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Political participation and e-petitioning an analysis of the policy-making impact of the Scottish Parliament's e-petition system

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POLITICAL PARTICIPATION AND E-PETITIONING: AN ANALYSIS OF THE POLICY-MAKING IMPACT OF THE SCOTTISH PARLIAMENT'S E-PETITION SYSTEM

by

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ABSTRACT

Worldwide, representative democracies have been experiencing declining levels of voter turnout, lower membership levels in political parties, and apathy towards their respective political systems and their ability to influence the political process. E-democracy, and specifically E-petitioning, have been touted as a possible solution to this problem by scholars of electoral systems. In 1999, the Scottish Parliament reconvened for the first time in nearly three hundred years, and quickly set out to change the way politics were handled in Scotland by launching the world's first online E-petition system. Analyzing the Scottish Parliament's E-petition system, and assessing the extent to which it fulfilled the aspiration and goals of its designers serves as a litmus test to see whether it is an effective medium to increase public political participation, and whether it could be replicated in other democratic countries.

Data was collected from the Scottish Parliament's E-petitioning website, which hosts all the E-petitions and details of who signed them, each E-petition's path through the Parliament, who sponsored the petition, and other important information. Since success of an E-petition is highly subjective due to the original petitioner's own desired goals, three case studies of E-petitions and a data analysis were utilized to evaluate the system. Results suggest that the Scottish Parliament's E-petition system has engaged Scots in the political process, given them a medium to participate in meaningful policy formulation, and produced tangible changes in policy through E-petitions.

DEDICATION

To Mom and Dad, without your love and support, this would have never been possible.

To Michelle, for your support throughout the process, and putting up with me during hours upon hours of thesis work.

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TABLE OF CONTENTS

LIST OF FIGURES

CHAPTER ONE: INTRODUCTION

On March 25, 1707, an independent Scotland joined with England and Wales through the Act of Union, forming the United Kingdom of Great Britain. As a result, the Scottish Parliament was dissolved, and its political power was transferred to the British Parliament in London. However, over the next three centuries, the people of Scotland began to yearn for more control over their affairs and a return of their Parliament (Norton P. , 2011, p. 272). In 1979, a referendum was held asking Scots whether they wanted a return of their Parliament, but it was unsuccessful due to an amendment that required 40% of all eligible voters to support it. However, in 1997 another referendum was held, and at the polls 74% voted in favor of a Scottish Parliament, and 64% voted to give it tax raising powers (Norton P. , 2011, p. 274). As a result, in 1998 Prime Minister Tony Blair's government passed the Scotland Act, devolving some powers to a new Scottish Parliament in Edinburgh. The Scottish Parliament opened in July 1999, with the power to legislate on all matters other than those explicitly reserved to the British Parliament, such as the environment, education, health, agriculture, local government, the police, housing, planning, economic development, tourism, the courts, criminal justice and most aspects of the criminal and civil law, and some aspects of transportation (Norton P. , 2011, p. 276). Scottish legislation, like its British counterpart, requires the Royal Assent from the British Monarch to become law. With the founding of the new Parliament came a rejection of the adversarial Westminster system employed in London, and an emphasis on a new style of politics, characterized by a unicameral, semi-circle chamber and an electoral system that facilitated multiparty competition (Norton P. , 2011, p. 279). In addition, this new style of politics was a

desire to transform the political process in Scotland to make it more open, transparent, inclusive, consultative, and participatory (Bonney, 2003, p. 459).

One of the main documents setting out how the new Parliament should operate was The Consultative Steering Group on the Scottish Parliament's report, "Shaping Scotland's Parliament." This report identifies five principles for the way which the Parliament should conduct its work: the sharing of power, accountability, access, participation, and equal opportunities. The Consultative Steering Group believed it to be important to enable groups and individuals to influence the Parliament's agenda through petitions, that the submission of petitions had clear and simple rules as to form and content, specified clear expectations of how petitions should be handled, and the commitment to ensure that all petitions and responses are in the public domain (The Scottish Office, 1998). It also states, "It will also be important to develop a culture of genuine consultation and participation if people in Scotland, particularly those who do not currently engage in the political process, are to be encouraged to participate," (McMahon, 2004, p. 236).

In this vein, the Parliament established the permanent Public Petitions Committee, whose responsibility consists solely of the consideration of petitions (Adams, Macintosh, & Johnston, 2005, p. 267). It is made up of nine Members of the Scottish Parliament, and has the power to decide in a case of dispute whether a petition is admissible, decide what action should be taken upon an admissible public petition, and keep under review the operation of the petitions system (The Scottish Parliament Public Petitions Committee, 2010). The committee provides an avenue for individuals, community, interest groups, and other organizations to participate fully in the

democratic process in Scotland by raising issues of public concern with the Parliament (McMahon, 2004, p. 236). The committee also has a blog for staff to write about petitions, offering videos, pictures, comments, and general news about petitioning (Hansard Society for Parliamentary Government, 2011).

Essential to the goal to provide a more accessible, transparent, and participatory Parliament was through the use of information and communication technologies, such as the Internet. The fact that the Parliament had been established in 1999, well into the age of the Internet, has given it a huge advantage in terms of incorporating these new technologies into its procedures (Seaton, 2005, p. 333). For example, the first elections to the new Parliament were held in May 1999 and by polling day a fully functioning website had been launched with a commitment to make all of the Parliament's proceedings available to the public electronically as well as printed form (Seaton, 2005, p. 334). The website publishes the Official Report of the Parliament's meetings in the Chamber by 7am on the following day, and Committee Reports as soon as possible and generally within three days of the meeting (Mactintosh, Malina, & Whyte, 2002, p. 264). Webcasting is another service that the Parliament provides, allowing all public parliamentary business to be broadcast live on the Internet. Also, the Scottish Parliament embraced universal access to the Internet. Ensuring that limited Internet access was not a problem, the Parliament established a network of 80 Partner Libraries spread geographically throughout Scotland, and all 563 public libraries now have free internet access (Seaton, 2005, p. 334). Finally, the Scottish Parliament partnered with the International Teledemocracy Centre at Napier University and BT Scotland to develop innovative E-democracy systems that had the

potential to strengthen public understanding and participation in the democratic decision-making process (Beddie, Macintosh, & Malina, 2001, pp. 696-697).

The crux of this effort was the development of the E-petition system. This system enables citizens to add to the participative element of the traditional petitioning process by allowing the possibility to consider the petition's key points in depth before making an informed choice as to whether or not to support and sign the petition, and whether to add any comment (International Teledemocracy Centre, 2000). The first internet-based petition, or E-petition, was sponsored by the World Wildlife Fund for Nature, and began to collect names and addresses soon afterwards, eventually collecting 309 signatures and 9 comments. The Public Petitions Committee subsequently agreed to allow individuals and groups to submit E-petitions to the Parliament. On March 14, 2000, the committee accepted its first E-petition (McMahon, 2004, p. 237). It was the first E-petition system to be established by an elected Parliament (Linder & Riehm, 2009, p. 1).

The E-petitioner tool has the functionality to create a petition; to view/sign a petition; to add background information, to join an integrated discussion forum; and to submit a petition (Beddie, Macintosh, & Malina, 2001, pp. 700-701). Anyone is able to raise an E-petition, provided it adheres with an issue that the Scottish Parliament has powers to deal with. One signature is required for an E-petition to be filed with the Public Petitions Committee. In addition, people can sign E-petitions through their cellular phones by texting the petition number and their name to the Parliament (The Scottish Parliament). The Public Petitions Committee also maintains a staff whose sole purpose is to assist petitioners, give advice about the process, and how to word the petition itself. There is no age limit required to file an E-petition, and they can

be submitted in any language and any format (The Scottish Parliament, 2010). Petitioners, however, cannot resubmit an E-petition on the same or 'substantially similar' issue within a year after their petition was closed (The Scottish Parliament Public Petitions Committee, 2006).

Once an E-petition is filed with the Scottish Parliament, the Public Petitions Committee publishes information such as the minutes of committee meetings, documents laid before the committee, or written questions, enhancing procedural transparency (Linder & Riehm, 2009, p. 7). This enables citizens to observe an E-petition's progress through the Parliament, and view feedback from the principal petitioner. Once an E-petition has been considered by the Parliament, the petition is closed, the principal petitioner is notified, and no further action is taken (The Scottish Parliament).

As a result, the political environment in Scotland has drastically changed since the opening of the new Parliament. After nearly 300 years of absence, the Scottish Parliament has continued a centuries old democratic tradition in Scotland, and improved upon it by giving citizens the power to affect the policy-making process. By developing the E-petition system, the Scottish Parliament has created a medium that effectively engages citizens in the political process, and allows Scots to conduct meaningful participation with their Parliament.

CHAPTER TWO: LITERATURE REVIEW

In representative democracies around the world, governments are experiencing declining levels of voter turnouts for elections, public participation, and membership in political parties. According to the International Institute for Democracy and Electoral Assistance, voter participation levels have dropped in Canada, Germany, the United States, New Zealand, the United Kingdom, France, and Switzerland from the 1940s to the present. As a result, many democratically elected governments are searching for ways to increase the legitimacy of their political systems (Gronlund, E-democracy and E-government: State of the Art, 2002). One solution presented by scholars of democratic governance is "E-democracy" in order to cure the perceived ills of democratic systems by enhancing participation, transparency, and openness.

The Organization for Economic Co-operation and Development (OECD 2001) suggests that in order to strengthen government-citizen relations and public trust in government, governments must integrate public input into the policy-making process and respond to citizens' expectations that their voices be heard and their views be considered. The advent of the Internet provides a potential medium to strengthen the public's relationship with government. This use of information and communication technologies to support the democratic decision-making process is defined as E-democracy (Malina, Macintosh, & Davenport, 2001, p. 14).

The OECD (2001) identifies three types of government-citizen relationships in policy-making. First, information, which is characterized by a one-way relationship in which government produces and delivers information for use by citizens. It covers both 'passive' access to information upon demand by citizens and 'active' measures by government to disseminate

information to citizens. Second, consultation, which is a two-way relationship in which citizens provide feedback to government. It is based on the prior definition by government of the issue on which citizens' views are being sought and requires the provision of information. Third, active participation is a relationship based on partnership with government, in which citizens actively engage in the policy-making process. It acknowledges a role for citizens in proposing policy options and shaping the policy dialogue, although the responsibility for the final decision or policy formulation rests with government. The OECD also endorses the use of information and communication technologies stating, "ICTs can provide powerful tools for strengthening government-citizen relations." Therefore, E-democracy utilizes information and communication technologies to promote an active participation relationship between citizens and government.

Beddie, Macintosh, and Malina (2001) argue that the underlying core principle of democracy is an informed and engaged citizenry. In addition, in order for democratic political participation to be effective, it must involve both the means to be informed and the mechanisms to take part in democratic decision-making. The concept of participation is therefore central to the development of E-democracy (Gronlund, e-Democracy: in Search of Tools and Methods for Effective Participation, 2003, p. 93). An active participation relationship should therefore address issues such as how to provide easier and wider access to government and parliamentary information, how to ensure that citizens have the ability to give their views on a range of policy related matters, and also how to allow citizens to influence and participate in policy formulation (Mactintosh, Malina, & Whyte, 2002, pp. 264-265).

