people comes to believe that a constitution is legitimate, one has to understand the different types of reason that might support that belief. In his response chapter, Ackerman comes some way towards meeting Harel by stating that both will and reason are emphasised in his account of the revolutionary dynamic but making this concession risks undermining the coherence of his argument.

Some contributors have concerns about Ackerman's concept of revolution. Fowkes ("Choosing to Have had a Revolution") makes explicit his concern that whether a revolution has occurred depends not only on the facts but also on the stories people choose to tell about their constitutional history, but there is also a general concern implicit in the criticisms of the case studies that Ackerman's conception of revolution is simply too broad to provide the analytical purchase necessary to make the theory useful for comparative constitutional analysis.

There are also charisma sceptics. In addition to Gardbaum arguing that charisma is not always necessary to revolutions, we have Baranger ("Constitutionalism and Society") doubting whether what is constitutionalised after a revolution is actually charisma. If bureaucratic and judicial elites take over, and the constitution becomes merely a normalised legal instrument to be interpreted and applied by lawyers, can this properly be linked to revolutionary charisma, especially as there is no longer direct participation by the masses in shaping politics and government?

In conclusion, Ackerman's book is likely to become an important point of reference in comparative constitutional law and to stimulate scholarly debate both on the methodology and conceptual structure of comparative constitutional analysis and on the best interpretation of specific national constitutions. But, collectively, the contributions to this excellent volume mount a formidable critique of the thesis Ackerman advances much of which I found myself agreeing with and suggest that Ackerman's theory is unlikely to become an influential paradigm for analysis of constitutional development. In the process, this collection itself makes an important contribution to comparative constitutional law.

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Wendy Kennett, CIVIL ENFORCEMENT IN A COMPARATIVE PERSPECTIVE: A PUBLIC MANAGEMENT CHALLENGE

Cambridge: Intersentia (*https://intersentia.com*), 2021. xlix + 636 pp. ISBN: 9781780688183. €124.

Notwithstanding the increased importance of all forms of "recovery of civil and commercial law debts", or "civil enforcement" as defined by the author (p 7), and the reforms aimed at improving the efficiency of European (national and cross-border) enforcement regimes, comparative legal scholarship has been lagging behind developments in Europe. Wendy Kennett's book should exactly for that reason be welcomed, both as a gap-filler, and hopefully also as a trailblazer functioning as a major source of inspiration for others to follow.

Conceptually, the book consists of two main parts. The first is devoted to the overarching yet still developing concept of "public management", and is predominantly of a theoretical nature. By contrast, the second is more practical because it is devoted to the evolution and contemporary regulation of civil enforcement in thirteen European jurisdictions.

Formally, the book is divided into four parts made of sixteen chapters (including the Introduction and Conclusions put forward also in chapter format). These, however, do not

fully reflect the conceptual bipartite division as only Part One is devoted to the central concept of "public management" and surrounding theories. The rest (i.e. the chapters of Parts Two through Four) "compare European enforcement systems by reference to the institutional model adopted" (p 21). Though these are far from being only highly technical texts.

The thirteen European legal systems are covered in quite a detailed and in-depth manner. It is also praiseworthy that the list includes not only the Continent's major systems but also those typically not given much attention. This includes, in particular, the former socialist states of Central and Eastern Europe (CEE), which were pressed by various international financial organisations (e.g., World Bank, European Bank for Reconstruction and Development) to increase the efficiency of their enforcement systems from the fall of the Berlin Wall, denoting the beginning of the transitory process towards democracy and market economies. Austria and Spain may also be added as regimes typically treated as stepchildren of contemporary comparative legal scholarship, just for different reasons.

The omission of common law systems in Europe is one of the weak points of the book. Undoubtedly, a more complete picture of what Europe offers by inclusion of the jurisdictions of the United Kingdom (incorporating material on what Scotland as a mixed system could offer) and Ireland is something that would enrich subsequent editions of the book. Consequently, merely mentioning that receivers are sui generis participants of the enforcement system in the United Kingdom, in a line or two, and their shorthand exclusion from the coverage by the author, is hardly justifiable (p 11).

The three main enforcement models forming the core of the book are briefly introduced in the introductory chapter, besides such conventional preliminary matters as terminology, methodology and clarification of the meaning and reach of key legal categories of the book (e.g., debtor, bailiff, debt collection, amicable recovery). These models are denominated as the "administrative-", the so-called "judicial officer-", and finally the "court-centred" models, to be topped by recognisable "hybrid systems" (p 9).

