



**Literature Review:
Petitions, Rhetorical Genre, and Archival Diplomats**

NA13: Patents, Petitions, and Trust Project

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A Preamble

I Introduction

Doubtless, we have all had invitations to sign e-petitions pile up in our email inboxes -- perhaps we have even already investigated the recently launched Government of Canada e-petition platform.¹ That the petition as a recognizable document type is undergoing a metamorphosis from purely physical instantiations to hybrid and/or purely digital instantiations is uncontroversial; however, discerning the significance and implications of this shift is somewhat less straightforward. As Project NA 13: Patents, Petitions, and Trust moves toward the collection and analysis of data concerning petition “behaviour” in practice, within the confines of municipal governance, a solid conceptual framework of the petition and its place in human activities is required in order to support durable insights toward evidence-informed models of trust in the digital environment.

To this end, from October 2015 to February 2016, a preliminary review of the literature toward constructing that framework was conducted. Using the petition as it presents today along with its well documented history as a frame of reference, the review sought to interrogate rhetorical genre theory and its intersections with archival diplomatics as a means of illuminating their mutual functions of revealing and elaborating the mutual indexicality of *record* and *phenomenon* in the administrative context. The fulfillment of this goal will contribute to a better-informed analysis of primary data once it is collected. With a motivating objective of creating an operational definition of *petition*

¹ Canada has certainly not been the first; e-petitioning was previously established in the US (2011), the UK (2006), the German Parliament (2005), the Government of Queensland (2004) and the Scottish Parliament (2000). Lindner and Riehm provide a cross comparison of the latter three.

within the confines for the project, and making from preliminary predictions about what we might expect to see in a Canadian municipality, this review has surveyed some of the historical, rhetorical, and social baggage that the petition carries.

Why are petitions a rich site of research for recordkeepers, and what can the act of elucidating their functions contribute to how *trust* is conceptualized in the digital environment? Jenkinson articulated that which makes archives (records) special and worthy of regard by means of enumerating a number of signature characteristics: authenticity, interrelatedness (archival bond), impartiality, and naturalness.² These foundational characteristics are too easily taken for granted – like so many decontextualized and symbolized mathematical formulae. The pursuit of understanding how petitions as a document exemplar correspond with human activities *through the lens of rhetorical genre theory* has been an illuminating exercise that has served to animate and dramatize the reciprocal embeddedness of written discourse – as records – with phenomenological reality (i.e., Jenkinson’s characteristics).

II General Overview

1. Study Description

To reiterate, the project’s research revolves around the study of petitions from multiple perspectives and by means of different methodologies. With an eye to contributing to the fundamental understanding of the concepts delineating the petition genre, the study maintains a practical goal of contributing to the improvement of presentations of petition documents online. Corresponding with the elucidation of the petition as

² Summarized by Luciana Duranti, “Interrelatedness (Record)” in *Encyclopedia of Archival Science*, edited by Luciana Duranti and Patricia Franks, 236. Original articulation by Hilary Jenkinson, *A Manual of Archive Administration* (London: Percy Lund, Humphries & Co., 1937), 11-12.

political and legal instrument, the study seeks to enhance understandings of trust in digitally represented petitions. By applying concepts and methods derived from diplomatics and rhetorical genre studies, this project will analyze the complex web of interrelated records, and records systems, involved in the petition genre as well as the not-less-complex apparatus of laws, institutional rules, and social practices supporting it.

2. Research Objectives

NA 13: Patents, Petitions, and Trust will investigate the meaning of the term "petition" in the Canadian/British juridical system from the early 1800s until today. While it stands that not all "formal requests"³ are within the scope of our project, but rather only those involving collective will and societal goals, historical commentary with pertinence to the development of the genre as it presents today, as an instrument of collective redress, will be considered. A preliminary goal of the literature review phase of this research is to formulate a defensible definition of the word "petition" and its ostensible function.

The project will consider the evolution of the petition genre from three perspectives: 1) juridical-administrative (national/provincial laws, local policies and regulations re: legal validity, requirements, etc.); 2) sociological (interactions citizens-government, expectations of form and content, social motives, moral effects, etc.); 3) technological (affordances and limitations of paper, electronic, online petitions and competing technologies, etc.). Toward this end, this literature review has been prepared to outline the conceptual framework against which empirical data collected on the actual behaviour of petitions and e-

³ "Prayer," *A Dictionary of Law*, ed. Jonathan Law, (Oxford: Oxford University Press, 2016). Defines "prayer" as "a formal request contained in a petition to a court for the relief sought by the petitioner.

petitions *in situ* will be mapped, and is primarily concerned with the second perspective: sociological. This mapping will contribute to a richer understanding of the petition and allow meaningful analysis. The majority of reviewed literature comes from the social sciences domain; however, a notable exception to this comprises materials extracted from the humanities.

3. Research Questions

The guiding research question of this study asks, “Is the online environment changing the nature of petitions? If so, how?” For the purposes of the literature review, from this guiding question, refining research questions are posed: what are the inherited (and ostensibly heritable) traits exhibited by the petition as a generic document type? Further to this, how can we describe, and what predictions can we make about the behaviour of the petition and e-petition type, *today*, once they are received by the addressee, based on existing accounts? If we are interested in the petition as an analogue pointing to substantial human activity (and we are), does the framing mechanism of rhetorical genre studies (RGS) work to clarify and codify the relationship between a complex reality and its presentation in conventionalized text? In a similar vein, what does the discipline of archival diplomatics offer to constructing a framing mechanism, and does it play nicely with RGS to form a coalesced heuristic that will contribute to a rich investigation of the changing nature of petitions?

III Literature Review Overview

To date, approximately thirty scholarly sources have been consulted and are discussed in the ensuing review; numerous others have been identified for later integration. In the interest of grounding and contextualizing the academic discourse on and around the subject of e-

petitions, which represent a story still unfolding, various additional governmental and popular sources were consulted in order to illuminate evolving political procedures and popular animus toward a better understanding of the *kairos* and *exigence* (foundational terms relating to genre, discussed in detail below). While these resources are generally not integrated into the review.

1. Orientation

The literature review has been oriented toward constructing a conceptual schema against which empirical observations of petitions at work in a Canadian municipality could be compared, contrasted and made sense of. To reprise, the review of the literature was aligned along three perspectives: technological, juridical, and sociological. Among resources retrieved, four main categories emerged:

- History of petitions in the Canadian context and elsewhere
→ typical perspectives: Juridical, technological
- Characteristics contributing to the enactment and efficacy of petitions and e-petitions
→ typical perspectives: Juridical, sociological
- Rhetorical genre studies, and its occasional confluences with archival diplomatics
→ typical perspectives: Sociological, juridical

2. Search Methodology

The review was carried out in as systematic a way as possible. At the outset, questions were analyzed to extract core concepts and relationships, and a number of structured queries were constructed. The most fruitful sites for mining academic commentary on petitions, genre, and rhetorical genre theory included literature across the disciplines of law, sociology, linguistics, rhetoric, political science, and history.

a) Strategies

- Structured searches using synonyms and Boolean operators
- Back-chaining
- Forward-chaining
- Pattern Recognition (especially in terms of recurring author names, publication names)

By a considerable margin, the back-and-forward chaining of citations was the richest mode of discovery. The analysis of the web of academic discourse central and tangential to RGS revealed certain works that were cited and analyzed in depth, most notably those by Miller⁴, Bhatia^{5 6}, and Bazerman.^{7 8} Further, research by Foscarini⁹ make linkages between diplomatics and RGS as complementary and mutually revelatory analytical methods in archival and records management studies.

b) Sources

- Google Scholar – particularly useful for the forward and back chaining of resources and confirming citations
- Google Web – for popular and government sources
- UBC Library Catalogue –for retrieval of known print items
- Proprietary databases accessed via UBC CWL

⁴ Carolyn R. Miller, "Genre As Social Action," *Quarterly Journal of Speech* 70, no. 2 (1984): 151-167. doi:10.1080/00335638409383686

⁵ Vijay K. Bhatia, *Analysing Genre: Language Use in Professional Settings*, (London and New York: Longman, 1993).

⁶ Vijay K., Bhatia, "The Power And Politics Of Genre," *World Englishes* 16 no. 3 (1997): 359-71. doi:10.1111/1467-971x.00070.

⁷ Charles Bazerman, "Systems Of Genres And The Enactment Of Social Intentions," in *Genre and the New Rhetoric*, edited by Aviva Freedman and Peter Medway, pp. 79-101. (London: Taylor & Francis, 1994)

⁸ Charles Bazerman, "Genre And Identity: Citizenship In The Age Of The Internet And The Age Of Global Capitalism," in *The Rhetoric And Ideology Of Genre: Strategies For Stability And Change*, edited by R. Coe, L. Lingard, & T. Teslenko, pp. 13 37 (Cresskill, NJ: Hampton Press, Inc., 2002).

⁹ Fiorella Foscarini, "Diplomatics and genre theory as complementary approaches," *Archival Science* 12 (2012):389-409. DOI 10.1007/s10502-012-9173-6

c) Collection and Tracking

The citation tracking management web application Zotero was used in Google Web and Google Scholar where possible, with selected titles being categorized in folders corresponding to date and the query that retrieved it. In some instances Zotero was not equipped to collect full text PDFs in which case the citation information was retained in Zotero, but the full text was manually downloaded and organized into a separate system of folders. All full text articles were named according to a convention (file names corresponding to author name and year). PDFs were annotated, and notes summarizing and commenting on the articles were compiled in a systematic Excel spreadsheet documenting mode of discovery.

