

PUBLISH AND PERISH

THE PRACTICE OF CENSORSHIP IN THE BRITISH ISLES IN THE EARLY MODERN PERIOD

Edited by

Isabelle Fernandes

University of Clermont Auvergne, France

Series in World History



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Table of Contents

List of Illustrations	v
Notes on Contributors	vii
Acknowledgements	xi
General Introduction: “The cursory eyes of a temporising and extemporising licenser.” Forms of censorship in early modern England	xiii
Isabelle Fernandes <i>University of Clermont Auvergne, France</i>	
PART I: Censorship in context: law and the book-trade	1
1. Social connections and the control of the book-trade	3
Mark Bland <i>De Montfort University, Leicester, UK</i>	
2. The Habermasian Public Sphere Revisited	31
Randy Robertson <i>Susquehanna University, USA</i>	
PART II: Silent censorship: self-censorship, translations and editorial practices	71
3. The silences of Sir Thomas More	73
Dominique Goy-Blanquet <i>Université De Picardie, France</i>	
4. <i>Et Ego in utopia</i>: political and scientific censorship in Francis Bacon’s <i>New Atlantis</i> and <i>An Advertisement touching the Controversies of the Church of England</i>	89
Mickaël Popelard <i>University of Caen-Basse Normandie, France</i>	

5. Pierre Le Loyer's <i>Treatise of Specters</i>: translation as censorship?	107
Pierre Kapitaniak <i>University of Paul Valéry - Montpellier 3, France</i>	
6. Translators—willing or unwilling auxiliaries of censorship? A study of a few French pamphlets published in England in the last quarter of the sixteenth century	123
Marie-Céline Daniel <i>Sorbonne Université, France</i>	
PART III:	
Physical censorship	135
7. The politics of destroying books: the case of Girolamo Pollini's <i>Ecclesiastical History of the English Revolution</i> and its English response	137
Freddy C. Dominguez <i>University of Arkansas, USA</i>	
8. A Dublin auto-da-fe: the public burning of John Toland's <i>Christianity not Mysterious</i>, 11 September 1697	149
Pierre Lurbe <i>Sorbonne Université, France</i>	
Index	161

List of Illustrations

Figures

Figure 2.1: Average yearly totals of books published between 1691 and 1770	49
Figure 2.2: Mean annual ESTC title count between 1600 and 1749 in five-year segments (as of 20 June 2017)	51
Figure 2.3: Number of publications related to Socinianism	52
Figure 2.4: Number of publications related to Deism	52

Tables

Table 5.1: Structural inconsistencies in Zachary Jones's translation of Pierre Le Loyer's <i>A Treatise of Specters</i>	115
Table 5.2: Comparison of two extant variants of Zachary Jones's <i>A Treatise of Specters</i>	120

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l'Angleterre du premier dix-septième siècle," *Cahiers d'études du religieux. Recherches interdisciplinaires*, n°14, "Le corps et ses métamorphoses dans le temps long," 2015, 15 pp.; "The great primæval contract of eternal society': Edmund Burke's Views on the Social Contract," *Darbai ir dienos [Deeds and Days]*, Vytauto Didžiojo Universitetas/ Vytautas Magnus University, *Versus Aureus*, n°63, 2015, pp. 67-81.

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General Introduction: “The cursory eyes of a temporising and extemporising licenser.” Forms of censorship in early modern England

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“Assassination [can be] the extreme form of censorship”: George Bernard Shaw encapsulated in his dictum the fate that the author of any oral, written, printed or visual transgression of a set code of rules, rites and doctrines might meet in the worst possible scenarios (quoted in Holquist 1994, 15). Publish and perish... In some parts of the world, censorship can still be literally equated with death, as proved by the *fatwa* issued against Salman Rushdie’s *Satanic Verses* (Freshwater 2004, 240). Any study on censorship will eventually come up against the rather tricky question of what “censorship” means. If we turn to etymology, the term comes from the Latin noun *censor*, derived from the neutral verb *censere* (“to appraise, value, judge”), whose Indo-European root *kens* signifies to “speak solemnly, to announce.” *Censura* was thus an evaluation, estimation, as in the English “census.” In ancient Rome, the censor was a magistrate whose principal task was to register the citizens who paid taxes. The shift from the simple public reckoning to the punishment related to censure occurred in the fourth century, when the magistrate also happened to supervise public morals. The censor’s work, as defined by the French philologist Georges Dumézil, was “to put (a man, a deed or an opinion) in their appropriate hierarchical place, with all the practical consequences that this entailed, thanks to an appropriate public reckoning, be it a praise or a solemn blame” (my translation, Dumézil 1943, 188). The censor’s task was to preserve social norms while the purpose of Roman censorship was not only to impose a degrading penalty onto the offender, but to reintroduce in society an order that had been flouted: censorship was both a punishment and a cure. The rather ambivalent acceptations of censorship also appear in the first recorded occurrence of the term in England, which dates to 1591 according to the *Oxford English Dictionary*, and which meant “judgment.” “This implies that, under the apparently simple label of ‘censorship’, there were—and still are—a variety of practices associated with the regulation of public speech” and expressions (Chiari 2019, 3).

