

For Women Scotland (FWS) welcomes this opportunity to respond to the consultation on the proposed Witchcraft Convictions (Pardons) (Scotland) Bill. FWS is a grassroots women's rights organisation composed of ordinary women from across Scotland: the primary motivation for forming was concern about the Scottish Government's proposal to reform the Gender Recognition Act 2004 and the potential impact on the hard won rights and protections for women and girls.

We are pleased to see that the paper recognises that historical attitudes which gave rise to the witch hunts are not, wholly, in the past. However, the admirable aim of combating misogyny in contemporary society will not be achieved unless the Scottish Government and other pillars of establishment Scotland are prepared to address uncomfortable parallels in their recent approaches to women's rights nor that some of the structural issues which made the Scottish witch hunts some of the fiercest anywhere in Europe outside the Holy Roman Empire are also pertinent today. 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. As such, we believe that it is instructive to refer to contemporary parallels. Thankfully, the bloody and brutal excesses of the witch hunts are in the past, but women are still persecuted and demonised in modern Scotland.

Today we live in a period of rationality in which, nevertheless, we have an explosion in ludicrous anti-science conspiracy theories - some of which are officially sanctioned and which undermine crucial scientific principles in the name of ideology. It is worth recalling that the witch hunts were not born of mediaeval superstition, in fact, in the dark ages, saints like Boniface declared the belief unchristian, and kings like Charlemagne decreed execution for anyone burning witches. It's assumed that the witch trial period ended with the Enlightenment, but people did not suddenly become rational overnight - some pretty dark superstitions existed simultaneously with the age of Newton, Locke, Hooke, Boyle, Harvey etc and the birth of what we would regard as science and medicine. The political theorist, Hobbes wrote scathingly in *Leviathan* (1651) of those who believed in witches, but other scholars were less keen to dismiss the belief - especially as it opened one to accusations of atheism. History is not all about progress and we can become complacent. Once language, law and science are twisted, people can begin to believe in absurdities just as they once believed in the power of the witch. Recently, Douglas Ross QC representing the Scottish Government [stated](#) in court that "It may once have been thought sex at birth is immutable. It is no longer so". That this egregious and unscientific view is now the official policy of the Scottish Government is of deep concern to those of us who know, like Voltaire, that those who can make you believe absurdities can make you commit atrocities. No doubt, the position of the government is that the introduction of the Gender Recognition Act in 2004 allowed for the possibility of a change of 'gender'. But this is a legal fiction which cannot change material reality. During the witch trials, law was also decoupled from observable reality and faith assumed greater significance than evidence. It is, in theory, possible to pass laws which cement any number of untruths and thereafter to pursue those heretical enough to reject falsity.

While the word 'witch' has been a term of abuse for women, the iconography of the 'mother' as the nurturing, life-giver stood in contrast; even God, in the belief of the day, had a mother. Within the more prurient strains of witch hunting, there was a determination to sever the link between women and their status as mothers or twist it into something perverse: the witch's

teat was used to suckle the devil or a familiar rather than a child. Women's power was limited, but only women could give birth and nourish babies and part of the destruction of women was redefining this ability to bring forth life into a source of evil. The authors of *Malleus Maleficarum* were suspicious of midwives who, they believed, would provide stillborn (and therefore unbaptised) children to witches to eat or make potions from. While we would never suggest that the Scottish Government believe anything comparable to this, they have been persuaded to adopt the contemporaneous undermining of women's experiences. In 2021, it was [revealed](#) that the Scottish Government had removed the word 'mother' from policy documents at the behest of lobbying group Stonewall. Severing the link between women and childbirth and all the associated inequality matters: many of those to whom this pardon would apply saw their bodies and their biology used against them and this has continued through the ages. It is simply not good enough for the Government to pretend that inequality does not still continue to affect women because of age-old perceptions of pregnancy and childbirth and to erase them from that experience. We cannot discuss historical injustice if we are denied the language to describe it and we will not end it by pretending that a uniquely female experience can be universal.

