

Citizen Participation and Public Petitions Committee

16th Meeting, 2022 (Session 6), Wednesday
23 November 2022

PE1855: Pardon and memorialise those
convicted under the Witchcraft Act 1563

Note by the Clerk

Lodged on 17 March 2021

Petitioner Claire Mitchell QC

**Petition
summary** Calling on the Scottish 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.

Webpage <https://petitions.parliament.scot/petitions/PE1855>

Introduction

1. The Committee last considered this petition at its meeting on [18 May 2022](#). At that meeting, the Committee agreed to write to the Scottish Government and Natalie Don MSP.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new responses from the Cabinet Secretary for Justice and Veterans, Natalie Don MSP, and the Petitioner, which are set out in **Annexe C**.
4. Written submissions received prior to the Committee's last consideration can be found on the [petition's webpage](#).

5. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.
6. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).

Action

The Committee is invited to consider what action it wishes to take.

Clerk to the Committee

Annexe A

PE1855: Pardon and memorialise those convicted under the Witchcraft Act 1563

Petitioner

Claire Mitchell QC

Date lodged

17 March 2021

Petition summary

Calling on the Scottish 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.

Previous action

I have contacted local MSPs Joe Fitzpatrick and Jenny Marra.

Background information

I launched the Witches of Scotland Campaign on International Women's Day 2020. The campaign has 3 aims: to obtain a pardon for those convicted as witches under the Witchcraft Act 1563, to obtain an apology for all those accused and to obtain a national memorial to remember those killed as witches. Since March 2020, Zoe Venditozzi and I have been raising the profile of the campaign by our podcast which can be found on the website www.witchesofscotland.com which was set to support the campaign.

When standing in Princes Street Garden one day I reflected on the fact that there was no female visibility in the public space; no statutes to named women recording things that they had done. I then looked at the Nor Loch, which sits below the castle esplanade where 300 or so people were killed as witches.

Not only is history not properly recording what positive things women do, but their history is also erased by not properly recording their story. I

have a particular interest in Scottish legal history and the people who were caught up in accusations of witchcraft so I decided to start a campaign to restore these people, mostly women, to their correct place in history as women and men, not witches.

Between 1563 and 1736, the years when the Witchcraft Act was law, there were 4 relatively defined periods of “satanic panic” which resulted in approximately just shy of 4000 people being accused as witches. As with elsewhere in Europe, the vast majority of those accused, some 85%, were women. Confession to allegations of witchcraft were routinely obtained by torture, both physical and mental. The stripping and pricking of women was common, as was sleep deprivation. Most confessed and that was used as the basis for their conviction. Of all of those 4000, academics estimate that approximately 2500 were executed. The method of execution was by way of strangulation and then burning at the stake. In comparison to elsewhere in Europe, where witch trials also took place, Scotland had approximately 5 times the number of cases than elsewhere in Europe during this time. Alas, at finding and killing witches, we excelled.

The reason for each of the aims is separate but interrelated. Firstly, the aim of getting a pardon is to right, in so far as is now possible, the terrible miscarriage of justice that was suffered by the people who were convicted and executed as witches. It is universally accepted that such allegations and subsequent convictions ought not to have happened. We cannot overturn the convictions, but we can restore these people to history to remember them as people who were so wrongly dealt with by our criminal justice system, and not as witches.

Secondly, the aim of getting an apology is to obtain a public statement of regret for all those who were accused, including those who were not convicted. A pardon can only be granted to those who were convicted, but many had their lives irrevocably damaged by the allegation of witchcraft. Scotland’s most famous accused woman, Lilius Adie was accused of witchcraft and died a month into her remand in custody, most likely having suffered greatly by torture in order to try and obtain a confession. She, and many others deserve acknowledgement and apology.

The third aim is to obtain a national memorial to all those affected by the witchcraft trials; throughout Scotland there are local memorials, raised by people in their area to memorialise women remembered by them. I believe that it is appropriate for a national memorial to be built to

remember the history of all the people who were affected and to serve as proper reflection of the story of women and men in Scotland.

In passing the [Historical Sexual Offences \(Pardons and Disregards\) Act 2018](#), the Scottish Parliament set a precedent for righting historic wrongs and for pardoning those who were convicted of offences, including when those affected were no longer with us, to benefit personally from the pardon. This petition has the same desires.

Recently, the Scottish Parliament stated its intention to pardon miners convicted during the 1984 miners strike. The Justice Minister made it clear that the pardon was to affect not only the living, but those who had died suffering a miscarriage of justice – and the aim of that pardon is to issue a collective and posthumous pardon. Again, the same is sought for those convicted as witches.

