

Citizen Participation and Public Petitions Committee

9th Meeting, 2022 (Session 6), Wednesday
12 May 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 [23 February 2022](#) when it took evidence from the petitioners. At that meeting, the Committee agreed to consider the evidence it had heard at a future meeting.
2. Following the Committee meeting, the First Minister gave an apology, [during the debate on International Women's Day](#), to those people in Scotland accused and convicted as witches under the Witchcraft Act 1563.
3. In relation to the pardon, the Committee understands that Natalie Don MSP plans to bring forward a private members bill.
4. 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**.

5. The Committee has received a new response from the Petitioner, which is set out in **Annexe C**.
6. Written submissions received prior to the Committee's last consideration can be found on the [petition's webpage](#).
7. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.
8. 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, Lillias 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 23 February 2022

The Deputy Convener: Agenda item 1 is consideration of continued petitions. PE1855, which was lodged by Claire Mitchell QC, calls on the Scottish Parliament to urge the Scottish Government to pardon, apologise to and create a national monument to memorialise the people in Scotland who were accused and convicted of being witches under the Witchcraft Act 1563.

When we last considered the petition, in January, we decided to invite the petitioners here in order to hear from them directly. I am therefore pleased to welcome Claire Mitchell QC, who joins us in the Scottish Parliament, and Zoe Venditozzi, who joins us remotely. Claire, do you have any initial comments?

Claire Mitchell QC: Good morning. Thank you for the opportunity to speak and to answer any questions that you have for us. We are delighted about the progress that has already been made on the bill. We watched with careful interest when it was first announced and we were delighted to note the positive response that it got. We are happy to be here today to answer any questions.

The Deputy Convener: Zoe Venditozzi, do you have any initial comments?

Zoe Venditozzi: I will just say thank you for having us.

The Deputy Convener: I will start the questions. What first led you to explore the experience of witches who were convicted in Scotland, and why did you feel that it was important to bring the petition before us now?

Claire Mitchell: I work as a lawyer, and I have specialised over past years in cases that involve miscarriages of justice. I therefore look through the lens of history at whether things that have happened are just and have been done correctly. I have always known the story of Scottish witches, but I was not taught about them in school. It is only later in life that I have come to look from an academic perspective at them and at what happened.

At around the same time that I was looking at them from an academic perspective, I was also reading a lot about the lack of representation of women in history—in particular, I was reading a book by a woman called Sara Sheridan: “Where are the Women? A Guide to an Imagined Scotland”. She reimagined Scotland as a place in which all the statues and all the street names are of women. It is like a guide book, in which you can read all the stories of the women that the streets have been named after.

A combination of learning more about my own history and the history of women in Scotland and looking at those witchcraft trials led me one day to look around in Princes Street gardens. There are no statues of women there; the statues are of men. There are memorials to men. It is right that we memorialise things such as people who have died in war, as memorialisation is important. However, we do not memorialise Scottish women's history properly. We are not properly recording the history of things that are not wars or battles. I went around Princes Street gardens and stood beside Wojtek the bear. I thought, "We have a full-sized statue of a named bear, but we do not have any women."

At that point, I looked up to the castle esplanade, where at least 300 women were killed as witches, and I thought, "Not only are we not recording the great things that women have done, and celebrating them in statue form and with the names of streets, but we are not recording what is a terrible history of things that happened to women in the past." I say "women", because 85 per cent of the 4,000 people who were accused under the 1563 act were women. I acknowledge immediately that there were men, but the vast majority were women.

At that point, I thought that there was a real issue with what happened with those women. I know that they were wrongly convicted; indeed, we all know that they were wrongly convicted. That is where the phrase "witch hunt" comes from. A witch hunt means that the person is being pursued for something that they did not do.

I looked around at other countries and saw that other countries have addressed their history. The Salem, Norway and German witch trials have been addressed. I thought, "Why hasn't Scotland done so?"

