

## To What Extent Did the Carlsbad Decrees Impact the Public Sphere in Pre-Revolutionary Germany?

Censorship has long been ingrained in German culture, and the 1819 introduction of the Carlsbad Decrees tightened it, with the introduction of pre-publication censorship, after a loosening during the Napoleonic era. Censorship and the freedom of publication is explicitly linked to the concept of the public sphere, which is a broad generalisation and debate between historians. Recently, scholarship has changed on the public sphere, with a move toward a broader definition of it, and this paper will generally agree with the interpretations of Brophy and Siemann, to imply that the public sphere was not limited to the literate middle and upper classes, and thus completely stationary under censoring measures, as Habermas may suggest.<sup>1</sup> Habermas's work laid the groundwork for study of the public sphere, but ascribes it only to the literate bourgeoisie, which as this context will show, is entirely limiting.<sup>2</sup> Instead Brophy would argue that the theory of the public sphere encompasses all strata of civil society through not only written communication but oral, such as festivals, humour and public meeting.<sup>3</sup> This allows for a new understanding of the public sphere, in a restructuring of it to adapt for legislative challenges, and promotion of non-literate contributions, which is what we see in Vormärz Germany, and what this essay will argue.

In the pre-Napoleonic era, the German states experienced censorship, but with the occupation of Napoleon, there was an implementation of the French, liberal attitude of positive press. Censorship was in operation in pre-1819, but was severely tightened with the Decrees, as there was an aim to suppress the rising liberal attitudes and radicalisation. The true trigger of the Decrees was the assassination of August von Kotzebue, as there were fears over the

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<sup>1</sup> Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, (Cambridge, 1989).

<sup>2</sup> *Ibid.*

<sup>3</sup> James Brophy, *Popular Culture and the Public Sphere in the Rhineland, 1800-1850*. (Cambridge, 2007).

## To What Extent Did the Carlsbad Decrees Impact the Public Sphere in Pre-Revolutionary Germany?

radicalisation of students, and thus measures to tighten academia were introduced to account for this. The state tolerated print during the Napoleonic era, with liberal and nationalist newspapers being accepted in order to strengthen senses of nationalism and to unite the German people against the French.<sup>4</sup> The importance of the press at this time is not to be underestimated, as in 1813 when pleading for support against Napoleon, Frederick William III issued his appeal in the newspaper rather than by a formal command, hence showing that there was an understanding of the importance of the press and that readership must have been significant.<sup>5</sup> Censorship restrictions under the Decrees were also not very consistent in the run up to the revolutionary period. Due to fears surrounding revolution after the July Revolution in Paris in 1830, press restrictions were loosened, only to be tightened even more severely following the Hambach festival in 1832, where 30,000 participants gathered in support of freedom. It was described as a “pathological state of public opinion”, and as a result, many more documents were now subject to censorship.<sup>6</sup> In the Vormärz, the press clearly held significant power, and the strict censorship laws that were applied were in attempt to limit any spreading of radical or liberal ideas, and to quell revolutionary feelings within the public sphere. The Decrees were imposed in an attempt to suppress the development of a public sphere in the form of it relating to the literate middle class, but as this was not the only aspect impacting it, the public sphere adapted around the measures, and increased spreading of ideas through other means that appealed to all strata of society.

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<sup>4</sup> Abigail Green, ‘Intervening in the Public Sphere: German Governments and the Press, 1815-1870,’ *The Historical Journal*, 44:1, (March 2001), p. 159.

<sup>5</sup> *Ibid.*

<sup>6</sup> Ursula Koch, ‘Power and Impotence of the Press in 1848; France and German in Comparison,’ in Dowe, Haupt, Langewiesche and Sperber, *Europe in 1848, Revolution and Reform*, trans. D. Higgins, (New York, 2001), pp. 588-589.

To What Extent Did the Carlsbad Decrees Impact the Public Sphere in Pre-Revolutionary Germany?

