

Proposed Witchcraft Convictions (Pardons) (Scotland) Bill – Natalie Don MSP

Summary of Consultation Responses

This document summarises and analyses the responses to a consultation exercise carried out on the above proposal.

The background to the proposal is set out in section 1, while section 2 gives an overview of the results. A detailed analysis of the responses to the consultation questions is given in section 3. These three sections have been prepared by the Scottish Parliament’s Non-Government Bills Unit (NGBU).

Following Natalie Don MSP’s appointment to the Scottish Government in March 2023, she is no longer able to pursue this proposed Member’s Bill. Section 4 has been prepared by Natalie Don MSP and includes her commentary following the formal withdrawal of her proposal on her appointment as a Scottish Government junior minister.

Where respondents have requested that certain information be treated as “not for publication”, or that the response remain anonymous, these requests have been respected in this summary.

In some places, the summary includes quantitative data about responses, including numbers and proportions of respondents who have indicated support for, or opposition to, the proposal (or particular aspects of it). In interpreting this data, it should be borne in mind that respondents are self-selecting and it should not be assumed that their individual or collective views are representative of wider stakeholder or public opinion. The principal aim of the document is to identify the main points made by respondents, giving weight in particular to those supported by arguments and evidence and those from respondents with relevant experience and expertise. A consultation is not an opinion poll, and the best arguments may not be those that obtain majority support.

Copies of the individual responses are available on the following website <https://www.nataliedon.scot/witchcraftpardonconsultation>.

Section 1: Introduction and Background

Natalie Don's draft proposal, lodged on 22 June 2022, was for a Bill to:

pardon all those convicted under the Witchcraft Act 1563.

The proposal was accompanied by a consultation document, prepared with the assistance of NGBU. This document was published on the Parliament's website, from where it remains accessible:

[Proposals for Bills – Scottish Parliament | Scottish Parliament Website](#)

The consultation period ran from 23 June 2022 to 15 September 2022.

The consultation was promoted via Natalie Don's social media, press releases and media interviews. Natalie Don also contributed to a BBC Radio 4 documentary and held a photocall with the Witches of Scotland organisation to promote the consultation.

The consultation exercise was run by Natalie Don's parliamentary office.

The consultation process is part of the procedure that MSPs must follow in order to obtain the right to introduce a Member's Bill. Further information about the procedure can be found in the Parliament's standing orders (see Rule 9.14) and in the *Guidance on Public Bills*, both of which are available on the Parliament's website:

- Standing orders (Chapter 9): [Standing Orders | Scottish Parliament Website](#)
- Guidance (Part 3): [Guidance on Public Bills | Scottish Parliament Website](#)

Section 2: Overview of Responses

In total, 1446 responses were received.

The responses can be categorized as follows:

- 12 from third sector organisations (charitable, campaigning, social enterprise, voluntary, non-profit)
- 1 from a private sector organisation (e.g. individual company or business)
- 5 (0.35%) from individual politicians
- 84 (6%) from professionals with experience in a relevant subject
- 53 (4%) from academics with expertise in a relevant subject
- 1291 (90%) from private individuals (members of the public)

Of those responses:

- 363 (25%) were anonymous submissions
- 118 (8%) of submissions were “not for publication”

The proposal consulted on was for a Bill to pardon all those convicted under the Witchcraft Act 1563.

- A clear majority (82%) of those who responded to the consultation were fully supportive of the proposed bill, while 16% were fully opposed to the aims of the proposed bill. Responses were polarised between those who were fully supportive or fully opposed, with only 2% of responses falling between the two ends of the scale of responses.
- All representative, third sector, commercial and local organisations who responded to the consultation expressed support for the proposed bill and its aims.
- Righting a historic wrong and correcting a miscarriage of justice were key themes among respondents supportive of the proposed bill. A significant proportion of respondents also highlighted that the majority of those convicted under the Witchcraft Act 1563 were women and associated their support for the proposed bill with women’s rights issues across the UK and around the world today, including in countries where accusations of witchcraft still take place.
- That the issue is irrelevant to modern-day Scotland and an inappropriate use of parliamentary time and public spending were key themes among those in opposition to the proposed bill.

Disclaimer

Note that the inclusion of a claim or argument made by a respondent in this summary should not be interpreted as verification of the claim or as endorsement of the argument by the Non-Government Bills Unit.

Section 3: Responses to Consultation Questions

This section sets out an overview of responses to each question in the consultation document.

General aim of proposed Bill

The 'detail of the proposed Bill' section of the consultation document outlined the aim of the proposed Bill and what it would involve. Respondents were asked:

Question 1: Which of the following best expresses your view of the proposed Bill (Fully supportive / Partially supportive / etc.)? Please explain the reasons for your response.

1446 respondents (100% of the total) answered this question.

Responses were polarised between strongly supportive and strongly opposed, with relatively few respondents setting out a view between these two contrasting positions.

1186 (82%) respondents were fully supportive of the proposed bill, while 223 (16%) were fully opposed. Eight (0.55%) respondents were partially supportive, 13 (0.90%) were partially opposed, and five (0.35%) gave a neutral view. Eight (0.55%) respondents did not wish to express a view.

All 13 of the organisations who responded to the consultation supported the proposed Bill.

The main reasons given in support of the proposed bill were that:

- a modern, progressive **Scotland should recognise and apologise for the mistakes of its past** and **honour those unfairly persecuted** under the Witchcraft Act 1563
- those convicted of witchcraft under the Act were **victims of a gross miscarriage of justice** and deserve to be recognised as such
- legislating for a pardon is **morally the right thing to do**
- the **majority of those convicted were women**, whose innocence should be posthumously recognised
- the proposed bill, if passed, would **send a strong equalities message and signal against misogyny** in society today
- those convicted and executed were **victims of religious persecution**
- that legislating for a pardon **would send a strong message around the world** to nations which still persecute people for alleged witchcraft

The main reasons given in opposition to the proposed bill were that:

- the **convictions are historical and therefore irrelevant** in modern day Scotland
- pursuing a pardon would be a **waste of parliamentary time**
- legislating for a pardon would be an **inappropriate use of public money**
- **other issues of national importance should be prioritised**, including the NHS, the pandemic, the cost-of-living crisis, drugs deaths and education
- the proposal seeks to legislate for the wrong reasons by way of **virtue signalling**

Other points mentioned by specific individuals were:

- that if one persecuted group is to be pardoned, that **pardon should be extended to all persecuted minorities**, such as Gypsy Travelers and people of colour
- that **some of those convicted would have been guilty**, either of some form of witchcraft or other acts of malintent, therefore a blanket pardon would be unfair

All of the points set out above will be expanded upon throughout this summary.

Reasons for supporting the proposed Bill

A clear majority of respondents to the consultation (83%) supported legislating for a pardon for all those convicted under the Witchcraft Act 1563.

All organisational responses to the consultation were fully supportive of the proposed Bill's policy objective.

Recognising and apologising for historical injustices

Many responses in support of a legislative pardon expressed the view that modern Scotland must recognise and rectify the injustices of its past.

This included the organisation Witches of Scotland (WoS), which submitted a detailed response to the consultation having also lodged a petition considered by the Scottish Parliament's Citizen Participation and Public Petitions Committee "calling on the Parliament to urge the Scottish Government to pardon, apologise and create a national monument to memorialise those people in Scotland accused and convicted as witches under the Witchcraft Act 1563".¹

The WoS response highlighted the mission statement of the First Minister's National Advisory Council on Women and Girls, which notes that "for

¹ PE1855, <https://petitions.parliament.scot/petitions/PE1855>

generations, our history has been written by one gender... half of history is missing".² Witches of Scotland's response continued:

"Their story has been lost in a history written by men. Now is the time to be bold, to record and acknowledge our history, to learn from it, and to vow to continue the work to gain gender equality. WoS now call upon the Scottish Parliament to pass legislation to pardon all those convicted of witchcraft. It is only by recognising our past that we can move forward and do better. A most terrible injustice was done to those killed. Let us pass legislation which acknowledges the wrong done and restore these people to history as women and men, not witches." (SS ID: 199324785)

Many respondents expressed their belief in the importance of ensuring that the historical attitudes which gave rise to witch-hunting were left firmly in the past and recognised as wrongs in the present. This included Kathryn Campbell who, in her individual response, put forward the argument that despite convictions under the 1563 Act occurring hundreds of years ago, this should not preclude the need for a legislative pardon. She continued:

"By understanding and showing genuine contrition for the actions of the authorities of the age, the current day authorities send a message that the historic atrocities carried out in the name of the establishment are condemned and that the attitudes that informed them were barbaric and utterly unacceptable to contemporary society." (SS ID: 194045058)

Recognising and making amends for historic wrongs to ensure a forward-thinking, progressive future was a belief reflected in many responses, including that of the politician Lisa-Marie Hughes. Highlighting that those convicted of witchcraft and executed for their "crimes" were "simply ordinary people, who died as a result of superstition", she continued:

"If we are to consider ourselves a just and equal society, it is important that as well as improving legislation as we move forward, we address past wrongs." (SS ID: 199179158)

A selection of responses from members of the public who also took this view are set out below:

"The torture, prosecution, and executions of people, largely women, in Scotland for witchcraft is an abhorrent stain on our history. We need to acknowledge it and the suffering caused, in order to be able to honestly remember our history... History should be acknowledged publicly, both the good and the bad. A healthy society must be able to point to the past and know it was wrong, in order to avoid similar situations in the future. The stories of 'witches' and their executions has been so trivialised, but then weaponised when it benefits people. Scotland has much to be proud of in its history and in the present, but it must do

² <https://www.generationequal.scot/>

what it can to apologise for its past wrongs in order to be able to stand up to present day injustice.” (Kirsty Carswell, SS ID: 199347049)

“This pardon should have been made a long time ago - Scotland has a chance to lead the way in redressing the wrongs of the past.” (Claire Brown, SS ID: 194018029)

“We should acknowledge injustices done in the past. The world we live in was shaped by the actions of people long ago and how we interact with that history shapes the world to come.” (Vanessa Traill, SS ID: 194062131)

“The only way we can move forward as a society is to embrace our heritage, it is what our being has been established on. If that heritage is no longer complimentary to today’s thinking, this shows how much we have progressed, but we still need to be able to acknowledge the wrong and endeavour to do something to put it right.” (Joanne Moss, SS ID: 194826997)

In her response, Councillor Moira McKee Shemilt shared that she had put forward a motion to councillors in West Lothian calling for a legal pardon for those convicted and executed under the 1563 Act, which was passed by acclaim. Her response continued:

“I can imagine my colleagues asking why on earth does this matter, when it happened so long ago? My answer to that question is that history is inescapable. What happened in the past informs our present and our future. Memory makes the map that we carry around with us. It informs our view of society.” (SS ID: 195878390)

Further to the above, many respondents contended that legislating for a pardon would be the “right” thing to do in light of our shared history (Tracy Chipman, SS ID: 194031949), and that we should “strive for a society unashamed to examine the mistakes of the past” (SS ID: 193999436).

For example, Aisling Brady, responding in an individual capacity, set out in her response that the proposed Bill’s aim was “morally right and addresses history rather than erasing it – this is vital because it shows who we are and how we treat one another today.” (SS ID: 194048835)

As set out in the consultation document,³ Scotland experienced some of the highest rates of witch-hunting in Europe during the period the Witchcraft Act 1563 was in force. Highlighting this in her response, Jennifer Ann Grainge emphasised the importance of ensuring history reflected those affected as innocent, not criminals. She said:

³ https://www.parliament.scot/-/media/files/legislation/proposed-members-bills/final_proposedwitchcraftconvictionspardonsbill_consulationdocument.pdf

“I believe that all accused of witchcraft should be pardoned so they are no longer classed as criminals within historical records. Scotland executed many witches, more than other countries and I think as modern Scotland we need to apologise for wrongdoings of the past and particularly to the majority of women, who didn’t ‘fit the mould’ of the time who were wrongly accused of witchcraft.” (SS ID: 194016333)

A miscarriage of justice

A significant proportion of those responding in support of the proposed bill contended that convictions for witchcraft constituted a miscarriage of justice. Some expressed this view on the basis that “witchcraft” could not be considered a crime as witchcraft itself is not real. For example, Professor Marion Gibson, an academic who specialises in the history of witchcraft trials, highlighted the “impossibility of the crime of witchcraft” (SS ID: 193999565), while fellow historian and expert on the Scottish witch hunts Judith Langlands-Scott responded:

“Those accused and those convicted of the Crime of Witchcraft suffered a clear miscarriage of Justice because the crimes they were accused of were impossible. For example: a person could not cast a spell so that they could make a cow fly, in order that they might ride on it from one village to another. Even if they imagined they had done so, in reality, it was impossible.” (SS ID: 194072827)

This view was echoed by individual respondent, Helen Morrison:

“Injustice does not have an expiry date. This would right a wrong committed by the State in Scotland. Nobody can be a witch they were just women and men. Nobody was in league with the devil. The law was used disproportionality against women especially those that were vulnerable in a variety of ways. It is part of our collective history that needs addressing and recognizing.” (SS ID: 198761171)

Organisations which responded to the consultation also tended to stress that people convicted of witchcraft were innocent and a pardon would be a means of recognising their innocence. These responses focused on justice and the view that a legal pardon for those convicted under the 1563 Act was necessary to ensure that justice is achieved. For example, Advocacy for Alleged Witches stated that:

“The witchcraft convictions were a miscarriage of justice that needs to be redressed and rectified. A pardon is a necessary and important step in realizing this objective” (ID: 194133002).

In a similar vein, The Calder Witch Hunt Project stated that:

“The people convicted and punished for witchcraft were innocent and suffered greatly. Legal acknowledgment that they were not criminals is

important for their individual memory, and also for our National conscious” (ID: 194481928).

The National Secular Society (NSS), in its response, considered that the proposed legislation “provides an opportunity to demonstrate that no-one should ever face criminal sanction or persecution based on allegations of witchcraft” (NSS, Non-Smart Survey response 1, p.1).

The academic Julia Campanelli referred to legal precedent in her response. Highlighting the Miners’ Strike (Pardons) (Scotland) Act 2022 and the Historical Sexual Offences (Pardons and Disregards) (Scotland) Act 2018, she said:

“There is no time limit on justice or truth. The pardon of the miners and those convicted under the anti-LGBTQ laws have set a legal precedence to pardon those convicted under the witchcraft act of 1563.” (SS ID: 195788851)

The desire to secure justice for the people convicted under the 1563 Act was also a common theme among members of the public, including those who self-identified as modern day “witches” or those that believed that “witches” were community figures, such as healers:

“This is an injustice that has long needed addressing. As a practicing hedgewitch, I too would have suffered the fate of these innocent women if I had lived when they did. I never forget how lucky I am to live now in freedom.” (Lucy Coats, SS ID: 193997683)

“As a modern Scottish witch, having acquired a great deal of knowledge about how many witches (as well as non-witches) were horrifically treated in previous centuries, I have a great sense of injustice for every person that was ever tortured, trialed and/or murdered, and feel it is about time that this injustice is recognised and, at least in part, atoned for.” (Lucy Gillian Anderson, SS ID: 199156046)

“Witchcraft was never anything more than herbal healing [it was] never a crime.” (Carol Lindsay, SS ID: 194020777)

Misogyny

The consultation document set out in detail that the majority of those convicted and executed under the Witchcraft Act 1563 were women, and this was referred to in a significant proportion of the responses in support of legislating for a pardon. Respondents set out the continued prevalence of misogyny in society and other barriers faced by women, with some reflecting that the passage of the proposed bill could positively impact women living in Scotland today.

This included various organisations which responded to the consultation, who considered that the proposed bill, as well as addressing a historic wrong, would also impact current societal attitudes in relation to women.

In its response, the Scottish Women's Rights Centre (SWRC) set out the importance of tackling intersectional inequality and confronting misogyny, which it said created "the conditions for violence against women and girls to exist because it devalues their experiences, their financial and social contributions within society, and at an extreme, their lives."

In expressing its full support for the proposed bill and posthumously pardoning those convicted of witchcraft in Scotland, the SWRC response continued:

"We support efforts to name our common history and redress wrongs because only by sharing a wide public understanding of the roots of misogyny, can we work effectively now to make the changes that needs to happen for women today.

"The act of pardon sends a clear message that it is not right to record these women as criminals, or as witches. It also recognises that there is still a legacy of misogyny which is deeply rooted in present society, one which we work with survivors to dismantle." (Non-Smart Survey response, p 2)

The organisation Inspiralba echoed this view in its response:

"a pardon of this nature will not only recognise the wrongdoings of the past but will also send positive support to women primarily who continue to face barriers and exclusion to this day, that injustice is not acceptable in Scotland" (ID: 195858373).

