



## Philip Hamburger's *Is Administrative Law Unlawful?*

By Ed Whelan

May 29, 2014

Here's an important new book that is very much worth reading: law professor Philip Hamburger's [\*Is Administrative Law Unlawful?\*](#)

Hamburger's answer to his title question is a resounding "yes," at least as to that large part of "administrative law" that consists of rules or other edicts that purport to bind members of the public. Hamburger, a legal historian, extensively reviews English history to show that administrative law, far from being a novel development that the Constitution couldn't anticipate, is just another manifestation of the king's "prerogative" power that the Constitution was designed to protect against.

I'm about halfway through the book, so I'll defer a fuller review until I've finished it. For now, I'll highlight that the Cato Institute and the Federalist Society are hosting a [book event](#) for Hamburger next Thursday, June 5. (If you're unable to attend, you can watch the event online.)