



Sir William Blackstone
and the

COMMON LAW

Blackstone's Legacy to America



ROBERT D. STACEY, PH.D.,
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Sir William Blackstone And The Common Law Blackstones Legacy To America

Wilfrid R. Prest



Sir William Blackstone And The Common Law Blackstones Legacy To America:

Sir William Blackstone and the Common Law Robert D. Stacey, 2003-11 An introduction for many to this legal scholar law professor attorney member of Parliament and judge who shaped the thinking of our founding fathers 'A **Difference of Customs**' Ellen Holmes Pearson, 2000 *Blackstone and his Commentaries* Wilfrid Prest, 2009-07-06 One of the most celebrated works in the Anglo American legal tradition William Blackstone's *Commentaries on the Laws of England* 1765-9 has recently begun to attract renewed interest from legal and other scholars The *Commentaries* no longer dominate legal education as they once did especially in North America during the century after their first publication But they continue to be regularly cited in the judgments of superior courts of review on both sides of the Atlantic and elsewhere throughout the common law world They also provide constitutional cultural intellectual and legal historians with a remarkably comprehensive account of the role of law lawyers and the courts in the imperial superpower that was England on the cusp of the industrial revolution The life and character of Blackstone himself the nature and sources of his jurisprudence as expounded in the *Commentaries* and the impact of his great book both within and beyond his native shores are the main themes of this collection Individual essays treat Blackstone's early architectural treatises and their relationship to the *Commentaries* his idiosyncratic book collecting his views of the role of judges interpretation of statutes the law of marriage the status of wives natural law property law and the legalities of colonisation and the varied reception of the *Commentaries* in America and continental Europe Blackstone's bibliography and iconography also receive attention Combining the work of both eminent and emerging scholars this interdisciplinary venture sheds welcome new light on a legal classic and its continued influence I Life 1 *Blackstone and Biography* Wilfrid Prest 2 *A Model of the Old House Architecture in Blackstone's Life and Commentaries* Carol Matthews 3 *A Mighty Consumption of Ale* Blackstone Buckler and All Souls College Oxford Norma Aubertin Potter 4 *William Blackstone and William Prynne an Unlikely Association* Ian Doolittle II Thought 5 *Blackstone on Judging* John H Langbein 6 *Blackstone's Rules for the Construction of Statutes* John V Orth 7 *Blackstone and Bentham on the Law of Marriage* Mary Sokol 8 *Coverture and Unity of Person in Blackstone's Commentaries* Tim Stretton 9 *Blackstone's Commentaries on Colonialism Australian Judicial Interpretations* Thalia Anthony 10 *Restoring the Real to Real Property Law A Return to Blackstone* Nicole Graham III *Influence* 11 *American Blackstones* Michael Heflich 12 *Did Blackstone get the Gallic Shrug* John Emerson 13 *Blackstone in Germany* Horst Dippel IV *Sources* 14 *Bibliography* Morris Cohen 15 *Iconography* J H Baker and Wilfrid Prest Contributors Thalia Anthony lectures in law at the University of Sydney Norma Aubertin Potter is Librarian in Charge of the Codrington Library All Souls College Oxford J H Baker Downing Professor of the Laws of England at the University of Cambridge is Literary Director of the Selden Society Morris Cohen Professor Emeritus and Professorial Lecturer in Law is the former Librarian of Yale Law School Horst Dippel is Professor of British and American Studies at the University of Kassel Ian Doolittle formerly a Junior Research Fellow at Christ Church

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Blackstone and His Critics Anthony Page, Wilfrid Prest, 2018-04-19 William Blackstone's *Commentaries on the Laws of England* 1765-69 is perhaps the most elegant and influential legal text in the history of the common law By one estimate Blackstone has been cited well over 10 000 times in American judicial opinions alone Prominent in recent reassessment of Blackstone and his works Wilfrid Prest also convened the Adelaide symposia which have now generated two collections of essays *Blackstone and his Commentaries Biography* Law History 2009 and *Re Interpreting Blackstone's Commentaries A Seminal Text in National and International Contexts* 2014 This third collection focuses on Blackstone's critics and detractors Leading scholars examine the initial reception of the *Commentaries* in the context of debates over law religion and politics in eighteenth century Britain and Ireland Having shown Blackstone's volumes to be a contested work of the Enlightenment the remaining chapters assess critical responses to Blackstone on family law the status of women and legal education in Britain and America While Blackstone and his *Commentaries* have been widely lauded and memorialised in marble this volume highlights the extent to which they have also attracted censure controversy and disparagement

William Blackstone Wilfrid Prest, 2008-10-16 Lawyer judge politician poet teacher and architect William Blackstone was a major figure in eighteenth century public life Over his varied and brilliant career he made profound contributions to English politics law education and culture through involvements in legal practice Parliament and the University of Oxford Throughout he also remained engaged in his society's literary and spiritual life Despite the breadth and influence of his work Blackstone the man remains little known and poorly understood the lack of engagement with his public and private life standing in stark contrast to the scale of his influence

particularly on the development and teaching of the law Blackstone's Commentaries on the Laws of England remains the most celebrated and influential text in the Anglo American common law tradition This great book has inevitably overshadowed its author while the dispersal of his personal and professional papers further complicates the task of understanding the man behind the work The lack of a thorough account of Blackstone's life has fuelled controversy surrounding his intellectual background and political views Was he the deeply reactionary conservative painted by Bentham or rather a committed reformer and early champion of human rights The present biography makes full use of a considerable body of new evidence that has emerged in recent years to shed light on the life work and times of this neglected figure in English and American history Exploring Blackstone's family upbringing and private life his political activities and ideology his religious outlook and championing of the enlightenment this book weaves together the threads of an extraordinary mind and career

Sir William Blackstone David Alexander Lockmill, 1938 [Critical Commentaries on Blackstone](#) Charles E. Harman, 2002

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[Re-Interpreting Blackstone's Commentaries](#) Wilfrid Prest, 2014-12-01 This collection explores the remarkable impact and continuing influence of William Blackstone's Commentaries on the Laws of England from the work's original publication in the 1760s down to the present Contributions by cultural and literary scholars and intellectual and legal historians trace the manner in which this truly seminal text has established its authority well beyond the author's native shores or his own limited lifespan In the first section Words and Visions Kathryn Temple Simon Stern Cristina S Martinez and

Michael Meehan discuss the Commentaries aesthetic and literary qualities as factors contributing to the work's unique status in Anglo American legal culture The second group of essays traces the nature and dimensions of Blackstone's impact in various jurisdictions outside England namely Quebec Michel Morin Louisiana and the United States more generally John W Cairns and Stephen M Sheppard North Carolina John V Orth and Australasia Wilfrid Prest Finally Horst Dippel Paul Halliday and Ruth Paley examine aspects of Blackstone's influential constitutional and political ideas while Jessie Allen concludes the volume with a personal account of Reading Blackstone in the Twenty First Century and the Twenty First Century through Blackstone This volume is a sequel to the well received collection Blackstone and his Commentaries Biography Law History Hart Publishing 2009 **Blackstone's Commentaries** William Blackstone, Henry Winthrop Ballantine, 1926

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