Blackstone What He Meant by Law

Lesson 2

Blackstone Text History and Meaning

This lesson explains Blackstone's broad definition of law and then narrows it to rules governing human conduct.

North Carolina State Nationals

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Where We Are

We are in Blackstone's Introduction, Section 2, called Of the Nature of Laws in General. Blackstone now asks a basic question: What is law? He begins with the broadest possible meaning and then moves toward the kind of law that governs people.

The Main Question

When Blackstone used the word law, what did he mean?

One Word With Several Meanings

The word law does not always describe a command written by government. We speak of the law of gravity, the laws of motion, the law of nature, and the law of a country. These uses are related, but they are not identical. Blackstone starts by placing them under one broad idea.

Blackstone's words	Plain English	What to notice
"law ... signifies a rule of action"	A law is a rule showing how something acts or how someone should act.	This is Blackstone's broad starting point. He has not yet limited the word to courts, statutes, or government.

Two Very Different Kinds of Rules

A stone follows gravity without making a choice. A person can understand a rule, choose whether to follow it, and be held responsible for that choice. Blackstone uses the word law for both kinds of rules, but he knows they operate differently.

- Physical rules describe how matter and living bodies operate.
- Rules for human conduct tell people how they ought to act.

Blackstone's words	Plain English	What to notice
"rules ... of human action or conduct"	Rules that direct how people behave.	This is the narrower meaning that matters most to the rest of Blackstone's legal work.

Reason and Choice

Blackstone says human beings have reason and free will. Reason means the ability to think and understand. Free will means the ability to choose. Because people can understand and choose, rules of human conduct can guide them, forbid actions, require duties, and attach consequences to disobedience.

Blackstone's Superior and Inferior Language

Blackstone also says a rule is prescribed by a superior whom an inferior is bound to obey. In plain English, he is describing authority: one person or institution has recognized power to make a rule, and another person has a duty to follow it.

The words superior and inferior can sound like statements about human worth. That is not the point here. A police officer enforcing a traffic law is not a better human being than the driver. The difference concerns legal authority in a particular situation.

A Necessary Caution

Blackstone's definition reflects the legal and political thinking of eighteenth-century England. Modern legal thinkers do not all define law in exactly this way. Some focus on rules made by government. Others focus on courts, institutions, social practice, rights, or justice. We must first understand Blackstone's definition before comparing it with later definitions.

The Levels Blackstone Is Beginning to Build

Section 2 moves through several levels of law. We will study the most important levels separately because they are often mixed together in modern discussions.

Term	Simple meaning
Physical laws	Rules describing the operation of matter and living things.
Law of nature	In Blackstone's system, moral rules established by the Creator and discoverable by human reason.
Revealed law	Moral duties made known through divine revelation. This will be explained in Lesson 3.
Law of nations	Rules governing relations among nations, drawn in part from natural law and accepted practices.
Municipal law	Rules of civil conduct established for a particular political community.

Why Separating the Levels Matters

Confusion begins when a statement about one level is treated as if it automatically settles another. A moral principle may influence human law without appearing word for word in a statute. A government rule may be legally enforceable even when people believe it is

morally wrong. A physical law such as gravity is not obeyed in the same way that a traffic law is obeyed.

Blackstone connects these levels, but he does not treat them as identical. Our course will keep asking which kind of law he is discussing at each point.

The Law of a Particular Community

For the practical study of English law, Blackstone eventually narrows his attention to municipal law. In his usage, municipal does not mean only city government. It means the civil law of a particular nation or political community.

Blackstone's words	Plain English	What to notice
"a rule of civil conduct"	A rule directing how people behave within an organized community.	Blackstone later adds that such a rule is prescribed by the supreme power of the state and concerns what is right and wrong in civil life.

Law Is More Than a Piece of Paper

A written sentence does not become law merely because someone types it and calls it law. Blackstone's discussion raises several questions: Who had authority to make the rule? To whom does it apply? Was it properly announced? What duty does it create? What remedy or consequence follows when it is broken?

These questions will become important when we study statutes, customs, court decisions, and the authority of different institutions.

Old Words Made Simple

Term	Simple meaning
Animate	Living.
Inanimate	Not living.
Rational	Able to reason.
Irrational	Not able to reason in the human sense used by Blackstone.
Precept	A rule or command about conduct.
Prescribed	Officially directed or laid down.

Term	Simple meaning
Free will	The ability to make a choice.
Civil conduct	Behavior within organized society.
Municipal law	The law of a particular political community.

What This Lesson Supports

- Blackstone used law first as a very broad term meaning a rule of action.
- He distinguished rules governing physical things from rules governing human conduct.
- He believed reason and free will made human beings capable of moral and legal responsibility.
- His definition of human law involved authority, duty, and conduct.
- He recognized different levels of law that must be kept distinct even when they are connected.

Questions to Keep in Mind

- Does authority alone make every command lawful?
- Are moral law, religious teaching, statutes, and court decisions interchangeable?
- Does this section settle who holds lawful authority in every modern dispute?
- Is Blackstone's definition the only possible definition of law?
- How do natural law, revealed law, and human law relate? Lesson 3 takes up this question.

A Present Day Example

A school posts a rule against running in the hallway. Gravity affects every student whether the rule is posted or not. The hallway rule works differently. A person with recognized authority announces it, students can understand it, students can choose whether to follow it, and the school may impose a consequence. Both may be called laws in a broad sense, but only one is a human rule of conduct.

Review Questions

1. What is Blackstone's broadest definition of law?
2. How does a physical law differ from a rule of human conduct?
3. Why are reason and free will important in Blackstone's explanation?
4. What does superior mean in his definition?
5. Why does municipal law not simply mean city law in this text?
6. What confusion can result from mixing different levels of law?
7. Does this lesson prove that every command issued by government is just or lawful? Why not?

One Sentence Summary

Blackstone begins with law as any rule of action, then narrows his attention to rules that direct human conduct through reason, choice, authority, and duty.

Check Your Answers

1. Blackstone begins with the broad meaning of law as a rule of action.

2. A physical law describes how matter or living bodies operate. A rule of human conduct directs people who can understand and choose.

3. Reason allows people to understand a rule, and free will allows them to choose whether to follow it. Those abilities make responsibility possible.

4. Superior refers to recognized authority in a particular situation. It does not mean that one person has greater human worth than another.

5. Blackstone uses municipal law to mean the civil law of a particular nation or political community, not merely the law of a city.

6. A statement about one kind of law may be wrongly applied to another. Physical laws, moral principles, religious teaching, and civil rules do not operate in the same way.

7. No. Blackstone's discussion distinguishes legal authority from moral justice. It also raises questions about who made a rule, whom it governs, and what follows when it is broken.

Sources for This Lesson

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