

The Evolution of the Star Court in Modern England and the Influence of the Star Chamber Decree

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Abstract: As a special court established in the late Middle Ages in England, the Star Court played an important role in the process of consolidating the royal power and strengthening the autocratic monarchy in England. Star Court has particularity in its status and judicial procedure, which has a far-reaching impact on the development of the British legal system and the strengthening of autocratic monarchy. As the first law to control the publishing industry in British history, "the Star Chamber Decree" promulgated by Queen Elizabeth I influenced the future development of the publishing industry in Britain and the improvement of publishing-related laws, especially promoting the emergence of the British copyright system.

Keywords: Star Court; Tudor Dynasty; Publishing; Stuart Dynasty; English law

1. Introduction

The Tudor Dynasty was an important period of England's transformation from the Middle Ages to the modern era. Especially during the reign of Elizabeth I, Britain during this period was accompanied by the vigorous development of capitalism on the one hand, and the power of autocratic monarchy was constantly strengthening on the other. In this case, the emergence of the "Star Court" as a special court and the promulgation of "the Star Chamber Decree" reflect the autocratic and feudal nature of the British royal family. In particular, Elizabeth I advocated that "all ideological movements and factors that may threaten the authority of the monarch should be tried to eliminate, and the monarch has the right to do so."

2. The origin and rise and fall of the 2-star court

Star Chamber was a court set up in the Palace of Westminster in England from the late 15th century to the mid-17th century. It was composed of Privy Council advisers and common law judges. The term "Star Court" was first mentioned in 1398, but the origin of the name is generally attributed to John Stowe's book "The London Survey", written in 1598. He noted that "the place was called the Star Chamber Court, and at the beginning, its entire roof was decorated with gilded star designs." Furthermore, English jurist William Blackstone, in his 1769 article, believed that the name originated from the legal term *starr*, meaning a contract or obligation with a Jew. Blackstone believes that the "Star Chamber" may have originally been used to store such contracts.

Generally speaking, the establishment of the Star Court is the product of the strengthening of the British autocratic monarchy, but it is also related to the reality of the traditional British common law system when it developed into the 15th century. The Star Court evolved from the meetings of the Curia Regis, and its roots can be traced back to the Middle Ages. The Star Chamber Decree enacted by King Henry VII in 1487 actually established a special court independent of the King's Royal Council.

The judges of the Star Court are composed of Privy Council advisers and common law judges. As long as the Privy Council advisers and judges of the Chancellors Court are willing or free, they can participate in the trial of cases in the Star Court as judges. Later, the king sometimes participated in the trial of cases. It complements the activities of the common law courts and the courts of chancery in civil and criminal cases. At first, the court was set up to ensure the fair enforcement of laws against the upper class in England, because these people were too powerful to be judged fairly by common law courts.

The Star Courts jurisdiction includes all criminal and quasi-criminal cases affecting the stability and security of the Kingdom, including riots and disorderly public order. In addition, cases such as conspiracy,

defamation, perjury and forgery are also within its jurisdiction. The Star Court often tries some cases involving church and related commercial law because they are not subject to the jurisdiction of common law.

At first, the Star Court was widely praised for its speed and flexibility and was regarded as one of the most fair and efficient courts of the Tudor Dynasty. Sir Edward Kirk, at that time, called the Star Court "the most glorious court in Christendom, both in judges and in its glorious procedures."^[1] However, although the Star Court was considered to have efficient and fair procedures at the beginning of its establishment, with the later strengthening of the autocratic power of the British royal monarchy, the trials of the Star Court may be very arbitrary and subjective, and gradually evolve into oppressive tools used by the king to combat aristocratic forces and other opponents. Especially during the reign of Henry VIII, the Star Court was led by Henry VIII himself, Cardinal Wolsey, and Thomas Cranmer, Archbishop of Canterbury, and Henry VIII encouraged plaintiffs to bypass the lower courts and submit their cases directly to the Star Court, making the Star Court a political weapon against those nobles and commoners who opposed Henry VIII's rule.

By the time of the Stuart Dynasty, the power of the Star Court was greatly developed. Especially by the time of Charles I, the term "star court" had become synonymous with abuse of power by the king and his circle. During his reign, Charles I used the Star Court instead of Parliament and widely prosecuted dissidents. The Star Court of this period was notorious for its frequent disregard of facts and judgment in favor of the king. Edgar Lee Masters, an American poet at the beginning of the 20th century, commented that "the Star Court can impose any punishment except death, and often sentences its subjects to flail and flogging ... It became Charlie's main defense against that usurpation."^[2]

Eventually, with the outbreak of the English Revolution in 1640 and the execution of Charles I, the Star Court lost its original powers and was eventually abolished in 1641 after the enactment of "the Habeas Corpus Act of 1640" by the long Parliament headed by John Pym. It is stated in the Bill of Rights of 1688: "[The court] shall not demand excessive bail, impose excessive fines, and impose cruel or unusual punishments."