In order to be functional, E-democracy systems need to have an existing explicit democratic decision-making process that effectively performs the task of engaging and interacting with the public (Mactintosh, Malina, & Whyte, 2002, p. 266). Waller, Livesey, and Edin (2001) maintain that it is essential that those who wish to participate and influence the democratic process have access to the technology that allows them to make their voice heard, and the skills and confidence to use it. The application of appropriate technology should then attempt to improve that existing process to reach and engage with a wider audience. This will help to facilitate broader participation, and provide relevant background information in a format that is more accessible and understandable to the target audience. In addition, government must guarantee, where appropriate, that online communications are secure and do not violate peoples' privacy. Macintosh, Malina, and Whyte (2002) believe that E-democracy should enable more informed participation, reach and engage specific target audiences to ensure more in-depth participation, provide relevant and appropriate feedback to the target audience in order to ensure openness and transparency in the decision-making process, and monitor and evaluate the process to ensure continuous improvement. Anttiroiko (2003) adds that E-democracy must be tailored to really give people the tools to achieve government "of the people, by the people, and for the people."

Some scholars do not see E-democracy in a positive light, however, and are largely skeptical of its ability to transform the democratic process. Some have pointed to the 'myth of E-democracy', citing that empirical studies suggest that of all possible reasons to utilize the Internet, E-democracy is the least impressive (Kampen & Snijkers, 2003, p. 494). Also, Silcock (2001) warns against the potential use of information and communication technologies to stifle

8

diversity or reinforce current patterns of power and debate. In addition, she states that the power of the Internet allows unprecedented opportunities for interest groups to work together. Anttiroiko (2003) claims that the Internet should not be assumed to be inherently democratic, and that in order for E-democracy to ensure sustainable benefits for citizens who wish to influence public affairs, it must be incorporated in both voluntary and institutionalized activities within a democratic system.

Experts first believed E-voting to be the solution to the democratic deficit, increasing convenience by eliminating problems pertaining to physically traveling to the polling stations. In the United Kingdom, E-voting was tested in local elections during May 2000. Some technical difficulties occurred, and voters were still required to vote at their normal polling stations (Gronlund, e-Democracy: in Search of Tools and Methods for Effective Participation, 2003). In addition, E-voting in general elections and referenda has only been introduced in Estonia, while most other governments who have seriously inquired into E-voting eventually refrained due to unresolved political, legal, and technical challenges (Linder & Riehm, 2009). While questions have been raised about the efficacy of E-voting, other models of E-democracy are more promising (Gronlund, e-Democracy: in Search of Tools and Methods for Effective Participation, 2003).

For example, E-petition systems have been at the forefront of official, fully operational E-democracy activities of many governments. The opportunity to petition political authorities can be traced back centuries (Linder & Riehm, 2009, p. 1). Within the United Kingdom, the right of a subject to petition the Monarch for redress of grievances has probably been exercised since

Saxon times (Macintosh, Adams, Whyte, & Johnston, 2008, p. 489). Petitioning is a simple and straightforward means of democratic participation that citizens of Western democracies have long used as a means of raising issues of concern with their elected representatives. The UK Electoral Commission found that apart from voting in elections, signing petitions is the most frequently undertaken political activity (Macintosh, Adams, Whyte, & Johnston, 2008, p. 489). However, traditional petitioning merely allows citizens to add their name and address to a petition if they support it, typically without the means to become better informed on the subject matter and usually without the opportunity to consider and reflect on the issue (Macintosh, Adams, Whyte, & Johnston, 2008, p. 489). E-petitioning is therefore concerned with applying technology to a rich historical tradition of political engagement, while simultaneously fostering citizen participation, transparency, and debate that did not exist in the traditional petitioning process. In addition, Linder and Riehm (2009) state that other forms of political participation via the Internet seem to be less advanced, tend to remain at the experimental stage, or are confined to very specific purposes. In short, compared to most other forms of E-participation, E-petitioning is relatively mature, and has been implemented by a number of public institutions.

<u>E-petitioning in Practice: A Comparative Perspective</u>

The Scottish Parliament was an early innovator in E-petitioning (Caldow, 2004). The Parliament, in partnership with the International Teledemocracy Centre at Napier University and BT Scotland, developed the web-based E-petitioner, a tool to encourage public participation in governance through the use of online electronic petitioning (Mactintosh, Malina, & Whyte, 2002, p. 271). This partnership began in December 1999, six months after the new Scottish Parliament was founded. Mactintosh, Malina, and White (2002) argue that the E-petitioner tool was

designed not only to garner support and collect names and addresses of those who support a

particular issue, but also to gather a range of additional views about an issue and transmit these

views to the relevant parliamentary committee. In addition, they contend that the slower more

deliberative process made possible by the comments page designed into the petitioning system

was considered inherently more democratic than traditional means which do not allow for

additional public commentary. Allowing an individual to consider the merits of a petition, and

inform themselves through discussion and debate before signing facilitates better and more

informed participation. Adams, Macintosh, and Johnston (2005) state that the E-petition system

within the Scottish Parliament should not be viewed as separate to the traditional paper method

of petitioning, but as an alternative or supplementary method of gathering support for the aims of

a petition through information and communication technologies. Seaton (2005) argues that E-

petitions and the E-petitioner tool allow people to overcome barriers of time and distance, and

have encouraged participation in real politics by people who might have otherwise have felt that

there was no opportunity to participate. For example, Scots living in the Highlands region, quite

a distance from Edinburgh, now have a means to submit petitions without physically traveling to

the capital. At present, around two thirds of petitions are submitted as E-petitions, suggesting

that the E-petitioning system is popular amongst the public in Scotland (Hansard Society for

Parliamentary Government, 2011).

Following Scotland's lead, several other governments have established E-petitions

systems, such as the German Bundestag (Federal Parliament), the Welsh Assembly, local

municipal governments in Norway, and the Parliaments of Queensland and Tasmania in

Australia (Linder & Riehm, 2009, pp. 1-2). However, these E-petitions systems vary in their

requirements for an E-petition to be accepted, and how the systems operate, and how the E-petitions are handled by their respective governments.

For example, in Queensland a petitioner's first point of contact is a Member of Parliament, who must agree to sponsor the E-petition and formally present it in Parliament. The Queensland Parliament does not promote the petition in any way; it merely facilitates the petition process by hosting the petition on its website. In addition, the Queensland government is not obliged to respond to E-petitions tabled in Parliament (Palmieri, 2008, pp. 11-12). Queensland's E-petitioning system therefore limits who can raise a petition, what issues the petition aims to address, and leaves the petitioner little help in navigating the process. The Tasmanian model follows much of the same guidelines as the Queensland model; however the Tasmanian government is required to respond to a E-petition within 15 sitting days of its lodging (Palmieri, 2008, p. 12).

In Scotland, the initial point of contact when submitting a Scottish E-petition is the Clerk of the Public Petitions Committee, whose sole job is to advise and assist petitioners who are submitting petitions to the committee. The Scottish Parliament takes an active role in helping citizens navigate the process, while in Queensland a petitioner receives little, if any help from the Parliament. One signature is required for a Scottish E-petition to be admissible, which effectively eliminates any hurdles preventing a petitioner from utilizing the system. In contrast, at local municipal levels in Norway, E-petitions require at least 300 signatures to be considered (Linder & Riehm, 2009, p. 7). In Wales, the Welsh Assembly's E-petition system is very similar to Scotland's. It was launched in 2003 and also has a Petitions Committee with the power to rule on

admissible petitions (Hansard Society for Parliamentary Government, 2011). The German

Bundestag started an E-petitioning system in 2005, and is also similar to its Scottish counterpart.

While the Bundestag receives a high number of petitions, E-petitions do not yet constitute a large

proportion of petitions presented (Palmieri, 2008, p. 12).

Linder and Riehm (2009) state in international comparison, the high degree of

information transparency demonstrated by the Scottish Parliament, which was made possible by

the Internet in the first place, is particularly impressive. Overall, Scotland's efforts in developing

and using its E-petition system has set a positive example for other countries, and caused them to

investigate the use of E-democracy to strengthen their own democracies.

CHAPTER THREE: THE SCOTTISH CONTEXT

History of the Scottish Parliament

Before the creation of the British Parliament in 1707, Scotland had its own Parliament and democratic traditions that had existed for centuries. The Scottish Parliament's long history began in the middle ages. In feudal Scotland, the early forms of the Parliament were made up of various bodies or councils that provided advice and assistance to the monarch, whether it was financial, military, or dealt with other issues completely. In 1293, records show that certain pleas were heard, "in the presence of the king and his council in his first parliament." By the end of the thirteenth century, a Parliament had become primarily a sitting of the King's council in its capacity as the supreme court of law, the King's High Court of Parliament. The Parliament at this time was a court of law, not a governing body; it declared the law, ruled on cases, and set precedent through its rulings for similar cases in the future. Meetings of the Parliament had to be publicly proclaimed in advance, and those who had been summoned were required to attend and had to be given at least forty days' notice (Dickinson, 1965, p. 106). The continuing lack of good justice in the local courts caused Scots to seek justice more and more in the King's own court of Parliament, sometimes on appeal to the highest court, sometimes on petition for the remedy of some wrong or the enforcement of some right. (Dickinson, 1965, p. 192). An example of this occurred in 1399, when a general council suggested that a Parliament should be held each year for the next three years, so that the King's subjects could obtain justice (Dickinson, 1965, p. 107).

Meetings of the Parliament could not be frequent or long in duration, and when it did

convene, it had increasingly important matters of state to demand its attention. To ease this

problem, during the reign of David II[1], the Parliament appointed two small committees for

judicial work, one to deal with falsed dooms, and the other to deal with causes, complaints, and

petitions. This allowed the Parliament to transform into a governing body, while the committees

dealt with the judicial work (Dickinson, 1965, p. 192).

During the early fourteenth century, secular and clerical Lords known as the community

of the realm made up the Scottish Parliament. In 1326, representatives of the commons, who

were known as burgh commissioners, began to meet alongside the Lords within the Parliament.

Unlike the English Parliament, where the Lords and Commons met apart from each other, the

Scottish Parliament remained a unicameral parliament throughout its existence. The nobility,

senior clergy, and burgh commissioners made up the three groups of representatives within the

Parliament, who collectively became known as the Three Estates (The Scottish Parliament).

