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PART I

The practice of censorship

CHAPTER I

*Privilege, license, and authority
 the Crown and the press*

What a grieffe it is to the bodie to lose one of his membres you
 all knowe . . . I ame sorie for the losse of my haund, and more
 sorie to lose it by judgment . . .

Mr. John Stubbes his Wordes upon the Scaffolde, when
 he lost his Haund, on Tewsdaie, 3 Novembre 1579¹

There as they entred at the Scriene, they saw

Some one, whose tongue was for his trespasse vyle

Nayld to a post, adjudged so by law . . .

Edmund Spenser, *The Faerie Queene*, V. ix, 25, 1–3 (1596)

Who kills a man kills a reasonable creature, God's image; but
 he who destroys a good book, kills reason itself, kills the image
 of God as it were, in the eye.

John Milton, *Areopagitica* (1644)

The recurrent images of violence in these early modern representations of censorship, conjoined with post-enlightenment privileging of individual freedom, have deeply colored the modern and postmodern construction of the cultural practice of press censorship in early modern England. Whether their perspective is essentialist, new-historicist, or cultural materialist, modern and postmodern studies of early modern culture have followed Stubbs, Spenser, and Milton in juxtaposing the interests of liberty and authority. Glynn Wickham envisioned in the Tudor state a “whole machinery of censorship and control”² whose evolution Frederick Siebert traces in *Freedom of the Press in England, 1476–1776*. According to Siebert, “The rapid rise of the government control of printing took place during the reigns of Henry VIII and Elizabeth” with Elizabeth I’s reign serving as “the high point of the entire three hundred-year period in the average pattern of the three factors, number and variety of controls, stringency of enforcement, and general compliance with regulations.”³

Even though Annabel Patterson notes “those famous puzzling incidents of *noncensorship*” (like Elizabeth I’s recognition of topicality in *Richard II*) that suggest a chink in the monolithic structures described by Wickham and Siebert, her notion of functional ambiguity depends not only upon the machinery being intact but upon its operation shaping discourses whose intentions were understood equally well by authors and authorities.⁴

Such a clearly intentioned and efficient censorship system has in recent years come under scrutiny, especially with regard to Stuart monarchs. Philip Finkelpearl has observed that, “An efficient system of censorship depends upon a monolithic government with a clear sense of purpose, hence a sharp definition of what is permissible and impermissible.”⁵ Such a monolithic government, at least with regard to dramatic censorship, Finkelpearl, Richard Dutton, and Richard Burt, among others,⁶ have found wanting. Instead Finkelpearl found in dramatic censorship “violations of nearly unbelievable magnitude”; Dutton found in the Revels Office licensing practices that engendered more freedom than control; and Burt found court licensing practices so contradictory that notions of censorship, he maintains, require redefinition. The contradictions, violations, and liberties these writers have found in the censorship of Stuart drama, Sheila Lambert has similarly discovered in the Jacobean press.⁷ Lambert locates the increased licensing regulations called for by the 1637 Star Chamber Decree not in escalating attempts of Charles I’s government to reinforce censorship controls but in the continuing demands on the government by the Stationers’ Company to reform abuses in the printing trade. Lambert joins recent studies of the drama, not in repudiating ideas of state censorship altogether, but in demonstrating that censorship (in Stuart England, at least) is not the whole cloth spun and woven in the high chambers of government posited by Wickham, and, to some degree, Siebert.

If this is the case in Stuart England, where such “puzzling incidents of noncensorship” as Thomas Middleton’s *A Game at Chess* (1625) can be located, as Dutton does, in contemporary politics and Revels Office practices, is it not possible that far more complex interests – political, economic, and religious, both within the printing trade and the government – contributed more to the “puzzling incidents of noncensorship” (and censorship) during Elizabeth I’s reign? According to Blair Worden, the “breadth of political exploration which did secure interloped presentation on the stage” suggests

“that the government lacked not merely the power, but the inclination, to impose conditions of writing that can helpfully be called ‘repressive.’”⁸ Less repressive conditions can likewise be found for print culture than have been formerly acknowledged. This does not mean that the press in England between 1558 and 1603 enjoyed unrestricted freedom. Press control existed, but neither its ends nor means correspond to the overwhelming systemization found by Wickham, Siebert, or Patterson. When the encounters between Elizabethan government and the press are taken individually and understood in their economic, legal, political, and religious contexts, press censorship appears less as a product of prescriptive (and proscriptive) Tudor *policy* than a pragmatic situational response to an extraordinary variety of particular events. As such, government enactments affecting printing, as well as practices in the printing trade, are often contradictory and idiosyncratic: the fabric of Elizabethan press censorship and control is a crazy quilt of proclamations, patents, trade regulations, judicial decrees, and privy council and parliamentary actions patched together by the sometimes common and sometimes competing threads of religious, economic, political, and private interests. Press censorship and the culture that produced it can best be understood by recontextualizing these acts of control and understanding the multiple factors influencing the contexts.