On the 20<sup>th</sup> September 1819 the Carlsbad Decrees were imposed and included three laws, the University law, the Confederal Press Law, and the Investigatory Law. The Confederal press law was aimed toward limiting free political thought and was supplemented by the University Law which imposed similar censorship measures within academia. The Investigatory Law established a centre in Mainz which aimed to monitor and maintain the rules imposed by the other aspects of the Decrees, with attention to any activities deemed to be revolutionary and thus threatening the integrity of the government.<sup>7</sup> Anything considered sensitive was deleted, and was applied to any sharing of political opinion, as well as the news. A select few papers were designated to publish political news, with the most obvious example being Cotta's Augsburger Allgemeine Zeitung.<sup>8</sup> Originally under the first imposition of the Decrees, "those not over 20 proof sheets thick in print, may not be conveyed to print in any German Confederal State without the foreknowledge and prior approval of the state authorities."<sup>9</sup> While this first article of the Decrees feels severe, it does allow for a loophole to be exploited by heretical writers, such as, Heine's publisher Julius Campe sharing information at the Leipzig book fair about how to get information past the censors, such as increasing font size.<sup>10</sup> Thus, although there were limitations, the culture that was present allowed for interaction such as these, making the Decrees potentially less severe. The Decrees were limiting in the development of the shaping of the public sphere, but only provided a barrier that communication and society had to build around rather than halting the process of society in social spheres. Under Habermas's explanation of the public sphere, it is understood as being a middle ground between the private realm and the realm of public authority and the

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<sup>7</sup> 'Carlsbad Decrees: Confederal Press Law (20 September 1819),' *GHDI*, ([GHDI - Document \(ghi-dc.org\)](https://www.g CDI.org/ghi-dc.org))

<sup>8</sup> Green, 'Intervening in the Public Sphere' p. 160.

<sup>9</sup> 'Carlsbad Decrees,' *GHDI*.

<sup>10</sup> Katy Heady, *Literature and Censorship in Restoration Germany: Repression and Rhetoric*, (New York, 2009), p.18.

## To What Extent Did the Carlsbad Decrees Impact the Public Sphere in Pre-Revolutionary Germany?

state, and hence applicable to only the middle classes.<sup>11</sup> Where there is a push to suppress from the state, there is an adaptation of the private sphere to adjust to the limitations in communication, and thus we see a transformation of the structure in the public sphere during the Vormärz to account for oral and not literate forms of communication.

The Öffentlichkeit, defined as being the emergent bourgeois public sphere, was acknowledged by Habermas to emerge individually rather than because of the structure of censorship put in place by the state.<sup>12</sup> Where definitions of the Öffentlichkeit seem to disregard many strata of society, under Habermas's suggestion, modern scholarship would find that the public sphere encompasses more than that, and include all classes. The Öffentlichkeit formed a direct connection with the state following the Decrees and the adaption of both to account for them, thus influencing each other. If the definition of Öffentlichkeit is taken as a bourgeois public sphere, it was directly impacted under censorship, due to the sphere being more actively engaged with the press and more literate than lower levels of society. However, where impacts are understood, compensations exist to counter, as although the press was not providing a free and liberal method of communication, it forced a rise in expression of ideas in other methods, and thus a different idea of the public sphere starts to develop. The public sphere in theory should be politically neutral and exist only as a means of communication and spreading ideas, thus going against totalitarianism, as it discourages the loyalty of compliant subjects.<sup>13</sup> We can examine the limitations placed on the public sphere by censorship, as literacy levels were increasing throughout Germany,

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<sup>11</sup> Habermas, *The Structural Transformation of the Public Sphere*, p. 30.

<sup>12</sup> *Ibid.*

<sup>13</sup> Brophy, *Popular Culture, and the Public Sphere in the Rhineland*, p. 3.