Birthing chambers were a space where women were unobserved by men, so midwives, along with untraditional matriarchal families, frightened authorities. We still see this fear and desire to infiltrate female space along with the need to police sexuality. This, sadly, is not a mindset reserved to the fringes. Only this week, a court has [heard](#) that the word 'lesbian' covers anyone who laid claim to that identity, effectively denying women the right to assert their boundaries and control their spaces. Despite a provision in the Equality Act which allows for single sex services, the Scottish Government has gone to great lengths to try to ensure this is not put into practice in Scotland, using funding requirements and policies to ensure they operate on the basis of self-identification rather than sex. Government funded groups first misrepresented [Schedule 9](#) of the Equality Act 2010 and then dispersed with it altogether. Perhaps the most shameful resistance to the principle was demonstrated by Government resistance to Johann Lamont's amendment to the Forensic Medical Services (Victims of Sexual Offences) Bill to replace 'gender' with 'sex' and ensure that women could request to be examined by a female practitioner. The level of abuse targeted at women who had bravely spoken up about the most traumatic experiences was shocking to witness. But, worse, some of the disbelief and mocking came from those close to politicians or funded organisations.

Ronald Hutton in *The Witch: A history of fear* says "On the whole, trials were most frequent and executions rates highest where the people in charge of the criminal justice system were most closely in the local fears and hatreds that produced the accusations...Where such areas were also characterized during this period by ruling elites or a local ruler determined to purify religion and morals, and economic, religious and social tensions, the preconditions for witch trials were in place." Many women feel that the determination of Scottish Government to push through laws based on the ideological beliefs of gendered brains or souls rather than sex - which is the basis of UK equality law - has lead to attempts to purge organisations, universities and political parties of those presumed to have committed "wrong think". As the Scottish Government's position is not supported by evidence or reason, belief in the metaphysical concept of gender has become the new purity test and a signifier of loyalty to those in power.

This purging has been seen across the UK, most notably in high profile cases like that of Kathleen Stock, Maya Forstater and Allison Bailey. Although they have all been vindicated, they were subject to extreme persecution and put through very public examinations of their beliefs, with all manner of ill-intent ascribed to them. This experience is, sadly, not uncommon; the pattern plays out in [schools](#), [universities](#) and hospitals across Scotland.

A further area of comparison is the use of technology to disseminate ideas and to coordinate persecution. In mediaeval times, beliefs as to what witches looked like or what they could do varied from country to country. Natural magic and healing was bound up with Christianity - some monastic books on herbs and medicine etc read like incantations but, suddenly, at the end of 15th century, an identikit version of witches were found all over Europe and later in the US. This new type of witchcraft began to assume the old tropes of heresy. In 1450 Vineti wrote *Tractus contra Daemonum Invocatores* which drew on old accusations levelled at Jews and heretics: night meetings, sexual deviance, cannibalism, and child murder. Whereas witchcraft allegations had formed a lurid element of the charge sheet against the Templars, for example, it gradually became the main event and, crucially, it shifted the focus onto women. These ideas fuelled Kramer and Sprenger but it is the timing as much as the text of *Malleus Maleficarum* that is important. The printing press allowed Kramer and Sprenger to become best sellers all over Europe and their ideas reached places faster and more thoroughly than was ever possible before. We see parallels with the new social media, especially Twitter today: ideas spread fast but so do lies and misinformation. Alongside this is the exaggeration: a witch might not actually do or say anything but wicked intent is ascribed in a funny look or a mutter, just as when a woman uses the wrong pronouns it becomes 'literal violence' and the perceived desire to eradicate individuals or 'make' them kill themselves. A not unfrequent Twitter claim is that feminist women want to commit '[genocide](#)' - a charge levelled all too often at prominent women in Scotland like JK Rowling or Joanna Cherry. Just as the accusations and penalties attached to being accused of being a witch kept other women cowed, so the reluctance to even condemn the litany of abuse and threats which high profile opponents of the Scottish Government receive acts as example and warning to other potential transgressors. Of course, in the 15th century men were more literate than women and controlled channels of communication but today the moderation policies on Twitter tend to minimise threats against women who are also more likely to be censored or banned. Despite this, MSP and Government minister [Patrick Harvie](#), used the arbitrary decision of this US corporation to ban Canadian feminist Meghan Murphy from the platform after she referred to a predatory trans identified individual subsequently found to be racist and abusive as "he" as evidence that she was guilty of "transphobic hate".

