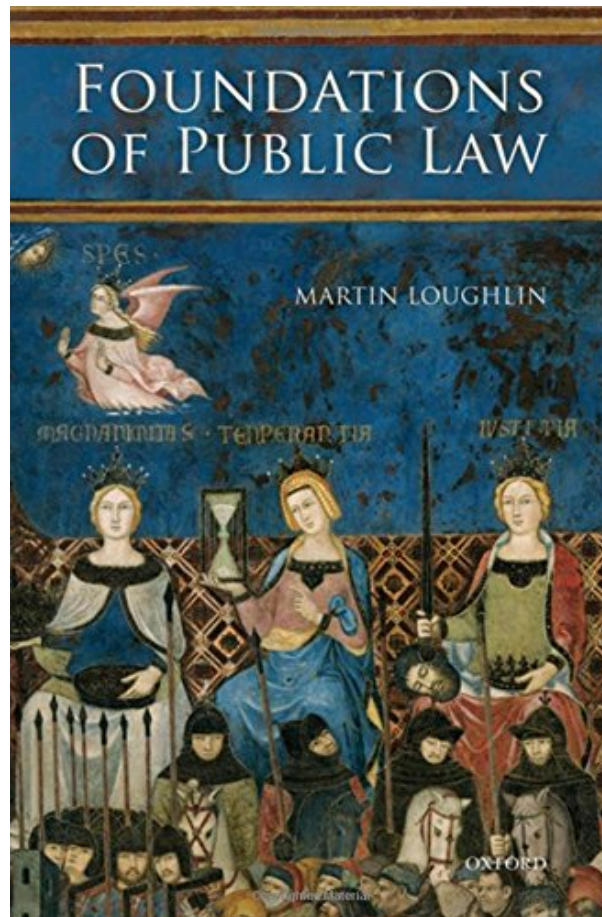
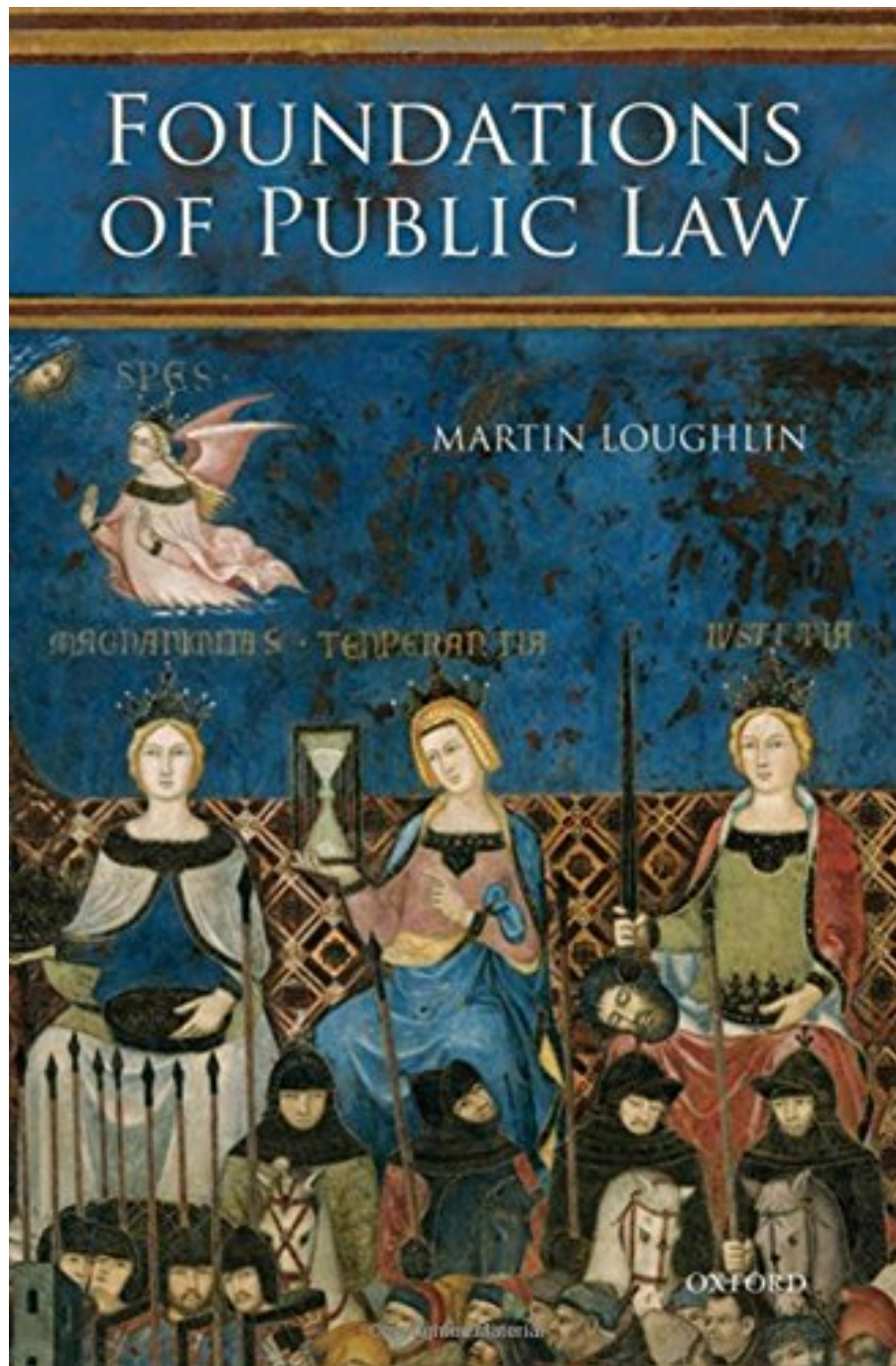


