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**TO FRACK OR NOT TO FRACK? THE INTERACTION OF JUSTIFICATION AND  
POWER IN A SUSTAINABILITY CONTROVERSY**

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# TO FRACK OR NOT TO FRACK? THE INTERACTION OF JUSTIFICATION AND POWER IN A SUSTAINABILITY CONTROVERSY

## Abstract

How could a *de facto* moratorium on shale gas exploration emerge in Québec despite the broad adoption of fracking in North American jurisdictions, support from the provincial government and a favorable power position initially enjoyed by the oil and gas industry? This paper analyzes this turn of events by studying how stakeholders from government, civil society, and industry mobilized modes of justification and forms of power with the aim to influence the moral legitimacy of the fracking technology during a controversy surrounding shale gas exploration. Combining Boltanski and Thévenot's economies of worth theory with Lukes' concept of power, we analytically induced the *justification of power* mechanisms whereby uses of power become justified or 'escape' justification, and the *power of justification* mechanisms by which justifications alter subsequent power dynamics. We finally explain how these mechanisms contribute to explaining the controversy's ultimate outcome, and advance current debates on political corporate social responsibility.

**Key-words:** corporate social responsibility, fracking, justification, moral legitimacy, power, shale gas

## INTRODUCTION

Political CSR (PCSR) approaches inspired by Habermasian, stakeholder, and institutional theories have highlighted the central role of ‘moral legitimacy’ in the processes by which stakeholder groups intervene in sustainability controversies to influence their outcomes (Frynas and Stephens, 2014; Scherer and Palazzo, 2011). Building on Habermas’ concepts of communication and deliberative democracy (Palazzo and Scherer, 2006; Scherer, Palazzo and Seidl, 2013), these approaches suggest that multiple stakeholder groups attempt to shape the moral legitimacy or illegitimacy of sustainability issues to establish a normative consensus (Bauer and Palazzo, 2011; Mena and Palazzo, 2012). However, this research has done little to explain *how* stakeholder groups *compete* in shaping the moral legitimacy or illegitimacy of sustainability issues in institutional arenas.

Another group of scholars suggest that stakeholder groups intervene in sustainability controversies mainly through coercion or manipulation to advance their agendas and shape the institutions in which the discussions take place to promote their own interests (Banerjee, 2010; Fleming and Jones, 2013). These critics tend to describe the Habermasian PCSR perspective as ‘naïve’ if not ‘utopian’ (Fleming and Jones, 2013, pp. 45-46, 85-86) because of its limited appreciation of the differential powers attached to the stakeholders involved in these negotiation processes; they insist on the need to better theorize and account for the role of power when studying sustainability (Banerjee, 2010). However, the work of these critics rarely considers that efforts of stakeholders to influence moral legitimacy may in turn shape power dynamics.

This paper seeks to address these limitations by considering the dynamics of *both* power and justification to analyze how stakeholders interact in a sustainability controversy; we aim to explain how the relationships between power and justification influence the controversy’s ultimate outcome. Theoretically, we combine Boltanski and Thévenot’s (2006 [1991]) economies

of worth (EW) framework with Lukes' (2005 [1974]) conception of power. The EW provides a tool to unpack the processes by which stakeholders justify their claims on moral grounds (Patriotta, Gond and Schultz, 2011). Lukes' (2005) definition of power enables a consideration of observable uses of power, such as authority or coercion, but also of subtler processes by which stakeholders defuse conflicts by preventing issues from reaching institutional arenas through agenda setting or impose their views by making the changes they support appear unavoidable.

To investigate the interactions of justification and power as well as the effects of their interactions, we examine a controversy surrounding the exploration of shale gas in Québec (Canada) between March 2010 and December 2011. We selected this case for its relatively 'unique' and 'extreme' nature (Yin, 2008). Indeed, the controversy led to a *de facto* moratorium on shale gas exploration in October 2012, despite the initial support of the provincial government, the presence of powerful lobby groups from oil and gas corporations advocating in favor of shale gas exploitation in Québec, and the facilitation of shale gas extraction in the neighboring context of several other Canadian provinces and the United States, where it has been made a strategic priority for the government. Following an inductive and reflexive case study approach, such an unexpected turn of events offers opportunities for interesting 'theoretical reconstructions' (Burrawoy, 1998, p. 16).

Through our analysis, we 'analytically induce' (Bansal and Roth, 2000) neglected 'social mechanisms' (Stinchcombe, 1991) that bridge power and justification through the controversy. The *justification of power* mechanisms explain how prior uses of power constrain or enable specific modes of moral legitimation by delegating the work of justification to other stakeholder groups (*delegation*) or by amplifying the possible modes of justification through power relations (*multiplication*). The *power of justification* mechanisms explain the effects of justification on the capacity to mobilize forms of power either by altering the perceived uncertainty of the issue

(*reshaping perceived uncertainty*) or by restricting uses of power through the reorientation of institutions toward their original purpose (*recovering institutions*). Our findings show how these mechanisms explain the main shifts in the turn of the controversy, leading to its ultimate outcome in the form of a *de facto* moratorium. Finally, we discuss how the justification-power framework we induced from our case study contributes to the study of PCSR, power and justification. We then derive the main theoretical and practical implications of our analysis.

## **MANAGING MORAL LEGITIMACY: BRIDGING JUSTIFICATION AND POWER**

### **Moral Legitimacy in Sustainability Controversies**

Central to PCSR studies is the recognition that corporations do not operate in a social and political vacuum but are embedded in systems of governance that reflect social networks as well as state action (Gond, Kang and Moon, 2011; Scherer and Palazzo, 2011). Because the regulatory environments of the corporation are shaped by the interplay of civil society and industrial actors, the boundaries of the ‘division of labor’ among corporations, nation-states and civil society organizations change continually, creating constant ‘overflows’ among the social, political and business spheres. These overflows are the focus of PCSR studies (Frynas and Stephens, 2014).

According to the ‘Habermasian perspective’ on PCSR, the management of moral legitimacy takes on central importance in this new context (Palazzo and Scherer, 2006; Scherer and Palazzo, 2011). Moral legitimacy (or illegitimacy) is defined as the moral acceptability (or unacceptability) of an organization’s behavior that results from a normative evaluation by external observers (Suchman, 1995). In sustainability controversies, corporations and their stakeholders deal with moral legitimacy ‘to reach a consensus (or at least an informed compromise) and ultimately a new match between organizational practices and societal expectations that will (re)establish legitimacy’ (Scherer et al., 2013, p. 264). According to this point of view, PCSR research needs to focus on how processes and institutions can help



legitimize the political power of corporations to make them democratically accountable (Bauer and Palazzo, 2011). Research inspired by this perspective has investigated the management of moral legitimacy through a variety of institutions and has stressed the importance of civil society organizations in CSR-related controversies (Mena and Palazzo, 2012; Mena and Waeger, 2014).

However, this line of study has been criticized on its normative and political fronts. On the normative side, even though Habermasian works stress the importance of managing moral legitimacy, they do little to explain *how stakeholders concretely justify their claims by anchoring them in specific moral orders*. On the political side, the Habermasian line of inquiry has been criticized for *under-theorizing power* (Banerjee, 2010; Fleming and Jones, 2013). To address these two limitations, we rely on Boltanski and Thévenot's (2006) concept of justification and Lukes' (2005) 'radical' view of power.

### **An Economies of Worth Perspective on Justification**

Boltanski and Thévenot's (2006) economies of worth (EW) framework provides a useful alternative to the Habermasian deliberative approach to 'unpack' stakeholders' justifications that shape the moral legitimacy or illegitimacy of CSR issues in a controversy. Patriotta et al. (2011) have shown how this framework can be used to analyze how stakeholder groups compete in institutional arenas by providing justifications consistent with moral principles reflecting conceptions of the 'common good'.

Central to the EW theoretical apparatus is the description of 'common worlds' dominated by 'orders of worth' that provide actors with systematic and coherent shared moral principles that can be deliberately mobilized across different contexts in their justification efforts. The empirical works of Boltanski, Thévenot and their colleagues have identified a set of at least seven common worlds, governed by different higher orders of worth (Boltanski and Thévenot, 2006; Lafaye and Thévenot, 1993). The *civic* world values civic duties and collective over particular interests in the

search for the common good; its idealized representation is offered by Rousseau's treatise *The Social Contract* (1994 [1762]). The *green* world values nature, the biosphere, and the harmonious relationship among humans, fauna, and flora (Lafaye and Thévenot, 1993). The *industrial* world is driven by the search for efficiency and standardization; it values invention, technology, and science. The *market* world is that of competing actors driven by their self-interests to achieve commercial gains from their transactions; its archetypal form is described by Adam Smith (1991 [1776]). The *domestic* world is a world of traditions within which loyalty and the respect of hierarchy and authority are highly valued. The *inspired* world is the place of creation, and it values the spontaneous vision, dreams, and imagination of the individual artist. Finally, the world of *fame* or reputation values the achievement of public recognition and recognizes the importance of others' judgment. As a whole, these worlds constitute a 'grammar of justification' through which actors can build their claim that their position reflects the 'common good'.

Stakeholders are assumed to appreciate all common worlds and to have the cognitive flexibility to engage with their plurality in the context of justification (Boltanski, 2012). To evaluate the worth of a situation, a technology, or an object, stakeholders may mobilize specific 'tests of worth' (Boltanski and Thévenot, 2006). Such tests may focus either on the confirmation or the determination of appropriate orders of worth. The first case reflects an evaluation of a 'state of worth' (is a technology actually 'green' according to a given standard?), whereas the last case corresponds to a 'test of worth' (should a technology be evaluated according to its creativity [inspired world] or monetary value [market world]?).

The EW framework provides a model to account for the conflicting set of critiques through which stakeholders embedded in different 'worlds' oppose each other's arguments by evaluating the worth of their arguments through various tests. This framework approaches the management of moral legitimacy in the context of CSR issues as a process of deliberative communication in

which multiple stakeholders mobilize different orders of worth to establish the moral legitimacy of their points of view (Patriotta et al., 2011). In so doing, it contributes to shaping a controversial practice as either morally legitimate or illegitimate and, accordingly, to the social acceptance or rejection of a practice—or even its continued controversial status.