These estates represented the distinctive privileges of sections of the feudal ruling class

(Goodare, 1996, p. 14). During the beginning of David II's reign, the Three Estates began

electing certain members to 'hold' the Parliament, while the rest went home. The members who

remained had the full power of the Parliament, and in fact, were the Parliament (Dickinson,

1965, p. 192). The Three Estates could also form themselves into individual conventions,

deciding upon a united policy so that when Parliament met, they could provide a single, forceful

voice for their respective Estate (The Scottish Parliament). The most important and influential

committee within the Parliament, called the Lords of the Articles, appears to have been in

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[1] R. 1329-1371

existence since the 1450s. This committee, made up of representatives from the Three Estates, met to draft legislation which would be subsequently presented to the entire Parliament (The Scottish Parliament). Therefore, a meeting of the Parliament was an occasion where consensus was sought between the Crown and the Estates. By the late fifteenth century, it was generally accepted that binding decisions should be reached in Parliament because the agreement of the Estates gave legitimacy to government policy. Issues of national importance generally needed Parliament's endorsement, and without it, royal policies were likely to fail (MacIntosh & Tanner, 2010, p. 3).

In 1603, James VI succeeded Elizabeth to the English throne as James I, resulting in the Union of the Crowns of England and Scotland. The Regal Union brought together two kingdoms under one monarch, who for much of their histories' had harbored less than amiable relations towards one another. Scotland, the less powerful of the two nations, would feel the effects of this new relationship more than her neighbor to the south. While Scotland was losing wealth due to the Union, England was benefitting financially (Dand, 1972, p. 18). Throughout the seventeenth century, however, many attempts at political union were proposed, but none had eventually occurred, largely due to English indifference or antagonism. James I had tried during his reign in 1603, but had failed. Other attempts in 1667, 1670, and 1690 suffered the same fate (Devine, The Scottish Nation 1700-2007, 2006, p. 3).

Over the centuries, as the political environment changed within Scotland, the Scottish Parliament gradually became more powerful. Most notably, the Revolution of 1688 transformed the structure of Scottish Parliamentary politics. William and Mary ascended to the Scottish

throne after the expulsion of the Stuart king, James II. This occurred not through divine or hereditary right, but through the decision and invitation of the Scottish Convention of Estates (Devine, The Scottish Nation 1700-2007, 2006, p. 4). The balance of power between Monarch and the Parliament had been drastically altered, and the Parliament began to assert itself. In 1690 the Lords of the Articles was abolished, which was seen as under the Monarch's control and influence. Also, the Bishop's Estate was removed from the Parliament. As a whole, Parliamentary authority increased, while the Monarch's declined. For the first time in its history, the Scottish Parliament had become an independent force in national life. Scots also began to realize that the words spoken and votes taken at the Scottish Parliament could have significant effects on their lives and destinies. In addition, the emboldened Scottish Parliament bargained with King William to ensure that his sister-in-law Anne would succeed him in Scotland as well as England (Dand, 1972, pp. 25-27). By the time the Act of Union was being negotiated, the Scottish Parliament had 147 members representing the nobility, the barons (or county members), and the burgesses of the towns (Devine, The Scottish Nation 1700-2007, 2006, p. 10).

After the Union of the Crowns occurred, it is important to understand the subsequent political and economic conditions that led to the Act of Union of 1707, which dissolved the Scottish Parliament and created the British Parliament. At the end of the seventeenth century, Scotland's population was estimated to be a little more than a million, which was about one-fifth the population of England. Scotland was also a rural-based society, with skins, grains, wool, and coal being its chief trading commodities. In addition, the nation's political position was relatively weak in relation to the great European powers such as England and France (Devine, The Scottish Nation 1700-2007, 2006, pp. xix-xxi). Relations between Scotland and England were also

anomalous during this period, and were rooted in the Union of the Crowns. When James I moved to London in 1603, Scotland's foreign policy came with him, later leading to complaints that Scottish foreign policy was suited to fit England's needs. For example, sharing the same monarch did not prevent England from going to war with the Netherlands, one of Scotland's main trading partners, and one of England's greatest commercial rivals. England also proceeded to levy punitive customs dues on key Scottish exports such as linen, cattle, salt, and coal during a time when England was becoming the largest market for Scottish exports (Devine, The Scottish Nation 1700-2007, 2006, p. xxii). As a result, Scots increasingly claimed that the Regal Union needed to be amended and reformed because it was causing Scotland damage while benefitting England. Scotland threatened that if this did not occur, they would appoint their own monarch and tear the Regal Union apart (Dand, 1972, p. 31). This sentiment was echoed by King William, who during his reign concluded that Scotland could not be governed within the existing context of the Union of the Crowns, and that a union of the Edinburgh and London parliaments was vital to national stability and security (Devine, The Scottish Nation 1700-2007, 2006, p. 6).

English attitudes about political union with Scotland, which they had been traditionally against, began to change during the early eighteenth century. This was largely due to fears of succession to the Scottish throne, which could usher in a return of the Stuart kings. If this occurred, the English believed, it could potentially upset the Regal Union and the recent Revolution settlement of 1688 (Whatley, 2008, p. 27). Therefore, the historic English opposition to political union with Scotland had been abandoned, and political union was now regarded as essential for the stability of the two kingdoms. In order to bring Scotland swiftly to the negotiating table, the Alien Act was passed by the English Parliament in 1705. This legislation

18

stipulated that if Scots did not comply and if discussions were not advanced by Christmas Day 1705, severe penalties would be imposed, such as all the suspension of all major Scottish exports to England (Devine, The Scottish Nation 1700-2007, 2006, p. 1). Ultimately, the Whig government in England would repeal the Alien Act in November 1705, but the pro-union message was clear. However, only an 'incorporating union', which would both dissolve the Scottish Parliament and create a new British legislature, was ever acceptable to the English (Devine, The Scottish Nation 1700-2007, 2006, p. 8).

A joint Scottish-English parliamentary commission met in the spring of 1706 and worked out a comprehensive draft Treaty of Union with 25 articles to be presented to the two parliaments. In October the same year, the Scottish Parliament met to debate the draft articles of union, and it was clear that some Scots were bitterly opposed to political union with England. It was a very complicated issue, as there were some who broadly approved of a closer union with England, but firmly opposed incorporation because it meant the end of the Scottish Parliament (Devine, The Scottish Nation 1700-2007, 2006, pp. 10-11). However, despite opposition within and outside of the Parliament, the Act of Union was passed on January 16, 1707 by the Scottish Parliament, voting itself out of existence by 110 votes to 67 (Devine, The Scottish Nation 1700-2007, 2006, p. 12). The English Parliament followed suit in March 1707, and on March 25[2] the Act of Union became law, creating the United Kingdom of Great Britain. This created a British Parliament seated in London, and began the near 300-year absence of the Scottish Parliament. Seats were given to represent Scotland in the House of Commons and House of Lords, yet over the next few centuries it had become clear that Scotland's distinct educational, legal, and church

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[2] At this time, New Year's day was March 25.

systems warranted legislation that strictly dealt with Scotland. However, this became hard to accommodate satisfactorily within the British parliamentary system at Westminster, which led to calls for Home Rule in Scotland (The Scottish Parliament).

During the 20th century, demand for the return of the Scottish Parliament began to grow. However, the proper course to achieve this was contested among Scots who supported Home Rule. The Scottish National Party (SNP), which advocates an independent Scotland with its own Parliament, splintered in 1942 because of the aforementioned issue. John McCormick, a prominent figure within the party, resigned believing that it was more important to develop broad consensus among Scottish people in favor of Home Rule than to pursue the goal of Scottish Independence. McCormick then formed the Scottish Convention, which would stand outside of party politics, yet would seek to mobilize all sections of Scottish opinion in pursuit of that primary objective. Ultimately, the Scottish Convention produced proposals promoting a Scottish Parliament, which became known as "the Blue Print for Scotland". McCormick also issued calls for a new 'national covenant', but by 1950, the movement had fallen apart (Devine, The Scottish Nation 1700-2007, 2006, pp. 566-567).

By this time, the SNP had become a narrow and exclusive nationalist organization with little support from the Scottish mainstream. However, this began to change during the mid-1960s (Devine, The Scottish Nation 1700-2007, 2006, p. 565). One of the great electoral victories for the SNP took place in a by-election held in Hamilton, Lanarkshire, in November 1967. SNP candidate Winifred Ewing won, beating the Labour candidate in one of the safest Labour seats in Scotland. The victory put the SNP on the British political map, attracted much media attention,

and sent shockwaves through the other political parties (Devine, The Challenge of Nationalism, 2008). The SNP continued to challenge elections, with strong surges of support for the party in 1967 and 1973. As a result, by the early 1970s the Scottish question was firmly in the national conversation (Harvie & Jones, 2000, p. 577). However, few Scots wished to actually break with the Union; the aim was rather to improve it to Scottish advantage. Opinion polls revealed that while a third of Scots had voted for the SNP in 1974, only 12 percent supported independence (Devine, The Challenge of Nationalism, 2008).

In the early 1970s, Conservative Prime Minister Ted Heath set up the Royal Commission on the Constitution to investigate devolution for Scotland and Wales, which published research papers and took evidence, giving the subject of devolution an establishment respectability (Harvie & Jones, 2000, p. 100). In 1973, the commission failed to come to a unanimous verdict, yet the members did recommend a form of legislative devolution for Scotland. As support for Home Rule grew and the Conservatives fell out of power, Prime Minister James Callaghan's Labour government put forth legislation to establish a Scottish Assembly with 142 members and control over most Scottish Office functions, but with no revenue-raising powers (Devine, The Challenge of Nationalism, 2008). After great debate, with the Conservative party against devolution, the Labour party divided over the issue, and the SNP supporting it, the Scotland Act became law on July 31, 1978. However, George Cunningham, an anti-devolution Scot and Labour Member of Parliament successfully moved that in order for the Act to come into force, 40% of the Scottish electorate had to support the law at the polls (Harvie & Jones, 2000, p. 115). In the referendum held on March 1, 1979, 52% of those voting supported it, yet they only represented 33% of the electorate (The Scottish Parliament). Generally speaking, a third of Scots

voted yes, a third voted no, and a third could not be bothered (Harvie & Jones, 2000, p. 118). As a result, the SNP initiated a vote of no confidence in Callaghan's Labour government, which ushered Conservative Prime Minister Margaret Thatcher into power. Thatcher's government was firmly against devolution, and repealed the Scotland Act in 1979. A revival of the Scottish Parliament would have to wait.

During the 1980s, the unpopularity of Prime Minister Thatcher and her colleagues in Scotland had led to a widespread sense of political alienation amongst the Scottish people (Arnstein, 2001, p. 472). For example, the general election in 1983 resulted in a large Conservative victory, yet the Labour party held its dominance in Scotland by returning 41 MPs, nearly twice as many as the Conservatives. As a result, many Scots believed that Thatcher's government did not have a mandate for rule in Scotland (Devine, The Scottish Nation 1700-2007, 2006, pp. 602-603). After the general election in 1987, the Conservatives suffered further defeats within Scotland, and the sentiment that Thatcher's government was anti-Scottish grew. This feeling manifested itself in the formation of the Scottish Constitutional Convention, whose demand was for a Scottish Assembly or Parliament. The Convention issued reports based on inquiries and consultations, culminating in its final report in November 1995, titled "Scotland's Parliament, Scotland's Right". Its preface stated prophetically, "The longing of the people of Scotland for their own Parliament rings clear and true every time opinion is sounded. We believe that the momentum for change is now too great to deny; and that a Scottish Parliament will soon be meeting for the first time in nearly three centuries," (The Scottish Parliament).