The potential for the passing of the proposed bill to positively impact women in Scotland today by acknowledging the persecution of women in the past was a view expressed in a breadth of responses from members of the public, a selection of which are set out below:

"The misogyny of the past affects us today. There is still a problem with misogyny in Scotland. Maybe you can no longer shout 'witch' at a woman and have her executed, but you can stand outside a hospital and shout 'murderer' at her. Acting on the historical context of misogyny will help improve life for women today." (Gemma Clark, SS ID: 194129826)

"I believe that the persecution of women as witches has reverberations and continuing repercussions in our misogynist culture today. A pardon for these women will go a little way to start a healing process." (Alison Murray, SS ID: 193999321)

“A public apology would acknowledge there was a European genocide against women and would be a positive start to healing our past.” (Paul Bloomer, SS ID: 194000860)

“In order to tackle misogyny today, misogyny of the past must be faced and acknowledged. The international implications of this pardon could be very positive for vulnerable people.” (Siriol Robinson, SS ID: 193998579)

In a detailed response, the organisation For Women Scotland (FWS) welcomed the proposed bill's recognition that “the historical attitudes which gave rise to the witch hunts are not, wholly, in the past”, drawing parallels between the historic treatment of women at the time of the Witchcraft Act 1563 and women's rights issues in the present. Emphasising its strong opposition to the Scottish Government's legislation to reform the Gender Recognition Act 2004, FWS highlighted its perception of the treatment of campaigners who agree with its position, linking this to the proposed Witchcraft Convictions (Pardons) (Scotland) Bill:

“The admirable aim of combating misogyny in contemporary society will not be achieved unless the Scottish Government and other pillars or establishment Scotland are prepared to address uncomfortable parallels in their recent approaches to women's rights... The uncomfortable truth is that it may be easier for the Scottish Government to focus on women who are safely dead and were persecuted long ago than those who are demonised today.” (Non-Smart Survey response, p 1).

The power and impact of language was also mentioned by various respondents, with the use of the word “witch” as a disparaging term for women highlighted by some. The Connecticut Witch Trial Exoneration Project, for example, suggested “witch” was used “as a derogatory term to discount the value of women.” It continued:

“We believe this legislation will help set the record straight on the history of the witch trials and help to counter modern misogyny and witch-hunts” (ID:196256520).

The patriarchy was also referred to, with an anonymous academic suggesting that the pardoning of all affected woman would represent a positive step forward, and that “patriarchal structures being dismantled marks progressive positive culture” (SS ID: 199348790).

In her response, Louise Berry, a professional healer, also highlighted the gendered element of witchcraft accusations:

“They were murdered by men... Men who were afraid of women. Men who were afraid of kindness, beauty and the power that it brings. These men wished to indoctrinate their religion and destroy anyone

else's right to practice their own faith. It was also a deeply chauvinist affair. As men died, 10 women would die for every one man."

She also called the persecution of those convicted as witches "an annihilation of any woman who dared to be strong" (SS ID: 199153519).

Ethnic, religious and other minority groups

In addition to the specific impact on women, the following respondents suggested that the proposed bill, if passed, could send a positive message to other minority and marginalised groups in Scotland, including LGBTQ+ people, people of colour, minority ethnic communities and people with disabilities:

"A public pardoning of these innocent people will not only go some way towards healing the intergenerational psychic trauma experienced by their relatives in subsequent generations, but will raise the issue into public consciousness. There are parallels to be drawn between the tragic experiences of those put to death in the name of public scapegoating, and the difficulties faced by minorities today, those who are often subjected to unfair portrayals and infringements of their basic human rights: misogyny, transphobia, homophobia, racism, ableism and related ways in which humans are othered and outcast for their differences, instead of loved, and honoured." (Hannah North, SS ID: 194009476)

"I believe it is a matter of importance because it signifies that as a country we continue to battle against misogyny, inequality and the disenfranchisement of 'others'. We must recognise our history in order for it not to be repeated. May it also bring peace to those affected." (Caitlin Wishart, SS ID: 194048387)

A proportion of respondents made the point that men, children, older people and other marginalised groups such as those considered to be of lower class, Gypsy/Travellers and followers of certain faiths, were also targeted and convicted under the 1563 Act and would therefore also be recognised through a pardon:

"These were people who were victims of panic and hysteria. This apology isn't just to women who were accused, but to the men and children too. These people were accused because they were Catholics, old, of a poor social class, or in the case of the Forfar witch trials belonged to a group who have historically been marginalised, The Roma Travellers. All these people deserve an apology. All victims of injustice deserve an apology and the victims of the witch trials are no different." (Shaun Wilson, SS ID: 198775121)

"In these enlightened times it's really ridiculous that people's ancestors are still known for being witches! Most of these people were innocent

victims of terrible hate, misunderstandings often targeted because of their religion, for being poor, for having disabilities, or just being women! The families of these poor souls had to live with the loss of their loved ones and the terrible shame of witchcraft within their family and community. Often having to physically move away because of people's ignorance and prejudices!" (Mrs Katherine Hazelton, SS ID: 194013002)

"It's the duty of a civilized society to be able to stand up and admit wrongdoing, no matter if those who suffered as a result of it are no longer here. The people convicted under the Act were accused due to their gender or being seen as "different" or "other", similarly to how many minority groups are viewed to this day." (SS ID: 194017231)

The historical religious context at the time the Witchcraft Act 1563 was in force was mentioned throughout responses to the consultation. As set out in the consultation document, those accused of and executed for witchcraft were often thought to be partaking in "devil worship" and to pose a risk to practitioners of the predominant Christian faith.

This persecution on religious grounds and the pursuit of justice was put forward as a key reason why some respondents supported the proposals (Rowena Cairns, SS ID: 194021160; SS ID: 199194191; L Bradford, SS ID: 194125332), including the following anonymous response:

"The systematic persecution of those who believe and commune with spirit differently is a hallmark of colonialism, racism and bigotry. It is time that these people were pardoned as there was no crime committed. Time for the legacy of pain and oppression committed by the church and state to be acknowledged publicly and an apology made so that the spirit of those who were murdered in the name of the Christian god can rest peacefully." (SS ID: 199470703)

A number of respondents to the consultation self-declared as practicing Pagans or Wiccans. Of these, some suggested that those convicted under the 1563 Act were wrongfully suspected of devil worship and persecuted for their practices, including in the following response from an anonymous Pagan:

"The vast majority accused of witchcraft were simply ordinary people caught up in a wave of ignorant hysteria. Those that were involved in what was deemed to be witchcraft were herbalists, midwives, community healers, not devil worshippers." (SS ID: 193976117)

Others who identified as practicing witches contended that witchcraft "is a traditional part of Scottish culture" (Alex Murray, SS ID: 199443519) and simply an alternative way of life that should be respected, as set out in the response from Claudia Ferri:

"The Craft is and always was, an ancient and natural religion/belief system/way of life. The convicted people were victims of a heinous

campaign brought about by the church to stamp out any belief system that was deemed as a threat. Justice must be sought and apologies must be made.” (SS ID: 194060559)

Practicing Pagan Angela Stewart associated the proposal with her personal beliefs and called for the Pagan community to be “fully recognised”. She continued:

“The Scottish Witch Trials and persecution of innocent men and women was nothing more than religious intolerance by the Christian authorities. It is plain and simply murder.” (SS ID: 194032275)

Global impact

It was recognised both in the consultation document and in many of the responses in support of the proposed bill that accusations of and executions for witchcraft still take place in some countries around the world today.

This included the response from the National Secular Society, which listed the various countries around the world where people were still accused of witchcraft:

“This year alone, there have been dozens of reports of killings and lynchings of people accused of witchcraft in Angola, Ghana, Guatemala, India, Kenya, Liberia, Malawi, Nigeria, Papua New Guinea, Peru, Zambia, Zimbabwe and even the USA” (NSS, Non-Smart Survey response 1, p.1).

The NSS response continued:

“A formal pardon for victims of witch-hunts will help send a message to people from communities which hold such beliefs, both in the UK and worldwide, that any form of violence or abuse towards those accused of witchcraft is unacceptable.” (NSS, Non-Smart Survey response 1, p.2).

Various respondents suggested that, by accounting for its own wrongdoing, Scotland could set a global example and advocate for global change. This included an anonymous respondent who suggested that:

“The current population of Scotland should stand up and show the world we do not tolerate this kind of violence and persecution and acknowledge a great wrong was done and the names of those affected should be cleared.” (SS ID: 194047486)

In a similar vein, the academic George Prew suggested that legislating for a pardon for those convicted under the Witchcraft Act 1563 would give Scotland a “moral basis for advocating for those persecuted due to allegations of witchcraft worldwide” (SS ID: 194076920).

Professor Susan Sheila Maria Edwards, an academic specialising in the subject area of violence against women, linked accusations of practicing witchcraft to the trafficking of people into the UK. Referring to the historical witch hunts that took place in Scotland as “gynocide”, her response continued:

“Witchcraft accusation and violence and torture in its name continues in many other countries in the world. It is significant that women trafficked into the UK in some cases and from some countries were trapped because of fear of traffickers and juju curses which were put upon them. We need to understand more about such accusations and conduct in the modern era and recognising that the countries that call themselves ‘civilised’ today had a major part in the brutal killing of women.” (SS ID: 199095068)

Others suggested that a legislative pardon would demonstrate “solidarity” with people, particularly women, around the world who were still at risk of being accused of and punished for witchcraft (Becca Freeden, SS ID: 194031873; Kirsten MacQuarrie, SS ID: 195864444):

“There are still women and girls in other parts of the world who are being accused of witchcraft today! The Scottish government needs to recognise the historical injustice and make a statement condemning these persecutions that still occur globally.” (Evelyn Jane MacDonald, SS ID: 198182835)

Reasons for opposing the proposed Bill

As set out previously, 236 (16%) respondents were opposed to the aim of the proposed bill. The reasons given for opposing the proposals fell into the following broad categories, with further detail under each category set out below.