In its original version published in 1991, the EW framework describes a specific ‘regime of action’ in which actors deliberately refuse to rely on violence, coercion or any other form of domination (Boltanski, 2012). As explained by Luc Boltanski:

Power relations do not play an important role in the frame of analysis chosen for the economies of worth. They are not a subject matter of *On Justification*, but not because we thought power relations were non-existent (quote reported by Basaure, 2011, p. 369).

In their more recent works, the promoters of the EW framework have begun to theorize the relationships between the justification regime of action and specific forms of power, such as domination, notably by considering the role of institutions and change (Boltanski, Fraser and Corcuff, 2014; Susen and Turner, 2014). Boltanski (2011, pp. 124-43) in particular suggests that two political regimes of domination may persist, even in democratic contexts, through strategic approaches to justification. First, powerful actors may deny the reality of tests of worth that threaten their power. Second, domination may be exercised by imposing a specific justification for change as being *unavoidable* and *desirable*; this justification becomes an ideology that suffices to disqualify any criticisms or alternative choices as reactionary. Boltanski (2011) labels this second form of interplay between justification and domination ‘managerial’ or ‘complex’ effects of domination.

Although these developments show that, from an EW perspective, justification and power do interact, Boltanski (2011) focuses on a specific form of power—*domination*—and his analysis deals with macro-social issues rather than the meso-level of analysis that corresponds to stakeholders’ interactions in sustainability controversies. To complement this line of inquiry, we

now introduce a broader conceptualization of power.

### **A Radical Perspective on Power**

Paradoxically, despite the close relationships between the concepts of politics and power in the social sciences (Arendt, 1958), PCSR in general and the Habermasian view in particular have been criticized for lacking sound conceptualizations of power (Banerjee, 2010; Fleming and Jones, 2013). To address this limitation, we build on Lukes' (2005) 'radical' conceptualization of power in our exploration of how justification and power interface.

Lukes (2005) defines power by considering 'that *A* exercises power over *B* when *A* affects *B* in a manner contrary to *B*'s interests' (p. 37). This definition overlaps with prior definitions and notably encompasses forms of power evident in observable behaviors such as *coercion* (Dahl, 1957), which refers to the threat of deprivation to force compliance, usually by blocking access to resources. This definition also accounts for the use of *authority* to influence others or for any other 'legitimized' forms of power obtained through political consensus regarding the pursuit of collective goals (Parsons, 1967, p. 308).

However, Lukes' (2005) conceptualization moves beyond these behavioral and 'visible' facets of power and elaborates on the earlier works of Bachrach and Baratz (1970) to capture latent forms of power that can exist even without an overt conflict. Indeed, the definition provided by Lukes is also compatible with *manipulation*, a second dimension of power whereby 'actors seek to either limit the issues that are discussed or fit issues within (what are perceived to be) acceptable boundaries' (Fleming and Spicer, 2014, p. 242). Manipulation is usually expressed through agenda setting, and it aims at preventing issues from reaching the relevant institutional or political arena. Finally, Lukes' (2005) conceptualization recognizes that power is also a capacity that does not necessarily have to be exercised overtly or covertly to influence other actors (p. 34). He thus advances a third dimension of power that corresponds to *domination* and refers to the use

of ideology to make relations of power appear ‘inevitable’ and ‘natural’ by shaping the subjective and real interests of actors.

As a whole, Lukes’ (2005) approach considers four facets of power: *authority*, *coercion*, *manipulation*, and *domination*. This rich conceptualization recognizes that ‘the most effective and insidious use of power is to prevent conflict from arising in the first place’ (p. 31). It sees power as a capacity, and it focuses on control over the political agenda in considering both current and potential issues. Interestingly for our purposes, Lukes (2005) sets aside the question of investigating ‘whether rational persuasion is a form of power and influence’, and he does not theorize the relationship between power and modes of legitimation beyond his discussion of Parsons’ (1967) definition of ‘legitimized’ power as authority, although he recognizes the importance of the moral foundations of power (see Lukes, 2005, pp. 36-7).

In what follows, we rely on Lukes’ (2005) radical concept of power and Boltanski and Thévenot’s (2006) concept of justification to inductively analyze how stakeholders’ mobilization of justification *and* forms of power are related to each other and how the relationships between power and justification influence the controversy’s ultimate outcome.

## **METHODS AND DATA**

### **Case Selection: Identifying a Sustainability Controversy**

Our empirical focus is on the ongoing controversy surrounding the exploration of shale gas in Québec, Canada. We chose this context for two main reasons. First, as in the case of nuclear energy, several economic, technical, environmental, and health and safety uncertainties surround the exploration of shale gas. A recurrent issue in the shale gas industry is the hydraulic fracturing technique used for its extraction. Known as ‘fracking,’ this technique consists of blasting large amounts of water, sand, and chemicals at high pressure down a well in order to crack adjacent rock structures and free up the gas (IEA, 2012). The main hazards of fracking include the

possible contamination of water tables by dangerous chemicals released in the process, the release of methane into the atmosphere, and seismic risks (Shonkoff, Hayes and Finkel, 2014).

Second, the 1912 Mining Act makes the case of Québec particular. In Canada, the underground belongs to the Crown, which ‘delegates’ it to the provinces—in contrast to the US, where underground exploration and exploitation rights belong to the individual who ‘owns’ the piece of surface land. Québec’s provincial government has the unencumbered power to issue gas or petroleum permits to private or corporate owners who may be different from the surface land’s owners. Providing corporate actors with the rights to exploit the underground in inhabited territories—possibly against the will of individuals who own the land on the surface or the will of the local authorities (e.g. city councils)—was likely to create conflict, so the prospect of shale gas extraction led to intense debates.

### **Data Collection**

To uncover the dynamics through which stakeholders influenced the moral legitimacy of shale gas exploration through ‘justifications’, we relied primarily on press coverage and complemented these data with insiders’ interviews to gain further insights into covert and latent forms of power mobilized by the stakeholders. Appendix A provides the list of our primary data sources.

*Newspaper reports.* Several criteria guided our selection of media: (1) availability in an electronic format for the purpose of systematic content analysis; (2) inclusion of regional, city-based, and national newspapers; (3) a balanced representation of different political orientations in Québec; and (4) a focus on daily newspapers to track the progress of the controversy. Using these criteria led to the list of newspapers presented, together with a set of key descriptors, in Appendix A. We first searched for all articles using the expression ‘shale gas’ published during the two-year period between March 2010 and December 2011; this search yielded 2,266 articles. All were read once to confirm that they related to our controversy. Of these, only 196 articles were found

to focus on shale gas extraction in Québec.

**Interviews with key informants.** We were able to interview 12 key informants who were either prominent members of the main stakeholder groups or frontline observers directly involved in the fracking controversy in Québec. The sensitivity of the issue is shown by the number of prospective interviewees (9 people) who refused to meet despite close personal connections with some of the research team members. Our questions focused on the interviewees' role in the controversy, their perceptions of each category's position in the debate, and the main shifts in stakeholders' discourse and actions. We also used the interview as a 'site' to investigate the presence of power and its expression.

**Other sources of information.** We supplemented our data collection with other sources of data to better understand the full context of the controversy, to control for newspaper biases, and to triangulate our analysis, including communications and reports from official agencies, as well as those of the commission in charge of evaluating the environmental impact of shale gas extraction, and previous studies of the controversy (e.g. Batellier and Sauvé, 2011).

### **Data Analysis and Coding**

**Stage 1 – Temporal bracketing.** To make sense of our longitudinal dataset, we employed Langley's (1999) 'temporal bracketing' technique to isolate distinct periods within the controversy's intertwined elements. We constructed a chronicle of key events, using the facts gleaned from newspaper reports and secondary data. This enabled us to identify the main turning points in the controversy that structured the whole debate.<sup>i</sup>

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INSERT FIGURE 1 ABOUT HERE  
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Then, we plotted 'media traffic,' quantified press coverage, and justifying arguments advanced by various actors to evaluate whether our periods were consistent with the

representation of the controversy in press reports. Figure 1 presents the outcome of this analysis, showing the intensity of the controversy at each structured period.

**Stage 2 – Identification and quantification of common worlds.** In line with Patriotta et al. (2011), we used N-Vivo software to conduct a systematic content analysis of all 196 newspaper articles focused on the controversy. We first coded all the passages corresponding to forms of justification that could be attributed to particular stakeholders, identifying a total of 640 such justifications, each of which consisted of a coherent unit of meaning—either one sentence or a short paragraph of 2 to 4 concise phrases. This analysis allowed us to construct a list of the controversy’s key stakeholders, which we grouped under convenient categories.<sup>ii</sup> We then identified whether each utterance corresponded to a justification involving one or several of the ‘common worlds’ described by Boltanski and Thévenot (2006), using the refined list of semantic descriptors provided by Patriotta et al. (2011, pp. 1815-16). Though helpful, this list of descriptors did not replace the researchers’ interpretation of each of the 640 units of meaning corresponding to justifications. Each unit of meaning was double-coded by two of the authors of the paper. Table I provides illustrations of coding for each of these ‘common worlds’. In many cases, justification involved several ‘common worlds’.

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INSERT TABLE I ABOUT HERE  
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Following prior studies focused on the dynamics of legitimacy accounts (Patriotta et al., 2011), we also counted the occurrence of phrases of justification to evaluate the intensity of actors’ justifications. The most popular forms of justification mobilized by stakeholders were derived from the *civic* world (42 percent of the 900 occurrences), followed by the *green* and the *industrial* worlds (19 and 17 percent, respectively), then the *market* world (12 percent), the *domestic* world (7 percent) and, finally, the *inspired* and the *fame* worlds (2 and 1 percent,



respectively). Table II shows which orders of worth were mobilized by the main stakeholder groups (government, civil society organizations, and the oil and gas industry association) at each of the three phases of the controversy.

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***Stage 3 – Analysis of the mobilization of power by stakeholders.*** To identify the various facets of power mobilized by stakeholder groups, we proceeded in three steps. We first built a narrative of the controversy based on our secondary data. This helped us identify plausible uses of power by each stakeholder group over the three phases of the controversy. Then, we conducted a content analysis of our interviews (Strauss and Corbin, 1998), relying first on the typology of power proposed by Fleming and Spicer (2014) that integrates most of the conceptualizations of power in the literature. Moving back and forth from data to theory, we could identify the four facets of power conceptualized by Lukes (2005), namely, authority, coercion, manipulation and domination, in our data.

