

47. *The Art of Law Giving*

To Thomas Jefferson

Quincy, 19 May, 1821

Must we, before we take our departure from this grand and beautiful world, surrender all our pleasing hopes of the progress of society, of the improvement of the intellect and moral condition of the world, of the reformation of mankind?

The Piedmontese revolution scarcely assumed a form, and the Neapolitan bubble is burst. And what should hinder the Spanish and Portuguese constitutions from running to the same ruin? The Cortes is in one assembly vested with the legislative power. The king and his priests, armies, navies, and all other officers, are vested with the executive authority of government. Are not here two authorities up, neither supreme? Are they not necessarily rivals, constantly contending, like law, physic, and divinity, for superiority? Just ready for civil war?

Can a free government possibly exist with the Roman Catholic religion? The art of lawgiving is not so easy as that of architecture or painting. New York and Rhode Island are struggling for conventions to reform their constitutions, and I am told there is danger of making them worse. Massachusetts has had her convention; but our sovereign lords, the people, think themselves wiser than their representatives, and in several articles I agree with their lordships. Yet there never was a cooler, a more patient, candid, or a wiser deliberative body than that convention.

I may refine too much, I may be an enthusiast, but I think a free government is a complicated piece of machinery, the nice and exact adjustment of whose springs, wheels, and weights, is not yet well comprehended by the artists of the age, and still less by the people. . . .