SECTION 2: RESEARCH PAPER

TORTURE AND THE
SCOTTISH WITCH-HUNT:
A RE-EXAMINATION

Torture is generally considered one of the key features of the Scottish witch-hunt. The application or use of torture as part of the legal process is regularly contrasted with the system found in England, where torture was not permitted as part of the legal process. For example, Joseph Klaits in his discussion of the witch-hunt in Europe has commented on this unique feature of the English witch-hunt and has suggested that in England we see how “witch trials might have been conducted everywhere had torture not been introduced.”

Elliot P. Currie made the distinction between the inquisitorial system common to Europe and the more “restrained control” in England. Scotland, in contrast, is considered to follow the continental model where the use of torture in questioning suspects led to fiercer witch-hunts. This idea has become a standard interpretation in English language writings on the European witch-hunts. The literature has, until very recently, distinguished clearly between England (no torture) and Scotland (torture), and seen this difference in legal systems as one of the key factors in the resulting severity of witch-hunting in Scotland. Only recently has this clear differentiation between the English and Scottish experience of witch-hunting begun to break down.

Still, the traditional view is well captured in the picture painted by historian Geoff Quaife:

In Scotland, an often insensible victim had his confession mumbled to him by an inarticulate clerk and the sagging of the former’s head was taken as an indication that such a confession was now offered freely.

Christina Larner, while cautious about the uniqueness of the
English witch-hunt, stressed the role of torture in Scotland within her major work *Enemies of God: The Witch-hunt in Scotland* (1981). Larner included a major discussion on the various forms of torture used within Scotland, and included it as a key aspect of the process by which the suspect moved from accusation to execution. Recent research has begun to raise questions as to the forces driving the witch-hunt in Scotland. In particular, work understanding the chronological and geographical shape of the Scottish witch-hunt has raised some important first questions. Based upon this research, an intensive case study was done of the witch-hunt in one region of Scotland, Fife, which raised even further cautions about the role played by torture in the judicial process in Scotland during the witch-hunts. Specifically, the research in Fife involved looking beyond the geographical and chronological information to the specific details in the 420 known cases involving suspicion of witches which occurred in Fife between 1560-1710. This paper will argue that while torture clearly was used in Scotland during the witch-hunts, the role judicial torture played as a motivating factor in the intensity of the witch-hunt has been exaggerated.

One of the factors which has led to this confusion has been the simple fact that the word “torture” has been used in a variety of ways. The term “torture” has been used to cover everything from brutal treatment to sleep deprivation, from “swimming” a witch to an inquisitorial procedure in which physical harm was used to extract a confession. For example, in his article “Torture” within the *Encyclopedia of Witchcraft and Demonology* Russell Hope Robbins contrasts Scotland, where witches were tortured, with England where they were not. Yet a few pages later he uses the phrase “commonest tortures” in reference to England, then modifies it with the interjection – “perhaps indignities is a better word” – before cataloguing these as pricking, “walking” (sleep deprivation, more generally referred to in Scotland as waking) and sitting. This is followed by the comment that sleep deprivation should be considered “real torture.” Robbins is a notable, though by no means unique, example of this imprecision. Even a normally careful historian such as Larner succumbs to the confusion. In her discussion she distinguishes between “direct torture” and sleep deprivation. In the midst of a discussion of direct torture, however, she cites an example of the brutal treatment of
Marion Hardie. Yet this treatment was, as Larner noted, an instance of brutality at the hands of a mob intent on inflicting pain, not a judge intent on extracting a confession. That this incident should be preceded by a discussion of the devices used in attempts to extract confession and followed by the particularly infamous case of Alison Balfour, where brutal methods were used to extract a confession only heightens the confusion.9

Precise definitions are crucial. We need to distinguish between six elements:

1. judicial torture (Larner refers to this as direct torture) - that is the application of physical coercion as part of the broadly understood legal process in order to extract a confession
2. searches for a witch-mark (witch-pricking)
3. sleep deprivation (waking and watching)
4. harsh jail conditions, including cold, poor treatment by guards, and lack of food
5. mob violence
6. the method of execution, however cruel.