At that point, I wrote down the three things that I thought were important to get, one of which was a pardon for those who have been convicted of witchcraft. The effect of that would be to restore those people and to make it clear that what happened to them ought never to have happened. We cannot pardon those who have not been convicted. Although probably 2,500 of those convicted were executed, 4,000 people were accused. Those people would have gone through a great deal of trauma in being accused. They are likely to have suffered torture. We know, for example, that people died when they were remanded in custody accused of witchcraft. I would like an apology for all those people. I also thought that Scotland should have a national memorial that not only allows us a talking point about our own history but lets people who visit our country know our history and that we have acknowledged it and have vowed to do better.

The Witches of Scotland campaign was born at that point. Very shortly after, I got in contact with my co-campaigner Zoe Venditozzi, and the campaign started on international women's day 2020.

The Deputy Convener: Thank you for that comprehensive answer. I was going to speak about pardons, an apology and a national monument, all of which you have covered. Does Zoe Venditozzi have anything to say?

Zoe Venditozzi: It is important and it has become increasingly obvious to us during the campaign that, sadly, the issue is not relegated to the past. There are countries around the world in which the issue is relevant now. The vulnerable are accused of witchcraft and are often isolated. Sometimes they are killed as a result of mob justice. We know from campaigners whom we have worked with abroad that they would greatly value Scotland's support by saying that we know that there was something wrong in our past and signalling to other nations that we would support them in eradicating accusations of witchcraft.

The Deputy Convener: Thank you. My colleagues will now ask questions.

Ruth Maguire (Cunninghame South) (SNP): Good morning, Zoe and Claire. Thanks for being with us.

What would lead to a woman being accused of witchcraft? There are some misapprehensions about the type of women who were accused of it. Could you speak about that a little?

Zoe Venditozzi: Sadly, that could have been anything. The person might have fallen out with somebody about the price that they had paid for something, they might have been a difficult person in the community, or they might have been what we would now view as vulnerable. In those times, there would have been people who were seen as being unusual or strange in some way. Somebody might have wanted their land or they might have been secretly practising as a Catholic. There could have been many different reasons.

We have come back again and again to the point that anybody could have a finger pointed at them to say that they were a witch, and it would have been very difficult for them to get out of that situation. The reason could have been literally anything. There is a misapprehension that the people were healers and midwives. From recent research that has been done, we know that healers and midwives were just a small percentage of those who were accused. Literally anybody could have been accused.

Claire Mitchell: There are misconceptions that the people who were accused were healers or midwives—that is a common misconception—that they had red hair, or that there was something that marked them out. Sadly, as a beautiful local memorial in Orkney says, “They wur cheust folk”. They were just people who were going about their everyday lives.

The difficulty was that the state and the church fervently believed that the devil was working among the community, and that the ills that befell the community were the result of the devil working through witches. I will give an easy example. If a woman came to the door asking for alms or begging for any form of help, and she left without

any money, perhaps because the person who answered the door did not have any money to give, then an illness befell the family or something else went wrong, there would be a suspicion and accusation that that woman had used witchcraft to do that because she did not get alms. That is one of the saddest examples, where someone so vulnerable and who has no money asks for help and eventually ends up being accused.

When it came to trial, there were various tests to see whether someone was a witch. One of them was the “quarrelsome dame” test, which reminds me of a James Cagney movie. If a woman was a quarrelsome dame, she might be more likely to be accused, or she might fall out with her neighbours and, if something happened, the suspicion would be that the devil was among us. That was very much the belief at the time and people were, unfortunately, encouraged in the belief that that was what was happening by all sides. It is therefore unsurprising that people had that view.

Sadly, no one was immune from accusations. The majority of people who were involved were relatively poor, but the situation also cut across economic and social divides. Some rich people, including earls, were accused of witchcraft.

The Deputy Convener: Ruth, do you have any further questions?

