

# **Parliamentary petitions: An untapped library resource**

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## **Introduction**

Parliamentary petitions can be found in the collections of many parliamentary, academic, special, state and national libraries. They provide a “wealth of unexploited data on the political, legal, social, cultural and biographical history of a jurisdiction over time” (Corbett, 2010, p. 281). Although having a long and fascinating history (Australian House of Representatives Standing Committee on Procedure, 2007, p. 3), it is surprising to learn that petitions have been the subject of little or no academic analysis. It would appear that the research community have overlooked the petition as a useful information source.

Historians have traditionally neglected to either describe the widespread presence of petitioning or recognise its ongoing political significance. For while they are often mined as sources, individual petitions are rarely accorded any significance beyond the specific subject they address (Watt, 2006, p. 4).

Hoyle (2002) suggests that this is because petitions are “ephemeral, transitory documents” (p. 367). Over a decade ago, the *International Review of Social History* dedicated an entire issue to the role of petitions as a *source* in social history. The Editor, in his introduction stated that:

To be effective, a petition has to mention the ruler, or ruling body it is addressed to, the request, perhaps a motivation and certainly the name and often some other qualities of the petitioner(s). These data make petitions a powerful historical source (van Voss, 2001, p. 1).

Each of the components of a petition lends itself to historical analysis. For example, in the reference to the ruler or ruling body, petitions unveil something about the way the government was perceived by the petitioners. The request and its motivation can also be used for analysis (Davis, 1987); as can the number of signatures. If petitions are available in large enough numbers, they can be analysed statistically to determine the social and spatial distribution of grievances (Shapiro & Markoff, 2001). “Petitions therefore give voice to working and middle class voices that would otherwise remain silent” (van Voss, 2001, p. 1). As such they have the potential to be an information-rich source for the research community.

### **Petitioning Parliament for the Redress of Grievances**

Watt (2006) describes petitioning as “a manifestation of informal politics, a practice initiated by ordinary citizens which aims to influence the deliberations of political authorities” (p. 1). In doing so, Watt highlights the importance of petitioning as an “ongoing element of political history and political culture, rather than one whose role is marginal and whose influence is merely sporadic” (p. 7). Norris (2004) contends that one of the most important features of representative democracy is the strength of the linkages between citizens and elected representatives: “Representative democracy depends on public participation to give legitimacy to the decisions that elected representatives make about how society is governed” (Healey, Gill & McHugh, 2005, p. 41). Participation helps to create a more inclusive and equitable society by strengthening democratic institutions (Gallop, 2002).

Being able to express a view on the world around us is one of the basic rights of people in a democracy. The most fundamental expression of this is a citizen's right to vote in elections. Yet people have concerns, hopes and aspirations that extend well beyond the ballot box. It is important that people are heard by government and that their views are reflected in day-to-day decision-making (Western Australian Government, 2004, p. 1).

Signing a petition is a popular form of political participation (Nie & Verba, 1975). Figures released by the Australian Bureau of Statistics indicate that in the *2006 General Social Survey of Western Australia* (ABS Cat. 4159.555.001) 23.3 per cent of respondents had actively participated in a civic activity such as signing a petition in the last twelve months. This was in contrast to only 5.9 per cent of respondents that indicated they had contacted a parliamentarian in the same timeframe (Australian Bureau of Statistics, 2006, Table 29).

Petitions are a mechanism that allow members of the public to communicate directly with the parliament, to tell the parliament of a particular problem and to seek a parliamentary action to remedy it (Vromen & Gelber, 2005). They tend to be concerned with current political issues, and their aim is to persuade parliamentarians, that they should pay attention to the particular views contained within them. Petitions can be signed and presented by just one person. There is a perception that the larger the number of signatures, the greater the political impact (Thornton, Phelan & McKeown, 1997). However, size alone is not the necessary determinant of the reaction which will result (Corbett, 2010, p. 292; Palmieri, 2008; Solomon, 1986).