Judicial torture may be the most difficult for us to imagine of these six. It would involve the use of instruments of torture - hot brands, thumb-screws - or even the showing to the suspect of these instruments, with the expectation that unless and until they confessed to the suspected behaviour, they would be tortured with these or similar instruments. Distinguishing between these various acts is not intended to in any way downplay the brutality of the treatment which these women experienced, but these distinctions must be made if we are to make a fair comparison between the Scottish witch-hunt and those in other parts of Europe.

The assumption has been that judicial torture was widely used in Scotland. A related argument has been that this explains why Scotland produced so many witches. As the process is imagined, Scotland would have experienced a series of witch-hunts, which can be referred to as chain witch-hunts or serial witch-hunts. In these serial witch-hunts, an accused witch was tortured to try to extract a confession from her and to get her to name who else in the community was also a witch. These women were also interrogated under torture, leading to the accusations of others, and the spread of the hunt until dozens of women could
be accused and executed. Clearly these kinds of serial hunts were experienced in Scotland. The North Berwick trials of 1590 are a famous example. The question remains, how extensive were they? To put it in another way, if this was how witch-hunting occurred in Scotland, what we should expect to see when we examine the patterns of witchcraft accusations is a concentration of cases in a few years and a specific geographic area.

What is apparent from the graph of the known cases of the Scottish witch-hunt (Figure 1) is that witch-hunting was an ongoing process with scattered accusations over many years, as well as peak years when witch-hunting seems to have gripped the entire nation. Even here it is important to recognize that the peak years often are indications of a national hunt with cases coming from throughout Scotland, not just from a specific geographic area. For example, the major hunt which took place in 1649 involved cases from seventeen different counties or sheriffdoms. Haddington had the most cases (110), but there were many areas where only a handful of individuals were accused. When we move from the national scene to consider the shape of the hunt in a region such as Fife, these misgivings multiply. The graph of the witch-hunt in Fife (Figure 2) illustrates the number of isolated witches and the years in which cases were infrequent, as well as
the years when significant numbers of accusations were made. This pattern does not support the kind of scenario usually portrayed where one accusation spirals into a major hunt once judicial torture has been applied to the suspect. How would we explain the scattered cases which appear in the period from 1600 to 1610, or in the 1630’s? And if we look at where witch-hunting occurred each year, we see again isolated cases that are seemingly

Figure 2 - Cases of Witchcraft in Fife, 1560-1710. Source: (SWHDB)
unrelated. For example, when we look at two years from the 1620’s, it is difficult to see the relationship between the case in 1625 in Crail (Figure 3), and the fourteen cases which occurred the next year in the parishes surrounding Kirkcaldy (Figure 4). Even here, the cases are spread over three parishes. There are situations where torture may have been a factor, however the shape of the Scottish witch-hunt suggests that the role of torture, at least as traditionally conceived, needs to be reconsidered.

When we turn from the patterns of the witch-hunt to specific cases, the data from Fife does not support the current contention that torture was a major feature of the Scottish witch-hunt. Again it is important that we keep our definitions of the various kinds of torture very clear. There is considerable evidence of brutal treatment, of harsh jail conditions, and also harsh methods of execution in Fife. There was a lynching in Pittenweem in 1704, when a woman by the name of Janet Cornfoot was dragged from her home, beaten, and eventually murdered by a mob. Brutality was a feature of the witch-hunt in Fife. However, when we consider judicial torture and the role it played, the result is quite startling. There is no clear evidence in all of the 420 known cases from Fife of direct torture or judicial torture ever being used. It is tempting to fall back on issues such as the silence of the records and the paucity of sources. And it is true that the records for two
of the major panics, the one which afflicted Inverkeithing in 1649 and the one which spread through Cupar Presbytery in 1662 are missing key elements and are woefully inadequate. Yet, this should not prevent us from facing the fact that judicial torture was not needed. Other mechanisms, witch-pricking and in particular sleep deprivation, were adequate to drive the witch-hunt. The only case of torture of which we are aware, that of Geillis Gray of Crail, happened outside of the legal process and was seen as brutal at the time.\textsuperscript{12}

