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## Deliberation for Reconciliation in Divided Societies

Magdalena Dembinska Dr.

*Université de Montréal*, [magdalena.dembinska@umontreal.ca](mailto:magdalena.dembinska@umontreal.ca)

Françoise Montambeault Dr.

*Université de Montréal*, [francoise.montambeault@umontreal.ca](mailto:francoise.montambeault@umontreal.ca)

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# Deliberation for Reconciliation in Divided Societies

## **Abstract**

Engaging with the literature on deliberative democracy, this article contends that in the context of ethnic group hostilities, deliberative processes where participants have a genuine opportunity to communicate and ‘hear the other side’ can be a way for inter-group dialogue and reconciliation. Separating the deliberative process into three distinct moments, it offers a framework for understanding how unequal and conflicting parties may be brought together to deliberate, how to grasp the micro-politics of deliberation, and to understand the diffusion mechanisms that bring society back in. The approach we propose aims to bridge the normative-macro and the experimental-micro accounts of deliberation in order to focus on non-ideal real-life contexts and to offer ‘deliberative lenses’ to study the (rare) cases of deliberative inter-ethnic reconciliation. The approach and the three moments are illustrated by the deliberative turn taken to resolve a conflict between the Innu communities, the Quebec government and the local non-Innu in Saguenay-Lac-Saint Jean.

## **Keywords**

Deliberation, intercultural dialogue, reconciliation, divided societies, Aboriginal rights, Québec.

## **Acknowledgements**

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In a globalized context where national political unity is often questioned, where states face growing immigration flows and sometimes struggle with inclusion policies, the search for the ‘best practices’ to live together in divided societies is increasingly important. Tensions in multicultural institutional settings, but also ethnic conflicts, are at the core of current debates in the social sciences. Most contemporary literature contends that social cohesion and a sense of belonging to a political community are important to the functioning of democratic institutions (Seymour, 2000; Tamir, 2003), and that there is a negative relation between social cohesion and cultural diversity (Hooghe, 2007). Political science seeks to cope with this inherent discrepancy by crafting political accommodation strategies best suiting heterogeneous societies. Institutional engineering and inter-ethnic cooperation at elite levels that are put forward are, however, second best solutions, substituting for the sense of belonging and integration at the society level. In the context of cultural diversity, how should we mediate difference and construct inter-group collective identities?

The dissatisfaction with institutional/accommodation approaches to ethnic conflict brought light to a new set of arguments, inspired by the deliberative democracy literature. However, there are several tensions in the current scholarship, which focuses on two different levels, without bridging them. On the one hand, normative debates about the intrinsic value of public deliberation as a democratic decision-making ideal are mostly located at the macro-level. On the other hand, debates about the practical dimensions of deliberation are often located at the micro-level. While some scholars have recently started to think about the challenges associated with scaling-up deliberation (Mansbridge et al., 2010), most of the empirical literature still focuses on the functioning of mini-publics, on the micro-politics of deliberation. Our paper takes stock of and directly addresses these two dimensions of deliberation, going one step further by offering an analytical approach for the empirical study of cases of conflictual diversity. Engaging with the literature on deliberative democracy, we start from the assumption that in the context of ethnic group hostilities, deliberation may provide a complementary way for inter-group rapprochements (Ellis, 2006; 2012). Deliberative processes where the various groups have the genuine opportunity to ‘hear the other side’ can modify participants’ perceptions of the ‘other’. Interests can also be transformed, as a shared sense of belonging may develop among a given political community.

As the recent theoretical and experimental literature has highlighted, however, ethnic conflicts are a difficult context for deliberation to happen. Power asymmetries, deeply entrenched interests and values, and inequalities in access to and knowledge about deliberation – inherent in divided societies – can hinder its

potential for success in practice, making rational reason-giving hard to achieve (Mouffe, 2000). Theorists like Jane Mansbridge, James Bohman, Simone Chambers and others (2010) have contributed efforts to redefine the terms of deliberation and rationality that allows us to account for the complexity of deeply divided society. However, less is known about how deliberation works and succeeds in real-life conflict resolution processes. In such contexts, how can deliberation occur? How can we bring these groups to the table and turn a negotiation process into a deliberation? How is the 'deliberative outcome' communicated to and diffused among the wider public?

While current empirical debates mostly revolve around the workings of the deliberation table only, two debates have emerged in the recent literature to better capture the complexity of deliberative processes beyond the table. Scholars are now interested in understanding how deliberation occurs, especially in non-deliberative public policy settings (McClaverty & Halpin, 2008). Some others have also scrutinized individual motivations behind this mode of communication (Neblo et al., 2010), trying to understand who deliberates and why they do so. Scholars have also started thinking about deliberation beyond mini-publics, at the system level, looking at the potential for scaling up these processes (Dryzek, 2010; Parkinson & Mansbridge, 2013; Niemeyer, 2014). Building upon these new trends and focusing on the peculiar challenges of divided societies, we argue that both pre- and post-deliberation processes are central to understanding the outcome of deliberation, and should be integrated into a more comprehensive approach to the deliberative research agenda. Our approach thus breaks the process into three distinct 'moments' and addresses the difficulty posed by the 'pure' deliberative ideal, by apprehending situations where unequal parties may sit together and where diffusion mechanisms may bring society back into the deliberative process in order to achieve reconciliation. With Ian O'Flynn (2007) we contend that what ultimately matters is not how things ideally ought to be, but rather what works and how it does so. Rather than looking for ideal contexts for deliberation through experiments or offering a theoretical model to explain the emergence and success of deliberative experiences of conflict resolution in divided societies, we propose an analytical approach that departs from normative beliefs and offers 'deliberative lenses' to study and account for the (rare) cases of inter-ethnic reconciliation. We illustrate our contribution with the case of the conflicts in Saguenay-Lac-St-Jean (Quebec, Canada) surrounding the 2003 *Common Approach* negotiations with the four Innu communities of the Mamuitun Council, which evolved into a deliberative process with the Quebec government and the local non-Innu community.

### **Living Together in Deeply Divided Societies: The Deliberative Turn**

Institutional arrangements ensuring the formal representation of groups have flourished in divided societies. While they allow groups to live side-by-side, they remain insufficient for societies to live together, in a shared community and trust (Kaufman, 2006; Ryan, 2007). Several authors argue for a transformative/collaborative approach to conflict resolution: the idea is to transform the context, the actors, the conflictual issue and/or cultural elements in order to modify groups' relationships at *both* the societal and the elite levels (Laderach, 1999; Väyrynen, 1991). This approach accounts for the dynamic nature of conflicts and emphasizes changing relationships, thereby creating bonds among groups and sustaining the social cohesion through face-to-face interaction (Miall, 2004; Susskind et al., 1999).

How is this societal change realized? The transformative approach emphasizes the notion of dialogue among empowered groups (Gagnon, 2002) that results, it is assumed, in the development of a shared collective identity across members of a political community. Identity is understood as a social construction, that is situational and ever-changing (Hale, 2004; Hutchinson, 2000; Máiz & Requejo, 2005; May et al., 2004; Taylor, 1998; Young, 2002). Identities (and the sense of belonging to a shared political community) are composed of multiple identifications that form and transform through social interactions. The transformative process is gradual, but it opens the possibility of bringing otherwise hostile groups together and of fostering a sense of belonging to a shared community without subsuming their cultural and particularistic identification. The development of such a collective identity is not a given, however. It is formed through groups' interactions and their new relationships (Barth, 1969), in a process that alters the perceived division between 'us' and 'them' that comes as a response to conflictual situations. Given this understanding of reconciliation as a transformative process, how is such transformation of groups' identities achieved? What would a mechanism for renewed interactions through dialogue among groups look like? Deliberative democracy theory's insights shed an interesting light on this question.

