



Written by [Joe Wolverton, II, J.D.](#) on July 10, 2023

## A Tribute to William Blackstone on the 300th Anniversary of His Birth

Our Founding Fathers would undoubtedly be surprised by the lack of attention to and celebration of the life of William Blackstone on this July 10, the 300th anniversary of his birth. He was a man whose writings were in the library of every one of the varsity squad of our Founding Fathers and whose digest of the common law and its purpose and application were recited, recorded, and revered by each and all of them.

When examining the intellectual bedrock upon which the United States was founded, the influence of William Blackstone emerges as a defining force. An eminent English jurist and legal scholar of the 18th century, Blackstone's ideas resonated with the American colonists and greatly shaped their understanding of law, liberty, and the rights of individuals. Through his renowned work *Commentaries on the Laws of England*, Blackstone established a lasting legacy that found its way into the foundation of American legal principles, serving as a guiding light for the Founding Fathers and their posterity for generations.



William Blackstone

William Blackstone's ideas became prominent during the Enlightenment era, an intellectual movement that emphasized reason, progress, and individual rights. American colonists were deeply influenced by this philosophical wave, and Blackstone's works served as a critical bridge between the common law, British legal traditions, and the aspirations of a burgeoning American society that was both distinct and descended from Britain's jurisprudential history.

The principles of natural law, innate rights, and limited government outlined by Blackstone resonated with the colonists' yearning for freedom from British tyrannical rule.

As mentioned above, Blackstone's most significant contribution to legal scholarship was his monumental work *Commentaries on the Laws of England*. Published between 1765 and 1769, this four-volume opus outlined the English common law and presented a comprehensive overview of legal principles that were every day more sophisticated and disconnected from their biblical and Anglo-Saxon roots. The clarity of Blackstone's prose, his emphasis on individual liberty, and his approachable explanations combined to create a treatise that was widely accessible and influential among legal professionals and laypersons alike.



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Inspired himself by Sir Edward Coke, Blackstone created *Commentaries* from his consumption of Coke's thorough chronicle of the decisions of English judges and juries, *Institutes*, combined with his own unique analysis of key forms and facets of nearly a millennia of British law, somehow reducing the immensity of it to a work that assisted lawyer and laymen in both finding and following the average and the arcane in the wide expanse of English law.

Blackstone's ideas found fertile ground in colonial America, with his *Commentaries* becoming a staple in the personal libraries of influential thinkers and lawyers. The American legal luminaries of the era, including John Adams, Thomas Jefferson, and James Wilson, studied, pondered, and drew inspiration from Blackstone's work. They firmly embraced his readable restatements of natural law, the concept of the social contract, and of individual rights as of divine provenance and thus inherent and unalienable.

Moreover, Blackstone's treatment of property rights greatly influenced American attitudes toward private property, which would later be enshrined in the U.S. Constitution's Fifth Amendment. The framers of the Constitution also incorporated Blackstone's understanding of due process and the rights of the accused, as evident in the Fifth, Sixth, and Eighth Amendments.

Beyond shaping legal thought, William Blackstone's influence extended to the establishment of American legal institutions. Law schools in the United States, including Harvard and Yale, adopted his *Commentaries* as a foundational text, ensuring that generations of American lawyers would be educated in the principles laid out by Blackstone. The legal education system thus became a conduit for perpetuating his ideas and molding the country's legal culture.

Sir William Blackstone's profound impact on the founding of the United States cannot be overstated. Most scholars of the American Founding Era rank him among the top three thinkers read and quoted by our Founding Fathers, with only the Bible and the Baron Montesquieu more often cited in their speeches, books, pamphlets, and personal correspondence. In fact, his *Commentaries* provided a framework for American colonists seeking to construct a union of republics whose foundation would be principles of liberty, property, limited government, and justice. As soon as they were available in the colonies, Blackstone's ideas resonated with the young men who would become our Founding Fathers, shaping their conception of natural rights, limited government, and the importance of property rights and due process of law. As the United States broke away from British rule, Blackstone's influence persisted, leaving an indelible imprint on American legal thought, institutions, and the enduring principles that continue to shape the country today.

What follows are a few quotations from Blackstone's *Commentaries on the Laws of England*. I have chosen those found most frequently in the writings of our Founding Fathers.

The absolute rights of man, considered as a free agent, endowed with discernment to know good from evil, and with power of choosing those measures which appear to him to be most desirable, are usually summed up in one general appellation, and denominated the natural liberty of mankind. This natural liberty consists properly in a power of acting as one thinks fit, without any restraint or control, unless by the law of nature: being a right inherent in us by birth, and one of the gifts of God to man at his creation, when He endowed him with the faculty of freewill.

Upon this principle the great charter has declared that no freeman shall be disseized, or divested, of his freehold, or of his liberties, or free customs, but by the judgment of his peers, or by the law of the land. And by a variety of ancient statutes it is enacted, that no



man's lands or goods shall be seised into the king's hands, against the great charter, and the law of the land; and that no man shall be disinherited, nor put out of his franchises or freehold, unless he be duly brought to answer, and be fore-judged by course of law; and if any thing be done to the contrary, it shall be redressed, and holden for none.

So great moreover is the regard of the law for private property, that it will not authorize the least violation of it; no, not even for the general good of the whole community. If a new road, for instance, were to be made through the grounds of a private person, it might perhaps be extensively beneficial to the public; but the law permits no man, or set of men, to do this without consent of the owner of the land. In vain may it be urged, that the good of the individual ought to yield to that of the community; for it would be dangerous to allow any private man, or even any public tribunal, to be the judge of this common good, and to decide whether it be expedient or no. Besides, the public good is in nothing more essentially interested, than in the protection of every individual's private rights....

For no subject of England can be constrained to pay any aids or taxes, even for the defence of the realm or the support of government, but such as are imposed by his own consent, or that of his representatives in parliament.

The liberty of the press is indeed essential to the nature of a free state: but this consists in laying no previous restraints upon publications, and not in freedom from censure for criminal matter when published. Every freeman has an undoubted right to lay what sentiments he pleases before the public: to forbid this, is to destroy the freedom of the press

The fifth and last auxiliary right of the subject, that I shall at present mention, is that of having arms for their defence, suitable to their condition and degree ... and is indeed a public allowance, under due restrictions, of the natural right of resistance and self-preservation, when the sanctions of society and laws are found insufficient to restrain the violence of oppression.



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