Searches for the witches mark, or witch-pricking, did occur in Fife. Margaret Atkin, the witch of Balweary, claimed to be able to detect a witch by looking into her eyes. Her career came to a halt in the summer of 1597 when she was proven to be a fraud and was brought back to Fife for execution.\textsuperscript{13} The other cases which involved witch-finders fell within the period 1630 to 1670, the greatest years of the hunt in Fife. For example, John Kincaid, the famous witch-pricker, was in Dunfermline parish in 1649. The session minutes not only note the execution of Bessie Mortoun, one of the nine accused of witchcraft in the parish that year, but include the record of a payment of 20 merks to John Kincaid in Tranent who had come and “tried the witch mark on Bessie Mortoun.”\textsuperscript{14} There is a further notation of a payment to Andrew Thomson for lodging the witch “triers” (plural).\textsuperscript{15} John Kincaid also made another £6 Scots that year for “brodding” Margaret Dunhome outside of Fife in Burntcastle.\textsuperscript{16} The final evidence of witch-finders active in Fife comes again during a period of major persecution during the witch-hunt of 1662, and included the cases of Margaret Carvie and Barbara Horniman from Falkland.

While there clearly was a witch-finder present in these cases, one should be cautious in attributing to him or her the outbreak of persecution. In fact, the witch-pricker in Fife tended to fill the role of maintaining an existing hunt. For example, in April 1649 five cases of witch-craft were noted before any reference to a witch finder is noted. Indeed, the origin of this hunt was the accusation made by a suspected male witch in Dalgety who was warded and watched.\textsuperscript{17} Again in 1662 a witch-hunt was well underway in Aberdour before a witch-finder was brought in to confirm that Janet Bell, a woman of some social stature who had been accused by other suspects, was indeed a witch.\textsuperscript{18}
The evidence suggests that sleep deprivation was the most prevalent form of torture used in Fife. Depriving a person of their sleep for days on end, a form of torture which we now know can lead to hallucinations, was referred to in church court and burgh records as “warding” or “watching”. Church courts could be very precise in how they wanted this to occur, where they thought this should occur, and in making sure the individual was isolated from anyone but the warders and the presbytery ministers. For example, the records of Pittenweem record these instructions during a hunt for witches which took place in 1643:

The quhilk day, for the better tryal of the witches presently apprehended, to the effect they may be better the watchit and preservit from information of their friends, it is ordainit that ane of the bailies or counsell sall ever be present at the taking off and putting on of the watches, three several times in the 24 hours, and sall injoyn the watches silence; and sall appoint the ablest man of the watch to command the watch until his return. The same day the bailies and clerk, or any twa of them, with concurrence of the minister, are ordainit to try and examine ye witches privately, and to keep their depositions secret, because heretofore, so soon as ever they did dilait any, presently the partie dilaittit got knowledge thereof, and thereby was presently obdurate, at least armit, for defense.19

Why the twenty-four hour watch? Why the careful separation of the suspected witches from any outside contact? The details point to “waking” of these individuals – sleep deprivation.20

Careful examinations such as the one described resulted in confessions. Janet Robertson, Agnes Quarrier, Helen Cummyng, Alesoune Hutchesone, and Agnes Robertson were all implicated in the “foull and detestable crymes of witchcraft”, in particular the murder by sorcery of Jhone Bell, and after being apprehend-ed by the bailies of Aberdour “and verie cairfullie truit and examenit be thame upon thair guylteness of the saidis crymes, they frelie and of thair awne accord grantit and confest the said marthour and thair conversing with the devill.”21 In Crail in 1643 during the hunt that swept the Presbytery of St. Andrews,
Agnes Wallace confessed to being a witch after being warded.22

A different way of assessing the effectiveness of “waking” suspected witches is to note what occurred when this method was not or could not be used. One such case occurred in Balmerino on the North coast of Fife, in 1649 and 1650 and gives some fascinating evidence. Elspeth Seath was accused of witchcraft in December 1648 by a dying woman. The Presbytery of Cupar spent a great deal of time collecting evidence about Elspeth but was never able to ward her according to their wishes. By June 14th, 1649 the presbytery had received a warrant from the Justice in Edinburgh to incarcerate and further examine Espeth.23 The Magistrates in Cupar would not put Elspeth in prison. They were not convinced, despite assurances, that the parish of Balmerino was going to pay the costs. Instead, they offered to incarcerate Elspeth Seath in the thieves’ hole. This was not acceptable to the presbytery. They wanted her kept in close confinement, with no one able to harm her or see her but the presbytery.24