How comes it that censorship has bad press? In a number of modern—as opposed to pre-Enlightenment—societies, in the wake of the American and French Revolutions, free speech has become an inalienable right enshrined in the First Amendment of the American Constitution and in the Eleventh Article of the French Declaration of the Rights of Man and Citizen: “The free communication of thoughts and opinions is one of the most precious of the rights of man. Every citizen may therefore speak, write, and print freely” (Hunt 1996, 77-79). The prevailing perception is that censorship—that for convenience’s sake we might broadly define here as whatever might prevent and suppress free communication—either exists, or it does not. This polarised conception is based on an exclusive logic whose binarism seems to promise that once the various external silencing agents are neutralised, “free speech” will rise out of its ashes—or will shake off its shackles, depending on the situation. In 1984, Annabel Patterson found fault with this Manichean divide and maintained that there is no such thing as absolute freedom.

While the presence or absence of state censorship is widely assumed to distinguish absolutely the two major political structures of our time [democracy and dictatorship], it is by no means clear that the ‘Free World’ has resolved such problem areas as freedom of information in relation to national security, intellectual liberty in the educational system, or the rights of public servants to express their views on the institutions they serve (Patterson 1984, 3).

In his thought-provoking chapter on the question, Michael Holquist also rejected this “absolute choice between prohibition and freedom,” to come up with the ontological statement that leaves no doubt about the impossibility to evade repression: “censorship is” (Holquist 1994, 16).

This collection of essays will be primarily concerned with writing and censorship in the British Isles during the Tudor and Stuart periods. A few decades ago, the prevailing view of early modern censorship practices postulated sovereign power repressing oppositional discourses, mutilating the blamable works, punishing writers, printers and owners, and more generally, inhibiting in a monolithic way the freedom of the press (Siebert 1952). By contrast, the scholars who have worked on the same issue over the last couple of decades, argue that early modern censorship was not as draconian as previously thought, and posit an alternative paradigm, assuming multiple sites of governmental and individual authority, processes and agents. While the authorities that wielded the sword of silent justice (or revenge) were harsh, the practices of censorship were multi-layered and complex, their applications erratic, their rules shifting and at times unclear (Patterson 1984; Clare 1990; Dutton 1991; Clegg 1997; Hadfield 2001; Chiari 2019). If these

modern reappraisals offer essential horizons of expectations, they must nevertheless “not make us forget the repressive function of censorship in early modern Europe. Books were [...] burnt, publishers and printers were prosecuted for the texts they had published or printed, and authors were punished and executed for what they had written” (Chartier 2019, 205).

The censures of the Church

The historical evolution of censorship closely follows the development of our Judeo-Christian civilisation: the conversion of the Roman emperor Constantine I turned Christianity from a persecuted into a persecuting religion. Once the new Church was institutionalised with the edict of Milan in 313, executions became the sanctions that were applied to those who went astray, either in doctrine or practice. *Thalia*, one of the books by the Alexandrian priest Arius, was condemned in 325 by the Council of Nicaea and Constantine ordered its destruction: this was among the first writings to be forbidden and suppressed by the Christian Church. As early as the fourth century, heresy was made a state crime while in 496, papal authorities drew a list of works to be banned, *Descretum Gelascanium*, that defined what the Church deemed impermissible (Ingelhart 1998, 9). The blacklisting of books was to outlive the Roman Empire, and the index went through numerous editions till 1966.

European censorship developed from the Church's will to stamp out heresy. This all-out confessional war was the rationale behind the setting up of the Inquisition in 1231—though burnings for heresy had started before, as testified by the 1022 burning of 14 people in Orléans (Gregory 2001, 75). The Church's spiritual authority was put forward to rationalise the definition of what was right. Even before Martin Luther's 95 theses, even before Gutenberg's introduction of the printing press in Europe, the Church sought to regulate language: Pope Innocent VIII's bull *Inter Multiplices* established in 1487 that the circulation of heretical and erroneous works caused the corruption of the community of the godly. Censorship, it was argued, was justified, and occurred whenever salvation was at stake (Maclean 2012, 156). The Fifth Lateran Council (1512-1517) issued in 1515 a decree, “On Printing Books”, which recognised both the value and the risks of printing. For a “more attentive supervision” of the print industry, pre-publication censorship was to apply anywhere in Western Europe, carried out by bishops (or their deputies) and the local “inquisitor of heresy.” Books printed without a written permission (*imprimatur*) were to be burnt and the printers fined, suspended or excommunicated (Minnich 2010). In England, papal laws intersected with domestic regulations: sedition and treason had been defined by statutes (respectively in 1275 and 1351) that protected the Lord's anointed. Thomas

Arundel's Constitutions (1409) and the 1414 Suppression of Heresy Act (2 Hen. V, st. 1, cap. 7) prohibited the expression of anything that might "subvert the Christian faith and the law of God and Holy Church," or "destroy the same our Sovereign Lord the King" (*Statutes of the Realm* 1963, 181): the pattern set up by Constantine lived on in medieval England, where heresy was akin to a state crime, i.e., a crime of *lèse-majesté*.

