

**Runaway Capitalism:
Sacrifice and the Lac-Mégantic Railway Disaster**

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Abstract

This dissertation critically interrogates the deployment of sacrificial discourses in response to corporate violence as an understudied dynamic of contemporary capitalism. Sacrificial rituals not only have a disciplining capacity on the human body in both a literal and symbolic sense, they are also instrumental in motivating behaviours that stabilize a society (Durkheim 1893) and can render violent social transactions to appear more palatable, even legitimate (Girard 2013; Wang 2020). Of particular concern are the representations of sacrifice mobilized in official state responses to a specific form of corporate violence: railway disasters. Through an examination of the unique socio-political-economic and historical context of Canadian railways and a distinct case study of one of the country's deadliest derailments, the Lac-Mégantic disaster, I examine the ways in which various narratives intersect to form an emergent discourse of sacrifice that linguistically conceals and sacralizes corporate violence. To this end, I aim to explore new ways of critically interrogating governing techniques in response to train derailments and the common (mis)understandings that inform such responses.

This dissertation is dedicated to the victims of the Lac-Mégantic disaster and their loved ones.

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Chapter 1: Introduction

“In an unequal and undemocratic society, the interests of the mass of the population will often be sacrificed to those of the privileged, intent on holding on to their wealth and power” (Pearce 2015: 3).

When over 800,000 federal employees faced severe financial strain during the partial United States (US) government shutdown that began in 2018, the Trump administration thanked them for their *sacrifice*, as their suffering was argued to serve a purpose “much bigger than any one person” (CNN 2018). When Prime Minister Trudeau signed the 2018 United States-Mexico-Canada Agreement (USMCA), there was backlash that he had “sacrificed” tens of thousands of jobs and farm families (NDP 2018), as well as promises made regarding Indigenous rights, gender parity, and environmental concerns, despite touting the deal as a victory for all Canadians (Harris 2018). When the political common sense of the United Kingdom (and the Global North, generally) saw the increase of strenuous austerity policies that followed the extraordinary bailout of financial firms that played key roles in causing the 2007-2008 global financial crisis (Datta 2018), countless thousands were cut off from basic housing, health care, and social services – efforts which disguised the destruction of social protection as “living within our means” and other fiscal sacrifices (Whyte & Cooper 2017). In 2021, social and environmental activists published a detailed map of more than 1,000 hotspot communities near US factories, refineries, or military facilities where the rates of cancer caused by industrial pollution exceed the Environmental Protection Agency’s current upper limit of acceptable risk (Matei 2021). These areas are called “*sacrifice zones*.”¹ And in the weeks leading up to Canada’s 2025 federal budget,

¹ In this context, the label “sacrifice zone” is derived from the broader “National Sacrifice Zones,” a term coined by US government officials during the Cold War to designate areas contaminated with radioactivity by uranium mining and nuclear weapons testing (Lerner 2010). While some of these areas were enclosed, others were not, and people continued to live in these irradiated landscapes unfit for habitation. Today, residential and industrial areas that experience severe contamination are more commonly referred to as “environmental high-impact areas,” but many

which is set to slash the public service workforce and rapidly increase defense spending, Prime Minister Carney cautioned that Canadians should be prepared to “sacrifice” in support of their nation (Wherry 2025; Hwang 2025).

For ancient and contemporary human societies alike, sacrifice is far from a novel concept. For many scholars in history, anthropology, sociology, cultural studies, theology, and political science, sacrifice has been a central question (Agamben 1998; Cassirer 1955; Bataille 1992; Balayche 2001; Alexander & Smith 2020). It may evolve, adopt different meanings, and take various forms, but it persists in thought, in language, and in human culture. As Paul Weiss (1949: 78) claimed, even in the contemporary context, “sacrifice occurs all the time.” Across the globe, the idea of sacrificing for something greater than ourselves is often hailed as a necessary and worthwhile *choice*, or as a temporary (but still necessary) evil from which we can all benefit in the end (Keenan 2005). And as the above examples indicate, calls to modern sacrifice are much more widespread than many may believe and their effects, both intentional and not, can be harmful and even deadly. This raises the question: why is sacrifice manifesting this way in our current time and place? What is occurring at the social-structural level that generates such widespread calls to sacrifice and lends strength to its status as a selfless and necessary route through so many crises? In what other ways may sacrifice be implicated in the widespread harms that characterize our current conjuncture? Such questions inform this dissertation.

1.1 The Research Problem

Nearing midnight on July 5, 2013, a freight train carrying 7.7 million litres of petroleum crude oil and parked on the main track of a steep grade in Nantes, Québec rolled uncontrollably

social and environmental justice activists continue to use the term “sacrifice zones” to draw attention to the class and race disparities involved in exposure to harm (see Bullard 1994; Juskus 2023; and Lerner 2010).

downhill, reaching speeds of 101 km/h before derailing in the heart of Lac-Mégantic (Campbell 2013). In a town of 5,000, the resulting explosion and fires killed 47 people and forced the evacuation of another 2,000 from the area (TSB 2014). Most of the downtown was destroyed, including homes and businesses, and it took nearly three days for the fire to be completely extinguished and the site stable enough to begin cleanup (TSB 2014). The fires were so intense that most of the casualties had to be identified by DNA or dental records (Muisse 2014). The surrounding land was contaminated with 6 million litres of petroleum crude oil, including 100,000 litres that ended up in Mégantic Lake and the Rivière Chaudière (TSB 2014). The event was immediately characterized as a disaster, described by first responders as a “war zone” and “a catastrophe... for the whole province” (CTV News 2013).

When I first encountered the story of Lac-Mégantic, it was an arresting tale of sudden and extreme violence fueled by corporate greed, though it is not popularly constructed as such. The company who owned the train and track line (Montreal, Maine & Atlantic Railway and its CEO, Edward Burkhardt) made the significant operational, policy, and investment decisions that exposed the community to such risk (Campbell 2018: 147; Tombs & Whyte 2007). The victims’ loved ones as well as the town’s mayor pointed fingers at the major players in the oil, rail, and government sectors privileging industry over people (Campbell 2018). The Transportation Safety Board of Canada (TSB) published a report identifying 18 distinctly organizational and preventable causes contributing to the disaster, including: poor maintenance on the locomotive; absent backup safety mechanisms; failures of training and oversight; and company protocol that allowed trains to be left unattended on a main line (Quigley et al. 2017; Campbell 2013). And yet, despite 25 different companies being accused of sharing responsibility for the disaster (TSB 2014), all settled out of court and no criminal charges were pursued beyond three front-line

workers who were ultimately (and rightfully, given the evidence of corporate negligence and lack of company safety culture) acquitted. To this day, no one has been held truly accountable for the disaster; there was no formal public inquiry called, no significant changes made to railway law or to health and safety culture broadly, and runaways, collisions, and derailments continue to happen on Canadian railways nearly every single day.²

Now, more than a decade after the destruction of Lac-Mégantic, the disaster's legacy has for me become not a question of cause or of blame, but of *reproduction*. How do train disasters continue to happen? How do corporations continue to generate such harms with relative impunity? How are the socio-political-economic conditions that both breed and protect these issues able to continue? In terms of corporate regulation and the power afforded railway companies, the Lac-Mégantic derailment should have been a turning point in Canadian history, but it wasn't. The rhetorical dimensions of the disaster – of the “worst environmental disaster in Canadian history” (CBC News 2013) – are not in alignment with the lived reality of what happened on that night in 2013, nor with the business-as-usual model that has seemingly followed over the twelve years since. This is a discrepancy that deserves further interrogation.

1.2 Research Focus

Emboldened by the political responses to an array of societal crises, including those referenced above, I am driven to consider how disasters like Lac-Mégantic fit within modern calls to sacrifice. Sacrificial rituals not only have a disciplining capacity on the human body in both a

² Rail transportation occurrences for 2024 included 896 accidents (87 involving dangerous goods) and 302 incidents. According to the TSB, railway *accidents* include: main-track collisions, main-track derailments, crossing accidents, non-main-track collisions, non-main-track derailments, collisions and derailments involving track units, trespasser accidents, fires and explosions on board rolling stock, and other. Railway *incidents*, comparatively, are listed as: main-track derailments of 1-2 cars with no damage, non-main-track collisions with no damage, non-main track derailments of 1-2 cars with no damage, fires on railway right-of-way, main-track switch errors, movement exceeds limits of authority, uncontrolled movements of rolling stock, and other.
<https://www.tsb.gc.ca/eng/stats/rail/2024/sser-ssro-2024.html#tsb-common-toc-2mjhxho7kpk-item-6>.

literal and symbolic sense (Durkheim 1893), but they are also instrumental in motivating behaviours that stabilize a society and can render violent social transactions to appear more palatable, even legitimate (Girard 2013; Wang 2020). As the preceding discussion begins to reveal, the Lac-Mégantic disaster is an eye-catching example of corporate greed and negligence in our current conjuncture (Glasbeek 2013: 1), but the deployment of sacrificial discourse in response to such violence is an understudied dynamic of contemporary capitalism. The importance of analyzing railway disasters lies in both their routine and mundane occurrences and their devastating potential. To my knowledge, there is no critical scholarship which thoroughly examines how responses to railway disasters are contingent upon the social, political, economic, historical, and ideological contexts within which they are conceived nor the sacrificial discourses that condition those understandings. As such, this dissertation is a novel contribution to both sacrifice and corporate crime scholarship, as I investigate the multifaceted ways in which train disasters appropriate various ritual elements of sacrifice and the implications of employing such discourses in response to corporate harm.

Through an examination of the unique socio-political-economic and historical context of Canadian railways and a distinct case study of one of the country's deadliest train disasters, I offer engagement with the ways in which the Canadian social formation and its crises are rooted in sacrificial violence. To this end, I aim to explore new ways of critically interrogating official responses to train derailments, along with the common (mis)understandings that inform such processes. Of particular interest are the sacrificial discourses that characterize train derailments in Canada and, in turn, how these discourses correspond to the broader social-political-economic context (Jessop 2004; Fairclough 2010). Organized rituals of sacrifice and the ideas justifying these acts mutually shape and maintain one another, and it is important to note that neither

appear out of thin air. Like all collective ideas, notions of sacrifice reflect the underlying historical conditions and the mode of production of a given society (Wang 2018; Wrage 1947). As Haiven (2022: 101) argues, the present “age of human sacrifice” alerts us to the way in which widespread “death and suffering transpires and is normalized within a capitalist cosmology,” where sacrifice is presented, specifically by the elites who practice it, as a kind of “cosmic insurance” to invest in a progressive and prosperous future:

...vast and terrible human sacrifice both reproduces dominant power relations and also transpires within a cosmology. That power and that cosmology are organized around the notion of the market, presented as the natural, neutral, inevitable, and unquestionable truth of what binds humanity together, the sum of our rational competitive drives (Haiven 2022: 13).

As such, my investigation into the Lac-Mégantic disaster necessarily takes place within this “cosmology of capitalist progress and expansion” (Haiven 2022: 104), located throughout the history of Canadian railways and the contemporary material relations of train derailments.

1.2.1 *Theoretical Lens and Methodology*

A series of questions frame my analysis and help illuminate not only the importance of conceptualizing sacrifice in our current conjuncture, but also the link between railway disasters and what I view as key aspects missing from the sacrifice scholarship (namely its ideological properties, relationship to corporate violence, and the role of the state). The unique socio-political-economic conditions of the Lac-Mégantic case are emblematic of this gap, to say nothing of the larger societal need to critically interrogate and prevent such harms.

- What knowledge claims helped constitute corporate violence in the Lac-Mégantic derailment and how are they documented? To what extent do they challenge or correspond to dominant notions of corporate capitalism?
- How is sacrifice implicated in the formation and reproduction of the Canadian state? To what extent does sacrificial discourse emerge through the state’s conceptualization of

corporate violence?

- How does the notion of sacrifice influence, (re)produce, and contradict the ideological paradigms available within the wider context?
- What are the implications of the Lac-Mégantic case study for how we understand and respond to corporate violence in our current conjuncture? What are the implications of sacrifice theory for understanding and preventing future harms?

Informing these lines of inquiry is a theoretical framework that combines the work of three prominent scholars – Durkheim (1968), Bataille (1970), and Girard (2007) – to elucidate the concept of sacrifice and its usefulness for examining the violence of railway disasters. This theoretical integration provides a rich analytical lens to examine how a society may demand the sacrifice of its members, what this can *mean* for a person and for a nation, and how it relates to a particular violence constitutive of the socio-political-economic context under examination. I use this theoretical lens to investigate the multifaceted ways in which official responses to disasters appropriate various ritual elements of sacrifice. In so doing, I am primarily concerned with the implications of employing sacrificial myths for the concealment, and subsequent legitimization and reproduction, of widespread corporate violence (Gramsci 1971; Althusser 2005; Girard 2007). A qualified use of Girard's theory, paired with a Marxist approach to ideology³ and its function, is instructive in this regard. Girard's theory is well-positioned to identify and explain the role of emergent narratives in responses to the Lac-Mégantic disaster, while the Marxist framing allows me to understand the macro-level dynamics that are supported by those sacrificial discourses (and from which they emerge).

³ An extensive discussion of ideology theory is provided in *Chapter 3*. Within critical Marxist approaches, ideology theory helps to explain why certain phenomena are more likely to occur within some societies. Ideology emerges from points of struggle within societies and institutions where different groups advocate for their opposing interests (Pearce & Tombs 1998).

How do train disasters continue to happen? How do demands for sacrifice continue to happen? How do corporations continue to generate such harms with relative impunity? How are the socio-political-economic conditions that both breed and protect these issues able to continue on? These questions are especially relevant for critical researchers who do not subscribe to the all-too-common assumption that both sacrifice and our current socio-economic context are natural and inevitable (Tombs & Whyte 2003; Pearce 2007; Brown 2016; Hébert et al. 2020). Such an approach is unique because much of the knowledgebase underpinning theories of sacrifice focus on acute moments of rupture – of death, effervescence, or transcendent truth (Keenan 2004; Durkheim 1893; Bataille 1970)– and have overlooked instances of slow violence which may nonetheless demonstrate, even require, sacrificial processes. That is, most work on the topic focuses on the action of sacrifice and not the *reaction* to such violence that ensures its continuation and entrenchment in our systems. This is a key aspect of reproduction as I see it: not only the event itself, but responses surrounding it (Girard 2007, 2011).

To critically examine official responses to the Lac-Mégantic disaster, the study draws primarily upon the qualitative tradition of discourse analysis (Fairclough 2003; Jessop 2004). In general, this means investigating the “intersection of language, discourse and social structure” (McKenna 2004: 10), or situating language within its broader social context. The methodology developed for this dissertation helps to reveal the complex and often contradictory ways in which sacrifice is embedded within the Canadian state formation by examining the relationship between the discursive and extra-discursive (Jessop 2004), particularly in terms of how sacrifice is taken up by state-economy processes that naturalize corporate violence. As such, the relationship between Canada’s rail industry and the state – and their shared desires for rapid financial growth and expansion – demands further scrutiny. I engage with the Canadian state throughout this

dissertation as a site of power and power struggles, a relational process by which ideas about corporate violence and sacrifice take root (Jessop 2016).

I accomplish these theoretical and methodological endeavors by examining several key documents that give insight into how the disaster was framed and responded to: the TSB's investigation report of the Lac-Mégantic disaster, 28 *Standing Committee on Transport, Infrastructure, and Communities* (Committee) meeting transcripts, three Committee reports on rail safety, and three communications from Transport Canada. For my purposes, *response* refers to various processes and official actions taken by the federal government⁴ in the aftermath of the disaster, including the dominant ideas and language that affect processes of legitimization in official assessments, disaster reporting, and in legislation changes (Quaid 2020; Dodd 2013).

Together, my theoretical lens and methodological framework demonstrate how power influences common conceptions and beliefs in relation to corporate violence and sacrifice. Regarding official responses to the Lac-Mégantic disaster, I am most concerned with the processes of naturalization that render certain ideological discourses as something commonsensical (Gramsci 1971; Fairclough 1989). An ideological form of common sense is powerful, because in harnessing consensus one is also harnessing consent – even when that consent is for the maintenance of unequal power relations (Purvis & Hunt 1993; Pearce & Tombs 1998; Fairclough 2010; Snider 2000). These outcomes ultimately feed into what Pearce (1976: 90) called the “imaginary social order,” wherein a particular and inconsistent perception

⁴ I chose to use only federal responses for this analysis because the Lac-Mégantic disaster involved a runaway and main track derailment of a federally regulated railway. Furthermore, the federal government has a unique and historic relationship with railways (see *Chapter 5*), and the social constructions governing state responses to rail disasters are fundamentally political because diverging beliefs, motives, and social interests generate competing descriptions of reality. While the federal state's view is not the only way to represent reality, those with power are more likely to have their versions of reality accepted as truth; and I will show that this had significant implications for the discourses that animated the Lac-Mégantic case. A complete overview of my data selection and methods is provided in *Chapter 3*.

of the social world is taken up and the actual practices of states and corporations are obscured. However, while sacrificial discourses may impact understandings of corporate violence and railway disasters, this study is not about trying to use ‘sacrifice’ as a way to attribute meaning to corporate crime. Instead, it is about how the discourses that characterized responses to the Lac-Mégantic disaster are constitutive of a broader context that *requires* sacrifice. The language of sacrifice does not exist because Lac-Mégantic happened; the disaster was made possible due to the convergence of conditions specific to its existence. Thus, I will consider not only discourses of violence as sacrifice, but violence as sacrifice *within* a convergence of other discourses specific to the “conditions of existence” of capitalist societies (Foucault 1972: 38, emphasis added).

1.2.2 *The Corporation as Modern Sacrificer*

At its core, this dissertation is driven most markedly by the question of how sacrificial discourses can add weight to the all-too-common separation of ‘legitimate’ violence from its illegitimate counterpart when that harm is conducted by the most powerful and privileged members of our society. Frank Pearce (2015: 1) examined this phenomenon and the role played by sacrificial discourses “in the organization of states and in pursuit of their goals” by bringing together issues of democracy, military sacrifice, and imperial projects. His analysis suggests that violent acts of war can be motivated by ideological and self-interested state discourses while still hiding behind a sacrificial trope that frames such acts as universally beneficial (Pearce 2015; Pearce & Fadley 1992). I engage in a more in-depth discussion of sacrifice in *Chapter 2*, but at this time I wish to

draw attention to the role of corporations as modern sacrificers⁵ and the implications of such an approach for criminology as a field of study.

Corporations are “institutions that are created for the mobilisation, utilisation, and protection of capital. They are wholly artificial entities whose very existence is sustained through legal and political institutions, which in turn are based upon ideological supports” (Tombs & Whyte 2015: 69). In contemporary capitalism, the corporation is deemed the most efficient vehicle for maximizing wealth production and, consequently, has been granted privileged legal rights, limited liability status,⁶ and immense social and political influence (Glasbeek 2002). It is also one of the most flagrant illustrations of capitalism’s endless capacity to overlook the harms that result from the pursuit of profit. For this dissertation specifically, a critical focus on the corporation was necessary, since Canadian railway disasters occur within the specific context of contemporary capitalism and of corporations as amoral calculators (Pearce & Tombs 1998). Consequently, this section, as well as subsequent sections throughout the dissertation, illuminate the corporation as both a perpetrator of violence and a key beneficiary of sacrifice in the current conjuncture.

Corporate violence is defined as “actual harm and risk faced by workers, consumers, and the public as a result of decisions by corporate executives, from corporate negligence, the quest for profit, and the willful violation of health and safety laws” (Hills, 1987: 1). Self-interest of the decision makers, the capitalist goal of profit maximization, and the structure of the corporation

⁵ Sacrificers are the beneficiaries of sacrifice who conduct the ritual and oversee the destruction of a victim. In Pearce’s (2015) formulation, he also includes the military and the repressive state apparatus in his index of modern sacrificers.

⁶ Limited liability status offers legal protections to shareholders from any risks and responsibilities beyond their financial investments in a company (Pearce & Tombs 1998; Glasbeek 2002).

itself all come together to produce the conditions for this violence to not only occur but to be taken as something legitimate – indeed, as some version of a moral and “greater good” (Katz 1988: 14) – in the form of growth, progress, entrepreneurship, and so on (Tombs & Whyte 2002; Chasin 2004; Scott & Marshall 2009). This translates, at the very least, into a hegemonic discourse in support of harmful corporate endeavours or more, as I explore in this dissertation, the sacralisation of corporate violence.

According to Pearce (2010; also see Wang 2018; Haiven 2022), successful imperialist societies have always imposed great sacrifices on their victims both at home and abroad, including displacement, injury, and death. However, the ideological properties of sacrifice and how they operate with the corporate form is an understudied dynamic, but one that I believe is exceedingly important. The sacralisation of violence is about who has the power not only to legitimize their violence but to successfully claim it as a universal good, something more worthy and beneficial than the harm inflicted on the victim (Katz 1988; Girard 2011; Keenan 2005). This point reinforces sacrifice as a powerful ideological tool and important object of study for the social sciences, as the ideas associated with sacrifice – namely the implicit redemptive quality of the act – can contort the pain and misery of domination into something more acceptable (Campbell-Jones 1980; Hayley 1980; Bremmer 2007). Despite countless examples of the for-profit, limited liability corporation routinely generating massive social, economic, and environmental harms (Barak 2017; Friedrichs 2010; Tombs & Whyte 2015), corporations remain lionized in our current conjuncture as inherently rational and responsible social actors engaging in productive economic activities. Consequently, the harms generated by corporate greed and competition become both routine outcomes of how business is conducted (Gordon 1993; Whyte

2016), as well as associated in popular consciousness and political undertakings with things like productivity, innovation, and prosperity.

Much like other rhetorical practices, sacrifice is governed by persuasive symbolic techniques and commonly held knowledge. It is one of those open secrets with such strong social embeddedness that we hardly notice its deployment in communal settings; and given that capitalism relies in part on mythical rhetoric to sustain its own contradictions (Haiven 2022), sacrifice lends itself well to a socially embedded faith in the system even in the face of monumental pain, suffering, and inequality caused by corporate actors. Such a faith speaks to the power of sacrifice as “an art with *strategic* and *public* significance” (Wang 2016: 13, emphasis original), which, in a poetic sense, is also emblematic of my choice to focus on railway disasters as corporate violence in this analysis. As a technological innovation, trains were instrumental to the very act of nation building and have secured a century-long legacy of strategic and public significance in Canada (see *Chapter 5*). However, rail also has a history of repeating like-kind accidents and is an industry that is representative of both pervasive corporate harm and routine demands for sacrifice: from the Indigenous groups colonized and displaced for its development, the workers who built it, the environmental landscape supporting its expansion, and the general public who endure and rebuild in the aftermath of railway disasters.