The presbytery continued to interrogate Elspeth in order to bring her to a confession. She maintained her innocence. The presbytery also continued in their efforts to persuade the officials in Cupar to incarcerate Elspeth. The presbytery promised that they would appoint some people to watch her at their own expense. Again, they were offered the thieves’ hole. The presbytery tried to get the central government to force the officials in Cupar to give way, but they failed. On December 6th, Elspeth appeared for the last time before the presbytery. Because the town of Cupar “wold not assist in warding and watching the said Elspet,” she could not be tried. She was told to appear again, if called.25

The lack of confession in this case was vital. The inability of the clergy and magistrates in Balmerino, a small parish on the Tay Coast, to force the magistrates in the nearest major centre, Cupar, to incarcerate Elspeth Seath in circumstances acceptable to them made the difference. Why did the presbytery continually refuse the offer of the thief’s hole? Why was the town of Cupar so concerned about the expenses of incarcerating Elspeth Seath in the manner demanded by the presbytery? The presbytery was attempting to “ward and watch” Elspeth and for this, as they themselves stated, particular conditions were required, not only
in terms of space, but the necessity of keeping her in close confinement: "... and put hir in a close prison, wheir none might have accesse to hir, and that they wold appoint some to watch hir upon hir [their?] own expense." 26 Without this ability to confine Elspeth under these conditions which are highly suggestive of sleep deprivation, no confession was possible. Without a confession it was more difficult to prove she was a witch.

Of the three methods (judicial torture, witch-pricking, sleep-deprivation) which might be used to gain confessions, sleep deprivation seems to have been the most commonly used. Judicial torture, at least according to current evidence, was not a factor in Fife. This situation raises another question – when would judicial torture have been applied within the legal process? Despite the chart on "Processing a Witch" in Enemies of God which places "torture" prior to the granting of a commission to put the witch to trial, the assumption has always been that this would have been done as part of the legal trial – otherwise, the distinction between Roman law in Scotland and English common law makes no sense. 27 Yet in many cases the preliminary investigation which resulted in a confession took place before a church court where judicial torture was not sanctioned. After 1597 a commission was required to put the suspect to trial. Many of the documents granting the commissions state that the accused had already confessed. Judicial torture would thus not be required at her trial to extract this confession. Perhaps, one might argue as the diagram in Enemies of God suggests, she had already been tortured before the commission was granted. Yet if this was so, this would have been outside of the formal trial and illegal. We need to recognize that the steps of investigation which took place prior to the commission being granted were key. In most cases in Fife this occurred before church courts. While church courts did not have the right to use direct or judicial torture they could - and they did - ward and watch the suspects.

One final note: other cases in the Justiciary court records where judicial torture was used in the trial include explicit permission. For example, in one case of adultery permission is granted in the following terms: "and for torturing thame to mak thame confess." 28 No such phrase has been found pertaining to any suspected witchcraft from Fife.

Was Fife unique in this regard? It is tempting to say that it
was not, but the simple fact is that we do not know. Within individual shires torture may have been a factor, either in the case of individuals or as the impetus behind serial witch-hunts. We know this to be true of Haddington where the royal witch-hunt of 1590 originated. Many of the North Berwick witches were brutally tortured in order to extract confessions. Amazingly enough, John Cunningham or Fian held up under this torture. Brian Levack, who has studied the extensive hunt which occurred in 1661 and 1662 in Haddington suggests that torture played a role here. Unfortunately, his article does not detail or describe any specific instances occurring. When these cases in Haddington are charted the large number of cases in a relatively few years does suggest that serial witch-hunts, driven by either judicial torture or witch-prickers, predominated. More case studies of the situation in Haddington, in particular the massive hunt in 1649, may shed further light on this subject.