Before Gutenberg, censorship was rather simple: manuscripts were burnt (Gillett 1932, 15-18). Printing multiplied controversial reading materials in numbers never before imagined: "the Presse in one day will do in Printyng, that none in one yeare can do in writing" (Fexe 1570, 859). Books forced the Church to find new responses to the rising tides of oppositional discourses. Calling for the burning of Luther's works, the papal bull *Exsurge Domine* (1520) marked the beginning of the first domestic actions against the free circulation of books throughout Europe: public burnings took place at the Sorbonne in Paris and elsewhere in Western Europe. In England, in May 1521, Thomas Wolsey issued a legatine commission to the bishops to hold a visitation for the purpose of confiscation of "any books, written or printed, of Martin Luther's errors and heresies." Such books were to be surrendered to Church authorities within fifteen days; the "concealers and favourers of heretical pravity" would otherwise be excommunicated and being "reputed and judged as heretics, [they were] liable to be punished as such" (Strype 1822, vol. 1, 56). Wolsey orchestrated a series of bonfires and "great baskets full" of Luther's books were burnt at St. Paul's (Fexe 1570, 1404). As demonstrated by David Cressy, an *auto-da-fe* (literally, an act of faith) was "a metonymy, a symbolic substitution of an attribute for an entity, and a carefully stage-managed demonstration of the English King's Catholic orthodoxy, which earned him the hereditary papal title 'defender of the faith'" in 1521 (2005, 362). Though the metonymical displacement was accompanied by a sermon whose purpose was to tell the audience how the vicarious execution should be construed, the script was not always followed as expected: Luther responded by casting the papal bull of excommunication into a pyre (also, see Chapter 8 in the current volume, Pierre Lurbe, "A Dublin *auto-da-fe*").

The power to burn heresy out of the Commonweal had been vested in the English clergy since the 1401 *De Haeretico Comburendo* statute, a potent legal weapon that not only prohibited "any perverse doctrine or wicked, heretical, or erroneous opinions," but condemned those who did "make and write books [...] against the Catholic faith, Christian law, and determination of the Holy Church." Though the statute acknowledged that the Church was to be the most active authority in the war for orthodoxy, a cooperation between ecclesiastical and royal forces was envisioned, "since the diocesans of the said realm cannot by their jurisdiction spiritual, without aid of the said royal majesty, sufficiently

correct the said false and perverse people, nor refrain their malice, because the said false and perverse people do go from diocese to diocese and will not appear before the said diocesans.” As happened in European inquisitorial trials, bishops, with “their jurisdiction spiritual, and the keys of the church with the censures of the same,” pronounced the sentence after examination and proof, and delivered the culprits into the hands of royal officers who then organised the burning. The stake was to be erected “before the people, in a high place [*eminenti*], that such punishment may strike fear to the minds of others” (Gee and Hardy 1896, 133-137). The statute was further strengthened in 1414 by a supplementary act that punished the “authors, makers and writers of bookes conteinyng wicked doctrine and erroneous and hereticall opinions, [...] but also [... those] as shall haue or keepe any such bookes or writynges” (Foxye 1570, 1811).

“They shall have license so to do”

In the power struggles that had been going on since the Middle Ages between Crown and Tiara, the new question that surfaced, especially in the wake of the Reformation, was about who was to have the upper hand over censorship. Books had become objects of power, the privileged vectors of domination over, and by knowledge: in the words of Sue Curry Jansen, censorship is “the knot that binds power and knowledge” (1988). It was because books might be turned into weapons imbued with revolutionary power that the English government took an increasing interest in the printing trade. The restraint of printed materials devolved from spiritual to temporal authorities, and the State set up policies and practices of censorship in a world where the lines between heresy and sedition became increasingly blurred. “By making the monarch the head of the established Church, [the Henrician schism] converted every religious question into a political one and suffused government policies with religious overtones. As a result, nonconformity and heresy became virtually indistinguishable from sedition and treason” (Levy 1985, 5), while obscenity was barely considered yet. Proclaiming a religious faith other than that of the monarch was *de facto* seditious: Tudor censorship, no matter what religion the monarch favoured, made sure to leave no doubt about it. In the wake of the King’s Great Matter, the proclamation “Enforcing statutes against heresy, prohibiting unlicensed preaching, heretical books” (March 1529) reaffirmed the close cooperation between the clerical authorities and royal agents, and produced a series of prosecutions that ended up at the stake: Thomas Hitton was burnt in February 1530. He was the first of a long list. As for the November 1538 proclamation, it removed the monitoring of the contents out of the hands of the Church, into the hands of the State, and established the precedent for the pre-publication licensing of literary works in England: “no person or persons in this realm shall

from henceforth print any book in the English tongue, unless upon examination made by some of his grace's Privy Council, or other such as his highness shall appoint, they shall have license so to do" (Hughes and Larkin 1964, 271-272).

This proclamation raises the question of the identity of the censors. In 1408, during a synod held at Oxford under the impulse of the Primate of England Thomas Arundel, a number of constitutions were passed, one of them providing that censors should be appointed by the Universities.

The University finding themselves now disturbed and disunited through the opinions of Wycleve, [...] the Archbishop of Canterbury constituted [...] that none of the said books, or any tract composed by him, should be read or taught in the Schools or elsewhere, or be permitted to be sold, unless they be first approved by the University of Oxford or Cambridge, or at least examined by twelve persons appointed by each place, and approved by the Archbishop and his successors (Wood 1792, 544).