This dissertation provides an important opportunity to critically explore the discourses that work to conceal widespread corporate violence, including railway disasters, and reproduce the broader material contexts that enable such harms (Bittle & Frauley 2023; Box 1983). By pursuing this line of inquiry, the dissertation offers several contributions to the corporate crime and broader sociological and sacrifice literatures. First, it provides an understanding of the complex social, moral, and material realities afflicting modern sacrifice and its relationship to

Canadian railway companies. On their own, both sacrifice and corporate violence are contradictory phenomena because they reveal “the fragility and improbability of the smooth reproduction” of complex social orders; but the former may also function as an asset for the latter, “reflexively and flexibly deployed in response to emerging crises” (Jessop 2004: 162). Second, it challenges the “constraining bureaucratic categories” (Frauley 2015: 619) that have historically guided criminological enquiry, and which focus predominantly on the ‘crimes’ of the powerless (Bittle 2015; Snider 1993). While there is an important and critical body of literature that examines harms created by the powerful (including the state-corporate crime literature, below), it pales in comparison to the mounds of orthodox research focused on traditional ‘street crime’ (Reiman 2005). Therefore, this dissertation helps address the “relative paucity” (Bittle 2015: 15) of corporate crime research.

Given the contextually specific nature of my analysis, supplemented by a condensed narrative history of Canadian railways and their development, the dissertation directs “keen critical sensitivity” at the state-corporate symbiotic relationship (Gilbert 2019: 10). In fact, Dodd (2013: 37) argues that industrial and environmental disasters are reflective of “an industry-government partnership of forgetfulness” that workplaces are not just a site of production, but of people. As such, this dissertation also contributes to the state-corporate crime scholarship. Developed by corporate crime scholars in the United States, the term is defined as “illegal or socially injurious actions that occur when one or more institutions of political governance pursue a goal in direct co-operation with one or more institutions of economic productions and distribution” (Kramer & Michalowski 2006: 15). The benefit of such an approach is that it helps in capturing the historically complex relationship between the state and railway companies. Given that state-corporate relations are characterized as symbiotic in critical corporate crime

literature (Tombs & Whyte 2015; Bittle & Snider 2013), I argue that they reflect key sites of power within capitalist societies, generally, and the Canadian rail industry, specifically. The dissertation contributes to a more comprehensive understanding of this relationship by highlighting the sacrificial discourses contained in official state responses to rail disasters, necessitated by the broader socio-economic context that enables such harms in the first place and which those same discourses work to conceal. The body of state-corporate crime literature will benefit from this work's theoretical depth, particularly in relation to the sacralization of corporate violence and the broader ideological mystification of state-corporate power.

1.3 Chapter Preview

This study explores sacrifice through the close interrogation of a small but diverse set of textual objects representative of official responses to the Lac-Mégantic railway disaster. I investigate the multifaceted ways in which these responses appropriate various ritual elements of sacrifice and the implications of employing sacrificial discourses for corporate violence. The remainder of this dissertation is presented in seven chapters and a conclusion.

In *Chapter 2*, I undertake a thorough theoretical examination of sacrifice to elucidate the concept and its usefulness for examining the reproduction of violence in Canadian capitalism, and railway disasters specifically. This is accomplished by drawing on the work of three prominent scholars in the field. I turn first to Émile Durkheim (1899, 1965, 1973) who offers a detailed analysis of the sacrificial context by explaining how and why a society's stability depends upon the sacrifices of its members, thereby establishing a strong connection between sacrifice and the modern world. Secondly, I add to this conceptual picture by turning to Georges Bataille (1970, 1979, 1988, 1990), whose work provides fresh insights and unique methodology to the study of sacrifice in clarifying what it can *mean* to engage in the ritual that Durkheim

indicates is so essential for social stability. Finally, I turn to the work of René Girard (1987, 2011, 2013) and his distinctive approach to understanding religion and culture through mimetic violence and sacrificial scapegoats. The centrality of violence in Girard's theory of the sacred rounds-out my theoretical toolbox by bringing into light the (routine) violence overlooked by his predecessors and which I argue is constitutive of the socio-political-economic context under examination.

In *Chapter 3*, I outline my methodological framework, which involves critical discourse analysis (Fairclough 1989, 2003, 2012), conjunctural analysis, and a consideration of the Canadian state and state power (Jessop 2004, 2016). To explain the role of sacrifice in the context of Canadian railway disasters, I lay out my plan for an in-depth case study of the Lac-Mégantic train derailment. Building from *Chapter 2*, the methodology developed for this dissertation helps to reveal the complex and often contradictory ways in which sacrifice is embedded within our institutions by examining the relationship between the discursive and extra-discursive (Fairclough 2015; Jessop 2004), particularly in terms of how sacrifice is taken up by state-economy processes that naturalize corporate violence. This chapter also details my data pool and selection process, including an explanation of the key documents examined.

Chapter 4 is divided into two main sections focused on the politics of disaster response: defining disasters and responding to disasters. First, I provide an overview of the differing perspectives in defining disasters from a broad body of literature. This chapter is intended to set the groundwork for appreciating the widespread and pervasive harm of modern capitalist relations as well as the work that is required in categorizing (and legitimizing) types of violence. I outline three main facets of the literature as I see them: the evaluation of harm caused by disasters, disasters as industrial and organizational failures (Bennet 2014; Quinlan 2020), and

structural causes of disasters (Dodd 2013; Whyte 1999; Carson 1980). I then provide examples of the corporate crime scholarship in relation to the disaster literature (Pearce & Tombs 1998; Glasbeek 2002) and indicate the knowledge gaps illuminated by this dissertation, through the use of sacrifice as an orienting logic. Furthermore, as this thesis is guided by the assertion that sacrificial discourses shape responses to corporate violence, constitutive of struggles over conflicting desires between corporate profits and the wellbeing of workers and the public, I focus primarily on how this phenomenon is associated with *workplace* disasters, as defined by the literature (Tombs & Whyte 2007; Tucker 2006).

In the second half of *Chapter 4*, I detail how the operationalisation of particular ideologies can set the acceptable parameters for how the state, the media, and the corporation respond to disasters and instances of harm (Dodd 2013; Nyberg & Wright 2016). I enter this section with a structural lens, building from the critical literature explored earlier in the chapter. Here, *response* refers to various processes including the general recognition of corporate violence; dominant claims and language use which affect processes of legitimization; official assessments and disaster reporting; and legislation changes (Quaid 2020; Dodd 2013). I review these areas with special consideration for how responding to ‘disasters’ is contingent upon the social, political, economic, historical, and ideological contexts within which they are conceived and the dominant discourses that condition those understandings. These processes are often related and overlapping but are also of unique importance to this discussion and set the tone for my analysis of train disasters within the specific political-economic context of Canadian railways.

In *Chapter 5*, I discuss the historical development and relationship between the Canadian political economy and railways, including the material importance of rail to the capitalist mode

of production and the strategic importance of rail to the formation of the Canadian state. I also explore how railway policy is part of national policy in this country, including the contemporary shift to neoliberal capitalism and the effects its accompanying policy changes had on rail regulation. These sections are vital steppingstones for analyzing the structural causes of rail disasters, which is the major undertaking of *Chapter 6*, specifically in how train derailments have historically been upheld as the necessary and inevitable price of progress. This chapter ends with a more in-depth review of the Lac-Mégantic disaster, including literature which centres the derailment within the broader political, social, and economic context – the structural causes which overdetermine the likelihood and consequences of such events. Significantly for my purposes, this includes considerations of the for-profit corporation and advanced capitalism.

In my analysis, divided into two chapters, I proceed into the ideological dimension of this rhetorical moment and focus on the tacitly embedded belief structures that maintain and legitimize ritual sacrifice in official responses to the disaster. I present my findings as they relate to the themes generated in my theoretical framework. *Chapter 7* presents evidence related to the first two elements of sacrifice, namely that it is a form of structural violence embodied in railway disasters generally and the Lac-Mégantic case specifically, and that sacrifice and its effects are ideological. *Chapter 8* rounds out the analysis with the third and final element, that sacrifice's method of operation can only be understood within the context in question. These themes were reflected in a series of discourses developed through various historical, cultural, economic, and political contexts, and coalescing within particular discursive formations to produce a specific response to railway disasters in Canada.

The concluding chapter contextualizes the key themes and findings from my analysis of within the broader scope of global capitalism and its demands for routine sacrifice. The final

stage of my analysis moves further still toward mapping those “political and economic fault lines” that run beneath expressions of modern sacrifice (Wang 2018: 29; Layder 1993), which involves locating their divergent boundaries, fractures, and potential points of rupture. After a short restatement of the thesis, the conclusion moves to a few comments and reservations concerning this project. This includes a review of remaining theoretical weaknesses and methodological constraints. The closing remarks note potential directions for further inquiry and future research endeavors.

Chapter 2: Theoretical Framework

“The goods need to move in the country no matter what kind they are. They are dangerous goods, but they still need to move for the benefits that are attributed to whatever those goods may be” (Lisa Raitt, Minister of Transport 2013: TRAN 002).

2.1 Introduction

In the following chapter, I undertake an examination of the work of various scholars to elucidate the concept of sacrifice, its relationship to railway disasters, and the reproduction of corporate violence in the Canadian context. My theoretical toolbox uses “a series of concepts as a discursive means for explaining phenomena, concepts which are connected through a series of logical relationships” (Whyte 1999: 76). After a brief introduction to the classical Gift Theory of sacrifice, the bulk of this chapter is dedicated to understanding the respective positions of three prominent thinkers. My theoretical framework aptly begins with the work of Émile Durkheim (1968, 1965, 1899, 1973), who offers a detailed analysis of the sacrificial context by explaining how and why a society’s stability depends upon the sacrifices of its members, thereby establishing a strong connection between sacrifice and the modern world. While this notion does not represent the very first exploration of sacrifice in sociological analysis, it has since become the touchstone for subsequent work on the concept. Durkheim’s theory not only helps to clarify the socio-political context within which sacrifice occurs, but also anticipates some of the concerns and insights of more modern theorists that I will subsequently draw on to relate sacrifice to contemporary capitalism.

Despite ground-breaking advancements regarding the how and why of sacrifice within social contexts, there are elements that are taken for granted within Durkheim’s position which leave the full concept of sacrifice undertheorized for my purposes. To add to the conceptual picture of sacrifice required for this analysis, I turn to French philosopher Georges Bataille

(1970, 1976, 1988, 1990), whose work provides fresh insights and unique methodology to the study of sacrifice in suggesting what it can *mean* to engage in the ritual that Durkheim deemed so essential for social stability. Bataille's most significant contribution for my purposes can be found in his attempt to separate the notion of sacrifice from an economic mentality that seeks to understand loss and suffering within the language of trade-offs. That is, Bataille's work brings the intangible and immaterial components of sacrifice forward, which I contend is useful for looking beyond the acute moments of rupture of a sacrificial act and towards its reproduction.

Lastly, I turn to the work of René Girard (1987, 2011, 2013) and his distinctive approach to understanding religion and culture through mimetic violence and sacrificial scapegoats. The centrality of violence in Girard's theory of the sacred could schematically be presented as a negative image of the Durkheimian approach (Arppe 2009), but for my purposes, his work completes my theoretical framework by bringing to light the (routine) violence often overlooked by his predecessors. In many ways, my inclusion of Girard's work is intended to remind the reader of the material connection between sacrifice and violence that I believe is taken for granted in the modern context.

In the concluding section, I summarize the three essential elements of sacrifice as I understand them based on the insights of the theorists above and provide my (re)formulation of sacrifice in the modern context. Based on this theoretical review, it would be a mistake to assume that sacrifice represents a total social fact; its enduring and complex history demonstrates the endless reshaping of the role that social facts actually represent or can represent, connected as they are with values and tensions constructed in a given society. As such, I conclude by making a case for sacrificial pluralism, an effort to understand sacrifice as a mechanism that performs a particular role in modern societies, but one in which its meaning as well as its function have

already changed. My objective is to explain what this role is in the unique context of one of the different social faces that sacrifice presents: Canadian railway disasters.

2.2 Situating Sacrifice in the Study

While an exhaustive genealogy of all of sacrifice's many faces is beyond the scope of this dissertation, this section outlines some ontological, epistemological, and methodological claims about sacrifice – features that make sacrifice theoretically distinct. It sheds light on different sacrificial forms, the origins of its various conceptual layers, and the myriad social practices from which they came. In so doing, there are a few flawed assumptions about sacrifice raised in the literature that one should avoid when addressing the concept's meaning, relevance, and varying expressions. The first assumption is that sacrifice can fit into a purely taxonomic approach or that we can simply classify different 'types' of sacrificial practice irrespective of their contexts (Bataille 1970; Arppe 2009). The second is that sacrifice is some barbaric expression that can be divorced from modern civilizations and societies (Aleman & Perez-Agote 2021; Pearce 2001). In fact, not only will this dissertation demonstrate the pervasive and widespread calls for sacrifice in the modern context, but I make a unique contribution to the sacrifice literature by illuminating how sacrifice has evolved from its original conception as a sacred Gift to its current form as a rhetorical device in the legitimation of corporate violence and reproduction of the capitalist state.

In the most basic sense, sacrifice refers to “the prescribed sequence of activities involving the intentional destruction or surrendering of things to a divine patron or other higher purpose” (Wang 2020: 1). The term comes from the Latin *sacrificium* (*sacer*, meaning ‘holy’; and *facio*, to ‘do’ or ‘make’). It can also be understood as the act of consecrating or sanctifying an object (Hubert & Mauss 1964). The ritual component of sacrifice involves a set of symbolic, formally

organized practices which adhere to either “explicitly stated or tacitly assumed rules and procedures” (Wang 2020: 1), the function of which is to “inculcate certain values and norms of behavior by repetition, which automatically implies continuity with the past” (Hobsbawm 2012: 1-2). Sacrificial offerings are typically material ones of real or symbolic value, such as food and libations, religious artifacts, or human and animal life in the form of ritual slaughter. The term ‘offering’ itself is often used as a synonym for sacrifice and denotes the presentation of a gift. However, while ‘offering’ and ‘sacrifice’ are “related etymologically, in the ambit of ritual actions they are not the same thing” (Beriaín 2020: 1). William Robertson Smith (1889: 132) distinguished clearly between what he identified as the two types of sacrificial offering: “*hostia honoraria*, [which] refers to the case in which the deity accepts a gift, [and] *hostia piaculatrix* refer[ing] to that in which the deity demands a life (the death of a living being, animal or human).”

This distinction is crucial not only for determining the social origins of sacrifice, but also in delimiting the concept itself. I am dedicating space here to explore the social origins of sacrifice for two key reasons. First, only in establishing these origins can it be possible to pin down sacrifice’s conceptual structure. Second, societies do not always sacralise the same realities (Wang 2020), so to understand how we have gotten here we must first know where we have been. To undergo this exploration, it is important to consider not only the act itself and what is lost in a sacrifice, but also what it is that we sacralise (what is sacred) in the first place that requires such action. For simplicity at this time, it is fair to say that sacrifice has historically been divided into two broad types, at least in terms of what is lost: blood or not. With blood sacrifices, a living human or animal is made sacred through the rite of its immolation (Hayley 1980: 107). A non-blood sacrifice, comparatively, does not involve the ritual killing of a live victim, though

loss is often still experienced in the form of destroying a sacralised object or artifact. For example, ancient Egyptians would sometimes bake cakes in the shape of animals to consume during the ritual in place of sacrificing the live animal that it represented; other cultures have laid down rice before constructing their dwellings for stability or offered cucumbers to celestial beings in exchange for sunlight (Bremmer 2007).

Early comparative studies of human sacrifice were largely influenced by social evolution and historical relativism. Marcel Mauss (1924/1971) observed that a kind of ceremonial exchange of gifts already existed over 10,000 years ago, before the rise of agriculture and livestock farming, between human beings (hunter-gatherers) and the natural environment that they sacralised. At this time, life itself was considered the most sacred (Beriaín 2020). The invention of agriculture gave rise to a new type of exchange between god(s) and human beings, as it accompanied a shift in mindset that plants and animals were things to be owned, cultivated, and traded (Leakey 1994). The ceremonial relationship to nature suddenly became hierarchal:

when wild animals belonged to no one but nature they could not be sacrificed, because they were not property. However, once they were appropriated by human beings, they could be sacrificed and given back to the gods what had been received from them (Beriaín 2020: 3).

With this change also came a more vertical, dualistic classification of the sacred and the profane. The concept of sacrifice evolved again with the Axial Age,⁷ which saw a radical shift in religious consciousness in civilizations globally. One such shift was away from understanding the sacred as a volatile power and towards the belief in sacrifice as some transcendent truth (Keenan 2005).

⁷ The term Axial Age was coined by German philosopher Karl Jaspers and refers to broad changes in religious and philosophical thought in a variety of locations globally, from around the 8th to the 3rd century BCE (Jaspers 2011).

For theologians, the concept of sacrifice is vital for understanding the human relationship with the sacred, especially though not exclusively when in connection to deities. The motive of sacrifice as rooted in ceremonious or religious acts is considered the “price to be paid” to ensure a common good or prosperity, even when involving the total consumption of life (Keenan 2005: 11). The religious roots of ritual sacrifice encompass the practices of a wide range of cultures, groups, and communities over thousands of years, including the Aztecs (Read 1998); the Inca empire (Besom 2009); the religions of ancient China, Celtic and German religions, Judaism and Christianity (Eliade 1978; Carter 2003); the Romans (Hope 1962), and more. These discussions tend to focus on commensal relationships with god(s) and the importance of sacrifice’s symbolic and expressive acts, such as the repetitive ritual undertaking of prayer or communion (Beattie 1980; Campbell-Jones 1980). Often, they are also understood as a social requirement expressing morality and devotion to the sacred (Derrida 1995; Girard 2011; Bell 2002).

The metamorphosis of sacrifice continued with the sacralisation of kings as “the highest of men and the lowest of gods, the link between the dead, the living and the immortal” (Joas 2017: 463). This adaptation retained sacrifice’s “core significance as a relational nexus between the sacred and the profane” (Beriain 2020: 6-7), while also embodying the fusion of sacrality and highly concentrated power in the profane realm. According to Wang (2020: 2), there has historically been an “interdependent relationship between ritual sacrifice and the maintenance of political power,” observed in a broad set of historical cases from Shang dynasty China in 10th century BCE to the witch-hunts in early modern Europe. This is important because these violent rituals are not simple representations of human conditions or stages of development, but rather “they were carefully staged political spectacles, stylized in the form of sacred violence for the

purpose of shaping and maintaining orders and norms” (Wang 2020: 2).⁸ Academic focus on sacrifice was oriented towards this change in the 1980s, shifting from the rites of ancient civilizations to what Bourdillon and Fortes (1980) termed ‘modern sacrifice’ and giving greater consideration to the links between sacrifice and what participants expect to achieve through the ritual. In other words, “the modern reappropriation of sacrifice was to result in a new twist in the semantics of death” (Beriaín 2020: 9), as the objects of sacrifice are no longer deities and their personal mythologies, but the benefits derived from legitimized acts of violence.

From here evolved a new subject of sacralisation: the nation. Created mainly by the different varieties of nationalism, “the nation as the new god-totem continued the narrative of sacrifice and took over the place once held by classical divinity, creating its own altars, monuments and sacrificial, ritual commemorations” (Beriaín 2020: 7). It is in the broad context of the modern ‘nation’ that my analysis of sacrifice in relation to Canadian railway disasters begins. To borrow from Smith (2003: 218):

In the narrative of the nation as told by nationalism there is a Golden Age, a driving myth which is projected as utopia into the future, as opposed to the historical contingencies of the present, but which is only attainable through commitment and self-sacrifice on the part of its members. This is what the nation continually defends, remembers, and celebrates.

As such, the analytical undertaking of this dissertation must give due consideration to both modern sacrificial practice and *the ideas justifying these acts*, which mutually shape and maintain each other. It is important to note that the effects of the dialectical relationship between

⁸ Historical evidence also suggests that ritual sacrifices were performed as crisis management devices. In the Shang dynasty China and pre-Columbian Mesoamerica, large scale sacrifices occurred during severe food shortages, usually caused by war or crop failure (Wang 2015). Similarly, members of the Aztec Empire were known to engage in a highly institutionalized form of ritual warfare for population control during times of famine (Wang 2020; Isaac 1983).

sacrificial practices and their justifying myths are not contained within the narrowly defined domain of organized religion, nor do these collective ideas appear from thin air (Wrage 1947); rather, they reflect underlying historical conditions and the mode of production of a given society (Wang 2020; Wander 1983).

Much academic work, political rhetoric, and popular thought have pointed out that a society's very existence depends upon individuals being willing to offer sacrifices on its behalf (Durkheim 1965; Smith 2003; Keenan 2005; Wang 2015; Beriain 2020). What constitutes these sacrifices involves a level of deprivation, loss, and renouncement on the part of those doing the sacrifice. These abstentions, as a necessary part of the sacrifice and something 'we all do,' serve as a way of transforming individuals and rendering them suitable and deserving to participate in society (Fortuna 2010). As such, the predominant form that sacrifice takes within the socio-political realm (at least in thought), is *self*-sacrifice: the willingness to undergo loss for the sake of society in a mutually dependent and beneficial way. As Fortuna (2010: 57, emphasis original) suggests:

Just as individuals cannot devote themselves simultaneously to both profane and sacred things; it is likewise impossible for them to satisfy their own selfish interests and needs while at the same time fulfilling their duties to society. Consequently, accomplishing the latter will at times necessarily entail sacrificing one's individual interests and *doing violence* to one's instincts. If society is to survive, it must receive that which it requires from those individuals that constitute it; for there is simply no other option.

Fortuna's summation of sacrifice in modern society gives rise to two key issues with the concept's bearing in our current conjuncture as I see it. First, despite the commonsensical appreciation that sacrifice requires a loss, a question of value is, for the most part, never explicitly directed at *what* is given or lost in a particular context. The value of what is lost is rather subsumed within the logic meant to explain why that loss is necessary and embedded with

moralistic undertones justifying that operation. In other words, the loss is usually characterized as an obligatory means to a favorable end. Second, given that this favorable end is understood to be the survival and reproduction of society, it is worth questioning *what kind* of society we are sacrificing (or being sacrificed) for and what exactly is being reproduced in the process.

