



Pestalozzi on the Nature and Function of the State

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Legitimisation of the State

When he was young, Pestalozzi had already decided that he would work for the people of his own country, and, as an aspect of this, he tried, throughout his life, to understand the nature of an ideal State and how it works.

Pestalozzi sees the State as an institution that can be understood by looking into the nature of humankind. He believes that humans are full of contradictions. This is based on the fact that humans develop through three different states of being, the natural, the social and – if the person wants it – the moral. In order to understand the meaning of the State, the connection between the natural state and the social state must be understood.

The ‘natural’ (not yet ‘moral’) human’s problem is egoism. Egoism is important for self-preservation and leads to the increase of one’s own well being but it also brings human beings into conflict with each other. Egoism also leads humans to socialisation, with all of its pains and contradictions, because a human expects his or her needs to be more easily satisfied if he or she participates in the social process. The collective satisfaction of needs requires ownership of property. Ownership of property can only be maintained if all individuals agree not to touch their fellow humans’ property and only for as long as everyone follows this agreement. Likewise with the safety of humans – humans must agree not to do anything which may hurt another human. These agreements lay the foundations of rights and duties: the right to have possessions and to enjoy life in safety, and the duty not to

appropriate other people's property and not to threaten the lives of other humans.

Pestalozzi believes that any obligation creates an unreasonable demand on the social man because the need to fulfil an obligation means a human cannot be led by his or her egoism and egoism cannot be removed merely by socialisation. An individual, led by egoism, believes in his or her rights but at the same time finds it a nuisance to have to fulfil any duties. Therefore conflict is inevitable. In the social state of being conflict is to be settled not with the fist, as in the natural state of being, but within the framework of the law, to which all humans in the social state are subordinated. This means that the State has a legitimate function. The State makes laws and makes sure that these laws are followed, so that the individual, when in conflict, does not revert to physical violence with everyone fighting everyone else ('the spoilt natural state'). The contents of State legislation concern the safety of the individual's life and limb and the protection of his or her property.

Power of the State

As mentioned above, the fact that a human becomes socialised (or is in 'the social state') does not necessarily mean that he or she loses his or her egoism. This means that time and again there will be people or groups who threaten others physically or who want to seize the property of others. The only way to prevent this is by use of the stronger counterforce of the State, which is responsible for the safety of others. The State, however, can only guarantee to protect individuals as long as it is in possession of power and uses it in such a way that the individual members neither want to, nor are able to, settle their conflicts by force. For this reason, Pestalozzi does not want the State to be weak. Only if the State really indisputably holds power, can it be capable of meeting the tasks, the fulfilment of which actually found and justify its existence.

Power and Law

Pestalozzi knows from experience that power can be misused by those who hold the power of the State and that it can be used for the subjugation and exploitation of the people instead of for their welfare. This is why Pestalozzi believes that those in power must never rule in a high-handed way, but always themselves be bound by law.

But what is law? Pestalozzi believes that the fact that a decree is enacted by the State and is enforced by the power of the State is not enough to ensure that the decree is truly 'legal'. He demands more of the law; that it should follow the true 'spirit of law'. Only then can it be considered truly 'legal'. The law is truly legal when the statute enacted is in agreement with the essence of human nature and with the basic purpose of socialisation. This can only be the case if the law is not understood as the individual human being's egotistical right, but as being for the protection of everyone against any form of egoism, created to provide care for everyone.

Pestalozzi states that just because a human has 'rights', it does not mean he or she should be allowed to do everything that is not forbidden. In Pestalozzi's opinion, a human's 'right' is above all the legal protection of each individual citizen against arbitrary encroachments of the State as well as the legal protection of each individual against being forced to do anything which contradicts the essence of human nature. A human also has the right to have legal protection against the possibility of others exploiting or suppressing him or her. A human's 'right' is not an end in itself, but it is a means for a humane existence.

Power is needed to enforce such 'rights'. If power is tied to law, so that justice, safety and the welfare of the people come first, then it is, to use Pestalozzi's own term, 'holy', but power used in an arbitrary way can be cruel and bring ruin. Pestalozzi believes that power and its outcomes are 'holy' if the person holding power recognises the rights of the people and abides by those rights. Ruination comes about not because of power but because of the person who

holds the power. Power and law depend on one another: without power, law is ineffectual; without law, power is brutal.

Ensuring the Satisfaction of Needs

According to Pestalozzi, enactment of laws and ensuring that the law is observed so that humans and their property are safe, are direct tasks of the State, which it must fulfil by itself. There are other tasks of no less importance, which the State itself does not have to carry out, but for the fulfilment of which it has to work out the necessary legal framework.