Till the lapse of the Licensing Act in 1695, various agents contributed to the good working of the censorship machinery (see Chapters 1 and 2 of the current volume). The system had a top-down functioning: the monarch expressed her or his will thanks to proclamations, decrees and acts of Parliament, while the administration and enforcement of the controls demanded came under the aegis of the law courts—including the Star Chamber, and later the Elizabethan High Commission, the Privy Council, Archbishops, Bishop of London, Vice-Chancellors of the Universities and the Stationers' Company (Clegg 1997, 30-31; Paleit 2019, 26-27). In her first proclamation, "Offering freedom of conscience" (18 August 1553), issued a month after her accession, Mary I displayed her contempt of "printers and stationers, [who set out to sell] books, ballads, rhymes and treatises to her grace's subjects, [out] of an evil zeal for lucre, and covetous of vile gain." The unheard-of output of Protestant printed works that flourished during Edward VI's reign (King 1999) could be explained, so she considered, by the lure of profit. Granted, "printing was first and foremost a business—a group of crafts by which men maintained themselves and their families" (Loades 1974, 145): it was a profit-making business to boot, especially in the early sixteenth century, when the potential benefits could be considerable (MacCulloch 2003, 72). Mary did not, however, downplay the reformers' strength of conviction: as diversity of opinions in matter of religion had always represented a danger to "the laws of this realm" and to "God's glory and holy word," she forbade preachers, teachers, players and printers to meddle with any controversy touching doctrine, "except they have her grace's special license in writing for the same, upon pain to incur her highness's indignation and displeasure" (Gee and Hardy 1896, 373-376). No indication was given as to how this licence was

to be granted. In 1557, partly due to the Queen's engrained mistrust in the printing trade, started a "symbiotic relationship [...] that continued under Elizabeth and the Stuarts," when Mary gave the Stationers' Company a royal charter; "in exchange for their assistance in checking the production of seditious books, she awarded the stationers a monopoly on the print trade" (Robertson 2009, 3). As a complement, Elizabeth I set up an ecclesiastical High Commission that was to have the responsibility for licensing printed works in her 1559 Injunctions (item 51). She also confirmed Mary's charter in November 1559, without any change, and for substantially the same reasons it had been granted—"so that the stationers might aid the government in controlling the press" (Patterson 1984, 35). The system described above lasted in essence until 1695—with a lapse in 1641—and applied to non-dramatic productions: the licensing of performances and printed plays lay in the hands of the Master of the Revels (Clare 1990; Dutton 1991; Clare 2019).

Though press controls and the agents involved in them were numerous, the very fact that decrees, acts and proclamations multiplied seems to be a token of failure: censorship proceeded on an *ad hoc* basis, due to the "crazy quilt of proclamations, patents, trade regulations, judicial decrees and Privy Council and particular actions patched together" and to the "sometimes common and sometimes competing threads of religious, economic, political and private interest" (Clegg 1997, 6). Censorship was indeed, but the regulations of such an imperfect system, full of gaps and loopholes, could be evaded, and even exploited.

"Printyng, writing, and readyng"

The regulation of discourses could take the form of a control over books and their circulation thanks to pre-publication licensing or post-publication suppression, but these measures only reached domestic production, even if Henry VIII's 1538 proclamation had tried to prohibit the importation, sale and publication of English texts "from outward parts" beyond the seas. A precautionary response to bypass regulations was to rely on the practices of surreptitious publications: secret presses, sometimes located in London as with John Day's or John Wolfe's, produced polemics, whose false imprints, author's and printer's names led the authorities on wrong tracks (King 1999). Market forces were vivid enough to also justify the smuggling of illegal printing by English exiles who had settled on the continent.

At different points in the process that led from production to reception, individuals incurred risks by disregarding the legal statements that regulated the press. Censorship transcended the boundaries between public and private when Tudor governments set about restricting Bible reading by controlling who could read and how it was done. Henrician proclamations enjoined

people to “read and hear with simplicity and without any arrogancy the very Gospel and Holy Scriptures” (1538, Hughes and Larkin 1964, 272-275) and “with[out] any loud or high voices” (1539, Hughes and Larkin 1964, 284). In 1543, the Act for the Advancement of True Religion restricted the reading of the Scriptures along social lines, mandating that they should be read by “no women or artificers, prentices, journeymen, serving men of the degrees of yeomen or under, husbandmen, nor labourers.” If provisions allowed women of the nobility and the gentry to read them in private, most of the population was officially prevented from having access to them (34 and 35 H. VIII, cap. 1). Authorities were also wary of paratexts that could be added after the grant of the licence and that could considerably change the message, paratexts such as “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” (Hughes and Larkin 1964, 270).

Reading could definitely be subversive: “The Lord began to worke for his Church, not with sworde and tergate to subdue his exalted aduersarie, but with printyng, writing, and readyng” (Foxe 1570, 858). It was thus not without its dangers: John Potter was rebuked by the bishop of London Edmund Bonner and sent to Newgate prison in the 1530s for reading the Bible, as narrated by John Foxe (“The story of Iohn Porter cruelly Martyred for readyng the Bible in Paules” 1570, 1420).¹ Others were arraigned for “readyng the Scripture or treatises of Scripture in Englishe: some for hearyng the same read” (Foxe 1570, 1002). The rate of illiteracy was important, but this did not turn out to be an obstacle as collective sessions of reading, in which one person would read aloud to other gathered listeners, disseminated the true faith. During Mary’s reign, Joan Waste, a blind woman from birth, turned to others to come to the light of Christ: “by reason of her blindnes vnable to reade, yet for the great desire she had to vnderstand and haue printed in her memory and sayinges of holy scriptures contained in the new Testament, she acquainted her selfe chiefelie with one Iohn Hurt, then prisoner in the common hall of Darby” (Foxe 1570, 2137). The word of God was more than a text to be read: it was to be engraved in people’s memories, thoughts, hearts and even flesh, when readers became ready to die for it.