"Scotland's Parliament, Scotland's Right" formed the devolution policy that Labour

Prime Minister Tony Blair's government introduced in its White Paper, "Scotland's Parliament".

Blair and the Labour party had campaigned during the general election of 1997 promising to

hold a referendum on the creation of a Scottish Parliament. The referendum asked two questions,

one on the principle of a Scottish Parliament and the other on its tax raising powers. The

referendum was held on September 11, 1997, and the Scottish people responded by voting 74.3%

in support of a Scottish Parliament, and 63.5% supporting tax raising powers. Unlike the

referendum in 1979, there was clear support from all the regions of Scotland (Devine, The

Scottish Nation 1700-2007, 2006, p. 617). Subsequently, the Scotland Act of 1998 was passed,

and for the first time since 1707, a Scottish Parliament existed.

The Consultative Steering Group on the Scottish Parliament's report, "Shaping

Scotland's Parliament", provided the blueprint for how the new Parliament would operate. The

Parliament would be made up of 129 Members of Scottish Parliament, elected through a

combination of first-past-the-post and proportional representation electoral systems, and had

power over all matters outside of foreign policy, defense, macro-economic policy, social

security, abortion, and broadcasting. Its budget would be furnished by the British Government,

yet the body in Edinburgh would have a limited authority to raise additional income taxes on its

own (Arnstein, 2001, p. 473).

The first elections for the Scottish Parliament were held on May 6, 1999, and the first

meeting occurred six days later. The election resulted in a coalition government between the

Labour and Liberal Democrat parties. Donald Dewar, a member of the Labour party and Tony

Blair's Secretary of State, would become the First Minister. On July 1, 1999, the Scottish

Parliament was officially opened by the Queen and received its full legislative powers (The

Scottish Parliament). During the ceremony, First Minister Dewar stated:

'"There shall be a Scottish Parliament'. Through long years, those words were first a hope, then a
belief, then a promise. Now they are a reality. This is a moment anchored in our history. Today,
we reach back through the long haul to win this Parliament, through the struggles of those who
brought democracy to Scotland, to that other Parliament dissolved in controversy nearly three
centuries ago. Today, we look forward to the time when this moment will be seen as a turning
point: the day when democracy was renewed in Scotland, when we revitalised our place in this
our United Kingdom. This is about more than our politics and our laws. This is about who we
are, how we carry ourselves …Wisdom, justice, compassion, integrity. Timeless values,
honourable aspirations for this new forum of democracy, born on the cusp of a new
century…Today is a celebration of the principles, the traditions, the democratic imperatives
which have brought us to this point and will sustain us into the future," (Macdonell, 2009, pp.
18-20).

Dewar eloquently summed up Scotland's struggle for a return of its Parliament and the hope for

its future. In addition, the entire celebration conveyed the impression of a Parliament which

intended to do things differently than the British Parliament in London (Devine, The Scottish

Nation 1700-2007, 2006, p. 631).

From 1999 to 2011, the Scottish Parliament has experienced four national elections, four

First Ministers, and three different types of government, one minority, two coalition, and one

majority. The Scottish Parliament matured during this period, following its own policy as it

abolished student tuition fees, established free health care for the elderly, froze council tax bills,

and moved to end prescription drug charges. It also grew in stature, by taking on a more assured

and confrontational attitude towards the British Parliament, and demanding more rights,

responsibilities, and freedoms for itself (Macdonell, 2009, p. xii).

Creating a Scottish Parliament

The opportunity for a country to develop a new Parliament within an existing democratic context is rare. Scotland had this advantage, and explicitly designed its new Parliament to bring it closer to the people by incorporating them into the policy-making process. A new, modern legislative body, in touch with the people's needs and wants was to be established in Edinburgh. Its design also symbolized a rejection of the adversarial style of politics employed in the UK parliament in London. The symbolism of the Parliament also permeated the opening ceremony on July 1, 1999, emphasizing Scottish democratic tradition and egalitarianism with the singing of Robert Burn's "A Man's a Man."[3] The values of the Scottish Parliament are also physically enshrined within Catalan architect Enric Mirrales' design for the Parliament building, which was finally completed in 2004.

In order to understand the vision for the new Scottish Parliament, which was rooted in the rejection of the adversarial politics employed at Westminster, it is important to comprehend how the British parliamentary system operates. The Westminster system is based on the principle of parliamentary sovereignty and supremacy, with few formal restraints on Parliament's sovereignty. In UK elections, the first-past-the-post electoral system has historically resulted in majoritarian single party governments. An officially recognized Opposition, or alternative government known as Her Majesty's Loyal Opposition, provides counterbalance. Parties compete for the favor of electors and frequently alternate in power. Duverger's law, postulated by French political scientist Maurice Duverger, asserts that a simple-majority, single-ballot

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[3] A quintessential Scottish anthem, urging for the values of honor and virtue to be embraced, while lambasting class and rank as a factor of worth in society.

system favors the two-party system, and results in a unique winner who garnered the most votes (Riker, 1982, p. 754). As a result, smaller parties who do not receive a majority of votes in the UK are marginalized, and have a more difficult time gaining seats in the British Parliament.

The adversarial nature of the Westminster system can also be seen in the design of the parliamentary chamber, with two sides confronting each other across the gangway, and with party discipline strictly applied to front and backbencher party members (Keating, 2005, p. 14). In addition, many believed that Westminster was infiltrated with interest-group politics and closed corporatism (Keating, 2005, p. 15). Consequently, people in Scotland felt that if a new Parliament should be established, it should not inherit these aforementioned traits from its parent at Westminster. Indeed, as the campaign for Devolution in Scotland picked up momentum, the Scottish Constitutional Convention articulated the desire for a new Scottish Parliament that would break with the Westminster model, and to provide a framework for a broader and more radical reform of government (Keating, 2005, p. 16).

This sentiment would later be echoed by the Tony Blair's Labour government, which published the White Paper "Scotland's Parliament" in July 1997. The report set out a broad framework for the Parliament, yet it left detailed decisions up to the Parliament itself to decide. However, it was clear that it would be unreasonable to expect members of the Scottish Parliament to do this immediately after the first elections. As a result, the Consultative Steering Group on the Scottish Parliament was set up to ensure that when the Parliament met to make final decisions on its procedures and working methods, a widespread set of proposals which would be likely to command widespread support were developed, and a clear and well-founded

basis for debate was provided (The Scottish Office, 1998). The Consultative Steering Group on the Scottish Parliament's proposals also aimed to create an open, accessible and, above all, participative Parliament which would take a proactive approach to engaging with the Scottish people, especially those groups which were traditionally excluded from the democratic process (The Scottish Office, 1998). "Shaping Scotland's Parliament", the report produced by the Consultative Steering Group, outlined the key values of the Parliament: power sharing, accountability, accessibility, transparency, participation, and the promotion of equal opportunities. To create a more diverse Parliament and reduce the power of major parties, two electoral systems are used, proportional representation and first-past-the-post. This ensures that government in Scotland will nearly always be by coalition and that the Scottish Executive will not always be able to prevail (Keating, 2005, p. 17). Duverger observations support this, as he stated, "the simple-majority system with second ballot and proportional representation favors multi-partyism," (Riker, 1982, p. 754). In addition, committees in the Parliament were designed to be more powerful than their counterparts at Westminster and less partisan.

In order to facilitate a more participative Parliament, a permanent Public Petitions Committee was established, with the remit to consider public petitions addressed to the Parliament, to decide in cases of dispute whether petitions are admissible, to decide what actions should be taken upon an admissible petition, and to keep the operation of the petitions system under review (The Scottish Parliament Public Petitions Committee). The Public Petitions Committee also teamed with the International Teledemocracy Centre at Napier University and BT Scotland to develop and host an online E-petitioning tool which allows Scots, as well as citizens of other nations, to submit E-petitions electronically to the Parliament. The development

27

of the E-petitioning system represents the Parliament's commitment to becoming a modern legislative body that is accessible, participative, and transparent. Utilizing technology to enhance citizens' ability to take part in policy formulation was a main thrust of this effort.

Catalan architect Enric Mirrales, who won the design contest held by the Scottish Government, designed the new Scottish Parliament building. The location chosen was Holyrood Park, which is situated between the Holyrood House (the Queen's Edinburgh residence) and the law courts, is at the end of the Royal Mile, and right in the heart of Edinburgh (Macdonell, 2009, p. 74). Mirrales envisioned a building that blended in with the landscape of Holyrood Park, with portions of it resembling upturned Scottish fishing boats (Macdonell, 2009, p. 77). Mirrales stated, "The Parliament sits in the land. We have the feeling that the building should be land, built out of land. To carve in the land the form of gathering people together... Scotland is a land…The land itself will be a material, a physical building material," (Glynn, 2006). Construction of the Scottish Parliament was completed in 2004 to great fanfare, and has been described as, "a rich, complex and crafted design, as much landscape as architecture, a building that will connect the city centre emotionally and physically to the hills beyond, expressing Edinburgh's embodiment of Scotland's political and cultural will," (Glancey, 2003). The Parliament also has a more European feel, with a unicameral semi-circle chamber and large windows that allow light to flood in, symbolizing transparency.

Overall, the new Parliament building and politics that take place within it are an amalgamation of the rejection of British politics, the desire for a more modern and participative

government that allows citizens to take part in the policy-making process, and a continuation of

the Scottish democratic tradition which had ceased nearly 300 years earlier.

CHAPTER FOUR: E-PETITION DATA ANALYSIS

From 1999 to 2011, during three sessions of the Scottish Parliament, 385 E-petitions were lodged with the Public Petitions Committee. These E-petitions dealt with a wide range of issues, were submitted by different individuals and groups, and had different policy impacts. As a result, it is important to analyze the E-petition data provided by the Public Petitions Committee in order to determine whether or not the system has fulfilled what it was designed to do. This will provide evidence of the extent to which it has allowed for public participation in policy formulation.

The E-petition system was designed to allow ordinary people, not affiliated with any group or organization, to voice their concerns and have meaningful participation in policy formulation in Scotland. However, a troubling concern was the possibility that E-petitions would open a new avenue for interest groups and powerful organizations to lobby the Parliament, abusing a system designed to give political voice to non-participative citizens (Silcock, 2001). Another worry pertaining to the E-petition system was whether individuals who had never used the system before would file them, or if a group of experienced petitioners would utilize the system repeatedly to achieve their policy goals. Would a system designed to improve democratic participation actually help stifle it? This analysis will help address these important questions about the E-petition system, and provide answers to them.

The E-petition System

The Public Petitions Committee lists every E-petition filed with the committee on the Scottish Parliament's website, which are searchable by their respective identification numbers.

The E-petition summary page includes all the relevant information pertaining to the petition: who filed the petition, whether or not it was filed on behalf of a group or organization, the number of signatures the petition received, the date it was lodged with the Parliament, and the petitioner's statement outlining its aims and general information about the E-petition. Below that is the petition summary page, which is updated by the Public Petitions Committee and details each time the petition is discussed and the actions taken by the committee. Links are provided for information gathered, committee meetings, reports, written questions, and other events pertaining to the E-petitions. The data was collected and compiled into a dataset, which was used to examine the E-petition system.