Although the Star Court has a short existence and has been widely criticized, it has played a very important role in the political course and legal evolution of Britain. On the one hand, it was a tool for the British king to crack down on dissidents brutally; on the other hand, it also reflects the progress of the English legal process while effectively limiting the excessive power of the aristocracy.

3. The evolution of the Star Chamber Decree

In 1566, Queen Elizabeth I promulgated an ordinance aimed at regulating the publishing industry in England through the Crown Court of England, namely the Star Chamber Decree. This move marked the first time in England's history that normative legislation was enacted for the publishing industry. The vitality of the Star Chamber Decree is more lasting than that of the Star Court itself, and its impact is far-reaching. This law has lasted for nearly a hundred years since Elizabeth I promulgated it and has had a great impact on the British legal system, publishing industry and freedom of the press.

3.1. The Star Chamber Decree of Elizabeth I.

The Star Chamber Decree issued in 1566 specifically prohibited the introduction and distribution of any printed matter in violation of the laws, prohibitions, and printing privileges, and granted the booksellers guild special authority to supervise and ban publications in violation of the act. Observation from the surface, the decree seems to reflect the British royal joint booksellers association management and supervision of the standardization of publishing industry, but in fact the law will booksellers under the control of the royal family, because the star court free outside the formal judicial system, is directly controlled by the king, deal with the royal interests of the special court, so the decree, makes the booksellers published any books need to go through the star court support and review. This allowed the Crown to pass the bill, keep the publishing freedom in their own hands. At the same time, the enactment of "*The Star Chamber Decree*" did not follow the tradition of "the royal power is restricted by the law" after the "Magna Carta", but was directly issued by the king according to his personal wishes without the examination and approval of the parliament. Over the next two decades, the Star Court has been strengthening the management and control of the publishing industry. The final version of the Elizabethan I *Star Chamber Decree* states that all British publications must be registered in the Booksellers guild before they can be published, Otherwise, it is forbidden to write books; In addition to Oxford, Cambridge

University and the city of London, The printing of books is all prohibited; Limit the number of printers, A new legal printer can be added only with the consent of the Court of the High Commission (The Court of High Commission); besides, *The Star Chamber Decree* gives the booksellers association the right to punish prohibited publication; Booksellers guild may search, detain and arrest suspicious printers, It was also stipulated that the number of printer apprentices should not exceed one to three people.^[3] This decree established the monopoly of the publishing industry, and also enabled the British royal family to directly participate in and control the publishing industry.

3.2. *The Star Chamber Decree of the Stuart Dynasty*

The policies of the early Stuart period were largely inherited from the Tudor dynasty, particularly in the publishing industry, which the Stuart dynasty continued to maintain tight Elizabethan control of the publishing industry. But unlike Elizabeth I, the Stuart dynasty extended its control over the printing industry from religious to political, moral and cultural fields. In 1611, James I issued an ordinance giving the High Commission Court broader and clearer powers to regulate journalism. Now they are responsible for investigating not only controversial religious texts but also "all blasphemous and ungodly acts and speeches, defamatory books, writings that defame and oppose religious teachings, books of common prayer, or the Church of England and the government," as well as "all blasphemous and ungodly acts and speeches, defamatory books, and writings that defame and oppose religious teachings, or books of common prayer, or the Church of England and government."^[4] On October 17, 1632, the Star Court issued a new law banning the circulation of all "current affairs books." The decision was based on the dissatisfaction of Spanish and Austrian diplomatic officials with British coverage of the Thirty Years War on the continent at the time, which they felt lacked impartiality. Therefore, during that period, books on current affairs related to the Thirty Years War often chose to be printed in Amsterdam and subsequently shipped into England through secret channels.