While the extent of judicial torture in Haddington may remain unclear, it does seem appropriate to reconsider how extensive our knowledge of the use of torture in Scottish witchcraft cases is. Or to phrase it as a question, where and when did judicial torture play a role? Surprisingly few cases are ever cited in the literature dealing with the Scottish witch-hunt and they include the North Berwick witches, Alison Balfour of Orkney, and an incident during the Cromwellian occupation. G.F. Black's Calendar of Witchcraft Cases notes the cases of John Feanne (one of the N. Berwick witches), that of Alison Balfour, the illegal torture of Geillis Gray in Crail, and only five other situations where torture was used. In three of those five cases it is clear that the torture was illegal, and seen to be such at the time. In the other two instances, it is unclear. There is no doubt, as Edward Cowan has suggested, that the use of judicial torture in the trials of the North Berwick witches coupled with the introduction of continental witch theory profoundly affected the witch-hunts which subsequently occurred in Scotland. The “reality” of witches had been confirmed in the minds of the elite, allowing them to cooperate in or become the driving force behind future hunts. What is surprising is the lack of cases after this date which mention that torture was used to extract confessions.

The cases which occurred during the Cromwellian occupa-
tion deserve some special discussion. Christina Larner makes reference to them in *Enemies of God* in her discussion of the shape of the Scottish witch-hunt:

The Cromwellian Commissioners for Administration of Justice in Scotland, in 1652, had sixty men and women before them accused of witchcraft, ‘but they found so much Malice and so little proof against them that none were condemned’. Later in the year they dealt with cases which had been pending at the time the armies came into Scotland. They were horrified by the description of torture, and it was stated that ‘The judges are resolved to enquire into the business, and have appointed the sheriff, ministers, and tormentors to be found out, and to have an account of the ground of this cruelty’.  

Larner then details a “further account” which goes into the methods of torture used. Three sources are cited in the references. What is not apparent is that all of this information ultimately goes back to one source which has appeared in various publications, nor is it apparent that an error in one of these publications has crept into Larner’s account. There were not 60 individuals accused of witchcraft in 1652, but seven.

The original source of the events of 1652 is the English newspaper *Mercurius Politicus* and its account of the meeting of the English judicial officials in Edinburgh. The account is dated “from Leith, October 23” 1652:

On Wednesday last, the English Commissioners for Administration of Justice, sat upon Criminall matters at Edinburgh. The first day was spent in reading their Commission from the Commissioners at Dalkeith, calling the Sheriffs of these severall Counties on this side of the Firth, viz. Barwick, Selkerke, Peebles, Louthian, Linlithgowe, Haddington, and Roxburgh, and those Sheriffs that appeared not were fined ... Since that, these 3 days have bin spent in the Tryall and Fining of severall persons for Adultery, Incest and Fornication, for which there were above 60 persons brought before the Judges in a day;
and its observable, that such is the malice of these people, that most of them were accused for facts done divers yeares since, and the chief proof against them was their own confession before the Kirk, who are in this worse than those of the Roman Religion, ... But that which is most observable is, that some were brought before them for Witches, 2 whereof had bin brought before the Kirk, about the time of the Armies coming in to Scotland, and having confessed it, were turn’d over to the Civil Magistrate; The Court demanding how they came to be proved Witches, they declared that they were forced to it, by the exceeding torture they were put to, which was by tying their Thumbs behind them, and then hanging them up by them, 2 Highlanders whipt them; after which they set lighted Candles to the Soles of their Feet, and between their Toes; then burnt them by putting lighted Candles into their Mouths, and then burning them in the head. There were 6 of them accused in all, 4 whereof dyed of the torture. The Judges are resolved to inquire into the business, and have appointed the Sheriff, Ministers, and tormentors to be found out, and to have an account of the grounds of this Cruelty.

Another Woman that was suspected according to their thoughts to be a Witch, was 28 days and nights with Bread and Water, being stript stark naked and laid upon a cold stone, with only an hair Cloath over her; Others had Hair shirts dipp’d in Vinegar put on them to fetch off their skin. Its probable there will be more discoveries shortly of this kind of Amboyna usage; but here is enough for reasonable Men to lament upon.37

The account is quoted at length so we can see both the facts as they are given and the commentary which runs throughout.