The only (muted) criticism which has met the campaign is that what happened to those convicted as witches happened a long time ago, and that there is no need to pardon them or to memorialise them now. We do not think these criticisms bear any great weight. History still records these people as convicted witches – justice demands that this is put right. History should properly reflect what these people were – innocent, vulnerable people, caught up in time where allegations of witchcraft were widespread and deadly. Further, as the Black Lives Matter campaign has shown in particular the response to the removal of statutes, people passionately care that their history is properly recorded and they are properly represented in the world.

Academics have explained that the almost universal rationale for accusations of witchcraft having been and continue to be made against women in particular, is that women, as the weaker sex, would be more susceptible to the devil's charms. The underlying rationale that women were inferior to men. Alas, women in Scotland and worldwide are still discriminated against – we have not yet achieved parity in many ways including the workplace, in wages etc. Misogyny remains an ever-present issue for women worldwide. Righting this wrong by pardoning and memorialising these women and men would be a mark against such views. As for the view that money could well be spent elsewhere, we do not think that the cost of an apology is significant; the work done in relation to previous pardons provide an immediately transferable template with which to legislate this pardon. Whilst a memorial may be of some cost it is in the most worthwhile cause, to record the history of Scotland's women and men.

Other countries have, over the years pardoned and/or memorialised those who were convicted of witchcraft, the following list not being an exhaustive one: Salem – who had a total of 19 convictions and executions (15 women, 4 men) have pardoned all those convicted and have a memorial garden which has a bench dedicated to each person who was killed). Norway has the beautiful and haunting large scale memorial in Finmark, which memorialises the 91 people killed as witches there. Germany has a significant number of memorials throughout the country.

The support for the campaign has been significant both at local and at international level. The Witches of Scotland campaign has engaged with groups who have obtained memorials, such as the Witches Trail in Culross. We have engaged in public discussion with the Edinburgh Civic Trust. Through the Witches of Scotland podcast we have reached thousands of people who have listened to the views of academics, writers (notably Sara Sheridan whose book “Where are the Women” inspired that same question in Princes Street Garden), artists who seek to memorialise women killed as witches, filmmakers who want to record the stories of women killed as witches, authors who have highlighted the need for memorialisation. The campaign has generated responses from artists and musicians who have begun their own memorialisation projects. We have significant support from the public online who have commented, shared, liked and listened to our campaign many thousands of times over.

We believe a pardon, apology and memorial are necessary as a reckoning for all those who suffered this terrible miscarriage of justice, and in this belief, we are supported by many.

Annexe B

Extract from Official Report of last consideration of PE1855 on 18 May 2022

The Convener: The second continued petition for consideration this morning is PE1855, which was lodged by Claire Mitchell QC. It calls on the Scottish 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.

At our last consideration of the petition on 23 February 2022, we heard evidence from the petitioners, Claire Mitchell QC and Zoe Venditozzi, and agreed to consider the evidence at a future meeting. As members will be aware, following that meeting, during the parliamentary debate on international women's day, the First Minister gave an apology to those people in Scotland accused and convicted as witches under the 1563 act.

Since our last consideration of the petition, we have received a response from the petitioner welcoming the First Minister's apology and the work being undertaken by Natalie Don to take forward a member's bill in relation to the pardon. Unfortunately, Natalie Don is unable to join us this morning, but she provided a brief statement in advance of today's meeting, which indicated that she is consulting on her proposed bill, which focuses on a pardon. It will be published imminently. However, she says that it does not deal with the issue of a national memorial.

Unfortunately, I was not at the February meeting to consider the evidence, although I have obviously read the Official Report carefully. Do members have any comments or suggestions for action?

Alexander Stewart: It is important that we take evidence from Natalie Don. Obviously, she is carrying out a consultation, and it would be useful to get an update on how she is progressing with the member's bill. It would also be advantageous for the committee to write to the Scottish Government to request that it considers a memorial to individuals who were convicted as witches under the 1563 act.

David Torrance: Can we write to the Scottish Government to ask what public body might be involved so that we could contact that body directly to see whether it would support the proposal?

The Convener: That is a good idea. We cannot commission a memorial, although it may be that there is a parliamentary committee that could pursue the matter. It would be helpful if the Scottish Government—assuming that it responds positively to the idea—were to indicate which body might be appropriate to advance the proposal.

Do members agree with those recommendations?