Historical convictions are irrelevant in modern day Scotland

A strongly held view among many opposed to the proposals was that the issue is not relevant to modern-day Scotland because the convictions under the Witchcraft Act 1563 took place centuries ago (SS ID: 194259302).

This included Doctor of Philosophy and Ethics Stephen Wigmore, who considered in his response whether it was appropriate for the Scottish Parliament to undertake any work in relation to ancient legislation:

“It is totally meaningless to talk about legally pardoning the dead, since they are beyond the reach or scope of the law... The devolved Scottish parliament constituted in 1998 has no responsibility for Scottish law or legal proceedings that occurred in the 17th Century, and nothing it does can affect those events or the people who took part in them.” (SS ID: 194148904)

In her consideration of whether a legal pardon is necessary, Sheonagh Christie examined who the proposals would impact and suggested that those convicted as witches were “victims of their time”. She added: “They’re all long dead so what or who will benefit from a pardon?” (SS ID: 196903679)

Other responses included some from those who held the view that it was unwise to attempt to “change” the past:

“The past is history and attempting to change that never ends well. Parliament should be concentrating on proposed bills which make everyone’s lot in life better now and in the future.” (David Malcolm Smith, SS ID: 194131909)

“The Country is going down the toilet and you are worried about something that happened in the 1500s, sort out today’s problems that’s what you get paid for, history is history you learn from it not try and change it.” (SS ID: 194029235)

Others suggested that the proposal would be of no impact to any living Scots and was therefore irrelevant. This included Francis Clark, who said:

“This affects no person who is alive today. Why should a witch who was convicted based on evidence of the time be pardoned? Has new evidence come to light since then? Does this argument really deserve the time of day. Ridiculous. It happened. It’s history. Let it rest.” (SS ID: 194130136)

In a response setting out their full opposition to the proposals, an anonymous respondent suggested history was there to be learned from, not apologised for:

“The current government are not responsible for the actions hundreds of years ago. We should learn from history not erase or rewrite it.” (SS ID: 194133114)

Parliamentary time and prioritisation of issues

The appropriate use of parliamentary time was referred to by respondents opposed to the proposed bill, with many listing other priorities they felt should be given greater focus. This perspective was typified by the following anonymous response:

“What a colossal waste of time. Is there a war in Europe? Is there an economic crisis? Is the NHS in meltdown? Is education functioning perfectly? Focus on these rather than witches in 1563.” (SS ID: 194122109)

Indeed, the majority of respondents who gave this reason for opposing the proposed bill suggested alternative areas they would prefer to see

parliamentary time spent focusing on, pointing to issues of the present and the future as opposed to convictions of the past:

“Parliament is supposed to represent the people. We are struggling with the cost of living - food, energy, housing and petrol costs. Our schools are drastically underfunded, children in massive classes. The trains and ferries are no longer reliable. Our children cannot get places to study and better themselves. Drugs and alcoholism are at epidemic levels. Domestic violence is unchallenged. The focus needs to be on now and on building a better future. This bill is a simply a distraction.” (SS ID: 194131430)

“Parliament should be concentrating on proposed bills which make everyone’s lot in life better now and in the future. There’s a cost of living crisis and a climate emergency!” (David Malcolm Smith, SS ID: 194131909)

“This is a waste of parliamentary time. More effort should be given to health, transport, social care, and looking forward rather than the distant past.” (Charlie Nicolson, SS ID: 194030081)

“The time spent on this nonsense should instead be devoted to tackling the many societal problems we have. Come up with a plan to tackle child poverty, drugs deaths, alcoholism, plummeting educational standards.” (SS ID: 194133992)

Use of public money

Many of those opposed to the aims of the proposed bill put forward the view that the use of public money raised through taxation to legislate for a pardon for those convicted under the Witchcraft Act 1563 was not appropriate (Gordon Buchan, SS ID: 194133417), with some pointing to the other spending challenges facing Scotland at present (Simon Watkins, SS ID: 194133417). This included the following anonymous response:

“This bill is an offensive waste of time and taxpayers’ money especially in the current climate we find ourselves in. I’m not sure if there’s anything else this MSP could put their time to which would have less of an impact on the general public. With prices spiralling in this cost of living crisis it shows just how out of touch the people who represent us are.” (SS ID: 194132219)

Another anonymous respondent suggested public money should not be spent on making amends for historic wrongful convictions:

“It’s in the past, come out and say you’re sorry if you want, but please please don’t waste another penny on it.” (SS ID: 194133684)

It was further suggested that as these proposals would be of “no benefit to any living person”, that public money should be spent to “improve the lives of

the living” instead (Neil Sampson, SS ID: 194134030). This view was echoed by the following anonymous respondent, who felt that public money could be more “meaningfully” spent in other areas:

“There are no living relatives to the people impacted. We have so many things that we could be meaningfully spending public resources on that would actually make a difference. Poverty, healthcare, education, sex offenders on government. And you prioritise a 500 year old issue. It is indicative of all that is wrong and embarrassing in Scotland today.” (SS ID: 194124821)

Legislating for the wrong reasons

Finally, a large proportion of respondents opposed to the proposed Bill’s aims suggested that the legislation was not being progressed with the purpose of making a difference, and instead constituted virtue signalling (Simon Stewart, SS ID: 194122098). This included Iain Henderson, who said the proposed bill would be:

“A pointless piece of legislation. An unnecessary revision of history. Virtue signalling at its worst. This clearly has no material effect on any victim or their families, does not enhance our understanding of historical reality and is a vanity project by this politician.” (SS ID: 194134269)

This view was echoed by Floyd Minter in his individual response:

“A complete waste of time, money, and resources. This spasm of self-congratulatory virtue-signalling won’t improve a single life in Britain.” (SS ID: 194276879)

In setting out her reasoning for why the proposed bill is a “virtue signalling” endeavour, Fiona Sinclair set out alternative ways that she felt that proposed bill’s aims could be achieved:

“This is simply virtue signalling. This bill is a nonsense. Why would you ‘pardon’ anyone for something that should never have been a crime in the first place? You do realise that women were ‘wirrit at the stake and brunt’ simply because they were considered a witch ‘by habit and repute’, and that no evidence, other than that, was considered necessary? If you want to highlight the Scottish witchhunt, then highlight it by encouraging research into it, subsidise arts projects on it and educate the Scottish public about it. For the contemporary witchcraft cases in other parts of the world, you could put pressure on the countries that are failing to stamp this out by highlighting what happened in Scotland and showing that, as Christina Lerner outlined, the witchhunt was a form of social control.” (SS ID: 195495285)

Other points made

Five respondents (0.35%) to the consultation held a neutral view towards the proposed bill. Comments made by these respondents largely mirrored those who were opposed to the consultation.

Other points made in response to this question are set out below:

- An anonymous response from an academic suggested “cursing” was a real practice in the time of the Witchcraft Act 1563 and would have been conducted with “malintent” – on that basis, the response suggested, a blanket pardon would be “illogical” if some of those accused and convicted under the Act would have intended to harm their accusers (SS ID: 194142095).
- Donald Gillies, in considering whether legislation is necessary for the purpose of achieving the proposed bill’s aims, put forward the view that a pardon, as opposed to “total exoneration”, implied that a crime was committed, and that this was at odds with the background to the proposed bill (SS ID: 198045384).

Is legislation required?

Question 2: Do you think legislation is required, or are there other ways in which the proposed Bill’s aims could be achieved more effectively?

982 respondents (68% of the total) answered this question.

Answers to this question and whether respondents felt that legislation was or was not required tended to correspond with whether or not they supported the aims of the proposed bill, with those in favour of the bill’s aims tending to favour the passage of legislation to achieve those aims.

Responses were polarised between those who strongly believed that legislation was essential to achieving the proposed bill’s aims and those who strongly believed that legislating for this purpose was unnecessary or inappropriate. A clear majority favoured legislation, in alignment with their support for the aim of the proposed bill.

Yes – legislation is required

Where organisations provided an answer to this question, they generally concluded that legislation is required and tended to provide similar reasons in support of this as that articulated in answer to the previous question.