Deliberative democracy is a normative concept that moves away from "liberal or economic understandings of democracy and toward a view that is anchored in conceptions of accountability and discussion", focusing on the "communicative process of opinion and will-formation preceding voting" (Chambers, 2003, p. 308). Inspired by Jürgen Habermas' work on discursive democracy and the public sphere (1992[1983]), the early advocates of deliberative democracy postulate that a political order can only be legitimate to its members if it relies on justification

and reasonable arguments, if its institutions, laws and policies embody a mutually shared conception of the common good. However, preferences and interests are not fixed: they evolve through deliberation, a process that provides legitimacy to public policies as “decision-making and politics are justified in a process of discussion among equal citizens” (Gutmann & Thompson, 1996, p. 161). An ideal deliberative situation is characterized by an open discussion among equal participants who put forward arguments based on mutual reason-giving (rather than on emotions or values) and where the participants’ subjectivity and self-interests are overshadowed by the public reason (Bohman, 1996). Through a dialogue driven by the force of reason and arguments, conflicts of values, emotions and interests are subsumed by the need to reach moral consensus on the common good which transforms individual subjectivities (Benhabib, 1996; Dryzek, 2005).

If deliberative democracy has traditionally been defined in opposition to self-interest, to bargaining and negotiation, to voting, and to the use of power, critics have opposed that this definition makes deliberation hardly imaginable. First, they emphasize the idea of exclusion, especially of marginalized groups with differentiated access to knowledge, power and resources (Sanders, 1997; Young, 1996; 2000). Structural inequalities and power asymmetries are even more striking in context of divided societies, as there is existing ‘*rappports de force*’ between the majority and the minorities (Williams, 2000). Exclusion is problematic for deliberation outcomes, as it leads to the underrepresentation of certain points of views, and hegemony of the dominating groups. Second, critics also stress that the requirement for rationality in mutual argumentation leave little ground for deliberation between ethnic communities, since culturally defined conflicts oppose groups with distinct moral norms of behavior. Moreover, these moral norms are often the object of conflict. The problem, Monique Deveaux argues, resides in the requirement for reason and universalizability (2003). She posits that particularism and interests are inherent to cultural conflicts in plural societies and this is where dialogue should be undertaken – deliberation to be tried but with little, or no hope for reconciliation. She explains: “cultural disputes often have to do with the concrete interests of members and the distribution of power in communities, than they have with moral values” (p. 781). In pluralist contexts, deliberation should be conceived as a model that “engages participants strategic interests and needs”, and aims at securing a negotiated compromise, and not a normative consensus among participants.

These critics agree on the desirability of reconciliation, but they also account for the real-life difficulty of reaching a moral consensus and therefore propose a second best mechanism: an interest-based negotiated compromise between deeply

divided participants (Deveaux, 2003; Williams, 2000). However, negotiation is not a transformative process (Gutmann & Thompson, 2004, p. 135). According to the pluralists, who try to redefine deliberation to account for moral disagreements, it is more realistic to pursue a ‘thin’ conception of the common good than a comprehensive one, where “citizens seek to clarify and narrow their deliberative disagreements without giving up their moral commitments” (p. 29).

### **Deliberation in Divided Societies: (Re)Defining Reason, Equality and Consensus**

Taking a middle-ground stance on the current theoretical debates, we argue that the requirements for reason and equality and the search for moral consensus need to be reimagined to account for the complex realities of culturally diverse societies. With Mansbridge et al. (2010), we contend that when appropriately constrained and channeled, interests and power asymmetries are not necessarily antithetical to democratic deliberation. Instead of searching for a moral consensus on shared values, the objective is a reconciliation that goes beyond negotiated interests and involves mutual respect and understanding of the values of the ‘other’.

Critics consider moral consensus impossible to achieve in deeply divided societies. Tensions between cultural groups should thus be addressed through compromise, as any reconciliation on cultural norms and values seems unlikely (Deveaux, 2003). We argue, however, that values and interests cannot be separated. Cultural conflicts are an interesting mixture of both, where diverging interests are usually deeply tied to values (Daftary & Grin, 2003, pp. 22-23). In that sense, Henry E. Hale suggests that ethnicity, the function of which is to reduce uncertainty, precedes the politics of interests and utility-maximizing behavior for ethnic leaders and groups (2008, p. 55). Security, status, power and resources serve to assure this ‘ethnicity function’ in the long run. This is where ethnic interest politics come into being; ethnic interests derive from ethnic values.

The dual nature of cultural conflicts makes them particularly interesting as they ask for a redefinition of the ‘rationality of the mutual reason giving processes’. If the legitimacy of a political order can emerge out of such process, reasons and arguments cannot be only ‘rational’ (Maclure, 2007). Rational arguments about interest in culturally framed conflicts will necessarily be shadowed by emotions involved with the values from which these interests derive. Self-interest has an important role to play in this communicative process, as observed by Mansbridge and her colleagues: “Including self-interest in deliberative democracy reduces the

possibility of exploitation and obfuscation, introduces information that facilitates reasonable solutions and the identification of integrative outcomes, and also motivates vigorous and creative deliberation” (2010, p. 74). Thus, participants to deliberation should come to the table with their self-interest in mind and the exchange on these interests has a potential to transform values, to which the former are tied. And *vice versa*: “When deliberation actually goes so far as to transform an individual’s identity – a relatively rare occurrence –, we can say that deliberation has transformed not only that individual’s preferences but his or her interests” (p. 79).

If interests and the values attached to them have their place in the deliberative exercise, critics have also pointed out that the ability of groups to express and defend such interests is fundamentally unequal. We still follow Mansbridge et al., and contend that power, usually detained by majority/dominant groups, *per se* is not antithetical to deliberation; coercive power is (p. 66, 81). But if deliberation is to be a free and open process, minority/marginalized values and interests ought to be reflected in – at least – the early stages of the deliberative process: emotions, storytelling and rhetoric are therefore part of reasoning and formulating arguments, as they give the opportunity for all groups to offer their point of view (Karpowitz et al., 2009). The inclusion of these divergent perspectives is inherent to consensus “because differently positioned people have different experience, history, and social knowledge derived from that positioning” (Young, 2000, p. 136). Ethnic perspectives are not fixed positions. They consist of a set of questions, experiences and assumptions from which reasoning can begin (p. 137). After all, consensus-building connotes discussion. Only when diverging interpretations, when questions and ideas are fully taken into account, can parties claim to have reached a consensus. Consensus is the result of the communication of – and exposure to – different perspectives. It is a sign of group empowerment *cum* cross-ethnic dialogue (Gagnon, 2002). Only through the participation of diverse cultural perspectives can the convergence of interests – and of these same perspectives – be achieved.

More importantly, however, the idea of moral consensus should be redefined to account for the nature of conflict in divided societies. We shall adopt a less ambitious definition of consensus that does not imply a unitary view of moral values and norms but “a genuine agreement among participants that the outcomes are right or fair” (Mansbridge et al., 2010, p. 70). Deliberation has thus a transformative effect. Participants change their mind as they engage with one another across group lines (Dryzek, 2005; Dryzek & Niemeyer, 2006), acquire new information on facts (Mansbridge et al., 2010, p. 78) and enter a process of ‘social learning’, which may help them to moderate their positions, not

necessarily reaching a decision (Kanra, 2012; O'Flynn, 2007). The consensus thus acquired is the result of the inclusion of, and discussion on, the respective interests and perspectives. This is qualitatively different from a negotiated consensus where hearing out – not listening to – the interests are sufficient for bargaining. ‘Deliberated consensus’ comes with understanding.

The outcome of deliberation does not have to be a decision about what is just on the basis of a consensual understanding of the common good (Young, 1996); in contexts of cultural conflicts, the transformative power of deliberation resides in the widening of perspectives about – and a better knowledge of – mutual values and interests that generate mutual and reciprocal understanding and, eventually, recognition and reconciliation within a shared political community (within which multiple identities can live together). Because deliberation includes all concerned parties in a conflict, it is an intersubjective communication practice that mutually transforms otherwise hostile groups and individuals who acquire new insights and ideas. Mutual understanding brings ‘right and fair’ outcomes, *as perceived by all the participants*. This does not mean that the understanding is now common, desirable as it may be. It only means that the participants learned to respect the interests and perspectives of the other. Understanding and respect is qualitatively different from a negotiated compromise based on tolerance. It has the capacity to transform positions and allow living together *with* diversity while according a (shared) value *to* this diversity, which is at the core of our understanding of a deliberated consensus.

