

## = Witch trials in early modern Scotland =

Witch trials in early modern Scotland were the judicial proceedings in Scotland between the early sixteenth century and the mid @-@ eighteenth century concerned with crimes of witchcraft . In the late Middle Ages there were a handful of prosecutions for harm done through witchcraft , but the passing of the Witchcraft Act 1563 made witchcraft , or consulting with witches , capital crimes . The first major series of trials under the new act were the North Berwick witch trials , beginning in 1589 , in which James VI played a major part as " victim " and investigator . He became interested in witchcraft and published a defence of witch @-@ hunting in the Daemonologie in 1597 , but he appears to have become increasingly sceptical and eventually took steps to limit prosecutions .

An estimated 4 @, @ 000 to 6 @, @ 000 people , mostly from the Scottish Lowlands , were tried for witchcraft in this period ; a much higher rate than for neighbouring England . There were major series of trials in 1590 ? 91 , 1597 , 1628 ? 31 , 1649 ? 50 and 1661 ? 62 . Seventy @-@ five per cent of the accused were women . Modern estimates indicate that over 1 @, @ 500 persons were executed . Most of those executed were strangled and then burnt . The hunts subsided under English occupation after the Civil Wars during the period of the Commonwealth led by Oliver Cromwell . In the 1650s and returned after the Restoration in 1660 , causing some alarm and leading to the Privy Council of Scotland limiting arrests , prosecutions and torture . There was also growing scepticism in the later seventeenth century , while some of the factors that may have contributed to the trials , such as economic distress , subsided . Although there were occasional local outbreaks of witch @-@ hunting , the last recorded executions were in 1706 and the last trial in 1727 . The Scottish and English parliaments merged in 1707 , and the unified British parliament repealed the 1563 Act in 1736 .

Many causes have been suggested for the hunts , including economic distress , changing attitudes to women , the rise of a " godly state " , the inquisitorial Scottish judicial system , the widespread use of judicial torture , the role of the local kirk , decentralised justice and the prevalence of the idea of the diabolic pact . The proliferation of partial explanations for the witch @-@ hunt has led some historians to proffer the concept of " associated circumstances " , rather than one single significant cause .

## = = Origins = =

### = = = Legal origins = = =

For late Medieval Scotland there is evidence of occasional prosecutions of individuals for causing harm through witchcraft . High @-@ profile political cases included the action against John Stewart , Earl of Mar for allegedly using sorcery against his brother King James III in 1479 . Evidence of these political cases indicates that they were becoming rarer in the first half of the sixteenth century however . Popular belief in magic was widespread in the Middle Ages , but theologians had been generally sceptical , and lawyers only interested in prosecuting cases in which harm from magic was evident . From the late fifteenth century attitudes began to change , and witches were seen as deriving powers from the Devil , with the result that witchcraft was seen as a form of heresy . These ideas were widely accepted by both Catholics and Protestants in the sixteenth century . In the aftermath of the initial Reformation settlement of 1560 , Parliament passed the Witchcraft Act 1563 , one of a series of laws underpinning Biblical laws and similar to that passed in England a year earlier , which made the practice of witchcraft itself , and consulting with witches , capital crimes . The first witch @-@ hunt under the act was in the east of the country in 1568 ? 69 in Angus and the Mearns , where there were unsuccessful attempts to introduce elements of the diabolic pact and the hunt collapsed .

### = = = Role of James VI = = =

James VI 's visit to Denmark in 1589 , where witch @-@ hunts were already common , may have encouraged an interest in the study of witchcraft , and he came to see the storms he encountered on his voyage as the result of magic . After his return to Scotland , he attended the North Berwick witch trials , the first major persecution of witches in Scotland under the 1563 Act and the first known to successfully involve the diabolic pact . Several people , most notably Agnes Sampson and the schoolmaster John Fian , were convicted of using witchcraft to send storms against James ' ship . James became obsessed with the threat posed by witches . He subsequently believed that a nobleman , Francis Stewart , 5th Earl of Bothwell , was a witch , and after the latter fled in fear of his life , he was outlawed as a traitor . The king subsequently set up royal commissions to hunt down witches in his realm , recommending torture in dealing with suspects . James is known to have personally supervised the torture of women accused of being witches . Inspired by his personal involvement , in 1597 he wrote the *Daemonologie* , a tract that opposed the practice of witchcraft and which provided background material for Shakespeare 's *Tragedy of Macbeth* , which contains probably the most famous literary depiction of Scottish witches . James imported continental explanations of witchcraft . His goal was to divert suspicion away from male homosociality among the elite , and focus fear on female communities and large gatherings of women . He thought they threatened his political power so he laid the foundation for witchcraft and occultism policies , especially in Scotland . The point was that a widespread belief in the conspiracy of witches and a witches ' Sabbath with the devil deprived women of political influence . Occult power was supposedly a womanly trait because women were weaker and more susceptible to the devil . However , after the publication of *Daemonologie* his views became more sceptical , and in the same year he revoked the standing commissions on witchcraft , limiting prosecutions by the central courts .