B. The Literature

I. Why Study Petitions?

Petitions are taken as a well-defined example of a document type with a generally stable, or at least eminently recognizable presentation over time. This is due in large part to a constant function served over time but also to the legal constraints characterizing this genre from its inception. Since the petition is also currently in a state of flux (from analogue to digital) it presents a site of inquiry that permits temporally-based comparisons that are expected to shed light on the intrinsic nature of the genre(s) at work. The following sections comment on the value of using the petition type as an exemplar for tracing change using RGS, and to a lesser extent, diplomatics.

1. Articulations of the value of petitions as a site of inquiry

In 2010, Gudrun Held published the results of a study into the linguistic evidence of “face saving” and politeness presented by medieval European

petitions.¹⁰ In defining what the petition as a genre offers toward gaining insight into people's interior lives and motivations toward fulfilling expectations of decorum and social station, Held also explicates why the petition is a rich site for analysis for archivists and recordkeepers in general, and for our research in particular, concerned as it is with exploring how records can describe actions. Held summarizes¹¹:

- Petitions are speech acts carried out in an asymmetric interpersonal relationship; thus power is nearly always the constituting feature and as such the most important variable from a historical view.
- Petitions are ritualised public interactions where individual aspects are subordinated to coercive social constraints
- Petitions are part of the epistolary genre and thus fruit of their own rhetorical tradition and instructive literature.
- Petitions are ubiquitous and timeless political instruments that yield cross-cultural data for comparative analysis in which similarities, differences and changes can be pointed out.

The relevance of the petition as a speech act and its implications for genre is elaborated by Bazerman and is integrated later in this review. Although it might be argued that Held's research into medieval European petitions falls outside of our main locus of our research in the Canadian context, I contend that it is not only relevant but provides a foundational confirmation of why petitions are a valuable document type for investigating such large issues as power dynamics, as well as recordkeeping notions such as authenticity & impartiality (here, the meaningful relationship between record and phenomenon), and the transition from orality to written texts.¹² As the petition provides a window into a fundamental shift in information culture and technology

¹⁰ Gudrun Held, " 'Supplica La Mia Parvidade...' Petitions In Medieval Society – A Matter Of Ritualised Or First Reflexive Politeness?" *Journal of Historical Pragmatics* 11 (2010): 194–218. doi:10.1075/jhp.11.2.02hel

¹¹ Ibid., 195-6

¹² Ibid., p. 212.

(from speech to paper, presented by Held) so too might it inform understandings of the contemporary shift (from paper to digital). Furthermore, Held, in imposing the five phases of classical rhetoric on the body of a petition (what she arranges under the heading, “structural constraints”), provides a direct mapping to many intrinsic elements we recognize from diplomatic criticism,¹³ and which she correlates to discursive “moves” and describes by virtue of the social function they represent¹⁴. Corresponding diplomatic elements are added by the author of this review and are in [brackets]:

- Every letter starts with a complex *salutatio* [protocol: inscription, salutation], mostly contracted with the *exordium* [text: preamble] as a simple pre-sequence securing in advance a well-established interpersonal relationship.
- This is followed by the *narratio* [text: exposition]
- The head act is part of *petitio* itself [text: disposition], dominating the illocutionary hierarchy, and determining and holding the other components together [text: disposition]
- Usually there is a brief and very formulaic conclusion [eschatocol, potential final clauses such as promissory and/or complimentary]

Although here *petitio* corresponds to what we might recognize as the *disposition* of a diplomatic document, it is notable that the classical rhetorical element *petitio* is an exact word match for what Luciana Duranti has articulated as the initiating phase of an administrative procedure.¹⁵ As previously stated at the beginning of this review, the etymology (Latin, *petere*, “to request”) surrounding “petition” also describes generally any type of formally articulated demand originating outside of a governance structure, or, an impulse travelling from inferior

¹³ Luciana Duranti, “Diplomatics Part V” *Archivaria* 32 (Summer 1991): 11-16.

¹⁴ Held, p. 201.

¹⁵ Luciana Duranti, “Diplomatics: New Uses for and Old Science, Part IV” *Archivaria* 31. (1991):12-13. All phases of procedure are as follows: Initiative, Inquiry, Consultation, Deliberation, Deliberation Control, Execution.

to superior power,¹⁶ and is to be contrasted with administrative procedures that is initiated internally, referred to as an *ex officio* initiation of administrative procedure

In that petitions are “the fruit of their own rhetorical tradition and instructive literature,”¹⁷ we see enunciations of a strong pattern not only in inheritance of conventions (i.e., a single petition is both the generic heir of predecessors and progenitor of successors) but also in integration of external recommendations prescribed by manuals. Thus the form of the petition is both a social *description* – a residue of the way things *are* – as well as a social *prescription* – an articulation of the way things *ought to be*.

This tack describing the legal stability of the petition genre is continued throughout an entire volume, edited by Lex Heeren van Voss, *Petitions in Social History*.¹⁸ Van Voss’ introduction reinforces not only that petitions are remarkably formally conservative, but that due to their role in society of low power speaking to elevated power, are excellent historiographical sources. He defines the petition simply¹⁹:

“Petitions are demands for a favour, or for the redressing of an injustice, directed to some established authority.”

This is however very soon after qualified that the tone and tenor of the petition as we know it (and we do know it, because we can recognize as a genre²⁰) reflects existing power dynamics, but does not explicitly seek to subvert them. As for how petitions were (and arguably, still are) used,

¹⁶ “Petition,” *The Concise Oxford Dictionary of English Etymology*, ed. T.F. Hoad (Oxford: Oxford University Press, 1996). DOI: 10.1093/acref/9780192830982.001.0001/acref-9780192830982-e-11247

¹⁷ Held, *Supplica La Mia Parvidade*, 195-6. See full list on p.12 of this review.

¹⁸ Lex Heerma van Voss, “Introduction,” In *Petitions in Social History*, ed. Lex Heerma van Voss (Cambridge: Cambridge University Press, 2002), 1–10. doi:10.1017/cbo9780511550164.001.

¹⁹ *Ibid.*, p. 1.

²⁰ *Ibid.*, p. 2

governments have the prerogative of acting or not acting, but the subtext implicit in the petition suggests a tacit threat of revolt or democratic ousting.²¹ That the petition has tentacles in meaningful administrative acts, writes van Voss, “the right to petition could easily develop into a crystallization point for other popular rights.”²² To borrow vocabulary from Bazerman, the petition is a “lever” that exerts, well, leverage on human activities.

Several sources agree that petitions have a secondary use by governments in functioning as an indicator of popular sentiment, and of the issues of import to citizens. Today, the Hansard Society refers to this derisively in the current e-petitioning platform in the United Kingdom as the power of digital petitioning amounting to merely “a finger in the wind;”²³ Gronland and Susha, again in the digital context, similarly maintain this metaphor for e-petitioning as a “toe in the water.”²⁴ Van Voss confirms that this is nothing new and that petitions, even in the nineteenth century and earlier, were used to feel the ‘temperature’ of the relationship between citizens and the state. In fact, he writes, “even the most autocratic of governments used petitions as a source of information about popular feeling.”²⁵ As the review of the literature progresses, this statement about the expressive functions of petitions becomes relatively more important.

A particularly informative chapter in van Voss’ anthology, Andreas

²¹ Ibid., 3

²² Ibid., 3

²³ Hansard Society, *What Next for E-Petitions?* (London: Hansard Society, 2012), 9. <http://www.hansardsociety.org.uk/wp-content/uploads/2012/10/What-next-for-e-petitions.pdf>

²⁴ Åke Grönland and Iryna Susha, “A Communication Genre Perspective on e-Petitioning: The Case of the Citizens’ Initiative” in *eParticipation*, ed. E. Tambouris, A. Macintosh, and Øystein Sæbø, 37–48. Lecture Notes in Computer Science. IFIP International Federation for Information Processing. Springer Berlin Heidelberg, 2012. doi:10.1007/978-3-642-33250-0_4

²⁵ van Voss, “Introduction,” 4.

Wurgler's "Voices from Among the 'Silent Masses',"²⁶ the proposition is raised that petitions, in addition to being generally valuable from a historical perspective inasmuch as there are many, and they are well preserved, also shed rare light on what are usually conceived of as the "silent masses" of history, as a very function of the fact that the genre exacts ritualized communication *from commoners to the elite*. That is to say, petitions allow us to study *ordinary people*.²⁷

[Petitions are] produced by individuals or groups, regardless of their age, status, class, ethnicity, religion, or sex. As they were composed in the most varied situations of life, they document needs and interests, hopes and experiences, attitudes and activities.

Wurgler uses the petition as a conduit into investigating what he calls "social conflicts." He defines the term (citing Lewis A. Coser):²⁸

Social Conflict may be defined as a struggle over values or claims to status, power, and scarce resources, in which the aims of the conflicting parties are not only to gain the desired values but also to neutralize, injure, or eliminate their rivals.

This treatment of social conflict will come to bear in a subsequent section: The Changing Face of the Petition: Implications. Suffice it to say here, that to this point, across the dominant literature, the potential of the petition, as documentary residue of administrative action, to shed light onto both the interior motivations and exterior actions of ordinary people in their interfaces with state power is well recognized and

²⁶ Andreas Würigler, "Voices from Among the 'Silent Masses': Humble Petitions and Social Conflicts in Early Modern Central Europe." *Petitions in Social History* ed. Lex Heerma van Voss. (Cambridge: Cambridge University Press, 2002), 11–34. doi:10.1017/cbo9780511550164.002.

²⁷ *Ibid.*, 12.

