

*Horst Leps*

## **In Search for the Best Constitution<sup>1</sup>**

"What is the best constitution and the best form of life for most nations and mankind? It is first, a form of everyday life that the majority of people is able to conduct, and which is the constitution most nations could adapt to easily." (Aristotle) Till today, this Aristotelian question is the central question of political philosophy and institution building. To solve this question, on the one hand Aristotle referred back to a concept by Herodot, which distinguishes between monarchy, oligarchy and democracy. On the other hand, he used the analysis made by Plato in his famous work "Politeia". Aristotle collected, described and compared about 158 constitutions of his time. He discovered two basic conditions which guarantee a stable community and are suitable for ordinary people: a well balanced social structure and possibilities for participation that are accessible to all social groups.

Pupils are involved in this historical process of social discovery by simulation and thinking exercises. During the project they experience practically and work out theoretically the possible threat to community and state institutions. They create their favourite political system - partly from their own imagination and partly by consulting the work of Aristotle. Finally they design a social and a political system. In doing so they gain knowledge and deep insight in respect to the tasks and difficulties that a political system should be able to cope with and solve. This will lead them, in the future, to a better understanding of their own nation's constitution.

### **Keywords:**

Lehrkunst, teaching-learning methods, method, civic education, constitution, lesson model, Ancient Greece, Plato, Aristotle, art of teaching, political laboratory

## **1 Ancient Greece : A Political Laboratory for the Young**

Political Education is a state's event aimed at making the next generation familiar with its state. It can succeed if they can identify the principles of their state with their own ones.

This political education comes close to "Lehrkunst" (Teaching Art) education, developed by Hans Christoph Berg and Theodor Schulze following Martin Wagenschein's work. "Lehrkunst" (Teaching Art) wants to

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<sup>1</sup> Translated by Michael Saave.

work with pupils on topics which occupied mankind for thousands of years. They learn to understand the discoveries of former generations thoroughly. In Political Science schools bring pupils' minds and perceptions of the world together with the facts of life (Meyer 2000, 67).

Politics does not begin today, but people have known for thousands of years that polity must be crafted so that people can live their lives in peace. They have learned the hard way that polity is a special field of human life, which is different from personal and social relations.

Despite different rules, one must be able to live in both fields. Similar values and principles must apply in both areas if they are to be good for mankind.

In Ancient Greece we can study the erroneous beginning of what today is called "polity" to bring both fields into their relation. A "Polis" is not just an enlarged "Oikos". Instead, it is a place where free people govern free people. It has its own way of social life. But that wasn't clear from the beginning.

Perhaps certain mistakes must be made again and again. And perhaps the mistakes of those people who first dealt with this problem are the same of young people today dealing with this problem. Political Education using "Lehrkunst" education is daring: Young people study the basic problems of political life<sup>(1)</sup> using the classical authors of early political science to achieve an understanding of principles and "insight". (Fischer 1965, 29 ff.).

Pupils discover polity embracing experiences similar to those they find thinking about themselves. They see that there is a framework for their needs, desires and hopes in which they can live their lives. But in the end there is no protection against fate and evil in this world. We are talking about the "Last but one" (Bonhoeffer 1947, 79), but seriously.

In Kurt Georg Fischer's "Politischer Unterricht", the founding document of Political Education, reports from school trials follow the theoretical chapters, so the book guides in that direction. It shows models of curricula which should lead the reader to imitation and application (Fischer 1965, 150).

So does this report. The dramatic structure of thoughts about the polity-dimension of democracy should become clear in the course of the description. I will mention first what some of you may miss: Greek democracy wasn't a democracy for all. But school isn't about making everything complete, but the - pedagogical (! HL) - inexhaustibility of the original (Wagenschein 5/1999, 53). If pupils learn there, "what matters" (Hilligen), they can understand other topics which must be discussed faster. But readers may also succeed in integrating missing parts in a new staging of the play. Then a staging tradition would start and this report would have served its highest purpose.

Imagine we were civic education teachers, teacher students, didactic scholars or teacher trainers gathered in a course or conference to make the topic "future" didactically accessible. Future as a key political topic, and as a topic of immense importance to humanity (Schulze 1995, 386) should not be missing from the core curriculum of civic education. If each one of us brought along a published or self-made unit, this would enable us to work on concrete learning arrangements.