Ruth Maguire: I do. Will I just keep coming back in, convener?

The Deputy Convener: Yes, please, and indicate when you are finished.

Ruth Maguire: Okay. I will not wait for an invite.

Who would normally conduct the trials, and what sort of evidence would be used to secure a conviction? Claire, you gave an example of someone falling ill or any sort of negative experience befalling a community. Are there any other specific examples that you could give about the evidence that the state would use and who would conduct the trial?

Claire Mitchell: Certainly. Another misconception is that the trials were religious trials, but they were conducted by the state, and that is why it is appropriate for the state to give an apology.

Allegations would be made in the local community. All sorts of allegations were made, but they usually related to an ill befalling someone and, in some way, a narrative being connected with that person, whether they had quarrelled in the market or they had had a fight. Sadly, examples were as simple as seeing someone out late at night, or seeing someone dancing beside a fire. People might have been doing very ordinary things, but they were attributed to being a witch and doing the work of the devil.

When an accusation was made, the accused was usually incarcerated in a local place such as the tollbooth. They were kept there for a period of time, remanded until

they were questioned. Questioning took the form of keeping the accused awake, watching and waiting, and asking them questions. In a sense, Scotland was in advance of other countries at the time because they did not physically torture people as much as other places.

Although there were instances of physical torture, in Scotland people used to keep the accused awake and ask them questions, not just for hours on end but for days on end. Of course, we know that that is one of the most insidious forms of torture, because people lose their minds when they are not allowed to sleep. We know about that because people have traced the records of people taking turns to sit and ask questions. We even have records of how many candles were burnt through the night, for example, because all those things had to be accounted for.

When a confession was obtained, it would be used as the basis for the evidence. However, it was not enough to confess alone to the crimes. As people understood it, witches worked in covens, so they would not be acting alone. They would be asked for further names. People in delirium would, of course, give the names of friends and family, which, sadly, led to those people being brought in and the same thing happening. We can see why the witchcraft accusations would grow exponentially.

Once a confession was obtained, the state would prosecute the matter and the women would be brought before court. They would not be able to give evidence in their own right because it was not competent for them to do so. In particular, it was not competent for women to be witnesses in a courtroom. At that time, I do not think that it was competent for most, or any, accused people to give evidence, but in any event women were not competent witnesses. However, witnesses would be brought to court, somewhat in the same way as is done now, to say what had happened to them—if there had been a fight, they would say what had been said or what they had seen the accused do—and then evidence of the confession would be led.

Then, as now, confession was a very powerful statement against self-interest. In the modern day, people confess to things that they have not done, even when they are not under torture. Other people may find that very strange, but we know psychologically that people confess to things that they have not done. In those sorts of cases, that would have been exactly what would have happened. Someone akin to a modern-day judge would then decide whether the person was guilty of witchcraft.

The sentence that was imposed on people who were found guilty was execution. We see one or two instances of people being banished as witches, but if the law was being applied properly—which we imagine that it was, in most cases—execution would happen. People would be strangled and then their body was burnt, so there was no ability for loved ones to bury them or anything like that.

Ruth Maguire: In your opening statement, you mentioned 2,500 people being executed and 4,000 being tortured. How confident are you that the figures set out in

the survey of Scottish witchcraft present an accurate picture of the number of women affected during the period that it covers?

Claire Mitchell: The experts have obviously done a great deal of research on the matter. In so far as they have been able to, they have gone through the records of what happened. Some citizen investigators are now looking at records and finding additional names. For example, we know that an academic called Judith Gorman or Langlands-Scott in Forfar has found additional names. Therefore, the number might be slightly underreported, if anything. The survey of Scottish witchcraft mentions in its introduction the limitations that the team faced in looking for the information, which, as with anything else, were time and money. The numbers in the survey are an approximation, but one given by academic experts who have researched the matter thoroughly.

