Blackstone Text History and Meaning

Course Foundation and Lesson 1

An Original Sources Study Library project

This course explains William Blackstone's Commentaries in clear modern English while keeping his original meaning visible.

North Carolina State Nationals

Independent educational resource

About This Course

William Blackstone wrote about English law in the 1700s. His writing helped many people understand how English law was organized. It also influenced legal thinking in early America. The language can be difficult today. Words are old, sentences are long, and many legal ideas need background before they make sense.

This course makes Blackstone easier to read. It does not replace his words. Each lesson shows what he wrote, explains it in plain English, and then adds the history needed to understand it.

The Five Course Rules

1. Start with the original text. We will not begin with a later claim about what Blackstone said.
2. Keep translation separate from commentary. A plain-English restatement is not the same as our opinion.
3. Explain every unfamiliar term. Latin words will be translated when they first appear.
4. Mark the time period. Blackstone described eighteenth-century English law, not every law that exists today.
5. State limits honestly. We will identify what the text supports, what it does not support, and what remains uncertain.

How Every Lesson Will Work

- Where we are in Blackstone
- The main question
- A short passage from the original text
- The same idea in plain English
- Old words and legal terms
- Historical background
- Why the passage mattered
- What changed later
- What the passage does and does not prove
- Review questions and source links

A Note About Current Law

Blackstone is a historical source. He is important because he organized and explained English law as it was understood in his time. His book can help us study legal history and the development of American ideas. It should not be used as a substitute for current law or professional legal advice.

Course Map

The complete project will follow Blackstone's four-book plan. We will build it one lesson at a time. Early lessons explain the foundation. Later lessons move into rights, property, courts, injuries, crimes, and punishment.

Part 1 Foundations

- Lesson 1 Why Study Blackstone
- Lesson 2 What Blackstone Meant by Law
- Lesson 3 Natural Law Revealed Law and Human Law
- Lesson 4 How English Law Was Formed
- Lesson 5 Customs Courts Statutes and Legal Authority

Part 2 Book One Rights of Persons

- Lesson 6 The Rights of Individuals
- Lesson 7 Personal Security Personal Liberty and Private Property
- Lesson 8 Parliament and the Making of Law
- Lesson 9 The Crown Public Officers and Local Authority
- Lesson 10 Citizenship Family Relations and Corporations

Part 3 Book Two Rights of Things

- Lesson 11 Property and Possession
- Lesson 12 The Feudal System and Forms of Landholding
- Lesson 13 Inheritance Transfer and Ownership
- Lesson 14 Personal Property Contracts Wills and Estates

Part 4 Book Three Private Wrongs

- Lesson 15 Wrongs Remedies and the Role of Courts
- Lesson 16 Common Law Courts Equity Courts and Special Courts
- Lesson 17 Civil Injuries and Legal Actions
- Lesson 18 Pleading Evidence Trial by Jury and Judgment

Part 5 Book Four Public Wrongs

- Lesson 19 Crime and Punishment
- Lesson 20 Criminal Responsibility
- Lesson 21 Offenses Procedure Trial and Judgment
- Lesson 22 Safeguards Against Abuse

Part 6 Influence and Limits

- Lesson 23 Blackstone and Early America
- Lesson 24 What Remains Useful and What Has Changed
- Lesson 25 How to Test Modern Claims About Blackstone

Lesson 1 Why Study Blackstone

Where We Are

We begin with Blackstone's Introduction, Section 1, called On the Study of the Law. This section began as a lecture at Oxford University in 1758. Blackstone first explains why ordinary educated people, not only lawyers, should learn the basic law of their country.

The Main Question

Why should a person who is not a lawyer study law?

Who Was William Blackstone

William Blackstone was an English lawyer, judge, and teacher. He lived from 1723 to 1780. At Oxford University, he gave a planned series of lectures about English law. Those lectures became Commentaries on the Laws of England, published in four books from 1765 through 1769.

Blackstone did not create the common law. He collected, arranged, and explained a large body of law that had grown over many centuries. That organization was one reason the Commentaries became so useful.

Blackstone Saw a Teaching Problem

Blackstone said English law was important but poorly taught. Much of it was known mainly by working lawyers. People who owned property, served on juries, held public office, or helped make laws might have little organized legal education. He wanted to correct that problem.

Blackstone's words	Plain English	What to notice
"the laws and constitution of our own country"	the rules of law and the basic structure of government where people live	Blackstone's subject was the law of England in his own time. He was not describing a law code for every nation and every century.