### **Three Moments of Deliberation for Reconciliation: An Analytical Approach**

While theoretical debates and experimental studies on deliberation flourish, the literature remains mostly isolated from real-life empirical experiences. Up until very recently, both normative and experimental accounts of deliberation focused more specifically on the ‘deliberative table’, and not on the *process* as a whole, as a series of transformative moments. Engaging with the most recent debates about the underpinnings of deliberation and about deliberative systems (Mansbridge et al., 2010), we contend that the pre- and post-table political processes – that are usually non-deliberative – should be better addressed to understand the outcomes of deliberation, especially in divided societies. What brings hostile groups to sit together and take up the challenge of deliberation, rather than settle for negotiation? Not only do they need to have an interest in resolving the conflict, but there is also something more to the ‘deliberative turn’. Moreover, in the context of divided societies, conflicts may be embodied by elites, but they are fundamentally entrenched at the societal level. Thus, for the transformation of

attitudes, and eventually reconciliation to occur, the transformative process – started at the deliberative table – needs to go beyond participants, to reach out to the members of the community who are affected by the issue at stake, and to be appropriated by society.

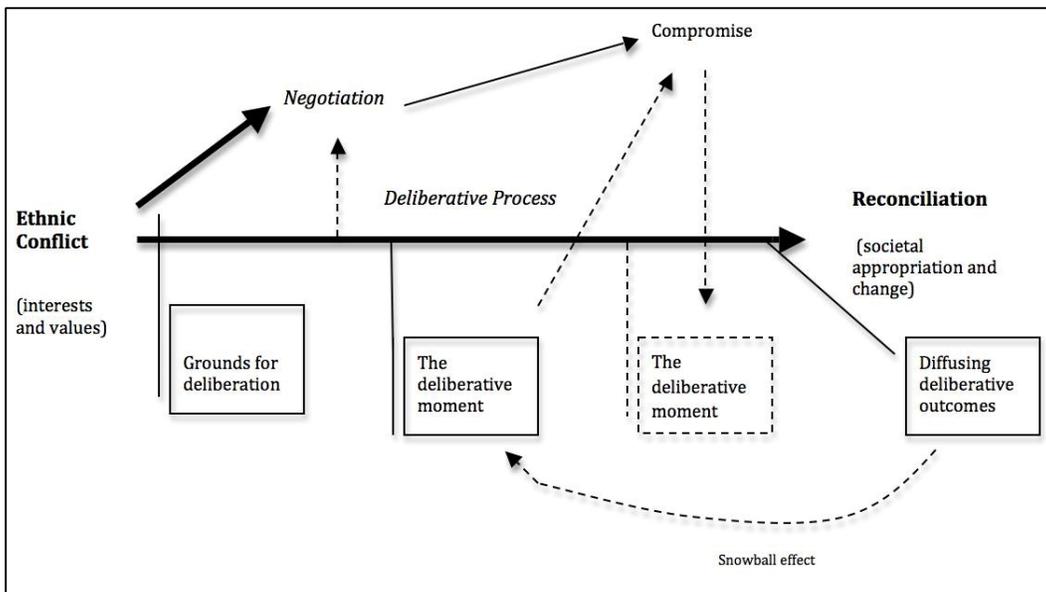
Our goal is not to develop a theory of deliberation in divided societies, but rather to propose a comprehensive analytical approach to look at it. It takes stock of the normative and the experimental literature and moves beyond in order to assess the whole process of deliberative inter-ethnic reconciliation. While a few recent studies do describe the whole process, for example Duncan Ivison's account of the reconciliation with Aboriginals in Australia (2010), our aim is to systematize the analytical framework beyond isolated cases in order to uncover the underlying mechanisms of this 'deliberative drift' (McClaverty & Halpin, 2008). Starting with non-ideal but real-life contexts where interests diverge and power is asymmetric, we want to know what makes hostile parties start the dialogue in the first place. Interested in groups' reconciliation rather than in deliberation *per se*, we want to know what makes group members who are not at the table change their mind and transform their perceptions of the 'Other'.

We therefore propose to think of the transformation as a three moments deliberative process: 1) making ground for deliberation: what incentives do groups have to actually sit down and talk?; what (if any) preparations are made to facilitate deliberation rather than negotiation?; 2) unfolding the dialogue, with its mechanisms and transformative moments (Jaramillo & Steiner, 2014); and 3) diffusing the transformative process on a larger scale: how new attitudes are communicated and diffused throughout the groups at the societal level? These three moments are presented in the following figure, while the table, taking stock from the experimental literature, summarizes the main elements considered for each moment. It is important to note that, although presented here in a consecutive manner, this sequence is dynamic: there is a constant interaction between the different components, including across 'moments', and between the deliberation table itself and the public, which may inform the direct participants and change the form of the ongoing dialogue. The sequence should thus be understood as an analytical tool, not as a prescription or as a model for deliberation. The remaining of this article explains and illustrates this table and figure taking case of a negotiation that took a deliberative turn.

**Table 1. The Three ‘Moments’ of Deliberation and their Components**

<b>Moment 1</b> <b>Pre-deliberation:</b> Framing compatible self-interests	<b>Moment 2</b> <b>Deliberation:</b> At the table	<b>Moment 3</b> <b>Post-deliberation:</b> Reconciliation (diffusion, societal appropriation)
<ul style="list-style-type: none"> <li>- Institutional design incentives</li> <li>- Initiators, organizers</li> <li>- Proposed subject and level of deliberation</li> <li>- Pre-deliberation meetings and comfort enclaves</li> </ul>	<ul style="list-style-type: none"> <li>- Rules and quality of discourse</li> <li>- Rational and relational moments</li> <li>- Open or decision-action bind deliberation</li> <li>- Publicity – secrecy</li> </ul>	<ul style="list-style-type: none"> <li>- Leadership and legitimacy of</li> <li>- Publicity</li> <li>- Snowball effects: levels and chains of deliberative spaces</li> </ul>

**Figure 1. Unpacking Deliberation: Deliberative Moments and Rupture**



## **An Illustration: Conflict and Deliberation over the *Common Approach* in Québec**

Moving beyond the current debates means focusing on the pre- and post-deliberation moments. In the two next sections of this paper, these two moments will be discussed at length and illustrated with insights from a (seemingly rare, and still imperfect) case of deliberation as reconciliation: the conflict around the *Common Approach* in Canada, an agreement in principle toward a treaty negotiated among the Government of Canada, the Government of Québec and four Innu communities of this province. If we focus on what we call ‘Moment 1’ (pre-deliberation) and ‘Moment 3’ (post-deliberation) for the sake of our argument, what happens during ‘Moment 2’ (at the deliberation table) needs to be presented to establish its deliberative nature, as the indicators of deliberation discussed in the literature are used to verify the validity of our case selection.