## To What Extent Did the Carlsbad Decrees Impact the Public Sphere in Pre-Revolutionary Germany?

rising from around 25% in 1800 to roughly 40% in 1830.<sup>14</sup> Thus censorship impacted increasing numbers of civil society, as rising literacy levels increased a culture of reading with lending libraries and reading societies becoming more prevalent. Hence, the literate public saw a large hit because of the censorship measures on print, as it was developing as a source of important information, and with this being limited, the public sphere would under certain definitions be suppressed, however, it evidently was not, due to the budding revolutionary activity, illustrating the relevance of other, not literacy-based aspects to it. Originally the 'Sechs Artikel' but extended to 'Zehn Artikel' of 1832 saw a further constriction on press policy, as well as other aspects of the public sphere. The Six Articles of June 1832 focussed on restricting autonomy of individual states, with federal law overriding the law of the state, therefore crushing any heretical havens for exiled writers. Moreover, when extended in July, public meeting and organisation became restricted, as direct backlash against politically motivated public organisation that was seen on mass scale during the Hambach festival.<sup>15</sup> This shows that there was an acknowledgement of the threat from non-print methods of spreading information and an understanding that censoring print publications was not sufficient in limiting the public sphere and its growth. This extended the class impact of censorship measures, as where non-literate members of civil society were not as directly impacted as the bourgeoisie, literate strata, the limitations placed on public meeting targeted them more directly, implying a broader definition of a wider public sphere than older scholars may suggest. Moreover, the class aspect is also exemplified through the Hamburg censor for the *Gleaner* being lenient in censorship measures placed on English language publications.<sup>16</sup> With a minority of society being literate in German, it was a small

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<sup>14</sup> *Ibid.*, p. 22

<sup>15</sup> 'The Six Articles (June 28, 1832) and the Ten Articles (July 5, 1832),' *GHDI* ([GHI - Document \(ghi-dc.org\)](http://GHI-DC.ORG))

<sup>16</sup> Green, 'Intervening in the Public Sphere', p. 159

## To What Extent Did the Carlsbad Decrees Impact the Public Sphere in Pre-Revolutionary Germany?

percentage of the upper class educated population who would be able to access English publications, implying that there was a differentiation of treatment of publications depending on the targeted audience of it, and the highly educated readers were potentially less of a threat, as they were among the most elite in society. When considered in conjunction with the original article of the Decrees only imposing censorship measures onto articles that were under 20 proof sheets, the idea can be developed that the limitations were angled toward the non-elite members of society, who were highly educated and thus trusted to form their own opinion and less likely to become radical. Consequently, censorship was not an all-encompassing practice that limited all members of the public sphere and civil society equally. The measures limited obvious and readily accessible methods of communication that were more likely to harbour radical ideas, to suppress the more potentially radical members of society in the petit bourgeoisie and the proletariat. The public sphere's structure adapted to these limitation and in 1848, revolutionary opinion and information still penetrated the public sphere, and so we see a limitation not a cessation of public sphere activity.

Where there were clear limitations of the impact of censorship that cannot be discredited, there are also areas in which the Decrees failed to fully achieve their aim of suppression of public opinion. In the original implementation of the Carlsbad Decrees immediately after 1819, there were differences between the enactment between German states. Austria, Hanover, and Prussia undertook the harshest censorship regimes, as in Prussia all written works were subject to pre-publication censorship, whereas in the more liberal states such as Bavaria, there was a resistance to change after the Napoleonic era. From 1819 until the renewal of the Decrees in 1824, Bavaria abolished pre-publication censorship of books, and hence provided

To What Extent Did the Carlsbad Decrees Impact the Public Sphere in Pre-Revolutionary Germany?

a slight publishing haven for these few years.<sup>17</sup> Moreover, other states also took slightly more relaxed approaches to the Decrees, as Baden briefly abolished censorship in 1832, and Württemberg applied censorship to matters only regarding foreign affairs. Saxony harboured Leipzig's fruitful book trade, and saw economic dependence on the tax revenue, and thus were also lenient on censorship measures.<sup>18</sup> This leniency and differentiation came under Article 2 of the Carlsbad Decrees, as it specifically mentions that censorship was left to the discretion of the individual state government.<sup>19</sup> This diversity in severity of the censorship measures allowed for a limitation of the impact of censorship policy and allowed for information to access the public sphere and how it was able to adapt to the law to continue its growth and development. Furthermore, the fact that in the Six Articles of 1832, this measure was corrected, demonstrates that it was perceived as a threat to suppression of ideas and information, and so in the years prior to this, there was a clear route for information to spread.

