

MARTIN LOUGHLIN PUBLICATIONS

2024

‘Constituent Power’ in Richard Bellamy and Jeff King (eds), *The Cambridge Handbook of Constitutional Theory* (Cambridge: Cambridge Univ. Press, 2023), ch.13 (forthcoming)

‘The Traditional and the Modern: The Weimar Constitution in British Imperial Perspective’ in Massimiliano Gregorio (ed), *Weimar 1919-2019* (forthcoming)

2023

‘Against Constitutionalism: A Response to Professor Roux’ (2023) 1 *Comparative Constitutional Studies* 00-00 (forthcoming)

‘Mapping the Theoretical Turn in British Public Law Scholarship’ (with Samuel Tschorne) in Paul Daly and Joseph Tomlinson (eds) *Researching Public Law in Common Law Systems* (Cheltenham: Edward Elgar, 2023), ch.9, 175-2206 [also as LSE Working Paper, 16/2021]

‘The British Constitution in Ackerman’s Worldview: A Critique’ in Marco Dani, Marco Goldoni, and Agustin J. Menéndez (eds), *The Legitimacy of European Constitutional Orders: A Comparative Inquiry* (Cheltenham: Edward Elgar, 2023), ch. 8, 158-176.

The British Constitution: A Very Short Introduction Oxford: Oxford University Press, 2nd edn 2023, xviii + 122

‘Brexit and the British Constitution’ in Thomas Jaeger, Matthias Lehmann, Alexander Somek, Michael Waibel (eds), *Consolidating Brexit: The Future of EU/UK Cooperation* (Vienna: Sramek Verlag, 2023), 265-283.

‘Constitutionalism: For and Against’ *Balkinization*, 6 July 2023:

<https://balkin.blogspot.com/2023/07/constitutionalism-for-and-against.html>

‘The Political Jurisprudence of Paul W. Kahn’ (2023) 24 *German Law Journal* 623–636:
<https://doi.org/10.1017/glj.2023.44>

‘The Evolution and *Gestalt* of the British Constitution’ in Armin von Bogdandy et al (eds), *The Max Planck Handbooks in European Public Law, vol.2* (Oxford: Oxford University Press, 2022), ch. 14, 689-735.

‘Laski’s Materialist Analysis of the British Constitution’ in Marco Goldoni and Michael A. Wilkinson (eds), *The Cambridge Handbook on the Material Constitution* (Cambridge: Cambridge Univ. Press, 2023), ch.3, 64-75.

2022

'Ruling Britannia' iCourts Working Paper Series, 309, 2022. IMAGINE Paper No.27, Faculty of Law, University of Copenhagen, Nov. 2022:

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4287368

'The City in the Constitutional Imagination' (2022) 72 *University of Toronto Law Journal* 356-371.

Against Constitutionalism (Cambridge, MA: Harvard University Press, 2022), pp. 258.
Reviewed: (2022) 135 *Harvard L.Rev* 2053-2109 (JS Gould); (2022) *The Complete Review* (Orthofer); (2022) 22 (3) *Claremont Rev of Books* 67 (Rabkin); 2023 (2) *VRÚ/World Comparative Law* 464-487 (Tushnet); (2023) 73 *Univ of Toronto LJ* 255-261 (Gargarella); (2023) 45, no8 *London Review of Books*, 13 April (Sedley); (2023) 28 *European Public Law* 541-546 (Csapodi); (2023) 114 *Droit et Société* (Febvre-Issaly); (2023) 1 *Comparative Constitutional Studies* 000-000 (Roux); (2023) *Contemporary Political Theory* 000-000 (Auer); *Constitutional Discourse* (Sulyok):

[Márton SULYOK: The Pros and Cons of Constitutionalism? A Review of Martin Loughlin's Against Constitutionalism | Constitutional Discourse](#)

Balkinization Book Symposium, with essays by Dawood, Suk, Gowder, Balkin, Levinson, Fishkin and Loughlin response: <https://balkin.blogspot.com/2023/07/balkinization-symposium-on-martin.html?m=1>

Podcast: <https://revdem.ceu.edu/2023/03/15/constitutionalism-an-opium-for-the-lawyers/>

'Comparative Constitutional Law's Blind Spot' Balkinization, 4 March 2022:

<https://balkin.blogspot.com/2022/03/comparative-constitutional-laws-blind.html>

'A.V. Dicey and the Making of Common Law Constitutionalism' (2022) 42 *Oxford Journal of Legal Studies* 366-382.

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'In Search of the Constitution' in Oran Doyle, Aileen McHarg, Jo Murkens eds, *Constitutions Under Pressure: The Brexit Challenge for Ireland and the United Kingdom* (Cambridge: Cambridge Univ. Press, 2021), ch. 14, 313-335.

'The Political Jurisprudence of Harold J. Laski' (2021) 50 *Quaderni fiorentini* 251-281.

