

Workshop three

Censorship

The crown and parliament of medieval and early modern Scotland, as for all nations and governments then and since, struggled to control the production and distribution of 'undesirable' manuscript and printed material. Many types of writings were banned and suppressed from immoral and blasphemous tales to treasonous tracts that attacked the religion and government of Scotland, and even the king himself.

[We see in the first extract that Robert the Bruce was the first Scottish king to introduce through parliament legislation to prevent unwanted criticism. This was the start of the law against 'leasing-making', that is spreading gossip and false news that encouraged discontent in the country and a breakdown of relations between the king and the people.]

{Against conspirators and authors of rumours, 1318}

The lord king [Robert I] decreed and forbade that anyone should be a conspirator or an inventor of tales or rumours by which a source of discord shall be able to arise between the lord king and his people. And if anyone such shall be found and attainted he should be immediately arrested and sent to the king's prison and be kept there securely until the lord king shall command his will concerning him.

[RPS, 1318/23]

[The arrival of printing in the fifteenth century helped in the next century the spread of religious dissent and reforming ideas throughout Europe. Breaches with the old Catholic Church, under the control of the Pope, were encouraged in some kingdoms. The old international church was in some countries replaced by national churches which embraced Protestant ideas about theology and church government. The European Reformation was essentially started by Martin Luther in the German principalities and in the following two acts from the 1520s and 1530s we see the still Catholic regime of James V taking action first to ban the import of Luther's books and then to appoint Scotland's Catholic bishops as official censors.]

{Act against the works of Luther, 1525}

It is statute and ordained that, forasmuch as the acts of damnable opinions of heresy are spread in diverse countries by the heretic [Martin] Luther and his disciples, and this realm and lieges have firmly persisted in the holy faith since the same was first received by them and have never, as yet, admitted any opinions contrary to the Christian faith, but have ever been clean of all such filth and vice, therefore that no manner of stranger who happens to arrive with their ships within any part of this realm bring with them any books or works of the said Luther, his disciples or servants, dispute or rehearse his heresies or opinions, unless it be to the confusion thereof, and that by clerks in the schools only, under the pain of escheating* of their ships and goods and putting of their persons in prison; and that this act be published and proclaimed throughout this realm at all ports and burghs of the same so that they may allege no ignorance thereof; and all other the king's lieges, assistants to such opinions, be punished in similar ways and the effect of the said act to strike upon them etc.

[RPS, 1525/7/32]

{Against heretics: for eschewing of heresy within this realm and the pains thereof, 1535}

Our sovereign lord ratifies and approves the statute made of before by his highness in his parliament held at Edinburgh, 17 July 1525, against those who hold, dispute or rehearse the damnable opinions of the great heretic, [Martin] Luther, his disciples and followers, or of any other heresy, with a new addition, of which act and addition thereto, the tenor follows: and our said sovereign lord, for the zeal of love his highness bears to the Christian faith and the Holy Kirk, ordains and statutes the said acts anew.

It is statute and ordained that, forasmuch as the damnable opinions of heresy are spread in diverse countries by the heretic, [Martin] Luther, and his disciples, and this realm and lieges thereof have firmly persisted in the holy faith since the same was first received by them and never as yet admitted any opinions contrary to the Christian faith, but have ever been clean of all such filth and vice; therefore, that no manner of stranger who happens to arrive with their ship within any part of this realm bring with them any books or works of the said Luther, his disciples or servants, dispute or rehearses his heresies or opinions, unless it be to disprove them, and that by the clerks in the schools only, under the pain of escheating of their ships and goods and putting of their persons in prison; and that this act be published and proclaimed throughout this realm at all ports and burghs of the same so that they may allege no ignorance thereof, and that all other the king's lieges, assisters to such opinions, be punished in similar ways, and that none of them have, use, keep or conceal any books of the said heretic or containing their doctrine and opinions, but that they deliver the same to their ordinars [bishops] within 40 days under the pains foresaid, and the effect of the said act be strike upon them, and letters to be directed to make publication hereof in form as is appropriate.

