

Law to Rights (Lecture Notes – Dr. Shanon Brooks)

To enter into any discussion of Liberty, we must first talk of Rights. But before rights, we must look at law, and there can be no true look at the origins of American Law without Sir William Blackstone.

Commentaries on the Laws of England

First Lectures delivered in 1753

Civil Law

RIGHTS

WRONGS

Vol. I
Personal

Vol. II
Property

Vol. III
Private
(Civil)

Vol. IV
Public
(Criminal)

(Introduction to Commentaries)

Natural Artificial

Felony Misdemeanor

Absolute Relative

Absolute Rights

Personal Security

- a. Life
- b. Limb
- c. Body
- d. Health
- e. Reputation

Personal Liberty

- a. Unlimited locomotion
- b. Expression

Private Property

- a. Free use and disposal of lawfully acquisitions without injury

Relative Rights

- A. Representation
- B. Limited Gov.
- C. Constitution
- d. Due Process

Meaning of Law

- A. A rule of action

All action:

animate – mobile

inanimate – not mobile

rational – capable of thought

irrational – not capable of thought

- B. Rule of action prescribed (power to instill) by some superior, which the inferior is bound to obey.

Irrational - A rule of action dictated by some superior being. Those creatures (creations) that neither have power to think nor to will, such laws must be invariably obeyed for obedience defines existence.

Rational - If the inferior does not obey by choice, immediate or delayed neg. consequences will come to pass.

This definition of law is true whether we are talking about the laws of motion, gravitation, laws of quantum physics, the laws of nature or the laws of nations.

