Karl Baron vom und zum Stein, Nassau Memorandum on Administrative Reform in Prussia (June 1807)

Abstract

In this memorandum, Karl vom und zum Stein (1757-1831), who served briefly (1807-08) as chief minister in the Prussian Reform Era, and whose ideas permeated reform-friendly circles, presents his signature idea that property owners from all social classes should be drawn into the work of local administration (or "self administration"), especially through a new system of representative organs (which Stein called "estates") at the district and provincial levels. In the end, however, the Prussian government favored the landed nobility in the reformed system of local assemblies introduced in 1823.

Source

The essay dated 27. April 1806, Berlin, proved the necessity of abolishing the cabinet and forming a state council, or a supreme body that will work immediately below the king and be endowed with responsibility that is officially recognized and not obtained by devious means, and which will serve as the final point of unification of the various branches of the state administration.

Once the formation of such a state council has been decided upon, the question arises as to whether the individual department ministries can be preserved in their existing state; and to answer this question, one must examine and test the *basis of the distribution* of affairs among the various state agencies, their inner constitution, and their relationship to the provincial authorities.

In some cases, the *distribution* of the administrative branches among the ministerial authorities was determined on the basis of issues, in other cases on the basis of districts and provinces. […]

The more recent ordinances, which are based on the correct principles, assign all legal matters to the Ministry of Justice and all matters regarding finance and the police to the financial and police authorities, and in my view the extension of this structure to the entire monarchy is advisable. […]

[I regard] it as advisable to distribute the activities of the General Directory on the basis of issues, not districts. The Directory is then split into two main divisions:

I. Administration of public income,

II. Administration of the supreme state police.

The first main division is broken down into four subdivisions:

1. Demesnes and forests,

2. Dues, direct and indirect dues,

3. Administration, mail, lottery, bank, the *Seehandlung*, minting, mining, salt,

4. State fiscal system [*Staatskassensystem*], public accounting, and the main treasury [*Hauptkasse*].

The other main division [encompasses] the entire domestic state police; this division attends to the general public safety or poor relief, health, the preservation of basic life necessities, educational institutions, the agricultural and artisanal industries, factories, trade, public spaces, as well as canals and roads, the staffing of the provincial authorities and corporations, their formation, internal constitution, and so on.

This main division would be broken down into four subdivisions, namely:

1. one section or department for public safety, poor relief, the preservation of basic life necessities, the supervision of education and the composition of the rural, municipal, and estate corporations, and the administrative organizations;

2. one section for the policing of commerce; this section attends to agriculture or the artisanal trades, to factories, trade, roads, canals;

3. one section for the medical system;

4. one for public education, educational institutions of the scientific arts and of elementary knowledge.
[…]

The reformed structure of the highest agencies would also require a reorganization of the provincial authorities.

The establishment of the provincial administration assumed very different forms in the Prussian state, in many parts of which, namely the German provinces, there were, in addition to the chambers, estates, or corporations of certain classes of owners, others, namely Silesia and New Prussia, that were administered exclusively by *Landes-Kollegien*. Some estates had an active share in the territorial administration, they were consulted on laws and the provincial constitution, they approved dues for the needs of the province, they exercised a certain control over the use of money and the management of affairs by the *Landes-Kollegien*, and they had a legally organized constitution. This was the case in Cleves, March, Electoral March, and Pomerania. In other provinces, the estates were assigned the main branches of the state administration, for example, in the form of the *Administrations-Kollegio* in East Frisia. In others, the estates were assigned only a single branch, for example, the fire brigade or poor relief, or they were themselves members of the *Landes-Kollegien*, for example, in Gelders.

In light of this great diversity of provincial constitutions, the question arises as to which of them is preferable.

The *Landes-Kollegia* are made up of salaried officials and are easily and typically infiltrated by a hireling spirit, a life of formality and mechanistic service, an ignorance of the district they are administering, an indifference, often a ridiculous aversion to the same, a fear of changes and innovations that add to the amount of work, with which the better members are overburdened and from which the lesser ones shrink. If the property owner is excluded from all participation in the provincial administration, the bond that ties him to his fatherland remains unused, the knowledge he acquired through his relationship to his estates and his fellow citizens remains fruitless; his wishes to attain the improvements that he recognizes as necessary and to remedy the abuses that oppress him go unheard or are suppressed, and his free time and energy, which he would like to devote to the state under certain conditions, are squandered in pleasures of every kind or in idleness. It makes no sense whatsoever to see the owner of landed or other property worth several tons of gold deprived of his influence on the affairs of his province, which is held by an outside civil servant who is ignorant of the land and not bound to it in any way.