The first task that the nine MSPs that sit on the Public Petitions Committee must perform is to review whether the Scottish Parliament has the power to deal with the issues brought up in the E-petition. For instance, if the subject of an E-petition deals with foreign policy, the Scottish Parliament has no power to hear the petition as this power resides with the British Parliament. In addition, the Public Petitions Committee cannot rule out a petition on the grounds that they do not believe it to be a good idea or disagree with what its aims may be. One signature is all that is required for an E-petition to be lodged with the Scottish Parliament. This eliminates barriers restricting the issues a petition may raise, and virtually allows anyone to file an E-petition with the Scottish Parliament. There is no uniform duration for an E-petition, and while the Public Petitions Committee is still reviewing it, an E-petition is known as open.

The Public Petitions Committee categorizes each E-petition lodged with the Parliament into a corresponding issue, which allows them to understand which policy areas petitioners are

concerned with, and to make the process more expedient by knowing which relevant committee or government body to send the E-petition to for review and response. In addition, the committee communicates with the petitioner during the process updating them on the progress of the petition, and in some cases inviting them to provide evidence or argue the petition's merits to the committee at the Parliament. Once a decision has been reached about the issues raised in the petition, the E-petition is closed and the petitioner is notified the reasons why.

The final outcome of E-petitions are important to examine, and I have categorized the outcomes of closed E-petitions as follows: closed after initial Public Petitions Committee consideration, closed after initiating Committee report or inquiry, closed after contributing to Committee report or inquiry, referred to other Committee and closed, closed on basis of Executive response, closed and considered under planned legislation, closed on basis of other Committee response, closed on basis of other Public Body response, closed on basis of Scottish Government response, closed due to parliamentary activity or outside activity, closed due to petitioner response or request, E-petition withdrawn, closed due to issues raised in E-petition implemented, and closed due to petitioner non-response. Below, a chart displays the possible steps an E-petition could take.
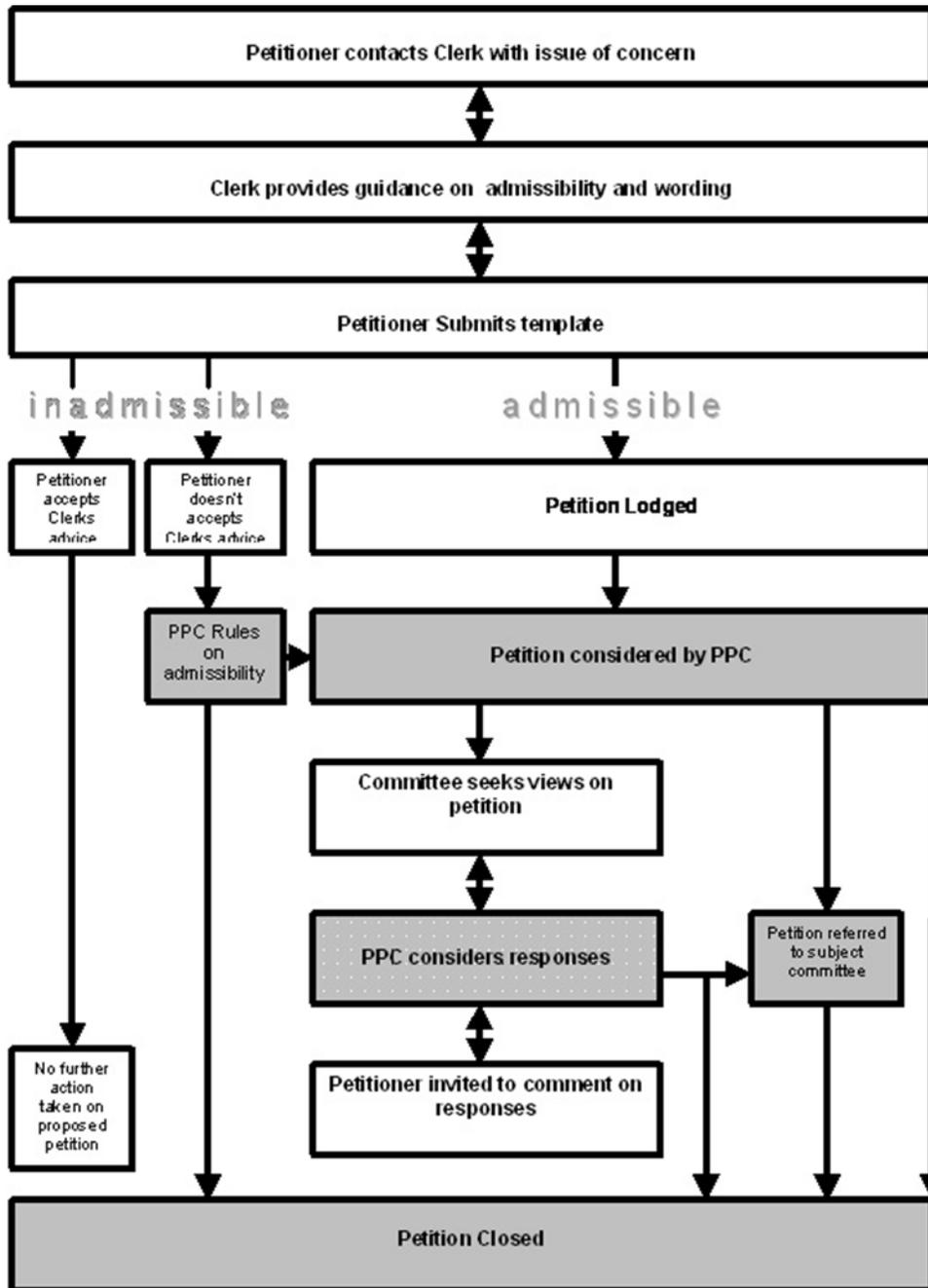
Figure 1: E-petition Possibilities Chart

Source: (The Scottish Parliament Public Petitions Committee, 2006).

The first E-petition was filed with the Scottish Parliament in 2000, and in 2004 the E-petition system was officially launched by the Parliament. The number filed grew each year until 2008, peaking at 92. After 2008, the number filed dropped down to 66 in 2009 and 62 in 2010. It is interesting to note, however, that 2002 saw no E-petitions filed with the Parliament. On average, 38.5 E-petitions were lodged each year from 2000-2010.
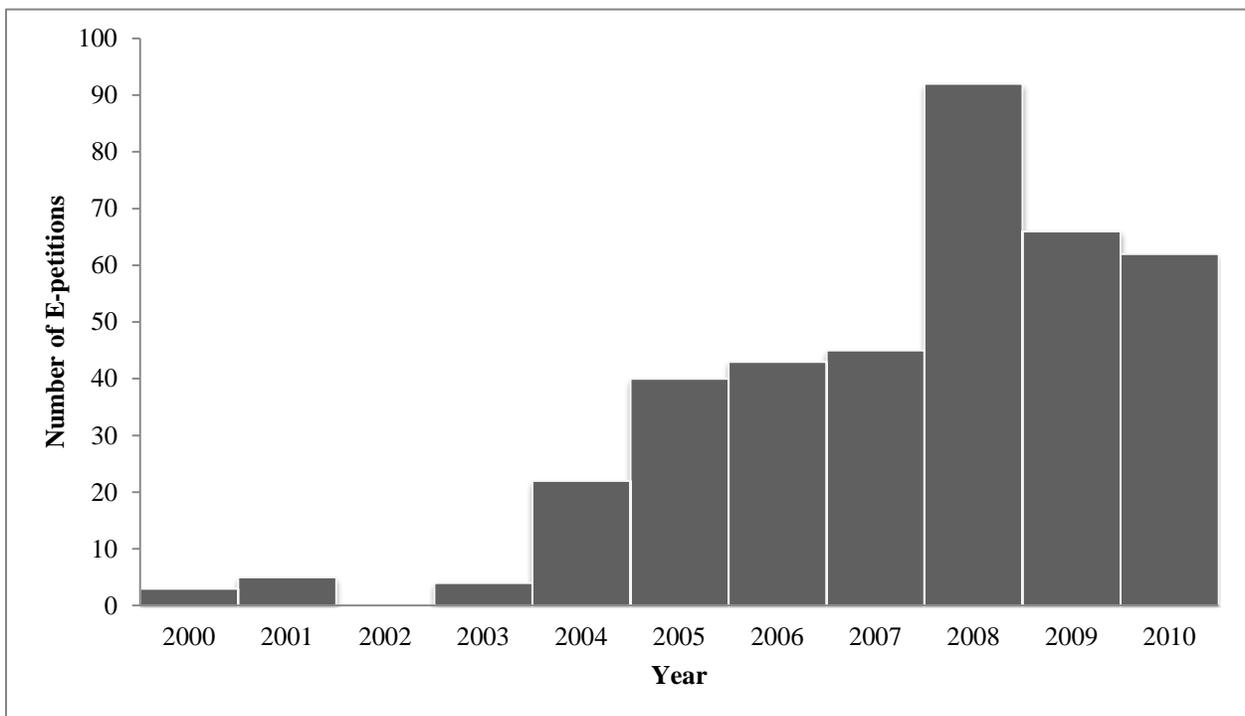
Figure 2: E-petitions Lodged with the Scottish Parliament, 2000-2010

The most signatures an E-petition received was 23,144. 56.6% of E-petitions received more than 100 signatures, 19.7% received more than 1000 signatures, and 2.1% received more than 10,000 signatures. E-petitions garnering only one signature made up 14.5% of all filed. The average E-petition received 955 signatures.
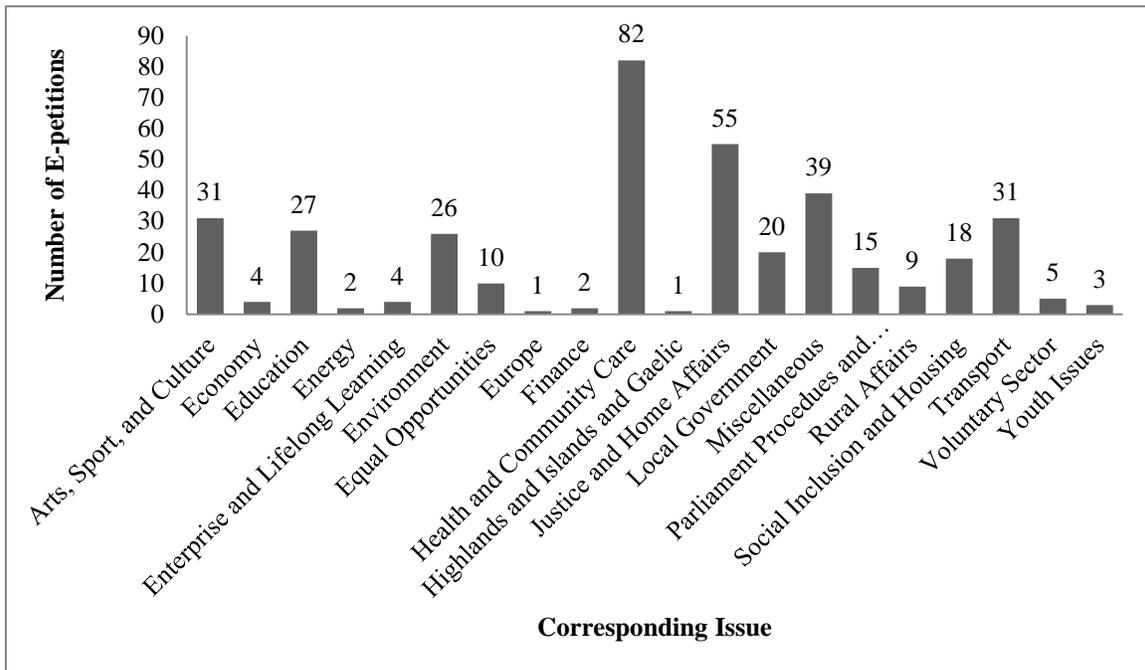
Figure 3: Corresponding Issue Assigned to E-petitions