Although the uses of *authority* and *coercion* are easily observable forms of power in conflicts in which some stakeholder groups' have clearly opposed interests, our interviewees provided us with invaluable insights about subtler approaches to *manipulation* and *domination* that we could hardly have qualified as such. Table III provides a definition and an overview of the coding for each form of power as well as illustrations from our interview and newspaper data. Each of the 15 instances of power we identified are grounded in multiple sources of empirical evidence, always including the testimony of at least two interviewees. At the third and final stage, we verified whether we could trace these forms of power in our secondary data to confirm the uses of power.

Once we had documented how modes of justification (Stage 2) and forms of power (Stage 3)

were mobilized by each stakeholder group through the controversy—as shown in Table II and reported in our first findings—we were in a position to analytically induce patterns of interactions between justification and power.

***Stage 4 – Induction of social mechanisms bridging power and justification.*** We examined, on the one hand, the *effects* that a *shift* in the uses of power at each phase had on modes of justification at subsequent phases. On the other hand, we examined the *effects* that a *shift* of the mode of justification at each phase had on the uses of power at subsequent phases. For instance, we observed that at Phase I, stakeholder A may use a form of power (coercion through direct threat to another stakeholder) that may be difficult, if not impossible, to justify from a moral ground at Phase II and thus avoid any test of worth. In contrast, if at Phase I, stakeholder B uses another facet of power (e.g. manipulation through networking) that develops his/her relationships with stakeholders C and D, who operate from different common worlds, unprecedented possibilities of justification at Phase II may be created for stakeholder B. Accordingly, shifts in the use of power may constrain or enable subsequent justifications. Reciprocally, we found that justifications can either constrain or enable subsequent uses of power.

Consistent with Stinchcombe's (1991) definition of 'social mechanisms' as 'bits of theory about entities at a different level (e.g. individuals) than the main entities being theorized about (e.g. groups), which serve to make the higher-level theory more supple, more accurate, or more general' (p. 367), we identified recurrent relationships between shifts in uses of power and shifts in modes of justification that constitute explanatory patterns or 'process drivers' (Langley, 1999, p. 904), and we created labels for them. Through this analysis, we induced two categories of mechanisms, which we labeled the *justification of power* and the *power of justification*. The *justification of power* mechanisms explain how power constrains or enables subsequent uses of justification, whereas the *power of justification* mechanisms explain how justifications constrain

or enable subsequent uses of power. Table IV provides a definition of these mechanisms and of their links to specific facets of power and justification that are described in our second findings. *Stage 5 – How social mechanisms influence moral il/legitimacy.* Finally, we investigated how the aforementioned mechanisms influenced stakeholders' interactions over time and produced social effects that led to the specific outcomes in fracking's moral legitimacy. This analysis suggests that the justification of power and power of justification mechanisms may play a role both within and across stakeholder groups, notably by shaping the repertoire of justifications or modes of power available to other stakeholders. Our third findings explain how the mechanisms contributed to the final outcome by shedding light on their role through the whole controversy.

#### **CONTEXT: CALLING FOR A TEST OF THE WORTH OF FRACKING**

Although shale gas exploration activities with fracking technology began as early as 2009, issues related to 'fracking' did not hit the news before June 2010. The controversy emerged in March 2010, when groups of citizens from the Richelieu Valley municipalities, together with environmental NGOs, raised public concerns about the environmental and public health impacts of shale gas exploration in the provincial media. Prior to this, the industry and the provincial government had promoted the exploration of shale gas reserves. Shale gas was often presented as a real 'bonanza' for the province, likely to create between '7,500' and '61,000' jobs. Activists pointed to the lack of reliable publicly available information on the ecological impacts of fracking and underlined the lack of previous public consultation on the initial exploration stages. In so doing, they called for an evaluation of the 'worth' of the fracking technology.

The publication of two surveys on shale gas in the weekend supplements of *Le Devoir* and *La Presse* in June 2010 turned this localized episode of activism into a central item in provincial politics. The two official opposition parties, the sovereigntist *Parti Québécois* and the left-wing *Québec Solidaire*, brought up the issue in Québec's National Assembly, further questioning the

government on four issues. First, the opposition parties asked how this resource would benefit the province. Second, they questioned the safety of the fracking technology. Third, they resumed long discussions about the appropriateness of the mining regulatory framework, already criticized for being too protective of investors' interests to the detriment of local inhabitants. Fourth, they questioned the transparency of the process by which prospecting licenses had been awarded. These concerns gained considerable traction in the media and in public opinion following the Québec screening of the US documentary *Gasland*, which illustrates the side effects of fracking.

## **MOBILIZATIONS OF JUSTIFICATIONS AND POWER**

### **Phase I (March–December 2010): Unearthing Gas and a Controversy**

*Justification.* The accumulation of concerns called for a 'test of worth' of the fracking technology and pushed the stakeholders involved in this controversy to intensify their justification activities. As Table II shows, stakeholder groups mobilized arguments from the *civic* (38.23 percent), *green* (20.14 percent), *industrial* (18.09 percent), *market* (12.29 percent), and *domestic* (10.58 percent) worlds to justify or question the use of the technology.

The oil and gas industry association mainly used the *market* order of worth in its few interventions during this period, seeking to spread the idea that shale gas extraction would generate jobs and create wealth in many communities in the province. However, they also played on the *green* register in presenting shale gas as a clean energy, tacitly bringing in the *domestic* order of worth, with its spokesperson making comparisons to the value of Hydro-Québec, the provincial utility company. The government's justification efforts converged with those of the oil and gas industry association. Ministries represented shale gas as a unique opportunity for the economic development (*market* order) of the province, which could create jobs and enhance the welfare of all Québécois (*civic* and *domestic* orders).

Premier Jean Charest and Natural Resources Minister Nathalie Normandeau do not hide their

enthusiasm for shale gas, seeing jobs, billions of dollars in new investments and the end of \$2 billion a year in natural-gas imports from Alberta. (*The Gazette*, 05/03/2011)

In contrast with these strategies, civil society organizations relied mainly on the *industrial* order of worth, for instance, when asking the government to conduct more systematic and scientific research on the potential environmental and social impacts of shale gas. These organizations relied mainly on *civic* and *industrial* orders of worth and combined their justifying arguments with a critique of fracking aligned with the *green* order of worth. Civil society organizations also argued against the idea that shale gas is a ‘greener’ source of energy, maintaining that its exploitation might have unintended environmental consequences, such as water and soil contamination from the chemicals involved in the process. They also suggested that shale gas could increase greenhouse gas emissions.

**Power.** As shown in Table II, all three stakeholder groups not only engaged in justification efforts but also mobilized various forms of power. During the first months of the controversy, the government used its *authority* and *manipulation* to avoid the pressing demands for a ‘test of worth’ of the fracking technology by referring the issue to the office in charge of public hearings on environmental issues, the *Bureau d'Audiences Publiques sur l'Environnement* or BAPE, literally ‘the Office for Public Hearings on the Environment’.<sup>iii</sup> First, the government set the agenda by narrowly framing the BAPE’s mandate such that it explicitly excluded a moratorium and focused on the conditions for the implementation of a new industry. Second, in creating the BAPE committee, the government excluded experts who were skeptical about shale gas.

According to our interviewees, the low profile and discretion of the gas industry at this first stage should not obscure its covert use of *manipulation* through the mobilization of its networks to influence Jean Charest’s liberal government. The government became the de facto ‘spokesperson’ for the industry as the ministries did the job of ‘selling’ shale gas to Québécois,

relying mainly on arguments and figures provided by the industry. The industry negotiated directly with locals to start drilling as soon as possible, engaging in *coercion* through control over legal and economic resources with the aim to postpone or avoid lengthy public hearings.

According to our interviewees, some industry representatives even contemplated suing the civil society representatives they perceived as being vehemently opposed to shale gas based on what the industry perceived as untrue statements.

Our interviews with leading figures from civil society organizations suggest that this stakeholder group relied mainly on *manipulation* and, more sporadically, on *coercion* or *authority* to counter-balance the power of the industry and government groups. In terms of *manipulation*, civil society organizations enhanced their network position by enrolling groups that cut across different social spheres (e.g., local mayors of villages impacted by fracking, academics, artists and opposition parties). Also, civil society organizations aimed to directly pressure the government and the oil and gas industry through *coercion* by organizing demonstrations to amass and motivate the population; however, the demonstrations both in rural areas and in Montréal did not bring out an impressive number of people. In parallel, civil society groups sporadically yet successfully mobilized authority by engaging in forms of ‘linguistic resistance’. During industry-organized information meetings featuring international experts, civil society representatives insisted on being addressed in French (a legal right in Québec). This reinforced the local Francophone media’s support for the opponents of shale gas.

## **Phase II (January 2011–April 2011): Politicization of the Controversy**

***Justification.*** From January 2011, the debate intensified around the question of whether the province should put the whole industry on hold and call for a moratorium while further studies were conducted. As Table II shows, despite the anchoring of this new turn in the controversy in the industrial order of worth, stakeholder arguments were mainly relocated to the civic space, and

they mobilized the *civic* (46.77 percent), *industrial* (18.04 percent), *market* (13.14 percent) and *green* (15.92 percent) worlds in their justification efforts.

Civil society organizations and the oil and gas industry association both relied on the *civic* order of worth to justify their opposing positions on a moratorium. The former questioned the industry's benefits for Québécois and its capacity to 'frack' responsibly:

'Industry representatives have spent months maintaining that things would be done correctly, that what we've seen in the United States wouldn't happen in Québec, all the while calling anyone a scaremonger who expressed a legitimate concern or asked too many questions' ... wrote Steven Guilbeault, deputy executive director of Équiterre. (*Le Devoir*, 29/01/2011)

The industry association kept using economic arguments to justify fracking. It also combined the *civic* and *market* orders of worth to build a stronger case for shale gas. However, civil society organizations contested these arguments, suggesting that the economic benefits might come at the cost of a negative environmental impact, again relying strongly on the *green* order of worth. From their point of view, a moratorium on fracking was the best choice for Québécois, as full technical information on the technology's environmental impact was not yet available.