= = Nature of the trials = =

Despite the fact that Scotland probably had about one quarter of the population of England , it had three times the number of witchcraft prosecutions , at an estimated 4 @,@ 000 to 6 @,@ 000 over the entire period . This was about four times the European average . The overwhelming majority were in the Lowlands , where the Kirk had more control , despite the evidence that basic magical beliefs were very widespread in the Highlands . Large series of trials included those in 1590 ? 91 and the Great Scottish Witch Hunt of 1597 , which took place across Scotland from March to October . At least 400 people were put on trial for various forms of diabolism . The exact number of those executed as a result of these trials is unknown , but is believed to be about 200 . Later major trials included hunts in 1628 ? 31 and 1649 ? 50 . Probably the most intense witch @-@ hunt was in 1661 ? 62 , which involved some 664 named witches in four counties .

Most of the accused , some 75 per cent , were women . Modern estimates indicate that over 1 @,@ 500 persons were executed . Most of these were older women , with some younger women and men accused because they were related to an accused witch , usually as daughters and husbands . Some men were accused because they were folk healers , who were felt to have misused their powers , although folk healers as a group were not targeted . Most were not vagrants or beggars , but settled members of their communities . Most had built a reputation for witchcraft over years , which resulted in prosecution when a " victim " suffered ill fortune , particularly after a curse had been issued . The use of curses by some women as a means of acquiring social power may have made this process more likely to occur .

Almost all witchcraft prosecutions took place in secular courts under the provisions of the 1563 Act . In 1649 the religiously radical Covenanter regime passed a new witchcraft act that ratified the existing act and extended it to deal with consultants of " Devils and familiar spirits " , who would now be punished with death . There were three main types of court in which accused witches could be tried . First was the Court of Justiciary in Edinburgh , which took cases from all over Scotland , with a heavy bias to the local region . Next were the circuit courts , presided over by judges from the central courts and held in the various shires of the country . Finally , there were a series of ad hoc local courts , held under commissions by the Privy Council or Parliament and staffed by local

landholders and gentlemen to try witches in the places where they were accused . Based on known outcomes , the execution rates for the local courts was much higher than the courts run by professional lawyers , with the local courts executing some 90 per cent of the accused , the Judiciary Court 55 per cent , but the circuit courts only 16 per cent . After the revocation of the standing commissions in 1597 , the pursuit of witchcraft was largely taken over by kirk sessions , disciplinary committees run by the parish elite , and was often used to attack " superstitious " and Catholic practices . The central courts only launched a trial when the Privy Council issued a commission , although the council did not have full control over prosecutions in the Court of Judiciary .

Scottish witchcraft trials were notable for their use of pricking , in which a suspect 's skin was pieced with needles , pins and bodkins as it was believed that they would possess a Devil 's mark through which they could not feel pain . Professional prickers included John Kincaid and John Dick , whose actions helped set off the outbreak of witch @-@ hunting in 1661 ? 62 , and whose exposure as frauds , and subsequent imprisonment , helped end the trials . Judicial torture was used in some high @-@ profile cases , like that of John Fine , one of the witches accused of plotting the death of the king in 1590 , whose feet were crushed in a shin press , known as the boots . However , these cases were relatively rare . Confessions , considered the best evidence for conviction , were more usually extracted by " waking " the witch , keeping the suspect sleep deprived . After about three days individuals tend to hallucinate , and this provided some exotic detail in witchcraft trials . In Scotland , convicted witches were usually strangled at the stake before having their bodies burned , although there are instances where they were burned alive .

= = Witch beliefs = =

The belief that witches could cure and cause harm was common among all social groups in early modern Scotland . In 1701 in Anstruther , Elizabeth Dick had been turned away from the local mill when begging . She cursed the mill and several witnesses testified that the grain in the mill turned red . Only when one of the people who had refused her help ran after her and gave her alms did she bless the mill and everything returned to normal . About half of accused witches had already gained a reputation for causing harm over a long period of time . The fact that only four per cent of recorded accused witches were involved in folk healing seems to indicate that healing was not seen as a major element of witchcraft . The Aberdeenshire trials of 1596 reveal that spells could be purchased from witches for success at fishing , to ensure a happy marriage , to prolong life and to affect the weather . Many accusations included gender and sexual fears . Margaret Bain , a midwife , it was claimed , could transfer the pains of childbirth to a woman 's husband and Helen Gray cast a spell on a man that gave him a permanent erection . Witches could also carry out divinations . These included by reading the marks on the shoulder blade of a slaughtered animal , measuring a person 's sleeve or waist to see if they were suffering from a fever , or being able to find answers based on which way a sieve suspended from scissors or shears swung , as Margaret Mungo was accused of doing before the kirk session of Dingwall in 1649 .