I should also say that when we look at those numbers—the approximately 4,000 accused and approximately 2,500 who were executed—we should remember that are from a time when the population of Scotland was approximately 900,000 people. We are not looking at Scotland as it is in the modern day, but at a much smaller country. From that perspective, we can perhaps see from those numbers that the impact was even bigger.

Ruth Maguire: That does say something to the scale of it.

I want to ask about the change in law in 1735 after the so-called “glorious revolution”. Will you talk a bit more about the impact of that on witchcraft convictions and sentences and give your reflections on why it took more than 200 years for the Witchcraft Act 1735 to be repealed?

Claire Mitchell: I will answer that legal question and then perhaps Zoe Venditozzi can take over.

The state and the church vehemently believed that the devil was among us. It was not until societal views started to change that there was a change to the witchcraft legislation. That took so long because society was steeped in that belief at that time. In 1736, when the 1563 act was ended and the 1735 act came into force, it changed the crime of witchcraft to pretended witchcraft, so, automatically, we were already accepting that the crime of witchcraft did not exist. There was a change from it being a crime of witchcraft to one of pretended witchcraft—I cannot imagine a more striking acceptance of the fact that witchcraft did not exist, even at that time.

The sentence that was imposed could be non-custodial—I think that it went down to a fine—or custodial. Someone could be convicted of pretended witchcraft and receive a fine. To put that into perspective, the last person to be executed as a witch in Scotland is believed to be Janet Horne. That happened in either 1722 or 1727—there is a stone marking it, and people debate what date it was. A very short period later, there was public acceptance that the 1563 act was inappropriate, because the

crime of witchcraft did not exist, so the crime had to be changed to pretended witchcraft.

Ruth Maguire: Zoe, do you have anything to add on those questions?

Zoe Venditozzi: No. Claire has definitely covered everything from the legal perspective. I am not a lawyer; I have come into this like any normal person who does not know anything about it. The numbers that are involved are staggering. As Claire rightly pointed out, for such a small population, a lot of people were swept up in it.

Alexander Stewart (Mid Scotland and Fife) (Con): It has been fascinating to hear the history that you have given us and to gain an understanding of the culture in Scotland at the time and the power of the state and the church to make things happen. You have given us some examples of what is being done in other parts of the world and how people there have managed to do those things.

How are you able to support what you are trying to achieve, when it has been so long—centuries—since the events took place? It is very difficult for us because, in many respects, we live in a different world today. You have explained our culture, heritage and myths, as well as the knowledge and understanding that people in Scotland had in those days, which is not anywhere near what we have today. How do you square that circle? What have you considered and discounted, and why, in trying to secure pardons for things that were done so long ago?

Claire Mitchell: We of course acknowledge that these things happened a very long time ago. That is a relevant and necessary question for us to be able to answer. My first answer is that there is no time limit on justice. It was wrong when it happened; those people were not guilty of those offences and they paid a terrible price, in the most brutal way. That they were convicted and killed as witches was wrong then and it is wrong now.

Rather than, “Why would we do this now, hundreds of years later?”, we might ask, “Why didn’t we do this hundreds of years ago—why has it taken until now to address that point in Scottish history?” I very much believe that the answer is that history is written by the victors. It was not written by the people who could not write—the ordinary people who could not record their history in that way. As such, the history of witchcraft in Scotland has fallen to the side. It has been an academic exercise, but not one for the general public.

In respect of the question that you ask about changing times and how we can square what happened then with the modern day, one of the things that really encouraged me to lodge this petition was the recent parliamentary decision to pardon people who were convicted of homosexual offences many years ago. What the Parliament said when it granted the pardon to those people who were convicted of same-sex offences was that those people ought never to have been criminalised, as the thing

that they did is not a crime. That is true for those people—I heartily endorse that—and it is also true for the people who were killed as witches.