After the BAPE's report was published, the government continued to mobilize the *industrial* and *green* orders of worth, but now their arguments approached the initial claims of civil society groups, arguing that more data were needed to make a properly informed decision about whether exploration should continue. In parallel, the government continued its battle against the moratorium by using the *market* and *civic* orders of worth, stressing the industry's potential positive economic impact in terms of job creation, community infrastructure, and royalties.

**Power.** The polarization of the majority government and its opposition parties on the shale gas issue received intense media attention. Both the sovereigntist and left-wing opposition parties engaged in *manipulation* through agenda setting by questioning the government's ability to enforce legislation on shale gas, and both called for an immediate moratorium on shale gas

development in Québec. The government, on the other hand, while clearly opposing the idea of a moratorium, accepted the demands for a ‘strategic environmental evaluation’. In addition, once uncertainties related to fracking were recognized by experts, the government distanced itself from the industry and engaged in *manipulation* by repositioning its location in the power network. The Ministry of Natural Resources and Wildlife was replaced by the Ministry of Sustainable Development, Environment, Wildlife and Parks.

Civil society organizations benefitted from increasing support from opposition parties and growing media visibility and began to be more structured and better organized. They became a coherent social movement, engaging in *coercion* through the collection and diffusion of alternative information about shale gas. The ‘scientific collective’ reached over 100 scholars from different universities who helped representatives of civil society groups use reliable information about fracking on the ground for *manipulation* through agenda setting in BAPE hearings across the province; they could thus influence the debate.

The oil and gas industry association made an interesting move toward *domination* as their main use of power in January 2011 by appointing Lucien Bouchard as the president of the industry association. Bouchard is a previous Prime Minister of Québec and the founder of Bloc Québécois, the main sovereigntist opposition party on the federal stage. His nomination represents a move toward a more conciliatory position focused on the interests of Québec as a whole, and it could be regarded as an attempt to defuse the opposition’s arguments against shale gas. This change can be seen as an attempt at ‘manufacturing consent’.

***Crucial shifts from Phase I to Phase II.*** After intense pressure from civil society organizations, by January 2011, leaks had been found in 19 of the 31 shale gas wells inspected by the Ministry of Natural Resources and Wildlife. In addition, at the end of February 2011, the BAPE released their first report on the issue. Its conclusion was that more information was needed to evaluate the



impact of the shale gas industry in Québec. Both events cemented a shift in public opinion toward perceiving fracking as risky in several regards.

### **Phase III (April 2011–February 2012) – Spreading and Cooling-down**

**Justification.** As Table II shows, while the *civic* (35.26%), *industrial* (16.32%), and *green* (19.21%) orders of worth still dominated the framing of discursive justifications, the government and the oil and gas industry association had mobilized the *market* (13.42%) position consistently from the beginning of the controversy, and the *domestic* (12.37%) order of worth became more important at this final phase.

During this phase, the oil and gas industry association's arguments refocused on the *market*, *civic*, *domestic* and even *green* orders of worth, insisting on the economic benefits of shale gas for the province and on the use of this gas as an alternative source of energy. The government, while trying to align itself with those calling for more information and affirming that the BAPE recommendations would be followed, also continued to mobilize the *market*, *civic*, *domestic* and *green* orders of worth to stress the economic benefits of shale gas.

The opposition parties held to their support for civil society organizations, and they mobilized the *civic* order of worth to question the price Québécois would have to pay for these benefits.

Since the beginning of 2011, three reports made by credible authorities have proved that we don't know enough about it to throw ourselves into gas extraction, an extraction that we don't know will be advantageous to society. Without counting the many public statements by experts, who for months have delivered a series of statements ranging from the potential environmental risks to the need to nationalize the resource. (*Le Devoir*, 02/04/2011)

In addition, civil society and opposition parties persisted in using the *green* and the *civic* orders of worth, arguing that further environmental problems might follow from shale gas exploration.

**Power.** In this third phase, the debate around the controversy started to cool down, and a broad consensus emerged on the need for more technical studies after the BAPE's report. The government, using its formal *authority*, mobilized the BAPE as a mechanism to prove its transparency and its commitment to the provincial population and decided to call for a strategic environmental assessment on fracking and the shale gas industry. The oil and gas industry continued to communicate through former Prime Minister Lucien Bouchard to promote the shale gas industry and to indicate that everything had to be done to respect the law as it stood in a continued effort to *dominate* by 'manufacturing consent' within the province. Finally, civil society organizations saw their claims supported by society's wide mobilization against the government's position. Direct forms of *coercion* were engaged to pressure the government. For instance, on June 18<sup>th</sup>, 2011, a protest drew 10,000 people to the streets of downtown Montreal asking for an immediate moratorium on shale gas. Civil society organizations, now more organized and better structured, gained a central position in the stakeholder net and thereby consolidated their *manipulation* capacity.

**Crucial shift from Phase II to Phase III.** The publication of the BAPE report on February 28<sup>th</sup>, 2011 led to diverse reactions in the following months.<sup>iv</sup> The Québec government formally declared that it would follow the BAPE's recommendations, which involved taking more time for further research and public consultation before moving forward with exploration. This shift in the government's public attitude toward fracking led to the decision of calling for a strategic review of this technology and its impacts for Québécois, which equated in the following months to a *de facto* moratorium.

To unpack how the interactions of justification and power have influenced the crucial turns of the controversy and led to this surprising outcome, we analytically induced the mechanisms that related the mobilization of modes of justification to uses of forms of power.

## FOUR MECHANISMS BRIDGING POWER AND JUSTIFICATION

### Justification of Power Mechanisms

***Mechanism 1a: Delegation.*** For a given stakeholder group, delegation means letting another stakeholder group or person engage in justification and speak in the name of the common good, as a result of having relied on forms of power that are difficult to justify from a moral point of view (e.g., overt forms of manipulation or coercion). A striking illustration of this mechanism occurred when the industrial association enrolled Lucien Bouchard, a former Premier of Québec, to promote the benefits of shale gas in general and more specifically to morally legitimize fracking in Phases II and III, following earlier reliance of the industrial stakeholders on modes of coercion and manipulation that became reported in the media. As explained by an interviewee from the government, delegating the promotion of the shale gas industry to Lucien Bouchard was a clever move, as he could credibly speak in the name of the ‘common good’ in Québec.

M. Bouchard after he left office, has spoken a lot publicly for the economy, for the use of new energies, for productivity, hence it was making good sense to have someone like Lucien Bouchard as a spokesperson. Then at the same time, having Lucien Bouchard who could go against the opponents [*to fracking*] in the public sphere... this was a well-respected person, who was able to reply to opponents. (Interview 3, GOV)

Delegation may therefore be regarded as a way to avoid the justification of forms of power employed at an earlier stage that could be difficult to justify subsequently (in the case of the industry, coercion through the use of economic resources), and it is consistent with both manipulation and domination. Indeed, delegation involves both *manipulation*, in the form of network positioning and relationship development, so as to engage the new spokesperson, and *domination*, to the extent that more covert and latent forms of power are still being exercised.

***Mechanism 1b: Multiplication.*** In contrast to delegation, which reflects the constraining influence of prior uses of power on subsequent modes of justification, multiplication emerged from our inductive analysis as a mechanism by which prior uses of power enable the possibilities

for justification. Multiplication occurs when the uses of power led to the enrollment of actors from different segments of society who can extend the repertoire of normative orders of worth. In so doing, multiplication increases the moral legitimacy of stakeholders as well as their capacity to influence the moral illegitimacy or legitimacy of the technology at stake in the controversy.

The mechanism of multiplication is well illustrated by the effects produced by the civil society organizations' use of manipulation (at Phases I and II) on their subsequent capacity to engage in diversified justifications (at Phases II and III). The extensions of the civil society organizations' power through their active positioning within networks or through the enrollment of other stakeholders led to the diversification and consolidation of the already-in-use orders of worth for a stakeholder group (e.g., scientists and academics providing sound counter-arguments to undermine justifications from other stakeholders), and they created unprecedented and new possibilities for justification within the extended network. As reported by an activist from the civil society:

... we had a lot of actors, we had the citizen committees that started mushrooming, we had the environmental groups, especially the ALQPA [*an environmentalist group focused on the protection of air quality*] that has been the whistle-blower group, the artists, and the scientific who could have been called on the front stage yet were thus far voiceless (Interview 10, CSO)

In enrolling actors from a broad diversity of segments of civil society and various fringes of local communities, civil society organizations benefited from an extended repertoire of normative orders of worth available to them as well as from the capacity to back these orders of worth within appropriate proofs (e.g., reports of scientific evidence).

### **Power of Justification Mechanisms**

***Mechanism 2a: Reshaping perceived uncertainty.*** Through mechanism 2a, the mobilization of diverse moral justifications by stakeholders in the public sphere shapes the general perception of the riskiness of a practice, and in so doing, they maintain or restrict their own ability, as well as

that of other stakeholders, to mobilize forms of power. The processes by which a product or business practice becomes perceived as risky are central to our late-modern time (Beck, 1992), and recent organizational studies suggest that corporations have to manage risks when their technology presents potential losses for stakeholders (Scheytt, Soin, Sahlin-Anderson and Power, 2006). Maguire and Hardy (2013) suggest that a product ‘becomes’ more or less risky depending on how meanings that can constitute products as ‘risk objects’ are shaped. These authors, in line with Beck (1992), also show how changes in meanings that constitute products as risk objects contribute to reshaping social orders and, potentially, power relations. The mechanism of reshaping perceived uncertainty captures the specific influence of justification on such an alteration of power dynamics.

Through the three stages of the controversy, we observed that civil society organizations, the government, and the oil and gas industry have competed to shape and define the risks associated with fracking, and their prior justification work (at Phases I and II) has shaped their subsequent capacity to mobilize specific forms of power (at Phases II and III). For instance, the justification discourse of a civil society organization stressing the health, safety, and environmental dangers of fracking enhanced the ‘moral illegitimacy’ of shale gas extraction from the perspective of the industrial and environmental ‘worlds’, subsequently diminishing the formal authority of the stakeholder in charge of the civic world: the local government.

If the government wants to go forward with extraction, they’ll have to scientifically prove that there aren’t any consequences. Very often, the risks are in the method of extraction. They take what they need and then they bugger off. We can’t get away with that, especially not in a populated area near Richelieu and one with fairly large groundwater tables that could be contaminated for several years. (*Le Devoir*, 17/08/2010)

The growing uncertainty surrounding the fracking technique, which resulted from the justifications of civil society organizations, rendered coercion or overt forms of manipulation delicate and potentially counter-productive situations for industry stakeholders; this may explain

why they refocused their efforts through domination, a covert form of power. Still, our analysis does not suggest that *reshaping perceived uncertainty* is specific to certain orders of worth.