Between the 1820s and 1840s, the number of books and newspapers in circulation doubled, despite the censorship in place.<sup>20</sup> This increased quantity made it more difficult to maintain, and although everything was still monitored, it demonstrates another crack forming in the suppression of the public sphere. For example, in Mannheim, the censor at work was only allocated one hour a day to review all newspapers intending to enter circulation the following day. Although there is little clear evidence of information slipping through censorship practice, the opportunity for it was there, and hence the Decrees were potentially not as limiting their potential. Printed matter was also clearly not the only path for information to

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<sup>17</sup> Katy Heady, *Literature and Censorship in Restoration Germany*, p. 12.

<sup>18</sup> *Ibid.*

<sup>19</sup> 'Carlsbad Decrees,' *GDHI*.

<sup>20</sup> Green, 'Intervening in the Public Sphere,' p. 159.

## To What Extent Did the Carlsbad Decrees Impact the Public Sphere in Pre-Revolutionary Germany?

enter the public sphere, and thus we cannot define it as limited to only the literate classes.

The restrictions on the Decrees and the loopholes that the laws provided allowed for the public sphere to change and develop in accordance. Where it is undeniable that the Decrees provided restrictions for press in the public sphere, it did not destroy the public sphere in its entirety, and allowed for adaptations of the spread of information, such as changes to the culture and oral communication.

A culture was formed around books and reading in Vormärz Germany, and although the print itself was censored, the surrounding culture developed and expanded in compensation. For example, in Leipzig, the heart of the book trade, book fairs regularly occurred, and although the material was censored, the ideas shared and the conversations that could be had were not.<sup>21</sup> Moreover, we see an example of this through Heinrich Heine. Despite censorship practices Heine continued publishing in Germany, he did however face problems due to censorship practice, with his introduction to 'Kahldorf on the Nobility in Letters to Count M. von Moltke', being highly political and thus heavily censored.<sup>22</sup> Immediately following its publication, Heine left for Paris.<sup>23</sup> While this demonstrates an example of censorship in practice, in the suppression of Heine, the culture that formed around the book trade and knowledge of the censorship spread throughout certain circles allowed for a restructure of the public sphere as an idea. Bookshops themselves were a space that allowed for a formation of a culture around communication, and the development of an illegal book trade became highly sophisticated, with bookshop numbers doubling. Inquisitive and literate members of society

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<sup>21</sup> Heady, *Literature and Censorship in Restoration Germany*, p. 18.

<sup>22</sup> Terry Pinkard (ed.), *Heine: On the History of Religion and Philosophy in Germany*, trans. H. Pollack-Milgate. (Cambridge, 2007), pp. 130-135.

<sup>23</sup> Jeffrey Sammons, *Heinrich Heine: A Modern Biography*, (Princeton, 1979), p. 154.



To What Extent Did the Carlsbad Decrees Impact the Public Sphere in Pre-Revolutionary Germany?

thus were able to explore and gain access to suppressed ideas through both the forbidden book trade as well as discussion and participation in bookshop culture.<sup>24</sup> Therefore, although the literate classes were impacted still, the new cultures and conversations were developing the public sphere, and thus the public sphere is not only relevant to the upper classes and was not suppressed entirely.

Cartoons and humour became a powerful political weapon up until Friedrich Wilhelm's constriction of measures in 1843 when being angered by a political caricature.<sup>25</sup> Before this, censorship practice was mocked and discussed through the medium of political caricature, with examples being the anonymous 'Thinkers Club' in 1819, that poked fun at the limitation of opinion and thought.<sup>26</sup>



<sup>24</sup> James Brophy, 'Bookshops, Forbidden Print and Urban Political Culture in Central Europe, 1800-1850', *German History*, 35:3, (September 2017), pp. 403-430.