For decades, the conflict between Innu communities and the federal and provincial governments was defined along legal and institutional lines. Dating back to the end of the 19<sup>th</sup> century, the Canadian Constitution and the first Aboriginal treaties made the federal government the main interlocutor for Natives. Aboriginal rights were not on the agenda before the 1970s, when the growing economy of natural resources extraction on traditional Aboriginal lands triggered contestation about Canada’s sovereignty on these territories (Papillon & Lord, 2013). In 1973, the *Calder vs. British Columbia* decision<sup>1</sup> forced the federal government to negotiate settlements of land claims in areas of the country where there was no historical treaty on Aboriginal rights’ cessation. This was the case in Quebec where, in 1975, negotiations with a number of Aboriginal communities resulted in the signature of the *James Bay and Northern Quebec Agreement* on territorial rights between the provincial government, and the Cree and Inuit communities. Through the adoption of these general treaties, the federal and provincial governments wanted to eliminate future judicial uncertainties and, at the same time, secure the Aboriginals’ renunciation of their land entitlement. For the Quebec government, the 1975 Agreement establishes new relations with Aboriginals, recognizing the necessity to negotiate the conditions of territorial divisions and exploitation. These negotiations, however, remained ‘behind the door’ discussions. Moreover, as the nature and content of Aboriginal rights recognized by Quebec in 1982 are vague, most important decisions are taken in the judicial arena. ‘Behind the door’ negotiations and judicial decisions are by nature excluding dialogue with local communities, yet directly affected by the

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<sup>1</sup> In a 1973 decision opposing Frank Arthur Calder and the Nisga’a Nation Tribal Council to the government of British Columbia, the Supreme Court of Canada recognized for the first time the existence of an Aboriginal title to the land prior to colonization in Canada.

political and economic decisions about peoples' rights, and thus exacerbating the underlying cultural tensions between groups. This is what triggered the conflict surrounding the *Common Approach*.

Since 1979, Innu communities in Quebec voiced claims for political and cultural autonomy based on Aboriginal rights. In 1978, an additional agreement to the *James Bay's* was concluded with the Naskapis, resulting in the extinction of Innus' ancestral rights in Nitassinan, even though they were not present at the negotiation table (Papillon & Lord, 2013). In reaction, the Innu initiated a negotiation process in order to conclude a global treaty ensuring their cultural autonomy and sovereignty on their ancestral lands. Learning from the experience of the *James Bay Agreement*, the Innu asked the negotiations to be conducted between equals, following a 'nation to nation' approach, and refused the extinction of their Aboriginal rights, making it a *sine qua non* condition for any future treaty (Leydet, 2007). The relation to ancestral territories and their particular culture is a central defining part of the Innu identity: ancestral rights are inherent to – and derived from – the value their great-great grandparents granted to the earth they lived on, to which they belonged and which determined their social structure and modes of life (hunting, fishing). Consequently, territorial ancestral rights and titles are seen as necessary for Innu communities to flourish in the contemporary world (Cleary, 1993, p. 53). While it has economic implications for its population, the interest Innu have in maintaining their ancestral rights cannot be dissociated from cultural values. On the governmental side, on the contrary, ensuring the extinction of Aboriginal rights was the objective, as economic and political interests mostly drove the conflict. The signature of a treaty could allow the resolution of numerous judicial pursuits intended by First Nations communities against Quebec, and could sustain important economic developments on these territories, notably around natural resources extraction (Salée, 2005, p. 60).

After thirty years of protracted negotiations and legal battles, a new negotiation process was initiated in 2000 between the federal and provincial governments and four Innu communities represented by the Mamuitun Tribal Council.<sup>2</sup> The parties agreed on basic principles of the future global treaty, once the governments accepted to tone down their demand for rights' extinction, and to suspend this question for the time being (Papillon & Lord, 2013). Two years later, the *Common Approach (Approche commune)* was signed by all the negotiators, and then presented to the public. The strong opposition to the *Approach* encountered

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<sup>2</sup> One of the main critiques formulated by the Innu themselves against this project – besides its lack of transparency and public consultation – was its non-inclusiveness, as it involved only four out of the nine Innu communities present in Quebec.

among local non-Innu population, particularly in Côte-Nord and Saguenay-Lac-Saint-Jean regions, delayed its ratification that took place only in 2004. Since then, however, the global treaty has been in a stalemate. The post-2004 deadlock notwithstanding, what happened between 2002 and 2004? After two years of fierce local tensions, the compromise reached in 2002 through negotiations could finally be ratified. Was the conflict between the Innu and non-Innu populations alleviated? How? It is this particular (transformative) relation between two divided and hostile communities that is of interest to us, and this is why this story is told: to illustrate in the deliberation process the different moments pointed out by our analytical approach.

A few elements of the 2002 agreement are worth mentioning, as they triggered the division and conflict between Innu and the local non-aboriginal populations (Leydet, 2007). First, the preamble of the agreement recognizes Innu aboriginal rights. Second, it grants the Innu fee single title on about 5 % of the claimed territories, as well as 3 % in royalties from the exploitation of natural resources. More importantly, the agreement project created differentiated regimes of rights and governance on the territory, establishing differentiated citizenship regimes for Innu and non-Innu populations living on the same territory. The possibility to grant more autonomy to the Innu communities in a future treaty was indeed harshly denounced by local residents and economic actors, and a ‘collective paranoia’ emerged in the region. The sentiment was that Innu communities, with the compliance of the provincial government, wanted to occupy a territory that ‘belonged’ to Quebecois and to expropriate them (Charest, 2003, p. 190). Second, the fact that the local population was not included in the negotiation process, nor consulted, was repeatedly pointed out by local opponents. Facing growing disenchantment and tensions at the societal level, the Quebec government decided to withhold the ratification process, and organized a Parliamentary Commission to study the treaty project, while – and this is what is of interest from a deliberative perspective – providing a space for dialogue between the parties in conflict.

How does this case qualify as a deliberative moment? The analysis of the discussions that took place over twelve non-consecutive days, between January 21 and March 7, 2003, within the Commission clearly points to the deliberative turn of the process. As the literature of deliberative experiments highlights, even when a deliberative space exists, there is no guarantee for ‘good quality deliberations’ and for the parties to come to a mutual understanding. Because we only look at this moment to assess the deliberative nature of this Parliamentary Commission, we briefly expose the general indicators of deliberative moments. This is where

the empirical lessons of the so-called ‘mini-publics’<sup>3</sup> – the institutional mechanisms for deliberation among small groups who discuss specific public policy issues – and of the experimental exercises in deliberation come into play. While looking at what happens ‘at the table’, the literature points to some important elements necessary for the dialogue to be ‘deliberative’.

First, recent scholarship on deliberative ‘mini-publics’ has focused on the *rules* and *procedures* of deliberation as a way to understand its ‘transformative’ outcomes. In the case of the Commission, while the opposed groups did not necessarily come in with a genuine will to deliberate, the rules of the Parliament might have toned down harsh expressions of grievances and leave space for the development of ‘friendly attitudes’ (Pelletier, 2010). Three mechanisms are worth looking at: (1) the selection of participants, (2) the mediator and (3) the frequency of deliberations. In the case of the Parliamentary Commission, participants are self-selected as they decide on a personal basis to present a memoir and their position to the Commission. This could eventually constitute a limit to the diffusion process, as we shall see in ‘Moment 3’. However, it is interesting to note for now that the spread of the conflict in the region is well represented in the commission: from governments’ officials, Innu and local non-Innu elected representatives, as well as corporate and citizens’ representatives from both sides (see Québec, 2003, pp. 104-116).

The second type of indicator used to identify the deliberative nature of the Commission revolves around the *content* of the dialogue at the table. Most deliberative democrats contend that deliberation must be rational, as political decisions are not taken on the basis of the force of numbers, but rather on what Habermas (1984) has called ‘the force of the better argument’ (O’Flynn, 2010). However, conflicts over values that are constitutive of ethnic identity imply some emotional thinking. This is why some authors stress the need for narrative forms of deliberation in which participants appeal to their own experiences and anecdotes (Ryfe, 2002; Steiner, 2012). Keeping that in mind, during deliberations involving ethnic identity issues (interests *cum* values), one should not expect ideal rational arguments but rather to have both ‘rational’ and ‘relational’ moments (‘transformative’ moments) as well as ‘bargaining/negotiation’ moments throughout the discussion – since bargaining, arguing or a mixture of both will appear (Holzinger, 2005, p. 240). We therefore read the Commission’s minutes through the lenses of the *Discourse Quality Index* (DQI) elaborated by Jurg

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<sup>3</sup> Examples of ‘mini-publics’ include citizen juries (on ‘public’ vs ‘plebiscitary’ reasons, see Chambers, 2005; O’Flynn, 2007), consensus conferences (Fung, 2003; Røjke & Sintomer, 2005), deliberative polls (Fishkin & Luskin 1999; Loison-Lerustre 2008), town meetings and national issues forums, and so on.