The first Stuart kings inherited and retained this system of control (Clegg 2001), with the entanglement of Church and State interests. As noted by Randy Robertson, James I censored twice as frequently as had Elizabeth

¹ Porter seems to have been seized and imprisoned not simply for Bible reading, but for preaching controversial theology (Shields and Forse 2002, 725-734).

PAGES MISSING
FROM THIS FREE SAMPLE

Index

A

A declaration of egregious popish impostures, 120
A Prognostication Everlasting, 91
A Treatise of Specters, xxvi, 107, 109, 110, 117
Abbott George
 Archbishop of Canterbury, 15
Act Against Seditious Words and Rumours, 1581, 94
Act for the Advancement of True Religion 1543, xx
Act in Conditional Restraint of Annates
 1532, 80
Act of Supremacy, 1534, 83, 84
Act of Uniformity, 1559, 6
Acts and Monuments, 6, 23, 79
Aikenhead Thomas, 151
Alington Alice, 80, 85
Alington Giles, 10
All's Well that ends Well, 78
Allen George, 20
Allen William, 139, 141
American Constitution, xiv
American Revolution, xiv
An advertisement touching seditious writing, 144
An Advertisement touching the Controversies of the Church of England, xxv, 90, 95, 96, 97
Anabaptists, xx
Anglican, Anglicanism, 49, 152, 157
Anglicana Ecclesia, xxiv

Anne
 Queen of England and Scotland, 55, 60, 62
Anne Boleyn, Queen of England, 80, 84, 140, 142
Antisanderus, 142, 143, 144, 145
Apologie of the Earl of Essex, 22
Apologie of Syr Thomas More, *Knyght*, 78
Arcadia, 20
Archeologus, 26
Arendt Hannah, 61
Areopagitica, xxi, 27, 34, 39
Arius, xv
Arundel Thomas
 Archbishop of Canterbury, xvi, xviii
Arundel's Constitutions, 1409, xvi
Aspley William, 113
Astrophel and Stella, 19, 20
Atheism, astheist, 95, 151
Atterbury Francis, 44, 45, 153, 154
Auto-da-fe, xvi, 151

B

Bachelard Gaston, 102
Bacon Francis, xxv, 89, 90, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 143, 144, 145
Bancroft Richard
 Archbishop of Canterbury, xxiii, 15, 17, 18, 19, 22, 26
Bank of England creation 1694, 58
Bastwick John, xxi
Bill John, 26
Bill of Rights 1689, xxiv, 50

Bishop George, 10, 11, 18
 Bisset William, 60
 Blasphemy, xxii, 46, 47, 151
 Blount Charles, 15, 37, 38, 39, 46
 Bodin Jean, 113
 Bohun Edmund, 36, 37, 39, 55
 Bolingbroke Henry St John, 45
 Bonham William, 4, 11, 12
 Bonner Edmund, xx
 Booksellers, xxi, 4, 15, 36, 37, 38,
 40, 43, 46, 51, 53, 54, 112, 129,
 131, 132
 Brandon Katherine, Duchess of
 Suffolk, 110
 Bromhall Thomas, 121
 Bruno Giordano, xxv, 17, 25, 90, 91,
 92
 Bulkeley Richard, 149, 155
 Burnet Gilbert, 79
 Burton Francis, 23, 24
 Burton Henry, xxi, 26
 Butler William, 110, 111, 119
 Byng Isaac, 11
 Bynneman Henry, 21, 22

C

Calvinist, Calvinism, 94, 113
 Caly Robert, 5
 Catherine de' Medici, 109, 111, 117
 Catholic, Catholicism, xvi, xxii, xxv,
 xxvi, xxvii, 22, 23, 24, 25, 40, 47,
 73, 83, 84, 85, 93, 94, 108, 111,
 112, 113, 116, 118, 120, 121,
 124, 125, 126, 127, 128, 129,
 130, 132, 138, 139, 140, 141,
 142, 143, 144, 145, 146, 156,
 157, 158
 Cawood John, 11
 Cecil Robert
 Earl of Salisbury, 15, 17, 23, 24
 Cecil William, Lord Burghley, 10,
 15, 19, 20, 21, 140, 141, 142,
 143, 144, 145
 Censors, xiii, xviii, xxiii, xxvi, 74,
 90, 129, 131, 132
 Chapuys Eustace, 80
 Charles I
 King of England and Scotland,
 121
 Charles II
 King of England and Scotland,
 xxi, 156, 157
 Charles V
 Holy Roman Emperor, 80
 Charlewood John, 20
 Charron Pierre, 25
 Charter of Incorporation, 1557,
 xix, xxii, xxiii, 3, 4, 5, 10, 11, 22,
 94
 Charter of Incorporation, 1559, xix
Christianity not Mysterious, xxvii,
 149, 150, 155, 157, 158, 159
 Church of England, 36, 46, 83, 112,
 152, 153
 Clement of Alexandria, 114
 Coffeehouse, xxi, xxiv, 34, 53, 56,
 59, 60
 Coke Edward, 16
 Coldock Francis, 12, 20, 21
 Commonweal, Commonwealth,
 xvi, 76, 92, 145
 Congregation of the Index, 93
 Constantine I
 Roman Emperor, xv, xvi
 Conway Henry, 20
 Copernicus, Copernicanism, xxv,
 90, 91, 92, 94
 Copyright Act 1710, 54
 Cosin Richard, 18
 Council of Nicaea, xv
 Council of Trent, 93
 Counter-Reformation, 112