One other thing that I reflect on when we talk about these events being a long time ago is that, although 300 or 400 years seems like a long time, it is the blink of an eye in the grand scale of history. We still talk about things that affected Scotland 300 or 400 years ago—those things are important to us. Once again, I hesitate to say it, but the history that we know better is to do with, for example, battles that happened a considerably longer time ago than that, and we still reflect upon and learn from those things. I hope that, in the modern day, we can reflect upon what happened during the period that the petition is concerned with and bring those reflections to the 21st century in a way that is of use.

People say, “What’s the point? It was hundreds of years ago and you can’t help those people now.” To that, I say that we can do something to help them: we can try to restore those people properly to history as people who suffered a miscarriage of justice—that is the first thing—but we can also, as citizens, reflect upon what caused what happened to happen and why people who were in a vulnerable situation were subject to allegations and were used in a power structure that meant that they paid with their lives. We can reflect on that wrong and vow to do better. As Zoe Venditozzi has said, more broadly, it is a symbol for the world. She might want to say a bit more about that.

Zoe Venditozzi: I would just say that, although we have changed a lot over time and have, obviously, grown and now view ourselves as being more civilised, there is still an on-going issue with vulnerable communities. We are not at a stage where people are really wonderful to everybody else, and I think that it would give an important signal that we protect the vulnerable in our society, that everybody has a fair shake of the legal system and that we are thinking about—and are thoughtful about—who we are as a nation. If we want to be seen as a beacon of intelligence and sensitivity, this is a really good way of saying internationally that we are thoughtful and that we are looking at our past and are mindful of it. It is the same as the on-going moves to look at our past involvement, as a nation, with slavery. We need to examine the things that happened in the past that we are not necessarily proud of now and understand them so that they are not repeated again.

Alexander Stewart: You talk about the miscarriage of justice, and I think that many people would identify that as the core issue. However, many would also identify the fact that, in those days gone by, the state and the church were very male dominated and women were persecuted.

There is no question about that, and you have given evidence today about the torture and interrogation that those women went through. Whether or not it was an inquisition, that type of structure—which involved the persecution of women, primarily by men, in communities—was in place in those times gone by. It is

important that we identify that, because that seems to have been one of the main processes at work. Those women were disadvantaged and vulnerable, and the male-dominated state had control over their existence and whether they continued to have a life after they were put into that situation.

Claire Mitchell: Absolutely—I could not agree more. That is exactly how it was. What we want for Scotland in the 21st century and looking forward is a generation that comes after us that is equal. In the 19th and 20th centuries, we made great steps forward towards equality, but we are not there yet. It is still a vitally important part of what we do as a country that we reflect on where we have come from in order that we can go forward and achieve that equality, and I think that the point that you make is extremely valid and well made.

The Deputy Convener: I believe that Ruth Maguire has some more questions.

Ruth Maguire: I think that they have been covered. I wanted to explore a bit more the discriminatory nature of the issue, but the petitioners have told us in their evidence that it relates predominantly to women and people with other vulnerabilities, so we have covered that aspect. Are colleagues going to ask about Natalie Don's proposed bill?

The Deputy Convener: Yes, but if you want to do that, you can.

Ruth Maguire: I am flying blind here at home—I am sorry.

My colleague Natalie Don intends to introduce a member's bill on the issue. Are the petitioners able to give the committee an update on their knowledge of it, their views on its scope and whether it addresses what they want to do?

Claire Mitchell: Yes, we have spoken to Natalie Don. She approached us when she found out about the campaign and indicated that she was interested in introducing a member's bill on the subject. We were absolutely delighted about the prospect of that.

Natalie Don was invited to the meeting, but it coincided with the meeting of another committee that she had already said that she would attend, so she was unable to attend this meeting. However, she passed on to me the information that a draft consultation is ready for submission tomorrow so that it can be issued and the public can have an opportunity to be consulted on the proposal. I believe that that is the next step forward. She said that there had been a bit of to-ing and fro-ing about the draft consultation, but it appears to be ready. She also said that she hoped to pass a copy of it to us so that we could have an opportunity to read it before it was submitted. I think that that will happen later today or tomorrow.