Steiner and his colleagues (2004; then amended in Jaramillo & Steiner, 2014). Accordingly, we find that: participants did not interrupt other interventions; they all respected the time they were allowed with; their participation did not seem constrained in any way (the Aboriginal representatives used their own language from time to time); participants greeted each other with respect and responded fully when interrogated; they explained their respective positions recurring to historical, social or judicial justifications. Finally, and this will be developed in the following sections, it is also clear from the Commission's proceedings that the discussions became less concerned with judicial notions and the language of rights than with the need for finding new ways for becoming 'good neighbors'.

### **Moment 1: From Conflict to Dialogue - Setting the Stage for Deliberation**

How can we provoke dialogue and, eventually, deliberation? Evidence shows that individuals agree to sit with one another when they feel they share common concerns, when community bonds make them feel comfortable (Ryfe, 2002, pp. 364-365). This finding is not surprising but is problematic if hostile communities are to be empowered and at the same time entertain inter-ethnic dialogue (Gagnon, 2002), be it deliberation. The groups in conflict are far from being in an ideal situation of mutual respect and equality; often their group security is perceived as being threatened by the other. In contexts of divided societies, where people have profound disagreements over interests and values, what makes them sit together to deliberate? What are the mechanisms underlying an eventual transformation of negotiation attitudes toward deliberative attitudes?

### ***Why Change the Way we do it? Incentives and Mechanisms for Deliberation***

Frames – and framing effects – are an important part of each group's definition of self-interest in a deep division context. Deliberative 'mini-publics' are often considered transformative in themselves, given they are correctly designed to lessen the effect of pre-existing – and often contrasting – frames (Calvert & Warren, 2014). Pre-existing frames can, however, be hard to overcome in deeply divided societies, and such pre-judgments regarding each other's self-interest and positions may even hinder the possibility for deliberation to happen in the first place. In such inhospitable contexts, what are the incentives for deliberation to take place? We argue that in order to understand the ways to bring hostile groups to deliberate together, empirical research should pay more attention to the mechanisms and incentives (positive and negative) that contribute to reframing groups' self-interest in the deliberative *process*, through a series of moments of deliberation, negotiation and conflict. We identify three multidimensional elements that shed a new light on the mechanisms that, together, work in favor of

deliberation for reconciliation in divided societies: the way initiators frame mutual interest, incentives and sanctions; the idea of pre-deliberation enclaves to tackle inequalities and ensure inclusiveness; and the way issues at stake can be (re)framed through the content of deliberation.

First, while not much has been written on the origins of deliberation among otherwise hostile groups, it seems that one important element to consider for analyzing its prospects of success is the *process* by which the deliberative table itself came about, which will influence the way it is framed and its outcomes and potential diffusion toward the societal level. Although part of literature is concerned with finding the ‘right’ institutions for deliberation, there is still no consensus among scholars as to whether and, if so, which type of power-sharing institutions can be more deliberation-prone (Chambers, 2005; Mansbridge, 1999; O’Flynn, 2007; 2010; Steiner et al., 2004). While institutions are certainly important in some ways to framing deliberation opportunities and mechanisms, deliberation is a political process. In framing mutual interest in finding new and ‘legitimate’ ways of resolving a conflict, the role of the actors who initiate the dialogue and organize the deliberative table is extremely important as they arguably have an impact on the parties’ willingness to communicate/to enter the process.

There are at least three ways by which the actors at the origins of the table are an important dimension for negotiations to turn into deliberation in divided contexts, which will also have repercussions on the third ‘moment’ of the process – if it ever reaches it. First, by creating a diverse array of symbolic, material and institutional incentives and/or sanctions, the initiators of the deliberative process contribute to (re)frame each party’s self-interest toward the conflict, and to eventually build the foundations of a mutual (but not necessarily shared) interest to sit together in good faith (or not). Second, the way social organizations and group leaders are involved in the early stages of the process and its preparation within each group is central to the problem of inequalities. In fact, the public involvement of advocacy groups and social organizations can contribute to the empowerment (or lack thereof) of minorities and marginalized groups. As suggested by Christopher F. Karpowitz et al. (2009), it is through their involvement in the pre-deliberation preparation that their role has the potential to make a difference on the way participants will be included in the deliberation later on. Third, depending on the level of trust they have in the initiators and/or organizers, and on their level of involvement in the pre-discussions over the rules and procedures of the deliberation table, the hostile parties will be more or less prone to accept the terms and rules of the dialogue.

Second, as mentioned earlier, the question of exclusion has to be addressed in deliberative processes. In fact, the deliberative model, as noted by David M. Ryfe, “calls for a form of government that allows space not just for the interests and concerns of conflicting elite groups, but for the full diversity of opinions in society” (2002, pp. 364-365). This may be achieved through a pre-deliberation process, with a twofold objective: to prepare participants to hear opposing views and to include a wide range of views within a single group. Pre-meetings held within each group to prepare the participants and make them more comfortable with the deliberative exercise can help overcome the ‘self-exclusion’ problem revealed by the work of scholars like Nina Eliasoph (1998). Analyzing social organizations that organize deliberations, Ryfe observed that most of these conduct pre-meetings to enable participants to confront “opposing views before the group meets, and [...] allow the organizations to develop a game plan for actual discussions” (2002, p. 365). As David Dutwin’s findings have shown, “unlike the expectations from a number of literatures that politically sophisticated individuals are most capable of talking on a variety of topics and provide talk couched in rationality and argumentation, it is political conversation that prepares individuals to participate in deliberation and affords citizens the skills to do well” (2003, p. 241). Thus, pre-deliberation can contribute to efforts to overcome the problem of unequal access to resources and knowledge among groups.

Some research has also pointed to the fact that ‘enclave’ pre-deliberation processes within groups sharing the same pre-deliberation interests/values (Sustein, 2002; Karpowitz et al., 2009) – initiated by social organizations, groups’ leaders, or voluntary organizations – can contribute to overcome the structural inequalities inherent to diverse societies, that could otherwise be crystallized through deliberation. Such a preparation among ‘enclaves’ is not opposed to defining the mutual interest to participate in deliberative processes. Rather, “enclave deliberation can serve the larger cause of a fully inclusive public discourse by giving disempowered or marginalized groups an opportunity to develop their unique perspectives and arguments, which might otherwise be overlooked or ignored” (Dutwin 2003, p. 241). Thus, pre-deliberations can contribute to (re)frame groups’ self-interests and to (re)define the mutual interest to sit together, and generate the roots of a possible reconciliation that includes even those generally underrepresented.

Third, results from the experimental literature on deliberation suppose, not surprisingly, that quality deliberation occurs when people do not deliberate – at least at first – on the issues at the heart of the conflict. Although not surprising, this finding is important for post-conflict deeply divided societies. Indeed, deliberating on the way hostile groups could cooperate on – for example, technical questions such as water supply or the construction of a bridge – may be

more suitable than deliberating on recent interpretations of history or on the conflicting values *per se*. The idea of avoiding ‘hot topics’ in deliberations could indeed contribute to better knowing the other, to practice and develop the habit of cooperation that leads the way, eventually, to deliberations addressing identity-related issues. This in turn, may have some important implications for the levels of deliberative space. If constructing bridges and arranging for water supply represent the best first step for reconciliation, the tables should be organized at the local rather than at the state level. At the same time, if we seek some transformation within the wider society, these local level tables’ results should be transferred bottom-up as well as horizontally to other localities/policy issues, a process we will further explore in the post-deliberation moment discussion.

