



Volume 3. From Vormärz to Prussian Dominance, 1815-1866
Carlsbad Decrees: Confederal Press Law (September 20, 1819)

From August 6-31, 1819, under the influence of Clemens Prince von Metternich (1773-1859), ministers from Austria, Prussia, Bavaria, Saxony, Mecklenburg, Hannover, Württemberg, Nassau, Baden, Saxony-Weimar-Eisenach, and Hesse participated in a conference in Carlsbad (today the Czech city Karlovy Vary). The conference resulted in repressive new laws that aimed to suppress liberal and national agitation in the population. The Carlsbad Decrees, which included the University Law, the Confederal Press Law (below), and the Investigatory Law, came into effect on September 20, 1819.

The Confederal Press Law was intended to maintain peace and order and to secure monarchical principles. Restorative in purpose, the law was directed against free political expression; it supplemented the investigatory law by establishing a central authority in Mainz for the investigation of "revolutionary activities." Additionally, it supplemented the university law by allowing the government to intervene into university administration and teaching.

"Provisional regulations regarding freedom of the press" from September 20, 1819

§. 1. So long as the current resolution remains in force, publications that appear in the form of daily papers or as [periodical] issues, and also those that are not over 20 proofsheets thick in print, may not be conveyed to print in any German Confederal State without the foreknowledge and prior approval of the state authorities. Publications that do not belong to one of the classes identified here will, in the future, be treated according to the laws promulgated or still to be promulgated in the individual Confederal states. But if publications of that kind give any Confederal state cause for legal complaint, this complaint should be settled against the author or publisher of the publication affected thereby in the name of the government to whom it is directed, according to forms existing in the individual Confederal states.

§ 2. The methods and measures required to uphold this resolution in closer detail are left up to the discretion of the governments; they must, however, be of the kind that allows full justice to be done to the sense and purpose of the main provision of § 1.

§. 3. Since the current resolution was occasioned by the necessity of preventive measures against the abuse of the press recognized by the Federal Governments under current circumstances, the laws intended for judicial prosecution and punishment of abuses and offenses already committed, to the extent that they should be applicable to the classes of

published writings designated in § 1, cannot be regarded as sufficient in any Confederal state as long as this resolution remains in force.

§. 4. Every Confederal state is answerable – not only to the parties directly offended, but also to the whole of the Confederation – for the published writings appearing under its supervision, hence for all [publications] included under the main provision of § 1, insofar as the dignity or security of other Confederal states is thereby injured, [or] the constitution or administration of the same attacked.

§. 5. But in order that this mutual responsibility – based on the essence of the Confederal Association, [and] inseparable from its continuation – not give occasion for useless disturbances of the friendly relationship between the Confederal states, all members of the German Confederation shall undertake the solemn obligation to each other to proceed with vigilant earnestness concerning surveillance of the newspapers, periodicals, and pamphlets in their respective countries, and to manage this surveillance in such a way as to prevent thereby, as much as possible, reciprocal complaints and unpleasant arguments of any kind.

§. 6. Yet in order that the general and reciprocal guarantee of the moral and political invulnerability of the whole and of all members of the Confederation intended by the current resolution might not be endangered on individual points, in cases where the government of a Confederal state believes itself to be injured by published writings in another Confederal state, and where complete assuagement and remedy cannot be achieved through friendly consultation or diplomatic correspondence, the same [states] shall be explicitly reserved [the right] to lodge a written complaint about the same [published writings] with the Confederal Assembly, but the latter is thereupon obligated to have the complaint investigated by commission and, even if it belongs to the class of periodicals, to dispose of all further installments by way of a decisive pronouncement.

The Confederal Assembly should furthermore be authorized – without previous request, on its own authority, via a pronouncement from which there shall be no appeal – to suppress publications coming under the main provision of § 1 that have come to its attention, in whatever German state they might appear, when such, according to the commission it has appointed, run counter to the dignity of the Confederation, the security of individual Confederal states or the maintenance of peace and quiet in Germany, and the affected governments are obligated to carry out this pronouncement.

§. 7. When a newspaper or periodical has been suppressed by a pronouncement of the Confederal Assembly, the editor of the same may not be permitted to edit a similar publication in any Confederal state for five years. Furthermore, the author, editor, and publisher of the publications coming under the main provision of § 1 remain, if they have acted according to the rules of this resolution, free of all additional responsibility, and the pronouncements of the Confederal Assembly mentioned in § 6 will be directed exclusively against the publications, never against the persons.

§. 8. All Confederal members commit themselves, within a time period of two months, to inform the Confederal Assembly of the decrees and rules through which they intend to satisfy § 1 of this resolution.

§. 9. All published writings appearing in Germany, whether they come under the provisions of this resolution or not, must be furnished with the name of the publisher and, insofar as they belong to the class of newspapers or periodicals, also with the name of the editor. Published writings for which this rule is not observed may not be circulated in any Confederal state and must, if such takes place in a secret fashion, be confiscated immediately upon their appearance, and the disseminators of the same, according to the nature of the circumstances, must receive an appropriate fine or prison sentence.

§. 10. The current provisional resolution shall remain in effect for five years starting today. Before the expiration of this time, there shall be a thorough investigation in the Confederal Diet about the manner in which the uniform decrees about freedom of the press encouraged in the 18th Article of the Confederal Act might be fulfilled, and [how] a definitive resolution about the constitutional limits of freedom of the press in Germany [may] soon take place.

Source: Protokolle der Bundesversammlung 1819, 35. Sitzung, § 220 [Minutes of the Confederal Assembly 1819, 35th session, Article 220].

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Translation: Jeremiah Riemer