²⁸ Lewis A. Coser, "Conflict: Social Aspects," in *International Encyclopedia of the Social Sciences*, Vol. 3, ed. David L. Sills. (New York: Macmillan, 1968), 232-233. Cited in Würigler, "Voices from Among the 'Silent Masses',"13.

documented. Here, the shape of why petitions are important to historians is becoming clearer. That they ought also to be important to recordkeepers, and that they provide a highly (metaphorically) vascularized laboratory for investigating how records management can support the democratic apparatus is also suggested.

The foregoing section describes how and why the investigation of petitions serves as a rich point of entry for recordkeeping research, and what unique value a dissected petition can provide to inquiries into public trust in the petition as a type, and as an instrument, as it migrates into the digital realm.

A synthesis of these sources points to several cardinal characteristics of “petition” which will factor into our final definition:

- The type of petition we are investigating is that which is authored by a collective
- A petition necessarily follows a trajectory of addressivity from low power to high power (Held, van Voss, Wurgler). “Addressivity” is a Bakhtinian term denoting an “utterance/word” which is necessarily addressed *to someone* and anticipates an *answer*.²⁹
- It follows then petitions respect the prevailing power structures. However, intrinsic in any petition request is the tacit threat of substantial citizen action against the government (Berger, van Voss)

²⁹ Martin Irvine, “Mikhail Bakhtin: Main Theories: Dialogism, Polyphony, Heteroglossia, Open Interpretation: A Student’s Guide by Martin Irvine.” *Georgetown University*, 2012. On addressivity, Irvine derives conclusions from Bakhtin’s *Speech Genres and Other Late Essays*, edited by Caryl Emerson and Michael Holquist, translated by Vern W. McGee (Austin, TX: University of Texas Press, 1986): 68, 84; *The Dialogic Imagination: Four Essays*, (Austin, TX: University of Texas Press, 1992): 284). There are also intimations toward Saussurian semiotics, as referred to by Bazerman, (“Systems Of Genres,” 1994) and referred to later in the paper as a contact point between centripetal (langue) and centrifugal (parole). See also page 33 of this review.

<http://faculty.georgetown.edu/irvinem/theory/Bakhtin-MainTheory.html>

- A petition has a rigid structure for which the formal elements can be mapped both the classical rhetoric (grounding in social activity) and archival diplomatics (grounding in idealized systems) (Held, Foscarini).

The next section of this literature review will explore how these observations on this discerned nature and value of petitions correspond to what we know about power relations and communicative competence.

2. Contextualizing the power dynamic

Brown's English Letter Writer advises: "Petitions should contain the state of the petitioner's case in the most modest terms, and then the request must be made in humility."³⁰ Having outlined the elements of a petition that make it recognizable as such, and having established that recognizable petition type depends upon a power differential between involved parties, it follows that this review should elaborate on this observation by consulting literature addressing the implications of what "power dynamic" means, especially in legislative, legal, and official contexts. This is, after all, where the petition "lives."

When it comes to differing approaches of negotiation on either side of the power divide, Michel de Certeau's model of *strategy* and *tactic* has been considered to be particularly useful in doing work to clarify and unify our developing ideas of genre and the petition. De Certeau describes "strategy" as being the mode for the ascendant group, and "tactic" as the mode for the subordinate group. "Strategy" is centralized, codified, and "postulates a place that can be delimited as its own and serve as the base from which relations with an exteriority composed of

³⁰ George Brown, *The New and Complete English Letter-Writer*. (London: For Alex. Hogg, [1770?]), 185.

targets or threats... can be managed."³¹ Clearly the governmental participant – or addressee – in the petition transaction occupies this station. The goal of “strategy” is stability and constancy. Conversely, “tactic” is “a calculated action determined by the absence of a proper locus. No delimitations of exteriority, then, provides it with the conditions necessary for autonomy. The space of the tactic is the space of the other. Thus it must play on the terrain imposed on it.”³² The goal of “tactic” is to adapt the status quo towards marginalized interests. This articulation of having to play on the terrain as provided by higher powers is evocative of the conclusions on the properties of rhetorical genre posited by Bhatia³³ and Spinuzzi,³⁴ not least of all in Spinuzzi’s integration of the idea of the inevitable appearance of “workarounds” in information systems, initially proposed by Bowker and Starr.³⁵

It is expected that in order to be able to execute tactics subordinate participants must know and be able to engage effectively on the substrate offered by the dominant group. This speaks to a certain idea of “communicative competence” (a.k.a., for our purposes, “genre knowledge”).

Regarding “communicative competence,” as Longe explains in his treatment of officialese as a linguistic register, various intersections of class, education, and occupation define how society draws group lines:

Members are predisposed to speaking in a way that corresponds to the groups they belong to. This state of affairs has often led to the branding of a groups manner of speaking ‘jargon’, since what appears to be quite ordinary language to one group is ‘jargon’ to

³¹ Michel de Certeau, “The Practice Of Everyday Life,” *The Norton Anthology of Theory and Criticism*, ed. Vincent B. Leitch (London: W.W. Norton, 1984/2001), 1252

³² Ibid., 1252-1253

³³ Bhatia, “The Power and Politics of Genre,” 359-371.

³⁴ Clay Spinuzzi, *Tracing Genres in Organizations*, (Boston: MIT Press, 2003).

³⁵ Geoffrey C. Bowker and Susan Leigh Star. *Sorting Things Out: Classification And Its Consequences* (Boston: MIT Press, 1998), 159-60.

another. Any aspirant into membership of any group... so constituted must acquire a knowledge of its rule sharing system, or *be competent in its system of communication*. [emphases added]³⁶

Longe goes on to cite a model of communicative competence laid out by Dell Hymes in 1971 consisting of a four-pronged set of criteria for attaining said competence:³⁷

1. Whether the communication is formally possible
2. Whether the communication is feasible given its context
3. Whether the communication is appropriate in the context in which it is used and evaluated
4. Whether the communication is actually performed

Longe makes a further clarification of Hymes four axes, respectively, with material in parentheses provided by the author of this review:

1. Possible → Grammatical (i.e., do the word constructions exist?)
2. Feasible → Psycholinguistic (i.e., can it be rendered coherently by the interlocutor?)
3. Appropriate → Sociocultural (i.e., is it allowed?)
4. Actually performed → *de facto* (i.e., are the channels exoteric?)³⁸

Of these four, the latter two (appropriate and actualized) are seem to be of critical relevance to assessing the role of genre competence for the transacting or petitions. Importantly, Longe also provides a thread connecting three essential participating entities in genre knowledge: (1) "situations typified," (2) "communicative competence," and (3) "restricted language."

"Restricted language," means "the occurrence of some lexical items [which] immediately put us in mind of such [typified] situation."³⁹ These constructions resonate with other assertions on the nature of genre

³⁶ Longe, "Aspects of the Textual Features of Officialese," 302

³⁷ Dell Hymes, "On Communicative Competence," in *Sociolinguistics*, ed. Pride and Holmes, (Penguin Education, 1971), 281. Cited in Longe, 1985, p. 301-302

³⁸ Longe, "Aspects of the Textual Features of Officialese," 302

³⁹ *Ibid.*, 302

forwarded by Miller, Shepherd, Yates, Orlikowski, Bhatia, and Bazerman, and will be addressed in the next section. Thus, a deeper explication of power differentials *in* “situations typified” – namely interactions between the government and the governed – follows here.

Toward this, in discussing an acceptable client-lawyer relationship oriented toward successful access and navigation of the legal system, Baker⁴⁰ posits an exploration of the mechanisms of empowerment in the legal context. Indirectly, Baker provides commentary on what others have termed “communicative competence,” which as outlined in the previous section, is an instrumental factor in successful petitions (i.e., whether petitioners are meeting the correct expectations to be considered worthy of response). She includes a background description of relationship-based, not entity-based dynamics of power in interactions of citizens with governance structures, and asks the questions of legal writing (a heading under which the petition falls) as a practice, with emphases added⁴¹:

“Is it a cultural/political practice, *confirming or challenging* the prevailing legal order and entrenched systems of inclusion and exclusion?”

and:

“Is it an *interpretive, interactive, and constructive* social activity, performed by a powerful public actor who produces moral effects in the world?”

and finally:

“Is legal writing a *conventional practice*, subject only to the habituated patterns of interaction?”

⁴⁰ Brook K Baker, "Traditional Issues of Professional Responsibility and a Transformative Ethic of Client Empowerment for Legal Discourse." *New England Law Review* 34 no. 4 (1999): 809-906. <http://www.nesl.edu/userfiles/file/lawreview/vol34/4/baker.pdf>.

⁴¹ *Ibid.*, p. 98

Baker makes an important connection between “an ethic of value neutrality” endemic in legal discourse (the Bhatia’s 1993 book makes a comparable point for legislative writing⁴²) which is in “tacit support of the status quo.”⁴³

Furthermore, Baker implicitly acknowledges the three persons of the diplomatic interaction embodied in legal writing (author, writer, and addressee), which refers the ascendance of the lawyer, rather than the clergyman, as writer agent, exemplified in Foster and Berger’s analysis of the Cowichan Land Claim Petition, 1909.⁴⁴ Similarly, Peikola’s study of petitions during the Salem Witch Trials presents evidence of a self-and system-aware facilitating writer.⁴⁵ Contemporarily, also, the procedural documentation for the Canadian federal e-petitioning system indicates a possible collapse, or perhaps more accurately, a co-option of the writer and author function, which also implicates the addressee.⁴⁶

Still in the domain of legal writing, or, English for Legal Purposes, in Barraut-Methy’s usage, the conditions that contribute to what we are calling communicative competence are grounded in *positioning theory*,

⁴² Bhatia, *Analysing Genre*, 101-147.