[RPS, 1535/10]

[Printing started in Scotland in 1507 but it was only in the 1550s, as Protestant ideas spread more widely, that parliament took action to control books printed in Scotland as well as those imported into Scotland. As we can see from the following act printers could not print without obtaining a licence from a bishop. They faced the destruction of their materials and banishment for printing heretic, that is Protestant, literature.]

{Concerning printers: no printing without license of the crown and examination by the bishops, 1552}

Item, forasmuch as there are diverse printers in this realm who daily and continually print books concerning the faith, ballads, songs, blasphemies, rhymes of kirkmen as well as of temporal men, and other tragedies in Latin as well as in the English tongue, not seen, viewed and considered by the superiors as relates to the defamation and slander of the lieges of this realm, and to put order to such inconvenients, it is devised, statute and ordained by [James Hamilton, earl of Arran], my lord governor,* with the advice of the three estates of parliament, that no printer presume, attempt or take upon hand to print any books, ballads, songs, blasphemies, rhymes or tragedies, either in Latin or in the English tongue, in any time to come until the time that the same has been seen, viewed and examined by some wise and discreet persons appointed thereto by the ordinaries [bishops] whatsoever, and thereafter a licence had and obtained from our sovereign lady and my lord governor for imprinting of such books under the pain of confiscation of all the printer's goods and banishing him from the realm forever.

[RPS, A1552/2/26]

[Although Scotland's Reformation of 1560 appeared to be something of a victory for reformers in the Church of Scotland, many aspects of government and authority either never left the control of the crown, nobility and parliament or soon swung back to secular control in the course of the late sixteenth century. While the clergy, whether ministers or bishops, were frequently consulted, the official censors became servants of the state and not of the church. The following act of 1599 clearly gives licensing authority to the king's secretary and also for the first time we see the introduction of the death penalty for serious offences. In fact no printer or bookseller is known to have suffered this fate in Scotland before the 1790s though a small number of authors were executed.]

{Act discharging the printing and selling of any books not revised by the secretary, 1599}

The king's majesty and his estates presently convened, considering that in all well governed commonwealths it is expressly prohibited that any subject take upon hand to write, print or publish any books in whatsoever discipline or science, but specially invectives or libellous defamatories, chronicles, histories or annals to the prejudice either of the present state, ignominy or disgrace of the ages past without his majesty's licence had and obtained thereto; and that the said books be first revised by such as his majesty appoints to that effect, and the allowance thereof testified by their attestation in the beginning of the book purporting his majesty's consent, the small regard whereof has bred no little prejudice to all degrees within this realm. For remedy whereof, it is statute and ordained that no person of whatsoever rank, degree or calling presume or take upon hand to write, publish, print or set out any manner of book, defamatory libel, invective, chronicle, annal or history without his majesty's licence had and obtained thereto; and that no sort of book be printed, published nor set out within this realm, nor no new book which may in any way concern the present estate, history or chronicle of times past or present age, being printed without the realm, be brought within the same or sold until they be first seen and revised by his majesty's secretary and his attestation promised thereto according to the lovable custom received in all other civil nations. Certifying those who do in the contrary, they shall be punished to the death, their whole goods confiscated to his majesty's benefit and, if their books contain any matter of treason, the crime thereof shall be with all rigour prosecuted against them.

[RPS, 1599/7/11]

[While to kings like James IV and James VI printing and books were necessities for civilised nations, the practice of selling monopolies to help crown finances was sometimes irresistible. Equally the crown did not always see the threat that book monopolies posed for much needed open intellectual and commercial activity. The following dramatic decision by the Scottish Privy Council is a remarkable moment in the history of the book in Scotland. Although instructed by James VI to confer immediately a monopoly on the printer Andro Hart for the sole right to import and sell books produced overseas, in fine words the council completely refused to comply with royal demands.]