2.2.1 *Modern Sacrifice and the Capitalist State*

Despite sacrifice's extensive history, there is little consensus when it comes to the contemporary implications of these recurring symbolic practices, and even less when one focuses on the context outside of the targeted moment of rupture involved in a sacrifice (or the 'act' itself). To help fill this gap, I question how sacrifice is implicated in the very formation of the Canadian state and the unique losses experienced by those living under corporate capitalism. What's more, I interpret this violence as an attempt to replicate those conditions: a *reproduction* of circumstances, environments, and responses which have historically been effective in generating stability and renewal of the status quo in an otherwise conflicting society (Girard 2013). As such, I begin my exploration of sacrifice and the state formation from the position that modern ritual sacrifice is a form of structural violence.

Academically and in popular consciousness, it is uncommon to conceptualize sacrifice as a form of violence, and even less so as something structural; but instances of harm in advanced capitalist societies are complex phenomena and manifest in a variety of ways (Bernstein et al. 2009), and they are deserving of our attention. Most understandings tend to involve restricted conceptualizations of interpersonal violence (Galtung 1969; Sim and Tombs 2009) – on the direct, immediate, visible infliction of physical harm. Such logic assumes that violence is the result of individual-centered processes that result in intentional harm, such as murder or assault. Structural violence, comparatively, is a wide-ranging form of harm that encompasses the

violence of modern life in the broadest sense: that which is both implicit and explicit in systems of control, where relations of power are of central concern, and where much of the violence is hidden or appears legitimate (Pawlett 2013; Galtung 1969; Dilts 2012). My centering of sacrifice as structural violence corresponds to these concerns of power and legitimacy especially in relation to powerful state and corporate actors who are often overlooked as perpetrators of violence.

Structural violence's unique and understudied relationship to sacrifice and the latter's basis in common morality indicates the importance of the topic for the social sciences. Even when authentically performed and "faithfully embodied, [rituals] may function as legitimizing rhetoric justifying the continuation of contradictory social conditions" (Wang 2020: 3), many of which have been dutifully shaped to pass as the natural order of things, or even as a sacred good. Beginning with early civilizations, links have been drawn between sacrifice and the evolution of modern hierarchal societies. For instance, Durkheim (1965) referred to sacrifice as social control and argued that rituals support the structure of a society while securing a sacred power's continued existence, if not dominance. In a similar vein, Watts and colleagues (2016) argue that human sacrifice helped to build complex civilizations by reinforcing the power of elites through social control, partly through direct coercion and partly through sacrifice's legitimizing properties. It is further argued that sacrifice specifically promoted a shift to class-based societies (Watts et al. 2016), making a discussion of capitalism's sacrificial roots and continued mastery extremely relevant.

The transition to capitalism of the sixteenth and seventeenth centuries was a violent social transformation filled with struggle and contestation. Marx (1976) argued that violence was not simply an effect of this new social formation but a condition of its very existence, witnessing

cruelties that included the commodification of land and labour, the dispossession of peasantry, the destruction of individual and collective forms of property, and the criminalization of non-market means of survival (Ince 2017). According to Roberts (2017: 22), these were the historical processes that led to “a market in land and the creation of ‘free’ labourers who had nothing left to sell except their own skins” – effectively sacrificing a population of people for the ideal of capital accumulation.⁹ Capitalism extended its violent tendencies into the twentieth and twenty-first centuries through ongoing forms of primitive accumulation, or what David Harvey (2005) referred to as accumulation by dispossession.¹⁰ Contemporary versions of primitive accumulation describe the growing number of people that have been expelled, disposed of, and otherwise rendered *sacrificable* under capitalism, including the poor and desolate, those who are persecuted and warehoused in prisons, and workers who are injured and killed in treacherous working conditions (Sassen 2010; Mathiesen 2015).

The systemic deepening of global capitalism speaks to the need for interrogating sacrifice in our current conjuncture, as the notion of the free market has become a sacred icon not only for capitalism, but for modernity itself (Wang 2020: 4; Datta & MacDonald 2011: 78). The spirit of modern capitalism is often hailed as “involving rational conduct in the form of disciplined work, careful calculation, and a willingness to sacrifice short-term gains for long-term gains” of freedom and prosperity (Keenan 2005: 11). This is partly due to the fact that dominant ideologies exemplify capitalism as “the source of everything that is good, favorable, and legitimate” (Pearce 2003: 56), leading some scholars to argue that possession, consumption, and sovereignty have

⁹ Capitalist activities specifically have led to the sacrifice of many individuals, groups, and communities, demanded historically through acts such as colonization, military intervention and war, and economic imperialism (Pawlett 2013: 3).

¹⁰ Conditions which further alienate workers, as well as enclose and privatize common and publicly owned spaces and industries.

become effectively *sacralised* in our modern context (Bell 2002: 343; Datta & MacDonald 2011).

Some critical scholars have made important strides in demonstrating how the capitalist structure cannot be separated from notions of modern sacrifice. Datta and MacDonald (2011: 84), for instance, claim that “control over the production process is central to [modern] sacrifice and oppression” as the vast majority of people must work for someone else, at one point or another, in order to sustain their basic needs. It is the division of labor, the control over what is being produced, and how and to what end that alienates workers from the product of their labor and the benefits that accompany the surplus of their sacrifice. This includes concepts such as leisure and time, and the luxury of a future, both immediate and long term, that is not predicated on subordination to another (Datta 2017; Datta & MacDonald 2011). Similarly, Alonso and Rodríguez (2021) assert that one of the spaces where sacrifice performs a critical role is the realm of modern economy, particularly in the event of a financial crisis. By analyzing how the hegemonic narratives of financial crises shape both the economy and social relations, the authors claim that such events are defined by a symbolic violence in which increasingly vulnerable populations are sacrificed via personal bankruptcy, indebtedness, poverty, and lower standards of living to appease financial markets (Alonso and Rodríguez 2021: 128). From this perspective, sacrifice is key to the contemporary economic order.

2.3 The Gift Theory of Sacrifice

The following provides a broad overview of the classical theory of sacrifice, drawing necessarily on the concept’s theological roots, as well as some sociological reformulations. This section is intended to provide the reader with a general sense of how sociology as a discipline has

approached sacrifice as a concept and will also help contextualize the specific theories under examination here, namely those of Durkheim, Bataille, and Girard.

For theologians, the concept of sacrifice is vital for understanding the human relationship with the sacred,¹¹ especially though not exclusively when in connection to religion or deities. The original purpose or motive of the sacrifice was rooted in ceremonious or religious acts and was understood as a gift to a centralized power (Keenan 2005). Even when involving the total consumption of life, as with blood sacrifices, the acts were considered the ‘price to be paid’ to ensure a common good or prosperity (Keenan 2005: 11). Literature in this area is vast, encompassing the religious practices of a wide range of cultures, groups, and communities over thousands of years, including the Aztecs (Read 1998); the Inca empire (Besom 2009); the religions of ancient China, Celtic and German religions, Judaism and Christianity (Eliade 1978; Carter 2003); the Romans (Hope 1962) and more. These discussions tend to focus on commensal relationships with god(s) and the importance of sacrifice’s symbolic and expressive acts, such as the repetitive ritual undertaking of prayer or communion (Beattie 1980; Campbell-Jones 1980). Often, they are also understood as a social requirement expressing morality and devotion to the sacred (Derrida 1995; Girard 2011; Bell 2002).

According to Robert Alun Jones (1977), both the popular and the dominant scholarly view of the ‘gift’ of sacrifice remained relatively constant from the time of Socrates (470 BC.). This continued through the mid-to-late 1800’s with the work of Edward Burnett Tylor (1920: 375), who clearly upheld the view that sacrifice is a gift made to a deity with the implicit idea that the god(s) can be influenced accordingly. David Janzen (2004: 74) describes the impetus

¹¹ Considered to be holy or simply deserving of the utmost respect (Hayley 1980). In some cases, sacred refers to something that is too important to be changed, as with rituals (Datta & MacDonald 2011; Loader 1999). Considerations of the sacred vary based on the religion or society under observation. See below.

behind such an act as “that of *do ut des*: I give so that you [the deity] might give.” Thus, the most basic premise of the sacrifice is that an individual or group can engage in the ritual to secure the favor of the god(s). This approach¹² remained relatively uncontested until Wellhausen (1883), which then ushered in the work of Robertson Smith (1889), followed by that of Hubert and Mauss, and Durkheim. The variety of responses offered by these thinkers are as follows.

In contrast to the Gift Theory of sacrifice presented by Tylor, the biblical scholar Julius Wellhausen suggests in his *Prolegomena to the History of Israel* (1883) how sacrifice originally involved simply a universal spontaneous feeling and a notion of (private) giving to the gods, or even sometimes a (communal) sharing of a meal with them (Fortuna 2010: 40). Keenan (2005: 14) states that this understanding of sacrifice was associated by Wellhausen “with a time of closeness to nature, spontaneous joy, freedom from the political rule of the centralized state, and a diversity of freely chosen sacred sites.” However, for Wellhausen (1883) this view of sacrifice was bound to change, as the communion aspect of the ritual developed an organized, centralizing tendency at odds with the ‘private spontaneity’ that marked its original manifestation. The centralization of this practice replaced the earlier view of sacrifice with one characterized by linearity and progress, leading Wellhausen to propose that sacrifice is meant to fulfill particular social functions.¹³

In his *Lectures on the Religion of the Semites*, William Robertson Smith (1889) also contends that sacrifice fulfills particular social functions by simultaneously binding a community

¹² The Gift Theory of sacrifice is referred to as such within much of the literature, but it is worth noting that this approach is perhaps more accurately described as an *exchange* of gifts and that a certain level of reciprocity is expected, or at least hoped for. For some, this conflicts with the purpose of a gift or with that of legitimate sacrifice; for others, this explanation is reductive and fails to grasp the full purpose and meaning of sacrifice (Bataille 1970; Keenan 2005). Critiques, expansions, and reformulations of this classical approach are explored in detail below.

¹³ Additionally, this resulted in laws which restricted sacrificial practices to the temple in Jerusalem, further characterizing sacrifice as a purposeful rite bound in rules which fulfill particular social functions.

together and linking it more closely with its god(s). For instance, he observed an Arab sacrifice of a camel and the subsequent communal consumption of the animal, commenting that "...more forcibly than any ordinary meal such a rite expresses the establishment or confirmation of a bond of common life between the worshipers, and also, since the blood is shed upon the alter itself, between the worshippers and their god" (Robertson Smith 1889: 339). However, Robertson Smith more vehemently denies the centrality of the gift aspect of sacrifice than Wellhausen and suggests that this only occurred as a result of the transition from a nomadic to a sedentary way of life, when sacrifice-as-gift became comparable to tribute paid to a sovereign (Keenan 2005: 15; Fortuna 2010: 40). In fact, the nature of the sacrificial gift is a process which Robertson Smith argued to be a glaring contradiction, largely due to discrepancies and imbalances of power in the sacrificial relationship. I return to this issue below in my discussion of the Durkheimian theory of sacrifice.

In *The Gift of Death*, Jacques Derrida (1995) analyzes the issues of responsibility and duty through the lens of sacrifice. In particular, he focuses on the biblical tale of Abraham and Isaac¹⁴ and the role that sacrifice plays in fulfilling responsibility when called on by another (in the case of this story, to the Christian God). Derrida (1995: 15) explores the limits of philosophical ethics by examining the cross references between giving and dying – or what Socrates would consider "practicing how to die without complaint" (Cunningham 1998: 127). That is, according to Derrida, responsibility faces two contradictory obligations. On the one hand, responsibility answers to itself, through an ethical grounding in the knowledge of what responsibility is; on the other hand, many believe "responsibility should exceed the security of

¹⁴ The story represents a trial of faith in God, when God instructs Abraham to sacrifice his son, Isaac, to show his devotion. Abraham obeys and lays Isaac on the sacrificial alter, but before he slays his son God intervenes and offers a sacrificial ram instead. Isaac's life is spared and Abraham's covenant with God is renewed (Gen. 22: 1-19).

any knowledge,” much like faith (Carlson 1997: 331). Once again, this is highlighted in the story of Abraham and Isaac, as Abraham is torn between his dual responsibilities: to protect his son (ethics) and to obey his God (faith). Despite loving both, Abraham ultimately prepares to sacrifice his son and go against the ethical order to remain true to that which values most – the sacred. Consequently, “Derrida stresses the sense in which the general responsibility of ethics is shattered by the absolute responsibility of religion” (Carlson 1997: 331). The principles of philosophical ethics founder when adhering to them means abandoning the singular relationship we have to the sacred, the essence to which we are truly bound (Derrida 1995: 68; Cunningham 1998: 128). Thus, whether with a pure gift or an exchange of gifts, Derrida’s insights are invaluable when considering the limits of responsibility and rationality that can be reached in allowing or accepting ‘the gift of death’ of sacrifice.

The above discussion may be understood as broadly setting the stage for an examination of the theories of sacrifice proposed by Émile Durkheim, as well as Henri Hubert and Marcel Mauss. While both Durkheim (in *The Elementary Forms of the Religious Life*) and Hubert and Mauss (in *Sacrifice: Its Nature and Functions*) wrote stand-alone texts addressing the concept of sacrifice, for my purposes I intend to consider their work together. In doing so, I do not mean to imply that there are no differences between them, but rather that in many important respects their work on the subject of sacrifice is complementary, even at times jointly cultivated.¹⁵ And while the foundation of sacrifice as ‘gift’ is a recurring theme throughout many interpretations and manifestations of sacrifice, the Durkheimian theory of sacrifice draws attention to the notion of reciprocity in gift giving to secure social stability, equally beneficial to both the sacred and the

¹⁵ Mauss was Durkheim’s nephew, and they would often communicate via letters when debating and developing the Durkheimian theory of sacrifice.

profane domains. This philosophy may offer valuable insights to sacrifice's enduring nature and modern indicators.

2.4 The Durkheimian Theory of Sacrifice

This section examines the Durkheimian theory of sacrifice. The importance that the Durkheimians place on the necessity of loss for the functioning of society provides a natural starting point for my theoretical analysis of the role of modern sacrifice as it pertains to the harm of railway disasters and the functioning of corporate capitalism. In what follows, I outline the Durkheimian theory of sacrifice, focusing on foundational concepts such as communion, oblation, and the collective representation of society. As I will demonstrate, the strength of Durkheim's theory rests in its ability to clearly explain the relationship between sacrifice and social stability. Drawing on sacrifice's religious foundations, this theory stands to interpret the ways in which the existence of society depends upon the sacrifices of its members and why, according to Durkheim, individuals should willingly engage in such practices. In short, the Durkheimian theory provides an explanation for what Fortuna (2010: 38-39) calls "the social context of sacrifice...the conditions and environment that necessitate sacrifice on the part of human beings."

From his early work on the subject, Durkheim (1899) expressed most vehemently the importance of understanding the socio-religious origins of sacrifice. In fact, his interest in the topic can be traced back to his early texts on religion, which he argued as "essentially social in its obligatory constraints of the individual and demands for sacrifices, great and small" (Durkheim 1893: 98). Initially, Durkheim (1998) formulated sacrifice as an operation or set of operations forming part of a system of religious rites, in which one or more animate or inanimate objects are destroyed (eaten, punished, burnt and so on) or are placed outside ordinary use. Later,

he would shift his thinking slightly to indicate that sacrifice “was not just an essentially negative affair of prohibitions but involved ‘positive’ elements” (Durkheim 1902: 116). For example, the Durkheimian approach to the sacrificial Gift tried to account for the role of effervescence in moments of rupture and social change, such as the French Revolution (Ptacek 2015). This reinterpretation,¹⁶ for Durkheim, provided evidence of what was still an overall socio-religious system, but which “fluctuated between times of ordinary everyday society and times of the special effervescent sacred” (Ptacek 2015: 85) – making sacrifice a fundamentally affective and positive process in the Durkheimian view.

Ever since Hubert and Mauss published their seminal study in 1899, regarded as a pioneering statement of the Durkheimian theory (see Strenski 2002), sacrifice has come to be seen as a ritual act in which the participants take on a sacred nature. There are three main positions for participants (perhaps also considered actors or agents¹⁷) within a sacrifice: the sacrificer, the sacrificer, and the victim. Understanding the differences between these positions is important because, while connected, each has a specific role in explaining not only how and why sacrifices happen, but how they were generally accepted in various communities. Firstly, the sacrificer is “the one in whose interest the sacrifice is purportedly conducted” (Datta & MacDonald 2011: 89). Historically, images of gods and goddesses serve as the sacrificer who demands favours of various sorts in exchange for benefits shared in a given community, but this

¹⁶ Based on his reading of the ethnographic work done by Spencer and Gillen (1899) on totemism and *The Native Tribes of Central Australia*, which appeared to show that totemism had nothing to do with everyday social organization.

¹⁷ These positions are often referred to as agents or actors in historic sacrifices because authors were discussing human participants or anthropomorphized images of deities in the sacrificial processes they examined. For consistency, ‘sacrificer, sacrificer, and victim’ are used here to discuss all forms of sacrifice, and examples and clarification will be given throughout as authors indicate how they define each role in the sacrifice under investigation. For instance, while some theorists (see Durkheim and Bataille) discuss the *self*-sacrifice of individual actors, others (see Girard) focus on how victims who are *sacrificed* hold little power in their role and are usually already in marginalized social position in their communities (Beattie 1980).

position also has other interpretations (see below). Comparatively, the sacrificer is the one who conducts the ritual and oversees the event that consumes the victim (Datta & MacDonald 2011), often a community leader or other authority figure. Sacrificers have the practical power of calling for a sacrifice and seeing it followed through in the sacrificer's name.

The final position taken in a sacrifice, that of the victim, is possibly the most heavily debated element of sacrificial rites and will be returned to frequently throughout the remainder of this dissertation. In terms of Durkheimian victimhood, the most notable factor (and central to the devout experience) is that “the sacrificial offering passes from the commonplace to the religious” (Aleman & Perez-Agote 2021: 2) during the ritual. While the complexities of this procedure can take many forms and be used for the most diverse purposes, it invariably establishes “a means of communication between the sacred and the profane worlds through the mediation of a victim [...] of a thing that in the course of the ceremony is destroyed” (Hubert & Mauss 1899: 76). However, in order for the victim to pass from the common to the religious domain it must be consecrated by means of a series of ritual operations that ‘purify’ it, so that it will act as an intermediary between the sacrificer—the individual or collective subject to whom the benefits of sacrifice accrue—and the divinity to whom the sacrifice is generally made. The success of sacrificial rituals, as argued by Hubert and Mauss (1899), depends on each of the steps assigned to the participating elements – sacrificer,¹⁸ sacrificer, victim¹⁹ – performing their role in perfect continuity, without interruption and in the prescribed order. Otherwise, the powerful and destructive forces involved would turn against both the sacrificer and the sacrificer (Hubert &

¹⁸ Like many others, I make use of the term ‘sacrificer’, coined by the English translator of Hubert and Mauss’ original work, as a translation for *sacrifiant* in the original French, for which there is no exact English equivalent.

¹⁹ “The fact that the immolated victim is called a victim does not mean that every victim is a sacrificed being. Lynchings, executions, or massacres are not sacrifices but victimization procedures” (Hénaff 2002: 424–425).

Mauss 1899). In other words, sacrificial violence without the prescribed ritual order is just regular violence.

Despite its religious foundations and continued orientation, a distinctive feature of the Durkheimian theory is that there is no God or cosmic agent involved. Rather, religion is understood as a social system of beliefs and practices which divides the universe into two mutually exclusive domains: the sacred and the profane (Durkheim 1912).²⁰ The sacred things are those set apart and forbidden from contact with the profane. In some cultural and spiritual contexts, in what may be considered 'primitive religions' (Arppe 2009: 32-33), the sacred is often believed to contain a dangerously powerful and contagious force which cannot be approached without ritual precautions. For instance, some southeast Asian cultures have laid rice down before beginning the construction of a house for stability and good favor against potentially hostile forces that may threaten the dwelling (Bremmer 2007). Comparatively, the main thesis of Durkheim's sociological theory of religion is that this force is nothing more than a collective representation of society itself,²¹ simply reified as it is by the individual consciousness experiencing it (Arppe 2009). This fundamental aspect of the Durkheimian theory can be understood as boiling down to Durkheim's conception of society, which I explore further below.

The Durkheimian approach also stands apart in its consideration of which aspects of the ritual are to be considered central. That is, sacrifice is made up of essentially two parts:

²⁰ Durkheim writes that "all known religious beliefs, whether simple or complex, present one common characteristic: they presuppose the classification of all the things, real and ideal, of which men think, into two classes or opposed groups, generally designated by two distinct terms which are translated well enough by the words *profane* and *sacred*" (Durkheim 1968: 52). As a sociologist, Durkheim makes no real attempt to determine once and for all what substantively falls into one category or the other, as this depends on the particular religion under investigation.

²¹ Durkheim (1912) presents the idea of 'collective turmoil' to explain the origin of both religion and society. Although he firmly rejects any attempts to find the first origin of social institutions, he does draw on the most 'primitive' known religion of the time, the totemic system of the Australian Aruntas, as indirect evidence of how everything 'must have' happened: collectively and in a frenzy (Arppe 2009).

communion (the communication of experience) and *oblation* (the actual offering). Durkheim (1968: 384-385) contends that sacrifice “is partially a communion; but it is also, and no less essentially, a gift and an act of renouncement. It always presupposes that the worshipper gives some of his substance or his goods to his gods.” Hubert and Mauss (1964: 100) similarly echo this claim in stating that within any sacrifice “there is an act of abnegation, since the sacrificer deprives himself and gives,” but that those who engage in the ritual also find “the means of addressing equilibriums that have been upset.” Thus, in the Durkheimian tradition, communion as it pertains to sacrifice is restorative in nature, “nourish[ing] social forces” as it seeks to establish a particular (and necessary) structure or relationship (Hubert and Mauss 1964: 102).²²

In the most basic sense that Durkheimian sacrifice always involves some aspect of communion, occurring between the individuals of a community themselves, or between those individuals and their god(s), or both, the ritual of sacrifice is meant to positively affect specific relationships of value to the participants despite the loss that it necessitates. For instance, Robertson Smith (1889) demonstrated how some ancient Semitic-speaking communities were able to engage in communion with the totem (a vessel of life-principle) through the act of a sacrificial meal, which in turn strengthened the bonds among the community members themselves. Keeping in mind the variety of functions that the ritual of sacrifice might serve, Durkheim (1968: 378), commenting on the work of his predecessor, describes this element of sacrifice as “alimentary communion”: the forming of social bonds through the periodic giving, taking, and sharing of food.