As set out in the consultation document, the Member considered that a pardon achieved through the passage of legislation would be the only

practical means by which to achieve the aim of the proposed bill. This reasoning was also included in the response to this question from Witches of Scotland:

“There is no other way to achieve this aim. There is no other legal method to address the miscarriage of justice sought. The Scottish Criminal Cases Review Commission is for modern cases, not historic ones and in any event there are no people holding a “legitimate interest” to seek a pardon on behalf of an individual person.” (Witches of Scotland - ID: 199324785)

The organisation Renfrewshire Witch Hunt 1697 also called for the introduction of legislation and described the impact it felt that this could have:

“Legislation is required as, even in the 21st Century there is ignorance about the innocence of those who were tortured and murdered in the name of witchcraft. There is also ongoing misogynistic behaviour towards women. Finally, superstition continues even today with many countries still accepting witchcraft as an offence and persecuting innocents. This bill will promote understanding and will support the education of those who remain in ignorance as well as protecting the vulnerable from that ignorance.” (Renfrewshire Witch Hunt 1697 - ID:194054392)

The National Secular Society considered that both legislation and practical action were required on the following grounds:

“The most important aspects of the proposals are to highlight the harms caused by witch hunts. It would be most effective if any public gesture were to be accompanied by practical action to assist modern victims of witchcraft persecution” (NSS, Non-Smart Survey response 1, p.2).

Other respondents also suggested additional actions that could be introduced in tandem with legislation to ensure its effectiveness, such as education and awareness raising in schools (SS ID: 194026645), campaigns to educate the wider public as to this aspect of Scotland’s history through advertising or community events (Kimberly Wallace Naranjo, SS ID: 198784179), and the establishment of a national memorial or monument (Caitlin Wishart, SS ID: 194048387):

“I think legislation is required to historically document the pardoning and implicit apology to those falsely accused of a falsely criminalised act. Culturally, in the present, I think a memorial and continued conversation may prove more effective at making the changes in attitudes discussed in the bill. But for future generations to have legal, formalised documentation of the nations pardoning of this criminalisation, I think the legislation is needed.” (Sarah Pamerter, SS ID: 199513928)

As with the above comment, the politician Jennifer McConachie, a Green Party elected official in Norway, referred to the potential impact legislation could have on the culture in Scotland as she set out her position in favour of legislation. She said:

“Laws are part of creating the culture we share and the beliefs and limits to how we think about and treat each other.” (SS ID: 1991545)

Similarly, Eóin Killackey suggested that “the most powerful aspect of such a legislated pardon would be the Scottish state confronting and rectifying its own errors.” (SS ID: 197981960)

Various responses considered what legislation could achieve in addition to securing a pardon for those convicted under the 1563 Act. Among the points raised were suggestions that:

- legislation would help strengthen human rights by serving as an example and demonstration of the importance of protecting the vulnerable (Dr Yvonne Owens, SS ID: 194020190)
- putting a pardon in law would ensure that it was given legal force, legitimacy and permanence (Peg Aloï, SS ID: 197995601), and would help ensure people could never again be persecuted in this country for suspected witchcraft (George Prew, SS ID: 194076920)
- it would set a legal precedent and serve to “bolster a global effort to eradicate the persecution of innocent people” (Julia Campanelli, SS ID: 195788851)

No – legislation is not required

Reasons given for opposing legislation tended to mirror those given in response to question 1 on the aims of the proposed bill. Many of those respondents provided no further reason beyond stating their opposition to the introduction of legislation for this purpose.

Themes among the reasons given in opposition to passing legislation are set out below:

- That **legislation simply is not required** as the issue is historical and therefore unnecessary was a view shared by various respondents in opposition to legislation (Iain McDonald, SS ID: 194016073). This view included an anonymous respondent who suggested that the period during which people were convicted for witchcraft was “an episode of history that has no bearing or relevance to a (struggling) society today.” (SS ID: 194144800)
- As with the previous question, a proportion of respondents stated that the proposed bill was a **waste of time and money** (Stewart Love, SS ID: 194132871). Among these was Gary Crawford, who commented:

“Of course this isn’t required. In what way would pardoning these people make a difference to anybody currently. It is a total waste of time and is laughable this is taking up debating time” (SS ID: 194017393).

- It was suggested by Fiona Seaman that this is not an issue which present-day Scots are interested in or particularly aware of: “I do not think legislation is required. 99% of Scots are either **ignorant of this subject or not interested**. If the Scottish Parliament is to be taken seriously it should devote itself to matters affecting the lives of living Scots, particularly at the present time.” (SS ID: 194197547)
- As with the previous question, issues affecting present-day Scotland were referred to by those opposed to the proposed legislation. This included an anonymous respondent, who said in their response: “The aims of this Bill are a contrived nonsense. This obsession with **correcting past injustices contributes very little to the present or future lives of Scots**, and only detracts from areas that should be priorities for politicians and civil servants.” (SS ID: 194874378)
- It was suggested by some that an **apology** (such as that made by former First Minister, Nicola Sturgeon MSP) should be considered sufficient (SS ID: 194129270). This included the historian Shaun Foley, who said: “An apology can be issued in parliament if it’s felt to be necessary all these years later: this is a non-issue for modern Scotland. (SS ID: 194129275)
- John Hogg set out the following concern about legislating in relation to historical issues: “**where do you stop** if you continually look to the past?” (SS ID: 194130471)

Financial implications

Question 3: Any new law can have a financial impact which would affect individuals, businesses, the public sector, or others. What financial impact do you think this proposal could have if it became law? Please explain the reasons for your answer.

1417 respondents (98% of the total) answered this question.

Responses to this question were polarised. Over half of respondents (807, or 57%) gave the view that there would be no overall change in costs. 14% of the total responses to this question believed the proposals would result in an increase in costs (with 65, or 5% suggesting the increase in costs would be significant and 132, or 9%, suggesting there would be “some” increase). Only 12 respondents (1% of the total) suggested there would be a decrease in costs (six respondents, or 0.42% said this would be “significant”, and a further

six respondents said there would be “some” decrease). 401 respondents (28%) said that they were unsure.

Increase in costs

Of those who felt that the proposed bill, if it became law, would lead to an increase in costs, many put forward the view that parliamentary processes cost money and therefore incurring some level of costs was inevitable (Lydia Jack, SS ID: 194132514; SS ID: 194067284):

“Any Proposal going through the process of being heard in Holyrood will require to be formulated, presented and heard. This involves the use of people’s time, including an MSP’s time. Time costs money!” (Duncan George Maxwell, SS ID: 194127744)

“There is already a financial impact from Natalie Don introducing this proposed bill. The cost to civil servants to work on it, the cost of running this “consultation”. The cost of press releases, etc. All costs to the taxpayer.” (Mr D Stewart, SS ID: 194129771)

On a similar theme, an anonymous respondent suggested that pursuing a legislative pardon could incur unexpected costs for other public bodies:

“Even devoting any staff time to this is an unnecessary cost, that there could be additional costs for other public bodies struggling for funding, staff and other resources is unacceptable.” (SS ID: 194148388)

Others contended that an unexpected cost of the passage of the proposed legislation could be that relatives of those executed under the Witchcraft Act 1563 would seek reparations or compensation if the proposed bill were enacted (SS ID: 194137962).

As with the above point, although not included within the proposed bill, some respondents also suggested that its passage could lead to the building of a national monument, which would incur spend (Sheonagh Christie, SS ID: 196903679; SS ID: 195581462).

Some felt that any increase in costs would be worthwhile for the proposed bill’s aims to be achieved. This included Kerry Jane Monteith, who said:

“It’s unlikely that’s costs would be significant and the message & intent is positive it says we as a nation accept it was wrong we support difference, we strive for equality , we have learned from our mistakes and we can ensure that we continue to wipe out inequality, unfair treatment and misogyny which is priceless and I have no doubt would be supported by half the population at the very least.” (SS ID: 199155047)

No overall change in costs

Organisational responses generally held the view that there would be no, or very minor, financial implications arising from the proposed legislation.

For example, Witches of Scotland stated that there would be “no financial impact which would affect individuals, business, the public sector or others” (SS ID: 199324785). Similarly, Renfrewshire Witch Hunt 1697 considered that “there are no financial implications that I am aware of for individuals or businesses” (SS ID: 194054392).

CWTEP set out its view that, at worst, any cost implications would be small and stated that “this bill is for pardons, not reparations. Pardons will cost the government little, if anything” (SS ID:196256520).

Advocacy for Alleged Witches took a similar view in observing that: “Being that these convictions happened centuries ago, we think the financial impact will be minimal, if any” (SS ID: 194133002).

The Omega Sanctuary considered that there would be no overall change in costs and that the proposed legislation could result in economic benefits and potentially wider, holistic gains. It said:

“This is an incredibly affordable way to right historic wrongs. It may even lead to greater economic gain societally as herbalists and Earth Based practitioners gain confidence to serve in their correct societal roles, bringing healing, comfort and solace with their gifts (SS ID: 199188142).

The majority of individual respondents who provided an answer to this question felt that there would be no overall change in costs were the proposed bill to become law because the convictions and executions committed under the 1563 Act took place so long ago (Gail M Lauder, SS ID: 199202408; Charlie Nicolson, SS ID: 194030081; L Bradford, SS ID: 194125332).