Ultimately the goal of those who organise petitions is to put pressure on the decision makers (*A decision changing pile of paper*, 2008, p. 2; Fitzgerald, 2006; Keane, 2008). In the mobilisation of public opinion, some would argue that petitions are a useful tool for crystallising general sympathies into particular expressions of support and furnishing evidence of that support when it has been obtained. Petitions therefore, lend themselves to "causes outside the party agenda and to sectional groups anxious to gauge and parade the scale and unity of their support on any issue" (Leys, 1955, p. 63). Communication of this nature inevitably influences government, but to what extent? In so far as parliamentarians are reflecting public opinion they will be heeded

by both the government and opposition parties. According to Searing (1985) the need for the ancient function of petitioning parliament has been revived and intensified by the expansion of central government: “and flippant comments about drains and pedestrian crossings give a useful role a lopsided portrayal by diverting attention from its genuine importance” (p. 37).

## **Historical Development of Petitioning Parliament**

The history of petitioning Parliament in Australia is linked to the history of petitioning in Westminster; first to the King and subsequently to the House of Commons. It was the regular practice for the King’s subjects to submit written petitions to parliament that can be traced back to the reign of Edward I. These written petitions were usually of two types: some asked the King for some exceptional or discretionary exercise of royal power; while others stated a grievance against one of the King’s servants or officials, which it was the duty of the King to redress (Brand, 2004, p. 14). The routine submission of individual petitions of the kind that had become common after Edward’s accession seems to have been traced back to 1275. Although one might expect that a formal decision to admit or even invite individual petitions to parliament, there is no surviving record of such a decision, nor of its communication to the king’s subjects. Sayles (1975) reports that such a decision was made “in 1275 or shortly afterwards” as there was “a very real change in the workings and in the nature of parliament at the beginning of Edward I’s reign” (p. 76). Maddicott (1986) suggests that in the absence of surviving sufficient documentary evidence that private petitions were submitted in large numbers to parliament in 1275, it is enough to suggest that some at least were and the practice of private petitioning probably began with the first parliament of Edward’s reign (p. 25).

In 1804 William Illingworth compiled a report for the UK Commissioner of Public Records on the parliamentary petitions at the Tower of London. In this report Illingworth mentions the existence of a “bundle of 90 private petitions to the King and Council from the Year 7 Edward I (1278-9) (Brand, 2004, p. 16). It would appear that none of these original bundles now survive. The only bundle of early petitions that appears to have survived intact is one containing 141 petitions submitted to the Westminster parliament of the summer of 1302 (Dodd, 2001, p. 138). “It was only

with the emergence of the common petition as a regular institutional form and its adoption as the primary vehicle for initiation of legislation in the course of the fourteenth century that petitions came to take the centre of the parliamentary stage” (Brand, 2004, p. 38). Many of the statutes in the House of Commons in the fourteenth century and fifteenth century originated as petitions. According to Erskine May these statutes were drafted by judges by combining a petition with the King’s response (McKay, 1997). By 1665 petitions had been consolidated in procedure (Read Foster, 1974), and more and more, the House of Commons had come to insist on written, formal communication with the Crown. There was a distrust of the King and his officials and security was sought in the written word: “I think it best to recommend it to the King by petition in writing, for that which is done by word the manner may be forgotten, but *littera scripta manet* (written letters endure)” (United Kingdom House of Commons Parliamentary Debates, 1621, p. 58).

In 1669, the right to petition the UK House of Commons was formalised with the passing of the following two resolutions:

That it is the inherent right of every Commoner of England to prepare and present petitions to the House in case of grievance; and the House of Commons to receive them;

That it is the undoubted right and privilege of the House of Commons to adjudge and determine, touching the nature and matter of such petitions (Wilding & Laundry, 1972, p. 563).