In the 16th century, the earliest periodically printed and published newspapers appeared in Germany, and soon English newspapers began to appear. In order to control this new way of news dissemination, *The Star Chamber Decree* issued a printing decree again in 1637. This decree is considered to represent the pinnacle of the Booksellers Guild's control over the British publishing industry and book trade in the 16th and 17th centuries. The Star Chamber Decree of 1637 includes the following main contents: (1) No person shall print or have printed any book which is inflammatory or offensive to the Church of England or the English Crown; (2) The printing of any book requires permission from the Chief Justice or the Archbishop of Canterbury or the Bishop of London and requires registration with the Guild of Booksellers; (3) Book printing is only allowed in Cambridge, the seats of the two universities of Oxford and London; (4) Any person who imports books from overseas or brings books into England is required to submit to the Archbishop of Canterbury or the Bishop of London a true catalogue of the books; (5) Parcels of imported books may leave customs only with the permission of the Archbishop of Canterbury or the Bishop of London; (6) Any book requires the printer to indicate his real name on it; (7) No craftsman shall make a printing press without permission; (8) Specific numbers and rolls of printing workers are prescribed, except those under the king and university charters; In addition to the printing workers, the number of other printing workers shall not exceed 20; (9) It stipulates that the printer should submit a security deposit of £ 300 to the king, and limits the number of printing presses available to the printer; (10) Except Cambridge University and Oxford University, no printing house may recruit apprentices at will, and a printer can only recruit up to 3 apprentices; (11) The Guild of Booksellers shall have the power to search and confiscate printed matter in violation of the statute; (12) The only port restricted for the import of foreign books to London.^[5]

On the one hand, the promulgation of the Star Chamber Decree of 1637 put the printing and import of books in England under the control of the British royal family, the church and the booksellers association, which restricted the cultural and technological progress and the freedom of publication in England and intensified the already sharp social contradictions in England at that time. On the other hand, the Star Chamber Decree of 1637 also had its objective and beneficial effects: First, the strict regulation of the printing industry in the Star Chamber Decree of 1637 It became an industry standard for the development of the printing industry, which ensured the quality of British book printing to a certain extent. Secondly, "the Star Chamber Decree" of 1637 provided the blueprint for the "Licensing Act" of 1662, which in turn led to the passage of the "Annes Statutes" of 1710 and, ultimately, the introduction of legal regulation of the copyright system and the perfection of English copyright law.

3.3. Changes in the Star Chamber Decree during the Cromwells period

As the representative of British Puritans and the bourgeoisie, Cromwell's ruling policy is quite different from that of the Stuart Dynasty. However, when regulating journalism and book publishing, Cromwell's regime still followed the autocratic color of the Tudor and Stuart dynasties. Although the Star Court and its related statutes had been abolished in the long parliament of 1641, the Cromwellian publishing statutes still implemented the same censorship system as the Star Chamber Decree .

In the early days of Cromwell's control of the British regime, the Puritan parliament was not more than the previous Stuart government, which caused people's dissatisfaction and made Cromwell face pressure from many aspects of public opinion. At the same time, the forces supporting the British royal family still exist, and the struggle among various factions within Parliament is still fierce. The Republic faces internal and external pressures. Under such circumstances, Cromwell adopted military control to strictly supervise the British printing industry, especially prohibiting the publication of Presbyterian works. The army can arbitrarily arrest booksellers who distribute and sell banned books.

After the execution of Charles I, Cromwell introduced the Republic Act to regulate the publication of journalism. The main contents of Cromwell's decree of 1649 were largely based on the Star Chamber Decree of 1637, much of which was similar to that of the Stuart dynasty, but this decree was more detailed and standardized than the previous provisions. In contrast to past statutes, it is particularly noted that Yorkshire and Finsbury, in addition to London and the two great institutions of higher learning, Oxford and Cambridge, are also allowed to print and publish Bibles. At the same time, the rules that printers need to pay a security deposit and printed matter need to be strictly examined continue to be used. In addition, the law abolished the printing license of the Stuart Dynasty, banned the publication of news books, and specifically put forward regulations against the spread of fake news. By 1655, with the implementation of parliamentary decrees, many official and unofficial news books and pamphlets were banned, and only two official news publications, "The History of British Letters and the Public Intelligence", were preserved.

Although Cromwell is regarded as a representative of the revolutionary camp, his policy on the publishing industry has mostly stayed the same compared with the Stuart Dynasty. It controls the news and publishing industry and still inherits the spirit of the Star Chamber Decree. When we compare the statute of the Republic with the statute of the Star Court, it is obvious that the content of the statute of the Republic overlaps to a great extent with the statute of the Star Chamber Decree which is obviously a further expansion based on the statute of the Star Court. The only difference is that the Republic Act added the counties of Jordan and Finsbury as legal printing areas but imposed stricter checks on publications. Compared with the Star Chamber Decree, the Cromwell period not only restricted publishers' activities and confiscated prohibited publications but also increased fines and punishments for publishers and even used military force to intervene in business operations. This means that the Star Chamber Decree has an extremely profound and long-lasting impact in Britain. Although instructive documents such as Milton's "On the Freedom of the Press" had been published at that time, the laws on the publishing industry in the Cromwells period were still influenced by the laws of the Star Chamber Decree, which did not undergo fundamental changes like the political system, but only adjusted and continued the original laws to a certain extent. At the same time, no new organization was created during the Cromwell period to influence the publishing industry; it continued to use the bookseller guild to control publishing.