Paul Sweeney (Glasgow) (Lab): It has been fascinating to listen to the evidence. It has been educational for me to recognise that the petition represents an assertion of the triumph of civilisation over barbarism. We are trying to come to an agreement

about how best to express that in our society. I increasingly realise the importance of what you seek to achieve and why it is being advocated for, so the evidence has been powerful.

Do you intend to encourage the member in charge of the proposed bill to cover all three elements of what you are trying to achieve? As I understand it, the proposed bill would legislate primarily for a pardon, but could it also stipulate terms for a national memorial? Could that be incorporated into such a bill?

Claire Mitchell: To be frank, I do not know, because I have not seen the draft. I think that it relates to legislation for a pardon alone. That is all that has been discussed. Therefore, I do not think that it contains anything about a national memorial.

I should indicate to the committee that Zoe Venditozzi and I have written directly to the Scottish Government and the First Minister requesting that the First Minister consider the Government giving the apology on international women's day this year. We have not yet heard back in that regard, so I do not know whether that will happen.

The apology is broader and would encapsulate all the people who were accused. Only people who were convicted can be pardoned and we want something for everyone. We have asked for a period of time to be set aside for the Government—the state—to reflect on what happened, to publicly state that what happened was wrong and to give an apology. Given the gendered nature of the way in which the witchcraft legislation was implemented, there is no better time to do so than international women's day, but we have yet to see whether there is any possibility that that will happen.

Paul Sweeney: That is helpful. What do you hope that the Government formally giving an apology would achieve?

Claire Mitchell: Zoe Venditozzi might want to answer that.

Zoe Venditozzi: I think that it would signify—[Inaudible.] It would go out on an important day and would symbolise Scotland's understanding that what happened in the past was a miscarriage of justice and would send a very important message that, as a nation, we are trying to look at what we did and to reach parity for women in modern society.

Claire Mitchell: I do not have it to hand, unfortunately, but the first page of the report of the First Minister's national advisory council on women and girls talks about history being recorded by only one side, why it is important for history—and the history of women—to be properly recorded and how we can do that so that we can move forward. Presenting an apology on such an important day as international women's day might be symbolic, but no less important for that, because it is important that we say in the 21st century that we accept that what happened was wrong.

We talked earlier about things happening 300 or 400 years ago. We are somebody's history; I hope that, in 2,000 or 3,000 years' time, children's history books will talk blithely about the period from the 15th to the 21st century as if it were the blink of an eye. I want the children of the future to be able to read in a book that, in the 21st century, the Scottish Parliament took the time to reflect on what happened to women and men during that terrible period of time and said to them publicly that it was wrong. By reflecting on that, we can try to make ourselves better.

Paul Sweeney: Would an apology highlight themes of victimisation, bullying and ostracism in our current society? Would it have a meaningful effect on any relevant live debates?

Zoe Venditozzi: There are echoes as well as parallel lines that can be drawn. I come back to the idea that we need to protect the vulnerable in society and be thoughtful and sensitive. As a teacher who works in additional support needs, I am very passionate about this subject, and I think that we need to be thoughtful and clever and say, "We need to protect the vulnerable." An apology would definitely provide a parallel that would allow us to say that this terrible thing happened because people who did not have sufficient power were picked on. I think that that could be used in a thoughtful way at this time in Scotland.

Claire Mitchell: Zoe, have we not been asked by a number of teachers for resources to encourage teaching of the subject?

Zoe Venditozzi: Yes, definitely. It is—[Inaudible.]—the idea of bullying and how the powerful can use that power for negative reasons and impact on people's lives. There is huge modern relevance.

Paul Sweeney: You have talked about the symbolism of international women's day. Is there a specific figure in the Government whom you would wish to issue the apology, or would it be satisfactory for the Government in general to do so?