### ***From Negotiation to Deliberation in Saguenay: (Re)framing Issues and Interests***

In light of the previous discussion, what made the ‘deliberative turn’ possible in the Innu case? The historical way of framing the issues at stake in this ongoing conflict changed in 2002, as the growing and vocal wave of non-Innu opposition in Saguenay-Lac-Saint-Jean forced the Quebec government to postpone the ratification of the *Common Approach* and to engage with the local population and their representatives. In a first attempt to calm the opposition, a vast information campaign was organized in the region, and government officials organized public meetings to explain the content of the *Common Approach*. At first, both sides’ interests/values were defined narrowly, without looking at the other side’s arguments, which exacerbated the conflict. On the one hand, the *Common Approach* measures elaborated behind closed doors were meant to find a compromise between the government’s need for certainty and the Innu’s resistance to the extinction of their aboriginal rights in exchange for treaty rights, but local Innu felt their real concerns were left out of the negotiations, and that the negotiators did not represent them well in front of the government. On the other hand, the local non-Innu population and their representatives also felt left out, whereas the provisions of the *Common Approach* also affected them – or at least were viewed as affecting them. Indeed, beside quite generalized negative stereotypes associated with Aboriginal communities and a general feeling that any collective rights would necessarily affect local citizens’ individual rights (property rights, taxation and representation of the non-Innu on territories to be under Innu sovereignty), some concrete questions and fears arose regarding the place of non-Innu citizens in regional development and on ‘living together’.

The public disclosure of the *Common Approach*’s terms generated an avalanche of opinion letters by non-Innu citizens in the local media that illustrate an initial

lack of knowledge of the other, of the Aboriginal issues at stake in the interactions among both groups. Positions, interests and opinions expressed by the non-Innus were thus based on pre-existing and negative judgments of Aboriginal. For example, speaking about the reasons underlying the Innus' claims, some non-Innu citizens wrote in the local journal *Le Quotidien* (for a detailed account see Lord, 2009, pp. 119-126): "For how long are you going to go back to the unique fact that you were the first inhabitants ...? As far as I can look into my genealogy, my ancestors were also born, lived and died on this land" (Gagné, 2002); "Since the arrival of the Europeans, Aboriginal culture and traditions have evolved. Not much remains from ancient practices" (Imbeau, 2003).<sup>4</sup> Some of them show little awareness of Innus' conditions, even expressing jealousy: "If I was offered even only one of your privileges, I would be very happy and would not dare asking more. You, Aboriginals, have all you need to have a reassuring and comfortable present and future, both financially and socially" (Gagné, 2002).

A representative of an opposing group, Yvon Bernier, suggested in the newspaper that the treaty would have "consequences on the daily-lives of non-Innus, on collective rights and on the definition of the parts of the territory they will lose or have to share." (2002). The treaty will, in his words, create a "feudal system where 4000 [Innus] will have a lord status while the 282,000 citizens of the region will be reduced to a role of tenants." An historian, Russel Bouchard, adds that "1-2 % of a population [...] will dominate over the rest without any desire to share" (2000). Writing about the elected Innu representatives, a local columnist, Raynald Boily suggests that they "should be proud and independent enough not to make money from ancestral rights with the primary objective of a material wellbeing that seems to be used for many other things than to reduce poverty among Aboriginal" (2000). Thus, the subject of the initial discussions was framed following preconceived perceptions of the other, which is reflected in the anti-Innu framing observed among non-Innus. Very quickly, it was thus clear that merely informing was not enough. Tension was palpable among both communities, and the issues at stake were 'hot' and hardly subject to deliberation at this point.

However, in response to such opposition, Innu leaders and organizations contributed to reframe the issues at stake from a discourse of rights and injustices to one of mutual understanding, thereby modifying the terms of the discussion. By pointing to the lack of communication and information as well as to the alleged lack of transparency of the negotiation process, both groups found a space where they could be allies against the government; Innu leaders joined the non-Innu community in denouncing the opaque negotiation practices of the government.

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<sup>4</sup> All quotes are free translations from French to English by the authors.

For example, the local Mashteuiatsh radio director said in an interview that he understood citizens who criticized the government for not having been consulted or informed about the treaty negotiations; “People have been presented a *fait accompli* [...] and it makes them angry” (Tremblay, 2002). Innu leaders encouraged provincial and federal governments to respond to the transparency demands formulated by the non-Innu communities. The chief negotiator of the Mamuitun Council, Denis Bouchard, indeed proposed that “in order to reassure the [non-Innu] population, a committee of representative and credible people could follow the negotiations” (2002). Thus, following the divulgation of the *Common Approach*’s terms, tensions arose among both groups, but opinion leaders among the Innu communities contributed to reframe the terms of the conflict from a ‘hot issue’ – economic distribution and political rights/privileges – into an issue of intercultural communication. Citizens from both the Innu and non-Innu communities demanded to be included within the process, to be heard and to get their perspectives considered.

It is in this context that the Quebec government announced a special Parliamentary Commission to be held in January, 2003, organized to inform the negotiators on the bases of resistance to the *Common Approach*. Why such a change in strategy from the Quebec government, aimed at hearing and including everyone’s perspectives? A few contextual elements are worth mentioning in order to better understand the structure of incentives that prompted the government to adopt such an approach to conflict resolution in 2003 – rather than to ignore popular discontent and move on with the ratification, or let the tribunals decide (Lord, 2009, p. 75, 124). In 2002, the *Parti Québécois* (PQ), led by Bernard Landry, was in the last year of its electoral mandate, and 2003 would be an electoral year for sure. The electoral context was not favorable to the PQ, but Saguenay-Lac-St-Jean traditionally is a region where the party can secure important support. The context was good for opponents to the government to capitalize on historical tensions between the Innu and non-Innu populations, and the incumbent government knew this would become an important limit to its re-election in the region (Charest, 2003). Thus, it had an immediate political and electoral interest in looking for a non-judiciary solution. However, the Commission was not, at first, meant to be a discursive space aimed at inter-communal reconciliation of interests and values, but was rather meant as a way to secure eventual compromises and the future signature of a treaty.

The reframing allowed for a change in the object of the discussion, which was reflected in the Commission’s preparation phase, its agenda, and the possibility for ‘transformative’ deliberative moments to take place during the process. As soon as the Parliamentary Commission was announced, a preparation phase was

thus initiated in the region, which can be assimilated to what we have called ‘pre-deliberation meetings’. Prior to the Commission, the government mandated a special emissary – ex-minister Guy Chevrette – to conduct a wide public consultation in the region. In parallel to the public commission, Innu communities organized ‘discussion circles’ among the local aboriginal population to establish common concerns and positions whenever possible (Robertson, 2000). In November 2002, the Mamuitun Tribal Council together with an expert consulting group, Cleary & cie, organized two workshops on the harmonization of relations between Innus and non-Innus. These initiatives in each community provided public spaces (enclaves) for participants to prepare the dialogue to come and allowed a wider diffusion of the *Common Approach* and of the distinct – and often opposed – positions expressed across groups.

The Chevrette consultation was thus the most direct and tangible result of the pre-deliberation phase (moment 1): a special report that included 33 recommendations for the government was produced highlighting changes to the *Common Approach* that should be made *before* pursuing further negotiations with the Innus and that would satisfy the local population. These recommendations were based on consultations that involved 80 days in the field, 204 regional meetings (with 144 groups and individuals, 8 deputies, 9 officials and experts, 43 journalists) and 36 written positions (memoirs) coming from a variety of organizations (development regional councils, hunting and fishing associations, syndicates, trade unions, political parties, forest and mines industry, etc.) and from group and individual citizens, including 14 memoirs from Aboriginal groups and organizations. The Chevrette consultation report and a total of 88 memoirs were submitted for deliberation to the Parliamentary Commission on January 21, 2003, representing the variety of perspectives to be addressed (Leydet, 2007). The Commission itself included deputies and participants from both parties in conflict.