Thus, by removing the owner from all participation in the administration, one kills the spirit of

community and the spirit of monarchy, one nourishes dislike for the government, one multiplies the number of civil service posts and increases the costs of the administration, because now one must set the salaries at a level appropriate to the needs and status of the officials, who want to live solely on their pay. Experience demonstrates the truth of this observation, and if one wishes, for example, to transfer the important institutions of the *Landräte* to salaried officials from the class of non-owners, the administrative branch entrusted to the *Landräte* would surely become more expensive. […]

My professional experience also convinces me fervently and vigorously of the excellence of suitably formed estates, and I see them as a robust means of strengthening the government through the knowledge and prestige of all educated classes, of binding all of them to the state through conviction, participation, and involvement in national affairs, of giving the forces of the nation free rein and an orientation toward the common good, of diverting them from idle sensual pleasure or from the empty phantasms of metaphysics or the pursuit of merely self-serving goals, and of obtaining a well-educated organ of public opinion, which one now endeavors in vain to divine from the utterances of individual men or individual organizations.

If one has convinced oneself of this truth that the participation of property owners in the provincial administration would have the most beneficial consequences, one must now direct one's attention to identifying the affairs that should be assigned to them, and to the organizational form of both the communal and the provincial authorities.

[…]

The state bureaucracy must not be replaced by a meager and tottering rule by a few estate owners; instead, what matters is that all owners of significant property of any kind participate in the administration of provincial affairs so that they are all bound to the state with equal obligations and powers. Thus, the *Kreistage* [district assemblies] will include noble landowners and deputies who have been elected from the other municipal and rural communities; but only the owners of property that yields a considerable, debt-free rent are eligible for election to the post of *Landtag* deputy.

The internal affairs of the province are debated at the *Landtage* [provincial assemblies], which are made up of the deputies from the districts; these affairs encompass, for example, the Provincial Law Code, the mitigation and determination of the condition of the peasants, the domestic police, institutions for education and poor relief, the improvement of the land through a division of the commons [*Gemeinheitsteilung*], drainage, roads, water construction, and so on; finally, the approval of the withdrawal of the funds necessary to carry out these plans from the provincial budget. The *Landtag* proposes deputies, from among whom the king selects a proportional number to work on provincial affairs as members of the *Kammer Kollegien*. And I prefer this arrangement to the transfer of certain branches of affairs to a special rural collegium, because it prevents the emergence of the inevitable frictions between various competing agencies and preserves amity and a communal spirit. […]

But savings in administrative expenses is not the most important benefit to come from the proposed participation of owners in the provincial administration; far more important is the invigoration of the communal spirit and the civic sense, the utilization of dormant or misdirected forces and of scattered knowledge, the harmony between the spirit of the nation, its views and needs, and those of the state agencies, the revival of a feeling for the fatherland, independence, and national honor.

The excessive formality and mechanistic service of the *Kollegien* will be destroyed by the introduction of people from the tangle of practical life, and they will be replaced by a lively, forward-driving, creative spirit, and by a wealth of views and feelings derived from the abundance of nature.

There is so little shortage of capable men among the class of property owners that the government has no reason to fear that their involvement will have an [adverse] effect on the maintenance of domestic peace. The number of educated and sensible men among all classes of inhabitants of the old provinces of the Prussian state is so high that there can be no shortage of capable men who are endowed with practical knowledge and who will successfully lead the sections assigned to them. […]

Source of original German text: *Freiherr vom Stein: Briefe und amtliche Schriften* [*Baron vom Stein. Letters and Official Writings*]. Edited by Erich Botzenhart, newly published by Walther Hubatsch. vol. 2, part 1. Newly edited by Peter G. Thielen. Stuttgart: Kohlhammer, 1959, pp. 382, 386, 389-95.

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