Foremost among these indirect tasks is to safeguard the satisfaction of needs. Pestalozzi does not consider it to be the task of the State to relieve the individual of the necessity to satisfy his or her own needs but believes that the State should enable the individual to satisfy his or her own needs without loss of dignity. The State helps by protection of the individual's property. Furthermore, the State must recognise that a property-owning individual tends to expand his or her property at the expense of the weaker individuals and in the process the weaker are made poorer. This is exactly what Pestalozzi wants to prevent. Social justice cannot be said to be just if the individual is allowed to increase the size of his or her property and in the process bring harm to other humans. Therefore, the State does not only have to protect property, but must also intervene in the economy.

Pestalozzi, however, never considered abolishing private property, because then the duty of the individual to look after himself or herself and his or her relatives as well as possible could not be fulfilled. Pestalozzi considered this 'care for oneself' to be an essential foundation for the self-realisation of a human being because it compels the individual to exert himself or herself and, in using his or her powers, to develop them. Pestalozzi believes that it is not necessary to abolish the free availability of property, but that it is necessary to restrict ownership of it. In Pestalozzi's experience the owners of larger properties always make a large number of people dependent on them. Consequently, the increasingly large property owner should be responsible for

the needs of the weaker in order to stay socially legitimate. The State, by means of wise legislation, should compel the propertied classes to use their property in such a way that it works for the advantage of the weaker.

Freedom in the State

With the question concerning the free availability of an individual's property, the problem of the 'freedom' of the individual citizen also becomes an issue. To lay claim, within the State or as an individual, to the right to be allowed to do or not to do anything in order to serve one's own egotistic desires is, according to Pestalozzi, an expression of the spoilt natural state. He calls such freedom 'natural freedom' and considers it to be in contradiction to socialisation. No State can or should allow absolute natural freedom to any individual, but on the contrary must restrict the individual's freedom, wherever there is the danger of the individual using his or her freedom to the disadvantage of his fellow human beings and of society.

How much an individual's freedom should be restricted depends on the prevailing social circumstances. According to Pestalozzi, however, the individual's freedom should be restricted as little as possible; only sufficiently to enable governmental justice to ensure the general welfare of the people.

So the State must allow the individual the highest degree of freedom possible while protecting the individual's freedom from encroachments by other citizens. The clear expression of this social freedom is the independence of the citizen. Pestalozzi's ideal image of a citizen is not of an individual directed by the State like a puppet, but of an independent person, who is able and willing to make his or her contribution to the satisfaction of his or her own needs and those of his or her relatives, but also to the positive shaping of social and public life.

Thus for Pestalozzi social freedom is never an end in itself but is always a means to an end. It involves giving up a certain amount, which is worthwhile

to the individual if 'domestic prosperity', seen by Pestalozzi as the 'chief blessing of mankind', is the outcome.

Freedom, like the State, does not exist for itself but should always contribute to the humane life of the individual. To simply do anything that is not forbidden cannot be considered to be the right of the individual. The demand for freedom means that the legislator leaves the individual as much freedom as possible, not for the individual to fulfil his or her greed, but to perfect himself or herself as a human being.

To Guarantee Education

The demands for a fair handling of power and for a wise use of social freedom remain wishful thinking if man acts only out of egoism, if the higher nature of the individual is not also developed. Therefore, the government has to be educated to be able to govern and the citizens have to be educated to be able to live in freedom. If this does not happen, law degenerates to the mere letter of the law, a situation which the socially stronger take advantage of in order to prevail over the weaker. The State can at best keep up the appearance of a State, but can never fulfil its inner task, if it does not also attend to the education of humankind. The State must create the social framework necessary to make education possible; the success of which then depends on the moral influence of individuals over others.

The Holder of Power

Thus, in Pestalozzi's opinion, the State can only fulfil its duties – the guarantee of safety, the protection of property, the guarantee of free scope for the independence of the citizen, the guarantee of fair satisfaction of needs and education, the provision of corresponding legislation – if it holds power controlled by law.

Another question follows – who should hold the power? Until shortly before the French Revolution, Pestalozzi believed that the power of government should not be in the hands of the people, but in the hands of outstanding,

educated men. (Political codetermination for women was hardly a topic of discussion at that time, at least not within the reach of Pestalozzi). He interpreted the principle of aristocracy literally; the best of people really ought to be found among those at the top. Direct democracy, which allows the answers to many individual questions to be made by the majority, was suspect to him, for he saw that the people were not educated, and in his opinion education was an indispensable condition for codetermination and for the exercise of the power of government in the State. Pestalozzi was a democrat in so far as he demanded over and over again that it should be possible for the people to elect their own government. But if someone was elected for government, then he should be able to govern for the welfare of the people as a whole, with power which is controlled by and laid down in law, and which is undisputed. Pestalozzi shows this in 'Leonard and Gertrude' through squire Arner, who resolutely puts his reformatory plans into action.