<sup>25</sup> Koch, 'Power and Impotence', p. 589.

<sup>26</sup> 'The Thinkers Club 1819,' *GHI*, [GHI - Image \(ghi-dc.org\)](https://ghi-dc.org)

To What Extent Did the Carlsbad Decrees Impact the Public Sphere in Pre-Revolutionary Germany?

As this cartoon shows, satire and humour filled a hole left by print, and shows the structural change of the public sphere, there was a retention of social consciousness and wit, while still portraying a political attitude, in this case, a liberal agenda of positive press policy. Social consciousness therefore clearly still existed in the period of censorship and provided “much of the rhetorical and emotional tinder that flared into revolution.”<sup>27</sup> In theory, humour and caricature was a medium available to all, however due to the expensive and intellectual nature of it, it often was limited to the bourgeoisie, but this does not mean it was not an important method of restructuring the public sphere, and continued to provide a valid form of dissent.<sup>28</sup>

Festival culture was also developing, as well as public meetings. Festivals were effective methods of providing a gathering and a stage for public opinion to adhere to, and brought together masses under a similar agenda, who were politically active. Festivals encompassed not only the bourgeois, but also the petit bourgeoisie alongside the rural grass roots.<sup>29</sup>

Festival provided a sense of cultural unity and direct communication that can only come from such a large gathering, and radical meetings of this nature were difficult to control. Hambach festival alone achieved a gathering of over 30,000 and was organised by the German Fatherland Association for the Support of the Free Press, and so was directly liberal in nature, and so spread information throughout much of active society.<sup>30</sup> Although in the 1832 Articles, festivals were banned, the public sphere adapted, as there was still contribution in

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<sup>27</sup> Mary Lee Townsend, *Forbidden Laughter: Popular Humour and the Limits of Repression in Nineteenth Century Prussia*, (Ann Arbor, 1992), p. 195

<sup>28</sup> *Ibid.*

<sup>29</sup> Charlotte Tacke, ‘Revolutionary Festivals in Germany and Italy,’ in Dowe, Haupt, Langewiesche and Sperber, *Europe in 1848, Revolution and Reform*, trans. D. Higgins, (New York, 2001), p. 799.

<sup>30</sup> Koch, ‘Power and Impotence’, p. 588.

## To What Extent Did the Carlsbad Decrees Impact the Public Sphere in Pre-Revolutionary Germany?

word-of-mouth meetings throughout the grass roots of society. These public meetings within villages and towns allowed for an open and communicative public sphere, encompassing both the literate and illiterate.<sup>31</sup> Hence demonstrating that all of society could access information through unregulated, basic communication, making the public sphere uncompliant with Habermas's work, and while the press was limited, the public sphere was not dissolved, instead adapting to the legislative barriers.

In conclusion, the Carlsbad Decrees provided a barrier to the spread of ideas within the public sphere, but ultimately did not halt its growth. Where Habermas would only include the literate in his definitions, we can understand this was not all there was to this debate. The sphere became adaptive and responsive, with methods of working around the censor, as well as other forms of communication helping to open society. The public sphere was accessible to a large section of the population, although some groups like women and religious minorities were still largely excluded. The Carlsbad Decrees did achieve their aim to an extent, as modes of communication and spread of information became less prevalent within standard society, as there was no negative press stimulating dissent. However, ultimately, the public sphere was not destroyed, as older scholarship would imply, instead it was reformed, reflecting the legislation, and the later revolution of 1848 shows that there was still a public sphere in operations, so we can dismiss the older view.

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<sup>31</sup> Wolfram Siemann, 'Public Meeting Democracy in 1848', in Dowe, Haupt, Langewiesche and Sperber, *Europe in 1848, Revolution and Reform*, trans. D. Higgins, (New York, 2001), p. 767.

To What Extent Did the Carlsbad Decrees Impact the Public Sphere in Pre-Revolutionary Germany?

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