In that case, it is clear that the way the initiators framed the debate – as a collective endeavor – and the way the Chevrette consultation allowed for pre-deliberation enclaves among (and across) groups seems to both have contributed to reframing collective interests. Of course, all groups had their own ‘corporatist’ interests at stake in the conflict: the upcoming elections, property rights, economic resources’ distribution and exploitation. At first, there was little concern for understanding the others and their respective positions. At some point, however, Innu representatives started to talk in these terms (Tremblay, 2003). Why them? Despite their participation to the negotiations of the Agreement with Ottawa and Quebec, Innu communities are a minority; they remain in a position of inferiority *vis-à-vis* the local population and the governments, and thus have more to lose if the treaty fails. The *Common Approach*’s dispositions are to affect

directly 8,000 Innus, but they live on a territory also occupied by about 300,000 non-Innus, on whom the provincial political parties count for winning the upcoming election. In order to change the balance of power, the Innus need to convince local non-Innus that not only these measures will not impact them economically, but also that they are justified, that they are based on ‘reasonable’ arguments. The terms of the dialogue were being reframed. Innu representatives tried to increase awareness among the local non-Innu population by comparing the Innus’ situation in Quebec to theirs as Quebecois in Canada. After all, they argued, their nations have similar needs and claims: political powers for their respective development and survival of their cultures on their historical regional territories. Thus reframed, Innu and non-Innu populations may not only share common interests, but may also gain mutual understanding.

### **Moment 3: From Deliberation to Reconciliation - Bringing Society Back In**

As argued earlier, the objective of deliberation is to transform attitudes at the societal level. As pointed by Chad Raphael and Karpowitz (2013), “the perceived legitimacy and influence of deliberative groups depends in part on how they communicate with outsiders” (2013). Moderation, inclusion and respect between the individual participants to the deliberative table are one thing, but if the goal is to aim toward group reconciliation, the public communication and diffusion of actions, decisions, consensus or understandings that came about through the deliberative process is crucial, yet overlooked.

#### ***Diffusion, Appropriation and Identity Transformation***

For O’Flynn, deliberative democracy allows “greater space for the citizens of divided societies to shape their own relation to the polity. [...] As such, deliberative democracy requires us to shift away from an elite-driven process” (2007, p. 733). But, deliberative democracy is different from participatory democracy, and remains representative in essence since discussion cannot be held among too many participants. Because we look at the way hostile collective identities transform, what we need to better understand is not only how deliberation shapes individual preferences and perceptions, but also more largely how it affects the relationship between the previously hostile communities, among them, and with the polity. As suggested by Mark E. Warren and Michael K. Mackenzie (2013), deliberative mini-publics are objects of trust, as they can become information proxies for citizens to make their own robust but low-cost judgments about divisive issues in democratic systems. Given that the objective of the deliberative process is to go beyond the deliberative table and to reach out to a wider public, it seems that representatives, rather than ordinary citizens, should be involved within the process. They indeed have the resources, skills and status

necessary to communicate in an efficient and convincing way the deliberation outcome, and to foster its perceived legitimacy among society members. For this representative function to be best achieved, participants need to have some leadership and legitimacy among their respective groups, at least from the society's perspective. These leaders are not necessarily understood in terms of elected people representing a constituency – politicians are “usually constrained to one or two roles – listening or answering” (Ryfe, 2002, p. 369) –, but rather as people to whom members of a group listen and are thus legitimate in their eyes. Talking about nation-building mechanisms, George Schöpflin employs a useful term to qualify such representatives: they are ‘myth controllers’ (2000) – that is charismatic opinion leaders, writers, intellectuals, historians, priests, politicians, journalists and so on. These participants have (non-)material resources to influence and transform attitudes and beliefs of their respective groups’ members.

The question of publicity (*vs* secrecy) is an important one for the deliberative moment itself, as Chambers (2005) has demonstrated. It is, however, also (if not more) important for reconciliation, since such a process requires that the outcomes of the deliberation reach out to – and become appropriated by – a wider public. Once the participants to the deliberative table reach a mutual agreement or – in the best-case scenario – a mutual understanding, the process of diffusion starts (or started already, if the deliberation was not a secret one). For such a diffusion to be realized in a deliberative spirit, it should not mean imposing but convincing the society of the fairness of the result, while not only referring to reason, but also emotions. Media usage and coverage have a special role to play here (Raphael & Karpowitz, 2013). Do the media present the deliberative table from all groups’ perspectives? How is the ‘other’ group depicted? Do groups have equal access to information? Do we observe similar information and cross-cutting debates in the different language press? These are important questions that can help understanding the extent to which deliberation can be deemed successful, not in terms of policy outcomes, but in terms of the appropriation of the emerging consensus, of this mutual understanding and respect for the other that came out of the deliberative moment.

Reaching out to the public through leaders and news media is central to the diffusion, but these indicators do not grasp the most important part of a reconciliation process: transformations from within and consequent actions at the societal level. Including citizens means that the decisions and reconciliation cannot be only orchestrated from above. Thus, the best measure of success of the ‘table’ would be to see subsequent deliberation initiatives taking place through a snowball effect: the experience from one municipality transferred to another, sanctioned by or reproduced at higher levels of government. These transfers form some sort of horizontal and vertical chains of deliberative spaces, a system of

deliberative public spaces on issues ranging from bridges, water supply to history textbooks and electoral system. Each table is but a drop in the deliberative process aimed at living together and this is why one should expect some snowballing effect to happen as the result of a successful – but punctual – deliberative experience.

***Becoming ‘Good Neighbors’: A Step towards Reconciliation between Innu and non-Innu***

On contrast to the pre-2003 negotiation process, the Commission was open and transparent. All those willing to participate could do so and the discussions were largely reported in the local and national media. Even if, as a non-decisional instance, the Commission did not generate a direct effect on the treaty *per se*,<sup>5</sup> the transformation that occurred through deliberation had a major social learning impact that transformed social relations at the local level, as well as on the governmental approach to negotiations (Pelletier, 2010). A consensus was reached through deliberation, at the core of the reconciliation process: diverging interests and values were at stake in negotiations processes, and these differences ought to be respected and valued in daily interactions among groups and in future negotiations.

It is difficult to assess the real scope of reconciliation between the Innu and non-Innu populations, especially since the diffusion of the deliberative outcome faced several challenges. Among them is the question of leadership. The deliberative table included the claims and concerns of a wide range of participants. The inclusiveness of the process also meant that besides the ‘official’ parties in conflict over the *Common Approach* negotiations, different interest groups and individual citizens were present. Thus, on both the Innu and non-Innu sides, leadership was somewhat diluted. This has different implications for diffusion at the societal level: if it widens the number of opinion leaders who can diffuse the emerging consensus and contribute to its appropriation at the societal level, there is also a multiplication of non-representative participants who only have a limited ability to communicate the transformative result of deliberation toward the population. For the Innu community the problem remains one of intra-group divisions. Moreover, the opinion leaders’ representativeness is questioned. Some Innu organizations complained that their preoccupations were hardly taken into account by Innu leadership (Migneault, 2012). On the non-Innu side, the local population received well the nomination of Benoît Bouchard as their

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<sup>5</sup> The Commission was a step into the reconciliation process, but it did not put an end to all disagreements about the *Common Approach* in the region. For example, on the day of ratification of the Agreement, March 11, 2004, flags on the Saguenay City Hall were put half-mast.

representative in November 2003. However, he was not a local non-Innu leader, and his role was mostly to gather and communicate local preoccupations to the provincial government (Leydet, 2007). Nonetheless, it is possible to observe important changes at the individual level, especially among ‘myth controllers’. Some non-Innu columnists, previously opposed to Innu claims, started to support them, publicly talking about their ‘new’ understanding of the Innu cause. There are also examples of academics – historians and anthropologists – who actively participated to the diffusion process among the local population by taking part to public debates in the media.