Although long established as a fundamental right in England, the path of petitioning has not always run smoothly (Read Foster, 1974). For example, under the reign of Charles II, petitioning to convene parliament was punishable as high treason. James II confined bishops to the Tower of London (a prison) for petitioning against his religious policies (van Voss, 2002, p. 4). These attempts at restricting petitions culminated in its being included in the *1689 Bill of Rights*: “That it is the right of the subjects to petition the King, and all commitments and prosecutions for such petitioning are illegal” (Handley, 1993, p. 291). The right to petition is linked with the expression of other rights too, namely, “freedom of association”, “freedom of

expression” and “freedom of assembly” (Handley, 1986, p. 123). In the eighteenth century, the right to petition brought about the right to assemble in order to draw up, discuss and sign the petition. Fourteen thousand supporters accompanied Lord George Gordon to Westminster in 1779 to present a petition relating to the relief of anti-Catholic measures in the British Parliament (Tilly, 1995, p. 160). Although the right to petition isn’t expressly mentioned in the *United Nations Universal Declaration of Human Rights*, the right to take part in the government and freedom of assembly are (Handley, 1993).

The increase in number and the sheer size of petitions being presented to parliament, meant that, by 1831, the debating of petitions was dominating the business of the UK House of Commons and was frustrating the programme of the government (Judge, 1978). In a bid to curtail this flood of petitions, in 1836, the UK House of Commons adopted a procedural rule effectively preventing debate on the presentation of a petition (Leys, 1955). This gag rule formed the foundations for the series of standing orders, adopted in 1842, which made the presentation of petitions a formal proceeding incapable, except in rare cases, of giving rise to debate (Judge, 1978). “This had the desired effect and severely limited the effectiveness of the petition as a form of protest” (Campion, 1946, p. 1011). The introduction of the gag rule coincided with a growing sophistication of the political process and the opening of new channels for protest, such as the fledgling trade union movement. As other avenues for protest began to emerge, petitioning fell into decline. And so it was that petitioning came to be thought of as merely the formal presentation of a petition to parliament (Handley, 1993, p. 294). Much remains unchanged today.

### **Petitions today**

Petitioning parliament for the redress of grievances has waxed and waned since its heyday of the 1800s, however it has not disappeared altogether. In fact petitions are still very much a part of the daily ritual of a sitting day in Westminster parliaments. It is now recognised that petitions play an important role in the “contemporary democratic process” (Fox, 2009, p. 683). There seems to be somewhat of a renewed interest in parliamentary petitions in recent years after a long hiatus (Carman, 2008; Ellingford, 2008; Finnimore, 2008; Maer, 2008; Murphy, 2007; Palmieri, 2008;

Sanucci, 2007; Williams, 2008). A number of parliaments have revisited their petitioning processes after a long period of stagnation. This in part has been prompted by advances in information technology. The potential afforded by ICT in strengthening the link and enabling parliamentarians to engage more with members of the public and interest groups is the subject of much research (Clift, 2004; Coleman, 2001; Coleman, 2006; di Gennaro & Dutton, 2006; Ferguson & Miller, 2007; Global Centre for Information and Communication Technologies in Parliament, 2007; Hacker & van Dijk, 2000; Hansard Society, 2008; Kingham, 2003; MacIvor, 1996; Miller & Williamson, 2008; OECD, 2003; Prins, 2001; Smith, 2005; Ward, Gibson & Lusoli, 2005; Ward, Lusoli & Gibson, 2007; Williamson, 2009).

Sophisticated electronic petitioning systems have been introduced in the Scottish and German parliaments (Carman, 2008; McMahon, 2004; Scottish Parliament Public Petitions Committee, 2009; Seaton, 2005; Smith & Gray, 1999). The Australian House of Representatives Standing Committee on Procedure report (2007) argued that electronic petitions are seen as a reflection of societal changes in modern information communication technologies and that they are also seen as a way of enhancing the democratic process:

The Committee considers that disallowing electronic petitions in the 21<sup>st</sup> century essentially denies a growing number of petitioners the opportunity to air their grievances. New information communication technologies, notably the internet and email, can generate huge support on issues. The mere fact that a person has not set up a booth outside the local supermarket should not render that petition any less meaningful: ‘real individuals’ also use the internet (Australian House of Representatives Standing Committee on Procedure Report, 2007, p. 38).