***Mechanism 2b: Recovering institution.*** The recovering institutions mechanism reflects the process whereby justification, in forcing institutions to play their role or to be realigned with their purpose, restructures networks of power and/or stakeholders' capacity to use formal authority. Recovering institutions involves the mobilization of justifications that point to normative definitions of how institutions and, more generally, democracy should operate. It builds mainly on arguments related to the civic order of worth.

The discursive moves within and around the BAPE hearings offers the most striking illustration of this mechanism. In intensively mobilizing the civic order of worth and drawing media attention to the need to call for the BAPE, civil society organizations in a sense 'forced' the government to play its role. Although the BAPE hearings in the province's countryside were organized and conducted with an eye to minimizing the intervention of civil society organizations—for instance, by relegating the spokespersons of NGOs and citizens to the end of the meeting's agenda, after experts from the industry and the oil and gas associations had spoken for hours (Interviews 4 and 10)—this forum nevertheless permitted alternative justifications to be made that would eventually lead the government-appointed facilitators of the BAPE hearings to acknowledge the risks associated with shale gas extraction. This acknowledgement would undermine the government's power throughout the remainder of the controversy, while consolidating the power of the opposition parties and civil society organizations. Accordingly, the effects of recovering institutions seem to emerge mainly as a by-product of justifications grounded in the civic order of worth.

## **HOW THE MECHANISMS EXPLAIN THE CONTROVERSY'S OUTCOME**

Using the four mechanisms, we can now address our initial question: how could a *de facto* moratorium on shale gas exploration emerge in Québec despite the broad adoption of fracking in numerous North American jurisdictions, strong support from the provincial government and a favorable power position initially enjoyed by the oil and gas industry?

Although our first account of the controversy have shown that stakeholders’ mobilizations of power and justifications played a key role in the controversy’s progression, each perspective was insufficient to provide an explanation of the complete changes in stakeholders’ power balance and in the moral legitimacy of fracking that occurred throughout the controversy. More importantly, this initial account overlooked how the relationships between justification and power—which we capture through the *power of justification* and the *justification of power* mechanisms—produced effects that played a crucial role in the controversy. Building on these findings, we can now revisit the two major turns of the controversy and show how the mechanisms linking power and justification influenced them and, in so doing, shaped the controversy’s outcome. Figure 2 summarizes the main mechanisms we induced from our first and second findings in a ‘justification-power framework’ that can be used to clarify and illustrate how the four mechanisms explain the main shifts in the controversy.

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INSERT FIGURE 2 ABOUT HERE  
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### **Crucial Shift from Phase I to Phase II: Change in the Public’s Perception of Fracking**

A first crucial shift in the controversy that occurred between Phase I and II points to the drastic reconsideration of the moral legitimacy of the fracking technology and the parallel establishment of its ‘riskiness’ in the public opinion and among the various stakeholder groups. Although our first findings have highlighted the crucial importance of the justifications provided by civil society organizations in this shift, the mechanisms complement this analysis by specifying the

conditions that enabled this stakeholder group to reshape the perception of the riskiness of fracking while explaining the relative ineffectiveness of the oil and gas associations.

On the one hand, the frontal use of coercive and manipulative forms of power by the oil and gas industry associations at the start of the controversy led them to adopt a low profile in the public debate and restricted their credibility when mobilizing orders of worth other than those grounded in the market and, to a lesser extent, green worlds. *Delegation mechanism* (1a) started to play a central role, with reliance on the government during this first period to ‘sell’ shale gas and the fracking technology to the public. As an insider from the Liberal party observed:

In fact, the government found itself advocating for the industry in spite of itself, since the industry hadn’t done its preliminary work in the field and, as a government that had set its sights on job creation and economic development as well as the development of a new energy source in Québec... (Interview 3, GOV)

Although the government was highly vocal through the first phase of the controversy, it was relatively poorly prepared to advocate for fracking in a context of rapid intensification and complexification of the debates. This situation undermined the capacity of governmental and industrial groups to protect the moral legitimacy of the fracking technology while preventing these two stakeholder groups from benefiting from the ‘power of justification’ mechanisms.

On the other hand, the power tactics focused on the networking and enrollment of multiple stakeholders used by civil society organizations to make them benefit fully from the *multiplication mechanism* (1b) through Phase II: they accessed a broader repertoire of justifications anchored in multiple orders of worth, and they enrolled groups of activists and scientists who could build credibly on the green or industrial orders of worth while deconstructing some of the market rationales advanced by the government and industry stakeholder groups. Hence, civil society organizations could exploit the mechanism of *reshaping perceived uncertainty* (2a) in relation to fracking. Mechanisms (1b) and (2a) reinforced their



effects to consolidate both the power and justifications of civil society organizations—and, subsequently, of ‘anti-fracking’ political opposition parties—enabling the establishment of the moral illegitimacy of fracking in the media, completing a shift in the public’s attitude toward the riskiness of fracking.

### **Crucial Shift from Phase II to Phase III: Change in the Position of the Government**

The second crucial shift of the controversy that, together with the prior shift in public opinion, led to the *de facto* moratorium—the change in the government’s attitude and position in relation to the fracking technology—was also arguably related to power and justification interactions. The civil society organizations’ maintenance and consolidation of their power tactics related to their network positioning from Phase II to Phase III maintained the benefits gained from the *multiplication mechanism* (1b), producing effects that made it possible for them to benefit from the two facets of the ‘power of justification’ (2a, 2b). First, the *reshaping perceived uncertainty mechanism* (2a) restricted the oil and gas industry stakeholders’ capacity to engage in forms of power such as coercion or manipulation that would immediately backlash in the media if known, and it continued undermining the credibility of the government’s advocacy of the shale gas industry. As a result, industrial stakeholders had to continue to rely on manipulation, triggering the *delegation mechanism* (1a), notably through the mobilization of Lucien Bouchard as their spokesperson. Although several of our interviewees recognized that this move could have changed the turn of the controversy to the benefit of the industry if it had happened earlier, the moral illegitimacy of fracking was too well established in the public opinion at this stage. As one of our interviewees concluded: ‘although it was a clever move for the industry to use Lucien Bouchard, I think it was ‘not enough and far too late’’ (Interview 3, GOV).

Second, the intensive mobilization of justifications by civil society organizations and opposing parties triggered the *recovering institution mechanism* (2b), first by forcing the

government to (reluctantly) call upon the BAPE (from Phase I to Phase II) and then by supporting the voicing of counter-arguments through the multiple public hearings conducted in the context of the BAPE (from Phase II to Phase III). Once this institution delivered a report shedding light on the riskiness of fracking in a context within which the public opinion had already turned against fracking, the government could not continue backing the industry. This second turn would establish the condition for the *de facto* moratorium that prevented further exploration of shale gas through the fracking technology.

## **DISCUSSION AND IMPLICATIONS**

### **Contributions**

In theorizing how justification and power interact and influence a controversy, this study makes a twofold contribution. First, our analysis contributes to PCSR studies by providing a new integrative ‘justification-power framework’ that considers multiple facets of power and clarifies how stakeholders elaborate their legitimacy claims by using multiple moral foundations. This alternative framework for studying sustainability controversies advances current PCSR theory on its *normative side* by considering insights on justification from the EW perspective. In so doing, it engages with the content of actors’ normative arguments, and hence usefully complements prior Habermasian studies (Scherer and Palazzo, 2007). The ‘justification-power framework’ also extends PCSR theory on its *political side* by integrating Lukes’ (2005) ‘radical’ conceptualization of power. Through our analysis, we show how justification and power interact in ways that shape the moral legitimacy of a new technology. Our results show how the interactions of power and justification influenced the main turns of a controversy and ultimately explain its outcome.

Our second core contribution is the theorization of the *power of justification and justification of power* mechanisms that capture thus far neglected interfaces of justification and power. On the one hand, although Lukes’ (2005) theorization of power left room for the consideration of moral

values, few students of power have examined whether moral justifications can alter power dynamics. On the other hand, Boltanski and Thévenot's (2006) value-focused framework has recurrently been criticized for lacking a consideration of power (Cloutier and Langley, 2013; Edwards and Willmott, 2008), although recent works from Boltanski and his colleagues have aimed to clarify the thus-far-neglected relationships between domination and justification in institutions (Boltanski, 2011; Boltanski et al., 2014; Susen and Turner, 2014). In line with these works, our findings cross-fertilize research on power and justification by showing that uses of power shaped stakeholders' subsequent justifications and that justification could alter subsequent power dynamics through four mechanisms that capture the *justification of power* and the *power of justification*. Our findings, summarized in Figure 2, show how these mechanisms contribute to explaining the outcome of the controversy. Beyond our controversy context, the framework and its four associated mechanisms have important implications for research and practice.

### **Implications of the Justification-Power Framework for Political CSR**

*Insights for studying multi-stakeholder and CSR standardization initiatives.* The resulting justification-power framework can support empirical studies of other sustainability controversies as well as longitudinal analyses of how power and justification interplay in multi-stakeholder contexts and, hence, contribute to the analysis of the design of CSR or global governance standards (Gilbert, Rasche and Waddock, 2011; Mena and Waeger, 2014). For instance, our framework usefully complements analyses of multi-stakeholder initiatives that adopt the Habermasian approach to deliberative democracy, such as the study proposed by Hahn and Weidtmann (2012) to analyze the production of ISO 26000. These works typically focus on how various forms of normative legitimacy are constituted through deliberations. Even when they recognize the superior power of some stakeholders, they neglect the fact that power and justifications interact in ways that can shape the deliberative dynamics and, hence, the resulting

CSR or governance standards. Our mechanisms offer here a useful ‘toolkit’ that can be used beyond the case of the moral legitimacy of a technology to account for the complex interactions of power and justification in the constitution of the normative legitimacy of CSR and governance standards and metrics such as ISO 26000 or the GRI and CSR ratings. In sensitizing policy-makers and standard-setting organizations to neglected interactions between justification and power, our framework can help these actors design more-effective deliberative processes when launching multi-stakeholder initiatives focused on the production of private regulations or CSR/governance standards.