⁴³ *Ibid.*, p.101

⁴⁴ Hamar Foster and Benjamin L. Berger, “From Humble Prayers to Legal Demands: The Cowichan Petition of 1909 and the British Columbia Indian Land Question,” in *The Grand Experiment: Law and Legal Culture in the British Settler Colonies*, ed. Hamar Foster, Benjamin L. Berger, and A.R. Buck (Vancouver: UBC Press, 2009): 240-267.

⁴⁵ Matti. Peikola, "Supplicatory Voices: Genre Properties of the 1692 Petitions in the Salem Witch-Trials." *Studia Neophilologica* 84 sup. 1 (2012): 106-118, DOI: 10.1080/00393274.2012.668078

⁴⁶ Parliament of Canada, “About Petitions and How They Work.” *Parliament of Canada*. <https://petitions.parl.gc.ca/en/Home/About>, accessed January 2016, compared to: Audrey O’Brien and Marc Bosc (eds.), “Chapter 22: Public Petitions,” In *House of Commons Procedure and Practice*, 2nd ed., (Ottawa: Parliament of Canada, 2009) <http://www.parl.gc.ca/procedure-book-livre/Document.aspx?sbdid=E4D62BC0-8E05-4542-B4A2-057BD1DB4A6F&sbpidx=1&Language=E&Mode=1>, accessed October 2015, and House of Commons, *Petitions: Practical Guide*, (Ottawa: Parliament of Canada, 2008) http://www.parl.gc.ca/About/House/PracticalGuides/Petitions/petitionsPG2008_cover-e.htm, accessed October 2015

which the author considers to be “particularly effective for analyzing political discourse”:⁴⁷

not everyone involved in a social episode has equal access to rights and duties to perform particular kinds of meaningful actions at that moment and with those people. In many interesting cases, the rights and duties determine who can use a certain discourse mode ... A cluster of short-term disputable rights, obligations and duties is called a 'position'⁴⁸

Positioning, as Barrault-Methy describes it, is integral to fluency in a given register, and legal and legislative writing, in which the petition is rooted, is a particularly difficult language to master; and perhaps, it is suggested, it is intentionally so in order to reinforce and perpetuated instituted dynamics of power. There is, notes Barrault-Methy, an essential sentiment of “otherness” and inscrutability designed into the fabric legal (and legislative) discourse;⁴⁹ further, citing Bhatia, a genre scholar otherwise noted in this review, this article identifies as notable the “confusion, bewilderment and frustration of law students when faced with ELP” (English for Legal Purposes) as the student is not only learning the law, but also being initiated into a “foreign language.” In sum, “ELP causes a feeling of powerlessness.”⁵⁰ It is not a far stretch to imagine transferring these relationships of dominance and submission to the petitioning transaction between citizens and government.

A question is raised: does expert communicative competence (or the appearance of such) do work to modify, strengthen, obscure, or co-

⁴⁷ Anne-Marie Barrault-Méthy, “Obscurity in the Micropolitics of English for Legal Purposes: Towards an Anthropological Framework,” *Sustainable Multilingualism (Darnioji daugiakalbystė)*, 6 (2015): 64. doi:10.7220/2335-2027.6.4

⁴⁸ Rom Harré, “Positioning Theory: Moral Dimensions Of Social-Cultural Psychology.” *The Oxford Handbook of Culture and Psychology*, ed. Jaan Valsiner (New York: Oxford University, 2012), 193. Cited in Barrault-Méthy, “Obscurity in the Micropolitics,” 64

⁴⁹ Barrault-Methy, “Obscurity,” 67

⁵⁰ Vijay K. Bhatia, “Legislative Writing: A Case Of Neglect In EA/OLP Courses.” *English for Specific Purposes*, 8 (1989): 223. Cited in Barrault-Methy, p. 68.

opt the voices which ostensibly should or must inhere in the typified petitioning action? With the petition founded as it is in feudal traditions of mutual webs of obligation,⁵¹ and on ceremonial enunciations and reifications of those webs, when the petitioners receive expert intervention, or even intervention from the agent of the addressee itself, how does this affect the “behaviour” of the petition *in situ*?

Having attempted to unpack the literature on the nature of the underlying power dynamics present in legal, legislative, and to a lesser extent, political discourse, the following elements are added to our developing definition of “petition” for the purposes of this study:

- To build on a previous note that the petition does not seek to subvert power structures, the petition has an explicit convention, as a genre to ask, not demand. (Brown, Dodd)⁵²
- A petition benefits from communicative competence on the part of the petitioners; an expert or professional writer may be enlisted to enhance this competence for stronger grounding when addressing power (Berger, Longe)
- When a collective accepts participating in the petition transaction, that collective accepts the prevailing power dynamic, and performs work to perpetuate it (Baker)
- The orientation of a petitioning group can be described in terms of positioning theory, which posits a “cluster of rights, obligations, and duties” (Barrault-Methy)
- The language in which petitions (as an instantiation of English for Legal Purposes) are articulated tends toward to opaque, obscure, and archaic (Barrault Methy, Bhatia)

3. The changing face of the petition: Implications

To this point all definitions of the petition document type have segued

⁵¹ Explicit advice from letter-writing manuals such as *Brown’s English Letter Writer* (17th C) exhort petitioners to be obsequious, and Johnson explains this in terms of “petitions of grace” (pp. 219-220) which beg for unearned favour, and do not assert established rights.

⁵² This is also explicitly stated in House of Commons. *Petitions: Practical Guide*. Ottawa: Parliament of Canada, 2008
http://www.parl.gc.ca/About/House/PracticalGuides/Petitions/petitionsPG2008__cover-e.htm

with our research focus of examining traces of collective requests for redress from low to high power stations. The first section described the preliminary rationale for assigning petitions stature as a valuable scene of interrogation, and the subsequent sought to expand on the interplay between these stations toward setting up a mechanism for insight into what the petition *does* in the substantial world. But where does the collective petition, as this aforementioned instrument, spring from, and what traditions does it derive from its genealogy? Further, as this paper will discuss later in detail, what *generic* conventions are at the heart of the petition?

Gwillim Dodd addresses this indirectly in *Justice and Grace: Private Petitioning and the English Parliament in the Late Middle Ages*.⁵³ In the chapter “‘Common’ Petitions in the Fourteenth Century” Dodd asserts that it is impossible to understand the genre writ large without understanding the private origins in the medieval period. As he explains, common petitions were not necessarily - and indeed, in their early days, often were not - initiated by collectives, but were instead classified as “common” or “community” petitions by “purporting to seek changes which benefitted the common interest.” In fact, the first collectives to present “common” petitions were professional guilds or groups based on various echelons of established nobility. Only over time did the “community” petition come to “[carry] sufficient political and rhetorical weight to be used on its own... as the sole sponsor of petitions that were of a more generalized or “common” nature.”⁵⁴ It is understood then, that the common, community, or collective petition type is supposed to at the very least *purport* to forward a larger objective toward a variously

⁵³ Gwilym Dodd, *Justice and Grace: Private Petitioning and the English Parliament in the Late Middle Ages* (Oxford: Oxford University Press, 2007)

⁵⁴ *Ibid.*, 130

defined “greater good” of either a bounded group or society at large.

Speaking to how the petition has become relevant in the Canadian context, the transfer for the petition tradition from England to North America, and its subsequent adaptation and radiation is examined as presented in four instances (two American and two Canadian). In their treatments of the presentation of the petition in the Colonial and post-Revolutionary American setting, Higginson⁵⁵ and Mark⁵⁶ provide historical surveys of how the petition document type has been used, and how its power as a judicial and legislative instrument has been negotiated. Both describe conditions of a general loss of petition clout based on societal crisis circumstances – specifically, not only the procedurally unmanageable, but also ideologically unwelcome, influx of citizen petitions mobilized on a principle of the abolition of slavery in the nineteenth century. Higginson writes on the subject of the anti-slavery movement that “as a result, the right of petition was collapsed into the right of free speech and expression - a definitional narrowing which persists to this day.”⁵⁷ Is it possible that this prior-wave “collapsing” of the power of the petition is attributable to the fact that participants sought to stretch its generic borders too far? Given the contemporary crisis moment of a (very loosely) comparable shift toward social justice impulses as carried and informed by the petition genre, coupled with the fundamental turnover in communication technology from analogue to digital and the various further dilutions of the influence potential of petitions and e-petitions, can Higginson’s and Mark’s analyses act as a predictive model for the future of petitions? This theme of *expression*

⁵⁵ Stephen A. Higginson, “A Short History of the Right to Petition Government for the Redress of Grievances”. *The Yale Law Journal* 96 (1). (1986):142–66.
doi:10.2307/796438

⁵⁶ Gregory A. Mark, “The Vestigial Constitution: The History and Significance of the Right to Petition,” *Fordham Law Review* 66 no. 6 article 4. (1998): 2153.