The 1563 Witchcraft Act, notoriously, contained no explicit definitions of witchcraft. The Scottish Government have also, latterly, been resistant to defining terms in Bills - especially those which have no existing definition in law like "gender" or "trans" but upon which they nevertheless have sought to build legislation. Similarly, they have continued to use their preferred circular definition of "woman" (as in the recent VAWG services [consultation](#)) despite the [ruling](#) of the Inner House Court of Session in *For Women Scotland vs the Lord Advocate and the Scottish Ministers*. The deliberate vagaries of the Hate Crime Bill, especially in Part 2 caused considerable alarm to many. As we wrote in our [submission](#) at the time, "It is proposed that the freedom of expression we all take for granted in this country will now hang on the definitions of the terms used in the Bill, such as: threatening, abusive, insulting, stir up, likely, hatred - all of which are subjective, and none of which have been

defined. This will inevitably require considerable police time and numerous court cases in order to provide some sort of clarification and will also cause many people to unnecessarily self-censor out of fear of prosecution.” Subsequent attempts to report women to the police for “crimes” such as tying ribbons or tweeting about child safeguarding prove that these fears are not without foundation.

The Appendix to our [submission](#) on the Hate Crime Bill contains many examples of name calling and misrepresentation targeted at our organisation and others. We suggested that these individuals hoped to use the law against us and, indeed, many have publicly called for that to happen. The language deployed against women engaged in the fight to preserve our legal rights has age-old echoes. Just as witches were considered unnatural, women today are castigated for not being ‘kind’ and for refusing to accept that the feelings of men matter more than the safety of women. It has become acceptable for some to direct sexist [abuse](#) at women under the guise of not hating women, just ‘Terfs’. During the FWS rally in September 2021 at the Scottish Parliament, a male protester [charged](#) at women shouting “witch, witch!”. This person, clearly unwell, had been persuaded that feminist women were a genuinely demonic force. Despite this, the SNP [gave](#) them a role on the disability NEC. Members of the Cross Party LGBT group who sit in Parliament alongside MSPs have regularly railed against our organisation and posted offensive cartoons likening us to the KKK, resulting in horrific threats and abuse. One of these individuals was sanctioned by Labour for this and, as a result, they joined the Scottish Green Party, becoming a party officer and candidate: SGP, apparently, has a higher threshold for tolerating abuse against women. This week, a Scottish MP was [reported](#) as calling FWS “an aggressive and unpleasant Twitter presence”, presumably because we are robust and ‘unwomanly’ in defending our position. This MP has waged a long Twitter [war](#) against LGB Alliance who he calls “shadowy and sinister” words which seem deliberately calculated to evoke maleficence.

Somewhere in the region of [84%](#) of accused witches were women. *Malleus Maleficarum* and *Summis Desiderantes Affectibus*, both written in the 1480s, cement the notion of witchcraft as a female practice. The men tended to be implicated because of a relationship with a woman rather than independently. Sadly, many women were instrumental in accusing others. For some, it will have been to cement a place in a patriarchal world by ‘proving’ loyalty - some will have acted for their husbands or fathers in paying off a dispute with a neighbour for example. For some it will have been protection - deflecting the attention onto a more vulnerable target. Some will actually have believed or would be searching for reasons for terrible events - a bereaved mother, for example, trying to blame someone for the death of a baby. All will have been conditioned by patriarchal powers to see themselves as lesser than the male interrogators. When we look at the current ‘Terf hunts’ on Twitter, on campuses, in politics and in offices across the country, we see a similar concentration on women as well as pressure on other, less secure, women to denounce second wave feminism and forge communality with those who seek to remove protections or who viciously attack women and blame women for the crimes of men. When JK Rowling’s compassionate [essay](#) is denounced without thought or evidence by people who, in many cases, have not even read it, or when women’s organisations are portrayed as sinister fronts for dark money, or when alternative, coded, messages are presumed to lie behind every utterance from so-called ‘Terfs’, we are seeing the counter-factual mob-mentality and delusion that drove the witch hunts. The Scottish Government’s platitudinous concern for the women executed long ago

will just be hypocrisy if they continue to ignore the attacks on women in Scotland today and continue to pursue the laws that have allowed this situation to take root.