The policy areas assigned by the Parliament to E-petitions are as follows: Arts, Sport, and Culture, Economy, Education, Energy, Enterprise and Lifelong Learning, Environment, Equal Opportunities, Europe, Finance, Health and Community Care, Highlands and Islands and Gaelic, Justice and Home Affairs, Local Government, Miscellaneous, Parliament Procedures and Standards, Rural Affairs, Social Inclusion and Housing, Transport, Voluntary Sector, and Youth Issues. Health and Community Care, making up 21.3% of E-petitions filed, made up the most policy issues filed with the Parliament, indicating that many Scots view this as a pressing issue. Justice and Home Affairs consisted of 14.3% of E-petitions filed, and Transport and Arts, Culture, and Sport as the next highest, both sharing 8.1% respectively.
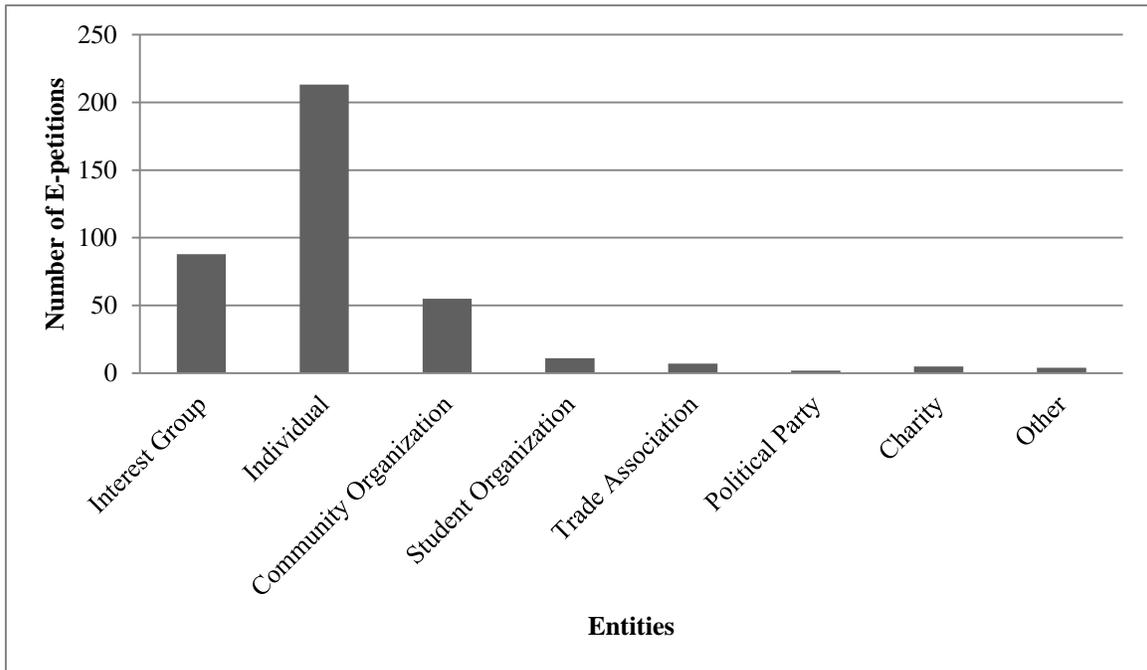
Figure 4: Entities E-petitions Filed on Behalf Of

An E-petition must be submitted by an individual; however whether or not the petitioner filed it on behalf of a larger group or organization is an important indicator of who is utilizing the E-petition system. Individuals not affiliated with any group or organization filed 55.3% of all E-petitions. 14.3% of E-petitions were filed by community organizations, and only 22.9% were filed on behalf of interest groups. Repeat petitioners constituted 11.4% of individuals filing E-petitions, while one-time petitioners made up 88.6%. The most E-petitions a single individual has filed is 5, so this arena has not yet become a new political opportunity structure. This is an encouraging sign, as citizens with no prior experience with the E-petitions process are navigating the system successfully and participating in policy formulation with few repeat players.
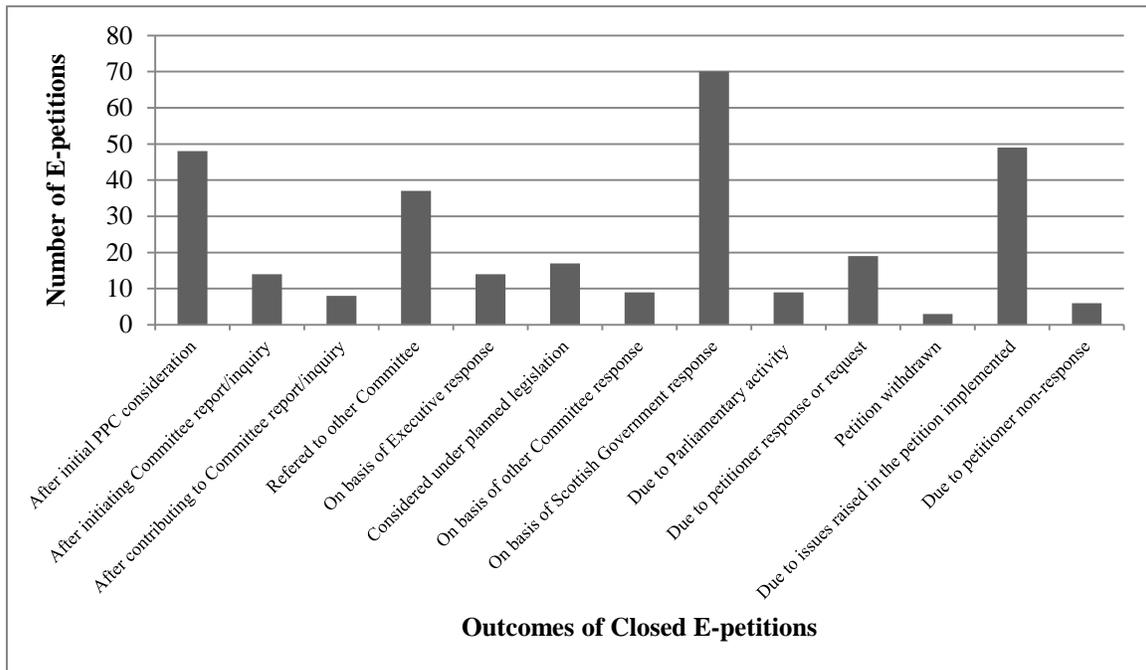
Figure 5: E-petition Outcomes

The most frequent outcome for E-petitions (18.2%) was for them to be closed on the

basis of the Scottish Government's response. This can be understood as the Scottish Government

informing the petitioner that after careful consideration, they have no plans on implementing the

issues raised. E-petitions that were closed after initial Public Petitions Committee consideration

made up 12.7%. E-petitions in this category did not fall under the Scottish Parliament's powers,

and were subsequently closed. 4.4% of E-petitions were closed and considered under planned

legislation, usually resulting in the issues raised being tacked on to existing legislation in the

Parliament. E-petitions that were closed due to the issues raised in the petition being

implemented constituted 12.7%. Taken as a whole, 84.9% of E-petitions fell under the Scottish

Parliament's powers, were reviewed by government committees, bodies, or outside

organizations, and entered the political discussion.

<center>Conclusions</center>

While only 12.7% of E-petitions were closed as a result of the issues raised being implemented, it indicates that E-petitions do have the ability to affect policy formulation, that the Scottish Parliament takes E-petitioning seriously, and that E-petitions have the ability to become or change laws. This is a positive sign, as someone that is considering submitting an E-petition, yet is skeptical of its potential to change anything, could view this statistic and be encouraged to submit it. Individuals who were not affiliated with any group or organization submitted 55.3% of all E-petitions. This is a positive indicator that regular citizens are utilizing the system in order to achieve the changes in policy they seek. Also, with interest groups filing 22.9% of E-petitions, fears that they would use the system to lobby the Parliament and increase their power seem unfounded. First-time petitioners, who had no prior experience with the system, filed 88.6% of E-petitions. This signifies that the E-petitions process is accessible, and not intimidating for citizens to use.

Overall, the data indicates that over three sessions of the Scottish Parliament, the E-petition system has in fact helped to provide for public access, transparency, power sharing, accountability, and participation. Scots began to involve themselves in the political process through E-petitioning, and it has proven itself to be a viable medium for Scots to express their grievances and to participate in policy formulation. However, the data tells us little about specific E-petitions, and what they have accomplished. To remedy this, the next chapter will feature three case studies, which will add context to the E-petition process.

CHAPTER FIVE: E-PETITION CASE STUDIES

In order to add context to the E-petitions process, it is important to examine individual E-petitions to get a better idea of how the system works, and the multitude of outcomes that E-petitions may have. Each petitioner had a specific grievance or change in policy in mind when they filed their respective E-petition, yet their idea of whether it was a success or not is extremely subjective, and varies from petitioner to petitioner. To one petitioner, success could have hinged on whether or not their proposed policy change was implemented or not. To another, success could have been that the subject of the E-petition entered into the political discussion and whether it was implemented or not is of less importance. Thus an examination of some representative E-petitions should help shed light on the success and/or failure of petitions. I selected three E-petitions examined here, PE1108, PE1065, and PE1238, that represent different outcomes petitions experience, and to highlight the actions taken by the Public Petitions Committee. Not all E-petition's outcomes are as successful (in terms of affecting policy) as PE1108 and PE1065, as PE1238 will show. PE1108 is an example of an E-petition being closed because the issues raised were implemented by the Parliament, and was successful in affecting health care policy in Scotland. It also was a particularistic case directly involving the affairs of one individual, but was much broader in its impact. PE1065 is an example of an E-petition launching an inquiry, and being closed after the inquiry results were implemented. Specifically, PE1065 allowed the Public Petitions Committee to review the E-petitions process, and led to positive changes designed to increase awareness of the existence of the system. The petition was very general initially, focusing on increasing political participation for young people, yet resulted in efforts aimed to increase the political participation for all peoples within Scotland. PE1238 is

an example of an E-petition that was not within the Scottish Parliament's powers, yet was still discussed for its merits. The Scottish Government shut it down, but the petition still entered the political conversation of the Parliament, which is important unto itself. Ultimately, these case studies will give a better idea about how the entire E-petitions process functions.