{Decision of the privy council related to the protests by a variety of book merchants and against a monopoly granted to Andro Hart by King James VI, 1614}

The freedom, liberty and privilege of printing, homebringing, and selling of all such books and volumes which are allowed and in no way forbidden ... ought [to] be free to all his Majesty's subjects ... and not conferred and given to any one person without the great hurt and prejudice of the country, because every such private and plain freedom, liberty, and privilege is not only a monopoly of an evil preparative and example, but will give occasion to alter and raise, high, and change the prices of all books and volumes at the appetite and discretion of the person and persons in whose favour the said privilege shall happen to be conferred; and for this effect the said Lords ordain the gift and privilege purchased by the said Andrew Hart [from the king] to be stayed, and on no account to be passed or expedited. [*Register of Privy Council, first series, volume ix, 252*]

[Following the Restoration of Charles II in 1660 the new government quickly moved to control printed criticism and the Privy Council in 1661 took it upon itself to keep a close watch on printing and book distribution. Before its abolition in 1708 the council would continue to be the main body responsible for censorship and licensing in Scotland.]

{Privy Council act against the printing of treasonable books and pamphlets, 1661}

The Lords of Council, being informed that of late diverse books and pamphlets have been printed and reprinted within this kingdom prejudicial to religion, his Majesty's authority and the peace of the kingdom, therefore they command and charge that no printer or company within this kingdom residing in any burgh or place whatsoever presume or take upon hand to print or reprint any book or paper whatsoever subject without licence first had and obtained from his Majesty's Secret Council* or some delegate appointed to revise the same, as they will be answerable upon their highest peril; and ordain intimation to be made hereof by the magistrates at the market crosses of all the burghs where the said printers or companies reside.

[*Register of Privy Council, third series, volume i, 90*]

[In 1672 the government of Charles II conferred the most extensive printing monopoly in Scottish printing history on the Edinburgh and royal printer Andrew Anderson, see below. Anderson was given the power to control the output of other domestic presses, an unprecedented authority within Scotland, but even though parliament initially ratified these powers, over the next decade it and the Privy Council gradually reduced them until the royal printer had the same rights as his predecessors. As with the above Andro Hart case, parliament and privy council came together to stop crown interference in the activities of the legitimate book trade.]

{Ratification in favour of Andrew Anderson and his partners, 1672}

Our sovereign lord and estates of parliament, taking to consideration the letters of gift after-specified and weighty causes whereby his majesty was moved to grant the same, and likewise foreseeing the great good and profit that by the due observance and prosecution thereof will rebound to his majesty and his subjects, have therefore ratified, approved and confirmed and, by this act, ratify, confirm and approve the letter of gift granted by his majesty, with consent of the lords of his highness's exchequer, to Andrew Anderson, printer to the college and city

of Edinburgh, under his highness's great seal of this his ancient kingdom, of the date at Whitehall, 12 May 1671, whereby his majesty made, nominated and constituted the said Andrew Anderson his highness's only sole, principal printer, to print and cause print, by himself, his assignees and substitutes or his or their journeymen printers or servants, all and sundry books or papers of any language, learned or vulgar, with sole power to him and his co-partners and assistants (whom he shall choose) assignees and substitutes, to govern, direct and order the printing of all such books and papers, so that it shall not be lawful to any other person, printer or bookseller to print or publish, or to cause print or publish, any books or papers, in any language learned or vulgar, but in the way and manner foresaid and only by those who shall be ordained by the said Andrew Anderson, and his partners and assignees, to print and publish, and that for the space of forty-one years after the time therein specified of the said Andrew's entry to the said office. And likewise, his majesty, with consent foresaid, gave, granted and conveyed to the said Andrew, and his heirs, co-partners, assignees and substitutes, the sole, absolute and undoubted right of the said office and gift as only masters, directors and regulators of his majesty's office of printing within the said kingdom, with the sole and only power, during the said space, not only of printing his majesty's and his highness's illustrious progenitors their acts of parliament, proclamations, edicts and all other papers and concerns belonging to the said kingdom, but also of printing and reprinting (notwithstanding of any act or acts of his majesty's council in favour of any others) of bibles in all volumes, with the psalms annexed thereto, as well for the churches of England and Ireland as of Scotland, third parts of the Bible, and new testaments of whatsoever volume, all books of theology, commentaries, concordances, books of the common and civil law, school authors, grammars, rudiments, psalms, confessions of faith, larger and shorter catechisms, calendars etc., and to export and sell the same in any part of his majesty's dominions for the use of his subjects, prohibiting thereby, as well as natives as foreigners, to print or reprint, or cause print or reprint, import or cause to be imported, from any place without the said kingdom, or from beyond seas, any bibles, third parts of the Bible or new testaments of whatsoever volume, or any of the forenamed books, papers or pamphlets, without the special license of the said Andrew and his foresaids, under the pain of confiscation of the said books so printed or imported, whereof the one half to belong to his majesty and the other half to be applied to the use of the said Andrew and his foresaids, and under other pains and mulcts which the lords of his majesty's privy council from time to time shall be pleased to inflict upon the contraveners; and with power to the said Andrew, and his foresaids, to erect or cause to be erected within the city of Edinburgh, or any other city or burgh within the said kingdom of Scotland, presses, printing houses and materials and, for that effect, to take and set to work all workmen, journeymen printers and correctors of the presses needful for his majesty's service and benefit of the said kingdom, inhibiting that no person who has not served his apprenticeship in the art and vocation of printing (and that is not so made capable to be a master printer) shall erect or keep up any printing houses, or print any books or papers whatsoever, nor, for that effect, to employ any journeymen printers; moreover inhibiting all journeymen printers to take, breed, instruct or keep in service any apprentice in the art of printing without license of the said Andrew and his foresaids.