⁵⁷ Higginson, “A Short History,” 142.

versus *efficacy* as defining feature of the petition, and possible connections to pivotal moments of social flux (again evocative of Wurgler's "social conflict") will be elaborated below (particularly in the analysis of Hersh and Schaffner's⁵⁸ research). For their joint part, however, and in keeping with this section's aim to position the petition as exhibiting value as a unit of description and analysis for the records management and archival disciplines, both Higginson and Mark do work to reveal, in complement to Wurgler, van Voss, and Held, the potential for the petition to indicate the vicissitudes not only of the *commoners'* archetypical actions, but on a larger scale, the high-level developments of governance, and trust therein, in North America. As Mark summarizes, "the evolution of petitioning itself is also a story of the transformation of an unmediated and personal politics into a mass politics."⁵⁹

Although their histories are not identical, the petitioning tradition in both Canada and in the United States share roots and aspirations. Not least of these is, in Higginson's words, "blurring of legislative and adjudicative processes."⁶⁰ In Canada, the history of petitions has certainly not always been collective, and very frequently decidedly non-legislative, especially in the early, pre-Confederation days. In "'Claims of Equity and Justice': Petitions and Petitioners in Upper Canada 1815-1840,"⁶¹ Johnson details the reasons why people initiated (mostly private) petitions in the nineteenth century Canada, and reinforces the line between petitions of right – "petitions claiming something as a right" – and petitions of grace – those asking for some favour to which there

⁵⁸ Eitan D. Hersh and Brian F. Schaffner, "Post-Materialist Particularism: What Petitions Can Tell Us about Biases in the Policy Agenda" http://www.eitanhersh.com/uploads/7/9/7/5/7975685/petitions_v3_2.pdf

⁵⁹ Mark, "The Vestigial Constitution," 2154.

⁶⁰ Higginson, "A Short History," 145.

⁶¹ J.K. Johnson, "Claims of Equity and Justice": Petitions and Petitioners in Upper Canada 1815-1840," *Histoire sociale/Social History* 28, no. 55 (1995).

was no legal claim."⁶² Johnson traces the Canada's petitionary inheritance from the British, and cites the 1689 British Bill of Rights as the foundation for petitioning practice in Canada. On its English origins, Johnson writes:⁶³

Thus [the petitioning mechanism] eventually evolved into a court of equity: a court which dealt with matters that could not be satisfactorily resolved within the inflexible rules of common law, but were decided on the basis of what was equitable or fair, using "a body of rules existing by the side of the original civil law, founded on distinct principles and claiming incidentally to supersede the civil law in virtue of a superior sanctity inherent in these principles.

In other words, then, the petition in this context might be interpreted as belonging to a system (here, the Chancery) ostensibly more concerned with the spirit than with the letter of the law. This expectation was taken to full advantage; in early Canadian history, many petitions were in fact prayers for what we would recognize as social services today, or personal favours: a civil service job, financial support for an indigent widow, a stove for cold winters. In other terms, and again echoing the previous points expounded, the petition is revealed as a veritable "finger on the pulse" of society.

On Canada's west coast, over 100 years later, petitions were put to a very different purpose: the Cowichan Petition of 1909 sought to assert legal rights, and enlisted the help of the legal profession in the articulation of the text, which now demonstrates a shift away from begging and toward demanding.⁶⁴ As has been initially revealed in the study's diplomatic analysis of petitions, this trend has intensified with the advent of the e-petition. This chapter on the Cowichan Petition draws a relationship between letter-writing and petition construction, and

⁶² Ibid., 220

⁶³ Ibid., 220

⁶⁴ Foster and Berger, "From Humble Prayers."

indirectly addresses vocabularies of power – or, as Longe puts it “jargon” which must be matched in order to engage effectively.⁶⁵ The authors state that they are seeking to outline the circumstances that made petitions a logical (and in fact only possible way short of violence) for Aboriginal people to protest their circumstances. Is it reasonable to think that the facts of this petition are scalable? Burger and Foster suggest that the petition is at once the last safeguard before (or, as Wurgler suggests, potential harbinger of) the outbreak of violence, but that it is also a site of implicit compromise, since by consenting to engage in this type of institutionalized discourse, the less powerful party are already agreeing to play on the terms of the more powerful party (i.e. playing tactics against strategies). This push-and-pull power dynamic is echoed, though less dramatically, in the negotiation of all genres and it is more fully explicated by Bhatia⁶⁶ and Spinuzzi.⁶⁷

Into the electronic environment

Having observed that the petition as a type has been subject to modification even before the transition from paper to digital, it is not unexpected that considerable changes have taken place concurrent with the introduction of e-petitions.

Comparable to what Miller and Shepherd described in relation to the arrival of the blog as a genre,⁶⁸ Lindner and Riehm posit that “most recent developments of the political opportunity to submit petitions are closely

⁶⁵ Longe, “Officialese,” 301

⁶⁶ Bhatia, “The Power and Politics of Genre,” 359-371.

⁶⁷ Especially in his elaboration of the Bakhtinian ideas of centripetal and centrifugal forces acting on genre. See also footnote 27 as well as page 33 of this review.

⁶⁸ Carolyn R. Miller and Dawn Shepherd, “Questions For Genre Theory From The Blogosphere,” in *Genres in the Internet: Issues in the Theory of Genre*, ed. Janet Giltrow and Dieter Stein. Pragmatics and Beyond New Series (Amsterdam: John Benjamins Publishing, 2009): 263-290. DOI: 10.1075/pbns.188.11mil

related to the rise of the internet as a medium of mass communication."⁶⁹ Their study of early examples of e-petition platforms implementation by governments note that even during early days, notable changes in the conventionalities of the petition as it migrated into the digital environment were apparent:⁷⁰

One of the main differences between traditional paper petitions and new e-petitions in all four public cases is the point of contact between the principal petitioner and the receiving institution... The internet-based procedure... requires the petitioner to contact the administration prior to the signature phase... On the one hand, the early contact with the experts in the administration opens the opportunity to improve the petition text, and the petitioner may receive useful tactical advice on how to promote the e-petition. On the other hand, it cannot be ruled out that the petitioner's genuine request might be distorted in this process. By comparison, paper petitions, submitted after the signatory phase, are – at least theoretically – more likely to be rejected on formal grounds.

The new Canadian e-petitioning service is identical in requiring petition certification by the Clerk of Petitions *and* the securing of MP sponsorship *before* it becomes available for potential signatories.⁷¹ Further, Lindner and Riehm describe a proliferation of complementary engagement mechanisms tied to the e-petition itself, including various metrics of progress and linked discussion forums.⁷²

In relation to its close proximity to other online genres, notably the social network, and its precursor, the discussion board, it may be worth exploring the possibility that the e-petition as we know it is more hybrid in nature than what may be obvious on the surface. That is, the e-petition may not *only* be a descendant of the paper petition, and another ancestor

⁶⁹ Ralf Lindner and Ulrich Riehm, "Electronic Petitions And Institutional Modernization. International Parliamentary E-Petition Systems In Comparative Perspective." *JeDEM- eJournal of eDemocracy and Open Government* 1, no. 1 (2009): 1 www.itas.kit.edu/pub/v/2009/liri09a.pdf

⁷⁰ *Ibid.*, p. 6

⁷¹ Parliament of Canada, "About Petitions and How They Work."

⁷² Lindner and Riehm, "Electronic Petitions," 1-11.

possible to identify. In the review of cached Change.org pages using the Internet Archive's *Way Back Machine*, it came to light that the site's initial goal (as of its public launch, in early 2006) was constructing a network of conduits facilitating donations between individuals and various non-profit organizations. To this end, the architecture of the site was oriented exclusively toward creating social networks where civic action was measured by declared intention (termed "actions"), and supported by the presentation of information (variously: form letters, contact information, metrics on funds raised, etc.).⁷³ Later, the petitioning mechanism introduced with the site itself collecting signatures and building the petition. Heyd supposes that the email *petition* at least is a descendant of the "Digital Folklore / Forwardables" *supergenre*.⁷⁴ The implication of the word "folklore" is naturally one of narrative, mythology and identity-building. Heyd diagrams the genre genealogy in the figure below:

⁷³ See for example

<https://web.archive.org/web/20070102204257/http://www.change.org/info/about>
<https://web.archive.org/web/20070629025837/http://www.change.org/>

⁷⁴ Theresa Heyd, *Email Hoaxes: Form, Function, Genre Ecology*. Pragmatics and Beyond New Series Vol. 174 (Amsterdam: John Benjamins Publishing, 2008), 213.

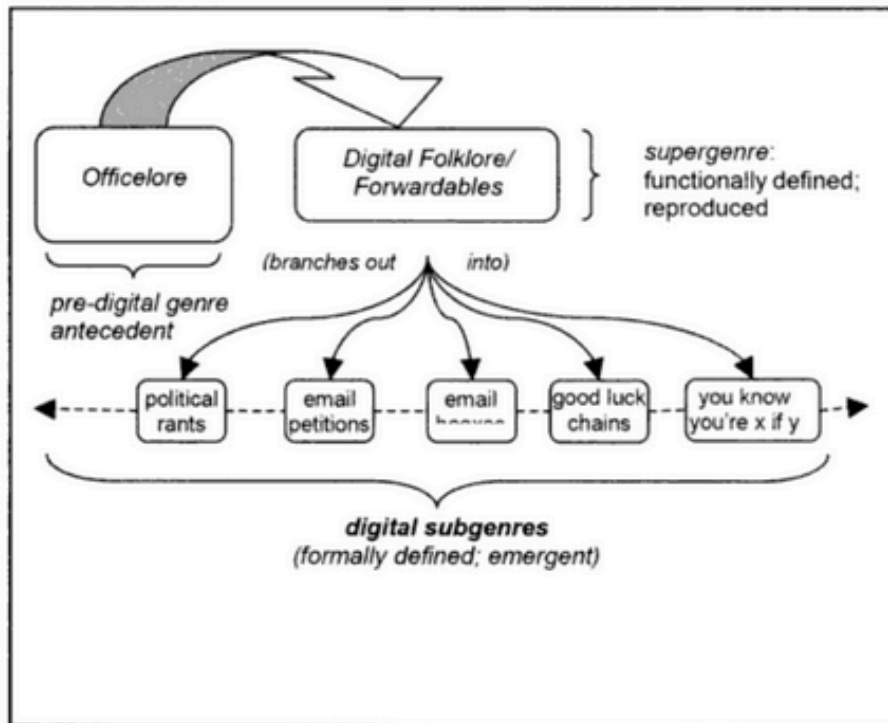


Figure 18. The genre ecology of DF.