Cowell John, 142, 143, 144, 145,
146
Cromwell Thomas, 74, 76, 80, 84

D

Daneau Lambert, 113
Daniel Samuel, 19, 20, 21
Darcy Thomas, 139, 140, 141
Day John, xix
De Castelnau Michel, 91
De Haeretico Comburendo Act,
1404, xvi
De Mocenigo Giovanni, 91
De Ribadeneyra Pedro, 142
De Spectris, 108, 113
De Tristitia, 83
Debellation of Salem and Bizance,
78
Decree "On Printing Books", 1515,
xv
Decree of the Holy Congregation
for the Index against
Copernicanism, 1616, 90
Defence of the Seven Sacraments,
79
Defender of the faith, title, xvi
Defoe Daniel, 44, 45, 48, 54, 60
Deism, Deist, xxiv, 40, 44, 47, 51,
52, 53, 54, 152, 154
Demonology, 107, 113, 121
Démonomanie des sorciers, 113
Denham Henry, 11, 12
Descretum Gelascanium, 496, xv
Dialogue Concerning Heresies, 80
*Dialogue concerning the Two Chief
World Systems, Ptolemaic and
Copernican*, 90
*Dialogue of Comfort against
Tribulation*, 82
Dialogues of Witches, 113
Digges Thomas, xxv, 90, 91, 92, 94

Dionysius of Syracuse, 76
*Discours et histoires des spectres,
visions et apparitions des
esprits*, 109

E

*Ecclesiastical History of the English
Revolution*, xxvii, 137
Edict of Milan, 313, xv
Edward VI
King of England, xviii, 6
Elizabeth I
Queen of England, xix, xx, xxvi,
17, 21, 23, 24, 91, 93, 94, 97,
111, 112, 113, 114, 124, 125,
126, 127, 132, 138, 139, 140,
141, 142, 143
English Civil Wars, xxi, 61
Enlightenment, xiv
Erasmus Desiderius, 75, 76, 84
Erotic, 21
Essex rebellion 1601, 110
Exclusion Crisis 1678-1681, 61
Excommunication, xv, xvi
Exsurge Domine
1520, xvi

F

Ferdinand I, Grand Duke of
Tuscany, 139, 140, 141, 142, 146
Fifth Lateran Council, 1512-1517,
xv
Filmer Robert, 37
Fisher John, 74, 81, 83
Flasket John, 19
Florio John, 18, 19, 20
Florios second frutes, 18, 19
Flying Post, 39, 40
Foucault Michel, 62
Foxe John, xvi, xvii, xx, 79

Freedom of speech, xiv, xxiv, 22,
32, 33, 34, 38, 43, 44, 45, 46, 47,
48, 49, 78
Freedom of the press, xiv, 34, 38,
41, 42, 43, 45, 46
French Declaration of the Rights
of Man and Citizen, xiv
French Revolution, xiv
Freud Sigmund, 62

G

Galileo, 35, 90, 91, 92
Gamelyn Alen, 5
Gaufridi Louis, 113
Gilbert William, xxv, 90
Glorious Revolution, xxi, xxiii, xxiv,
xxvii, 38, 41, 49, 60, 153
Griffith William, 5, 6
Guistinian Zorzi, 23
Gunpowder Plot 1605, xxvi, 110,
113, 120
Gutenberg Johannes, xv, xvi
Gynaikeion, 121

H

Habeas Corpus Amendment Act,
1679, xxiv, 43, 44
Habermas
Jürgen, xxiii, xxiv, 31, 32, 33, 34,
40, 42, 48, 56, 57, 58, 59, 60,
61, 62
Hall Arthur, 21, 22
Hall Edward, 78
Hampton Court conference, 1604,
22
Harley Robert, 39, 40, 47, 61, 62
Harpfield Nicholas, 85
Harriot Thomas, xxv
Harsnett Samuel, 15, 16, 120
Hartwell Abraham, 15

Henri III
King of France, 109, 124
Henri IV
King of France, xxvi, 124, 125,
127, 128, 130
Henrician schism, xvii, 142
Henry Frederick, Prince of Wales,
24, 111
Henry V, 117
Henry VII
King of England, 77
Henry VIII
King of England, xvii, xix, xxiv,
xxv, 34, 74, 76, 77, 79, 80, 81,
82, 84, 85, 139, 140
Heresy, xv, xvi, xvii, xxii, 35, 37, 74,
78, 79, 80, 81, 84, 91, 93, 95, 101,
102, 108, 112, 139, 141, 150,
151, 154, 157
Heywood Thomas, 121
High Church, 44, 46, 153, 154
High Commission, xviii, xix, xxi,
127
Hitton Thomas, xvii
Holbein Hans, 75
Holcroft Thomas, 22, 23
Holyland James, 5
House of Commons, xxi, xxiv, 35,
37, 40, 45, 54, 56, 74, 78, 149,
155, 156, 157
House of Lords, 35, 36, 50, 51
Howard Henry, Earl of
Northampton, 112, 119
Huguenot, xxvi, 124, 125, 129
Hume David, 45