<p style="text-align:center;">PE1108</p>

PE1108 was submitted by Tina McGeever, and lodged with the Scottish Parliament on January 7, 2008. Mike Gray, Tina McGeever's husband, was diagnosed with bowel cancer and was receiving chemotherapy. However, the cancer spread to Gray's liver, and he was informed by his oncologist that there were no further treatments available from the National Health Service (NHS) in Scotland, and consequently had only a few months to live (The Scottish Parliament, 2008). However, a drug did exist that could treat advanced bowel cancer, called cetuximab, but was only available privately in Scotland.

In September 2005, the Scottish Medicines Consortium decided that cetuximab should not be recommended for use to treat bowel cancer. In England and Wales, the National Institute for Clinical Excellence ruled in 2007 that cetuximab should not be used for treatment of bowel cancer, but stated that, "Consultants should not stop prescribing…cetuximab for people who were already taking it when the guidance was issued. These patients should be able to carry on taking…cetuximab until they and their consultants decide that it is the right time to stop treatment," (The Scottish Parliament Information Centre, 2007). The Scottish equivalent of the National Institute for Clinical Excellence, the National Health Service Quality Improvement Scotland, endorsed the National Institute of Clinical Excellence ruling in January 2007.

However, the guidelines established by these bodies can be bypassed, as it is ultimately up to each respective clinician to decide whether or not a drug should be used in the treatment of their patient. However, the clinician must still get approval from the National Health Service, who decides whether or not to fund the treatment (The Scottish Parliament Information Centre, 2007).

McGeever's husband was prescribed cetuximab, but the National Health Service Grampian Health Board refused to fund it on the basis that it was too expensive. As a result, McGeever filed an E-petition on behalf of her husband, "calling on the Scottish Parliament to urge the Scottish Government to consider the provision, on the National Health Service, of cancer treatment drugs, in particular cetuximab, to ensure equity across National Health Service Boards on the appropriateness, effectiveness, and availability of such treatments," (The Scottish Parliament, 2008). The E-petition received 632 signatures, and was subsequently lodged with the Scottish Parliament.

The Public Petition Committee's first move was to invite Tina McGeever and Mike Gray to the Parliament to argue the petition's merits to the committee, and to get a better understanding of what they were experiencing. This opportunity allowed McGeever to indicate the heavy financial burden they were incurring to fund the cetuximab treatments, £3,400 every two weeks. In addition, Gray stated that, "In a sense, we are here to talk about the wider issue, which is that 400 people annually face the same issue in Scotland. They do not have the means or the money to provide the National Health Service with evidence," (The Scottish Parliament Public Petitions Committee, 2008).

On February 8, 2008, during the 3rd meeting of the Public Petitions Committee for 2008, the committee's Convener Frank McAveety stated that:

"This petition came from the powerful case, which was presented to the committee, of an individual who was seeking drug treatment from the NHS. His determination, and that of his family, was the critical factor in their success, but I would like to think that, in some small way, the Public Petitions Committee assisted with the necessary public debate involving the decision makers at health board level. For us, the petition threw up a national issue that we need to focus on, which is about what happens if a particular health board indicates that a drug is not available on the NHS, the rights of appeal that cancer sufferers have and the mechanisms that they must go through, which—given that they face potentially fatal illnesses—could jeopardise their survival. Every day and every week really matters to such people, so we need to expedite the process," (The Scottish Parliament Public Petitions Committee, 2008).

Endorsing McAveety's recommendation, the committee launched an inquiry gathering relevant evidence from the Scottish Government and all National Health Service Boards pertaining to the availability of cancer drugs for patients. The inquiry culminated in the Scottish Government's report, "Better Cancer Care, An Action Plan". The issues raised by the petition and the subsequent report were debated within the Scottish Parliament on October 1, 2008. In addition, the committee proceeded to question and receive responses from the Scottish Government, the Health and Sport Committee, the Scottish Medicines Consortium, Bowel Cancer UK, NHS Grampian, and NHS Lothian throughout 2009 and 2010.

On March 8, 2011, the Public Petitions Committee closed PE1108, citing the positive progress that had been made. Specifically, the committee stated that:

"The petition was one of those that was referred to in the recent debate in Parliament on the work of the Public Petitions Committee, and for good reason because it has had considerable effect. We have come to the end of what we, as a committee, can do, but in closing the petition we should state clearly and for the record that positive action has been taken as a result of the petition and the committee's inquiry, including the issuing of revised guidance to NHS boards on the arrangements for NHS patients receiving health care services through private health care

arrangements. That has provided a framework to support decisions concerning the possible combination of elements of NHS and private care for individual patients. Importantly, the Scottish Government, following the workshops organised by the Scottish Medicines Consortium in May 2010, is developing good, proactive guidance to NHS boards on individual patient treatment requests… I am sure that the committee would like to reflect not only on the positive actions of the Scottish Government but on the indispensable input of the petitioner, Tina McGeever, on behalf of her husband, the late Mike Gray. Without the petitioner and the energy of both individuals directly involved, we would not be seeing the real improvements that I am sure the petition will effect throughout Scotland in respect of patients accessing newly licensed medicines, in the process for considering objectively individual patient treatment requests and in the arrangements for the combination of care that is available to patients. Finally, we should reflect on the fact that all of those real improvements for people throughout Scotland have been effected through the simple process of lodging a petition. The petitioner should take great pride in that," (The Scottish Parliament Public Petitions Committee, 2011).

It is evident that Tina McGeever's E-petition facilitated the development of new policy regarding medicines that Scots have access to, and ensuring that someone in Mike Gray's situation will be able to receive adequate treatment for the illness afflicting them through public and private means. The petition has also been a catalyst in securing individual patients more power in deciding which available treatments to use in treatment of their disease.

PE1108 is an excellent example of what an individual can accomplish by filing an E-petition. The combined efforts of Tina McGeever and the late Mike Gray demonstrates that it is an effective medium to communicate grievances and propositions for policy formulation within Scotland that can deliver tangible results. PE1108 displays the Public Petition Committee's role in the E-petition process, investigating the government bodies and policies, and in effect, championing the petition's cause. This is not to say that are on the petitioner's side, but are extremely committed to performing their remit effectively. However, it is worthy to note that the petition took a little over three years to come to a conclusion, and that during this time, Mike

Gray passed away due to cancer. Although it was not the most expedient process, it did deliver the results the petitioner desired.

<center>PE1065</center>

Rajiv Joshi filed PE1065 on behalf of Young Scot, a national youth information and citizenship charity in Scotland. The E-petition was lodged with the Parliament on June 14, 2007, and received 194 signatures. Joshi's E-petition called on the Parliament to, "use the Microsoft Government Leaders Forum Europe to promote the use of new and emerging technologies to enhance engagement of young people in the democratic process and to encourage Parliaments throughout Europe to do the same," (The Scottish Parliament Information Centre, 2007). In January 2007, the 4th annual Microsoft Government Leaders Forum Europe was hosted at the Scottish Parliament in Edinburgh. The theme of the conference was "Engaging Citizens to Meet 21st Century Challenges - Mapping the Way Ahead", with the highlight being when 14 young people from Scotland and Europe quizzed Bill Gates and Chancellor of the Exchequer Gordon Brown during a question and answer session. However, at the time that PE1065 was lodged with the Parliament, Scotland's Parliament and Government had yet to be invited to the next Microsoft Government Leaders Forum Europe taking place in Berlin in January 2008.

On October 23, 2007, Rajiv Joshi was invited to the Scottish Parliament to argue his case to the Public Petitions Committee. Joshi stated that:

"Use of the internet has grown by 245 per cent in the past six years alone. In Scotland, 70 per cent of young people regularly use the internet for day-to-day communication…we think it is important for the Scottish Parliament to invest more in information technology to help young people become more engaged in Scotland's democracy…The internet has transformed how young people participate…The young people who met at the conference believed that technology

<center>44</center>

could transform how they were consulted, inspire greater participation in elections, increase the space that they have for public deliberation and provide them with better access to decision making and influence… Engagement should be both informal and formal and efforts should be made to create more accessible forms of participation for young people, not only nationally but in local decision-making processes…All those tools are in place, but we need to invest in an infrastructure that creates a more integrated approach to the way in which young people participate, not only in their education but in local decision making and democracy—in elections, deliberations and consultation. We believe that technology can make a difference to young people, can spark their participation in local democracy and can lead to a better Scotland," (The Scottish Parliament Public Petitions Committee, 2007).

After questioning Joshi, the Public Petitions Committee wrote to the Scottish Parliamentary Corporate Body, the Scottish Government, and the Convention of Scottish Local Authorities for responses to the petition. The committee also agreed to conduct a broader inquiry into innovation and engagement in the E-petitions process.

Over the course of the next year, the Public Petitions Committee investigated and produced its report, "Inquiry into the Public Petitions Process". The report stated that, "Petition 1065 was very much the catalyst for the inquiry and we thank Young Scot, in particular Rajiv Joshi, for bringing it forward. They provided us with the opportunity to take forward an investigation and discussion into the fundamental issues which underpin our public petitions system and wider questions about the role of our new Parliament," (The Scottish Parliament Public Petitions Committee, 2009). The two key questions of the inquiry were how can the Public Petitions Committee increase people's awareness of the public petitions process, and how can they continue to improve the scrutiny of the petitions they subsequently receive (The Scottish Parliament Public Petitions Committee, 2010). The report called for several new initiatives explaining the petitions process to the public, including a DVD, a video in British Sign Language, a new simplified leaflet in English and Gaelic, a podcast version of the leaflet in

several languages such as Arabic and Punjabi, a new and simpler petition template available online, and a petitions blog updating readers about the work of the Public Petitions Committee with pictures and video (The Scottish Parliament Public Petitions Committee, 2010). In addition, supporting an E-petition by text message from a mobile phone was also made available. As a result, PE1065 was closed on March 8, 2011, on the basis that the Public Petitions Committee believed it had achieved its aim. In closing the E-petition, the Convener Frank McAveety stated, "I thank Rajiv Joshi, who is a constituent of mine, for the hard work that he put into the petition and commend him for the substantial developments that have arisen from the petition," (The Scottish Parliament Public Petitions Committee, 2011).

Rajiv Joshi's E-petition initially focused on improving the engagement of young people in the petitions process, but it had much wider ramifications. PE1065 facilitated the inquiry into the petitions process the Public Petitions Committee undertook, gave them the unique opportunity to reflect on their efforts utilizing information and communication technologies up to that point, and improve upon them to make sure all Scots had equal opportunities in using the process. PE1065 serves as evidence that an E-petition cannot only change policy within Scotland; it can also affect how the Public Petitions Committee conducts the process itself.

