

## Thomas Jefferson to William C. Darvis, 1820

Our judges are as honest as other men, and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps. Their maxim is "*boni judicis est ampliare jurisdictionem*,"<sup>1</sup> and their power the more dangerous as they are in office for life, and not responsible, as the other functionaries are, to the elective control. The Constitution has erected no  
5 such single tribunal, knowing that to whatever hands confided, with the corruptions of time and party, its members would become despots. It has more wisely made all the departments co-equal and co-sovereign within themselves. If the legislature fails to pass laws for a census, for paying the judges and other officers of government, for establishing a militia, for naturalization as prescribed by  
10 the Constitution, or if they fail to meet in congress, the judges cannot issue their mandamus<sup>2</sup> to them; if the President fails to supply the place of a judge, to appoint other civil or military officers, to issue requisite commissions, the judges cannot force him. They can issue their mandamus or distringas<sup>3</sup> to no executive or legislative officer to enforce the fulfilment of their official duties, any more than the President or legislature may issue orders to the judges or their officers.

Betrayed by English example, and unaware, as it should seem, of the control of our Constitution in  
15 this particular, they have at times overstepped their limit by undertaking to command executive officers in the discharge of their executive duties; but the Constitution, in keeping three departments distinct and independent, restrains the authority of the judges to judiciary organs, as it does the executive and legislative to executive and legislative organs. The judges certainly have more frequent occasion to act on constitutional questions, because the laws of *meum* and *tuum* and of criminal  
20 action, forming the great mass of the system of law, constitute their particular department. When the legislative or executive functionaries act unconstitutionally, they are responsible to the people in their elective capacity. The exemption of the judges from that is quite dangerous enough. I know no safe depository of the ultimate powers of the society but the people themselves.

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<sup>1</sup> It is the part of a good judge to enlarge his jurisdiction.

<sup>2</sup> Latin for "we order," a writ (more modernly called a "writ of mandate") which orders a public agency or governmental body to perform an act required by law when it has neglected or refused to do so.

<sup>3</sup> A writ directed to the sheriff, commanding him to distrain [seize and hold] one of his goods and chattels, to enforce his compliance of what is required of him, as for his appearance in a court on such a day, and the like. This writ issues in cases where it is found impracticable to get at the defendant personally, so as to serve a summons upon him.

## Frederick Douglass, Speech on the *Dred Scott* Decision, May 1857

This infamous decision of the Slaveholding wing of the Supreme Court maintains that slaves are within the contemplation of the Constitution of the United States, property; that slaves are property in the same sense that horses, sheep, and swine are property; that the old doctrine that slavery is a creature of local law is false; that the right of the slaveholder to his slave does not depend upon the local law, but is secured wherever the Constitution of the United States extends; that Congress has no right to prohibit slavery anywhere; that slavery may go in safety anywhere under the star-spangled banner; that colored persons of African descent have no rights that white men are bound to respect; that colored men of African descent are not and cannot be citizens of the United States. . . .

The Supreme Court of the United States is not the only power in this world. It is very great, but the Supreme Court of the Almighty is greater. Judge Taney can do many things, but he cannot perform impossibilities. He cannot bale out the ocean, annihilate the firm old earth, or pluck the silvery star of liberty from our Northern sky. He may decide, and decide again; but he cannot reverse the decision of the Most High. He cannot change the essential nature of things—making evil good, and good evil. Happily for the whole human family, their rights have been defined, declared, and decided in a court higher than the Supreme Court. . . . Your fathers have said that man's right to liberty is self-evident. There is no need of argument to make it clear. The voices of nature, of conscience, of reason, and of revelation, proclaim it as the right of all rights, the foundation of all trust, and of all responsibility. Man was born with it. It was his before he comprehended it. The deed conveying it to him is written in the center of his soul, and is recorded in Heaven. The sun in the sky is not more palpable to the sight than man's right to liberty is to the moral vision. To decide against this right in the person of Dred Scott, or the humblest and most whip-scarred bondman in the land, is to decide against God. It is an open rebellion against God's government. It is an attempt to undo what God has done, to blot out the broad distinction instituted by the Allwise between men and things, and to change the image and superscription of the everliving God into a speechless piece of merchandise.