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Martin Loughlin puts forward a convincing case for having a broader humanist understanding of public law James Grant, Times Literary Supplement ...a very important and ambitious book...I am of the view that this is a book that can be recommended without reservation, and I think that it rewards intense interrogation and re-consideration. The argument about the function of public law in producing political power is quite outstanding Chris Thornhill, Public Law

About the Author

Martin Loughlin is Professor of Public Law at the London School of Economics & Political Science. His publications include Public Law and Political Theory (OUP, 1992), Legality and Locality: The Role of Law in Central-Local Government Relations (OUP, 1996), Sword and Scales: An Examination of the Relationship between Law & Politics (Hart Publishing, 2000), and The Idea of Public Law (OUP, 2003).

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Foundations of Public Law offers an account of the formation of the discipline of public law with a view to identifying its essential character, explaining its particular modes of operation, and specifying its unique task. Building on the framework first outlined in *The Idea of Public Law* (OUP, 2003), the book conceives public law broadly as a type of law that comes into existence as a consequence of the secularization, rationalization, and positivization of the medieval idea of fundamental law. Formed as a result of the changes that give birth to the modern state, public law establishes the authority and legitimacy of modern governmental ordering.

Public law today is a universal phenomenon, but its origins are European. Part I of the book examines the conditions of its formation, showing how much the concept borrowed from the refined debates of medieval jurists. Part II then examines the nature of public law. Drawing on a line of juristic inquiry that developed from the late sixteenth to the early nineteenth centuries - extending from Bodin, Althusius, Lipsius, Grotius, Hobbes, Spinoza, Locke, and Pufendorf to the later works of Montesquieu, Rousseau, Kant, Fichte, Smith, and Hegel - it presents an account of public law as a special type of political reason.

The remaining three Parts unpack the core elements of this concept: state, constitution, and government. By taking this broad approach to the subject, Loughlin shows how, rather than being viewed as a limitation on power, law is better conceived as a means by which public power is generated. And by explaining the way that these core elements of state, constitution, and government were shaped respectively by the technological, bourgeois, and disciplinary revolutions of the sixteenth century through to the nineteenth century, he reveals a concept of public law of considerable ambiguity, complexity, and resilience.

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