Figure 1: Heyd’s Digital Folklore Taxonomy, from *Email Hoaxes*, p. 212.

Regardless of how access to electronic petitions has been disseminated (email, third party platform, or government platform), despite voiced hopes for the contrary, it is noted that the introduction of the e-petition has not been a silver bullet for diversifying citizen political engagement.^{75 76} This is particularly emphasized by Hersh and Shaffner in their study of the not only the content, but the participants involved in the e-petitioning endeavor in the United States via the governments *We The People* platform⁷⁷. Hersh and Shaffner put forth the thesis that e-petitions generically favour "post-materialist" prayers (in short, morality-oriented, not action-oriented),⁷⁸

⁷⁵ Grönland and Susha, "A Communication Genre Perspective."

⁷⁶ Hersh and Schaffner, "Post-Materialist Particularism."

⁷⁷ wethepeople.org

⁷⁸ Hersh and Shaffner, "Post-Materialist Particularism," 4.

emphasize "particularist" causes (highly specific, story-like descriptions)⁷⁹ and non-distributive policy intervention (as in, a distinct aversion to e-petitions that propose an actual transit of resources to solve issues).⁸⁰ This corresponds to Heyd's suggestion that electronic petitions have a foothold in digital folklore.

The article by Hersh and Shaffner addresses many of the assumptions forwarded about petitions, but concludes that many of them are false, and that e-petitioning, despite its low barriers to participation does little to engage those groups that are not already poised to be civically active.⁸¹ Crucially, this article supports that what we popularly conceive of as "Slacktivism" is indeed an empirically provable phenomenon, but suggests that it is not a function of laziness, but a consequence of our narrative-driven consciousness.⁸² Overall, the study supports that the e-petition genre is a primarily expressive exercise, as opposed to aligning with a request. Taken in combination with Bazerman's treatment of Searle's taxonomy of speech acts, this has serious implications for future genre analysis of e-petitions.⁸³

The overall conclusions expressed by Hersh and Shaffner find grounding in the study of eParticipation more generally as presented by Obar et al. in their research into how advocacy groups apply social media technology to "reach out" to a user base.⁸⁴ They report that Facebook is heavily used for channeling traffic to online petition sites, and note that online engagement only rarely correlate to actual political or ideological change. Importantly, Obar et al cite the concept of "net delusion" where,

⁷⁹ Ibid., 29-30

⁸⁰ Ibid., 3

⁸¹ Ibid., 24

⁸² Ibid., 25

⁸³ Bazerman, "Systems Of Genres."

⁸⁴ Jonathan A., Obar, Paul Zube, and, Clifford Lampe. "Advocacy 2.0: An Analysis of How Advocacy Groups in the U.S. Perceive and Use Social Media as Tools For Facilitating Civic Engagement and Collective Action." *Journal of Information Policy*. 2 (2012): 1-25.

contrary to appearances, democratic efficacy is actually undermined by migrating its mechanisms to the online environment.⁸⁵

Moving out to a more macroscopic view of democracy in general, while still maintaining explicit threads to the role of e-petitioning in this capacity, Wright⁸⁶ gives operational definition of petition in the digital environment, which contrasts considerably what has been put forth by Held, Wurgler, and van Voss in the historical light:

Petitions are a relatively straightforward participatory mechanism by which public opinion can form or coalesce around particular issues in the general public sphere and be communicated to the strong public sphere of decision-making in parliament or government⁸⁷

Wright goes on to analyze the efficacy and impact of e-petitions against four criteria of "democratic goods": Inclusiveness; popular control; considered judgments; transparency and two criteria of "institutional goods": transferability; efficiency.⁸⁸

Wright provides a quote from Ben Weg-Prosser, who was the design lead for the Downing Street e-petition platform in the UK:⁸⁹

[e-petitions] make citizens feel as though they have a relatively easy way to put forward their opinions in a very direct manner to central government, it's all about enfranchisement.

Following the integration of a survey of the changes in the petition genre over time, including some analyses of the introduction of e-petitions, additions to our list of characteristics of the petition follow:

- It is expected that the petition seeks redress for a problem that *ostensibly* or *arguably* represents a point of public interest (Dodd)
- The relative force and function of the petition has changed in the

⁸⁵ Evgeny Morozov, *The Net Delusion: The Dark Side of Internet Freedom*. Philadelphia: Perseus Books Group, 2011, summarized in Obar et al, p. 2

⁸⁶ Scott Wright, "Assessing (e-) democratic innovations: "Democratic goods" and Downing Street e-petitions." *Journal of Information Technology & Politics* 9, no. 4 (2012): 453-470.

⁸⁷ *Ibid.*, p. 453-54

⁸⁸ *Ibid.*, p. 455

⁸⁹ *Ibid.*, p. 456, from an interview between Wright and Weg-Prosser, August 18, 2010.

past when pressure was exerted on the procedures and activities that supported it; this suggests that while it is conservative, it is also responsive and mutable. The intersections of this quality with ideas of rhetorical genre are explored subsequently.

- In the electronic environment, the focus of the petition is shifting from “requesting” to “expressing.”

II Rhetorical Genre Theory, Diplomats, and Archival Theory: Tensions and Complements

On diplomats, Duranti writes, “the form of the document reveals and perpetuates the function it serves.”⁹⁰ Conversely, on genre, Spinuzzi writes⁹¹

Genre is thus a sort of social memory that its practitioners accept without their explicit recognition that they are doing so. Such genre habits are extremely powerful because they provide us with ready-made strategies for interpreting not just discourse in a genre, but the world as seen through the “eyes” of that genre.

Further, Peikola⁹² provides a situated case study on the characteristics and use of petitions during the Salem Witch Trials, with a particular eye to describing the force of petitions in terms of generic discursive “moves.” (Interestingly, similar to Held’s study of medieval European petitions, the observations of form and function put forth by Peikola can also be relatively reliably mapped to diplomats). Moreover, returning to previously introduced suspicions of the vulnerability of the petition type to co-optation by third party forces external to the author and addressee⁹³, Peikola speaks to a meta-cognition of the “expectations” of the genre and intentional actions made by petitioners and their expert “recorders” (writers) to either a) properly play the socially mandated part of the wretch begging for grace or b) intentionally manipulate the

⁹⁰ Duranti, “Diplomatics Part V”, 6

⁹¹ Elaborating on Bakhtin and Medvedev (1978, pp. 133-35), Spinuzzi p. 43.

⁹² Peikola, “Supplicatory Voices,” 106-118

⁹³ As in Lindner and Riehm, and Foster and Berger.

addressee by invoking a magnified pity based only loosely on the mandated part, or c) both.

Weaving these three strands together, it is revealed that the act of petitioning was and is well-trodden territory; petitioners know the moves in advance due to the "situation typified"⁹⁴ offered by the repeated and ritualized petitioning opportunity and petitioning act, and can seek to exploit conventions to their own advantage. However, the changing medium of delivery between petition author and addressee is exerting forces that may shift its generic fabric.

1. What can rhetorical genre theory reveal?

On rhetorical genres, the agreement as was encountered throughout this review suggests that if it is possible to recognize and to put a name to a document type, that chances are, it constitutes a rhetorical genre.⁹⁵ Bhatia, taking after Swales, provides a succinct definition:⁹⁶

[Genre] is a recognizable communicative event characterized by a set of communicative purposes identified and mutually understood by the members of the... community in which it regularly occurs. Most often it is highly structured and conventionalized with constraints on allowable contributions in terms of their intent, positioning, form, and functional value.

However, as grounded as the discipline of rhetorical genre studies is in texts, it is far less concerned with examining the document in and of itself, and far more concerned with the social action that it necessarily

⁹⁴ In the vocabulary of Miller, "Genre as Social Action."

⁹⁵ Bazerman, "Systems Of Genres," 69.

⁹⁶ Bhatia, *Analysing Genre*, 13. Drawing from Swales, "Aspects of Article Introductions" Aston ESP Research Report No. 1, Language Studies Unit, University of Aston in Birmingham, Birmingham, UK, 1981; "A Genre Based Approach to Language Across the Curriculum" Paper Presented at RELC Seminar on Language Across the Curriculum, at SEAMEO Regional Language Centre, Singapore, Apr. 1985. Published in Tickoo, M.L. ed. (1986) *Language Across the Curriculum*, Singapore SEAMO Regional Language Centre; *Genre Analysis – English in Academic and Research Settings*, Cambridge UP, Cambridge, 1990.

captures.⁹⁷ In short, applying rhetorical genre concepts allows a mode of insight into texts that reveals their “situated and socially constructed nature”⁹⁸ As previously alluded, a genre approach might clarify the *if* the petition is changing, and if so, *how*, since, as Spinuzzi asserts, genres are “tools in use.”⁹⁹ It is also hoped that it can make suggestions as to *why*.