Moreover, his majesty gave and granted to the said Andrew, and his foresaids, all other privileges, profits, immunities, casualties, fees, emoluments and others whatsoever pertaining to the said office and contained in whatsoever gifts granted by his majesty's father, or any other of his royal progenitors to any other of their printers, at any time bygone, as by this act they are freed from public taxations, stents, watchings, bullion money for whatsoever paper or necessaries required for the said office of printing, and from all annuities whatsoever during the said space, to be bruiked, used, exercised and enjoyed by the said Andrew, and his

foresaid, as fully and freely, in all respects and to all intents and purposes, as any other printer by virtue of their office has enjoyed, or for the future shall be known properly to belong to the same; and lastly, ordaining the lords commissioners of his majesty's treasury, and their receivers present and to come, to pay the fees due to the said office yearly during the said space, and which is declared to be allowed to them in their accounts in the whole heads, articles and clauses thereof, and admits the foresaid ratification to be as sufficient as if the said gift were word for word herein inserted, albeit not so done, with the which dispense forever.

Moreover, his majesty and estates of parliament, of new make and constitute the said Andrew his majesty's only, sole and chief printer, with power to him and his foresaids to exercise the said office, and to bruik, possess and enjoy the same, with the privilege of secluding and debarring all others, power of confiscation and whole other privileges, casualties, freedoms and immunities above-specified, during the space above-expressed, recommending hereby to his majesty's privy council to see the said gift put to due execution, and made effectual to the said Andrew Anderson and his foresaids, according to the tenor thereof in all points, and upon complaints to redress all wrongs done to or encroachments thereupon in any time coming, during the said space. It is always hereby declared that this present ratification shall in no way be prejudicial to any acts of council made anent the ordering of the said gift.
[RPS, 1672/6/158]

[Religion was a constant factor in government censorship and one interesting example of how religion, books and high politics were inseparable is the following simple statement by the convention of estates of 1689. Meeting to confirm their support for William of Orange and his wife Mary they declared that amongst other reasons James VII of Scotland and II of England had vacated the throne on account of his commissioning the printing of Catholic books. In fact James did set up his own Catholic press in Holyrood Abbey, Edinburgh, under the German, Catholic printer Peter [Bruce] Breusch]

{Vote declaring the throne vacant and the reasons thereof, 1689}

By allowing popish books to be printed and dispersed by a gift to a popish printer, designing him printer to his majesty's household, college and chapel, contrary to the laws.
[RPS, 1689/3/94]

[As with the Restoration government established in 1660, the government installed after the 1688/9 Revolution was anxious to show the legitimacy and legality of its actions. Great importance was placed on legal precedent and so even in 1689 the first full censorship act, that of 1552, is cited below. Also, note that a new censorship committee was appointed, word was to be spread to the other printing burghs, that is Aberdeen and Glasgow, but the death penalty had been dropped.]