²² The principle of communion within sacrificial rituals has also been described as a way to achieve individual sacralization or penitence.

Achieving successful communion or any other specific ritual functions (such as expiation or sacralization), requires the second essential element of sacrifice: the oblation. Robertson Smith (1889: 196) contends that “a complete act of worship implies not merely that the worshipper comes into the presence of his god with gestures of homage and words of prayer, but also that he lays before the deity some material oblation.” Durkheim echoes this sentiment and even proposes that the element of oblation may be the more enduring of the two sacrificial elements (Durkheim 1968: 385). The actual form of these offerings may vary but, broadly speaking, they can be divided into two types. The first is the process of blood sacrifice²³ where, as with Robertson Smith’s (1885) observation of the Arab sacrifice of a camel, a living creature is made sacred through the rite of its immolation (Hayley 1980: 107). Comparatively, the second type of oblation is more symbolic in nature, foregoing the ritual killing of a live victim in favor of destructing a sacralised object through other means. For instance, ancient Egyptians have been known to bake cakes in the shape of animals for consumption during rituals rather than sacrificing the living animal that they represent (Hayley 1980). Other examples of symbolic oblation include an offering of flour and cakes in the Hebrew *minha* (Hubert & Mauss 1964: 12), or of cucumbers by some ancient Southeast Asian cultures in exchange for favorable weather from celestials (Bremmer 2007). The full extent of what happens to the sacralised object varies according to the form and function of each sacrifice; a given oblation may be “wholly made over to the god, to be consumed on the altar or otherwise disposed of in his service,” or be one in which “the god and his worshippers partake together in the consecrated thing” (Robertson Smith 1889: 200).

²³ Blood sacrifices and the violence inherent in this process are explored at length below with reference to René Girard’s theory of sacrifice.

In discussing the oblations involved in the ritual of sacrifice, Durkheim describes the giver's action in terms of abnegation, renouncement, and self-deprivation (Fortuna 2010: 45-46). Implicit in all these discussions is an element of *self*-sacrifice. In presenting the oblation to the god(s) the individual making the sacrifice is understood to be depriving themselves in some manner, voluntarily. The importance of ideas like renouncement, abnegation, and suffering to ritual sacrifice can be clarified by examining Durkheim's depiction of the relation between what he calls the negative and positive cults. The positive cults are those prescribed activities in which individuals might engage that allows them to achieve a kind of sanctity necessary to commune with the sacred, such as sacrificial offerings or prayer (Dunnill 2016). Comparatively, the negative cults confine themselves only to forbidding certain ways of acting or abstaining (Durkheim 1968: 337-338).

While necessary to distinguish between negative and positive rites for the purposes of explanation, Durkheim is quick to point out that the positive rites do depend upon the negative in specific ways (Dunnill 2016). Specifically, he claims that due to the inherent separation between the sacred and profane, "a man cannot enter into intimate relations with sacred things except after ridding himself of all that is profane in him" (Durkheim 1968: 348). The negative cult, with its emphasis on renouncement, abnegation, and abstentions in general, is what allows for the accomplishment of such a task and "is in one sense a means in view of an end: it is a condition of access to the positive cult... it acts upon the worshipper himself and modifies his condition positively" (Durkheim 1968: 348; also see Fortuna 2010). The simplest summation of the relationship between the positive and negative cults is that after someone makes an oblation, it changes them. Hubert and Mauss (1964: 13) characterize this change as a kind of moral transformation in their definition of sacrifice, claiming it as "a religious act which...modifies the

condition of the moral person who accomplishes it or that of certain objects with which he is concerned.”

From the perspective of the sacred, in a strictly beneficial sense, it may seem that the sacrificial process is fairly one-sided. Even though sacrifice is commonly understood as an exchange of gifts, there are obvious discrepancies among the losses and gains experienced by the participants.²⁴ In fact, sometimes a sacrifice can be made without any obligation of the sacrificer to reciprocate at all, an ‘understanding’ between inferiors and superiors that is a vital part of this sacred relationship (Hayley 1980: 114). That is, there is a certain assumption that gifts pass from inferior to superior and that this act of selflessness is substantial enough of a benefit for the person experiencing the loss. This concern with the imbalance of gift-giving has been raised in issue with Durkheim’s approach, as he insists upon the affective nature of the ‘gift’ despite the (perhaps contradictory) assertion that sacrifice necessarily involves oblation, which would be considered loss. It would be seemingly obvious as to why regular individuals and profane givers would desire a relationship with the sacred, but what could the profane possess of which the god(s) may have need or desire? The Durkheimian approach contends that not only does this reciprocal relationship indeed exist, but it is in fact essential to the functionalist nature of sacrifice in stabilizing societies.

2.4.1 Sacrifice and Social Stability

The Durkheimian belief in the reciprocity of sacrificial gift-giving posits that the ritual involves “an act of giving through renouncement and abnegation” that affects the relationship between participants in such a way that is beneficial and necessary for all (Fortuna 2010: 49-50). Just as it

²⁴ The imbalance of power involved in ritual sacrifice is a significant component of this thesis and I return to it throughout this chapter and in my analysis.

is required for the continued existence of the profane, sacrifice ensures the continued existence of the sacred. Hubert and Mauss (1964: 100) explain that:

...the gods too have need of the profane. If nothing were set aside from the harvest, the god of the corn would die; in order that Dionysus may be reborn, Dionysus' goat must be sacrificed at the grape-harvest; it is the *soma* that men give the gods to drink that fortifies them against evil spirits. In order that the sacred may subsist, its share must be given to it, and it is from the share of the profane that this apportionment is made.

Durkheim elaborates that “the gods would die if their cult were not rendered” and that the ritual of sacrifice keeps deities:

...alive and is perpetually remaking and regenerating them. Of course, it is not the material oblations which bring about this regeneration by their own virtues; it is the mental states which these actions...accompany or reawaken (Durkheim 1968: 388).

Thus, according to the Durkheimian approach, the notion of reciprocity and mutual gift-giving in ritual sacrifice is crucial, as both the sacred and the profane receive what is necessary for their continued existence. Significantly, this exchange and co-dependence is beyond the strictly material, as “the things which the worshipper really gives his gods are not the foods which he places upon the altars, nor the blood which he lets flow from his veins: it is his thought” (Durkheim 1968: 388). That is, the ‘doing’ of sacrifice serves to (re)direct the thoughts of those engaging in it towards the sacred. Without this process, the day-to-day routine of most individuals has the problematic effect of pushing such thoughts to the periphery and “if we think of [gods] less forcefully, they amount to less and less for us and we count less upon them; they exist to a lesser degree” (Durkheim 1968: 387 as quoted in Fortuna 2010: 49). It is the ritual of sacrifice, encompassing the oblations made to sacrificers, which serves to direct our thoughts towards them and consequently sustain their existence and importance.

Accordingly, for many scholars (see, for instance, Strenski 2002; Fortuna 2010), this formulation of sacrifice essentially comes down to how Durkheim understood society and an individual's place within it. Specifically, Durkheim stressed the essentially religious quality of a society, in the sense that it engages (like a religion does) in a kind of significant meaning-making activity for its respective members. This equation of society with religion is not impossible to appreciate given that, as Strenski (2002: 10) argues, "whatever else they may be, nations are meaning-making entities of grand and transcendent sorts, creating an aura of sacredness about all their central doing." Thus, for the Durkheimian thinkers, the relationship between citizens and their political society bears a strong resemblance to the relationship between sacrificers and their sacred (Allen 2004). Society is understood as a meaning-making entity because it provides individuals with a particular framework for understanding to take place, and it is from society that the collective representations that individuals use to gain that understanding are created²⁵ (Durkheim 1968).

Consequently, Durkheim's similar characterization of both society and religion means that one may also consider sacrifice in terms of civic duty. According to this logic, the "sacrificer gives up something of himself but he does not give himself" (Hubert & Mauss 1964: 100), which is an important distinction for understanding the limits of civic sacrifice according to the Durkheimian tradition. What is being given is oneself; but it is a prudent giving *of* oneself, as opposed to a more extreme giving *up* oneself. Civic sacrifice, like its ritual counterpart, does not

²⁵ In the case of both society and religion, this is not a deterministic doctrine simply used for interpreting the world. Rather, "a social system presents the individual with institutionalized channels and models of action. It provides him with 'collective representations'...with a conceptual framework of action" (Peristiany 1953 as quoted in Fortuna 2010: 51). According to Durkheim, this framework possesses a moral quality: for instance, notions of self-sacrifice and ritualistic giving bear a natural affinity to notions of heroism or martyrdom, and other examples of patriotic sacrifice imbued with a sense of altruistic duty.

require a total negation of oneself or one's material possessions for the sake of the state, but instead is consistent with more limited deprivations, renouncement, and losses. As Durkheim (1973: 163) suggests:

...society has its own nature, and, consequently, its requirements are quite different from those of our nature as individuals...Therefore, society cannot be formed or maintained without our being required to make perpetual and costly sacrifices. Because society surpasses us, it obliges us to surpass ourselves; and to surpass itself, a being must, to some degree, depart from its nature-a departure that does not take place without causing more or less painful tensions.

For Fortuna (2010: 67), this element of sacrifice serves a “civically educational function,” a lesson which goes beyond the material world (formally, the oblation) and operates most fully within the mental and ideational realm: dedicating thought to the sacred. Durkheim (1968: 355-356) considered this form of self-sacrifice so central to his understanding of citizenship that he even contended that society could benefit from the existence of individuals whose more or less sole purpose is to inspire such an ethic:

The positive cult [sacrifice] is possible only when a man is trained to renouncement, to abnegation, to detachment from self, and consequently to suffering...If this result is to be obtained, it is even a good thing that the ascetic ideal be incarnated eminently in certain persons, whose specialty, so to speak, it is to represent, almost with excess, this aspect of the ritual life; for they are like so many living models, inciting to effort...It is necessary that an elite put the end too high, if the crowd is not to be put too low. It is necessary that some exaggerate if the average is to remain at a fitting level.

In other words, the portrayal of self-sacrifice, even to an exceeding degree, serves the pedagogical function of inspiring this necessary ethic in the minds of the average citizen (Fortuna 2010).

2.4.2 Summary and Critique: Sacrifice as Collective Representation

To summarize the Durkheimian theory of sacrifice, I refer back to the role and function of sacrifice in its ritualistic form. As a method of communicating with the sacred, sacrifice has come to be seen as a ritual act in which the participants take on a sacred nature, in such a way that “the sacrificial offering passes from the commonplace to the religious” (Aleman & Perez-Agote 2021: 2). While such sacrifices have historically appeared to amount to the giving of material oblations, blood or otherwise, Durkheim believed that this cult is actually operating most fully in the realm of ideas. That is, when participants engage in sacrifice, what they are really giving their god(s) are not material goods, but their thought (Durkheim 1893). These thoughts are recognized as maintaining “the ideal existence of the sacred beings, which in turn maintains the existence of the individuals making the sacrifices” (Fortuna 2010: 56). However, loss is still a significant component of sacrifice in this view, as self-abnegation or renouncement on the part of the sacrificer is a necessary prerequisite to engaging in the ritual and operates as a mechanism which brings the participant all that much closer to the sacred.

This section demonstrates the importance of the socio-political context for any wholistic approach to the theory of sacrifice. According to Durkheim (1947, 1973), concern with the maintenance of a society must give due consideration to the role of sacrifice, and as such, certain conclusions Durkheim reaches regarding the importance of sacrifice become essential steppingstones towards understanding the concept fully within the context of Canadian capitalism. If sacrifice reproduces a given society, and that reproduction is based largely in thought, then Durkheim’s principles can shed light on the socio-political context within which modern sacrifice occurs and how common beliefs of corporate violence, railways, and nation building are implicated in this process.

However, for the purposes of this dissertation, the standard functionalist approach of the Durkheimian theory falls short in particular ways. The emphasis on sacrifice as a positive force in social cohesion (as a collective *representation* of society's force) limits understandings of sacrifice to a necessary (and beneficial) part of life, perhaps to the detriment of coming to a more complete understanding of the concept itself and its more nuanced implications. For instance, the Durkheimian theory of sacrifice tends to downplay the theoretical significance of violence, even when discussing alarming or repulsive features of (religious) ritual. In fact, Durkheim (1947: 383) states that, instead of being foundational to the process, violence is the consequence of excessive excitement, “mere discharges of energy” that have no ritual meaning.²⁶ This misstep does a disservice to those who endure and bear the outcomes of such routine violence that is imbricated in their daily lives.

This particular critique is demonstrated in Abrutyn's (2017) elucidation of Hindu *sati* and the role of structural violence and power in self-sacrifice. According to Abrutyn's symbolic interactionist approach,²⁷ *sati* is often used in two ways: to refer to “the practice or ritual of self-immolation or as a noun to describe the widow who self-immolates,” an act which reinforces the status and legacy of the late husband (Abrutyn 2017: 525).²⁸ This ritual violence begins with an irreversible declaration from the widow to self-immolate; irreversible in the fact that, in some cases, members of the community become responsible for pushing the widow into her husband's pyre rather than have her renege on her vows (Barbagli 2015). In *Suicide*, Durkheim (1897/1951:

²⁶ The theologian William Robertson Smith originally proposed this idea in 1889.

²⁷ Symbolic interactionism maintains that we learn to identify the self (who we are) by learning and interacting both with possible identities and the status positions associated with these identities (Blumer 1969). Identities are the “internalized meanings that organize feeling, thinking, and doing in recurring relationships with others” (Abrutyn 2017: 531).

²⁸ In India, the term *sati* has always meant ‘virtuous, chaste and faithful bride’ (Barbagli 2015: 192).

219) classifies *sati* as a form of altruistic sacrifice in the same bracket as a soldier's willingness to die for their regiment, stressing that the practice occurs due to a lack of individuation in an excessively integrated community. At the same time, he argues that despite being obligatory and irreversible, the *sati* practice is not coerced in the physical sense but is instead motivated by positive emotions – a gift given to both husband and community (Abrutyn & Mueller 2014). For Abrutyn (2017: 528-529), Durkheim's summation is insufficient and should instead push away from notions of altruism that obscure just how coerced *sati* and similarly acts can be:

In part, this is because coercion is often considered external to the actor, which means that only some cases exhibit clear physical and/or emotion coercion (Vijaykumar 2004). But individuals also internalize these mechanisms and self-regulate. In a bounded environment, like an Indian village, the probability with which individuals will work hard to act as expected and avoid the pain of sanctioning, will be quite high. As such, excessive integration and regulation are quite coercive and, where cultural directives prescribing suicide exist, suicide can be self-coerced as much as coerced from without.

In not considering how various forms of sacrificial violence are prescribed for certain classes of people, Durkheim saw the function of sacrifice as always the same: collective cohesion. Even when sacrifices are performed out of fear of repercussions,²⁹ oppressive gender arrangements,³⁰ and/or other structural conditions,³¹ they are reduced to the same undifferentiated affective energy. Consequently, what is overlooked in the Durkheimian approach is how socio-structural factors may influence ritual sacrifice, specifically when “power, power-differentials, and hierarchy delimit the types of options available, accessible, and applicable to subordinates” (Abrutyn 2017: 532), even when sacrifices are seemingly made willingly (Kemper 1978).

²⁹ It is considered as much of a sin to renege on a declaration to self-immolate as it is to never declare in the first place (Abrutyn 2017).

³⁰ Many scholars closely link the emergence and spread of *sati* to the steady growth of gender inequality (Barbagli 2015; Thakur 1963).

³¹ Adoption of the *sati* practice by the lowest class is likely in a society in which upward mobility is nearly impossible, such as a caste system (Abrutyn 2017).

Second, and relatedly, the question of value is never explicitly directed at what is given or lost in a sacrifice. Rather, within the Durkheimian framework, the value of what is lost is incorporated within a logic meant to explain why that loss is *necessary*.³² In other words, the loss – originally formulated as a gift to the god(s) – is usually characterized as a means to an end. While emphasizing the importance of self-sacrifice for individuals within a society, and consequently bringing into focus the occurrence of this particular type of loss in human life, Durkheim’s theory itself provides very little in the way of explaining how such phenomena are to be negotiated or addressed (Fortuna 2010: 68-69). In *A Maximal Understanding of Sacrifice*, Smith and Stoll (2021) call for a broader conception of sacrifice to be developed as a resource for cultural sociology and argue the term was framed too narrowly in the classical work of Hubert and Mauss. Similarly, Abrutyn (2017) argues that Durkheim’s ambiguous conceptualization of altruistic suicides obfuscates the social forces that shape these practices and delimits understanding and appreciation of what sacrifice can look like and mean in differing (modern) contexts.

This lack of theoretical breadth and consideration of how social-psychological, structural, and contextual dynamics can condition sacrifice directed me to the respective works of Georges Bataille and René Girard, both of whom have analyzed the relationship between violence and sacrifice, albeit in very different ways. While both address the classical Durkheimian question concerning the nature of the social bond, what distinguishes both Bataille and Girard from Durkheim is precisely their emphasis on the affective violence that the latter tended to dismiss (Arppe 2009; Fortuna 2010). The sacrificial theories of Bataille and Girard are each explored in

³² To be clear, I value this element of sacrificial theory greatly and believe that the notion of necessary sacrifice is a key component to my theoretical work. However, there is a larger, more wholistic picture that requires greater illumination.

turn, beginning with the former's attempts at a maximal understanding of sacrifice as non-utilitarian expenditures of money, energy, and passion directed towards the experience of transcendence.

2.5 The Bataillean Theory of Sacrifice

Despite the valuable insights gained from the preceding sections, a wholistic understanding of sacrifice would be incomplete without considering the psychological dynamics involved in the process. The following section outlines the work of George Bataille, who was heavily influenced by the French sociology of the sacred and Maussian anthropology, on one hand, and from Hegelian (philosophical) phenomenology and Freudian psychoanalysis, on the other (Bataille 1970; Arnould 1996). Taking a post-structuralist approach, Bataille's work begins with the premise that sacrifice is a means of sharing the experience of death with the human community (Arppe 2009). Furthermore, his phenomenological approach stresses the role of the subjective experience, not only as an essential part of the 'object' of research, but also in Bataille's own method (Ambrosino 1995). The methodological approach of abandoning the rigorous separation between the subject and the object ultimately distinguishes Bataille from Durkheim, "for whom the objectivity of sociology was only guaranteed by the objectivity of the facts it studied" (Arppe 2009: 41). Specifically, Bataille's work raises the essential question of what is *means* to make a sacrifice.

In the space devoted to such exploration here, I consider the extent to which Bataille's conceptual understanding of sacrifice might expand my own understanding of the concept within the unique context of (Canadian) corporate capitalism. While the ritual of blood sacrifice as popularly conceived and formally studied has more or less vanished from the modern world, for Bataille the term has not lost its meaning; rather, in the Bataillean tradition, sacrifice denotes an

impulsion arising from the subject's inner experience – 'a spirit of sacrifice' (Arppe 2009) – which incites the individual to expel something of themselves outward.

The Bataillean theory of sacrifice is dominated by what could be called the image of the 'primitive society.' While many historical examples of sacrificial societies have been used in Bataille's work,³³ his notion of the primitive society cannot be reduced to any of them; it cannot encapsulate a single social organization, and it is not reflective of an isolated or extinct civilization and their mysterious practices. Rather, it is a hypothetical model representative of a universe in which the relationship between humankind and the world is presumed to be immediate and internal (Arppe 2009). It is this intimate and immanent world which has not yet been "divided into objects exterior to [hu]man" that Bataille calls the 'sacred' (Bataille 1976: 63). Conversely, the profane world is characterized by utility and work, is "mediated by objects, and is in this sense transcendental, exterior to [humans]" (Arppe 2009: 42-43; Campbell 1999: 136). Development of this profane, external world alienates humanity from an original state of intimacy and, consequently, from the sacred (Bataille 1988a).³⁴ As such, Bataille's theory of religion has been described as the human concern with returning to the "continuity and immediacy of the sacred realm which the development of the profane world, a world governed according to utility and instrumental rationality above all else, have separated them from" (Fortuna 2010: 81; Campbell 1999; and Irwin 2002).

According to Bataille, the secularization of the world divided as it is into separated subjects and objects, began with the invention of language³⁵ and intensified as humans

³³ For example, the Tlingit and the Kwakiutl tribes analysed by Marcel Mauss (1971) or the Aztecs of Mexico during the 15th and 16th centuries (Read 1998).

³⁴ Bataille (1988) attributes this original state of intimacy with our evolutionary animality.

³⁵ Whereas, for instance, Christianity and industrial capitalism can be interpreted as its developed or historical forms (Carter 2003; Brown 2016).

increasingly modified the natural environment through work (Bataille 1970, 1979). With this worldly division, the whole of the Bataillean subject, both individual and collective, is based on the rejection of approaches which theorize the economics of sacrifice as exchange, such as the work of George Simmel in *The Philosophy of Money* (1900/1978). Simmel argued that a given object's subjective economic value did not come from the pleasure or usefulness of that object, but from "the desire derived from its non-possession and the sacrifices that the individual needs to endure in order to obtain such an object" (Alonso & Fernandez Rodriguez 2021: 1). As such, satisfaction (benefit) has a price and involves a renunciation (loss, surrender). According to Simmel, the economic system is based on this abstraction: the affinity of exchange between sacrifice and gain, where sacrifice becomes the *condition* of economic value as such (Simmel 1978: 78-82, emphasis added). Simply, an individual accepts sacrifice now in order to achieve their desires later, "leading to self-awareness and responsibility to oneself. Therefore, sacrifice is key to the contemporary economic order" (Alonso & Fernandez Rodriguez 2021: 1).

However, from the Bataillean standpoint, sacrifice is not a commercial exchange (gift or otherwise) between humans and the divine, but a transcendent means of accessing some sort of exteriority, "be it the sacred, the god, or the experience of man's own mortality, through which immanence and communication with others only become possible" (Arppe 2009: 50). In particular, Bataille's (1988a: 21) starting point in the first volume of *The Accursed Share* examines what he calls the general economy – a discussion to show that, in general, economic activity is actually aimed toward a kind of useless expenditure:

The living organism, in a situation determined by the play of energy on the surface of the globe, ordinarily receives more energy than is necessary for maintaining life; the excess energy (wealth) can be used for the growth of a system (e.g., an organism); if the system can no longer grow, or if the excess cannot be completely absorbed in its growth, it must necessarily be lost without profit; it must be spent, willingly or not,

gloriously or catastrophically.