Members indicated agreement.

Annexe C

Cabinet Secretary for Justice and Veterans submission of 5 August 2022

PE1855/I: Pardon and memorialise those convicted under the Witchcraft Act 1563

Thank you for your letter of 15 July 2022 addressed to the Cabinet Secretary for Social Justice, Housing and Local Government regarding the potential for a national monument to be commissioned to memorialise those accused and convicted of witchcraft under the Witchcraft Act 1563. I am replying as the overarching issue relating to acknowledging the injustices suffered in the 16th century by those accused and convicted of witchcraft relates to the operation of Scotland's justice system at that time.

Your letter relayed the discussion your committee had on 18 May this year in relation to petition PE1855. Within the Scottish Government, Historic Environment policy sits within the Directorate for Culture and Major Events and this response has been developed in liaison with them.

The Scottish Government is of course supportive of consideration being given to any new memorials where persons with a direct interest can make the case justifying such action. This definitely is the case with a potential memorial in respect of people, the vast majority of whom were women, who suffered under the actions taken making use of the Witchcraft Act 1563. In March this year, the First Minister gave an apology for those actions on behalf of the Scottish Government acknowledging the wrongs that were perpetrated. In addition, there is a current Members' Bill proposal in the name of Natalie Don MSP seeking views on a formal legislative pardon being granted.

In terms of the specific ask of the Committee, I am advised that it is long-standing policy of the Scottish Government that the costs of creating and maintaining memorials and projects associated with the creation of a

new memorial are not to be met from scarce public funds. This reflects the challenges of prioritising public investment, especially at a time of a very tight public sector financial settlement.

I am further advised the normal practice is that such initiatives are resourced through activities such as public subscription, private fundraising or a combination of both. The Scottish Government is certainly happy to consider helping with publicising any specific initiative raising funding in this area.

With regard as to where any national monument might be located, this would primarily be a matter for local authorities. It would, for example, be for a relevant local authority to consider a request to erect a memorial from any campaign group and, if such a request was made, whether the location was appropriate. If the land were owned by a local authority, then consent could also be sought or if a proposed location was privately owned, then consent from the landowner would be needed.

I hope this is helpful in outlining how campaigners could seek to progress their aim of creating a national memorial for those who suffered injustice through witchcraft legislation.

Natalie Don MSP submission of 10 November 2022

PE1855/J: Pardon and memorialise those convicted under the Witchcraft Act 1563

The consultation in regard to my proposed Witchcraft Convictions (Pardons) (Scotland) Bill has now closed.

The processing of the responses to the consultation is completed and we will be publishing these responses along with a summary in due course. Following this I will move on to the next stage of the Members Bill process.

Petitioner submission of 10 November 2022

PE1855/K: Pardon and memorialise those convicted under the Witchcraft Act 1563

We are grateful to the Public Petitions Committee's consideration of the petition lodged in 2021 to forward the aims of the Witches of Scotland campaign.

When we lodged the petition we sought assistance with forwarding the 3 aims of the campaign, to obtain a formal apology, to legislate for a pardon and to obtain a national memorial.

During the period of time that the petition has been before the Committee there has been considerable work done in furthering these aims.

On International Women's Day 2022, as a result of a request made in writing to her from Witches of Scotland, the First Minister provided a formal state apology to all those accused of witchcraft between 1563 and 1736.

Currently a proposed Members Bill to pardon those convicted of witchcraft is being taken forward by Natalie Don MSP. The public consultation period has just concluded, and we understand that there has been significant support for the proposed law.

Finally, we note the response from the Cabinet Secretary for Justice in relation to the national memorial. We are very grateful to the Cabinet Secretary for the offer of support in helping with publicising any specific initiative raising funding in this area. We have met with and spoken with interested parties and we are working towards a national memorial at this time. We have also spoken with a number of interested parties in relation to the building of a museum of witch-hunts, such as exist in other countries that had a significant number of witchcraft trials.

We are grateful to the Committee for having considered these matters and having allowed both campaigners, Zoe Venditozzi and Claire Mitchell KC, to come and give evidence about why we consider the

campaign to be an important one with not only a historic but a significant current relevance.

We are also very grateful to the committee for the comments made in support of the aims of the campaign by the Committee Members, and we hope to obtain further cross-party support more broadly in the Scottish Parliament in relation to the proposed Witchcraft Convictions (Pardons) (Scotland) Bill.

Claire Mitchell KC
Zoe Venditozzi
WITCHES OF SCOTLAND