We have chosen this new form of didactical exchange for three reasons: First, we have too often experienced didactical meta-debates that did not lead to teachable outcomes. Second, we have followed the conclusions of the German part of the PISA-Study, to promote problem-solving and experience-based teaching methods instead of the dominant teacher-centred question-response scheme (Baumert u.a. 2001, 186, 244 f.). The genetic principle, which aims to involve students in processes of discovery, seems to be an appropriate means to reach our goal. Third, increasing retrenchments of the educational system demand more than ever a time-saving collective apparatus of units.

In order to find best practice examples ("Lehrstücke" = didactic plays) with methodically genetic approaches as model units, we already work genetically by looking at the teaching tradition ("teaching-Frenzel"; see Grammes) of our topic: Out of 50 units we pre-selected seven that appear to be representative. We understand didactics no longer as a system of "formal" or "methodical" principles but as a "topic-centred" collection of teaching arrangements (see Berg, Schulze 1995, 11). "Don't work on expressions, work on concrete objects!" (Wolfgang Hilligen) should be the future motto of teachers and didactic scholars. Comparing different units about a single topic enables us to distinguish thematic priorities, methodical varieties and sometimes even - if empirical documents are available - learning processes.

Instead of getting into unproductive controversies about our models, we try them out in a microteaching scenario: Alternately each of us plays the teacher, the others become students. Welcome to a best practice workshop! (see Berg).

## **2 Lesson Report**

### **2.1 The Oligarchs' Revolt**

Only the well-informed can see from the present political institutions which masses of experience are embedded in. Learning about institutions needs a philosophical basis if it is to be not only technical information about institutions. Only step by step did mankind find out how politics can serve man. Politics should make it somehow possible for man to lead a good life, but politics fails again and again. In 6th and 5th century BC we saw it fail regularly in Greece (Herodot III 80-83(2)). Herodot summarized this experience in one text, his "debate on the constitution". He has three Persians discuss basic political questions: This theatrical mirroring has a didactic purpose already with Herodot: The Greeks should get to know the crises of their political systems to think about the cures.

An unjust ruler has been deposed. How should the state be reorganized? The pupils of a course "Gemeinschaftskunde" in class 11(3) form working groups to design a new state. Of course they want a state as they know it. Boring. I turn to the group of most active pupils: "Why democracy? You are better than the others, you deserve to govern the others!" Irritation first,

then belligerence: "Let's find out how we can rule the others!"

And it seems to work. The group of the Few occupies the teacher's desk and the front rows facing the other pupils(4). The leaders at once begin commandeering their classmates to various useful services and jobs: "You will stay farmer and you are a good shepherd!" Policemen are appointed and a public relations secretary for the new government. Many join in, a few stay absent. As one of the Few becomes too strict in language, resistance starts. "I won't have such language!" And by the way: "Why did we join the revolution, if you want to rule now? Why don't we have a say?" - "Because we know better than you what's good for you!" - "You only think so. But really you are the new oppressors who only think of themselves!" - Parts of the People angrily leave the classroom and only return when they are assured of Free Speech.

Now it must be discussed: What do we fight for? What is the centre of the conflict? (Gagel, Hilligen 1990, 73)

"It's the salvation of the People from deadly danger", say the Few. "The enemy can strike any time to (make) use (of) our present weakness. "You act like oppressors, even if you might be right", the others say. "Your measures are not that bad, but you can't do it like that!"

#### Illustration1. The Oligarchs' revolt



The conspirators are in a discussion



They took over the seats in the front



The citizens are astonished



The first collaborators are recruited



Horror!

The Oligarchs' speak up to get their own way with the citizens.



The citizens refuse.

Opposition

The citizens flee the room.

Where is the solution? Whatever is thought about polity today, it was thought about long ago, even if in other form. "Lehrkunst" (Teaching Art) asks where this experience was made and phrased first in classical form in Europe.

The complete class studies Herodot' s discussion of constitutions. Each of the three forms of government has its advantages:

- The King can secretly prepare his decisions and act fast and decisive in (the) case of war;
- the Oligarchs are a board of informed and efficient people;
- if the People decides, you have fairness.

Each of these three advantages - efficiency, competence and equality - seems essential to the pupils. But each solution destroys itself: The process of each self-destruction is different, but the causes are the same: The egotism of the ruler(s) together with short-sightedness and lack of reason.

Discussion programme for Herodot' s text

Diagram 2. Table Herodot

What is it? Definition in the text	Advantages which the advocates use	Disadvantages which the opponents use
democracy		
oligarchy		
monarchy		

Isn't there a way to combine the advantages and to diminish the dangers of egotism? It can end in isolation. The pupils know that. But it can also be dangerous not to have a bit of it; you will be used, you won't be yourself anymore. Like in the state, egotism must be adjusted in the person the youngster is, will be and should be.