This included Helen Morrison, who went further in suggesting that the aims of the proposed bill would be achieved simply by its passage through Parliament into law. She also considered the economic benefits that the proposed bill’s potential impact on misogyny could bring:

“There are no direct actions or reactions required if this bill is passed. The victims and their families lived so many hundreds of years ago. There is nobody we can compensate for this miscarriage of justice.

“If we reduce misogyny we could bring a financial benefit to Scotland and its economy. We could empower women and men to understand our collective history and women could be understood to and empowered to achieve more.” (SS ID: 198761171)

Others put forward the view that the costs associated with the proposed bill would be absorbed in the normal running costs of the Scottish Parliament (Ian Miller, SS ID: 194039126):

“The primary focus of the bill is to get an official apology and pardon. That work should be covered by the salary the people involved already earn.” (Vanessa Traill, SS ID: 194062131)

“Other than the administration cost of moving the Bill through Parliament I don’t see what other costs there would be.” (Ian Stuart McClellan, SS ID: 194159097)

Some respondents highlighted that the proposed bill was not seeking to compensate any victims or provide reparations, and that therefore there would be no associated spend of this kind associated with the proposals (Rebecca Adams, SS ID: 193998190; Corinne Anne Marbrow, SS ID: 194028375)

The question of how an act of “posthumous respect” could incur any costs at all was also posed (Karen Hughes, SS ID: 194013157).

Among those who felt that the proposed bill would not incur any associated costs, it was suggested that the passage of the proposed legislation could bring economic benefit by fostering an interest in Scotland’s witch-hunt history or by leading to the eventual creation of memorial sites, and could therefore boost tourism (Abby Thomson, SS ID: 194023312; Christine Woodcock, SS ID: 194770893), or encourage investment by global businesses seeking to invest in an ethical nation (Snooze Hamilton, SS ID: 195735093).

Reduction in costs

Of the 12 respondents who provided a qualitative answer to this question and put forward the view that there would either be “some” or a “significant” reduction in costs, none put forward substantive comments to demonstrate this viewpoint that have not been set out elsewhere.

Equalities

Question 4: What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation?

Please explain the reasons for your response including the impact on people with particular protected characteristics

1426 respondents (99% of the total) answered this question.

Over two-thirds of respondents (954, or 67%) considered that the proposed bill would have a positive impact on equality, with 98 (7%) responding that the impact would be slightly positive. 63 (4%) responded that the impact would be negative, while nine (1%) gave the response 'slightly negative'. 249 (17%) gave a neutral response to indicate that the impact would be neither positive or negative. 53 respondents (4%) were 'unsure'.

Positive impact

Those who were in full or partial support of the proposed bill's aims were more likely to consider that it would, if passed, have a positive impact on equality.

All of the organisations that answered this question considered that the proposed legislation would result in positive equality outcomes. Some, like Witches of Scotland, reiterated the view that most of those killed under the guise of witchcraft were women, and therefore the passage of the proposed bill would help address gender inequality today by condemning the inequalities of the past:

"The bill is likely to promote equality by highlighting the wrong done to those who were accused as witches, as they were mostly women. In order to address current inequality we should reflect upon our history - this bill will have that impact" (Witches of Scotland, SS ID: 199324785).

This view was echoed by the Connecticut Witch Trial Exoneration Project, Renfrewshire Witchhunt 1697 and Advocacy for Alleged Witches:

"This will go a long way in reconciling a misogynistic chapter in history" (Connecticut Witch Trial Exoneration Project, SS ID:196256520).

“It will remove any lingering excuse for these attitudes to remain unchallenged” (Renfrewshire Witch Hunt 1697, SS ID:194054392).

“The witchcraft convictions were rooted in social/gender inequality, religious extremism and misogyny. The bill will help reinforce the values of justice, equality and humanity for all” (Advocacy for Alleged Witches, SS ID: 194133002).

The majority of responses from individuals who felt the proposals would have a positive impact on equalities highlighted the potential impact on women that could follow the passage of the proposed legislation. This included the historian Professor Marion Gibson, whose response to this question is set out below:

“This bill would promote equality by example, because of its focus on a crime imagined as strongly gendered and having a long history in culture as dramatising the supposed failings of women - intellectual, sexual, moral etc. It would encourage discussion of their status as historic and contemporary victims of violence, and challenge assumptions relating to that. Why has this aspect of society not changed as much as one might expect? Can it be changed further, and if so how? In addition, because the bill draws attention to issues of scapegoating and persecution in society, it addresses other disparities in treatment of supposedly equal citizens.” (SS ID: 193999565)

Others pointed to the power that formal acknowledgement of the gendered nature of witchcraft convictions could have on society today. Corinne Anne Marbrow, for example, set out that the bill proposal “acknowledges this part of women’s history and brings it into the mainstream conversation” (SS ID: 194028375), while an anonymous respondent commented:

“Mostly women were convicted of witchcraft and the impact of this can be seen even today. This would be acknowledgment that women were treated differently and punished for nothing more than helping communities in many cases. Women are still more likely to be labelled as witches even in today’s society and treated as though they are responsible/cause others’ behaviours.” (SS ID: 193999250)

The continued “demonisation” of women in modern society was highlighted by Jenny Boyland, who argued that the passage of the proposed bill “would be a step in the right direction for women’s rights” (SS ID: 194013621). The improvement of women’s rights and the potential for the proposed bill to positively benefit gender equality was also a theme of many other responses, including the following:

“Raising awareness of the misogyny, stereotyping and treatment of those who were vulnerable for many reasons during the Witchcraft Convictions - and how that thinking is still prevalent today - can only be beneficial in terms of impact on equality and all that that entails.” (Cllr Moira McKee Shemilt, SS ID: 195878390)

“It is self evident that the women who were persecuted were persecuted because they were women. Men who were persecuted were persecuted because of their association or defence of these women. What clear example can one have of systematic brutal discrimination on the ground of sex. Surely this illustrates exactly what can happen and indeed is happening elsewhere in the world to women because of their sex nothing more. And it serves as a reminder of where discrimination and misogynistic myth can lead us as it did in 1500-1600’s.” (Professor Susan Sheila Maria Edwards, SS ID: 199095068)

“It will be another positive step in making equity for all. Men and women should be judged and treated equally. The idea of women being witches is sexist!” (Mrs Katherine Hazelton, SS ID: 194013002)

Some suggested that the proposed bill could help foster a greater sense of societal inclusivity (Heather Upfield, SS ID: 193998222), including Teresa Laurie, who suggested that:

“[The] reasons these people were convicted are likely to correlate to current marginalised groups in society, therefore any pardon would be a positive step towards equality and an inclusive society” (SS ID: 195413131).

The potential impact of the proposed bill on other protected characteristics was echoed in a significant proportion of the responses to this question, with respondents highlighting groups other than women who could benefit from the impact of a legislative pardon:

“It would hopefully have a positive impact as it would send a strong message that singling people out based on perfectly innocent characteristics such as gender, religious beliefs, disabilities etc is completely unacceptable.” (Jennifer Wight, SS ID: 194014442)

“As the majority of those persecuted and/or executed as witches were women, some were Jews or others considered ‘apostate,’ and others targeted were those identified as gender fluid or queer, gender, sexual orientation AND religious freedoms and equality would benefit.” (Dr Yvonne Owens, SS ID: 194020190)

“325 years after the last witch hunt in Scotland, society still experiences the same racial, gender, and socioeconomic inequalities, religious fanaticism, and a justice system that works for the privileged few. Pardoning the over 4000 people, 84% women, who were persecuted under the Witchcraft Act would send a message to the world that truth and justice have no expiration date.” (Julia Campanelli, SS ID: 195788851)

“Many of those prosecuted under the Witchcraft Acts would be classed as “vulnerable” because of age, gender, socio-economic standing, whether people were considered disabled or in some way “different”. This pardon would give a clear statement to the world that Scotland has learned by looking back and will never again permit such a gross miscarriage of justice. This is important, not just to Scotland, but to send a message to the rest of the world. Some parts of the world still persecute children, women, men, vulnerable people for “witchcraft”. This practice must be stamped out.” (SS ID: 194047486)

Highlighting that sex, age, disability, gender re-assignment and sexual orientation could all put individuals at risk of witchcraft accusations globally, the National Secular Society emphasised the particular impact that the proposals could have on those of specific faith and religious groups globally:

“A pardon for witchcraft convictions will particularly benefit those belonging to religious and ethnic communities where beliefs in malevolent witchcraft prevail, as this may help to protect individuals in these communities from violence and abuse” (NSS, Non-Smart Survey Response, p.3).