Of main issue for Bataille is that in consigning ourselves to the profane realm of work and utility, humans have somehow reduced the world to such: to simply the profane. He explains that “by taking work (discursive thought, project) for *existence*, [mankind] reduces the world to the profane world; [and] negates the sacred world (communication)” (Bataille 1988a: 81, emphasis added).

In other words, Bataille argues that we have become so accustomed to viewing ideal economic activity as continuous production and accumulation that we lose recognition of the sacred. While the profane world is characterized by the same projects, rational thought, and utility that govern much of the day-to-day operations of human life, to take these aspects as the whole of existence is, according to Bataille, a mistake (Fortuna 2010: 86). In addition to the profane, there exists the realm of the sacred or divine, which Bataille (1988a) often describes as the world of intimacy and immediacy: immediate in the sense that the sacred is concerned solely with the present and is separated from the profane’s “concern with usefulness and the achieving of ends and goals” in the future (Fortuna 2010: 86-87). Consequently, Bataille’s concept of sacrifice is more in line with that of Wellhausen’s (1883), who argued for the ritual’s original purpose of private spontaneity and closeness to nature, and the sacred encompassing the realm of the subject rather than of the object (Bataille 1988b: 57-58; Hewson & Coelen 2016).

Given this theoretical context, sacrifice can be understood as both a way to reintroduce the sacrificer to the sacred and a means of liberating them from the profane world of project. This premise is interesting considering the longstanding dominance of the Durkheimian approach which claims that sacrifice offers social stability, as Bataille essentially sees sacrifice as a practice which disrupts the logic (and therefore, the stability) of the profane realm. For

instance, Bataille argues that sacrifice is one way in which humans can rid themselves of their status as a ‘tool’, which means that sacrifice *cannot be* a mechanism of mutual benefit within a profane realm with a marked emphasis on utility. This point is made explicitly in *Inner Experience*, as Bataille (1988a: 137) clearly distinguishes sacrifice from project and frames them as opposites: whereas “in project, the result alone counts, in sacrifice, it is in the act itself that value is concentrated.” Such a distinction between sacrifice and project leads Bataille to the conclusion that sacrifice is an essentially *useless* activity. If sacrifice is the opposite of project and project is governed by utility, then sacrifice is necessarily devoid of utility; it cannot be a means to an end (Goldhammer 2007; Irwin 2002). However, it is of note that sacrifice is not being argued here as *meaningless*, but that it is useless within the context of a rational economy that defines utility in specific terms. As such, I take Bataille’s overarching premise to simply be that sacrifice involves a mindset that is not strictly instrumental or geared towards end-results.³⁶

2.5.1 Sacrificial Loss and (Internal) Violence

The following section outlines the Bataillean insights into sacrifice that are most instructive for my purposes. Specifically, I will focus my discussion on his notion of sacrifice as loss – or rather, on the premise that sacred things are constituted by loss (Bataille 1985: 119). Not only does the notion of loss figure prominently in discussions of the sacred, but Bataille also associates the latter with violence and danger (Fortuna 2010: 87-88). This is clearly evident in *Theory of Religion* when he states that “man feels a kind of impotent horror in the sense of the sacred. This horror is ambiguous. Undoubtedly, what is sacred attracts and possesses an incomparable value, but at the same time it appears...dangerous” (Bataille 1989: 36). In this

³⁶ This is not to suggest that Bataille failed outright to recognize any consequences or results arising from acts of sacrifice, but “he did maintain that these aspects were secondary” (Irwin 2002: 14).

sense, the notion of the sacred holds for humankind the qualities of both attraction and repulsion: attraction because it represents “an existence marked by intimacy with our surroundings” which has been lost, but repulsion because it “threatens and represents a danger to the *real* order of the profane where our everyday lives are played out” (Fortuna 2010: 87-88, emphasis original).

Focusing on Bataille’s incorporation of loss and violence aids in my theorization of sacrifice by filling a knowledge gap within the Durkheimian approach that is often a source of criticism (see above). Rather than understanding violence as a “mere discharge of energy” or by-product of sacrifice (Durkheim 1947: 383), Bataille (1989:43) recognizes that “the principle of sacrifice is destruction” – that transferring the victim from the profane world to the divine necessarily requires a kind of violence. However, the sort of violence associated with Bataillean sacrifice is not inherently tied to the values governing the profane world and in fact has the potential of being completely at odds with those values and mores.³⁷ That is, “sacrifice may not be bloody” (Bataille 1989: 48-49). Rather, the violence of sacrifice centers on relinquishing and giving within the self, making the essence of sacrifice *internal* violence (Bataille 1989: 60).

Despite this recognition of violence, it is significant that Bataille’s conception of sacrifice is not aimed at total annihilation or death. In fact, since the essence of Bataillean sacrifice is giving through internal violence, this unavoidably means that “external violence is antithetical to sacrifice” (Bataille 1989: 57). Such an emphasis on the internal facets of sacrificial violence amplifies what I take to be Bataille’s central thesis: namely, that sacrifice is less about the literal destruction of a victim, and more about the loss sustained by the individual making the sacrifice

³⁷ As Fortuna (2010: 89-90) summarizes, in being “separate from and outside of the world of project, sacrifice necessarily exceeds the ordinary limits that projects impose.”

and what it means for them. Fortuna (2010: 94-95, emphasis original) similarly summarizes the core of sacrifice for Bataille:

...the reason that traditional sacrifice has the effect it does is because of an identification between the sacrificer and the victim. What the sacrificer really desires in the act of sacrificing is not a loss of the victim, but rather a loss of *self*.

In this interpretation, the focus is on the loss sustained by the sacrificer as the *subject*. Even when discussing a sacrifice other than of the self (where the sacrificer and the victim represent two separate actors within a sacrifice, as opposed to representing the same entity in a self-sacrifice), the focus is brought back to the loss of the sacrificer. This is because, in Bataille's conception, the sacrifice of a victim other than oneself – whether a plant, sculpture, animal, or other human being – is simply self-loss in a mediated form,³⁸ since the essence of 'sacrifice' still happens internally (Bataille 1988a; Bataille 1989; Webb 1993).

The foregoing examination of Bataille's theory of sacrifice places a great deal of emphasis on a particular kind of loss of self. Significantly, sacrificial loss is to be incurred without expectation, or even hope, of some sort of recompense for said loss (Webb 1993). To a certain extent it seems as though humans (in fact all life, according to Bataille) possess an inherent desire to lose in this sacrificial manner. Bataille often characterizes sacrifice and its attendant loss as an irruptive force – "one that *disrupts* the operation of the profane world where our day to day lives are ongoing" (Fortuna 2010: 109-110, emphasis original). One might say that Bataillean sacrifice is a force which may put a stop to the normal operation of the profane

³⁸ It is also argued that the more the sacrificer identifies with the victim the more closely the ritual achieves the self-loss of the subject that is its actual aim; see Webb (1993). The biblical tale of Abraham and Isaac is once again used to illustrate the internal violence of sacrifice: in sacrificing what he loves (his son, Isaac), Abraham sacrifices himself.

(everyday) world of project, even if only temporarily. This is a quite different conceptualization than that of social reproduction and stability put forth by the Durkheimians. However, one common parallel I wish to draw here is the enduring idea of the sacrificial gift in both theories, though they manifest in different ways. The Durkheimian approach clearly maps out sacrifice as an exchange of gifts with mutually beneficial outcomes for both the god(s) and the sacrificer/victim. From Bataille's perspective, comparatively, sacrifice is violent loss but the nature of which is still a gift, albeit one which is directed inward and thus cannot promise any hope for return on investment. That is, "the loss sustained in the gift/relinquishment which is sacrifice is final," and lies necessarily outside the purview of economic relations and calculations (Fortuna 2010: 96-97).

An additional element of Bataille's theory that I wish to highlight in moving forward with my theorization of sacrifice is that he seems to advocate for a sacrificial pluralism that does not reduce the concept to any single practice or experience. While many of Bataille's examinations focus on traditional (external) rituals such as the human sacrifices performed by the Aztecs (Bataille 1989; see also Pearce 2015 and Read 1998), it is also the case that certain gifts and relinquishments might also be characterized as (internal) sacrifice according to his definition. The point here is that the theory of sacrifice put forth by Bataille provides for a relatively broad understanding of the concept which is amenable to a wide variety of applications. For instance, Gil-Gimeno and Sánchez (2021) analyze the persistence of sacrifice as *self*-sacrifice in the contemporary embodiment of 9/11 rescuers and Covid-19 healthcare professionals. They developed their analysis by first discussing how in the Axial Age (800–200 B.C.E.) an understanding of sacrifice as ritual worship or a ritual practice that involves the immolation of a victim became less prevalent and a new understanding of sacrifice emerged. This new notion of

sacrifice focused on individual loss *and* gift exchange: on a person relinquishing themselves as a gift that is given in an exchange relationship for protecting a greater good. Even though Bataille rejects the exchange premise of sacrifice, Gil-Gimeno and Sánchez (2021) suggest that this new sacrifice formula led people to conceptualize sacrifice as an external project that persons could still intentionally and internally embrace. I believe this could have significant implications for sacrifice's enduring nature in the modern context, and for why people may accept the practice despite the loss and pain which accompanies it, especially within the context of national identity.

2.5.2 Summary and Critique: Sacrifice as Affective Communication

In summary, the explanation Bataille gives for the ambivalence of the sacred is one of affective communication, or the collective sharing of anguish caused by death.³⁹ On one hand, Bataille could be seen as theorising a problem which many theorists, including Durkheim and Girard in their respective models, leave untouched: how is the sacred mediated on the individual level and how is it internalized? On the other hand, Bataille opens up a larger structural question concerning not only the fate of affectivity in modern capitalist societies such as Canada, but also our means of theorizing such a concept on a sociological level. If negativity (or violence) is no longer interpreted in a functionalist manner, as part of a closed (restricted) theoretical economy, how could we approach it sociologically? I am still left to wonder exactly how our (modern) social, economic, and political practices might create space for (or even require) unproductive expenditures and sacrificial loss. To such a question, Bataille provides little in way of specifics and seems rather content to make the more general and abstract claim about the importance of communicative sacrificial loss.

³⁹ As opposed to The Durkheimian solution which views the sacred as a collective *representation* of society's force (above), or Girard's conception of the sacred as an affective *projection* of collective violence (below).

Furthermore, the Bataillean approach to sacrifice does not lend itself fully to my analysis largely due to his contention that sacrificial loss cannot be understood as a means to an end. While I appreciate Bataille's efforts to separate the notion of sacrifice from calculation and utility, in the sense that a pure gift ought not expect some form of return or compensation, such a position does little to address the very real calls to sacrifice occurring today and their (intended and unintended) ends. That is, Bataille's analysis is difficult to apply to the contemporary political context at issue here (and elsewhere, see Fortuna 2010). In fact, it is often the case that modern calls for sacrifice, such as those in this dissertation's *Introduction*, are couched in a rhetoric with the exact opposite effect that Bataille would attribute to sacrifice: efforts to *sell* that call to sacrifice. In other words, "calls to sacrifice (and hence calls to lose) are often accompanied with arguments and explanations of the eventual gains that will result from the sacrificial loss that one is being asked to currently undergo" (Fortuna 2010: 113). The Bataillean position rejects attempts to 'sell' others on sacrifice, if not simply because this misrepresents what it means to sacrifice in the first place. However, it happens, and it is worth considering how notions of 'true' sacrifice – or perhaps what is believed to be true about sacrifice – play out against real world examples of such violence.

For instance, in his discussion of sacrifice and human rights, Daniel Bell (2002: 333) adopts and builds on traditional readings of sacrifice to explore the denunciation of "savage capitalism" by the Latin American liberationists. According to Bell (2002), the liberationists use their Christian faith to resist an economic order that they correlate with violence, misery, and premature death. These effects are believed to be caused mainly by advanced capitalism's focus on individual 'rights,' competition over collective endeavors, and the adoration of private ownership that generates vast inequalities (Bell 2002: 336-337). Bell draws on common themes

found throughout the (religious) sacrifice literature, most notably the redemptive significance of sacrifice. According to the liberationist movement, sacrifice with reference to a higher power (on both a grand scale of “internalizing Christ’s sacrifice and love” and an individual scale of “giving to thy neighbour”) will be the act that liberates people (specifically the poor) from their suffering (Bell 2002: 334). In this sense, justice for the pervasive violence caused by savage capitalism, a structural problem, is equated with Christian salvation: sacrifice is the only true way to overcome selfish individualism and promote a common good for the community.

Bell (2002) makes a very interesting argument in the vein of Bataille sacrifice by advocating that the practice was never intended to be economic; he refers to it as an *aneconomic* action about finding order in gift giving and unending generosity.⁴⁰ Furthermore, Bell (2002: 345) suggests that, like many social movements and acts of counter-power, sacrifice can be co-opted by dominant groups and used to achieve specific ends that are not necessarily in line with its religious foundations. In fact, that religious notions of sacrifice and atonement can be read with the economic principles of debt and individual equity reflects the way that we have been disciplined by an economy that functions in accordance with such logic and such distinctions. For instance, Alonso and Rodríguez (2021) assert that one of the spaces where sacrifice actually performs a critical role is the realm of modern economy, particularly in the event of a financial crisis. In particular, they analyze how the sacrificial aspects of financial crises’ hegemonic narratives shape both the economy and social relations (Alonso and Rodríguez 2021:128). Such

⁴⁰ Some authors (see Hayley 1980, below) have written that sacrifice is about an *exchange* of gifts, which may suggest a certain general economic component to the process. However, different types of sacrifice all have different ends and various levels of gift-giving and reciprocity. What is unique about contemporary sacrifice as seen by Bell (2002), is that the process is ultimately supposed to be altruistic – even though what religious sacrificers are gaining in their sacrificial acts is valuable to them (increased favor or love from their sacred), it should not be *expected* or taken for granted. That religious notions of sacrifice and atonement can be read in terms of economic logic of debt and individual equity reflect a shift that Bell (2002) attributes more to the seeking of profit rather than redemption, favor, or love.

crises represent situations defined by a symbolic violence in which increasingly vulnerable populations are sacrificed via personal bankruptcy, indebtedness, poverty, and lower standards of living to appease financial markets. From this perspective, sacrifice is key to the contemporary economic order.

Consequently, I believe my disconnect with Bataille's concept of sacrifice can be boiled down to the differences I see between self-sacrifice and being *sacrificed* or *sacrificable*. Bataille is mainly concerned with what it means for individuals to self-sacrifice and reconnect with the sacred that was lost to them, and which takes them out of that profane world and into the realm of the sacred. I am more concerned with how sacrifice manifests and reproduces within the profane world itself – within the everyday world of work and labour and capitalist production. I understand that, for Bataille and like-minded theorists, this could not represent *true* sacrifice, as sacrifice must represent the opposite of project and utility (Bataille 1988a; 1989). However, as our profane world exhibits clear instances of modern sacrifice (or its images, discourses, ideas) being required and used towards certain ends, I believe it is worth considering how sacrifice is implicated in reproducing a socio-economic structure dependent on those sacrifices to nourish power's existence and dominance.

What happens if people do not give of themselves freely? Is sacrifice only *sacrifice* if it is willfully given? Both Durkheim and Bataille have suggested that, even though sacrifice involves some form of loss, it is more so the ideas that accompany sacrifice that matter than the literal act or oblation. So, if instances of modern sacrifice do not look like that which Durkheim and Bataille would (respectively) qualify but the *ideas* are represented, is that not still sacrifice? Without considering these questions fully, sacrificial theory is largely devoid of a theory of politics outlining the parameters through which the legitimacy of specific sacrifices can be

determined. Although Bataille does provide a fairly robust picture of the self and the meaning behind loss, his theory is lacking precisely because he tends to overlook the larger context within which sacrifice takes place. To complete a more wholistic theorization of sacrifice for my purposes, I depart here for the work of René Girard.

2.6 Girard's Theory of Sacrificial Violence

This section details the theory of sacrifice put forth by French thinker, René Girard, which is in many ways firmly rooted in the history of the discipline as it addresses the classical Durkheimian question concerning the nature of the social bond. However, in Girard's arrangement, the social bond is based on a violent act of exclusion which precedes any form of community inclusion⁴¹ (Girard 1996). Furthermore, the foundational principles of this theory of sacrifice stand in sharp contrast to the standards of gift, effervescence, and reciprocity explored in classical conceptions: primarily, the principles of mimesis and the scapegoat. Firstly, Girard's mimetic model expresses a basic set of ideas on the origin and maintenance of culture and the structural dynamics of human relations. In demonstrating how we learn and why we are prone to violence, he argues that the objects of our desires are based on the desires of others, creating conflict and violence with those we wish to imitate. Following this discussion, I will then introduce Girard's scapegoat mechanism, or the "nonconscious convergence upon a victim," as "the age-old way of gaining release from the violence or potential violence that mimesis produces" (Williams 1996: viii).

The distinctiveness of Girard's approach to sacrifice, and consequently its value to this dissertation, is established precisely in his focus on violence. Principally, Girard criticizes classical theories of sacrifice, including those detailed above, for treating the practice largely as a

⁴¹ Community inclusion is typically understood as a method of communication or identification that sets human culture apart from animal existence (Girard 1996).

symbolic institution. For example, in line with the Durkheimian approach, Hubert and Mauss (1968) view ritual sacrifice as a kind of symbolic technique, a buffer between the profane and the sacred which allows people to approach the sacred in spite of its alleged destructive power. This, in Girard's opinion, is by no means an adequate explanation, and he argued for consideration of the very real connection between sacrifice and violence which the modern social sciences had "stubbornly set aside" (Girard 2007: 6-7). As such, the Girardian theory of the sacred could schematically be presented as a negative image of the 'effervescent' (that is, the affective and ritual) side of classic theories of sacrifice (Arppe 2009); but for my purposes, Girard's theory of religion completes my theoretical toolbox by bringing into light the very real violence that accompanies even modern sacrificial practices, and which is underdeveloped in other theories. That is, my use of Girard is a qualified one, concerned mainly with advancing explanation of railway disasters as systemic, sacrificial violence.

2.6.1 Mimetic Violence and Sacrificial Victimhood

An overview of mimetic theory is essential for fully appreciating Girard's work on sacrifice. As Paul Dumouchel (1988: 23) declares: "[it] has completely modified the landscape in the social sciences." For Girard (1996), social institutions and religions were born out of necessity from violent origins, and the intentions of all group members were directed to a harmony through mimetics, or the ability to imitate. These violent origins essentially boil down to the nature of human desire: the intensity of our desire for an object increases when we perceive that others desire the same object, and conflict occurs in competition over limited resources. Human desire is especially potent when that imitation (I should desire the same things) and envy (they have this thing, and I do not) is directed at a role model or authority figure. For Girard, this notion of mimetic violence can be traced back to a single "primal scene" or "founding murder" (Arppe

2009: 35-36) that set humans on a new cultural-evolutionary path. Consider this hypothetical chain of events usefully illustrated by Arppe (2009: 35):

Everything begins when two primates with a relatively big brain and a strong propensity for imitation start to pursue the same object. Soon a third one will show up, then a fourth, and pretty quickly there is a whole bunch of primates, lurking around each other and pursuing the same object, which is desired because the others seem to desire it too. The general animosity becomes increasingly tangible; the aggressiveness produced by the rivalry intensifies and the original object of the desire is progressively forgotten. Everybody imitates the desire of everybody else; everybody is rival, obstacle and enemy for one another, until the rage bottled up suddenly and arbitrarily turns towards one individual. There is a ferocious outburst, during which this individual is literally torn apart.

However, what is crucial for the development of culture, according to Girard, only comes *after* the carnage. When the anger and rivalry subside, the group comes to reality with the victim now before them, in a “non-instinctual form of attention” and recognition that differs from the “instinctual indifferentiation” of mimesis (Arppe 2009: 35; Girard 1996). This attention to the victim, now transformed *due to its recognition as a victim*, set us along a path to the sacred and to culture (Girard 2007: 819-20). From this perspective, humans developed a new method of restraining our natural violence by replacing the former instinctual (or animal) mechanisms of protection through force and competition, with cultural mechanisms of prohibition and ritual. The most important of these is the ritual sacrifice which “substitutes the first, spontaneously lynched 'surrogate' victim with a ritually chosen one” (Arppe 2009: 36).

Within the Girardian framework, the original murder is not argued to be a unique historical event or necessarily the murder of one particular individual.⁴² Rather, the process of sacrifice has instead been described as a cycle that tends to demonstrate a reproducing pattern:

⁴² As was Freud's (1995) argument in *Totem and Taboo*, via the murder of the father.

conflicting desires, struggle, and sacrificial intervention (Girard 2011). Understanding sacrifice as a cycle rather than as a punctuated event or acute behaviour is useful for understanding how violence can be reproduced over time. In Girard's conception, the cycle begins with conflict, where competing interest groups either have different desires that they try to prioritize over others, or they have the same desires and are in competition over limited resources (Girard 1996). The pursuit and defense of desires lead to an escalation in conflict – or what Girard (2011) calls the 'scandal,' which can take various forms. Sacrificial intervention then takes place in an effort to restore balance to the affected community. In this way, the tremendous influence that the original murder and subsequent rituals have on a community is not due to the identity of the victim, but to the unifying effect of the sacrifice: it prevents the community from collapsing under its own internal violence (Girard 1987). Moreover, the occurrence and general uniformity of sacrifices across cultures suggests that it is the same type of murder in all societies; or rather the same kind of 'original incident', only the forms of the murder varying from one religion to another (Girard 2007: 4; Arppe 2009; Williams 1996).