Pupils rummage in their political pre-knowledge and half-knowledge. "Distribution of Power", says one pupil. We ask supporters of all three forms of government to debate. How should the groups represented by them then be positioned? Three groups are formed, each to support one form in a way that it becomes negotiable. The groups must agree on a position first, otherwise there is the danger of (a) civil war.

The classroom is made to a conference room, an isosceles (triangle), each group on one side, with tables outside for observers and mediators.

The group of Oligarchs begins:

"It's clearly for us to govern the state. We are experts and leaders. We have shown this on our properties and in war. We do not need a King if he is not an excellent commander-in-chief and able to represent in times of peace. We think it useful that a few good men will rise up from the People to our position now and then."

The Democrats are more reserved. They respect expertise. It should guarantee justice. They think of elections, rather than meetings of all citizens. The elected should be more informed than the ordinary citizen. Therefore they suggest that everybody should have the right to vote, but only specially qualified citizens may be elected. A compromise between Democrats and Oligarchs is in the offing. The group supporting the King is at pains. The pupils have difficulty seeing the need for commanders; you select trained experts for natural catastrophes and crime hunts today and no heroes - on purpose.

Surprisingly, the Oligarchs' group insists on its prerogatives. Not the voters should be allowed to supplement the oligarchy, but the Oligarchs want to decide exclusively by themselves who to accept. They offered the King to become one of them. So the long-lasting negotiations failed. A distribution or cooperation of powers turned out to be impossible.

We had to go back to the text to be able to judge this result. Herodot lets

the Oligarchs fail because of the egotism of their members. The oligarchic group is not impressed, because the other possibilities fail, too.

## 2.2 Solve the Problems with Plato ...

Enter Plato. With a real toga, under which I wore a sweater, because in Northern Europe it is too cold in autumn for correct Agora dress. "I'll show you even more deeply, dear Oligarchs, why you will fail, but the other forms of government, too. And then I'll tell you, how to get it right!" The negotiations had come to a deadlock, so why shouldn't pupils listen to an adviser?

Plato pointed to the 8th book of his "Politeia:"

"There I showed that Oligarchy putrefies. The first generation may still be strong, but the second generation has accustomed to its privileges and is interested in politics only because of their benefits. Their children grow effeminate/soft- Yes, that's it, some pupils say spontaneously - and the strong men of the People accustomed to hard work will ask themselves one day why they should work for these milksops/weaklings and push them aside." (Politeia 555b ff.).

Oligarchy has no perspective. The other groups refuse further negotiations. Monarchy is disliked by pupils anyway, but Democracy must be studied further. The type of democracy suggested by Plato surprises: Why are the officials decided by lot? Can the selected individual really be competent? And does the whole People really have to come to the Public Meetings to make all decisions? Don't the citizens have anything else to do? But it is good that the government is held accountable for its actions, because it cannot betray the People then.

But Plato, who has seen all political systems come and go in his life, doesn't (fore)see a (good) future for Democracy either (Politeia 562b ff.). It fails because of orators who stir up the People against the Rich for selfish motives and misuse democratic institutions. The People, silly and greedy, join in. Politicians are not curtailed by other politicians and not by rules asking for self-restraint. The Rich are subdued. One orator becomes dictator, first at the expense of the Rich, then at everybody's.

## 2.3 But Don't Err with Plato

Be it as it may, the crisis of our own little state is deepening. There is no way out. Plato knows every case of rise and fall. But Plato knows a solution: the Philosopher King! (Politeia 473 d ff.) This man has learned what can be learned; above all, he has been educated to be modest, self-controlled, and sober. Egotism is unknown to him. Because of that he can do the work of a politician without tainting the solution with his self-interest. Each individual is assigned the proper task; he himself cannot fail, because he is full of

wisdom.

At first this seems acceptable. Pupils know that education can alleviate the most extreme forms of egotism. But soon there is a growing doubt. Extreme egotism is bad, but restrained egotism is useful. It can provoke progress by encouraging continuing and successful efforts. You must find the right measure. Besides, nobody can be expert for everything. And above all: The King Philosopher will have offspring being finally interested in its own privileges only.

One pupil suggested: "Let's imagine one example of the King Philosopher. This man understands everything and decides without any self-interest, because his lifestyle is too simple. How should that work ?