In addition to the global impact, others suggested that those of a faith background in Scotland could also benefit from the proposed legislation’s passage, among them those who identified as Pagans, Wiccans or practitioners of “witchcraft”:

“Witchcraft is a type of religion for a lot of us so I’d like to think this move should stop this happening again in future.” (Jean-Marie Stewart, SS ID: 194000070)

“There is still discrimination against those in the Wiccan community. It would be good to protect them from such discrimination.” (Lucy Coats, SS ID: 193997683)

“There’s a strong historical, wiccan and pagan community in this country this would be strongly supported by those community members as well as showing compassion for a past atrocity.” (Victoria Hylands, SS ID: 193999747)

Negative impact

Those who believed the proposals would have a negative equalities impact were it to be enacted reiterated their strong opposition to the proposed bill, setting out reasons given previously including that spending should be prioritised in other areas:

“Money that could be helping the disenfranchised is being spent on frivolous Bills and consultations.” (SS ID: 196935251)

Echoing this view, Thomas Craig set out his position that pursuing this proposed bill could deflect attention away from other equalities issues:

“The waste of money associated with this is likely to have a negative impact on other important equality issues that could be debated and implemented.” (SS ID: 194153841)

A significant proportion who provided a qualitative answer to this question reiterated the reason that, due to the convictions taking place so long ago, this proposed bill could have no tangible impact on the Scotland of today, including in relation to equalities:

“The Scottish witchhunt took place between the 1560s and 1730 - there really won't be any impact on people with protected characteristics” (Fiona Sinclair, SS ID: 195495285)

“No prosecutions of being a witch have ever been made under the equality act.” (SS ID: 194143145)

“Not directed at any group of people unless you are from 1400's” (SS ID: 194132219)

Francis Clark made the point that many people self-declare as “witches” today, suggesting that this made the proposed bill inadmissible:

“This doesn't take into account that some people believe today that witches do exist. And if they exist then the pardon shouldn't be brought forward, as this would deny their existence.” (SS ID: 194130136)

An anonymous academic put forward the suggestion that the proposed bill would have a slightly negative impact on equality as it would infer that “early modern witches (mostly female) had no agency in their offences” (SS ID: 194142095).

Others simply expressed their view that the proposed bill would be of little impact in equalities terms:

“This law wouldn't improve any one's lives, whatever colour, creed or other immutable characteristic.” (Floyd Minder, SS ID: 194276879)

Neutral

As set out above, 17% of respondents suggested that the proposed bill would have no impact, either generally or on equalities:

“People affected are dead. This is irrelevant legislation and should be binned. It will not affect equality as stated.” (Alan Murdoch, SS ID: 194148291)

“This is to pardon people from 700 years ago it can’t possibly affect anyone now.” (John Hogg, SS ID: 194130471)

“It’s about something affecting people who are not only no longer alive, but that the vast majority will never have heard of. It’s odd trying to tie this in with other, current equality questions.” (SS ID: 194148388)

“There will be no impact as the Equality Act 2010 came into being hundreds of years since there was any witchcraft trials, unless you can now apply the 2010 Act retrospectively, which I very much doubt.” (Stewart Love, SS ID: 194132871)

Others who were not opposed to the proposed bill in and of itself also responded in a neutral manner to this question. Jemma Nichols, who was also ‘neutral’ towards the proposed bill’s aims, considered the phrase “witch hunt” and how the proposed bill could impact targeted groups:

“We still “witch hunt” many groups for different things now. Society has not changed, the targets have. Passing this legislation is a feel-good flag wave but our new witch hunts will not stop.” (SS ID: 194004996)

Ian Miller, who was fully supportive of the proposed bill’s aims, was unsure how it could impact equality. He said:

“Righting this historic injustice will provide a positive example to vulnerable people in Scotland and elsewhere but I don’t think it will have an impact on inequality.” (SS ID: 194039126)

Similarly, Miss AL Simpson, who was fully supportive of the proposed bill, set out her view that it would not have an impact on equalities, but that it could catalyse legislation that did. She said:

“Only a Bill which changes current women’s lives will have a positive impact. However... this Bill could be the first in a series of law and law reform to improve women’s lives in Scotland.” (SS ID: 199179358)

Sustainability

Question 5: Sustainability: Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, health and just society for future generations.

Do you think the proposal could impact in any of these areas? (If you do not have a view then skip to next question).

Please explain the reasons for your answer, including what you think the impact of the proposal could be, and if there are any ways you think the proposal could avoid negative impacts?

643 respondents (44% of the total) answered this question.

Positive impact

As with the previous question, comments tended to make clear whether or not the respondent was supportive of the proposed bill's aims, with those in favour of the proposed bill more likely to suggest it could positively impact sustainability.

Of the organisations who responded to this question, three considered that the proposed legislation would help address an historical injustice and thereby assist with progress towards a more 'just society'. Witches of Scotland took this view and commented that:

"This law will impact on future generations as it will make clear that in the 21st Century we accept what happened was wrong and that we want to do better. The law would not be purely symbolic. History records those convicted and executed as witches. A pardon would reflect the fact they were not witches, rather those that had suffered a terrible miscarriage of justice" (Witches of Scotland, SS ID: 199324785).

Renfrewshire Witch Hunt 1697 took a similar view and stated that:

"This bill will ensure future generations learn the injustices of the past and are able to move on from them: leaving the past in the past and creating a space to create a strong, healthy, and just society for future generations" (ID:194054392).

Feed Avalon CIC focussed on potential equality impacts and observed that “it will give substance and weight to any current work happening in equality” (ID: 199209810). Advocacy for Alleged Witches (AfAW) did not consider that there would be direct, sustainability benefits but rather emphasised the positive signal the proposed legislation could provide for other societies where witchcraft abuses continue to occur. In this regard, AfAW suggested that the proposed legislation:

“...will be a beacon of hope, positive change and a brighter future to places like Africa, India, Nepal and Papua New Guinea where witchcraft convictions and related abuses still occur” (ID: 194133002).

That the proposed bill would impact positively on work undertaken to build a more just, fair society was a key theme among responses to this question from individuals, with many setting out in detail their view that addressing historic injustice, as the proposed bill aimed to do, was essential to this:

“This law is all about creating a just society in Scotland and hopefully setting an example for others to follow. Historical wrongs such as the witch trials, slavery and the persecution and prosecution of homosexuals cannot simply be swept under the carpet. In order that we can move forward as a nation and participate on an international level we must show that we can have the strength and integrity to admit when we got it wrong. It would be hypocritical for us to criticise maltreatment of others if we cannot look at our own past just as critically.” (Fiona Seivewright, SS ID: 194151925)

“The Bill might make people think about how unjustly suspected witches were treated, by their peers and by history. Virtually every country has a similar history of how these people, mostly women, were demonised and killed, and if this Bill can prompt other nations to legally recant their condemnation, it can only be a good thing. Future generations will see that the age of reason has prevailed over the age of superstition.” (Anne Roy, SS ID: 194230093)

“I believe this proposal could have positive impacts on future generations. It demonstrates that we as a society, a country, and a human race recognize and admit to our wrongdoings. Honestly and accurately discussing our history is extremely important.” (SS ID: 194589072)

Others linked sustainability with gender equality, suggesting the proposed bill could positively impact both by drawing attention to misogyny and the patriarchy:

“In order to achieve a just and sustainable society, we must recognize that these misogynistic views - which were in part responsible for women being convicted under the Witchcraft Act 1563 - are wrong, antiquarian, and actively harmful to women. Passing this bill would signal a decisive condemnation of the misogynistic views that have

been used as justification for persecuting women throughout history and could set an example around the world.” (Eleanore Dykes, SS ID: 199196797)

“I think it will have very positive benefits towards building a just society. By openly exposing the brutal misogyny of the past it helps towards dismantling patriarchal and limiting constructs of the present.” (Noelle Harrison, SS ID: 194142625)

“A ‘healthy and just’ society can only be one which treats women equally and respectfully so of course this bill is an essential and long overdue step towards that.” (Claire Martin, SS ID: 199180889)

The Omega Sanctuary emphasised potential wider holistic benefits that may result from the proposed legislation and commented that:

“A healthy connection to the healing capacity of the Earth is absolutely necessary for human well being. This legislative act could help to heal the catastrophic rift that was created between Scots and the Earth through the persecution and execution of women working with healing plants and other holistic remedies.” (SS ID: 199188142).