I

III Livres des spectres, 108
Illiteracy, xx, 57
Imprimatur, xv, 34, 36, 38, 41, 43

Index Librorum Prohibitorum, xv,
17, 25, 93
Innocent VIII, Pope, xv
Inquisition, xv, xvii, xxv, 17, 25, 91,
93, 141
Instauratio Magna, 98
Inter Multiplices
1487, xv

J

Jacobite, 35, 42, 44, 47, 60
James I
King of England and Scotland,
xx, 97, 103, 110, 111, 112,
113, 119, 120
James II
King of England and Scotland,
xxi, xxiii, xxvii, 38, 41, 153,
156
Jesuit, 142, 151
Jones William, 6
Jones Zachary, xxvi, 107, 108, 109,
110, 111, 112, 114, 115, 117,
118, 119, 120, 121
Jonson Ben, 15, 16, 25

K

Kuhn Thomas, 102

L

L'Estrange Roger, 36, 50
L'ordre des cérémonies du sacre,
xxvi
Lant Richard, 6, 8
Laud William
Archbishop of Canterbury, xxi,
4, 15, 26, 27
Lavater Ludwig, 108, 109, 113, 117

Le Loyer Pierre, xxvi, 107, 108, 109,
110, 111, 112, 113, 114, 115,
116, 117, 118, 119, 120, 121
Levellers, 47
Libertinism, 27
Licensing Act 1662, xxii, xxiv, 32,
34, 35, 36, 37, 39, 42, 43, 44, 45,
46, 47, 49, 52, 54, 55, 56, 58, 61,
154
Licensing Act, Lapse of
1695, xviii, xxii, xxiv, 32, 34, 35,
39, 42, 43, 44, 47, 52, 54, 55,
56, 58, 151, 154
Licensing Order 1643, 34
Life and death of Lewis Gaufredy,
113
Literacy, xxiv, 34, 56, 57
Locke John, xxiv, xxvii, 35, 36, 37,
38, 39, 45, 46, 47, 54
Louis XIV
King of France, 41
Lownes Matthew, 109, 110, 112,
119
Luther Martin, xv, xvi, 78, 79, 82
Lynley Paul, 19

M

Macaulay Thomas, 34, 35
Macbeth, 107
Malleus Maleficarum, 113
Marprelate tracts, 12, 95, 101
Marsh Thomas, 5
Martyrdom, martyrs, xxiv, 6, 23, 73,
74, 75, 83, 85
Martyrology, 24
Marx Karl, 62
Mary I
Queen of England, xviii, xix, xx,
xxii, xxiii, 3, 4, 6, 8, 12, 23, 77,
85
Mary II

Queen of England and
Scotland, 152, 153, 154, 155
Mary Stuart
Queen of Scotland and France,
143
Master of the Revels, xix, 15, 16
Master of the Stationers' Company,
xxii, 4, 5, 6, 7, 10, 11, 12, 18, 19,
20, 37
Mexia Pedro, 112
Michaelis Sébastien, 113
Milton John, xxi, 26, 27, 34, 39, 41,
45, 54
Mirror for Magistrates, 97
Monopoly, xix, xxii, 36, 37, 39, 43,
45, 53, 54, 131
Montaigne Michel de, 25
More Thomas, xxiv, xxv, 73, 75, 76,
79, 81, 83, 85, 104

N

Nannini Remigio, 112
Nationalism, xxvii
New Atlantis, xxv, 89, 90, 95, 98, 99,
100, 102, 103, 104, 105
Newbery Raphe, 18, 19, 20
Newes from Venice, 23
Newman Thomas, 19, 20
Nine Year War, 153
Non-conformity, Non-conformist,
xvii, 58, 94
Norton William, 10, 11, 12
Nostradamus, 8

O

Obscenity, xvii, xxii, 47
Of Seditions and Troubles, xxv, 96,
97
Oldcastle John, 78

*On the Revolutions of the Heavenly
Sphere*, 90
Ordinances, 1562, 9
Ordinances, 1566, 11
Orwin Thomas, 18

P

Paradise Lost, 62
Parker William, 110
Pasfield Zachariah, 15, 16
Patriarcha, 37
Patriot Parliament, 1689, xxvii
Peace of Utrecht 1713, 50
Peacham Edmund, 24
Pepwell Arthur, 5
Philip II
King of England and Spain, xxii,
142, 144
Pickering William, 6
Plato, 76
Pneumalogy, 113
Pole Reginald
Archbishop of Canterbury, 81
Pollini Girolamo, xxvii, 137, 139,
140, 141, 142, 143, 145, 146
Ponsonby William, 20, 112
Popish Plot 1678, 50
Popper Karl, 102
Pre-publication licensing, xv, xvii,
xix, 95, 96, 104, 151
Printing houses, 35, 53
Propaganda, 50, 62, 128, 129
Protestant, Protestantism, xviii,
xxvi, xxvii, 6, 24, 25, 40, 78, 81,
93, 108, 116, 117, 118, 119, 120,
125, 138, 140, 142, 144, 153,
156, 157, 158
Prynne William, xxi, 26, 27
Psychologie, 109

Public sphere, xxiii, xxiv, 31, 32, 33,
34, 42, 54, 56, 57, 58, 59, 60, 61,
62, 97