Assuming that sacrifice is the result of some violent aspect of a given community, the immolation of a single victim replaces the violence of 'all against all' to the more economical violence of 'all against one' (Girard 2011). In Girard's conception, the use of a surrogate victim avoids reciprocity for the violence because they are effectively powerless; as marginal members of the community (including the weak, the poor, the sick, and the criminalized), the practice of sacrifice is rarely challenged internally, though it isn't necessary for every community member to rejoice in the violence *per se* (Bremmer 2007: 4; Beers 1992). However, even when emotions generated from the ritual are anger, apathy, or disgust, sacrifice is still understood as necessary and ultimately more beneficial than having conflicts resolved in another way. From this

perspective, directing ‘legitimate’ violence at a victim relieves the pressure of conflict that once plagued an entire community. Consequently, “[t]here is no question of ‘expiation.’ Rather, society is seeking to deflect upon a relatively indifferent victim, a ‘sacrificable’ victim, the violence that would otherwise be vented on its own members” (Girard 2005: 8). It is this substitution which, in the Girardian model, acts as the basis for cultural institutions and which is based, necessarily, on misunderstanding (Girard 2007; Fleming 2004). That is, the “transferential character of the collective violence” remains hidden from the group, meaning that the function of the surrogate victim is not only to channel the collective violence into a single adversary, but also to hide its collective roots (Arppe 2009: 37). Sacrifice makes its own violence more palatable (Girard 2013).

Girard builds on his hypothesis of the surrogate victim with the introduction of a second level of substitution: the scapegoat mechanism, a sacrifice which replaces the original victim with a ritually chosen one, usually in some way coming from ‘outside’ the community (Girard 2007: 9-21). Here is where the idea of religion comes into picture: its role is to reproduce this function, “to reject violence outside the community by projecting it onto a transcendental category, namely, the sacred” (Arppe 2009: 37). In Girard’s theory the sacred is not defined as a category with fixed limits that would be opposed to the profane, as with the Durkheimian and Bataillean models, but as a set of hypotheses that the mind arrives at over an extremely long period, as a result of countless transferences of collective violence onto the surrogate victim (Girard 2007). This element of the Girardian model was particularly critiqued by Bataille (1989), who argued that sacrifice cannot be interpreted as a mechanism to explain human violence but is more akin to an existential question. In any case, what I take from this dialogue is different, even

opposing models, regarding both the conceptualization of ‘desire’ within sacrifice and the theoretical/methodological approach that should be adopted when addressing it.

Perhaps unsurprisingly, the notion of gift-giving and voluntary victimhood in self-sacrifice becomes problematic, or even irrelevant, in Girard’s theory of sacrifice. For example, the most basic rule of sacrificial victimhood among the Konds of Eastern India is that the victim should give themselves voluntarily, offering no resistance (van den Bosch 2007: 193). Ironically, in these practices the ‘voluntary’ nature of sacrificial victimhood involved drugging with alcohol and opioids or breaking limbs so that victims could not gesture in resistance. This latter approach was used because it was against communal rules to bind a victim, as ropes gave the immediate visual of excessive force and coercion (van den Bosch 2007: 213). Similar to the above example of Hindu *sati* and the immolation of widows (Abrutyn 2017), this illustration of voluntary victimhood as something mythical raises questions for me about who has the power to define the parameters and narratives of sacrifice, including who is a victim⁴³ and whose voice is heard when it comes to issues of consent and resistance? What kind of power relations are involved when considering who has the capital to force others into ‘voluntary’ victimhood by assigning worth to their existence or by exploiting their desperation? Can people even truly consent to this level of violence?

From a social theory critique, one of the most controversial points in Girard’s theory rests in the transition from nature to culture, provided by Girard’s notion of the surrogate victim.

⁴³ The use of the term ‘victim’ here does not necessarily mean victimhood as defined by the state. For my purposes, the indirect manner in which structural violence operates in contemporary capitalism means that, in most cases, no particular individual is the target of harm; rather, anonymous members of groups, such as consumers, workers, and the poor, become victims. This is what Tyner (2015:110) described as the “difference between actively killing and passively letting die.” The presence of non-traditional victimhood in contemporary sacrifice is one of the factors that perpetuates the myth that structural violence is not ‘real’ violence; therefore, the term ‘victim’ is used consistently to stress the fact that harm and violence is occurring despite any instances of legitimation or misunderstanding.

Specifically, some scholars raise concerns with the way “Girard seems to jump directly from nature to culture without theorizing the enormous symbolic process we might call the ‘social’” (Arppe 2009). That is, Girard seemingly fails to account for the process of symbolization that leads to the replacement of the original victim (from the primal scene or original murder) to a ritual scapegoat victim. Thus, even though the Girardian hypothesis of the scapegoat is often used to define the victim in sacrifices, its original formulation is incomplete for my purposes of understanding how the process is implicated in the unique socio-economic context of Canadian capitalism. Fortunately, the modern analysis of sacrificial victimhood put forth by Aleman and Perez-Agote (2021) is instructive and abundant in this regard.

Aleman and Perez-Agote (2021:1) aim to show that the sacrificial status of victims of acts of terror, such as the 2004 Madrid train bombings,⁴⁴ is determined not by cosmic intervention or even personal identity, but in how that status is “interpreted by the communities affected and the manner in which it is ritually elaborated *a posteriori* by society and institutionalized by the state.” The authors analyzed different manifestations of victimhood in official discourses by examining their representation in legislation, in public protests and demonstrations, and in commemorative “performances” staged in Spain (Aleman & Perez-Agote 2021: 2). This was accomplished hermeneutically to address the relationship between sacrifice and terrorism and to highlight the processes whereby social representations of victims are elaborated. In doing so, Aleman and Perez-Agote (2021: 4) are specific on the notion of terrorism and how they view its ritual dimensions existing beyond being political violence

⁴⁴ On 11 March 2004, coordinated attacks targeting four commuter trains in Madrid left 191 dead and more than 1,800 injured. The attack also had major political consequences, having occurred days before Spain’s general elections. The violence was initially attributed to ETA, a Basque separatist organization, but in October 2007, 18 Islamic fundamentalists and three Spanish accomplices were convicted of the bombings <https://www.britannica.com/event/Madrid-train-bombings-of-2004>.

“exercised in the name of a social or political cause... Terrorism contains a markedly ritualistic dimension within which one can identify participants and rites of passage...in which the sacred is manifested.”

In evaluating the role of sacrifice in modern societies, Aleman and Perez-Agote (2021: 2) raise two important issues regarding the concept’s theoretical foundations, which they contend cannot be precisely mapped to the present day. First, they argue that the ritual form loses its capacity to perform its social function effectively in modern societies and has therefore been replaced by a cultural performance. Arguably, this is due to the differentiated and complex nature of advanced societies, making the participation of community members in the ritual (in the way that regenerates social cohesion) difficult or unlikely (Aleman & Perez-Agote 2021; Alexander 2006). Importantly, though, this does not mean that the *narrative* of the sacrificial ritual disappears when cultural performance takes over; in fact, “contemporary social agents keep alive the narrative of the sacred significance of the ritual in many of their social practices” (Aleman & Perez-Agote 2021: 2-3). Whereas the sacralization of the victim in classical sacrifice changes the composition of the victim to further the distinction between ‘sacred’ and ‘profane,’ in the modern political domain of victims of terrorism, the social performance of sacrifice requires establishing binary differences between ‘us’ and ‘them’ (Alexander 2017).

Secondly, Aleman and Perez-Agote (2021: 3) argue that modern societies have introduced many new variants of ‘the sacred,’ which coexist and compete with past representation of the divine. Therefore, at different moments in history, realities such as “the nation, the proletariat, the individual, and democracy have all been sacralised” (Aleman & Perez-Agote 2021: 3). From a post-Durkheimian perspective, this has been endorsed by scholars such as Bernhard Giesen (2006: 329), who links the sacred to collective identity and experiences in a

social community. As such, to understand how society and the state sacralise victims of terrorism, the authors had to pay attention to both definitions of victimhood⁴⁵ and definitions of the sacred – on whose behalf the sacrificial offering is made *and* the relationship between the two. The hierarchal status of society's diverse definitions of the sacred depend on “the intensity and authenticity of the ritual performances in which they are activated, and the relationships binding the communities to which both victim and sacrificer belong” (Aleman & Perez-Agote 2021: 3). Thus, the authors take from Hénaff (2002) in arguing that not all victims are sacrificial and, similarly, not all manifestations of terrorism constitute a sacrificial ritual. For this to be the case:

...the immolated victim must represent the sacrificer, be it an individual or a community. The sacralisation of the sacrificial victim must symbolise an exchange in which something of value – the victim – taken from the secular domain is consecrated, enabling a communion between the sacrificer and the sacred, whose favour (i.e., the fusion between the sacrificer and the sacred divinity) it is hoped to receive in return (Aleman & Perez-Agote 2021: 4).

The takeaway is that, though the “sacrificial sacrality of the victim” may be subject to different interpretations, the importance lies in the symbolic nature of the victim itself (Aleman & Perez-Agote 2021: 9). The rule of ‘symbol’ suggests:

...by attacking the victim, the aim is to attack the values of society and the rule of law, and thus confers a political significance on the victim [who] emerges as a sacrificial offering...reinforcing their link to the nation-state. In the absence of heroes or martyrs who had self immolated in the name of the nation, their place is taken by the victims of terrorism. Thus, the institutional narrative makes an effort to

⁴⁵ Aleman and Perez-Agote indicate that the Girardian hypothesis of the scapegoat is often used to define the victim in sacrifices. However, they argue that this definition is of limited use for them, as they take from Hénaff (2002) that there are important differences between scapegoats and sacrificial victims. For instance, Girard refers to the crucifixion of Jesus Christ using the scapegoat theory and presents this death as the sacrifice of an innocent victim drawing visibility to the arbitrariness of violence in a society. However, Hénaff (2002: 425; see also Beriain 2017) argues that, while Jesus Christ was indeed a scapegoat, his crucifixion was no more than the execution of a disruptive presence at the hands of political power; he further concludes that the “sacrifice” of Christ only occurred in *a posteriori* readings “in evangelical preaching.”

present them as sacrificially sacralised victims.

Aleman and Perez-Agote's work provides an insightful contrast to the various works that present sacrifice as an internal psychological journey, such as with Bataillean sacrifice. Instead, the authors argue that the symbolic nature of sacrifice and of being a sacrificial victim can be applied and elaborated *a posteriori* by society and institutionalized by the state (Aleman & Perez-Agote 2021). Similarly, sacrifice does not represent an acute moment of effervescent rupture or ritual act geared towards community cohesion in the Durkheimian sense; in societies where there exists an 'us versus them' polarization, the validity of the post-sacrificial narrative centering on the sacred value of human life is transient, even fleeting. In fact, Aleman and Perez-Agote (2021: 2) demonstrate how the sacralization of victimhood is used in socially and politically divided societies to establish "the limits of the pure and the impure," or who is a legitimate victim and what is legitimate violence in each sacrificial context.

2.6.2 Summary and Critique: Sacrifice as Collective Projection

The advantage of Girard's theory is that it brings the problem of violence back to the sociology and anthropology of religion, and that it manages to give a logical explanation of some enigmatic ritual practices. For Girard, sacrifice is a mechanism through which society channels its own violence to one arbitrarily chosen victim. This represents an essentially functionalist approach to the theorization of sacrifice: for Girard (1996; 2007) the sacred is not a collective *representation* of society's moral force (à la Durkheim⁴⁶), nor an affective *communication* (à la Bataille), but a collective *projection* of the mimetic violence from which the community wants to protect itself.

⁴⁶ Girard's analysis of the ambivalence of the sacred also reveals the basic difference between his social theory and that of Durkheim. Even though Girard agrees with the Durkheimian assertion that religion's function is to strengthen social cohesion, he disputes the view of the sacred as a collective representation of the force of society (Arppe 2009).

While the Durkheimian model also involves a level of misunderstanding similar to Girard's surrogate victim (that members of society do not realize that they are worshipping society itself when worshipping the sacred), there is no tension or aggression in the former to be pushed outwards on to a victim, since the affective nature of ritual for Durkheim does not entail violence (see Durkheim 1990: 310; 1947: 216). This is one of the main criticisms that Girard directs at the Durkheimian model. In contrast to his predecessor's theory in which the force of affectivity is confronted with the moral power of society and experienced positively (Durkheim 1912; Fleming 2004), in Girard's theory, "the centrifugal, dissolving force of violence can only be canalised in a negative way, by a new act of violence" (Girard 2007: 18). Illegitimate violence is precisely the contagious, freely escalating violence inherent to a given society that can only be mitigated by the legitimate, ritually purified violence of sacrificing the scapegoat.

On the other hand, Girard's theory of sacrifice is often seen as controversial and has been criticized by scholars such as Hénaff (2012), who considers his definition of sacrifice ill-based since it does not take into account the offering involved in (any) act of sacrifice. While there is strength in Girard's theory of sacrifice as not merely a symbolic process, but as very real violence with material consequences, a potential weakness is that he overlooks the symbolic processes in our social arrangements that may affect sacrifice, its reproduction, and its understanding (Hénaff 2012; Aleman & Perez-Agote 2021). However, in my reading of Girard, I find that his theorizing of victimhood and the scapegoat mechanism necessarily appreciates the symbolism involved in sacrifice, especially as it alludes to a reproducing pattern and contexts outside of the targeted moment of rupture. Girard's scapegoat theory depicts sacrifice as "the restaging of a historically real event" whereby a community arbitrarily directs collective violence against a scapegoat to relieve conflict, the choice of which is "mistakenly attributed to some

unforeseen benign aspect of the victim” (Traylor 2014: 132). Thus, for Girard, what makes a sacrifice can be traced back to the chain of events leading up to and resulting in the victim’s death; this implies that there must be reasons or patterns indicating why certain acts become accepted and understood as sacrificial and others do not. I strengthen this approach by bringing the role of the state and state power processes into the conversation, along with the modern social arrangement of the state-corporate symbiotic relationship. Furthermore, if sacrifice, as Girard understands it, is a “reflexive and stylized reenactment of [the] original singling out of a scapegoat” in response to society’s inherent conflict (Traylor 2014: 132), then sacrificial violence can be interpreted as an attempt to replicate those conditions: a *reproduction* of circumstances, environments, and responses which have historically been effective in generating societal stability and renewal.

2.7 A Theory of Sacrifice, In Review

In reviewing the theoretical literature on sacrifice examined in this chapter, I take away three essential elements that are instructive in going forward with my (re)formulation of sacrifice in the modern context and how it is implicated in Canadian railway disasters. As previously mentioned, while I draw heavily on Girard’s theory of sacrifice, my use of his model is a qualified one. I am mainly concerned with advancing explanation of railway disasters as corporate harm and systemic violence. My qualified use of Girard offers an analytical advance over existing criminological approaches, even those of critical origins such as state-corporate crime, specifically in identifying and explaining the role of emergent sacrificial discourses in responses to the Lac-Mégantic disaster.

Taken together, the following sacrificial elements support the original theoretical claims that are foundational to this study: railway disasters are structural violence, manifesting as modern sacrifice. In the case of Lac-Mégantic, various narratives and representations intersect to produce an *emergent discourse of sacrifice* whose primary function is to conceal collective violence through a series of semiotic processes. These operations support and reproduce the macro-level dynamics of the broader social structure that enables such violence as railway disasters, which then necessitates the sacrificial narratives contained in official state responses.

These three elements will be considered here in turn and will feature prominently in the following chapters as the core themes in my critical discourse analysis. Given this choice in methodology, I also end this chapter with a theoretical discussion of the language of sacrifice and the power it wields in shaping social worlds.

To begin, the first element extrapolated from this theoretical undertaking is that **all sacrifice is implicated in violence** as it necessarily demands a loss – “a loss of self, a loss of dignity, a loss of identity, a loss of life” (Bell 2002: 347). This claim is not intended to lump all types of violence together or to imply that all levels of suffering experienced in sacrifice are equal, but rather to stress that whether in the initial suffering that required sacrificial intervention or in the sacrificial act itself that necessarily involved loss, there exists an intimate relationship between sacrifice and violence. I believe this violent aspect has not only been replicated in modern forms of sacrifice but is also more complex and pervasive than the ‘blood on the stone table’ image that we commonly attribute to the ritual.

As indicated in this dissertation’s *Introduction*, beginning from the position that sacrifice is violence is not a common position to take, academically or otherwise. In many ways, this is related to the fact that popular and common-sense understandings of violence tend to involve

restricted conceptualizations of interpersonal violence (Bernstein et al 2009; Galtung 1969) – on the direct, immediate, visible infliction of physical harm. This logic assumes that violence is the product of actor-centered processes resulting in intentional and often senseless harm, such as assault or murder. However, instances of violence in contemporary capitalist societies are complex phenomena and are conceptualized in a variety of ways; this means that modern sacrificial violence is just as complex and just as likely to present itself in a variety of ways. I am specifically concerned with how sacrifice is implicated in structural violence,⁴⁷ which is a wide-ranging form of harm that encompasses the violence of modern life in the broadest sense (Pawlett 2013). This is the violence both implicit and explicit in systems of control, where relations of power are of central concern and where much of the violence is hidden or appears legitimate (Galtung 1969).

Structural violence's relationship to sacrifice and the latter's basis in common morality indicates the importance of the topic for the social sciences. In their research concerning questions of social contract and gift-giving, Hubert and Mauss (1964: 102) argued that sacrifice “nourishes social forces.” When the social function of sacrifice is fulfilled, the social norm is maintained through what is argued as both a symbolic tool and a practical obligation. Thus, a critical analysis of sacrifice as structural violence involves, in part, understanding the ritual from its ideological and material consequences. From this perspective, violence is reconceptualized as a process embedded within social relations and institutional structures – as a simple yet brutal expression of class struggle (Galtung 1969; Pearce & Tombs 1998; Sorel 1999; Cooper & Whyte 2017). Manifesting as inequality of power (Winter 2012: 195), structural violence takes place in

⁴⁷ Structural and systemic are words often used interchangeably to represent the arrangement of and relations between the parts of elements of a complex whole.

class-based societies when, for example, people are harmed because they lack access to resources available to others, including food, shelter, and (safe and fair) employment (for more examples see Pawlett 2013). The need for the language of structural violence, therefore, corresponds to concerns with the specific and indirect (re)production of violence as it relates to powerful corporate actors, who are often overlooked as perpetrators of violence.

The second takeaway from this theoretical discussion is that **sacrifices and their effects are ideological**. In contributing to my theoretical toolkit, ideology theory helps to explain why a certain social phenomenon is likely to occur in a particular form in some societies, including how sacrifice is implicated in the violence of modern capitalism. In order to sustain and legitimize “the continued survival and development of the capitalist mode of production” (Snider & Pearce 1995: 31-32), sacrificial systems must harness consent through ideological means. Broadly, the term ideology refers to particular understandings and interpretations of our social world (Fairclough 2010; Hunt 2004; Purvis & Hunt 1993). Adopting a lens which views sacrifice as ideological can help in examining how certain perceptions condition lived experiences in ways that reproduce the existing social order (Hunt 2004). It also helps to explain why a given phenomenon is more likely to occur within a certain society or socio-historical context.

What my research seeks to uncover is the extent to which sacrificial ideologies are implicated in official responses to railway disasters in Canada, using the Lac-Mégantic case as a foil to better understand sacrifice in the modern context. The term ideology is often understood as a “system of ideas” simultaneously operating in its own sphere and distinct from the structure, while also being shaped by said structure (Hall 1988: 55). It is a materialist concept, one that Marx argued features in all class-divided societies, including capitalism (Leopold 2013). However, there will always be much variation in how ideology manifests, based largely on the

form that social relations take within them (Fairclough 1989). Thus, “although particular political solutions and policies” which are themselves ideological (such as official responses to railway disasters) often “propose to change the structure, it is in actuality the structure that changes ideology” (Whyte 1999: 127). As such, ideology has been argued as the permeation of “a particular view of the world... [a] system of ideas, beliefs, and morals which is supportive of, and reinforces, the dominant class” (Whyte 1999: 127; see also Hunt 2004). In this sense, the unique structure of the Canadian political economy and its relationship to railways will impact the specific manifestations of sacrifice that arise within the context of train derailments, and likewise the sacrificial ideologies that are implicated in the official responses to those same disasters.

To be clear, nothing about the way particular ideological positions occur is natural or inevitable, nor is it about one predominating world view which smothers all others. In fact, as explored above, there is room for a plurality of ideas with issues like sacrifice, including those that are reflective of counter-power movements. Similarly, it cannot be argued that ideologies in and of themselves simply represent material realities, since many claims can be shown to be false or contradicting, at least in part. But the effect of ideological power is it ensures that even the plurality of ideas is defined within certain boundaries of what is deemed acceptable or legitimate (Poulantzas 1976; Soederberg 2001), and as these ideas are “promoted, disseminated, and reproduced, they reach popular consciousness through a variety of means” and become accepted as common-sense⁴⁸ (Whyte 1999: 127-128). Consequently, ideology acts as a type of force

⁴⁸ For instance, idealist accounts of corporate behaviour reinforce the myth that capitalist economic development is our best (if not only) option. The influence of such a narrative – that corporate activity is inherently good, morally legitimate, and beneficial to the wider population – is evident in the popular promotion of capital in the name of human benefit, even when confronted with the harmful realities of the profit-seeking behaviours of corporations (Gordon 2010; Heinrich 2004; Pearce & Tombs 2011).

which constrains and reinforces social organization; and it is important to recognize that the development of ideas, and the resulting political consequences that may emerge, are the outcome of struggle, including within and over the language we use (Fairclough 1989).

For the purposes of this dissertation, a Marxist theory of ideology is employed to emphasize that ideology goes beyond a thought or a combination of articulated concepts that we can use to try to make sense of the world. Rather, “the emphasis is put on ideology being a specific form of distortion... [and] the specificity of the distortion is its function of sustaining domination and reproducing the capitalist system by masking contradictions” (Larrain 1991: 12). Purvis and Hunt’s (1993) reformulation of the concept is instructive in this regard, as the authors argue that ideology is a discursive effect that arises to mystify relations of domination.⁴⁹ The main argument in favor of this reformulation is that it introduces ideology to discourse theory while still “retaining its critical thrust by focusing on the effects of discursive practices” (Toth 2021: 159) which “reinforce and reproduce dominant social relations (Purvis & Hunt 1993: 497; see also Žižek 1994).

To demonstrate how I conceptualize sacrifice as a powerful and impactful ideology that reproduces dominant social relations, and to stress the importance of studying such a phenomenon in contemporary capitalist societies, I will highlight the main characteristics shared by all ideologies⁵⁰ and relate them back to elements of sacrificial intervention. These characteristics will be featured and extrapolated on in my analysis. First, ideologies have a foundational moral component, demonstrated in their ability to make the ideas of a particular group seem both legitimate and universal (Parekh 2015). In fact, Marx defined the very term as

⁴⁹ According to Purvis and Hunt (1993), discourse is a process and ideology the effect.