<div align="center">PE1238</div>

PE1238 was filed by Deryck Beaumont on behalf of the Scottish Palestine Solidarity Campaign, and lodged with the Parliament on February 23, 2009. The E-petition received 248 signatures, and called for, "the Scottish Parliament to urge the Scottish Government to urge the UK Government to expel the Israeli Ambassador from the UK until Israel shows it is prepared to

accept that it is not above international law," (The Scottish Parliament Public Petitions

Committee, 2009). Even though the E-petition dealt with foreign policy, a power reserved to the

British government at Westminster, the Public Petitions Committee agreed to seek comment

from the Scottish Government. Bill Butler, a member of the Public Petitions Committee stated:

"I do not want to shut the petition down. I wish to assure the petitioner, who sent his e-mail on Monday 16 March 2009, that none of my committee colleagues wishes to shut the petition down or to silence the petitioner or those who agree with him. It is absolutely an important issue. The petitioner has a point in the sense that, although the matter is reserved, the terms of the petition are such that it is appropriate for us to deal with it—it asks the Scottish Government to urge the Westminster Government to follow a certain course of action. Whether people think that the suggested course of action would merely exacerbate the situation, rather than leading to a two-state solution and the implementation of United Nations resolution 242, is beside the point. I think that we should write to the Scottish Government, asking for its view on the thrust of the petition," (The Scottish Parliament Public Petitions Committee, 2009).

The Public Petitions Committee received comment back from the Scottish Government, which

responded saying that removing the Israeli ambassador would not further the effort to make

peace between Israel and Palestine. However, as the Scottish Parliament had no power to hear

the petition, this was a moot point. Bill Butler stated:

"The Scottish Government is absolutely correct in its view that expelling the Israeli ambassador from the UK would not serve the prospects of a long-term peace in the Middle East. I want that to be stated on the record. The petition is mistaken. Like many members, I certainly support United Nations resolution 242 and the twin-state solution, but we should not, simply because of that, say that the petition has any merit in the short, medium or long term. I think that such an action would simply exacerbate the situation. I do not want there to be any mistake or shilly-shallying: the Scottish Government is right and the petitioner is wrong, and I think that we should say so—and I have just said so. I think that we should close the petition," (The Scottish Parliament Public Petitions Committee, 2009).

On June 19, 2009, PE1238 was closed due to the Scottish Government's response.

However, it is important to note that although the E-petition did not fall under the Scottish

Parliament's power, and that the Public Petitions Committee members may not have agreed with

the petition, they still believed that it was important for the merits of the petition to be discussed. The Public Petitions Committee's effort to ensure PE1238 was reviewed is evidence of its commitment to the process, and their desire to ensure that every petition is considered for its merits. In addition, it is possible that Beaumont deliberately submitted the petition to start debate about the Israel-Palestine issue, and to score political points for the Scottish Palestine Solidarity Campaign. The importance of the E-petition did not hinge on the issues raised being implemented, but on its ability to foster debate on the subject within Scotland.

Conclusions

It is clear that the E-petition process has allowed individuals such as Tina McGeever, Rajiv Joshi, Deryck Beaumont, and hundreds of others to participate in policy formulation with the Scottish Parliament. It has facilitated public debate with the Parliament, and given a new outlet for citizens and groups to voice their grievances and concerns. Increasing public participation in the democratic process was one of the goals of the new Scottish Parliament, and the development and use of its E-petitioning system has fulfilled this function. The case studies have demonstrated the tangible changes in policy that E-petitioning can bring, and further cements its critical role in creating a participative Parliament.

In addition, the different motives that petitioners may have for filing petitions have been illuminated here. An individual concern, such as Tina McGeever's, brought bigger issues about access to drug treatments to light, and subsequently led to changes in health policy throughout Scotland. Concerns affecting one group of people, such as Rajiv Joshi's E-petition, which targeted the lack of political participation by youth in Scotland, resulted in much wider

ramifications than Joshi may have originally intended. Political participation of all Scots, regardless of ethnicity, age, or social class up to that point was examined, and new measures were taken to raise awareness of the E-petition system. While Deryck Beaumont was most assuredly informed by the Clerk of the Public Petitions Committee that his E-petition did not fall within the powers of the Scottish Parliament, he still submitted the petition and the issues raised entered the political conversation. Therefore, these examples demonstrate that E-petitioning is a powerful tool available to Scots to affect policy-making, and ensures that their Parliament is in fact of the people, by the people, and for the people.

CHAPTER SIX: CONCLUSION

This thesis has analyzed the Scottish Parliament's E-petition system and its affect on the political participation of Scots. In conclusion, I highlight some of the most important points, outline current developments in E-petitioning, and what future research should focus on.

After the Scotland Act of 1998 was passed, the Consultative Steering Group on the Scottish Parliament had the unique opportunity to develop a new Parliament within a preexisting democratic context. "Shaping Scotland's Parliament", the report produced by the Consultative Steering Group, outlined the key values of the Parliament, which are power sharing, accountability, accessibility, transparency, participation, and the promotion of equal opportunities. In addition, a rejection of how government was administered at Westminster, paired with the political alienation many Scots felt towards the British government, subsequently led to a desire for a drastically different type of Parliament. Engendering the feeling among people in Scotland that the new Parliament was accessible and belonged to them was of upmost importance to its designers. As a result, the creation of the new Scottish Parliament allowed for a new political environment to take hold in Scotland based on an active participation relationship between the government and citizens.

The Scottish Parliament's efforts to be a modern institution that can concurrently provide public access, participation, transparency, accountability, and power sharing to its citizens has been furthered by its E-petition system. The world's first E-petition system, created by the International Teledemocracy Centre at Napier University, BT Scotland, and the Public Petitions Committee, delivers the key values of the Parliament to the populace in a technologically

innovative democratic structure. The E-petition system advantageously uses the Internet as a medium to allow for a new type of public participation in policy making, which has been fruitful in providing a method for citizens to engage in meaningful participation and policy formulation with their government. For prospective signers, the system allows people to register their support for an E-petition after reviewing the arguments through online debate and outside sources hosted on the E-petition page. As a result, signers make an informed choice whether or not to sign the petition. Petitioners receive assistance from the Clerk of the Public Petitions Committee before filing their E-petition, and then can view every step of the process on the Internet, enhancing procedural transparency.

The data provided by the Scottish Parliament Public Petitions Committee website was recorded, put into a database, and used to analyze the E-petition system. As the data analysis and case studies demonstrated, Scots have successfully used E-petitions to participate in policy formulation with the Parliament. During three sessions of Parliament from 1999-2011, 385 E-petitions were filed with the Scottish Parliament. Individuals submitted 55.3% of E-petitions during this time, while interest groups filed only 22.9%. This demonstrates that regular citizens are participating in policy formulation with the Parliament, and that interest groups have not utilized the system to further their exorbitant influence. In addition, 88.6% of E-petitions were filed by first time petitioners, showing that experience with the system is not a necessary prerequisite in order to utilize it. 12.7% of E-petitions had the issues raised implemented, yet 84.9% of E-petitions fell under the Scottish Parliament's powers, were reviewed by government committees, bodies, or outside organizations, and entered into the political discussion. The case studies added context to the E-petition process, giving concrete examples of petitions filed with

the Public Petitions Committee, and what their outcomes were. Petitioners such as Tina McGeever and Rajiv Joshi used E-petitions to achieve policy changes that they believed were of importance. Tina McGeever, whose husband suffered from cancer and was prevented access to a potentially life saving drug through public means by their local NHS board, submitted PE1108 in an effort to ensure equity among NHS boards on the availability of drugs. She was successful, and the Scottish Parliament took several measures to rectify this issue. Rajiv Joshi filed PE1065 in order to promote the use of new technologies to increase political participation among young people in Scotland, and wished the Parliament to use the Microsoft Government Leaders Forum Europe to promote this idea to leaders throughout Europe. However, the petition resulted in an inquiry into the entire E-petition system by the Public Petitions Committee. This gave the Public Petitions Committee the opportunity to review the political participation of all Scots, and to develop new ways of increasing awareness of the process. Many petitioners, such as Deryck Beaumont, have submitted E-petitions that have not brought the changes desired, but these petitioners still participated in policy formulation and had a medium to raise their concerns with the Parliament.

The Scottish Parliament's E-petition system has relevance for representative democracies worldwide. As citizens living in these countries have largely grown more apathetic towards the political process, their political participation levels have declined as well. Governments attempting to solve this dilemma have investigated different means of reengaging their citizens through technology, yet few have had the success that the Scottish Parliament is currently experiencing through its E-petition system. This political reinvigoration of a nation that, for nearly three centuries, did not have its own Parliament has caught the attention of other

governments. For example, in 2011 both the British Government and United States Executive Branch launched E-petition websites. However, both of these systems fall short of the inclusiveness that the Scottish system provides, with each requiring 100,000 and 25,000 signatures respectively in order for E-petitions to be considered. It is doubtful that they can replicate the success of the Scottish model without the commitment to allowing the public to participate in meaningful policy formulation, eliminating barriers preventing certain issues from entering the political conversation, and providing the transparency that the Public Petitions Committee allows throughout the process. The exercise of public political participation will amount to little more than a novelty if governments do not take the public's E-petitions seriously. However, the E-petition systems of Wales, Germany, the Australian states of Queensland and Tasmania, the United States Executive Branch, and the United Kingdom indicate that more and more governments are exploring the use of E-petitioning to reengage their citizens in the political process. The E-petition system has been exported to other nations, and active participation relationships between government and citizens are being fostered as a result.

The Scottish Parliament pioneered the use of E-petitions, and continues to demonstrate that they are committed to improving the process, as in 2011 the Public Petitions Committee is updating the E-petitions website. Currently, the Scottish Parliament is in its fourth session, and E-petitions have been suspended until the new site has been fully developed. However, as the Public Petitions Committee's track record has proven, the new website should certainly improve upon the old one, and the process as well. Moving forward, as technology advances and Internet access increases, E-petitioning has the potential to become the standard that democratic governments use to engage citizens in the political process. Scotland has shown that E-

petitioning, if conducted in the proper manner, can allow citizens to have meaningful participation in policy formulation with government, and it will be interesting to see if the rest of the democratic world can replicate their successes.

Many questions still remain to be answered about the Scottish E-petition system, and other counterparts that are emerging across the globe. Assuming that more and more citizens begin to utilize the E-petition system in Scotland, will the greater volume of E-petitions being filed dilute the process and overwhelm the Public Petitions Committee? In this situation, can governments afford to consider every E-petition filed, or will they have to sacrifice quality for expediency? Will this prominence of E-petitioning cause it to become a target for rogue hackers, targeting E-petition systems to cause mayhem? Will governments be able to provide the proper cyber-security to fend off such an attack? Future research should focus on several different areas of E-petitioning. How democratic governments are utilizing E-petitions will be important to examine, as this should provide answers to whether governments are genuinely interested in giving citizens a share of policy-making power, or if it is just a ploy to appease citizens. Does a correlation exist between E-petition systems and an increase in other forms of political participation, such as voter turnout? Finally, investigating different countries' E-petition systems in depth at a comparative level should also be an area that is researched.

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