The trajectory (traced by Lord, 2009, pp. 151-152) of a local media columnist, Pierre Bourdon, from *Le Quotidien* in 2002, is a good example of this ‘transformative’ diffusion process. During the summer, his writings never referred to the Innu communities while discussing the *Common Approach*. He rather criticized the lack of transparency of governments, said he understands local opponents to the Treaty, raised some concerns, suggested the treaty could be detrimental for non-Innus, and so on (Bourdon, 2002a; 2002b). In the Fall of 2002, after meeting with Innu elected officials and negotiators, his discourse radically changed: “[I] could realize how difficult and dramatic the situation is in Aboriginal reserves, and that there is a pressing need for this people to be able to take charge of their own lives. [Innus] need a political and economic lever to recover their pride and dignity”. He referews to statistics illustrating the economic and social situation of Mashteuiatsh in order to expose his readership to this reality and raise awareness among non-Innus. He denounced the way the debate had turned into: “this issue of our Aboriginal neighbors’ autonomy is going in a *cul-de-sac* with a war of words, of false affirmations, or preconceptions and even sometimes of racism”. He encouraged non-Innus to engage in a dialogue with their Aboriginal neighbors: “Moderate and accessible, [Innu] leaders deserve that we try to reach a negotiated agreement”. He also brought the question of intercommunity relationships: “As a region known for being very welcoming, Saguenay-Lac-St-Jean does not show an open-minded attitude in the *Common Approach* issue” (2002c). A few weeks later, he cited an Innu publication to talk about the “message filled with hope and emotion that the senator [from Mashteuiatsh] has delivered” at the workshop on the harmonization of Aboriginals and non-Aboriginals relationships. He suggested that this discourse is “something to reflect upon”, and concluded by asking: “will it ever be possible for Innus and other Aboriginals to be fully recognized as citizens with rights and responsibilities?” (2002d).

Based on the analysis of local Innu and non-Innu media realized by Audrey Lord (2009), it is clear that, in 2002-2004, media coverage of the *Common Approach*

and related issues were abundant. The articles do not only describe the on-going discussions but also represent a public space for opinion formation. Numerous opinion letters from readers, citizen comments and perspectives, historical and content reports on the Agreement were published as a real public debate emerged, even if it was sometimes rather conflictual. Both the Innu and non-Innu journals presented each other's perspectives. Reporters from both sides were invited to contribute an article or comment. In sum, both perspectives were widely diffused and explained. If not a complete change of minds, such diffusion allowed citizens to question their initial positions and to try to understand the other side. In sum, if non-Innus can still have ambiguous discourses toward the *Common Approach* since the deliberative moments and interactions at the Parliamentary Commission and during the consultation process, they are nonetheless showing signs of interest for the other, a willingness to listen and an openness toward Aboriginal issues (Lord, 2009) that speak to a change in the way they understand the other and develop mutual respect.

Moreover, society groups initiated inter-communal activities to inform the population and to start a dialogue on respect, tolerance and solidarity (Villeneuve & Desbiens, 2002). As initiatives for inter-communal dialogue emerged at the societal level, it also occurred at the governmental level, sign of a 'snowball effect' of the deliberative process. The 2003 Commission marks a turning point in the way the Aboriginal claims are approached. Parallel to the continuing negotiations on legal aspects, the 'good neighbors' aspect is now central. Because a mutual respect at the societal local level is now understood as an integral part of the process, the inclusion of local interests (for which 'reasons' are explained, be it values or perception of threat) is considered inherent to the process. 'Good Neighboring' was the theme of the second round of consultations on the *Common Approach* in 2004. The mandate was to favor regional participation, to inform the population and to find ways for constructive dialogue between all interested parties – among other things – through 'regional conferences' between elected representatives. Moreover, the mandate included the creation of regional structures for consultation to allow local voices to be heard and considered throughout the treaty negotiation process (Bouchard, 2005).

Although no global treaty has been signed since and negotiations around legal aspects are protracted, the local conflict between the Innu and non-Innu communities in Saguenay-Lac-St-Jean has been channeled and resulted in some interesting deliberation towards reconciliation. It ended up being a turning point for the definition of relationships between Aboriginal communities, the Quebec government and the local populations. At the local level, browsing the news of the local journal *L'Étoile du Lac* captures an interesting portrait of the present-day

inter-community relations. No major conflict seems to emerge in Saguenay-Lac-Saint-Jean and a large number of inter-communal initiatives are reported. A number of cultural events, exposing Innu culture and presenting it as richness for the region's tourism, also show the value given to regional diversity. That does not mean that opposition to *Common Approach* has vanished. Opposing interests are still on the table, negative attitudes are still expressed but the way the issue is dealt with has been transformed. It is now a transparent and inclusive process with a genuine will to convince and to understand the other, as apparent in the societal inter-cultural local initiatives.

### Conclusion

The paper takes stock of the rich literature on deliberative democracy and translates it into a framework to study real-world experiences. The review allowed us to position our research and to revisit some assumptions that circulate among deliberative democrats. While we agree with the pluralist critiques by considering non-ideal contexts for deliberation, we also are less skeptical about the possibility to achieve consensus in cultural conflicts. We start with bringing interests and power asymmetries into deliberation, but at the same time we contend that in cultural conflicts these interests cannot be dissociated from values. Any talk about ethnic interests touches upon values where rational arguments can be thus superseded by emotional storytelling, bringing ethnic perspectives to the table. Any genuine deliberative consensus is based on the inclusion of divergent interests and perspectives and is achieved in a dialogue that may switch from negotiation to deliberation, and back (quality deliberation is just the sum of deliberative moments). The inclusion may help moderation and mutual understanding. Understanding transforms tolerance into respect of the 'other' which allows living together, not apart. Deliberation is but a mean to achieve this goal, which is different from classical deliberative aim at unity of perspectives and values, and cannot be achieved through mere negotiated compromise. Deliberation has a transformative power without necessarily producing shared moral consensus.

If interests and power are to be considered in a deliberative process, we should not expect parties in conflict to come to the table with *a priori* willingness to deliberate. Some political mechanisms ought to be in place to make parties come to the table in the first place. Similarly, if the aim is reconciliation through the transformation of inter-ethnic relations, we should look at political mechanisms that bring the deliberation outcomes from the table – where limited numbers of individuals participate – to the group members and the society as a whole. The two pre- and post-table political processes are mostly vacant from the deliberative

literature – a gap that needs to be filled in if we are to study this communicative process, not for deliberation’s sake, but as a mean to achieve a political community where ethnic diversity is a shared value.

We take up the challenge and propose a three-‘moments’ analysis of real-life cases to encompass and uncover the mechanisms at work in the entire deliberative process: (1) pre-table incentives for deliberation, which may come from institutional designs, third-party encouragement or sanctions, pre-meeting preparations, etc. – all conducted in order to frame compatible self-interests that bring the parties to the table; (2) mechanisms and transformative moments at the table where participants enter rational and relational dialogue depending on the issue, level, publicity and aim of the concrete deliberation; (3) post-table diffusion that supposes resources usually hold by legitimate leaders and the use of the media, both enhancing the possibility of a ‘snowball effect’.

These three ‘moments’ of the deliberative process now need to be further studied empirically, and comparatively. The case we explored here was just a brief illustration as to how these three ‘moments’ can be looked at. Varying degrees of division among ethno-cultural groups along with varying levels of violence in conflicts can be important variables to account for in a general theory of deliberation for reconciliation in divided societies, for which a comparative research design would be essential. Moreover, the depth of division can also vary over time among the same groups – a phenomenon to which the concept of ‘deliberative moments’ might have contributed to a certain extent, when and where, something, only process-tracing and historical analysis could uncover. In sum, if we are to ever theorize about the conditions to make deliberation work in divided societies, we should first be able to grasp the depth, complexity and ecologies of deliberative experiences in real-world settings. Such experiences of deliberation matter and should be studied in a systematic, historical and comparative way to shed a light on the ongoing debates about reconciliation *cum* deliberation, in divided societies.

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