In the period 2006-2009 the United Kingdom’s House of Commons Procedure Committee tabled reports into electronic petitions (Maer, 2008; United Kingdom House of Commons Procedures Committee, 2006; United Kingdom House of Commons Procedures Committee, 2008; United Kingdom House of Commons Procedures Committee, 2009). The reports recommended that the House of Commons introduce an electronic petitions system (United Kingdom House of Commons

Procedure Committee, 2008). Closer to home, the Queensland Parliament introduced a trial electronic petitions system in 2002, as part of the Queensland Government's e-democracy strategy (Finnimore, 2008). The Tasmanian Parliament has also introduced an electronic petitions system, based on the Queensland model (Finnimore, 2008; Williams, 2008). The Australian Senate and the Northern Territory Legislative Assembly also accept electronic petitions. The Western Australian Legislative Council is currently investigating electronic petitions (Western Australian Parliamentary Debates, 5 June 2008, p. 3518).

### **Petitions an untapped library resource**

The first petition presented to the Western Australian Legislative Assembly, since the State obtained responsible government, was tabled on 24 February 1891. There are examples of earlier petitions tabled in parliament in the period of representative government (Gill, 1981). The petition was presented by Mr David Symon, the Member for South Fremantle. It was signed by four hundred and forty residents of Fremantle. The petition prayed that:

The Assembly would cause the present differential duties on raw and manufactured tobacco to be retained as at present until the tobacco industry had been fairly established; and suggesting that, if revenue were urgently required, an increase should be imposed upon the manufactured article corresponding with that now proposed to be levied upon the raw material (Western Australian Parliamentary Debates, 24 February 1891, p. 408).

Research into the parliamentary records reveal that since then, a further 4552 petitions have been presented to the Western Australian Legislative Assembly (See Appendix 1). These petitions represent some thousands of signatures. Details of each of these petitions are contained in the bound volumes of the *Votes and Proceedings* and the Western Australian *Parliamentary Debates* that are found in library collections throughout Australia. The original petitions can be found at the State Records Office of Western Australia. As an accessible and primary resource they hold much promise as a historical resource. They contain a wealth of unexploited data about the history and evolution of Western Australian society.

Our State archives show that Western Australian history is not black and white, but crosshatched and shaded, a patchwork of relationships that have ranged from indifference to aggression, and everything in between. State archives are not just dry factual accounts of government; they are capable of revealing much about the human condition (Gallop, 2004, p. 4).

Gill (1981) observes when writing about the significance of petitioning for politics of pre-convict Western Australia that “the analysis of the people who signed these and other petitions, in terms of their age, length or residence in the colony, their social status, and the area of residence, will provide a new and broader perspective to the politics of pre-convict Western Australia” (p. 50). Analysing the significance of petitions over time may go some way towards “rescuing the humble petition from the obscurity into which it has been consigned” (Pickering, 2001, p. 370).

Much of the traditional literature on parliament has focussed on its relationship with the executive (Chalmers & Davis, 2000; McIntosh, 1989; Mulgan, 2004; Tomlinson, 1998). While that relationship is crucial it is not the only relationship that is fundamental to the health of the polity. Parliament is the essential link between the people and government. It has been said that parliament “belongs to the people” (Read, 2000, p. 35). Parliament has been characterised as the body through which the people speak to government and the government speaks to the people. However, the relationship of the people to parliament – and of parliament to the people – has been subject to relatively little attention. Fortunately, this is now changing with advances in information and communication technologies (ICT) (Burt & Taylor, 1999; Cote & Bogue, 2003; Harrop, Thompson & Campbell, 1999; Lyons & Lyons, 1999; Magarey, 1999; Moniere, & Elias, 2001; Mulder, 1999; Neumann, Mambrey & Sieverdingbeck, 1999; Norris, 2004).

Yet, significantly, in the discussion of parliament’s relationship with the public, one of the fundamental principles of the constitution – the right of petitioning parliament for the redress of grievances – has been and continues to be, neglected (Judge, 1978, p. 391).