Such a decision cannot stand. God will be true though every man be a liar. We can appeal from this hell-black judgment of the Supreme Court, to the court of common sense and common humanity. We can appeal from man to God. If there is no justice on earth, there is yet justice in heaven. You may close your Supreme Court against the black man's cry for justice, but you cannot, thank God, close against him the ear of a sympathising world, nor shut up the Court of Heaven. All that is merciful and just, on earth and in Heaven, will execrate and despise this edict of Taney.

If it were at all likely that the people of these free States would tamely submit to this demoniacal judgment, I might feel gloomy and sad over it, and possibly it might be necessary for my people to look for a home in some other country. But as the case stands, we have nothing to fear. In one point of view, we, the abolitionists and colored people, should meet this decision, unlooked for and monstrous as it appears, in a cheerful spirit. This very attempt to blot out forever the hopes of an enslaved people may be one necessary link in the chain of events preparatory to the downfall and complete overthrow of the whole slave system.

. . . I base my sense of the certain overthrow of slavery, in part, upon the nature of the American Government, the Constitution, the tendencies of the age, and the character of the American people; and this, notwithstanding the important decision of Judge Taney. I know of no soil better adapted to the growth of reform than American soil. I know of no country where the conditions for affecting great changes in the settled order of things, for the development of right ideas of liberty and humanity, are more favorable than here in these United States. The very groundwork of this government is a good repository of Christian civilization.

. . . Neither in the preamble nor in the body of the Constitution is there a single mention of the term slave or slave holder, slave master or slave state, neither is there any reference to the color, or the physical peculiarities of any part of the people of the United States. Neither is there anything in the Constitution standing alone, which would imply the existence of slavery in this country. "We, the people"—not we, the white people—not we, the citizens, or the legal voters—not we, the privileged class, and excluding all other classes but we, the people; not we, the horses and cattle, but we the people—the men and women, the human inhabitants of the United States, do ordain and establish this Constitution, &c. I ask, then, any man to read the Constitution, and tell me where, if he can, in what particular that instrument affords the slightest sanction of slavery? Where will he find a guarantee for slavery? Will he find it in the declaration that no person shall be deprived of life, liberty, or property, without due process of law? Will he find it in the declaration that the Constitution was established to secure the blessing of liberty? Will he find it in the right of the people to be secure in their persons and papers, and houses, and effects? . . . These all strike at the root of slavery, and any one of them, but faithfully carried out, would put an end to slavery in every State in the American Union. . . .

## Best of Britishness

Britons have long prided themselves on pragmatism and common sense. The British way of life, an accretion of centuries of experience in these islands, has largely been based on what works: the social structures, economic relationships and the framework of justice. There was never a need for a formal constitution; the law, evolving in response to changing circumstances, was based on shared values, general tolerance and a common understanding of rights and duties.

But in the past 30 years, this complacency has been shaken. A multicultural Britain can no longer rely for its cohesion on common background. Devolution, regional nationalism, ethnic division and religious extremism have so widened the divisions that the old certainties no longer prevail. What now passes for common sense? What is the glue holding this disparate society together? What is Britishness?

Five years ago the question was academic. Now it is as acute as it is sensitive. Immigration has enhanced and enlivened the country, but has brought to Britain people with beliefs, values and backgrounds far removed, and sometimes at odds, with the prevailing culture. A misunderstood multiculturalism has led to social and cultural fragmentation at the expense of a common core. And the shock of the 7/7 bombings has raised the question: what does it mean to be British?