{Privy council act discharging printers to print paper until they are revised, 1690}

The lords of his majesty's Privy Council in the terms of and conform to the tenor of the twenty seventh act, fifth parliament of Queen Mary (1552) discharge all printers within the kingdom to print or reprint any pamphlets, books or others relating to the government until the same be seen, revised and examined by the earl of Cassillis, Master of Melville and the

Lord Advocate,* whom the council do hereby authorise for that effect, with certification to such who shall presume to act in the contrary hereof, that not only shall all their goods be confiscated but likewise they shall be banished from the kingdom for ever. And they ordain the macers of Privy Council to make intimation to all the printers in Edinburgh and appoint Sir William Lockhart, his majesty's solicitor, to make intimation to all other printers within this kingdom that they may not pretend ignorance.

[Register of Privy Council, third series, volume xv, 56]

[Although what was defined as blasphemy varied throughout the medieval and early modern periods, both the church and the state provided mechanisms for punishing blasphemers whether they spoke, wrote or printed unacceptable material. The following act of June 1695 was a response by parliament to pressure from the church to halt the spread of Deism. Deists had heretical, 'rational' and unorthodox views which rejected some traditional theology. After the third offence the punishment was to be execution. As far as is known Thomas Aikenhead, an Edinburgh student, who was hanged in 1696 for refusing to recant his atheistic views and was probably mad, was the only victim of stage three of the code.]

{Act against blasphemy, 1695}

Our sovereign lord, with advice and consent of the estates of parliament, does hereby ratify and approve and confirm the 21st act of the first session of the first parliament of King Charles II, entitled, act against the crime of blasphemy, in the whole heads, clauses and articles thereof, and ordains the same to be put to due and punctual execution. And further, his majesty, with advice and consent foresaid, statutes and ordains that whoever hereafter shall in their writing or discourse, deny, impugn or quarrel, argue or reason, against the being of God, or any of the persons of the blessed trinity, or the authority of the Holy Scriptures of the Old and New Testaments, or the providence of God in the government of the world, shall for the first fault be punished with imprisonment, until they give public satisfaction in sackcloth to the congregation, within which the scandal was committed. And for the second fault, the delinquent shall be fined in a year's valued rent of his real estate, and the twentieth part of his free personal estate (the equal half of which fines are to be applied to the use of the poor of that parish within which the crime shall happen to be committed, and the other half to the party informer) besides his being imprisoned, until he makes again satisfaction as above. And for the third fault, he shall be punished by death as an obstinate blasphemer. Likewise his majesty, with advice and consent foresaid, hereby authorises and strictly requires and enjoins all magistrates and ministers of the law, and judges within this kingdom, to put this present act into execution as to the first fault. And does hereby empower and require all sheriffs, stewarts, bailies of bailiaries and regalities and their deputes, and magistrates of burghs, to put this act in execution as to the second fault. And as to the third fault, his majesty, with advice and consent foresaid, remits the execution of this present act to the lords of his majesty's justiciary.

[RPS, 1695/5/117]

[As the terms of union of the parliaments of Scotland and England were negotiated in the Edinburgh parliament, the government and parliament of Scotland was very sensitive to any criticism and mockery of the ancient history, traditions and privileges of the parliament and kingdom of Scotland. This act of 1705 shows how firmly parliament dealt with printed attacks on Scotland emanating from English authors and presses.]

{Books written by William Atwood ordered to be burnt, 1705}

Moved that the book entitled, *The Superiority and Direct Dominion of the Imperial Crown of England over the Crown and Kingdom of Scotland*, being scurrilous and full of falsehoods, as also the pamphlet entitled, *The Scots Patriot Unmasked*, reflecting upon the honour and independency of this nation, both written by William Atwood, be burnt by the hand of the hangman and accordingly the same was ordered to be done by the magistrates of Edinburgh, Wednesday next, being the 15th instant, between the hours of 11 o'clock and 12 o'clock, and that a warrant be given to them for that effect.

[RPS, 1706/5/52]