Unemployment comes from too little consumption and too little work because of that. The King Philosopher has an idea: Tomorrow everything will be (made) more expensive than today. Buy, folks, buy! Everybody does what he says and the desired effect happens. His success is based on a lie. To do that he must have the mass media at his disposal. People are only allowed to know what he deems right."

No, Plato, not like that! Our wishes aren't respected. It is better to get something wrong in life than having always to do what others ask us to do, even if that were better.

We are back at the start. A critical review is necessary. Didn't we imbibe the pupils thoughts enough or did we cast them aside for other reasons? Thoughts we should take up now and scrutinize again?

This comes to mind:

- We need a state which can work efficiently, is ruled with expertise and lets the People participate on grounds of justice. The various functions must be conferred for a longer period.
- Speech and Rule must be brought together. Responsibility is developed only by this. We need a framework of institutions in which the individual politician is involved. There must be rules for self-restraint.
- Democracy is always in danger of having only very rich and very poor citizens. But it needs a broad middle-class which is opposed to political adventures. So demagogues get little influence only.
- And: What shall we do with Democracy meaning everybody is equal, but needing inequality in business and society, because there is stalemate and crisis otherwise?
- What about freedom for the individual in a democracy? How far may political decisions affect this freedom? Are they allowed to do away with them in some cases? Like the Greeks at this stage, we have not yet invented democracy (Meier 1983, 12).

## 2.4 Get it Right with Aristotle

How does the search for the best constitution continue? The best-known thinker after Plato was Aristotle. Short biographies (Störig 1985, 154, 174) show us that Plato was a nobleman disgusted by practical politics because he had seen too many ugly results. Aristotle on the other hand came from a doctors family. We imagine medical doctors to be people having a close look, because they must know where the heart of the illness is and what is good against it. This leads to some simple, practical rules. That's why pupils expect reasonable and practical suggestions from Aristotle.

Aristotle, who was medically trained, analysed 158 constitutions - the whole world known then - to solve a very practical question : " Which is

1. the best constitution and the best way of life
2. for the majority of states and people
3. not by starting from exceptional virtue or education which needs good abilities and good fortune
4. nor from an impeccable constitution, but /li>
5. from the life led by the majority of people
6. under a constitution which can be adopted by the majority of states?  
(Politik 1295a11)

"We are these absolutely ordinary people, " the pupils say ."Show us the result of your thoughts, Aristotle!" (Politik 295b1 ff.). What about the dangers of egotism, irrationality and social cleavages, as shown by Herodot and Plato? Has egotism gone? Does pure reason rule? No, the pupils say, there is still egotism, and there are interests, too. The interests have even become more, because in the middle class there are people with the greatest variety of interests. So there is a productive chaos. But that's a very good thing. So the various interests can be balanced. It's important, too, that there are checks and balances of the various institutions of democracy. No orator can subdue all the other political powers. In every meeting he must expect other speakers to oppose him.

Yes, we are satisfied, we could live in a political system with such principles. Even if it doesn't exactly look like ours. But the basics are similar. It must be described in more detail: Which institutions should exist and in which relation to each other? The pupils sit together in mixed working groups and draft constitutions.

An example:

Pupil's text: The best constitution

"The People consists of three classes: poor, middle class, rich. Legislative Power, however, demands the highest taxes from the Rich, and the lowest taxes from the Poor to support the Middle Class. Each class is subdivided into further classes of taxation, so that social equality is guaranteed even within the classes. Private media and informational institutions are formed inside the People, scrutinizing government and reporting to the People.

The civil servants come from the People and apply for a certain office. The selection is made by the Councils. The civil servants, therefore, are the

Executive (power). The judges are selected in the same way, forming the Judicial power. The People has the additional possibility to scrutinize the state by media independent from the state. The People elects its representatives democratically. (All classes have equal rights.) These representatives are responsible for further elections, e.g. for electing the Councils (Council I, Council II, Controlling Councils). The representatives then elect two councils, Council I for two years and Council II for four years. But note that before each election it is decided by lot who may elect which council, so that not always the same councils meet. Then both councils elect a Deciding Council. In this constitution, parliament is divided on purpose into two debating councils and one deciding council. Thus strong clusters of power are avoided. The councils debate laws and compete and control each other. The representatives (electors) also elect two Controlling Councils each year. Control Council I supervises Council I and the Deciding Council. Control Council II controls Council II and the President. The various terms of office thus create productive chaos.