Claire Mitchell: We have written to the First Minister, and it would be ideal if she, as a woman, issued the apology on international women's day. It is very important for women—young women, in particular—to see other women in positions of power. I am sad to say that, as yet, we are not generation equal. Although there are many women in positions of power, that is, in general, not the case across the board. It would be a great thing for Scotland if our First Minister gave the apology.

Paul Sweeney: Would you prefer a verbal apology in the parliamentary chamber rather than something written, or would you rather have both?

Claire Mitchell: Both, any or all, I would say. As someone who is involved in oral advocacy, I think that it is powerful to see someone speaking about these things, so that would be great. However, any kind of apology would be very welcome.

Paul Sweeney: With regard to the proposal for a national monument, which I find really interesting, are there any international examples that we can look at? You mentioned a community memorial in the north of Scotland, but are there any well-done international examples of national memorials to the victims of this superstitious practice?

Claire Mitchell: First of all, we should acknowledge that there are fantastic local memorials. People ask me whether I want local memorials. Yes, I do—I want those to be in addition to those that we already have. However, it would also be great to have a national memorial.

There are other examples of memorials, particularly in Finnmark in Norway. Perhaps Zoe could tell us about that.

Zoe Venditozzi: The memorial in Finnmark, which was designed by two internationally recognised artists, is striking and thought provoking. People go along to the site and see a moving monument. It is not just a static memorial, with names. However, even having that would be wonderful—having any national memorial would be great.

We have an incredible body of artists working in Scotland. We have an opportunity to make something that is really striking, which would signal to the rest of the world that Scotland is a forward-thinking nation. I would like to see something that is imaginative and very striking.

Paul Sweeney: What do you hope to achieve by having a national memorial? Where would that be sited? How might the works be commissioned? Would there be a competition, or are you planning to undertake some other sort of activity?

Claire Mitchell: Zoe and I have got the campaign to this stage. As lawyers say, we would like to have an agreement in principle for a national memorial. We are not equipped to carry out the task of identifying a specific national memorial.

As I say, we would like there to be an agreement in principle so that others whose job it is to do such things—to memorialise—are invited to make a bid or to participate, whatever the process might be.

We have a lot of people contacting us suggesting that a national memorial should be in their area, or suggesting who the artist should be. There is a real keenness and buzz around the idea. I am sure that, if such a memorial was agreed to, a lot of people would be interested in getting involved. We are just interested in having the idea agreed in principle.

Do you want to add anything, Zoe?

Zoe Venditozzi: I just do not want to have to build the monument myself—that is the main thing. We are very keen for there to be a memorial, and there are professionals

who would deal with that side of things. As Claire said, we would like the idea to be agreed and for someone who really knows what they are doing to make something wonderful and affecting.

Claire Mitchell: One of our tweets has received hundreds if not thousands of responses. We tweeted to ask whether it would be good to have a museum of witch hunts in Scotland. Although the beautiful memorial in Finnmark is incredibly striking, we would like there to be a place for people to go to learn.

Zoe and I started a podcast to get people interested in the issue. The level of interest has been utterly overwhelming. I should state clearly that it is not Zoe and me talking about the issues—we do not know about them. We have experts speak to us, whether they be academics, historians, lawyers, activists, authors—the list goes on. It is clear that there is a huge need for knowledge of the issue. I have spoken about people contacting us to ask whether we would consider doing child-friendly podcasts. Recently, someone who writes comics contacted us. They want to do something about the campaign, to tell people about such things. People have been trying to interact with the issue in lots of different ways.

However, the idea of having a place where people could go, be that a museum or a heritage centre, to find out about the true history of the women of Scotland would be an amazing thing.

I am not trying to push for a particular thing, but we have an opportunity to think outside the box. As Zoe mentioned, would a memorial need to be a static statue, or could it be something else? Could it be something that assists learning, such as having a physical place where people can learn?