This is an extremely important passage, one that functions within Enemies of God to emphasize both the differences between the Scottish and English legal systems, and to emphasize the role of torture in the Scottish system. What is clear from the account
is that there were not sixty witches accused. The writer specifically refers to two instances, one involving two individuals (four having already died under the torture) and the other involving a solitary witch who appeared before the English justices. These seven cases need to be placed in context of the 180 cases (60 a day for three days) which appeared before the commissioners in Edinburgh. The belief that there were 60 witches comes from one of the sources used in both *Enemies of God* and the *Source Book of Scottish Witchcraft*, Bulstrode Whitelocke, *Memorials of the English Affairs*. Whitelocke summarizes the account in the following words:

Letters that 60 persons, men and women, were accused before the commissioners for administration of justice in Scotland at the last circuit for witches; but they found so much malice, and so little proof against them, that none were condemned.38

The examples of torture have been added to this inaccurate account to give us the picture of large numbers of accused being tortured and brought before the English officials during the Commonwealth. It is also important that we note that the details in the account found in the *Mercurius Politicus* do not give us a description of judicial torture during the trial but of illegal torture which took place prior to the trial. This brutal treatment took place in front of a church court, which had no right to use torture to extract confessions. As the document states, “2 whereof had bin brought before the Kirk about the time of the Armies coming in to Scotland, and having confessed it, were turned over to the Civil Magistrates”.39 It was not the civil magistrates who used torture to carefully extract a confession, but the church courts.

The commentary within the document raises the question of the impartiality of the source, an English newspaper, in how it reported on Scottish justice in general and on witch accusations specifically. It is noteworthy that the account attacks the “malice” of the Scots and suggests that Scottish church courts are even worse than those of the Roman Catholics even before cases of witchcraft are mentioned. The re-telling of the barbarous treatment suffered by the suspected witches serves not only “enough for reasonable Men to lament upon” but makes the English audience aware of the differences between the Scots and themselves.
A later account recorded in the *Mercurius Politicus*, dated from Edinburgh November 2, 1652 tells the tale of a man, “a very simple Fellow” who was condemned as a witch, then reprieved. Details of the accusation are brought forward. The man’s ability to curse livestock and his meetings with the Devil are described, including supposed sexual encounters when he “lay with the Devill in the likenes of a woman”. The concluding comments of the account are worth repeating:

The Trueth is, he lived in so poor a condition, and was (through his simplicity) so unable to get a lively-hood, that he confessed, or rather said any thing that was put into his head by some that first accused him, upon the confession of some who have died for witches. By this you may guess upon what Ground many hundreds have heretofore been burnt in this Country [Scotland] for Witches.

It is beyond the scope of this paper to do an intensive study of the way in which Scots and Scottish justice were portrayed in English newspapers of this period. What does seem clear, however, is that these were not impartial sources but sources which had a viewpoint towards Scots and Scottish justice. We need to use these sources with care. We also need to recognize that the large witch-hunt which we had assumed took place in 1652 did not, and that the harsh treatment and torture described were not part of the Scottish legal system.

The role of torture, specifically judicial torture, within the Scottish witch-hunt needs to be carefully reexamined. How prevalent was it? When and where was it used? The few cases where torture was used to extract a confession for trial are always cited in discussions, but was torture used beyond these cases? And are we consistent in our discussion, so that we are always discussing the same things, not confusing brutal conditions with an inquisitorial judicial system? Explanations which attempt to explain the severity of the Scottish witch-hunt based upon a legal system which allowed for judicial torture need to take Fife into account. Simple answers will not work. The evidence from Fife suggests that sleep deprivation and the use of professional witch-finders were factors. Sleep deprivation in particular was an effective way of obtaining confessions. More than judicial torture (the
threat or actual application of physical pain in order to make the individual tell the truth, or admit to the charges against her) or the professional witch-pricker, “watching and waking” the accused suspects seems to have been the driving force behind the witch-hunt in Fife. But even here, we need to be cautious. This is not the explanation which will answer the question, why was the witch-hunt so severe? Too often our attempts to answer this question have focused on the “technology” - the legal system, or the possibility of torture. The answer may lie, not in the “technology”, but in the motives of the witch-hunters. Why were people interested in finding witches? What was their motivation? I have argued elsewhere that the motivation was the creation of a godly society, a positive vision which led individuals (specifically in the church) to attempt to remove all barriers or opponents to the creation of that godly society.43

When we look at persecution – and witch-hunting needs to be seen as a particular kind of persecution – it is important that we be careful to avoid easy answers which blame the victim or which allow us to say that “it couldn’t happen here”. There has been a certain smugness, conscious or unconscious, in the way in which English language historians have until recently dismissed the European witch-hunt as being more extreme because of the different judicial system, specifically the use of torture. Scotland has proven a convenient proof of the supposedly continental system at work. What this paper has argued is that the forms of torture used in Fife were exactly those which could be used in England, namely sleep deprivation and witch-pricking. In Scotland it was possible to use torture as part of a trial process in order to get the suspect to confess, yet few cases of where this was actually done have been described. In Fife, where we have evidence of 420 cases of suspected witches, no evidence has been found of judicial torture. What has become clear is that the church courts played a significant role in the imposition of discipline, including attacks on popular belief and folk magic. We need to continue to explore whether it was this factor, rather than the legal system, which accounts for the severity of the Scottish witch-hunt.