A review of the literature pertaining to petitions has found that thirty years after this statement was made, it still remains true (Hoyle, 2002). The history of petitioning in medieval England has been the subject of considerable scholarly attention (Dean, 2002; Dodd, 2007; Guy, 1982; Hirst, 2006; Hulme, 1935; Kyle & Peacey, 2002; Leys, 1955; Reeve, 1986; Relf, 1917; Zaret, 1996). So too in the United States, where the right to petition is entrenched in the Bill of Rights (Handley, 1993, p. 294). When writing about colonial politics in the United States, Higginson (1986) found that in communities that lacked developed media or party structures and that provided limited suffrage, petitioning supplied “vital information” to legislators (p. 157). However anti-slavery mass-petitions of the Abolitionists “made the petitioning process less a means by which legislators were informed of public opinion, and more an offensive device for propaganda” (Frederick, 1991, p. 113).

An example of a recent initiative highlighting petitions was a major exhibition mounted in partnership between the Parliament of Victoria and the Public Record Office Victoria as part of the celebrations for the 150th anniversary of responsible government in Victoria. The exhibition, *And your petitioners humbly pray: 150 years of petitions in Victoria* (November 2006 – April 2007) provided an opportunity for members of the public and the research community to view a range of petitions presented to the Victorian Parliament over the past 150 years. The exhibition showcased Victoria’s development and reflected the diverse voices of the people of Victoria as heard via the petitions. The petitions were chosen to reflect the social concerns of the time and included “some of the more whimsical or quirky petitions that reflected the passions and preoccupations of individuals and interest groups”. (Public Record Office of Victoria, 2007, p. 38).

## **Conclusion**

This article hopes to draw attention to the petition as an important and under-utilised primary historical resource. Petitions are potentially a rich source of significant information about the documentary history of a state such as Western Australia, and as such they could be the subject of further information studies related research. However, parliamentary petitions appear to have been neglected by academia. There has been very little written about petitions in the Australian political science arena, let

alone in the information studies sector. Petitions are an untapped library resource. As Dr Williams (2008) notes in an address to the Australasian Study of Parliament Group petitions are a “fairly under-researched area and ripe for research” (p. 4).

## Appendix 1

### *Petitions Tabled in the Western Australian Legislative Assembly 1890-2004*

<b>Year</b>	<b>Parliament</b>	<b>Session</b>	<b>Legislative Council</b>	<b>Legislative Assembly</b>
1890/1891	1	1	0	1
1891/1892	1	2	0	8
1892	1	3	0	4
1893	1	5	0	0
1893	1	4	57 <sup>(b)</sup>	5
1894	2	1	0	3
1895	2	2	0	3
1896	2	3	1	1
1897	3	2	2	3
1897	3	1	0	0
1897	2	4	0	0
1898	3	3	6	3
1899	3	4	2	13
1900	3	6	4	11
1900	3	5	0	0
1901/1902	4	1	2	13
1902	4	2	8	5
1903/1904	4	3	4	7
1904	5	1	2	6
1905	6	1	0	0
1905	5	2	0	0
1906	6	2	0	1
1907	6	4	1	0
1907	6	3	0	3
1908	6	5	0	0
1908/1909	7	1	5	0
1909	7	2	0	1
1910/1911	7	3	2	5
1911	8	1	2	1
1912	8	2	2	0
1913	8	3	4	6
1914	8	4	0	0
1914/1915	9	1	0	0
1915	9	2	3	3
1916/1917	9	3	2	1
1917	9	4	0	0
1917/1918	10	1	0	1
1918	10	2	1	0
1919	10	3	0	0
1920	10	4	5	1
1921/1922	11	1	0	0
1922/1923	11	2	1	2
1923	11	3	0	3
1924	12	1	0	0