The three councils elect a President for each year who is the Representative of the State and has Supreme Command of the army in case of war. Many checks and balances are to guarantee that nobody comes to the top illegally or usurps power. So this political system is very slow. As the President is given Supreme Command of the army in case of war, quick decisions can be made in the case of war or an emergency.

### **3 Lehrkunst (Art of Teaching) in Class?**

What have pupils learned? Afterwards I asked them about the subject, its treatment and their own results. Excerpts from the feedback:

"In these lessons we have dealt with many topics and their problems. Among them with philosophers and their kings, forms of state and egotism, ways to control egotism, etc. Basically I haven't learned anything new about our own state (Like: How does a politician solve a problem and what is the background of this ?) BUT I have learned something much more important and basic: How are our democracy and states in general constructed, and why ? I would have never seen the difficulty of ruling and controlling a state."

"I liked the topic, because I'm not keen on day-to-day politics. I learned what problems there are when governing a state and the reasons for that. Much has become clearer about polity. It was a good idea to teach based on philosophical texts, because they thoroughly thought about democracy and made a democratic state possible."

"Unfortunately I wasn't interested in the topic and was often bored in class. But it was good that we had so many discussions. Homework was often too difficult, and often I couldn't make anything of the handouts, because their language was too difficult."

"Teaching was interesting and different from usual lessons. The topics were discussed in simple form first and then in more detailed form. That's why they could be understood well. The texts handed out were difficult to

understand in the beginning, but after an intensive analysis one could understand them. The later texts were easier to understand, because we had understood the first one and they were all equally difficult. I remember a lot, because of the intensive work on all the texts."

The pupils who praised the course did not at all agree from the beginning: Is that a course in polity? At the end they stressed the intensity of the course. They "had understood". At the same time, some of them turn against a course centring on day-to-day politics which is beyond them. I assume these pupils compare my course to one which presupposes a very high knowledge of day-to-day politics, which they don't have or want to have, because its half-life cycle is too short. This course doesn't enforce this and seemed to offer them a possibility to understand polity: Progressing slowly, they have been guided to the basics, sometimes they found them on their own. Any further use is theirs anyway.

Those pupils who criticised the course thought the texts to be too difficult, the teaching too boring and the connection to today's world too small.

"Lehrstück" lessons have their own pace. They want to create intense interest. Class can become silent, teaching may seem to stop (Wagenschein 2002, 26 ff.). Seemingly without intent. Sometimes you walk in circles. Those who don't join in searching and finding see boredom and repetition. And then suddenly all those results: We dealt with Aristotle only briefly: He phrased what we felt, but couldn't say. There is order in the community which can last, if people only try. A soothing connection arose: The problem of political order can (really) be solved. Difficult, though, not easily to be found, but no reason to be pessimistic. The teacher thinks: The Basic Law will now be found more easily.

The pupils seem more self-assured in their view of at the world. And, I hope, they like each other better now.

## Notes

(1) You look for those problems to no avail. In 1962 when I was in the 8th grade my social science teacher showed us that the swimming baths can only be built by the community, even though not all citizens use it. Further research is needed concerning the question "How do you introduce pupils into politics at the very beginning?" Compare Hilligen (Gagel, Hilligen 1980, 42 ff. "What Sigrid should learn").

(2) The Greek authors are quoted in the usual way. While the available translations of Sontheimer and Horneffer only had to be slightly adapted for a pupils' version of Herodot's constitutional debate, Plato's texts posed considerable problems for me: On the one hand they must be extremely abridged, so that the matter to be dealt with becomes clear in class, on the other hand Vretska's translation used by me in the beginning is not easily understood by pupils. I have leaned on Horneffer's translation in "my" texts of Plato later. Schleiermacher's translation will be considered at a later date. When dealing with Aristotle's "Politeia", a compilation had to be used (because of the unclear text history) which leans mostly on Nestle's translation.

(3) I have taught this topic three times so far as "Lehrstück" in class 11 (Gemeinschaftskunde) at Gymnasium Ohlstedt and once at Carl-v.Ossietzky Gymnasium in conventional manner. This report is about all four courses. Length: 15-20 double lessons (90 minutes). The "Lehrstück" was rehearsed and varied several times with university students and trainees in workshops.

(4) Teacher Johannes Langermann, Bremen, reports a similar reaction when handing over the School Garden to his pupils: "Well, now it's time to be King!" (Grammes 2000, 363). Further examples might be found.

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