The justification-power framework also complements the growing stream of studies that have started unpacking how CSR standards and metrics gain regulative power (Haack, Schoeneborn and Wickert, 2012; Slager, Gond and Moon, 2012) and support political dynamics (Giamporcaro and Gond, 2015) by drawing scholars’ attention to the need to consider the underlying processes by which these metrics are morally justified and to account for the influence of these justification dynamics on their regulative power. From a practical viewpoint, our analysis can then benefit managers from organizations who have successfully developed CSR metrics by clarifying the importance of the normative foundations of their work.

*The normative regulation of power through justification.* Sociologists, political scientists, and institutional scholars are well aware of the links between power and various forms of legitimacy. Parsons (1967) defined power as the legitimized implementation of decisions to move toward collective goals—an aspect that corresponds to authority in our paper—whereas Scott reminds us (1987, p. 502) that ‘legitimated power is regulated power’. Nevertheless, the conceptualization of power has expanded to encompass multiple dimensions beyond authority (Lukes, 2005). Not all forms of power are ‘legitimated’ or institutionally regulated (Fleming and Spicer, 2014), and

students of power in the critical tradition have tended to reduce moral arguments to rhetorical strategies of manipulation (Boltanski, 2012).

In specifying a class of social mechanisms linking power and justification, our study advances the analysis of the normative regulation of power. Our mechanisms complement the ‘managerial’ form of domination theorized by Boltanski (2011) by suggesting that justification can support power not just by facilitating domination. First, the mechanism of *delegation* (1a) may usefully reinforce and complement the domination of some social groups by letting other stakeholders do the work of justification, which does not solely consist in promoting change but may involve a richer set of orders of worth. Second, our results show that manipulation may also effectively sustain subsequent justifications through the expansion of actors’ networks, with the aim to challenge established or dominant stakeholder groups. This was highlighted by the process of *multiplication* (1b) in the case of civil society organizations in the controversy. Hence, all the facets of power can potentially shape stakeholders’ justification work.

Reciprocally, the power of justification mechanisms (2a, 2b) highlight that justifications can both serve the purpose of domination and contribute to reshaping the availability of power bases to actors. It can even produce power either by *shaping uncertainty* or by *enabling the recapture of institutions*, with the civic mode of justification playing a crucial role in this respect. As a whole, our case study suggests that the ‘capture’ of governments or political institutions by corporate actors is not an irreversible process: civil society organizations can re-capture the regulative power of the state through adequate and timely forms of justification.

The four mechanisms we offer here can support further theorizing of the interfaces between power and legitimacy and help theorize how different facets of power shape the moral boundaries within which justification takes place as well as the moral boundaries of various modes of power, in line with recent studies that aim at capturing the ‘legitimation politics’ (Fransen, 2012, p. 163).

These mechanisms show the fruitfulness of considering multiple facets of power beyond authority or domination to fully appreciate how power and justification interact.

From a more pragmatic viewpoint, these mechanisms and our case study can inform multiple stakeholder groups about how overlooked connections of power and justification can influence a controversy's outcomes. In line with a recent study about the political tactics underlying normative legitimacy constitution (Mena and Weager, 2014), our case shows that civil society organizations can effectively influence the outcome of sustainability controversies when they manage to combine 'multiplication' with the power of justification mechanisms to recover political or public forums and institutions. Industry leaders may also learn that partnering with government and other influential potential leaders may not be sufficient if the government's authority is undermined by a lack of normative consolidation of its power through justification. *Bridging levels and rebalancing perspectives in political CSR.* Although our focus in this paper was on the meso-level of stakeholder interactions, the power-justification framework is also relevant to the individual level of analysis and could serve multilevel studies of PCSR. The work of justification is indeed usually conducted by individual spokespersons, and Boltanski and Thévenot's (2006) framework focuses on how individuals engage with higher-level moral orders (Cloutier and Langley, 2013) that are typically discussed in the more 'macro' literature on PCSR (Frynas and Stephens, 2014). Accordingly, the justification-power framework can be tailored to investigate PCSR at the individual level of analysis, for instance, by focusing on how corporate spokespersons, politicians or individual representatives of the local community interact with each other in the public sphere (newspapers, parliaments) or during public hearings. The framework can also be adapted to investigate how normative issues interact with power games across the macro, meso and micro levels of analysis that remain disconnected in PCSR studies (Frynas and Stephens, 2014).

Finally, the justification-power framework can also support the development of a ‘balanced’ approach to PCSR that recognizes how the logic of appropriateness (conformity with social norms) and the logic of consequentiality (strategic behavior) interact (March and Olsen, 1989). The justification-power framework considers essential the institutional and democratic processes of legitimacy-building as well as a consideration of a variety of approaches to the common good as essential to the dynamics of justification. In addition, it acknowledges how power or other forms of strategic behaviors can alter these processes. In so doing, it offers a mid-range theory that takes the normative dimension of justification seriously (Bitektine and Haack, 2015) while recognizing the existence of multiple forms of power. It can thus avoid the pitfalls of excessive naivety or excessive cynicism in studying PCSR.

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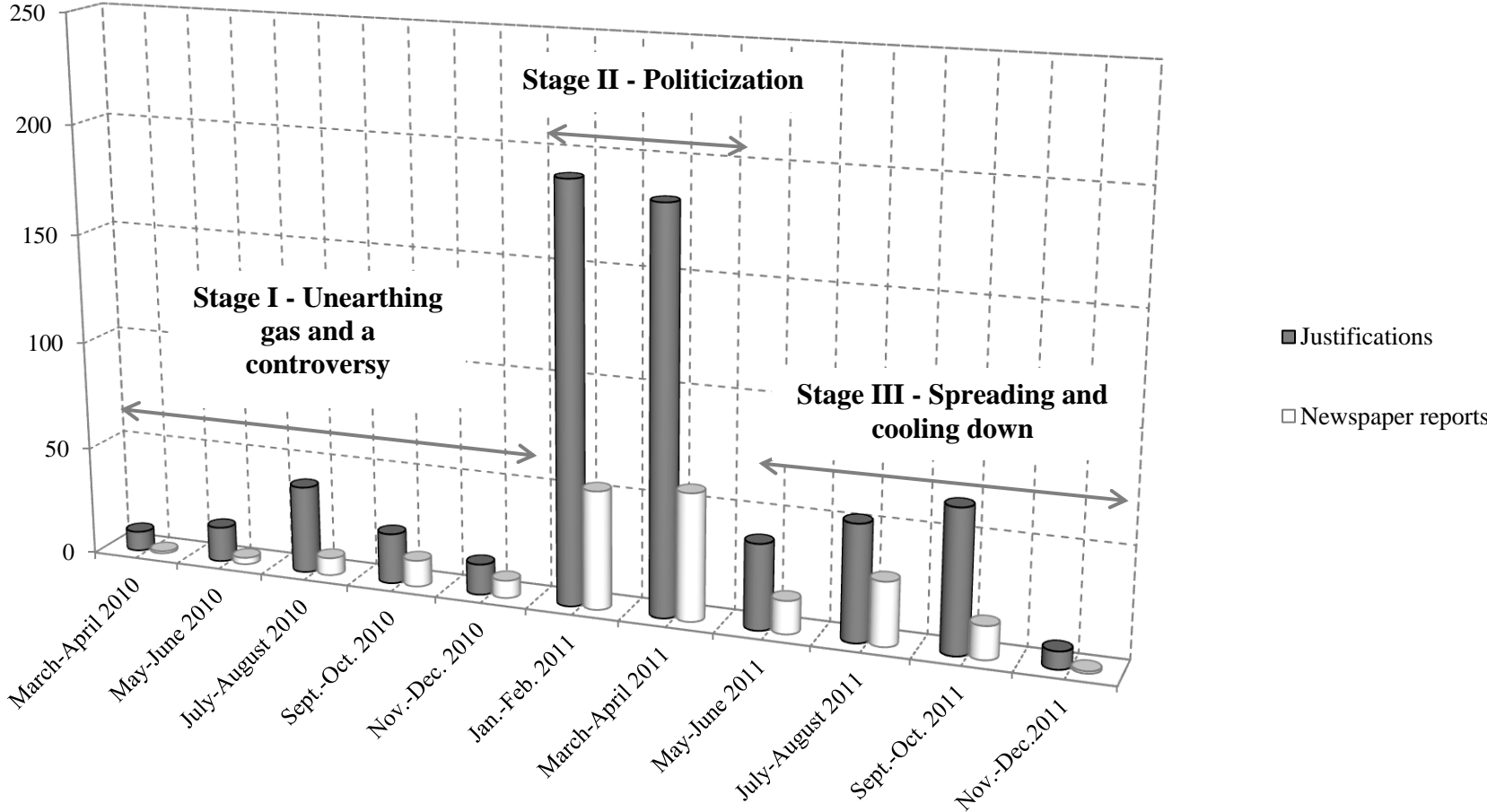
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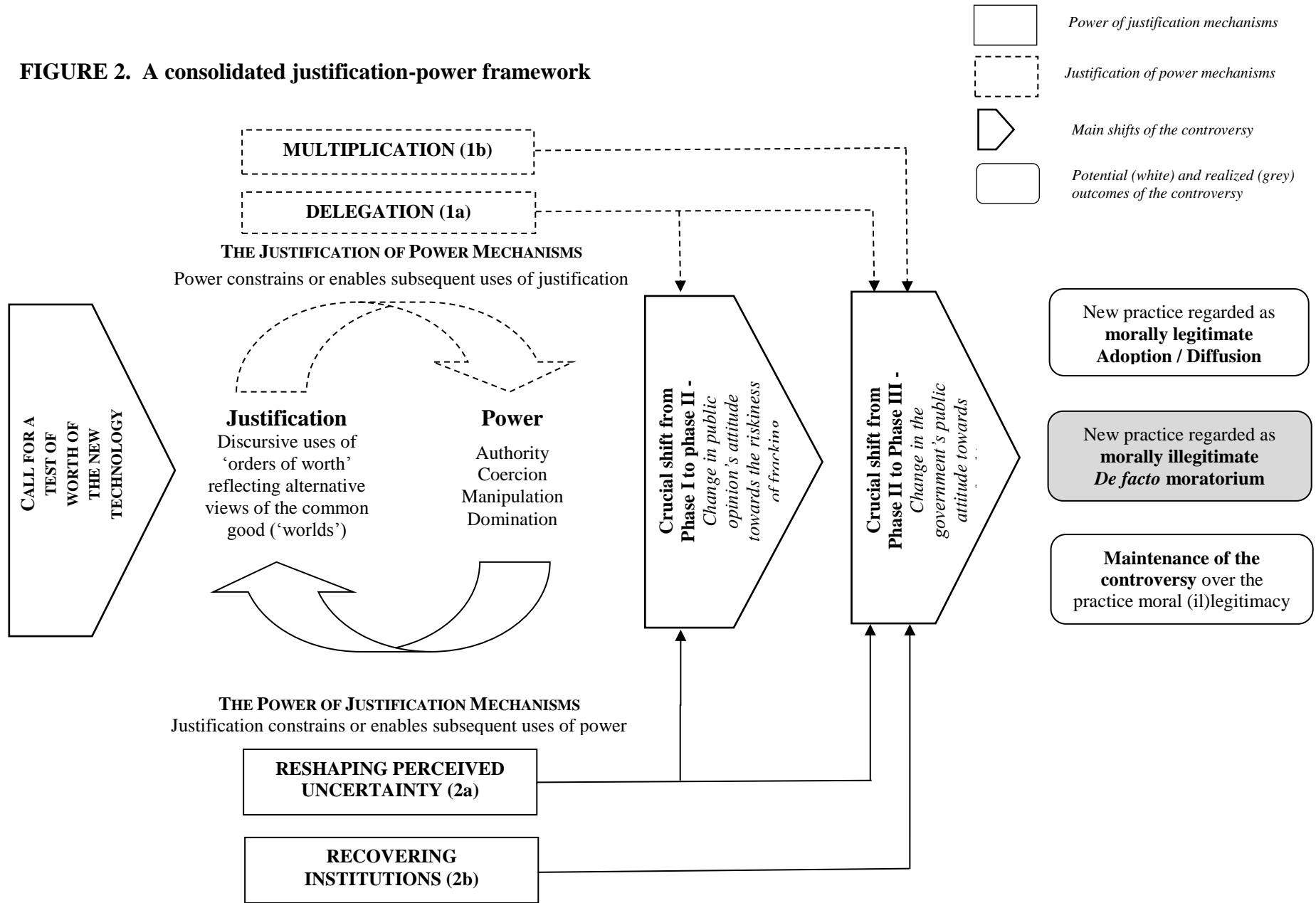
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**FIGURE 1. Temporal indicators of the controversy\***