Of course, the publishing industry in Britain during Cromwell's time also made some progress compared with the Stuart Dynasty. During Cromwell, for example, a number of regular official publications, such as the "Several Proceedings In Parliament", appeared, indicating that the publishing industry had improved. This is a big step forward for the publishing industry. On the whole, however, the press and publication policy of the Cromwell period was still very strict, and many places still followed the decrees of the Stuart dynasty, which did not deviate from the influence of the decrees of the Star Chamber Decree.

4. The evolution of the Star Chamber Decree from Tudor Dynasty to Cromwell and the reasons for the continuation of the statute of the Star Chamber Decree

From the Tudor period to the Cromwell period, British governments always insisted on setting up special judicial institutions such as the Star Court and maintaining strict control over the publishing industry. It is not an accidental phenomenon or simply for the purpose of maintaining rule, but has its

profound roots.

First of all, the characteristics of the British political system in this period played a pivotal role. The reign of Queen Elizabeth is generally recognized as the reign of the "new monarch" in the field of British history. The "new monarchy" regime is the consequence of the continuous strengthening of autocratic monarchy and the continuous economic development in Europe after the Middle Ages. Under this system, the king and the people joined forces to fight against the aristocratic forces, which made the king and the people share a common hostile goal. They were alliances on the same front, and special judicial institutions like the Star Court and the autocratic policy of publishing were also important means to fight against the aristocratic forces and strengthen the autocratic monarchy. Therefore, although some people opposed it during this period, on the whole, people still chose to support the royal family policy.

Secondly, because the parliamentary mechanism and political party system are not yet perfect, Cromwell dissolved the parliament many times during his reign and implemented a dictatorship. At this time, the parliament needed more effective power to check and balance Cromwell's decrees, and there were no events like the glorious revolution in later generations. As a result, the immature parliament and political party system, the political turmoil, the inexperience of rulers and other factors jointly promoted the continuation of the publishing autocracy.

5. Conclusion

From Elizabeth I to Cromwell's reign, the Star Court institution and laws such as "the Star Chamber Decree" had a far-reaching impact on the development of the British legal system for nearly a hundred years. Especially for the Star Chamber Decree, we should look at it with a comprehensive attitude.

Since the printing press was introduced into England in 1476, the British printing industry has experienced a period of free and vigorous development for half a century. However, this state of freedom is not conducive to the development of British publishing. Especially in the Tudor Dynasty, disputes in the publishing industry were common. At this time, Britain lacked relevant laws or policies to regulate the publishing industry until the Star Chamber Decree was promulgated. Although this decree imprisoned the development of the British publishing industry by monopolizing and controlling the publishing industry by the royal family, this behavior also has its historical roots and favorable influences.

First of all, since Henry VIII broke with the Holy See, Britain's religious policy has been more tolerant than that of the European continent, and all kinds of ideas have poured into Britain. At the same time, from Henry VIII to the Stuart Dynasty, Britain's religious policy changed greatly, which led to chaos in the British publishing industry. This makes it necessary for Britain to implement mandatory laws and regulations to regulate and restrict the development of the publishing industry.

Secondly, from the Tudor Dynasty to the Cromwell period, the degree of centralization in Britain was constantly increasing. Under such circumstances, both the royal family and Cromwell needed to take coercive measures to crack down on local separatist forces and opposition forces. Therefore, taking strict measures to crack down on illegal publications, rumors and slanderous books is conducive to strengthening centralization, and it is a necessary measure that had to be taken at that time.

Finally, although the Star Chamber Decree and Cromwell publishing laws were quite strict, they also gave birth to the predecessor of journalism as a form of communication, and at the same time, regulations such as the requirement for printers to identify their names also promoted the emergence of modern copyright systems.

Generally speaking, the publishing laws similar to Star Court laws in England from Tudor Dynasty to the Cromwell period had the problems of imprisoning thought and hindering the development of the printing industry, but at the same time, they played a role in promoting the perfection of publishing laws and regulations and the emergence of the concept of freedom of publishing, which makes the standardization of publishing industry, resisting publishing autocracy and the change of the times combine, and have far-reaching value of the times.

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