

Proposed Witchcraft Convictions (Pardons) (Scotland) Bill

Introduction

A proposal for a Bill to pardon all those convicted under the Witchcraft Act 1563.

The consultation runs from 23 June 2022 to 15 September 2022

All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document.

Questions marked with an asterisk (*) require an answer.

All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response.

Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded.

Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here:

[Consultation Document](#)

[Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice which explains how my personal data will be used.

On the previous page we asked you if you are UNDER 12 YEARS old, and you responded Yes to this question.

If this is the case, we will have to contact your parent or guardian for consent.

If you are under 12 years of age, please put your contact details into the textbox. This can be your email address or phone number. We will then contact you and your parents to receive consent.

Otherwise please confirm that you are or are not under 12 years old.

No Response

About you

Please choose whether you are responding as an individual or on behalf of an organisation.
Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

an individual

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

Academic with expertise in a relevant subject

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation.

I am a professional historian of the Scottish witch trials and have published related research in academic journals, edited collections, magazines and blogs. I hold a PhD in Scottish History from the University of Edinburgh.

Please select the category which best describes your organisation

No Response

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your Full Name or the name of your organisation. (Only give the name of your organisation if you are submitting a response on its behalf).

(Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Dr Ciaran Jones

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number.

We will not publish these details.

Aim and approach - Note: All answers to the questions in this section may be published (unless your response is "not for publication").

Q1. Which of the following best expresses your view of the proposed Bill? (Please note that this question is compulsory.)

Fully supportive

Please explain the reasons for your response.

I do not believe that the women and men who were formally accused, tried and executed, should remain as criminals in Scots law today.

Q2. Do you think legislation is required, or are there other ways in which the proposed Bill's aims could be achieved more effectively? Please explain the reasons for your response.

I do think that legislation is required, as the men and women who were formally tried and executed are still known as 'witches' in Scots law today. Morally this is not right, and they should be remembered - both morally and legally - as men and women were the victims of miscarriages of justice. [My full views can be found in the General section of this form]. The aims of the Bill can be supported through government-funded and endorsed educational resources for schools and other outreach activities that allows the wider public to understand the nuanced complexities of the witch trials, and to understand why mostly women (and some men) were tried and executed for the crime of witchcraft. As I mention in the extra details section of this form, there needs to be a re-evaluation of how the Bill's aims are presented. Interested and relevant parties should network and contact expert historians and other scholars (from different disciplines) who can advise on how the Bill's aims are presented to the public.

Financial Implications

Q3. 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?

no overall change in costs

Equalities

Q4. 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?

Slightly positive

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

If the history of the trials is presented well in this Bill, then I think people will take the time to become more interested in the topic and read nuanced, well-researched publications that help us understand the historical nuances of the past.

Sustainability

Q5. Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, 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?

No Response

General

Q6. 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)?

I am, overall, in favour of this Bill. As a professional historian of the Scottish witch-hunts, my main job is to try – as far as I possibly can – to understand why contemporaries 400 years ago sought to accuse their neighbours as witches and why states of the day passed laws against witchcraft. This Bill, however, is not about why early modern people hunted witches, it's about whether the women and men who were convicted should remain as criminals in Scots law today, and thus be remembered as such in popular memory. I agree with the proposed aim of the Bill: that those who were convicted should be pardoned, and that they should be remembered as victims of miscarriages of justice.

I do, however, have some comments on the way this Bill presents the history of witchcraft to support its aims. Principally, this Bill seems to present the history of witchcraft in Scotland as a deliberate and orchestrated attack by the patriarchal state on women; in other words, that women were accused of witchcraft because of a deep-rooted misogyny among the male authorities of the day. Evidence of this approach can be seen in the Consultation document itself, especially on pages 3-4; 7; 11. Historians of the witch-hunts in Scotland and across Europe have long since argued that witchcraft and witch beliefs were misogynistic, and that witchcraft was a gendered crime. In short, particularly negative stereotypes about women became attached to and even merged with real fears and concerns about the practice of evil magic, so that when people living in pre-modern Scotland thought of a witch, they were likely to think of a woman. We can point to the blatant misogyny in many elite demonological texts, the patriarchal structures that forced women to compete with each other in domestic roles where witchcraft accusations surfaced – and which made women who failed to conform to the traditional and popular gender roles of the age more likely to be accused – as important preconditions that initiated witch-hunting or perhaps as factors that help us to understand why women were more likely to be accused and executed as witches. Yet, these points should not be used to make the ideological argument that women were accused as witches 'because' they were women. 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.

I would suggest that the details of the consultation document, or indeed any future public material, tone down the overly simplistic assertion that witch-hunting was 'women-hunting'. Trying to articulate nuanced information can be difficult – especially in public documentation – but we owe it to our ancestors to remember the history of the witch trials as sincerely as we possibly can.