*\*Note: to obtain this figure, we plotted the publication of the 196 newspaper reports and the 640 justifications coded in these articles.*

**FIGURE 2. A consolidated justification-power framework**



**TABLE I. Illustrations of the coding of ‘common worlds’**

<i>Common worlds</i>	<i>Illustrative quotes from the dataset (a quote may also refer to another order of worth)</i>
Civic	<p>‘On Monday, the Quebec Federation of Municipalities said its members are deeply concerned about shale gas exploration in the province and want to be involved in government and industry consultations on the subject.’ (<i>The Gazette</i>, 25/08/2010)</p> <p>‘The image is in for a rough reexamination this fall as Environment Minister Pierre Arcand and deputy premier and Natural Resources Minister Nathalie Normandeau announced on Sunday that the government will launch an aggressive schedule of environmental review and legislative overhaul that could pave the way for a new natural-gas industry.’ (<i>The Gazette</i>, 30/08/2010)</p>
Green	<p>‘There is no doubt that this new sector is extremely promising. However, things must be done properly, especially when we pride ourselves on being a green champion. Ms Normandeau and the industry are convinced that shale gas extraction presents almost no environmental risk.’ (<i>Le Devoir</i>, 05/06/2010)</p> <p>‘Municipalities are particularly worried by the consequences of it [i.e. shale gas mining] has on sources of drinking water and on how water used to extract the gas will be treated.’ (<i>The Gazette</i>, 30/08/2010)</p>
Industrial	<p>‘A representative of the Municipal Affairs Ministry said that if hundreds of wells were being drilled every year, existing water-treatment facilities would not be able to accommodate the volume of waste water coming from shale operations.’ (<i>The Gazette</i>, 15/11/10)</p> <p>‘[Arcand] set a “June or July” deadline for a new committee of experts he will name to study the unknown hazards of fracking and the waste water it generates.’ (<i>The Gazette</i>, 09/03/2011)</p>
Market	<p>‘The Minister of the Environment, Sustainable Development, and Parks, Pierre Arcand, sang the praises of the virtues of shale gas, all the while deploring the lacunae of the industry. “The math is simple,” he said. “We have to improve Québec’s trade balance and reduce our dependency on fuel oil. Québec imports 13 billion dollars worth and the gas industry can help us with 2 billion.”’ (<i>La Presse</i>, 29/01/2011)</p> <p>‘It’s a budding sector and we have the chance, as a society, to see this sector grow. ‘It’s rather rare that we can be present at such a birth, one that can bring extreme benefits to several communities and to our economy.’ Ms Normandeau here highlights the possibility of creating more than 7,500 jobs—a number that comes, however, from the industry itself.’ (<i>Le Devoir</i>, 05/06/2010)</p>
Domestic	<p>‘[Minister Raymond Bachand] underlined that the reform of the mining act, announced last year, brought Québec from being “the cheapest province in Canada” for the mining industry to the most expensive, with immediate benefits to public finances.’ (<i>La Presse</i>, 18/03/2011)</p> <p>“‘If we are able to start producing gas, I can see a day when it will play a bigger role than oil in meeting our energy needs” Normandeau said.’ (<i>The Gazette</i>, 27/04/2010)</p>
Inspirational	<p>“‘In our debates, we often look at ourselves in a harsh light. However, when you add it all up, Québec is incontestably amongst the best of what humanity has to offer,” declared Jean Charest. “With this inaugural speech, I’m inviting Quebecers to think, to imagine, to dream of, and to construct Québec in a world where new spaces add up to create new dimensions,” he professed, not without emphasis. “More than ever, Québec is in a position to distinguish itself.”’ (<i>Le Devoir</i>, 24/02/2011)</p>
Fame	<p>‘Minister Normandeau said she was “surprised” by the hiring of Lucien Bouchard. “It’s very good news, she said. She believes that the industry “has work to do to revive its image.” According to her, the “rallying” talents of Mr. Bouchard should help to “make the debate more rational” and to “create a climate of trust.” The leader of the ADQ, Gérald Deltell, is also delighted by this announcement. “It’s excellent news for Québec to have a man of Lucien Bouchard’s moral fiber to tackle head on this issue that’s essential to our economic future.”’ (<i>La Presse</i>, 26/01/2011)</p>

**TABLE II. Mobilization of orders of worth and forms of power through the controversy**

Stakeholder groups	Phase I – Unearthing the controversy	Phase II – Politicization of the controversy	Phase III – Spreading and cooling-down
<b>Government</b>			
Modes of Justification			
Forms of Power	<p><b>Authority:</b> the government’s use of its legal authority to postpone the call for the BAPE and to exclude opponents to shale gas from the committee</p> <p><b>Manipulation</b> through agenda setting: framing the BAPE’s mandate to avoid a moratorium</p>	<p><b>Manipulation</b> through network (re)positioning: government tries to reposition itself as a ‘third party’ actor distant from the industry and mainly focused on the welfare of Québécois</p>	<p><b>Authority:</b> The government mobilizes the BAPE to demonstrate its early commitment and transparency to the provincial population and calls for a strategic environmental assessment on fracking and shale gas to address the uncertainties of fracking</p>
<b>Industry</b>			
Modes of Justification			
Forms of Power	<p><b>Coercion</b> through the use of economic and legal resources: industry mobilizes its right to start exploring without waiting for public hearings; industry actors contemplate the possibility of suing civil society representatives who voiced oppositions to shale gas</p> <p><b>Manipulation</b> through network positioning and enrollment: industry enrolls government as its spokesperson</p>	<p><b>Domination:</b> Industry recruits former Prime Minister of Québec and former Parti Québécois leader as its representative and main spokesperson – investment in public relations to manufacture consent</p>	<p><b>Domination:</b> Industry continues to use the former Prime Minister of Québec and former Parti Québécois leader as its representative and spokesperson– lobbying continued to manufacture consent</p>
<b>Civil Society Organizations</b>			
Modes of Justification			
Forms of Power	<p><b>Manipulation</b> through network positioning and stakeholders’ enrollment. Enrollment of multiple groups: mayors, researchers, groups of artists, opposition parties, and francophone media</p> <p><b>Coercion:</b> direct pressure through the organization of public demonstrations</p> <p><b>Authority</b> in linguistic resistance: use of the legal right to be addressed in French in Québec</p>	<p><b>Manipulation</b> through agenda setting and (re)setting: opposition parties and activists question government’s ability to enforce legislation on shale gas</p> <p><b>Coercion</b> through access to alternative sources of (academic) knowledge: use of reports and alternative information produced by scholars involved in the controversy to shape discussions in local BAPE hearings</p>	<p><b>Manipulation</b> through agenda setting: use of reports produced by scholars for an alternative source of information in the environmental strategic assessment</p> <p><b>Coercion</b> through direct pressure and the use of legal resources: Use of the right to organize public demonstrations to demonstrate the broad opposition to shale gas from the population</p>

Legend for the modes of Justification:



**TABLE III. Illustrations of coding of the four facets of power from Lukes (2005)**

<i>Facets of power from Lukes 2005 (p. 35)</i>	<i>Illustrative example from the controversy</i>	<i>Specific aspects of power observed</i>	<i>Supporting quotes from the interviews and secondary data</i>
<p><b>Authority</b>  <i>Use of legal or legitimized forms of authority in a context of conflict of interests. E.g.:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Using formal roles in rational-legal bureaucracies</i></li> <li>▪ <i>Governmental or local authority decision-making</i></li> </ul>	<p>Government’s deliberate postponing of calling for the BAPE, exclusion of opponents of shale gas from the expert committee, and drastic reduction of its time frame (GOV, Phase I)</p>	<p>Direct mobilization of power derived from a formal position            Overt mode</p>	<p>‘It wasn’t a BAPE that was questioning the legitimacy of shale gas but a BAPE that was aiming to implement shale gas. (...) It was insulting to have a BAPE declared very late that was already quite flimsy and with a narrow mandate.’ (Interview 10, CSO)</p> <p>‘The government’s mandate to BAPE is remarkably narrow. A serious one would have asked the agency to explore the environmental risks of mass drilling for natural gas and then to make a recommendation as to whether or not the government should permit such drilling... (...)’ (<i>The Gazette</i>, Period I)</p>
<p><b>Coercion</b>  <i>Threat of deprivation to obtain compliance, usually through access to resources or to information. E.g.:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Use of force</i></li> <li>▪ <i>Suppression of access to key resources</i></li> <li>▪ <i>Mobilization through demonstrations</i></li> </ul>	<p>Civil society organizes public demonstrations to demonstrate the broad support from the population and put pressure on the government and the industry (CSO, Phase III)</p>	<p>Direct pressure on the government and the industry through demonstrations            Overt modes (covert mode possible)</p>	<p>‘Well, I was at a lot of protests. So I don’t really remember the dates but we were at a lot of protests, including the Earth Day protest in 2011. And that culminated in—there was a big protest on Earth day in 2012. I was also there, and the Parti Québécois was really present too; Mrs Marois was there with several deputies and candidates.’ (Interview 9, CSO)</p> <p>‘Although undeniably festive, the event was, in fact, a demonstration against shale gas development in Quebec. It drew people from villages and towns all over the province, who came by the busload with signs that read, Protect Our Drinking Water and, Charest, You Give Me Gas!’ (<i>The Gazette</i>, Period III)</p>
<p><b>Manipulation</b>  <i>‘Actors seek to either limit the issues that are discussed or fit issues within (what are perceived to be) acceptable boundaries’ (Fleming &amp; Spicer,</i></p>	<p>In parliament, Activists and the opposition continued to question the government’s ability to monitor the shale gas industry (CSO, Phase II)</p>	<p>Agenda setting: shaping priorities at meetings and in the media            Covert and overt modes</p>	<p>‘As for the PQ opposition, they deemed properly “scandalous” the hesitations and the about-turn of the government. Civil servants brought Minister Nathalie Normandeau “to her senses” in making her understand that simply and completely shutting down the well would have brought her load of troubles to the government, who would have become responsible for it, declared the PQ spokesperson for Mining Affairs, Scott McKay. (<i>Le Devoir</i>, Phase III).</p> <p>‘They (the opponents) also found themselves with the official opposition in parliament, who was on their side and who became their spokesperson in</p>

2014: 242). E.g.:

- *Agenda Setting*
- *Network positioning*
- *Enrolling or co-opting other groups*
- *Mobilization of bias*

**Domination**

*'Attempts to make relations of power appear inevitable and natural'*  
(Fleming & Spicer, 2014: 241). E.g.:

- *Manufacturing consent*
- *Making things appear inevitable*
- *Articulating ideologies*

Industry recruits a former Prime Minister and former leader from the 'Parti Québécois' to support its public relations efforts (GOV, Phase II)

Attempts at making power relations appear as inevitable and natural  
Latent mode

parliament every day.' (Interview 3, GOV)

'They named Lucien Bouchard the representative of the Association, they added a more Francophone touch; I think their public director at that time was also a Francophone.' (Interview 3, GOV).  
'At the height of the shale gas controversy, there were nearly fifty-some lobbyists registered only for the issue of shale gas in Quebec.' (Interview 4, OBS)



**TABLE IV. Mechanisms linking power and justification**

<i>Mechanism</i>	<i>Dimension</i>	<i>Description</i>	<i>Types of power or justification involved</i>	<i>Intentionality</i>	<i>Illustrations from the case corresponding to changes across phases</i>
<p><b><i>The Justification of Power</i></b>  <i>Power<sub>(t)</sub> → Justification<sub>(t+1)</sub></i></p> <p><i>How power constrains or enables subsequent uses of justification</i></p>	<b>Delegation</b>	Letting other actors with different forms of power do the work of justification	<i>Grounded in domination</i>	<i>Deliberate</i>	<i>The industry can barely defend its use of power in Phase I and lets the government and M. Bouchard defend its position and justify the shale gas industry in Phases II and III</i>
	<b>Multiplication</b>	Enhancing the repertoire and robustness of available justifications through access to new actors via network positioning and enrollment	<i>Grounded in manipulation</i>	<i>Deliberate and/or emerging</i>	<i>Through the intensive use of network positioning and enrollment in Phase I (and Phase II), civil society organizations mobilize multiple actors that can engage critically with all types of justification and provide more robust justifications to challenge the formal position of the government and the industry in spaces of moral legitimacy during Phase II (and Phase III)</i>
<p><b><i>The Power of Justification</i></b>  <i>Justification<sub>(t)</sub> → Power<sub>(t+1)</sub></i></p> <p><i>How justification constrains or enables subsequent uses of power</i></p>	<b>Reshaping perceived uncertainty</b>	Demonstrating through justification the uncertainty of outcomes to counterbalance the ‘ <i>fait accompli</i> ’	<i>Not dependent on specific orders of worth</i>	<i>Both deliberate and emerging</i>	<i>Civil society organizations mobilize justifications to make the lack of information about fracking explicit in Phase I (and Phase II), restricting the possible uses of formal authority or episodic forms of power by the government and the industry</i>
	<b>Recovering institutions</b>	Forcing institutions to play their role and in so doing, restructuring networks of power and possible uses of formal authority	<i>Grounded in the civic order of worth</i>	<i>Both deliberate and emerging</i>	<i>Civil society organizations mobilize justifications in Phase I (and Phase II) to force the government to call on the BAPE, limiting its discretionary use of formal authority as well as the capacity of the industry to formally network with the government in Phase II (and Phase III)</i>

## APPENDIX A. SOURCES OF INFORMATION

### Identification of the newspapers articles used in the analysis

Name of the Journal	Type	Political orientation		(a) Articles quoting "shale gas"		(b) Articles on shale gas in Québec		Relative relevancy (b) / (a)
		Federalist vs. Sovereigntist	Conservative vs. Soc.-Dem.	n	%	n	%	
<i>The Globe and Mail (GM)</i>	National	Federalist	Soc.-Dem.	267	11.78%	7	3.57%	2.62%
<i>The National Post (NP)</i>	National	Federalist	Cons.	178	7.86%	2	1.02%	1.12%
<i>The Toronto Star (TS)</i>	Provincial (Ontario)	Federalist	Soc.-Dem.	52	2.29%	1	0.51%	1.92%
<i>The Montreal Gazette (MG)</i>	Provincial (Montreal)	Federalist	Cons.	247	10.90%	47	23.98%	19.03%
<i>Le Journal de Montreal (JM)</i>	Provincial (Montreal)	Balanced	Cons. (tabloid)	24	1.06%	4	2.04%	16.67%
<i>La Presse (P)</i>	Provincial (Montreal)	Rather Federalist	Soc.-Dem.	478	21.09%	56	28.57%	11.72%
<i>Le Devoir (D)</i>	Provincial (Montreal)	Sovereigntist	Soc.-Dem.	612	27.01%	71	36.22%	11.60%
<i>Le Soleil (S)</i>	Québec-City	Rather Federalist	Soc.-Dem.	408	18.01%	8	4.08%	1.96%
<b>Total</b>				<b>2266</b>		<b>196</b>		<b>8.65%</b>

### Interviews with observers and representatives of the stakeholder groups

Interviewee	Profile	Stakeholder categorization*	Interview length
1	Representative of a civil society organization	CSO	37 min
2	Researcher – Member of the committee for Environmental Strategic Studies	OBS	22 min
3	Staff of the Government during the period 2010-2012	GOV	52 min
4	Journalist	OBS	36 min
5	Researcher engaged in the debate during the period 2010-2012	CSO	48 min
6	NGO – Environment	CSO	25 min
7	NGO – Artists	CSO	36 min
8	Mayor of a local municipality affected by the exploration (early stage)	GOV	39 min
9	Depute for the opposition party during the period 2010-2012	CSO	31 min
10	Researcher, leader and initiator of citizen movement around shale gas in Québec	CSO	56 min
11	Representative of the Gas Industrial Association	IND	50 min
12	Representative of 'Québec Business Council on the Environment'	IND	45 min
<b>Total</b>		<b>CSO = 6; IND = 2; GOV = 2; OBS = 2</b>	

\* Acronyms: CSO stands for Civil Society Organizations, IND for industry representatives, GOV for member of the provincial government or of local governmental bodies, OBS for third party observers such as journalists or experts who have followed the whole controversy; NGO for Non-Governmental Organizations.

## ENDNOTES

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<sup>i</sup> A chronology of the controversy as well as supplementary information about the secondary data sources and supplementary information about the results of the coding are available from the authors upon request.

<sup>ii</sup> In the end, we decided on the following list of key stakeholders: the oil and gas industry association; Lucien Bouchard (spokesperson for the oil and gas industry association); green and environmentalist NGOs (e.g., Equiterre, AQLP); other groups from civil society (e.g., local associations of citizens opposed to shale gas exploration); the BAPE; the government ministers, namely, Arcand (Sustainable Development), Bachand (Finance and Revenue), and Charest (Prime Minister); Normandeau (Minister of Natural Resources and Wildlife during the first two phases); Simard (Minister of Natural Resources and Wildlife at phase three); other governmental organizations; and opposition parties (e.g., Parti Québécois). To facilitate the presentation of justifications, we clustered most of these actors into three broad groups: one, the oil and gas industry association (including Bouchard); two, the government (grouping all the Ministers from the government); and three, organizations from civil society (including green NGOs). For the sake of simplicity, we followed Mena and Weager (2014) and grouped these stakeholders in three broad categories in some part of our analysis and in our narrative: Civil society organizations, Industry and Government.

<sup>iii</sup> The BAPE was created in the 1980s to provide a forum for the generation and exchange of information on projects with environmental impacts. It usually organizes local hearings about an issue and has a consultative but non-authoritative role, that is, it has no direct decision-making power. For information, please consult the BAPE Website: <http://www.bape.gouv.qc.ca/sections/mandats/>.

<sup>iv</sup> Source: <http://www.radio-canada.ca/nouvelles/environnement/2011/03/08/003-rapport-bape-gaz-schiste.shtml>. Retrieved December 15, 2014.