A government handbook to help those wanting to become citizens to answer the questions in a proposed test of British comprehension provides a few clues. [...] Citizens should understand the values and symbols that underline Britain's political culture. The monarchy, Parliament, the Church of England, the rule of law and freedom of speech may seem alien to a Kurdish refugee. But if he is to enjoy his rights and accept his responsibilities as a citizen, these are important institutions and concepts.

Many native-born Britons will not be able to answer some of the questions suggested for inclusion. They should bone up, and schools should take issues of citizenship more seriously. But that does not invalidate a test for foreign-born immigrants. The aim is not only to equip a newcomer with essential understanding of a new society; it should also be to celebrate this momentous decision. Already welcome steps have been taken to enhance the granting of a British passport: the new citizenship ceremony, despite the cynics' derision, is a dignified and honourable innovation. British citizenship is too little valued by those who hold it. Britain is one of the most vibrant, tolerant and individual societies in the world. Its freedoms are hard-earned and deserve to be celebrated. Its language—a prerequisite to anyone wanting to live here—is pre-eminent globally. To many, the new handbook on facts that putative citizens should master may seem more like a Highway Code than a distillation of Britishness. It is not the facts themselves that matter, however, but the ideas they exemplify. The debate on Britishness is overdue; and it is for immigrants and all citizens alike.

Leader, *The Times*, 2 November 2005

**Extract from a speech made by Prime Minister Tony Blair**  
**London, 8 December 2006**

We like our diversity. But how do we react when that “difference” leads to separation and alienation from the values that define what we hold in common? For the first time in a generation there is an unease, an anxiety, even at points a resentment that our very openness, our willingness to welcome difference, our pride in being home to many cultures, is being used against us; abused, indeed, in order to harm us.

I always thought after 7/7 our first reaction would be very British: we stick together; but that our second reaction, in time, would also be very British: we’re not going to be taken for a ride.

People want to make sense of two emotions: our recognition of what we legitimately hold in common and what we legitimately hold distinct. When I decided to make this speech about multiculturalism and integration, some people entirely reasonably said that integration or lack of it was not the problem. The 7/7 bombers were integrated at one level in terms of lifestyle and work. Others in many communities live lives very much separate and set in their own community and own culture, but are no threat to anyone.

But this is, in truth, not what I mean when I talk of integration. Integration, in this context, is not about culture or lifestyle. It is about values. It is about integrating at the point of shared, common unifying British values. It isn’t about what defines us as people, but as citizens, the rights and duties that go with being a member of our society.

Christians, Jews, Muslims, Hindus, Sikhs and other faiths have a perfect right to their own identity and religion, to practice their faith and to conform to their culture. This is what multicultural, multi-faith Britain is about. That is what is legitimately distinctive.

But when it comes to our essential values – belief in democracy, the rule of law, tolerance, equal treatment for all, respect for this country and its shared heritage – then that is where we come together, it is what we hold in common; it is what gives us the right to call ourselves British. At that point no distinctive culture or religion supersedes our duty to be part of an integrated United Kingdom. [...]

Multicultural Britain was never supposed to be a celebration of division; but of diversity. The purpose was to allow people to live harmoniously together, despite their difference; not to make their difference an encouragement to discord. The values that nurtured it were those of solidarity, of coming together, of peaceful coexistence. The right to be in a multicultural society was always, always implicitly balanced by a duty to integrate, to be part of Britain, to be British and Asian, British and black, British and white. Those whites who support the BNP’s policy of separate races and those Muslims who shun integration into British society both contradict the fundamental values that define Britain today: tolerance, solidarity across the racial and religious divide, equality for all and between all.

So it is not that we need to dispense with multicultural Britain. On the contrary we should continue celebrating it. But we need—in the face of the challenge to our values—to re-assert also the duty to integrate, to stress what we hold in common and to say: these are the shared boundaries within which we are all are obliged to live, precisely in order to preserve our right to our own different faiths, races and creeds.