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Endnotes

1. The author would like to thank the organizers of the University of Guelph Scottish Studies Fall Colloquium for allowing the presentation of this paper in 1998, and for their patience during its revision. Much of this material is adapted from the thesis Threats to a Godly Society. For a fuller description of all aspects of the witch-hunt in Fife, please see the author’s The Witches of Fife. Thanks to the Aberdeen and North East Scotland Family History Society for permission to use their map of Fife parishes and adapt it for my research.

As this article was moving to publication several important books on the subject of the Scottish witch-hunt have appeared. These include P.G. Maxwell-Stuart, Satan’s Conspiracy: Magic and Witchcraft in Sixteenth-Century Scotland (Tuckwell, 2001), Lizanne Henderson and Edward J. Cowan, Scottish Fairy Belief (Tuckwell, 2001), and a collection of articles edited by Julian Goodare, The Scottish Witch-hunt in Context (Manchester University Press, 2002).


7. The results of this research have recently been published. Stuart Macdonald, *The Witches of Fife: Witch-Hunting in a Scottish Shire, 1560-1710* (East Linton, 2002). *The Scottish Witch Hunt Data Base* has also been published on CD-ROM (Stuart Macdonald, 2001).


10. The North Berwick hunt has developed a considerable literature of its own, as well as playing a prominent part in most discussions of the Scottish witch-hunt. The fact that there was a political aspect and it included King James sheds a particular spotlight on this event. Christina Larner, “James VI and I and Witchcraft”, in Alan G.R. Smith, *The Reign of James VI and I* (London, 1973); Margaret Murray, “The 'Devil' of North Berwick”, *Scottish Historical Review* 15 (1918); and Edward J. Cowan, “The Royal Witch-Hunt” are some examples.

11. This case was the subject of several anonymous pamphlets written contemporaneously: *A Just Reproof to the False Reports and Unjust Calumnies in the Forgoing Letters; A True and Full Relation of the Witches at Pittenweem...; An Answer of a Letter from a Gentleman in Fife to a Nobleman, CONTAINING A Brief Account of the Barbarous and illegal Treatment, these poor Women accused of Witchcraft...* These pamphlets are collected in D. Webster, *A Collection of Rare and Curious Tracts on Witchcraft and the Second Sight* (Edinburgh, 1820).


15. Dunfermline Kirk Session records, January 29, 1650. NAS, CH2/592/1, f.106.


24. Ibid., pp.144, 146, 150.

25. Ibid., p.150.

26. Ibid., p.150.


30. Brian P. Levack, “The Great Scottish Witch Hunt of 1661-1662”, *Journal of British Studies* 20 (1984), p.106. It is not clear whether or not Levack includes witch-pricking under the category of torture. In the discussion on p.105 it is witch-prickers who are mentioned.


33. Ibid. The torture of Geillis Gray in Crail in 1599 was done by the Laird of Lathocker who did not have any authority to act in this
Janet Love brought a complaint in 1632 against the minister of Inverkip for his illegal torture of her, p.48. In what appears to be an attempt to steal land in Strathglass, torture was used in 1662, p.71. Katherine Liddell of Prestonpans complained against her imprisonment in 1678, p.79. Margaret Barclay, tortured in Irvine in 1618, may be an incidence of judicial torture, p.34. These cases and some others listed in Black merit further investigation.

35. Larner, Enemies of God, p.75.
40. Raymond, Making the News, p.310.
41. Ibid, p.311
42. Ibid. The editorial comments throughout Making the News are very helpful. It is also interesting to see some of the other attitudes towards Scots, for example the description of the English victory of the Scots army at Worcester which appeared in the September 4-11, 1651 edition of Mercurius Politicus.