⁵⁰ Within the Marxist tradition, ideologies all have a “similar logical structure” (Abercrombie 1982: 630).

“a body of thought resulting from the universalization of a partial and narrow social point of view” (Parekh 2015: 29). This perspective is derived not from an individual or group of individuals, but from a *position* – the conditions of existence of particular social class. Consequently, this orientation of thought is necessarily biased towards the social class from which it developed, and “explicitly or implicitly suggests that only a society structured in terms of its characteristic form of thought...is fully rational or consistent with human nature” (Parekh 2015: 30).

The moral or prescriptive dimension of ideology is inescapable because the ideas of a particular group are generalized and presented as the only valid ways to think about the world – an “ideological common sense which holds for everyone” and to which all other social groups are expected to conform (Fairclough 1989: 86). In terms for sacrifice, Hubert and Mauss (1964: 41) propose that the process is “a religious act which, through the consecration of a victim, modifies the condition of the moral person who accomplishes it.” Similar definitions describe the term as a necessary passage of suffering on the way to a supreme moment of transcendent truth (Keenan 2005: 1). Whether understood as part of a commensal relationship with god(s) or a social requirement expressing morality and devotion, the universal truth of sacrifice has remained relatively consistent in that it is an altruistic behaviour necessary for oneself and for whole communities to survive and thrive (Derrida 1995; Girard 2011; Bell 2002). Consequently, sacrificial ideology presents the ideas and experiences of a particular group “as inherent in human nature, and its conditions of existence as the human condition or predicament; and then, from the human nature and condition so defined, it deduces appropriate moral recommendations” (Parekh 2015: 34).

Second, since an ideology is systematically biased towards a specific social group, it is necessarily biased *against* others “whose conditions of existence and forms of thought are opposed to or even at variance with those of the group whose standpoint it reflects” (Parekh 2015: 34). Capitalist ideology, for instance, is biased towards the groups whose conditions of existence solidify and reproduce the capitalist mode of production (i.e., owners), and against those who do not. Consequently, the latter are constructed as irrational or illegitimate (consider criminalized people, rough sleepers, those living in poverty, etc.). For this reason, Toth (2021: 157) describes ideology as “a harmful distortion or mystification which sustains relations of domination” (see also Fairclough 1989 and Thompson 1984). From a sacrifice perspective, links have been drawn between the ideological practice and modern hierarchal societies, with some theorists considering the socio-structural factors influencing ritual sacrifice, specifically when “power, power-differentials, and hierarchy delimit the types of options available, accessible, and applicable to subordinates” (Abrutyn 2017: 532; Kemper 1978; Pearce 2015). However, my qualified use of Girard’s theory of sacrifice offers a distinct analytical lens that extends beyond ideological mystification to emphasize that:

- 1) Sacrificial discourses conceal systemic and recurring collective violence;
- 2) Sacrificial discourses transform representations of corporate violence into something sacred;
- 3) Sacrificial discourses reproduce the broader social structure by stabilizing and naturalizing contradictions.

Finally, even though ideologies operate largely unchallenged, they are unable to critically defend themselves (Parekh 2015: 30). As a systematically biased body of ideas embedded in the basic structure of thought, ideology takes for granted a specific perspective and plucks it out of its context to make it universal and neutral. When this occurs, many social issues are presented as if there is nothing that can be done about them, and it is within such representations that

“domination is articulated as being inevitable and necessary,” or as a specific right, “or simply as not a relation of domination at all” (Toth 2021: 162). In other terms, ideology is one of the ways through which “instances of domination are *made bearable*” (Toth 2021: 162, emphasis original) – as, for example, we are confronted with “more noticeable consequences of climate change, the more cruel and visible forms of structural violence based on race and gender, and so on.” Take, for instance, the critique of religion offered by Marx (1843: 1), in which he argued that religion does not close our eyes to suffering, but rather incorporates both suffering and the protest against suffering within its own discourse. In this sense, ideology refers to the manifestation of lived relations through social practices, which are intended to patch up the cracks and contradictions within systems of domination, not by ‘hiding’ them in the truest sense of the term, but by allowing for a level of confrontation that makes the issue so visible that it is invisible, so exceptional that it is mundane. Or, as illustrated by Kiss (2011: 104, as quoted in Toth 2021: 164), ideology is the mystification “in which the unbearable is still tolerable, the unhappy world offers happiness, hopelessness widens into opportunity, and the unreasonable and unjust becomes reasonable and just.”⁵¹

Despite being necessarily illusionary, this mystification is still based, at least in part, in material realities (Bittle & Frauley 2023; Eagleton 1991; Barrett 1991). That is, while representations of sacred violence under capitalism may boil down to little more than the myths of shared prosperity and community benefit, the operationalization of such an idea in practice

⁵¹ This account of ideology also works in conversation with Slavoj Žižek’s (2009: 65) concept of fetish, in which ideology “enables us to sustain the unbearable truth.” According to Žižek, this is possible because ideology is appealing, it is charming, and it provides the discursive means to come to terms with a threatening reality: that “despite all the sufferings and horrors that haunt the subject’s everyday experience, it is still possible to live a decent life, to immerse oneself in meaningful activities, and to parenthesize the unacceptable misery regarding the pain of others” (Toth 2021: 167).

may have very real and material effects on social relations. The “material force” of mystification is that a particular view of the world can be constructed and “used to shape and define the possibilities for state action” (Whyte 1999: 173), including in response to instances of corporate harm, such as train derailments. Consequently, I conceptualize sacrifice as a process of mystification which sets the parameters of legitimate and illegitimate violence (and by extension the acceptable parameters for state intervention and regulation, the legitimacy of counter-movements, etc.). This is the point at which empirical and ideological constructions assume their powerful material force (Žižek 2008; Purvis & Hunt 1993; Whyte 1999: 133).

The third and final element of sacrifice that I take away from this theoretical endeavor is that **sacrifice’s significance and method of operation is a matter of how it is understood within a given context.** The context for my analysis is 2-fold and layered, involving both the specifics of the Lac-Mégantic case and the broader cultural context. The review of the sacrifice literature presented above demonstrates how routine violence is at the heart of this type of ritual, with sacrificial intervention taking place in an effort to restore balance when conflict is already plaguing a community. According to Girard (2011), the violent aspect of sacrifice not only reflects the potential violence of a society but also provides the opportunity for that violence to be acted out in a culturally sanctioned form – and make the unbearable, *bearable* (Toth 2021). Thus, even when systematically biased, the ideas associated with sacrifice – namely the implicit redemptive quality of the act – contorts the pain and misery of domination into something more acceptable (Campbell-Jones 1980; Hayley 1980; Bremmer 2007).

In the context of contemporary capitalism, these pains and miseries include the widespread and pervasive violence of the economic and political elite. Despite countless examples of the for-profit, limited liability corporation routinely generating massive social,

economic, and environmental harms (Barak 2017; Friedrichs 2010; Tombs & Whyte 2015), corporations remain lionized as inherently rational and benevolent. As they dominate contemporary capitalist society, corporations are popularly portrayed in media and political talks as responsible social actors engaging in productive economic activities, and their harms as regrettable but often unavoidable ‘accidents’ (see *Chapter 4*) – a viewpoint that is much easier to swallow than the reality that millions are injured, displaced, or killed for the annual profit of a handful of wealthy gluttons.

In his book, *Palm Oil: The Grease of Empire*, Max Haiven (2022: 1) uses the story of palm oil as a case study to examine the “globe-spanning system of mystified human sacrifice” he argues is hidden in plain sight within contemporary capitalism. By focusing on the chronology of one specific commodity, Haiven (2022: 1-3) makes the case that the brutalities that define our world – war, famine, overwork, and environmental destruction to name a few – emerged from the nexus of colonialism, capitalism, and empire to produce a “vast and merciless organization of human sacrifice.” While Haiven recognizes the difficulty in making categorical statements about sacrifice given its varying forms and long anthropological and historical use, he nevertheless argues that the present “age of human sacrifice” alerts us to the way in which widespread “death and suffering transpires and is normalized within a capitalist cosmology” (Haiven 2022: 101).

One of Haiven’s core arguments animates a frequently overlooked aspect of historical sacrificial rites and draws parallels with the modern global capitalist society: namely, that the sacrificial society views its violence as natural, inevitable, and required. Speaking of our current state of affairs, he states:

Here too, vast and terrible human sacrifice both reproduces dominant power relations and also transpires within a cosmology. That power and that cosmology are organized around the notion of the market, presented as the natural, neutral,

inevitable, and unquestionable truth of what binds humanity together, the sum of our rational competitive drives. By cosmology, I mean an overarching framework of thought and action, a common sense of causality, a learned institution of how the world fits together that is shared across a society (Haiven 2022: 13).

This premise is central to his conception of sacrifice and subsequent analysis of palm oil and is one which necessarily understands sacrifice not as an acute ritual action, but as a global paradigm in need of focused attention.

Haiven uses a Marxist approach to demonstrate how the palm oil commodity was fetishized⁵² and the language of sacrifice mobilized to justify the invasion of European empires in Africa. Sacrifice was enmeshed in the early chapters of the palm oil story in two seemingly contradictory ways. First, a rhetoric of “primitive” sacrifice was used by the British administration to cloak colonization efforts in a shroud of progress and “bringing civilization to a benighted people” already designated as “other” (Haiven 2022: 26). Since the African people operated with more traditional forms of agriculture and commerce and unfamiliar cultural practices, Imperialist invasion was justified under the belief that they were squandering precious resources while also engaging in barbaric acts of violence commonly associated with ritual sacrifice. Second, that narrative of the “primitive other” was put to further use by the British to justify and diminish *their* own sacrificial violence in the form of colonization, slavery, and land and material theft (Haiven 2022: 26-28).⁵³ Consequently, colonizers were able to entrench their

⁵² Commodity fetishism for Marx ultimately describes how “we come to see certain commodities as almost magical, with innate power” (Haiven 2022: 41). It is possible to use fetishism to capture the multiple and extended socioeconomic relations on which commodities depend, which are often left unseen: “the processes that produced the food that fed those workers, the exploitation of women in the home that reproduced those workers’ labor power, the relations of direct or subcontracted violence and coercion that made each step of the process possible” (Haiven 2022: 41-43; see also Nelson 1999).

⁵³ Haiven also notes that modern sacrifice is also deeply entangled with a racialized capitalism that makes some people more susceptible to harm than others.

power by binding it up in a cosmology that entitled them exclusively and which framed already devalued lives as a small price to pay for destiny. The chronology outlined by Haiven demonstrates that this manipulation continues today in worker human rights violations, deforestation, and racialized harm against disenfranchised groups. These harms only intensified as self-interested elites sought to expand their wealth and power through cheapened labor and resources, and the myriad uses for which they could be exploited, from literally greasing machines during the industrial revolution, to “greasing the wheels of warfare,” to profiting from palm oil derivatives packed into our food (Haiven 2022: 51, 64).

Though Haiven’s analysis of the political economy of palm oil is in many ways unique, he nevertheless reveals something more universal about the nature of capitalism: it compels people to sacrifice and be sacrificed on “the altar of industry” because our global interconnections are shaped by the “fetish power” of the market that we take as inevitable and unquestionable (Haiven 2022: 83-84). In this sense, the problem is not palm oil *per se* (or other commodities generally), but rather the *sacrificial context* within which it is labored over, processed, and the functions it serves within a broader capitalist system. Consequently, Haiven is skeptical that the palm industry can be reformed in any meaningful way, even if the invisible was made visible and massive consumer and political pressure were brought to bear. He argues that industry is adept at capturing government interests and evading regulation, citing the centrality of the corporation in this story of capitalist sacrifice specifically for its role in the slave-taking ventures of the rising European bourgeoisie invading Africa (Haiven 2022: 26). Furthermore, discussions of possible solutions to such social problems tend to be dominated by corporations and governments who are often considered to be the most reliable and legitimate stakeholders. This means that “in official negotiations, the sacrificial cosmology of the market is taken as a

given, something to be worked around or accommodated rather than fundamentally rejected or abolished” (Haiven 2022: 114).

As a response to capitalism’s particular forms of human sacrifice, which he claims, “appear to come from everywhere and nowhere at once,” Haiven (2022: 106, 112) calls for a radical transformation of our material culture and ways of life. Haiven’s position is interesting because it invites us to attend more thoroughly to our global interconnectedness and the sacrificial nature of a system that we are, in one form or another, all complicit in. He encourages us to consider how to act in solidarity with affected communities and to demand the just transition from elite power to workers, communities, and Indigenous people even in the face of a powerful conglomerate of corporations, landholders, and governments seeking to sustain and expand the current system. In short, he calls upon us all to “enhance the scope and sensitivity of our collective imagination” to envision a revolutionary way of being and relating centered on solidarity rather than sacrificial violence (Haiven 2022: 115).

However, nothing is lost in the social evolution of sacrifice. Previous sacrificial forms (i.e. notions of gift, of loss, of altruism or martyrdom) remain and live together with the new form that this phenomenon acquires. This scenario provokes dynamic tensions but also a great pluralism and diversity of forms that sacrifice can develop. Therefore, it would be a mistake to assume that sacrifice performs the same function in current societies that it fulfilled in the past, or that it looks the same across all modern contexts. The very fact that societies change with time implies that a social fact will likewise present several faces depending on the context and on the influence of the different social forces in conflict (Beriaín et al. 2021). Consequently, it would also be a mistake to assume that sacrifice represents a total social fact, that it must perform its one role or nothing else can. Beriaín and colleagues (2021: 1-2) argue that there exists a constant

and endless reshaping of the role that social facts actually represent or can represent, connected as they are with values and tensions around hegemonic institutions and counter-hegemonic movements constructed in each society. As such, I understand that sacrifice performs a role in current societies, but a role in which its meaning as well as its function have already changed. My objective is to explain what this role is in the context of one of the different social ‘faces’ sacrifice presents: Canadian railway disasters. To that end, the unique context of the Canadian state formation and its extensive history with railways provides an equally important layer for investigation (see *Chapter 5*).

2.7.1 The Language of Sacrifice

It is clear from the preceding discussion that modern sacrifice is **a)** violence occurring at the structural level in order to **b)** conceal collective harm caused by the powerful, and in support of **c)** the broader context of corporate capitalism. In addition to these main takeaways, one of the more significant aspects of my theorization of sacrifice is the power of thought and language. That is, sacrificial discourse operates linguistically to conceal and naturalize the violence in question, which is the process that lends it its legitimating and reproductive function. In both the Durkheimian and Bataillean sense, how people understand and relate to a sacrifice is of greatest significance to the ritual, even more so than the loss or oblation offered. Furthermore, both paradigms make clear that sacrifice involves an element of giving, in the form of abnegation or self-renouncement. Consequently, the element of the gift within a discourse of sacrifice can be understood as both a method of external recognition and of self-motivation. On the one hand, “to see one’s fellow citizens as sacrificing for your sake is to understand yourself as a recipient of a gift given by these citizens” (Fortuna 2010: 175); and on the other hand, the relevance of the gift within sacrificial discourse also provides a way of honoring and valorizing those who make

sacrifices – especially when on ‘our’ behalf (Derrida 1992). This language paints sacrificers in a specific light, transitioning them from a formal and abstract relationship to us to one of a benefactor requiring appreciation.

For Fortuna (2010: 171, emphasis original), incorporating a language of sacrifice into the public discourse is one way of “honoring those whose sacrifices help to sustain the democratic community”:

Contemporary society commonly invokes a discourse of sacrifice to honor and pay respect to members of the military who sacrifice in order to make possible a stable and peaceful life for the rest of the democratic community. Such language is meant, at least partly, to give expression to the idea that the rest of us *owe* something to these men and women. We owe them because... our comforts (political and social) are constructed out of the sacrifices of others (which is to say that our lives are at least partially constituted by and dependent upon others’ willingness to make sacrifices and sustain losses). Developing and utilizing a language of sacrifice makes known and public that *we realize this*.

Furthermore, Fortuna asserts that incorporating such a discourse demonstrates that the ‘rest’ of society takes seriously the pain and disappointment that accompanies sacrifices, specifically by shedding light on certain emotions such as anger, disappointment, or resentment (see also Allen 2004). That is, even with the (negative) aftereffects of such a loss, “a language of sacrifice helps us view those sustaining such losses as legitimate actors whose willingness to sacrifice helps constitute the democratic realm which we all inhabit” (Fortuna 2010: 172). It follows, then, that this type of democratic sacrifice of giving *of* ourselves, but not giving *up* ourselves is the ideal – and anything else would be considered illegitimate.

However, what is being taken for granted here is the assumption that the discourse of sacrifice be genuine or employed without ulterior motives. As Fortuna (2010: 174) expresses, “insofar as winners invoke the language of sacrifice simply as a way of encouraging those that

suffer losses to continue accepting them and causing no fuss, such a discourse is not genuine.” My concern, then, is whether sacrifice as implicated in the context of Canadian railway disasters is genuine. Can it ever be? What would such a discourse resemble? What would a disingenuous sacrificial discourse achieve in this context? Understanding the nuances of sacrificial language and how the practice is sustained through these mechanisms is important for this dissertation because I argue that the discursive framing of sacrifice conditions the forms of discourse rendered possible about (corporate) violence. In the Girardian sense, thought and language are as vital to sacrifice as in Durkheim’s and Bataille’s conceptions, but it is significant that the most crucial part comes only *after* the violence: the recognition of sacrifice as such (Arppe 2009: 35; Girard 1996). The ‘framing’ of sacrifice after the fact suggests that there is something about sacrificial discourse that naturalizes violence, an important concept that I believe maintains the ideological and functional divide between ‘legitimate’ and illegitimate harm.

One illustration of the power of sacrificial framing is seen in Heyman’s (2007) analysis of Roman and Christian discourses in conflict. Specifically interested in how sacrifice functions within the literary genre and existential category of the ‘martyr,’ Heyman questions why the deaths of martyrs are evaluated as the ultimate sacrifice while other forms of death are judged differently. Relatedly, he asks what constitutes the appeal of martyrdom: how and why we may relish the idea of a death sentence when it is framed as sacrifice. These questions are answered through an investigation of the ideological religious beliefs of Christians and Romans, beginning around the late Republican and early Imperial Rome. Historically, the clash between Romans and Christians centred on the nature and function of what constituted proper ‘religion’ and not ‘belief.’ According to Heyman, this conflict was couched within the greater discourse of sacrifice; as a result, sacrifice demonstrates its close ties to power as a ‘rhetorical force’ that can

form attitudes or induce actions in human agents. That is, the sacrificial rhetoric of both ancient Rome and early Christianity are argued as inherently discursive, with language operating as a persuasive symbol system used to gain the cooperation of others (Heyman 2007). To this end, Heyman draws on the work of Foucault to demonstrate how sacrifice is so deeply rooted in the human religious consciousness that its association with specific social behaviours, as well as a rhetorically constituted history that has produced a sense of stability and identity for peoples. The idea of sacrifice then functions as a rhetorical marker for creating political power (the glorification of violence that serves the state and dominant social order) and social identity (the martyr, where death is legitimated and worth something greater).

Outside of theology, we often see sacrificial discourse in reference to “extraordinary political actions such as that of the soldier or revolutionary political actor” (Fortuna 2010: 175), or the altruism displayed by first-responders in exceptional circumstances such as the terrorist attacks on 11 September 2001 (Gil-Gimeno and Sánchez 2021). While I do not believe such an application is out of place, I do think it is necessary to extend the scope of understanding to more ordinary and routine situations experienced by global citizens and the power struggles involved therein. For instance, Frank Pearce (2015) brought together issues of democracy and military sacrifice in an analysis of imperial projects and modern injustices. Specifically, Pearce (2015: 1) examined “the role played by sacrificial discourses and sacrificial practices in the organization of states and in the pursuit of their goals.” Building from Durkheim’s approach, Pearce (2015) applies a radical understanding and theorization of sacrifice in Aztec culture to the United States, specifically to the war with Iraq under George H. W. Bush and argued that successful imperialistic societies always impose sacrifices – including death and injury inflicted both on the members of societies that they dominate and on many of their own members. These issues were

explored through a critical discourse analysis of public speeches given by American presidents and contrasted with similar narratives and practices that played an essential role in the social organization of the Aztec empire. Pearce's analysis suggests that violent acts of war can be motivated by ideological and self-interested discourse, while also hiding behind a sacrificial trope that frames such acts as universally beneficial (Pearce 2015; Pearce & Fadley 1992).

The question of how sacrificial language is mobilized in societies is similarly evident in Keren Wang's (2018) work on the rhetorical inventions of ritual sacrifice in the late-capitalist global system. Wang (2018: 100) demonstrates the prevalence of modern sacrifice through case study work of what he terms "state-mandated" ritual sacrifice for economic redevelopment, key to which is the notion that ritual sacrifices are far more than simply acts of religious devotion. Specifically, sacrifices in the form of state-organized rituals can and have been observed as part of crisis management in the face of contradictory social conditions (Wang 2015). As such, the author argues that sacrificial rituals are *rhetorical* in the sense that they are "carefully staged political spectacles, stylized in the form of sacred violence of the purpose of shaping and maintaining orders and norms" (Wang 2018: 2-3).

Wang (2018) performed an analysis of three case studies involving public takings: a landmark decision permitting the use of eminent domain by local governments to seize residential properties for private redevelopment in the United States; the response to a land mining project controversy between a British multinational mining company and a small indigenous tribe in India; and the invention and legitimization of Apartheid in South Africa. In all cases, Wang (2018: 1) argues that sacrificial rhetoric is reappropriated in neoliberal structures of governance, subtly yet effectively rendering violent social transactions more irresistible. Consequently, his work gives potent consideration to the political implications of sacrifice within

the modern context. Each of Wang's (2018: 29) case studies sketch out "local maps," or the contextual dimensions of a given rhetorical moment – from background information to "historically deep... [and] embedded belief structures that maintain and legitimize ritual sacrifice." This analytical step in moving beyond surface text is significant, as it involves locating the boundaries, cracks, and potential points of rupture of the "political and economic fault lines" that run beneath expressions of modern sacrifice (Wang 2018: 29). In the final stage, Wang concludes his textual analysis by applying these multi-layered local maps to a thematic discussion of global neoliberal discourse. In the end, the reader is left with an atlas that thinks of sacrifice globally while delineating the discursive contours of its local variations, an effort which avoids over-abstracting the concept while still excising its larger context of existence.