Blackstone's First Main Idea

People are affected by law even when they never enter a courtroom. Law touches property, contracts, wills, family duties, public offices, taxes, injuries, and crimes. A person does not need to become a lawyer. But a basic knowledge of law can help that person understand rights, duties, and public decisions.

Blackstone's words	Plain English	What to notice
"a competent knowledge of the laws of that society, in which we live"	a sound basic understanding of the law that governs the community where we live	Blackstone argued for useful public understanding. He did not say that a little reading makes someone a trained lawyer.

Why He Thought This Knowledge Mattered

Blackstone gave several practical reasons.

- Property owners needed enough knowledge to avoid serious mistakes or deception.
- People making wills needed to understand the legal forms required at that time.
- Jurors had to weigh facts, injuries, accusations, and sometimes very serious punishments.
- Local officials needed to understand the limits of their authority.
- Lawmakers needed to understand existing law before changing it.

A Key Warning About Power

Blackstone linked legal knowledge with responsible public service. A person may have good intentions and still cause harm if that person misunderstands the law or exceeds lawful authority. Knowledge does not guarantee justice. But ignorance makes careless decisions and abuse of power more likely.

Blackstone's words	Plain English	What to notice
"what kind of interpretation can he be enabled to give"	How can a lawmaker explain or change law without first understanding it	This is a warning against changing a legal system without learning how its parts fit together.

What Blackstone Meant by Liberty Here

In this opening section, Blackstone described civil liberty as the freedom to do what the law allows. He believed fair rules should protect the weakest person from mistreatment by the most powerful person. This statement raises an important question that later lessons must examine: What makes a law fair, and what happens when the law itself is unjust?

Old Words Made Simple

Term	Simple meaning
Constitution	The basic arrangement of government and its powers. Blackstone used the word more broadly than a single written document.
Municipal law	The law of a particular country or political community. Here it does not simply mean city law.
Civil law	In this passage, the Roman legal tradition studied in European universities. The same words can mean something different in other settings.
Jurisprudence	The study and theory of law.
Magistrate	A public officer with legal or judicial duties.
Common law	Law developed through custom and court decisions, rather than contained only in one written code.

What This Lesson Supports

- Blackstone believed nonlawyers should understand the basic law of their society.
- He treated legal education as useful for jurors, officials, lawmakers, property owners, and other members of the public.
- He believed public power should be exercised with knowledge of existing law.
- He aimed to organize English law into a form that could be taught systematically.

Questions to Keep in Mind

- Does every rule Blackstone described remain law today?
- Does English law automatically govern every other country?
- Did Blackstone create the common law?
- Does reading one legal book provide the training or authority of a lawyer, judge, juror, or public officer?

A Present Day Example

Imagine that a community committee wants to change one of its rules. The members dislike the result produced by the rule, so they vote quickly to replace it. Later they discover that the old rule supported three other procedures. Their change creates confusion and conflict. Blackstone's warning is simple: learn how the existing system works before changing it.

Review Questions

1. Why did Blackstone believe legal knowledge should not belong only to lawyers?
2. What is the difference between learning basic law and becoming a lawyer?
3. Why would a juror need some understanding of law?
4. What danger arises when a public officer misunderstands the limits of the office?
5. Why should lawmakers understand old law before writing new law?
6. Which parts of Blackstone's argument still seem useful today?

One Sentence Summary

Blackstone's opening message is that people who exercise rights, duties, judgment, or public power should understand the legal system in which they act.

Check Your Answers

1. Law affects property owners, jurors, officials, lawmakers, and other members of the public, not only lawyers.

2. Basic legal knowledge helps a person understand rights, duties, and public decisions. Becoming a lawyer requires professional education and training.

3. Jurors must weigh facts, accusations, injuries, and possible punishment within the law.

4. The officer may exceed lawful authority and harm others despite good intentions.

5. A new rule can disrupt other parts of a legal system if lawmakers do not understand how the existing rules fit together.

6. Blackstone's call for informed citizens, jurors, officials, and lawmakers remains useful. His specific eighteenth-century rules must still be tested against current law.

Sources for This Lesson

William Blackstone, Commentaries on the Laws of England, Introduction, Section 1, On the Study of the Law, first delivered at Oxford on October 25, 1758.

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University of Michigan Law School Repository, Commentaries on the Laws of England in Four Books, 1871 edition with notes by Thomas M. Cooley. https://repository.law.umich.edu/books/97/