Taking the criterion of who is responsible for enforcement for the differentiation of the models, in the case of the administrative model (Sweden and Finland), enforcement is "undertaken by an executive agency which forms part of the administration of the state" (p 9) and is staffed by enforcement agents enjoying the status of public officers. In the judicial officer systems, a regulated profession specialising in civil enforcement is in charge with such enforcement under varying designations. The countries having a version of this model include France, the Benelux states, Portugal and many of the post-socialist states of Central and Eastern Europe. The third model's key characteristic is that courts remain responsible for enforcement. Austria and Spain are mentioned as the clearest prototypes of this model (p 437). Lastly, Germany and Slovenia are listed as hybrid systems where "courts have important functions in the enforcement process [. . .] but judgment creditors may also have resort to an external agent" (ibid). Other jurisdictions, though to a lesser extent, are used either to support the narrative or to enrich the discussion with vivid examples. Chapter 12 devoted to CEE countries excels in that respect as it also contains references to the Czech Republic, Estonia, Hungary, Poland, and Romania, not only in the form of a summary of statutory law but also with references to case law (e.g. at p 426).

The impressive detail is to a great extent due to the attempt to go beyond the historical pages and the analysis of the main, and most typical, features of the various national models. In that vein, the content includes not only such sui generis institutions as the German "*Rechtspfleger*" (one of four German enforcement institutions, which is in charge of processing payment orders amongst other matters (see p 532)) and "*Gerichtsvollzieher*" (an aid in civil procedure, including in relation to taking sworn statements on assets and their location and acting as a mediator between debtor and creditor (see pp 546 ff)) – known also in Austria – but also

sections devoted to various other relevant matters. These include the status of those in charge of civil enforcement, the role of e-governance and digital governance in the sector, enforcement of public debts, through such policy issues as reforms and national attitudes to poverty and over-indebtedness of the populace and their impact on enforcement. Indeed, these extensions represent one of the most valuable characteristics of the book.

Although playing a central role, the exact meaning and breadth of the concept of "public management" seems to have remained insufficiently delineated. The caveats about the imprecision due to the still unfolding nature of the concept, the interchangeable use of the designation with "public administration", and the impact of differing theories notwithstanding, the clarifications limited to no more than a footnote or two, seem to be insufficient (see in particular n 1 at p 53). Without further attention to the confines of the concept, it may remain unclear exactly which identifiable forms of private and commercial debt recovery existent in some (if not most) European markets fit the "public management" paradigm. For example, does the German "*Inkassodienstleistungen*", as a form of collection service introduced by the 2008 Law on Extra-Judicial Legal Services ("*Gesetz über aussergerichtliche Rechtsdienstleistungen*") qualify as such, or rather not?

What more practice-oriented readers and law reformers alike may not necessarily find in the book relates to, at least, two important considerations. The first is the lack of examples and more daring critical assessment of a few concrete historic case studies exemplifying various errors made by some national systems at historical junctures. Reformers could learn a lot not only from good practices but also from the errors made and pitfalls that ought to be avoided yet are rarely spoken about publicly. Secondly, the unprecedented growth of consumer indebtedness in Europe in the last few decades, as exacerbated by the Covid-19 pandemic, the most recent aggression of Russia against Ukraine, and similar negative tendencies, might require faster responses from scholars, too. Put simply, the old slow tempo exploiting sources that tend to emerge only with months if not years of delay, optimally going through judicial phases first, does not suit the needs of modern times anymore. Put pithily, less conventional sources of data should be resorted to more daringly by legal scholars, in particular the works of investigative journalists and publications of consumer-protection organisations.

Two concrete recent examples of relevance will illuminate the above. The first relates to the World Bank's "Doing Business Reports", that were taken by many as sources supposedly "providing objective information" (p 17). Although Kennett also rightly vouches for "considerable wariness" as far as their utility in relation to enforcement is concerned (ibid), she does that because of the partial incompatibility of the World Bank reports with the needs of the sector. However, for a fuller picture it would have been important also to mention that the World Bank's Doing Business project has suffered serious integrity blows in the 2018-2020 period, which led to it being suspended in August 2020 (World Bank, *Doing Business – Data Irregularities Statement* (27 August 2020)).

The second is a concrete recent example explaining why major fiascos, if not outright abuses of the powers entrusted to various enforcement officials and agents, deserve due attention in books like Kennett's. In particular, because crises of appropriate political magnitude may be the reason for a major revamp of the earlier embraced enforcement model. While the World Bank Doing Business project might not necessarily generate a major volte face on national levels in Europe, the still unfolding scandal at the Hungarian Court Enforcement Bar ("*Magyar Bírósági Végrehajtói Kar*") may, indeed, force Hungarian lawmakers to reform the regulatory system (for details of the story, see https://www.euronews.com/2021/12/07/hungarian-deputy-fidesz-minister-accused-of-accepting-bribes).

Unquestionably, *Civil Enforcement in a Comparative Perspective* should find its place on the bookshelves of not only all those interested in civil enforcement (as understood in the

book) but also those approaching debt collection from a holistic perspective, focusing also on private debt collection as well as self-help repossession. It is also hoped that the book will serve as a source of inspiration for others who might want to examine the remaining jurisdictions of Europe, and beyond. Moreover, there is scope to devote equal importance to private enforcement and new participants in the burgeoning debt collection markets, considering them from the perspective of both efficient enforcement and adequate debtor protection.

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