Bhatia hints at an inherent dialectic within the architecture of genre in his adapted definition. This dialectic is found in primary instance in the works of Mikhail Bakhtin, whom Spinuzzi treats at length:¹⁰⁰

Bakhtin argues that two competing impulses shape how we communicate: the centripetal and the centrifugal. The centripetal impulse is toward formalization, normalization, regularity, convention, stability - and stasis. Things are metaphorically drawn to the center and become official. In contrast, the centrifugal impulse is that of resistance, idiosyncrasy, ad hoc innovations -- and chaos. Things metaphorically fly away from the centre and become unofficial.

Framing the centripetal and centrifugal forces in human social life, Spinuzzi writes, citing Leonyev, that “activity theory posits that in every sphere of activity, collaborators use instruments to transform a particular object with a particular outcome in mind,” and: “In activity theory, artifacts are more specifically seen as “crystallizations” of aspects of historically developed activity.”¹⁰¹

This articulation is now resonating with Duranti’s categorization of the record participant that “reveals” and “perpetuates” the typical substantial action that has both come before and will arise again. For his part, Spinuzzi proposes that the dimension of tradition within genre has been

⁹⁷ Foscari, “Diplomatics and genre theory,” 391

⁹⁸ Ibid., 394.

⁹⁹ Spinuzzi, *Tracing Genres*, 41.

¹⁰⁰ Ibid., 20. Adapted from Mikhail Bakhtin, *The Dialogic Imagination*, 1981, 270-273.

¹⁰¹ Leontyev, A. N. (1978). *Activity, consciousness, and personality*. Prentice Hall. P. 65 Cited in Spinuzzi, *Tracing Genres*, 37-39.

underemphasized. "Genres," he writes, "are not simply text types; they are culturally and historically grounded ways of seeing and conceptualizing reality."¹⁰² Spinuzzi elaborates further:¹⁰³

Genre is thus a sort of social memory that its practitioners accept without their explicit recognition that they are doing so. Such genre habits are extremely powerful because they provide us with ready-made strategies for interpreting not just discourse in a genre, but the world as seen through the "eyes" of that Genre.

In teasing apart the levels of scope of a rhetorical genre, using Leontyev's activity theory as scaffolding, Spinuzzi presents genre tracing as a viable method of drawing bold lines between a typified phenomenon and its typified textual residue:¹⁰⁴

- Macroscopic - Contextual/Social/Activity → WHY
- Mesoscopic - Conceptual/Psychological/Action → WHAT
- Microscopic - Technical/Physiological/Operation → HOW

These elements correspond also with the genre analysis framework proposed by Yates and Orlikowski.¹⁰⁵

Miller, who provides the derived (based on work by Alfred Schutz and Thomas Luckman¹⁰⁶) vocabulary of "situation typified,"¹⁰⁷ captures this act of crystallization giving rise to what we recognize as form in a recursive diagram, which illustrates a possible mechanism of crystallization:¹⁰⁸

¹⁰² Spinuzzi, *Tracing Genres*, 43

¹⁰³ Elaborating on Mikhail Bakhtin and Pavel Medvedev *The Formal Method In Literary Scholarship: A Critical Introduction To Sociological Poetics* (Baltimore: Johns Hopkins University Press, 1978), 133-135. Treated by Spinuzzi p. 43.

¹⁰⁴ Spinuzzi, *Tracing Genres*, 30-34.

¹⁰⁵ Joanne Yates and Wanda Orlikowski, "Genre Systems: Structuring Interactions Through Communicative Norms. *The Journal of Business Communication* 39 no. 1 (2002):13-25.

¹⁰⁶ Alfred Schutz and Thomas Luckmann, *The Structures of the Life-World*, trans. Richard M. Zaner and H. Tristram Engelhardt, Jr. (Evanston, IL: Northwestern University Press, 1973), p. 231. Cited by Miller p. 159.

¹⁰⁷ Miller, "Genre as Social Action," 159.

¹⁰⁸ *Idib.*, 160.

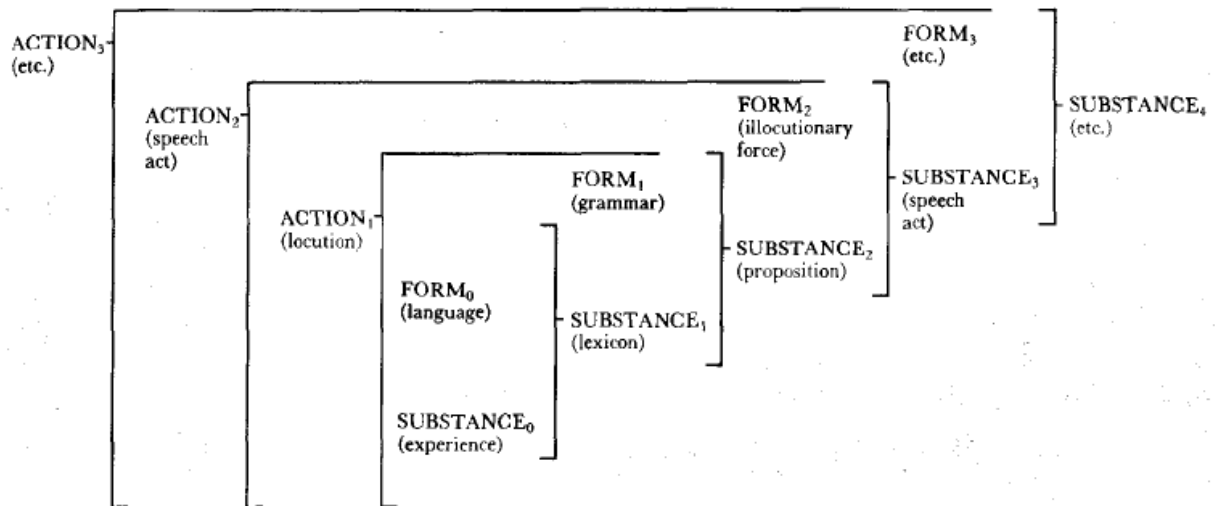


FIGURE 1

Hierarchical relationships of substance, form, and meaning-as-action. The combination of form and substance at one level becomes an action (has meaning) at a higher level when that combination itself acquires form. Each action is interpretable against the context provided by actions at higher levels.

Miller writes: ¹⁰⁹

Conventions of form and substance combine according to constitutive rules to create the typified... action... in addition, the action is interpretable under regulative rules provided by larger contexts.

Enumerating a number of characteristics (which also act as implications) of genre, Miller also asserts that: ¹¹⁰

- Genre is conventional
- Genre is rooted in "large-scale typification"
- Genre can be discerned in terms of rules
- Genre demonstrates recursive properties
- "Genres help constitute the substance of our cultural life"
- Genre mediates the tension between public and private, tradition and instance, intention and "exigence"

An "exigence," say Yates and Orlikowski, is essentially reducible to "something that needs to be done."¹¹¹ Miller argues that an "exigence" is

¹⁰⁹ Ibid., 159

¹¹⁰ Ibid., 163

a oriented pragmatically "a form of social knowledge-a mutual construing of objects, events, interests, and purposes that not only links them but also makes them what they are: *an objectified social need*."¹¹²

Throughout the reading on RGS, a resonance with a completely different and totally unrelated domain was impossible for me to ignore. Dr. William Sears, who writes on parenting and child development, speaks at length on behavioural "grooves" worn in a child's psyche by function of repeated situations, and repeated reinforcements. Similarly, it has been eminently helpful to conceptualize "rhetorical genre" as a "groove" which always presents the potential to be scratched ever deeper by repeated "situation typified" but is equally susceptible to erosion, backfill, and shifts in course. Sears writes:¹¹³

Attachment and independence can be illustrated by what we call the deep groove theory. Think of your infant's mind as a record into which life's experiences and relationships cut deep grooves ... This image helps to provide a secure base so the infant can begin to move more easily from the familiar to the unfamiliar.

The interplay between familiar and unfamiliar, between "attachment and independence" with the former acting as a template for extending into the latter resonates strongly with rhetorical genres in general, and explains why and how they are of value in making sense of human activities.

Foscarini's 2012 article simultaneously contrasts and blends archival diplomatics and rhetorical genre studies. The article questions the "post-

¹¹¹ Joanne Yates and Wanda J. Orlikowski, "Genres of Organizational Communication: A Structural Approach to Studying Communication and Media," *The Academy of Management Review* 17 no. 2 (April 1992):16

¹¹² Miller, "Genre as Social Action," 157. The articulation of *objectified social need* is cited verbatim inter alia Yates and Orlikowski, "Genres of Organizational Communication" and Foscarini, "Diplomatics and Genre Theory" 2012.

¹¹³ William Sears, "7 Benefits of Attachment Parenting: 4. Attachment Parenting Promotes Independence," *Ask Dr. Sears* (2015).
<http://www.askdrsears.com/topics/parenting/attachment-parenting/7-benefits-ap>

positive" nature of traditional archival science as being reductionist by consenting to work only with a closed taxonomy, which, when taken to its extreme, works to obscure reality inasmuch as diplomatics (as an example) refuses to "read between the lines." To summarize: What diplomatics offers is an exact vocabulary - precisely codified and perfectly consistent - that can organize the more nebulous who, what, where, when, why, how¹¹⁴ of RGS and genre analysis. And for its part, what RGS offers is as follows: the notion of kairos: an infinity of context at any given moment in time, in which anything can happen (in contrast to chronos, its sequential counterpart). Bazerman comments on this role of "timeliness (kairos) the notion of the rhetorical situation, or situation typified, existing simultaneously both on the razor edge of now and in a stable temporal suspension ¹¹⁵ Miller and Shepherd define it somewhat differently, but do not necessarily contradict, with their conception of a "cultural moment," which similarly is founded, on one hand, in its constitution of being constructed moment by discrete moment and, on the other, in a general atmosphere.¹¹⁶

When it comes to applying the theory of genre to petitions in particular, Gronland and Shusha make several key assertions, central among which is that "genre theory provides a neutral communication perspective" and "meets the following basic criteria: 1) it is empirically oriented; 2) serves to induce theory; 3) can be used for comparison with real-life developments."¹¹⁷ The authors add another dimension to Yates and Orlikowsky's who, what, when, where, why and how rubric:¹¹⁸ technological tools. Additionally, Gronland and Shusha's stated "ideal genre type" maps to the more abstract "intention" articulated elsewhere.