The tendency in literary and historical studies to generalize censorship practices throughout the early modern period in England has contributed significantly to misunderstanding Elizabethan press censorship. While recent theoretical approaches discrediting both periodicization and regnal approaches to history support this kind of generalization, in matters regarding the press, where the monarch and his or her immediate advisers had considerable influence, failure to establish difference along with continuity distorts historical understanding. To understand press control in Elizabethan England, then, requires establishing not only those practices and institutions related to the press that Elizabeth’s government continued and modified, but also those that her predecessors employed and that her government abjured. The greatest continuity in Tudor England existed in the practice of extending royal privileges – or monopolies. The greatest diversity existed in censorship practices – both pre-print allowance (licensing) and acts taken to suppress transgressive texts. This chapter establishes the practices, both in the government and

among the printers, which emerged in the early years of English printing that shaped Elizabethan policy and practices.

CROWN INTERESTS IN PRINTING

Elizabeth's regime, like those of earlier Tudor monarchs, recognizing the printed word's extraordinary power to achieve religious, political, and cultural ends, engaged with the press at many levels. From printing's earliest years at the end of the fifteenth century, English government concerned itself with printing and the book trade. Henry VII demonstrated his own interest in printing by appointing the first printer to the crown in 1504, giving political authority a text that could be widely disseminated.⁹ Beyond appropriating a new technology for its own uses, much of the government's early interest in the press was in passing measures to encourage and protect the English printing trade. In its early years English printing was dominated by Continental craftsmen who had brought their expertise to London, encouraged by a parliamentary act.¹⁰ By 1534, English booksellers, binders, and printers dominated the English book trade but suffered enough from foreign competition that Parliament passed a statute for their economic relief by restricting foreign competition. Even though regulating trade practices that affected the economic well-being of English printers, booksellers, and binders fell within the jurisdiction of the Company of Stationers after it received its charter in 1557, the Tudor state repeatedly followed these early parliamentary precedents and intervened, often at the request of the Stationers' Company, to protect the economic interests of the English book trade.

Besides employing trade protection measures, Tudor monarchs patronized printing through bestowing these privileges. By granting royal privileges to printers, booksellers, and writers, the monarchs could exercise considerable influence on print culture both by extending benefits to particular printers and by ensuring that certain books or classes of books found their way into print. However well the printing privilege may have served the ends of patronage, it was primarily economic and legal in nature; it granted to its recipient the right to enjoy the economic benefits derived from printing (or in a few rare instances authorship), and because it was extended by the Crown, it gave the privilege holder recourse in the monarch's conciliar courts against anyone who infringed it.¹¹

Printing privileges were granted through royal prerogative – the same authority by which Tudor monarchs appointed officers and commissions to enact policy and law, administered economic policy to control trade, wages, prices, and commodity production, and extended patronage through grants of offices, lands, incomes, annuities, and other “privileges” (special conditions, exemptions, benefits not otherwise guaranteed by the common law). The sixteenth-century jurist William Stafford identifies prerogative with property in his assessment that “prerogative doth not only extend to his own person but also to all other his possessions, goods and chattels.”¹² Hence when a Tudor monarch granted a privilege – for printing or anything else – the monarch essentially transferred to the subject those property interests that by feudal rights belonged to the Crown. In this respect, printing privileges were like the Crown’s grant of licenses to acquire or alienate lands, to enter upon lands, to export (ashes, beer, cloth, grain, hides, wool), to hold fairs and markets, to import (felt hats, jewels, furs, wine, wood, wool), to keep taverns, tennis courts, and bowling alleys, and to sell herring and raw hides. Indeed, most printing privileges entered in the patent rolls are entered as “licenses” and the words “license” and “privilege” are used interchangeably.

That Tudor monarchs should extend privileges for printing, then, is rather unremarkable. The status of particular privileges, however, deserves some consideration. During the reign of Elizabeth, printing privileges were regularly entered in the patent rolls under either the Privy Seal or the great seal of England.¹³ The great seal was essential to all royal grants, and its use distinguished the importance of a grant like the license to Christopher Saxton “to be the sole printer and seller of all maps of England or Wales.”¹⁴ Printing privileges, including the appointment of the royal printer, regularly appear during Elizabeth’s reign under the Privy Seal. During the reign of Henry VIII, however, privileges do not appear to have been issued in such a consistent manner. While some were granted as patents under the Privy Seal, others appeared in royal proclamations; some grants have probably been lost, and some may well have been issued orally. During the reign of Henry VIII, title pages and colophons bear testimony that several works were printed with privilege, even though records of only a few official grants survive.