Q

Quaker, 44, 46

R

Rawley William, 99

Reformation, xvii

Restoration, 33, 49, 121

Rich Richard, 83

Richard III

King of England, 74, 77

Richardson John, 17

Ridpath George, 39, 40

Rogers Owen, 6

Ronsard Pierre de, 108

Roper Margaret, 75, 84, 85

Roper William, 75, 78, 85

Royal Injunctions, 1559, xix, 6, 7,
10

Royal proclamations on printing

1529, xvii, 81

1538, xvii, xviii, xix

1553, xviii

1555, 3

1558, 94

1702, 55

Royal supremacy, xxiv, 74, 80, 81

Rushdie Salman, xiii

S

Sacheverell Henry, 60

Sacramentaries, xx

Saint-Germain Christopher, 78, 79

Sander Nicholas, 142, 146

Satanic Verses, xiii

Scapulis Philip, 4

Schismatic, schismatical, xxii, 37,
81

Scientific Revolution, xxv, 90

Sedition, xv, xvii, xix, xxi, xxii, 9, 35,
37, 40, 46, 55, 81, 93, 94, 96, 97,
138, 144

Self-censorship, xxiv, 55, 102, 103,
104, 120, 129, 139

Septennial Act 1716, 50

Seres William, 8

Shakespeare William, 13, 25, 78,
81, 84, 107, 121

Shaw George Bernard, xiii

Sherman John, 5

Sidney Philip, 20

Singleton Hugh, 10

Sir Thomas More, 74, 85

Socinianism, Socinian, xxiv, 42, 44,
51, 52, 54, 151

Spanish Armada, 1588, 85

Spanish Inquisition, 93

Spelman Henry, 26

Spenser Edmund, 110

St. Bartholomew's Massacre, 124

Stamp Act 1712, 47, 50

Star Chamber, xviii, xxi, 10, 34, 127

Star Chamber decree

1566, xxiii, 9

1586, xxiii, 10, 11, 14, 18, 20, 21,
22, 127

1637, xxi, 34

Stationers Company, xviii, xix, xxi,
xxii, xxiii, 3, 4, 5, 6, 7, 8, 9, 10,
12, 13, 15, 17, 18, 19, 20, 21, 23,
36, 37, 38, 39, 43, 47, 53, 54, 93,
94, 127

Stationers Register, xxii, 109, 119

Stratiticos, 92

Stuart, xix, xx, xxii, xxiii, xxv, 32, 41,
58, 60, 93, 94, 96, 99, 100, 104,
113, 158

Submission of the Clergy, 1532, 80

Suppression of Heresy Act, 1414,
xvi, xvii, 78

T

Taillepiep Noël, 109
Talbot Charles, 55
Tenison Thomas
 Archbishop of Canterbury, 42,
 44
Thalia, xv
*The admirable history of the
 possession and conuersion of a
 penitent woman*, 113
The Advancement of Learning, 96,
 98
The discoverie of a gaping gulf, 10
The English matyrologie, 24
The Firie Tryall of Gods Saintes, 23,
 24
The History of Richard III, 74, 76, 77
The Obedience of a Christian Man,
 79
*The Order of Ceremonies observed
 in the anointing and Coronation
 of the most Christian King of
 France & Navarre, Henry the III*,
 xxvi, 126, 128, 130, 131
The Reasonableness of Christianity,
 xxvii, 47, 54
The Spectator, 53, 60
The Tatler, 60
Throckmorton plot 1584, 94
Tindal Matthew, 40, 41, 42, 43, 45,
 46, 47, 54
Toland John, xxvii, 47, 48, 54, 149,
 150, 151, 152, 153, 154, 155,
 157, 158, 159
Toleration Act 1689, xxiv, 41, 48, 49,
 52, 153
Tories, xxiv, 37, 39, 44, 45, 46, 48,
 55, 61, 153

Tottle Richard, 5
Travers Walter, 94
Treason, xv, xvii, 24, 35, 47, 81, 82,
 83, 139
Treason Act
 1534, 81
 1708, 47
Treaty of Ryswick, 153
Triennial Act 1694, 50
Tudor, xvii, xix, xxii, xxv, xxvii, 73,
 77, 81, 82, 93, 94, 96, 99, 100
Tumultuous Petitioning Act 1661,
 50
Tunstall Cuthbert, 80
*Two New Sciences Pertaining to
 Mechanics and Local Motions*,
 90
Two Treatises of Government, xxiv
Tyndale William, 78, 79, 80

U

Union of England and Scotland
 1707, 47
Utopia, xxv, 76, 78, 82

V

Venus and Adonis, 21
Vergil Polydore, 77
Vie et mort de Louis Gaufridi, 113

W

Ward Roger, 11, 14
Waterson Richard, 4, 5, 12
Waterson Simon, 20
Webster John, 121
Whigs, xxiv, 35, 37, 39, 42, 43, 44,
 45, 47, 50, 54, 58, 61
Whitgift John

- Archbishop of Canterbury, xxiii,
10, 15, 21, 22, 79, 94, 142,
145
- William III
King of England and Scotland,
xxvii, 41, 47, 60, 62, 153, 154
- Wilson John, 24
- Windet John, 126, 131
- Winter Thomas, 111
- Witchcraft, 113, 119, 120, 121
- Witchcraft Act, 1604, 119
- Wolfe John, xix, 131
- Wolsey Thomas, xvi, 74, 80
- Woodcock Thomas, 18, 19, 20
- Wycliffe John, xviii