Individuals also referred to the natural environment in their responses, including the following response from an anonymous academic, who highlighted the connection between “witchcraft” and sustainability principles:

“‘Witches’ kinds of knowledges and practices often connect deeply into practices of conservation, respect for nature, refusal of instrumental stances towards the natural world and they prefigure our contemporary understandings that we are not outside ‘nature’, exploiting its resources, but very much a part of it, and living in harmony with it. A bit less modernist instrumentalist rationality and a bit more ancient spirituality and wisdom could be a great thing. Rehabilitation of ‘witches’ can be part of that story.” (SS ID: 194026645)

Others linked environmental considerations to the delivery of a sustainable economy, setting out the view that the proposed bill could encourage enterprise while enhancing the environment and promoting a just society:

“As environmental and ecological concerns are paramount among contemporary Neo-Pagans, and eco-, cultural-, and historical tourism interest is rising worldwide, this initiative will not only work to protect and enhance the environment through encouraging new cultural enterprise, but it will also help achieve a sustainable economy, and create a strong, healthy, and just society for future generations by dignifying the lives and experiences of marginalized and vulnerable communities and individuals that have historically been subjected to institutionalized prejudice and Hate by the forces of both Church and State.” (Dr Yvonne Owens, SS ID: 194020190)

Negative or neutral impact

In opposition to the views set out above, a significant proportion of respondents felt that the proposed bill would have no impact on sustainability (Virginia Compton, SS ID: 194030750; SS ID: 194076283; Andrew Rose, SS ID: 194103379), with the majority of those respondents providing brief answers asserting this position:

“I do not think this law would benefit anyone in the future.” (Amanda Allan, SS ID: 194017415)

“I think the proposal will have no impact on these things in reality.” (C. Dobson, SS ID: 194035682)

“None, this is about righting past wrongs.” (Louise Donoghue, SS ID: 194052826)

Of those who felt the proposed bill would have no impact on sustainability and who provided further detail supporting their position, some generally felt that the question was not relevant to the proposal as set out:

“This will have no impact on the environment. This will have a negative impact on the economy due to the waste of public time and money. This will have no impact on the wellbeing of others. A just society for future generations will be better achieved by reducing income tax. Not looking back at historical events that occurred half a millennium ago.” (Francis Clark, SS ID: 194130136)

Others questioned the topic of the proposed bill, suggesting it could negatively affect future generations by focusing on an inappropriate subject matter:

“It will negatively affect future generations as people will rightly lose faith in the system. And while the country is struggling, the politicians waste their time in something pointless, rather than dealing with actual issues.” (Gonzalo Forero Segovia, SS ID: 194132791)

The academic Stephen Wigmore suggested in his response that the proposed bill was at odds with certain “moral concepts”, suggesting these would be eroded by the passage of the proposed bill. He said:

“The proposal will negatively affect efforts to create a strong, healthy, and just society for future generations by undermining important moral concepts of responsibility, guilt, restitution, judicial conviction and pardon. These concepts matter and they should not be abused to make meaningless gestures.” (SS ID: 194148904)

Finally, it was suggested by some respondents that the proposed bill, should it become law, would not be enough to ensure the sustainable impact set out in the question and that additional actions would be required to guarantee this. This included Beverley Ann Baxter who, along with others, called for the

establishment of a national monument and annual memorial event to remember those executed under the Witchcraft Act 1563:

“I don’t think the law alone can do much, like other laws, it needs to be held continually at the forefront of peoples minds, and continuing reinforcement is necessary, otherwise people will just forget. We have a memorial service every year for the fallen in wars, perhaps if we had a national monument there could also be a national day and every year a ceremony to remember those accused of witchcraft, and how it was the behaviour of many many supposedly godly folk all over the world that led to this persecution. It would highlight, in our current culture, that persecution of people who are different, of who hold different views from us and hopefully instil habits to effect changes in behaviour.” (SS ID: 194130723)

Additional comments or suggestions on the proposed bill

Question 6: General: Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

493 respondents (34% of the total) answered this question.

There were six organisational responses to this question. Broadly, responses emphasised two main points. Firstly, responses emphasised the importance of addressing a historical wrong. For example, Peebles Witch Trials stated that the proposed legislation is:

“...long overdue and Scotland can show how progressive it is by pardoning these poor people and righting this terrible wrong” (SS ID: 194043174).

Inspiralba considered the potential impact of the proposal within the current societal context in the following terms:

“We continue to see women singled out and ridiculed or hunted by the media in a callous and uncompassionate way, we still have women feeling unsafe safe in streets at night and we still have far too much violence against women in our society. The gross injustices of the past must be recognised as such and we should highlight that these kinds of societal ills of the past leave a legacy which is no longer acceptable” (SS ID: 195858373).

Secondly, three organisations stressed the impact of passing proposed legislation of this kind would have upon other jurisdictions. The responses from these organisations are provided below.

“Witchcraft convictions took place in regions beyond Scotland. The proposed Bill will resonate across the world. The Bill will turn Scotland into a legislative and moral leader in the redress and rectification of this miscarriage of justice that destroyed and still damages many lives across the globe (Advocacy for Alleged Witches - ID: 194133002).

“This is a historic, visionary and reparative initiative. May other countries follow this example” (The Omega Sanctuary, ID: 199188142).

“If this bill is passed it will send a message to assist those battling with witchcraft accusations abroad, and those working to protect them” (Witches of Scotland, ID: 199324785).

The academic Dr Ciaran Jones, a professional historian of the Scottish witch trials with a PhD in Scottish history, provided a detailed response to this question in which he suggested that while women were more likely to be convicted as witches, it was important to note that this may not have been “because” they were women. Whilst reiterating his support for the proposed bill’s aim to pardon all those convicted under the 1563 Act – as this would recognise their innocence – he continued:

“The accusers and the authorities who controlled the prosecutions acted out of fear that witchcraft was real and that witches were dangerous, deviant – even criminal. We do not share this view today, but this doesn’t mean it wasn’t real for people in the sixteenth, seventeenth and early eighteenth centuries.

“Thus, most expert scholars of this topic would probably argue that these negative stereotypes and gendered ideas about women and witches operated beyond ordinary people’s day-to-day consciousness; they were deep-rooted and embedded within society – within accepted standards, behaviour and conduct of the day that were considered mainstream. The gendered aspects of witch-hunting and witch-belief should therefore be considered as one of many factors that help to explain why women were accused and ultimately executed. The nature of witchcraft as a crime and how that affected people’s attitudes towards suspected witches needs to be at the forefront of any public discussion about this topic.” (SS ID: 199517495)

Final comments demonstrating the polarised nature of the conversation in relation to this proposal included the following:

- That the proposed bill, if passed, would provide a “**fitting conclusion**” to the stories of the many people affected and convicted under the Witchcraft Act 1563 (Frances Hansom, SS ID: 193998642).
- There were calls for a **pack for teachers or other educational resources to accompany the passage of the proposed bill**, covering the persecutions under the 1563 Act and the subsequent

pardon centuries later, and that “every primary school child” in Scotland should be made aware of this aspect of history (Edward Cairns, SS ID: 194138559). An anonymous respondent said that such an education programme would help to the “collective wound” suffered by the Scottish people (SS ID: 194047486).

- That the enactment of the proposed bill and its implications “**could provide a useful template and ‘lessons learned’ for future lawmaking**”, with an anonymous respondent highlighting other aspects of Scottish history, such as **slavery and land ownership**, should also be examined through legislation (SS ID: 199188011).
- Some re-emphasised the importance of **contemporary women’s rights issues**, including safety at night-time, treatment by the media, abortion rights, and discrimination on the grounds of sex, and where this proposed bill could sit alongside and serve to highlight the need for greater consideration of these broader issues (Inspiralba, SS ID: 195858373; SS ID: 195895538; Helen Morrison, SS ID: 198761171).
- Others suggested that the proposed bill was a “**distraction**” from the **women’s rights issues of today**, with the “proposed self-identification of gender” referred to (SS ID: 196859858).
- A ‘not for publication’ response suggested the proposed bill constituted “**luxury politics**” and the choice to “indulge” in progressing the proposal was easy in comparison to attempting to fix issues directly affecting Scots today.
- An anonymous respondent suggested that the proposed bill should be seen as “historical trivia” not **meriting of legislation**. They added “The reasons behind this bill are purely self-serving for the promoters and supporters.” (SS ID: 194132280)

Section 4: Member's Commentary

The draft proposal for a Witchcraft Convictions (Pardons) (Scotland) Bill was formally withdrawn on Wednesday 19 April 2023 following the appointment of Natalie Don MSP as a Scottish Government junior Minister.

Natalie Don MSP has provided the following commentary:

Following my appointment to the Scottish Government, I am no longer able to pursue a Member's Bill. As such, I formally withdrew my draft proposal for the Witchcraft Convictions (Pardons) (Scotland) Bill.

This summary was prepared in advance of my appointment and provides an impartial analysis of the responses received to the consultation.

This summary and all the individual responses have been published to aid any future consideration of this topic. All the responses are available here: <https://www.nataliedon.scot/witchcraftpardonconsultation>

I would like to thank all those who took the time to respond to the consultation and who shared their views on the proposal.

Annexe

Due to the high number of respondents, for practical reasons a full list of all publishable responses is not provided here.

The responses of all respondents that gave permission to publish can be found at: <https://www.nataliedon.scot/witchcraftpardonconsultation>