The Cambridge Companion to the Rule of Law (Cambridge: Cambridge Univ. Press, 2021) co-edited with Jens Meierhenrich.

'Thinking about the Rule of Law' (with Meierhenrich) in *Cambridge Companion*, 1-22.

'Michael Oakeshott's Republican Conception of the Rule of Law' in *Cambridge Companion*, ch 9, 171-85.

'Constitutional Interpretation: What can Europeans learn from US Debates?' in Fruzsina Gárdos-Orosz and Zoltán Sente (eds), *Populist Challenges to Constitutional Interpretation in Europe and Beyond* (London: Routledge, 2021), ch. 16, 274-90.

2020

‘Santi Romano e la teoria istituzionalista del diritto’ in Marco Mazzamuto (ed.), *Santi Romano: L’ordinamento giuridico (1917-2017): La fortuna della teoria romaniana dell’ordinamento dalla sua pubblicazione ai tempi nostri nelle varie aree disciplinari* (Naples: Editoriale Scientifica, 2020), 287-306.

‘Fundamental Law’ in Miguel Nogueira de Brito and Luis Pereira Coutinho (eds), *The Political Dimension of Constitutional Law* (Berlin: Springer, 2020), ch 2, 7-21.

‘A Note on Craig on *Miller; Cherry*’ [2020] *Public Law* 278-81.

2019

‘In Search of the Constitution’ *LSE Law, Society & Economy Working Papers* 19/2019.

‘What would John Griffith have made of Jonathan Sumption’s Reith Lectures?’ (2019) 90 *Political Quarterly* 785-93.

‘The Case of Prorogation: The UK Constitutional Council’s ruling on appeal from the judgment of the Supreme Court’, *Policy Exchange*, October 2019:
<https://policyexchange.org.uk/publication/the-case-of-prorogation/>

‘The Political Constitution Revisited’ (2019) 30 *King’s Law Journal* 5-20.

‘The Contemporary Crisis of Constitutional Democracy’ (2019) 39 *Oxford J of Legal Studies* 435-454

‘Fundamental Law’ *LSE Law, Society & Economy Working Papers* 22/2018

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‘The State: *conditio sine qua non*’ (2018) 16(4) *International J. of Constitutional Law* 1156-63.

‘The Apotheosis of the Rule of Law’ (2018) 89 *Political Quarterly* 659-66.

‘The Shibboleth of Sovereignty’ (with Stephen Tierney) (2018) 81 *Modern Law Review* 989-1016.

‘The Silences of Constitutions’ (2018) 16(3) *International J. of Constitutional Law* 922-935.

‘The Historical Method in Public Law’ in M Dubber and C Tomlins eds *Oxford Handbook of Legal History* (New York: Oxford University Press, 2018), ch.51, 983-999.

‘Why read Carl Schmitt?’ in C Bezemek, M Potacs and A Somek eds *Vienna Lectures in Legal Philosophy, vol.1* (Oxford: Hart, 2018), ch 3, 49-64.

‘Excavating *Foundations*’ in M Wilkinson and M Dowdle eds *Questioning the Foundations of Public Law* (Oxford: Hart, 2018), ch.16, 255-75.

‘The British Constitution: Thoughts on the Cause of the Present Discontents’ (2018) 16 *New Zealand J. of Public & International Law* 1-19; also in *LSE Law, Society & Economy Working Papers* 2/2018.

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‘The Evolution and Gestalt of the State in the United Kingdom’ in S Cassese, A von Bogdandy & P Huber (eds), *The Max Planck Handbooks in European Public Law, vol.1: The Administrative State* (Oxford: Oxford University Press, 2017), ch.13.

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‘Sumption’s Assumptions’ in N Barber, R Ekins & P Yowell (eds), *Lord Sumption and the Limits of the Law* (Oxford: Hart, 2016), 27-43

‘The Rise and Fall of Urban Law, 1968-1988’ in T Zartaloudis (ed) *Land Law and Urban Policy in Context: Essays on the Contributions of Patrick McAuslan* (London: Routledge/Birkbeck Law Press, 2016), ch.6, 129-150.

‘Political Jurisprudence’ (2016) 16 *Jus Politicum: Revue de Droit Politique* 15-32. Reprinted in M Wilkinson and M Dowdle eds. *Questioning the Foundations of Public Law* (Oxford: Hart, 2018) ch.2, 15-29.

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‘Political Liberalism or Political Right? A Commentary on Michelman on Legitimacy, the Social Turn and Constitutional Review’ (2015) 98 *Kritische Vierteljahresschrift* 212-219

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‘The Privy Council: What’s it for?’ (Review essay of D Rogers, *By Royal Appointment: Tales from the Privy Council*), *London Review of Books*, vol. 37 no. 20, 22 October 2015, 29-30.

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‘The Concept of Constituent Power’ (2014) 13 *European J. of Political Theory* 218-37

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