Paul Sweeney: Thank you very much for that. The esplanade of Edinburgh castle has been mentioned. What are your reflections on that? That might be an obvious location, I suppose.

It might be worth considering engaging with Historic Environment Scotland, which manages a lot of historic properties across the country, many of which might, historically, have had some involvement in the practice of witch hunts, and it might be able to find an appropriate location. Therefore, it might be worth engaging in that discussion now to develop the idea.

I have been involved in a couple of memorial campaigns, including the Remember Mary Barbour campaign in Glasgow to raise a statue to Mary Barbour and the rent strikers in Govan. That was community led—there was a lot of persistent fundraising and a design competition, but they had to be very much driven by the campaign. Similarly, there is the recent an gorta mór memorial in the east end of Glasgow to the Irish famine victims. Again, that involved a persistent, community-led campaign. Often, such initiatives can help to drive projects, so it might be worth looking at those examples in order to help to drive things forward.

Claire Mitchell: Absolutely—thank you very much. Those are two excellent examples of how the community wants to have its history properly reflected. Those examples are absolutely inspirational community projects. However, it is important that we do not have to rely on individual funding. The community interest is already there, let me tell you—if only I could pass on all the witches of Scotland emails that I have to someone else. The community interest and support are there, but it is important that the funding is done centrally for Scotland as a whole. However, you are absolutely right that it is very important to engage the community.

The witches' well at the top of the esplanade still sits there. It is an historical artefact, and it says that 300 witches were burned there. It also says that some used their power for good, and some used it for evil. All day, people just walk past the well, but I am thinking, "Just take out the word 'witches' and put in the word 'women'". The well just sits there and we do not really reflect on it. That is because the idea of the word "witch" has permeated our society in such a way that when people say it, they mean a figure of fun, or a cartoon, or something that is in a book. We do not reflect properly on the history, which is why having the campaign with its aims—and having these discussions—is a really great opportunity for Scotland to do that.

Paul Sweeney: Thank you for your impressive testimonies.

The Deputy Convener: Thank you, Paul. To update the committee, Natalie Don's proposed member's bill is only about a pardon; it is not about a national memorial or an apology.

Claire and Zoe, is there anything that you have not been asked about, which you would like to say in evidence?

Claire Mitchell: I do not think so. The questions have been very thorough. Zoe, can you think of anything else?

Zoe Venditozzi: No, I cannot. I would like to say again that it is a really important issue. It is not something that belongs in the past; we need to address it now. It behoves an intelligent nation such as ours to do so.

The Deputy Convener: Thank you very much for the comprehensive evidence that you have provided today. It is good to see people back in the Parliament giving evidence at committee.

Do committee members agree to consider the evidence and any matters arising from it at a future meeting?

Members *indicated agreement.*

The Deputy Convener

Once again, I thank the witnesses. I suspend the meeting to allow them to leave.

Annexe C

Petitioner submission of 11 May 2022

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

Since we gave evidence on the last occasion we write to update the Committee with the campaign.

We wrote to the First Minister earlier this year asking if she would consider making a formal apology to those convicted on International Women's Day 2022. We were delighted when, as part of a broader speech on the issue of misogyny past and present, the First Minister gave that apology.

In relation to the pardon, we understand that Natalie Don MSP was working to put out the consultation document in respect of her proposed private members bill. We have had sight of a proposed consultation document and we hope that it will be made available to the public soon. We have no timescales on this and it may be best to ask Natalie Don for any further information in this regard.

That leaves the issue of a national monument. We would ask that consideration be given to:

- 1) the Committee either voicing its support for it to Government; and
- 2) to consider sending the issue to the committee which deals with culture and tourism – Constitution, Europe, External Affairs and Culture Committee for it to give consideration to the idea of a National monument as an important cultural matter for Scotland.

Claire Mitchell QC

Zoe Venditozzi

WITCHES OF SCOTLAND