Royal printers enjoyed some of the earliest privileges extended by the Crown. No actual record exists of the appointment of the first

official printer to the Crown, the Frenchman William Faques, but between 1504 and 1507 he probably served as “printer at the King’s command,” as he styled himself in his earliest official printed works extant: a proclamation on the coinage, a Latin Psalter, and Statutes (all 1504).¹⁵ Faques’s successor, Richard Pynson signed a 1508 edition of the Magna Carta “Regis impressor expertissim” [sic] on 3 September 1508, and although he did not sign himself as the king’s printer, he printed a Sarum Missal in 1504¹⁶ at Henry VII’s command and expense (“mandata & impensa”) for which the Privy Purse accounts record payment. Even though these early works printed with Crown support can be associated with grants of royal privilege, none of these works carries the title page or colophon imprint which we have come to identify as a clear demarcation of that status, *cum privilegio*, nor do official payments to the king’s printer appear until 1515.¹⁷ The earliest extant work carrying a printed notation of privilege to a royal printer was in 1518 for *Oratio Richardi Pacei in pace nuperime composita*; the notation reads, “Impressa Londini. Anno Verbi incarnati. MDxviii. Nonis Decembris per Richardum Pynson regium impressorem cum privilegio a rege indulto,” that is, printed by Richard Pynson the king’s printer with privilege from the king’s grace. Royal printers received not only a stipend for their office but the sole right to print government documents for which they billed the Crown, some of which were vendible as well.¹⁸ Royal printers after Pynson generally printed all their texts with some form of the notation *cum privilegio regali*. Each Tudor monarch appointed a new royal printer upon succession to the throne: Edward VI appointed Richard Grafton (1547–53) to succeed Thomas Berthelet (printer to Henry VIII);¹⁹ Queen Mary appointed John Cawood (1553–8).²⁰ Elizabeth appointed Richard Jugge and Cawood (1559, for life), and though their patent did not specify the office of “Queen’s printer,” it extended to them the same privilege to print statutes, acts of parliament, proclamations, and injunctions, and added service books and other books printed by authority of Parliament.²¹

Outside of the office of printer to the Crown the status of royal privilege among Elizabeth’s predecessors is less clear. A few distinct records exist of explicit monopolies granted under the Privy Seal, like the one extended to Grafton and Edward Whitchurch on 28 January 1543 to print liturgical books for church use. This monopoly was important enough that its existence was announced by a royal

proclamation on 28 May 1545.²² It appears, however, that most printing privileges were recorded only in the books themselves. A July 1539 letter to Thomas Cromwell regarding one of the privileged books, a primer printed by John Mayler for John Wayland, indicates that at least some privileges were granted verbally, with the imprint serving as the record of privilege.²³ As Henry VIII's chief minister and Lord Privy Seal, Cromwell possessed full authority to grant such privileges.²⁴ An increase in privileged books corresponds to both Henry VIII's break with Rome and Cromwell's rise to power. For the 2,233 extant titles printed during the reign of Henry VIII, 302 were printed with privilege.²⁵ Of the 135 extant works that were printed with privilege before a 1538 proclamation called for the uniform notation of privilege (*cum privilegio ad imprimendum solum*), the king's printers printed 73, just over half (55 percent). Of the remaining 62 extant works, 16 were legal, and 3 were liturgical (not including the Bible, Psalms, or catechisms). The remaining 43 extant works, including translations of the works of Erasmus, chronicles, prognostications, sermons, dictionaries, and grammars were printed "cum privilegio regia majestate," "cum privilegio regis," and simply "cum privilegio," all indicating some kind of special status, usually, of the printer's sole right to print the particular work for a specified period.

The royal printing privilege extended to its owner economic and legal benefits. This is made clear by a 1533 register of "such specialties as now, 15 May 25 Henry VIII, remain in my master Thomas Cromwell's hands, concerning the appearance of certain persons before the [Privy] Council." Cromwell held a bond "of Rob. Redman in 500 m. that he shall not sell the book called 'The Division of Spirituality and the Temporality,' nor any other book privileged by the King."²⁶ The holder of a privilege (printers at this time were also booksellers) had recourse to the Privy Council should his privilege be violated, and the Privy Council could, if it chose, enforce the privilege holder's benefits – in this case the right to sell the work – against the interloper.