It has often been stated that Scottish witchcraft was particularly concerned with the demonic pact . In the high court , Katherine Sands , who was one of four women accused of witchcraft at Culross in 1675 , admitted to renouncing her baptism , receiving the Devil 's mark and having sex with the Devil , but in local trials these demonic elements were rarer . Stuart MacDonald notes that in trials from Fife the Devil was a relatively insignificant and indistinct figure and that a number of instances of covens meeting look like fairy revels , where the dancing fairies traditionally disappeared when a human broke the ring , rather than satanic gatherings . Fairies were an important part of magical beliefs in Scotland . Isobel Gowdie , the young wife of a cottar from near Auldearn , who was tried for witchcraft in 1662 , left four depositions , gained without torture , that provide one of the most detailed insights into magical beliefs in Britain . She stated that her coven met on nearby Downie Hill , that they could transform themselves into hares and that she had been entertained by the Queen of the Fairies in her home under the hill . J. A. MacCulloch argued that there was a " mingling of beliefs " in Scotland , between popular belief in fairies and elite Christian ideas of demonic action .

## = = Decline = =

In the seventeenth century there was growing scepticism about the reality of witchcraft among the educated elite . Scotland was defeated in the Civil Wars by the forces of the English parliament led by Oliver Cromwell and occupied . In 1652 Scotland was declared part of a Commonwealth with England and Ireland and the Privy Council and courts ceased to exist . The English judges who replaced them were hostile to the use of torture and often sceptical of the evidence it produced , resulting in a decline in prosecutions . In an attempt to gain support among the landholding orders , Sheriff 's courts were re @-@ established and Justices of the Peace returned in 1656 . The result was a wave of witchcraft cases , with 102 in the period 1657 ? 59 . The limitations on prosecutions were fully reversed with the Restoration of the monarchy in 1660 , and there was a flood of over 600 cases that alarmed the restored Privy Council , leading it to insist on the necessity of its commission for an arrest or prosecution , and banning judicial torture .

Prosecutions began to decline as trials were more tightly controlled by the judiciary and government , torture was more sparingly used and standards of evidence were raised . The exposure of prickers as frauds in 1662 removed a major form of evidence . The Lord Advocate George Mackenzie made efforts to make prosecutions ineffective . There may also have been a growing popular scepticism , and , with relative peace and stability , the economic and social tensions that may have contributed to accusations were reduced , although there were occasional local outbreaks , like those in East Lothian in 1678 and in Paisley in 1697 . The last executions in the records of the central courts were in 1706 . The last trial was held in the court of a sheriff @-@ depute at Dornoch in 1727 , and was of questionable legality . The British parliament repealed the 1563 Act in 1736 , making the legal pursuit of witches impossible . Nevertheless , basic magical beliefs persisted , particularly in the Highlands and Islands .

## = = Causes = =

Various reasons for the Scottish witch @-@ hunt , and its more intense nature than that in England , have been advanced by historians . Older theories , that there was a widespread pagan cult that was persecuted in this period and that the witch @-@ hunts were the result of a rising medical profession eliminating folk healers , have been discredited among professional historians . Most of the major periods of prosecution coincided with periods of intense economic distress , and some accusations may have followed the withdrawal of charity from marginal figures , particularly the single women that made up many of the accused . The reformed Kirk that emerged from 1560 was heavily influenced by Calvinism and Presbyterianism , and may have perceived women as more of a moral threat . As a result the witch @-@ hunt in Scotland has been seen as a means of controlling women . Christina Lerner suggested that the outbreak of the hunt in the mid @-@ sixteenth century was tied to the rise of a " godly state " , where the reformed Kirk was closely linked to an increasingly intrusive Scottish crown and legal system .

It has been suggested that the intensity of Scottish witch @-@ hunting was due to an inquisitorial judicial system and the widespread use of judicial torture . However , B. P. Levak argues that the Scottish system was only partly inquisitorial and that use of judicial torture was extremely limited , similar to the situation in England . A relatively high level of acquittal in Scottish trials may have been due to the employment of defence lawyers in Scottish courts , a benefit not given accused witches in England . The close involvement of the Scottish Kirk in trials and the decentralised nature of Scottish courts , where local magistrates heard many cases ( in contrast to England where most were before a small number of circuit judges ) , may have contributed to higher rates of prosecution . The diabolic pact is often stated as a major difference between Scottish and English witchcraft cases , but Stuart Maxwell argues that the iconography of Satan may be an imposition of central government beliefs on local traditions , particularly those concerned with fairies , which were more persistent in Scotland than in England . The proliferation of partial explanations for the witch @-@ hunt has led some historians to proffer the concept of " associated circumstances " , rather than one

single significant cause .