<b>Year</b>	<b>Parliament</b>	<b>Session</b>	<b>Legislative Council</b>	<b>Legislative Assembly</b>
1925	12	2	0	<b>0</b>
1926	12	3	1	<b>3</b>
1927	13	1	0	<b>0</b>
1928	13	3	0	<b>2</b>
1928	13	2	0	<b>0</b>
1929	13	5	0	<b>0</b>
1929	13	4	1	<b>0</b>
1930/1931	14	1	0	<b>0</b>
1932	14	2	1	<b>1</b>
1933	15	1	0	<b>0</b>
1934	15	3	0	<b>0</b>
1934	15	2	0	<b>0</b>
1935	15	4	0	<b>0</b>
1936	16	1	0	<b>0</b>
1937	16	2	0	<b>1</b>
1938	16	3	0	<b>0</b>
1939	17	1	0	<b>0</b>
1940	17	2	0	<b>0</b>
1941/1942	17	3	0	<b>0</b>
1942/1943	17	4	0	<b>0</b>
1943	17	5	0	<b>0</b>
1944	18	1	0	<b>0</b>
1945	18	2	0	<b>0</b>
1946	18	3	0	<b>0</b>
1947	19	1	0	<b>0</b>
1948/1949	19	2	0	<b>3</b>
1950	20	1	0	<b>0</b>
1951	20	2	0	<b>0</b>
1951/1952	20	3	0	<b>2</b>
1952	20	4	0	<b>0</b>
1953	21	1	0	<b>2</b>
1954	21	3	0	<b>0</b>
1954	21	2	0	<b>0</b>
1955	21	4	0	<b>2</b>
1956	22	1	0	<b>1</b>
1957	22	2	1	<b>0</b>
1958	22	3	1	<b>0</b>
1959	22	1	1	<b>1</b>
1960	23	2	0	<b>0</b>
1961	23	3	1	<b>0</b>
1962	24	1	0	<b>0</b>
1963	24	2	1	<b>25</b>
1964	24	3	0	<b>2</b>
1965	25	1	0	<b>1</b>
1966	25	2	2	<b>3</b>
1967	25	3	0	<b>1</b>
1968/1969	26	1	2	<b>3</b>
1969/1970	26	2	4	<b>17</b>
1970	26	3	0	<b>1</b>
1971	27	2	0	<b>2</b>

<b>Year</b>	<b>Parliament</b>	<b>Session</b>	<b>Legislative Council</b>	<b>Legislative Assembly</b>
1971	27	1	0	<b>13</b>
1972	27	3	2	<b>6</b>
1973	27	4	0	<b>4</b>
1974	28	1	1	<b>6</b>
1975	28	2	2	<b>7</b>
1976	28	3	7	<b>23</b>
1977	29	1	1	<b>6</b>
1978	29	2	2	<b>67</b>
1979	29	3	13	<b>115</b>
1980	30	1	5	<b>42</b>
1981/1982	30	2	20	<b>143</b>
1982	30	3	5	<b>49</b>
1983/1984	31	1	102	<b>139</b>
1984/1985	31	2	35	<b>101</b>
1985	31	3	10	<b>32</b>
1986	32	1	15	<b>79</b>
1987	32	2	29	<b>139</b>
1988	32	3	36	<b>135</b>
1989	33	1	109	<b>136</b>
1990	33	2	63	<b>220</b>
1991/1992	33	3	32	<b>164</b>
1992	33	4	29	<b>156</b>
1993/1994	34	1	85	<b>105</b>
1994/1995	34	2	99	<b>121</b>
1995	34	3	107	<b>129</b>
1996	34	4	97	<b>131</b>
1997/1998	35	1	101	<b>148</b>
1998/1999	35	2	72	<b>253</b>
1999/2000	35	3	39	<b>133</b>
2000/2001	35	4	31	<b>60</b>
2001/2002	36	1	63	<b>211</b>
2002/2004	36	2	123	<b>434</b>

Notes:

(a) These statistics were sourced from the *Parliamentary Digest of Western Australia* (Western Australian Legislative Assembly, 1998; Western Australian Legislative Assembly, 2000; Western Australian Legislative Assembly, 2004)

(b) The statistics in this table are as they appear in the *Parliamentary Digest*. This figure may be a typographical error.

(c) The *Parliamentary Digest* for the period 2004-2009, which covers the Thirty-seventh Parliament has not yet been published.

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