The nature of printing privileges has sometimes been misunderstood by later students of Tudor history. The words *cum privilegio* printed on a title page have often been understood as the mark of official permission or approval (license), implying a process of review and implicit censorship. Some of this confusion derives from the 16 November 1538 Henrician proclamation that called for official

licensing and directed “not to put these words *cum privilegio regali*, without adding *ad imprimendum solum*, and that the whole copy.”²⁷ This proclamation, one of several Henrician enactments directed at controlling the press, has elicited considerable scholarly debate that has centered around whether *cum privilegio ad imprimendum solum* indicates official approbation (license) or right to copy (privilege). This discussion has overburdened *ad imprimendum solum* to suggest among other things that the language was instituted to absolve the King of responsibility for indiscriminate use of his privilege to being a defining statement of copyright.²⁸ This proclamation’s clear end was to institute pre-print censorship of scripture and other religious texts and to prevent the printing of objectionable texts “set forth with privilege, containing annotations and additions in the margins, prologues, and calendars, imagined and invented as well by the makers, devisers and printers of the same books, as by sundry strange persons called Anabaptists and Sacramentaries.”²⁹ By calling for the addition of *ad imprimendum solum*, the proclamation sought a printed notation that would allow discrimination between those objectionable books printed *cum privilegio* with offensive addenda and those books to which authentic royal privilege had been conferred.³⁰ From December 1538 until the end of Henry VIII’s reign, any work printed *cum privilegio* included *ad imprimendum solum*. The books so privileged shared the same categories as texts that had previously received royal printing privileges. After the proclamation, of the 166 extant works printed with privilege, Berthelet, the King’s printer, printed 90 (54 percent). Of those remaining, 12 were legal and 8 liturgical. The liturgical works included two editions of the *Orarium* printed by Grafton “per regiam majestatem & clerum”; two editions of Grafton’s English primer, “set foorth by the kynges majestie and his clergie,” whose preparation the King supervised; and a Whitchurch Sarum rite *Portiforium*.³¹ Grafton and Whitchurch’s “Great” Bible accounts for another 7, but only one of these editions received ecclesiastical review and approval. Two-thirds of the works printed *cum privilegio ad imprimendum solum*, then, were of some significance to the King and his administration of Church and state.

Perhaps the reason three small Latin words have posed such a problem for scholars is that, contrary to widely respected views from their earliest years, all privileges to print were not the same. As we have seen, some were those exercised by the King’s printers that were related to both the privilege of their office and the interests of

government. Others were special privileges granted, like the ones to Grafton and Whitchurch, and Cromwell, to ensure that certain kinds of works were printed. Still another had to do with assuring that a particular book was printed – like those extended for Palsgrave’s French language book or Lily’s English and Latin grammars. The remainder – those to which only title pages and colophons bear testimony – reflect the government’s effort to extend support to the printing trade. Despite the differences, during the reign of Henry VIII, all privileges shared two common characteristics. First, a royal privilege protected the holder’s right to print exclusively the privileged title, or titles. This of course did not prevent infringement of the privilege, but it did give the patent holder legal recourse in the Privy Council – a recourse that was widely exercised, as we shall see, during the reign of Elizabeth. Second, despite Pollard’s claim that “the one word ‘privilegium’ seems to have been used as a Latin equivalent”³² for both privilege (the protection from copyright infringement) and licence (the permission to print granted once a work received official scrutiny), being printed *cum privilegio* did not mean that a privileged work had necessarily received the official scrutiny called for by royal proclamation or parliamentary statute.

That the distinction between license and privilege was maintained into and during the reign of Elizabeth can be seen in the wording of Elizabethan printing patents, which were regularly entered under the Privy Seal in the patent rolls. Elizabethan printers enjoyed privileges for individual works, classes of works, and even for all works they printed for a limited time, but these privileges differed in their licensing requirements. Elizabeth called for ecclesiastical licensing in her 1559 Injunctions.³³ The first patent she issued was to John Day the same year. It specified not only a lifetime privilege to print William Cuninghame’s *The Cosmographicall Glasse*, but a privilege for seven years to print other books compiled at Day’s expense. It restricted his other publications: “so that they be not repugnant to Holy Scripture or the law; none of the books to be copies belonging by office to the queen’s printers or derogatory books already printed by former licensees; the books to be perused and allowed before printing, according to the late injunctions.”³⁴ Day printed part of this patent in *The Cosmographicall Glasse* in place of any form of the legend *cum privilegio*³⁵ but did not include the requirement for allowance, presumably since that was required only for the other