Pestalozzi's belief in an aristocratic form of government was not because he wanted to ensure that the hereditary aristocrats retained their personal privileges; rather, it is connected with the idea that the good comes 'from above', from God to man, from father to child, from prince to subject. Pestalozzi's belief in democracy grew in the same measure as he saw the possibility that by means of the right education the good comes 'from within', from the mind of every single educated person. Indeed, Pestalozzi had always recognised that the bad can also come 'from above' - he recognised the failure of the upper class to fulfil its duties to be the main cause of the ruination of the lower classes and he wrote the second version of 'Leonard and Gertrude' (1790/92) with the intention of rousing the princes and reminding them of their obligations. His hope, however, that the aristocrats would muster the strength for an inner renewal and thus be capable of averting the revolution, was disappointed. Because of this he put his faith in revolutionary France, whose national assembly, in 1792, appointed him as the only Swiss 'French honorary citizen'. But shaken by the horrors of the murders of September 1792, he again mentally turned his back on France. When, in 1798, the Swiss

Confederation fell, he sided with the innovators and actively supported the reformatory efforts of the new Helvetic government (the Swiss Republic).

His experiences with the French Revolution brought back Pestalozzi's old reservations about democracy. That he considered democracy to be justified only in conjunction with very constitutive educational efforts has already been mentioned. When he saw the rage of the masses before him he could not see how they could govern themselves. He believed that only the citizens of small, easily surveyed communities, which could easily communicate with each other, were capable of taking on responsibility and choosing the appropriate individuals to govern them. Within a small State the people can develop the political maturity necessary to fulfil this task. In the case of large States, however, Pestalozzi saw the danger that the individual in the uniting mass loses his sense of personal responsibility and becomes easier to manipulate in the hands of clever operators. It follows logically that he saw the power of the large State necessarily being held by the enlightened educated aristocrat, one who is bound to the public interest.

Individual Existence and Collective Existence

The question about the nature of the State always brings up the question about the relation between the individual and the collective. In the social state of being a person is seen as a member of a collective but in the moral state of being a person's 'existence as an individual' is called upon.

In the 'existence of man as a member of a collective' Pestalozzi sees firstly a person's concrete participation in personal collectives (the people, the inhabitants of a village, a club, a public authority); secondly the collective aspect of the individual in the sense of roles (father, wife, taxpayer, nurse, voter); and thirdly a person in the concrete dynamic of a real multitude (the human being), where he or she runs the risk of losing his or her personal conscience and of delegating his or her personal responsibility to the dull will of the active and unscrupulous masses.

Pestalozzi is convinced that in none of these collective existences is the innermost nature of the individual expressed. This can only happen when the 'existence of man as an individual' takes effect. Then he or she is not realised in his or her social aspects but in his or her unique individuality and in his or her spiritual-moral relations to his or her fellow beings, to the world, to God and to himself or herself.

Collective existence in the social state is a means to the end of achieving individual moral existence; the State is there for humans and not vice versa.

In giving preferential position to individual existence over collective existence, Pestalozzi does not, however, feel that anyone should evade their social and public duties for, according to Pestalozzi, a person should not lay claim to pure morality nor to the exclusive realisation of his or her individual existence. A person's collective existence is a part of his or her existence that cannot be shaken off. The individual, therefore, must recognise that he or she will time and again be seen and called upon as a collective being by State and society and must be happy to fulfil duties as a member of the social state. Moreover the person who strives towards morality, can elevate his or her collective duties to the level of morality. This can be achieved by the ability to realise the meaning of his or her collective duties and their necessity for the public welfare and by sacrificing personal advantage to a social motivation for the good of others.

With this differentiation between the collective and the individual existence of a human, politics has to decide which fields the State should deal with as part of the collective existence of humans and which it should deal with as a matter of individual existence. According to Pestalozzi the State is not in a position to guarantee equality before the law on the one hand and on the other hand to always consider each being as a unique individual. Thus it has no choice but to look upon a human, for example in the fields of public order, legislation, finance and the army, under the collective aspect. However there are other fields which have to be considered to be, and dealt with as, primarily a matter

of humankind's individual existence. Pestalozzi mentions religion and formal and cultural education as well as care for the poor. These are the fields where the perfecting of things and systems is not under discussion, but the care for and the development of humankind is. Here the State cannot act itself but can only make possible what is desirable: by providing a framework of legislation which supports self-initiative, personal responsibility and the morality of individuals.