¹¹⁴ Yates and Orlikowski, "Genre Systems," 299.

¹¹⁵ Bazerman, "Systems Of Genres," 74, 83.

¹¹⁶ Miller and Shepherd, "Questions For Genre Theory," 269.

¹¹⁷ Grönland and Shusha, "A Communication Genre Perspective," 40.

¹¹⁸ Yates and Orlikowski, "Genre Systems," 16-18.

Berkenkotter and Huckin further explicate the principles that support their theoretical framework for genres:¹¹⁹

- Dynamism: genre tradition is derived from instance, and genre instance is informed by tradition
- Situatedness: genres as texts are necessarily embedded in activities
- Form and Content: genre (communicative) competence demands mastery of both
- Duality of Structure: genre and activity are mutually reifying
- Community Ownership: genres are direct indices of a "community's norms, epistemology, ideology, and social ontology"¹²⁰

Implicit in this, and other treatments preceding, is the constant correspondence between genre and activity, and the potential for the genre, which produces artifacts, to serve as a window of insight into what human do, and why. In records management, we already accept that records are *authentic, impartial, and interrelated*, but the language of genre studies reinforces these canonical assumptions with new vigour.

To conclude this section on what genre studies can contribute towards an understanding of the shifts currently underway in the petitioning action, Bazerman's study of the generic features of patents over time is explored here. Bazerman has made several observations key to our application of genre theory to our research of petitions. First is that genres embedded in governmental genre systems are often explicitly characterized and conventionalized and are thus a stable site of research into genre drift writ large.¹²¹ Second is, congruent with the assertion made by Held and included near the beginning of this review is the intersection of speech act theory with genre theory. Similar to how

¹¹⁹ Berkenkotter, Carol, and Thomas N. Huckin. *Genre Knowledge In Disciplinary Communication: Cognition/Culture/Power* (Lawrence Erlbaum Associates, Inc., 1995) p. 4-21.

¹²⁰ *Ibid.*, 21.

¹²¹ Bazerman "Systems Of Genres," 67.

Spinuzzi's invokes Bakhtin's centripetal and centrifugal forces, Bazerman invokes Saussurian semiotics to dramatize a perceived primary site of tension within genre, and, by extension speech acts:¹²²

Every utterance itself exists at the intersection of the typified and novel, as perceived by the participants coming to terms with each new moment. In Saussurian terms, speech acts exist precisely where langue [or, typification] and parole [or, the individual situation] meet, at the alive utterance.

Citing and summarizing Searle's work on illocutionary speech act theory, Bazerman delineates the five types, each corresponding to an ostensibly discrete objective, and each "instantiating a recognizable social action":¹²³

1. Declarative (makes a declaration)
2. Directive (makes a request)
3. Commissive (makes an agreement)
4. Assertive (makes a claim)
5. Expressive (makes attitudes known)

This refers back to the explicitly codified goal of the petition – to make a request. This would categorize the petition, essentially as corresponding to a directive speech act, whether it is begging politely or demanding assertively. Regardless of mode, the goal is *directive*. On petitionary-type moves within the patent genre, Bazerman expands, with emphases added:

These petitionary features [in this case, embedded in a patent] clearly identify that the person *intends the document as a request*, that the petitioner *intends the receiver to understand this as a request*, that the petitioner *desires the receiver do what is requested*, that the text is communicated to the receiver who is *capable of interpreting the text*, that the petitioner believes that the person receiving the request (the Commissioner of Patents) is *able to grant such a request*, that the *request is for something that*

¹²² Ibid., 74.

¹²³ Ibid., 75.

the receiver would not already have done in the normal course of affairs, and all the similar social and psychological conditions that must be met for a request to be granted... Within the particular regulated and typified context of the legal system, a request can become not only recognizable, but compulsorily must be taken as such by certain people structurally employed to receive requests.

From this, certain possibly inalienable generic qualities of the “classic” petition are extracted:

- The petition is intended to be, and be seen as, a sincere request
- The addressee is assumed to be capable of understanding and competent in acting on the request
- The request is in some way anomalous from the normal conduct of administrative affairs i.e., potential for *change* exists.
- The activities the petition participates in are often institutionalized

Implicit in this is that the author and addressee can be seen as collaborators in “creating new value”¹²⁴ This constitutes the pith of the directive speech act. As for whether the e-petition fulfills that core aspect remains an open question.

C Discussion and Conclusions

The review of the literature to date on these topics have fed into the construction of several operational definitions to inform our study of the petition involved in its substantial work the Canadian context.

I Operational Definitions

1. Petition

Recapitulating part one and the end of part two of this review, the following list of defining qualities is offered. The petition:

- Is highly conventionalized, with sufficient structural rigidity to be recognized immediately

¹²⁴ Ibid., 80-81.

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- Is authored by a collective
- Seeks, or purports to seek action on a principle of the public good
- Is addressed from low to high power
- Exhibits simultaneous functions of respect and threat
- Uses specialized language
- *Possesses features of a directive speech act*

2. Genre

Bazerman provides a higher level sensibility in suggesting that genre represents the keys or “levers” exerting force on a “complex social machine”¹²⁵ In addition, genre:

- Treads a balance between stasis and dynamism
- Is enmeshed with social action
- Is informed by inherited tradition
- Is governed by conventions, not rules
- Is pragmatic: borne of need (exigence) and context (kairos)

II Hypotheses

1. Exigencies Fuelling Genre Radiation

A principal aim of the literature review has been to do groundwork in order to make prepare a hospitable conceptual framework for making sense of the soon-to-be gathered data on the *exigencies* which are spurring the development of the petition genre to accommodate web technology. The literature reviewed to date also provides a grounding for making inferences and liminal predictions relating to these circumstances of exigence and kairos. Preliminary hypotheses follow, which in turn will inform our interview design

- The better the petitioners can play the “game” to the variously esoteric strategic standards imposed by the ascendant participant (i.e., the fewer categorical “outs” the addressee can exercise) the more the genre may be vulnerable to shift.
- Indications of this may already be detectable with raised thresholds

¹²⁵ Bazerman, “Systems Of Genres,” 67.

of signatures, and changing standards for approval with e-petitions in Canada, and elsewhere as described by Lindner and Riehm, for e-petitions, the Clerk must approve the petition and an MP must sponsor it *before* it is posted. This may be evidence of a tacit collapse of diplomatic participants - possibly writer and addressee in this case.

2. Kairotic Contributors

As introduced previously, the “net delusion” may be contributing to a zeitgeist that has enthusiastically embraced web technologies for building and transmitting petitions.

- It is hypothesized that the kairos contributing to the shift in electronic presentation of petition revolves around the technology primarily being available and accessible, and only secondarily around that technology being supportive of the ostensible “democratic goods” it purports to serve.

3. Generic Boundaries

With the assertion that the petition, historically, has aligned with what Searle would typify as a *directive speech act*, with all the trappings laid out above, and with the observations collected from Lindner and Riehm, Obar et al, and especially Wright, and Hersh and Shaffner, that the e-petition actually exhibits characteristics of a declarative speech act:

- It is hypothesized that the e-petition is actually not identical, or even a simple descendant of the paper petition; rather, it is a hybrid genre, borne of possibly unequal parts petition and social medium, and only *resembles* the petition form, and very much less so in content. This is where the complementary natures of diplomatics and RGS become most evident in that diplomatics provides the formal vocabulary, and RGS provides the capacity to read between the lines.

Summary of Conceptual Framework and Hypotheses:

The petition provides a “sweet spot” between paper and digital, between rigid and flexible, and between power and subordination that makes it a record exemplar for deep insight into the role of records as residue of activities. Further, it is enmeshed in a “kairos” of *internet culture* which it indexes, organizes, and attempts to actively disrupt the accepted balance between these poles. This distinct “positioning” renders the petition an apt laboratory for investigating the overall migration from paper to digital, and the act of investigating has the potential to provide insight into how recordkeepers can best facilitate and support trust.

Duranti writes:¹²⁶

It is often stated that archivists must become directly involved in the process of creating archival documents, and specifically in the design of electronic information systems and the definition of the standards governing those systems. To do so, archivists must be able to see the archival document primarily as embodiment and evidence of action.

The petition is the essence of “embodiment and evidence of action.” By studying its behaviour, we intend to offer contributions to the improvement of petitioning systems online, and enhance constructions of trust in these systems. To this end, as Spinuzzi writes, understanding and analyzing genre “provides coherent yet unfinalized representation of coconstitutive relationships among the three levels [micro- meso- and macroscopic], a representation that can become the basis for later design work.”¹²⁷

III Next Steps

- Diplomatic analysis – report forthcoming
- Genre analysis (Bhatia, Spinuzzi as guides)
- Interview design and ethics

¹²⁶ Luciana Duranti, “Diplomatics Part VI” *Archivaria* 33 (1992): 11

¹²⁷ Spinuzzi, “Tracing Genres,” 53.

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- Interviews
- Data Analysis
- Dissemination

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