitutions could lie in the notion that “they provide for the elementary human needs arising from large-scale collaborative arrangements” (p. 342). Moreover, he firmly cautions that “constitutions are not administrative toys” (p. 345). With this perspective in mind, gaining a deeper understanding of their origins and dynamics facilitates more effective management of the human cooperation that constitutions are designed to foster.

For all these reasons, while I am elated and enthusiastically recommend the book to anyone seeking a captivating journey through the history of constitutions, I also feel a twinge of regret for not having had access to such a profound work when I began my teaching career several years ago. As I have mentioned, there is no doubt that my early experiences with young students would have been significantly smoother had I been able to draw upon the vast knowledge contained in this book. Voermans' insights and thorough exploration would have provided invaluable support in my efforts to make complex constitutional concepts clear and engaging for my students.

Bruno Santos Cunha

Professor of Constitutional and Administrative Law in Brazil
PhD Candidate in Constitutional Law at the Federal University of Pernambuco, Brazil
Visiting Research Scholar at The Ohio State University Moritz College of Law

Kevin Fredy Hinterberger, **Regularisations of Irregularly Staying Migrants in the EU. A Comparative Legal Analysis of Austria, Germany and Spain**, Nomos Verlagsgesellschaft, Baden-Baden 2023, 398 pages, 32,05 Euro, ISBN: 978-3-7489-1279-8.

Current political debates on migration law in the EU are characterised by a perceived loss of state control over migration matters and the call for effective and efficient management of migration flows. The intuitive way for decision-makers to regain control seems to be a constant emphasis on the need to effectively combat irregular migration by hindering access to Europe in the first place¹ and – especially on member state level – increase efforts to return irregular staying migrants². Within this context, *Kevin Fredy Hinterberger's* book “Regularisations of Irregularly Staying Migrants in the EU - A Comparative Legal Analysis of Austria, Germany and Spain” provides a refreshingly new perspective by moving the focus from return to regularisation.

From the outset, *Hinterberger* highlights the important and often overlooked fact that just like “legality” and “illegality”,³ the terms “regularity” and “irregularity” in migration law do not refer to pre-legal factual circumstances, but are the result of norms created

- 1 See the various legislative measures under the EU's New Pact on Asylum and Migration, https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/promoting-our-european-way-of-life/new-pact-migration-and-asylum_en (last accessed on 7 November 2024); for an assessment of current EU migration policies regarding access to the territory, see *Bast/von Harbou/Wessels*, Human Rights Challenges to European Migration Policy, Baden-Baden 2022, pp. 28-39.
- 2 We Have to Deport People More Often and Faster, *Der Spiegel*, <https://www.spiegel.de/international/germany/interview-with-german-chancellor-olaf-scholz-we-have-to-deport-people-more-often-and-faster-a-790a033c-a658-4be5-8611-285086d39d38> (last accessed on 7 November 2024).
- 3 *Tobias Klarmann*, *Illegalisierte Migration. Die (De-)Konstruktion migrationspezifischer Illegalität im Unionsrecht*, Baden-Baden 2021.