In addition to this analytical care, Wang (2018: 13, emphasis original) is most instructive in his deployment of rhetoric as a mode of inquiry into the practical, social, and moral implications of sacrifice:

Rituals of sacrifice, like all forms of rhetorics, are strategic symbolic practices formally governed by collectively-held rules and knowledge. It is this social-embeddedness of rituals that allows acts sacrifice to be strategically deployed to exert persuasive effects in a communal setting. In simpler terms, ritual sacrifice is an art with *strategic* and *public* significance.

His work provides five common doctrines that, according to Wang, form the rhetorical foundation for public ritual sacrifice in late capitalism, in the sense that they defined the "appropriate" occasions within his case studies to suspend pre-existing laws and protections to "allow" harmful social transactions (Wang 2018: 194). In the first, ritual sacrifice is deployed as the automatic response to a certain preexisting condition considered damnable by those with power and authority. Second, and relatedly, is that the *modus operandi* for electing sacrifices is seemingly unconditional and impersonal. The third common doctrine serves to bridge the

apparent gap between the promised blessing of neoliberal sacrifices and their actual fulfillment, as sacrificial rhetorics often over-promise and under-deliver (Wang 2018: 210). In short, sacrifice requires we keep the faith without witnessing any materially justified outcomes. The final two doctrines utilize this blind faith to first declare the infallibility of the authority demanding the sacrifice, and then to render these exceptional sacrifices permanent – essentially both preserving the ritual and reaffirming the power involved.

These insights, in culmination with the detailed exploration of sacrifice's theoretical and empirical foundations in this chapter, have led me to conclude two major points regarding the practice of modern sacrifice. First, the violence or 'moment of rupture' occurs in such a way that it sparks the use of sacrificial discourse (as opposed to the discourse of 'crime,' for instance). Consequently, I question what is unique about the circumstances and chain of events that prompted the use of such language. Second, having framed that violence as sacrificial, such an understanding now has implications for available paths moving forward. This suggests that discursive formations of sacrifice condition the forms of discourse rendered possible about violence and how it may be responded to. What I believe is emerging is a hegemonic ontology that tends to represent some acts of violence as legitimate, even necessary or at least unavoidable, and others not. In this framing, sacrifice has the effect of separating and isolating certain actions from the ordinary processes of social life. What is otherwise forbidden, or taboo, becomes legitimate in the sacrificial context (Bourdillon & Fortes 1980: 14). This imaginary distinction between legitimate and illegitimate violence naturalizes widespread harm and destruction, while pushing the violence of powerful actors to the ideological periphery (Sim 2004: 126).

Given that I approach the Lac-Mégantic disaster as a case study of rail disasters within Canadian capitalism, there is particular concern with the influence that sacrificial ideology can have on shaping the function of the state, in the sense that responding to corporate violence with sacrificial discourse can impact our ability to understand harm and hold corporations accountable. Sacrificial ideology can be understood here as a set of ideas that are constructed within complex processes that seek to portray particular forms of violence as necessary and beneficial. Consequently, certain ideological claims or popular convictions made in reference to derailments in Canada may have considerable impact upon the activities of state actors in how they respond to disasters. Furthermore, as sacrifice has its roots in societal equilibrium and reproduction (Durkheim 1973; Girard 2007), sacrificial ideology is also constructed within processes that may seek to build consensus around its role in a capitalist society. The naturalization of sacrifice is a particular discursive frame which engages a narrow range of actors, favors certain principles and standards of behaviour, and demands particular actions (or inactions) by specific actors. Such a frame makes an imaginary distinction between legitimate and illegitimate violence that works in favor of the powerful, sacralising their violence as something more important than the harm inflicted on the victims – the consequences of which are unequally distributed among the less powerful. Given this, there must be an extent to which sacrificial discourses correspond to the mystification and concealment of corporate violence and the reproduction of capitalist class relations – therein lies the purpose of this dissertation. This methodological framework used to achieve this is detailed in the following chapter.

Chapter 3: Methodology

3.1 Introduction

In this chapter I detail the various components that comprise my research design, the purpose of which is to critically analyze the discourses that characterized federal responses to the Lac-Mégantic train disaster. To achieve this goal, I utilize critical discourse analysis, conjunctural analysis, and Derek Layder's (1993) research map design. Such a diverse research agenda helps guard against potential biases that may emerge when relying on one specific method or source (Creswell 1994). By employing a range of methods and sources, I draw on a greater pool of information and subsequently develop a more "in-depth understanding of the phenomenon in question" (Denzin & Lincoln 1994: 2). Specifically, my methodology helps to reveal the complex and often contradictory ways in which sacrifice is embedded within the Canadian state by examining the relationship between the discursive and extra-discursive (Fairclough 2015; Jessop 2004), particularly in terms of how sacrifice is taken up by state-economy processes that naturalize corporate violence. As such, this methodology was also informed by the critical criminology literature on corporate harm and disasters detailed in *Chapter 1* and *4*.

According to Fairclough and Graham (2002), there exists a dynamic and constantly evolving relationship between theory, method, and object of research. This dissertation is "not a matter of pre-existing theory and method being applied to a new object" (Fairclough & Graham 2002: 6), but an exercise in theoretical development intersecting and commingling with methodological elements. Accordingly, the term *methodology* is preferred over 'method' to account for the nature of such a research process, which involves both theoretical development and the purposeful selection of method techniques, while avoiding the sharp distinctions which have traditionally separated the two (Fairclough 2012: 13). Consequently, in building on the

theoretical insights presented in the previous chapter, this research methodology is guided by three key assertions. First, I submit that sacrificial discourses shape understandings of and responses to corporate violence. Although these discourses have their own genesis, developed as they are through various historical, spiritual, cultural, and political contexts (Fairclough 2010), they nevertheless coalesce within particular discursive and social formations to produce specific characterizations of railway disasters in Canada. My second assertion is that the discursive formations of sacrifice that shape understandings of and responses to corporate violence are rooted in capitalist ideology. A third contention is that, to date, the outcomes of these struggles have recreated the conditions necessary for maintaining the Canadian state through sacrificial intervention.

3.2 Critical Discourse Analysis

The methodological framework for this dissertation draws primarily upon the qualitative tradition of critical discourse analysis (CDA) as a means of deconstructing the narratives contained in the official documented responses to Lac-Mégantic. Qualitative research involves the study of particular phenomena to understand their meaning and make sense of an object of study, while stressing the socially constructed nature of reality (Denzin & Lincoln 1994; Layder 1993). Qualitative data can be collected using a range of methods (e.g. interviews, document analysis, participant observation) and interpreted through different paradigms and lenses (e.g. Marxism, critical race theory, cultural studies); the choice is based on the epistemological and ontological properties of a research project (Gaudet & Robert 2018). The decision to employ discourse analysis stems from my goal to critically analyze the discourses that animated official federal responses to the Lac-Mégantic railway disaster and the role of sacrifice therein.

Critical discourse analysis is the practice of investigating, assessing, and critiquing discursive practices and their broader social outcomes, focusing specifically on the dialectical relationship between the discursive and the extra-discursive (Fairclough 2015; Zahman 2021; Jessop 2004). Fundamentally, CDA involves situating language, often described as “an irreducible part of social life” (Fairclough 2003: 11),⁵⁴ within the broader social context (Purvis & Hunt 1993; McKenna 2004). Beyond the use of specific words, it aids the researcher in examining how sentences form texts and the meaning that language has within “larger units and structures which are implicitly recognized by speakers and hearers” (Mills 1997: 135; Fairclough 1992). Therefore, since texts are understood as both socially-structuring and socially structured, it is necessary to examine not only how texts generate meaning, but also how the production of meaning is itself constrained by emergent, non-semiotic features of social structure (Jessop 2004; Bittle 2012). I employed CDA with the goal of understanding how federal responses to the Lac-Mégantic derailment correspond to the broader socio-economic context and reflect the routine and sacrificial violence required of, and embedded within, the Canadian state formation.

Although Fairclough (19992: 225) has stated that there is no “blueprint” for “doing discourse analysis,” he does maintain that the approach has three basic properties:

...it is relational, it is dialectical, and it is transdisciplinary. It is a relational form of research in the sense that its primary focus is not on entities or individuals... but on social relations. Social relations are very complex, and they are also ‘layered’ in the sense that they include ‘relations between relations’ (Fairclough 2010: 3).

In addition, Fairclough (2012) developed and put forth a particular version of CDA that comprised a four-stage methodology. Stage one entails focusing on the semiotic aspects of a

⁵⁴ A ‘discourse’ is described as “a particular way of representing some part of the (physical, social, psychological) world” (Fairclough 2003: 17).

given social issue, namely through the selection of a research topic and the theoretical construction of research objects (Fairclough 2012). Stage two involves considering and naming potential obstacles for addressing the issue at hand, including a dialectical analysis of social elements, as well as selecting the texts, sensitizing concepts, and categories of analysis related to the object of research (Fairclough 2012). Stage three involves considering the connections between the issue in question and the larger social order, while stage four entails the identification of possible solutions to the issue in, for example, counter-hegemonic claims or other forms of resistance (Fairclough 2012).

I approached my analysis according to the specific nature of my project, as well as my views on discourse. What makes CDA a critical tradition is the notion that language is produced by and subsequently (re)produces hegemonic power structures, working ideologically to obscure and legitimize domination (Jessop & Sum 2018). Consequently, one key element of contextualizing discourse is determining what gives a particular discourse weight or ‘truthfulness’ (Bittle 2012). Some discourses are privileged over others, often to the benefit of powerful actors and groups, due to the strategies involved in reproducing social relations (albeit in fluid and nondeterminative ways). Consequently, in exploring how discourses are imbricated in the (re)production of broader social relations, we can also better understand how they construct and maintain power relations (McKenna 2004: 15). Furthermore, contextualizing discourses of disaster response and corporate violence can help reveal the extra-discursive factors implicated in the selection and persistent use of certain discourses, as well as how those discourses impact, stabilize, and reproduce the state formation (Jessop 2004).

As detailed in the previous chapter, I supplement my discourse analysis with ideology theory to emphasize the social processes involved in the mobilization of sacrifice in response to railway disasters and the concealment of corporate violence through ideological discourses. Analytically, discourse analysis is suitable to the study of ideology because, unlike more descriptive methods of analysis, CDA seeks to uncover the role discourses play in reproducing *macro* structures (Fairclough 2010: 45, emphasis added). This involves interrogating the connections between discourses and power relations, including how the former may establish, strengthen, and reproduce the latter (McKenna 2004). At its core, this project seeks to understand and explain how both corporate violence and the Canadian state are preserved and legitimated through certain ideological discourses, namely those of sacrifice. As such, a discussion of ideology becomes important because, as Hunt (2004: 606) argues, “while discourse theory is essential to distinguish between and understand the mechanisms through which discourses work,” ideology is what gives discourse directionality.

To be clear, ideology theory does not attempt to establish direct causal relations but rather to explain how and why certain claims are more readily accepted in a society. The directionality of ideology is captured through analyses which focus on *ideological effects*, or the effects of discursive practices, which always work in favor of some and to the disadvantage of others (Purvis & Hunt 1993: 478; Foucault 1972). In other words, discourses become ideological when the social meanings they communicate are associated with relations of power (Fairclough 2012; Fairclough 2010). This is why critical connotations of ideology are connected, in one way or another, with distortion, concealment, and contradictory realities (Marx & Engels 1976). Conceiving ideology in this way “delimits a realm in which social knowledge and experience are constructed in such a way as to *mystify* a situation, circumstance, or experience” while

(re)producing relations of domination and subordination (Purvis & Hunt 1993: 476, emphasis added). These relations are not (always) reflective of the ruling class dominating by intentionally suppressing certain ideas, but rather “the structure of social relationships systematically generates ideological distortions which serve the class-interests of the dominant class” (Keat & Urry 2011: 131; see also Pearce & Tombs 1998). Therefore, applying CDA to my conception of sacrifice as ideological is an attempt to explain how certain social processes legitimize domination, reproduce existing power relations, and impede less powerful groups from fully understanding “the nature of their subordination” (Purvis & Hunt 1993: 478).

Taken together, ideology theory and CDA demonstrate how power influences common conceptions and beliefs. Regarding official responses to the Lac-Mégantic disaster, I am most concerned with the processes of naturalization that render certain ideological discourses as something commonsensical. An ideological form of common sense is powerful, because in harnessing consensus one is also harnessing consent – even when that consent is for the maintenance of unequal power relations (Purvis & Hunt 1993; Pearce & Tombs 1998; Fairclough 2010; Snider 2000). These outcomes ultimately feed into what Pearce (1976: 90) called the “imaginary social order,” wherein a particular and inconsistent perception of the social world is taken up and the actual practices of states and corporations are obscured. In the case of my research, ideology theory is a useful tool in understanding the contradictions in the actions taken by the Canadian government in the aftermath of the Lac-Mégantic disaster and in highlighting the dominance of railway companies, safeguarded through their symbiotic relationship with the state.

Despite their material consequences, I do not argue that ideologies in and of themselves represent material realities. Rather, ideologies stem from truth claims that are compatible with

the interests of dominant groups who have greater ability to promote such discourses over others, and as these ideas are “promoted, disseminated, and reproduced, they reach popular consciousness through a variety of means” and become accepted as common sense (Whyte 1999: 127-128). Often, the winning claims are the ones made by those in positions of power and trust, such as members of government and industry leaders, and are therefore challenged less frequently and with less success (Snider 2000). The naturalization of a particular set of ideas does not mean that they are inherently superior claims, but the effect of ideological power is that it ensures that even the plurality of ideas is defined within certain boundaries of what is deemed acceptable or legitimate (Poulantzas 1976). This point reinforces sacrifice as a powerful ideological tool deserving of deeper study, as the ideas associated with sacrifice – namely, its implicit redemptive quality – can contort the pain and misery of domination into something more acceptable (Campbell-Jones 1980; Hayley 1980; Bremmer 2007).

What is or ought to be meaningful in a system of representation is not only the result of symbols (such as words), but also the connotative meanings generated by associations between words and contexts (Gaudet & Robert 2018). The ways in which different elements are combined give discourses their ideological significance, and therefore it is a discourse’s meaning within its particular social context that constitutes its ideological context (Foucault 1974; Bremmer 2007; Campbell-Jones 1980). However, it is important to note that my use of CDA diverts from strict interpretations that equates language with social construction and meaning (see Fairclough, Jessop & Sayer 2002; Pearce & Tombs 1998). That is, while sacrificial discourses may impact understandings of corporate violence, this project is not about trying to use ‘sacrifice’ as a way to attribute meaning to corporate crime. Instead, it is about how the discourses that characterized responses to the Lac-Mégantic disaster are constitutive of a broader

context that *requires* sacrifice. The language of sacrifice does not exist because Lac-Mégantic happened; the disaster was made possible due to the convergence of conditions specific to its existence. Consequently, I consider not only discourses of sacrificial violence, but the violence of sacrifice *within* a convergence of other discourses specific to the “conditions of existence” of capitalist societies (Foucault 1972: 38; Purvis & Hunt 1993).

3.3 Case Study and Conjunctural Analysis

To identify sacrifice’s ideological context, I use a case study research design. Case studies have been used in the social sciences for a variety of purposes: in exploratory and descriptive research, to generate theory, and to create social change (Van den Hoonaard 2012). The history of case studies has been marked with various definitions, some of which have been criticized for confusing the case study proper with techniques of data collection and analysis (Blaikie 2010). That is, the case study is not one or a number of specific techniques (such as interviewing or observation) but is regarded as a “mode of organizing data” in terms of a particular unit of analysis, such as an individual, social group, or process (Blaikie 2010: 188).

The case study design was chosen for this project as a unique and useful approach to theory development and theory-generating research. According to Flyvbjerg (2006: 222), the case study produces the type of “context-dependent knowledge and experience at the heart of expert activity”⁵⁵ and will help to develop a nuanced understanding of the complex reality under examination here. Furthermore, a case study allows me to recognize a layered ontology while remaining wholistic in my approach (Jessop 2014), capturing a snapshot of the particular social forces and discourses that converge and crystalize into the naturalization of corporate violence.

⁵⁵ Flyvbjerg (2006: 223) also argued that “cases are important for researchers’ own learning processes in developing the skills needed to do good research.”

In other words, I believe that the frequency of train derailments⁵⁶ and the lack of (state and industry) accountability for disasters like Lac-Mégantic is symptomatic of a sacrificial common sense embedded within our system that renders such violent social transactions more palatable, even legitimate (Girard 2013; Wang 2020).

I undertake my examination of the Lac-Mégantic case in part through conjunctural analysis – a type of analysis which is historically and contextually specific (Flohr & Harrison 2016). Not simply an exercise in identifying context, conjunctural analysis is “an exploration of the assemblage, coming together, or articulation of particular forces, determinations or logics at specific times and spaces” (Barker 2000: 382). Moreover, it draws on Marxist traditions to examine the role of culture in the reproduction of class relations⁵⁷ – the common sense that permeates a society in a given moment and which makes certain outcomes possible (Gilbert 2019). Conjuncture is the central concept of the Marxist science of politics; it denotes the state of overdetermination of the contradictions of any given moment (Althusser 2005). That is, conjunctural analysis begins from the premise that reality is contingently relational and any social problem we encounter is therefore *overdetermined* and constitutive of a unique combination of forces coalescing under certain conditions to animate outcomes.

Thinking conjuncturally can be “...broadly defined as the analysis of convergent and divergent tendencies shaping the totality of power relations within a given social field during a particular period of time” (Gilbert 2019: 6; Grossberg 2019). Conjunctures have no necessary or

⁵⁶ There is an even higher rate of railway incidents involving runaways and collisions, in addition to those involving derailments and containment disasters (see *Chapters 5 and 6*). This not only indicates the widespread and pervasive harm caused by the rail industry but the potential for future harms, including more large-scale disasters.

⁵⁷ Conjuncture originated as a key political concept in Marxist theory and was later developed in large by Lenin, Gramsci, Althusser, and Poulantzas – all of whom were concerned with conjuncture as both an object for historical and material analysis and as a point of political intervention.

specific duration; rather, “their time is determined by the capacity of political forces...to shape new alignments or to overcome (or at least to stabilize) existing antagonisms and contradictions” (Clarke 2014: 115). This approach works cooperatively with CDA, as it entails an interrogation of “semiotic practices” and the “general social domain of meaning making” (Gilbert 2019: 9), especially as they relate to the various power relations within a social context. As such, examining the Lac-Mégantic case through a conjunctural lens means focusing not only on the details of the case itself, but how those details are revealing of the factors that are constitutive of the capitalist power relations within the Canadian state formation. From this perspective, my use of conjunctural analysis is best understood as being aligned with:

A species of political sociology, with an analytical emphasis on the study of semiotic practices and a heavy bias towards qualitative modes of analysis. Its primary objective is to map power relations... in a given social field, with particular attention to the ways in which those relations are changing at a given moment (Gilbert 2019: 6).

The focus on power relations is important because, as Stuart Hall emphasized, the ultimate goal of “mapping the specificity of the present [and] situating current developments historically” is to look out for political opportunities for change (see Gilbert 2019: 5).

Consequently, there is a necessary effort here to situate train derailments as an object of study within a wider set of social relations and historical tendencies. Taking a more historical perspective allows me to denaturalize and politicize many commonsense perspectives that are likely to emerge in my data – such as those that equate progress and prosperity with the technological innovation of Canadian railways or with the practices of capitalism generally. As Grossberg (2019: 60) argues, the point of conjunctural analysis “is not merely to map an outcome (where we are) but how we got here, how we are sustained here, and how we might get out of here.” My analysis of the Lac-Mégantic disaster is, therefore, more than an illustration of

one tragic event: it is a foil that demonstrates a larger problem to be tackled politically. Using conjunctural analysis, I approach the data as both a crucial site for the *normalization* of corporate violence and a sacrificial state, and as a potential site of *contestation* wherein different ideas could indeed challenge such hegemonic common sense.

Common sense becomes hegemonic through powerful and mystifying processes that transform dominant conceptions into “natural, transparent, and unquestioned” forms of knowledge (Purvis & Hunt 1993: 479), which influence our social interactions, our meaning-making processes, as well as our values and belief systems (Fairclough 1989). Antonio Gramsci (1971) referred to the problem of hegemony as the intellectual and moral aspect of ruling class dominance, explaining how subordinated classes become constituted within dominant conceptions of reality (Gramsci 1971; Leopold 2013; Langman 2015). As a concept, hegemony works with my understanding of ideology in addressing common sense understandings of sacrifice, corporate violence, and the function of state power. However, while complementary, the two are not interchangeable concepts. In perhaps the simplest way, hegemony can be distinguished as an *effect* of ideology, the outcome of particular dominant discourses becoming naturalized and supported over alternative ones (Purvis & Hunt 1993: 490).

Within critical corporate crime scholarship, Gramscian notions of hegemony and common sense are useful for understanding such topics as corporate violence and state responses to corporate harm. In fact, in their examination of how corporate power functions, Carroll and Sapinski (2018: 99) suggest that “strong hegemony” is achieved when capitalist ideas and values become accepted as common sense. This is observed, for example, when capitalist ideology prioritizes protecting a company over holding corporate actors accountable for their harms because understanding of what constitutes “real” crime is constrained by common assumptions

about the natural, necessary, and ultimately beneficial nature of corporations (Bittle & Snider 2006). The dialectical processes of defining (and defining away) corporate harm allow powerful groups to virtually monopolize the debate about violence (Sim 2004), thus contributing to the construction of a commonsense discourse concerning the nature of violence in capitalist societies – one that does not typically include the violence of corporations. The “ideal representation of the interests of the ruling-class as universal interests” (Scott & Marshall 2009: 305) is, in consequence, a process by which the domination of the capitalist class is continually being reproduced.

Conceptualizing hegemony is beneficial for my analysis in three ways. First, it helps me to counter the trap of economic reductionism. While the economy is certainly prevalent in this analysis, “conjunctural crises are never solely economic. They arise when a number of contradictions at work in different key practices and sites come together – or conjoin – in the same moment and political space” (Hall 2011: 9; Gramsci 1971). From a strategic-relational approach, the state is likewise understood to exist “at the level of the social formation, not at the level of the mode of production” (Flohr & Harrison 2016: 308). Second, and relatedly, hegemony is a useful concept for thinking about (social, political, class) domination and subordination in a way that goes beyond reducing such relations to simply a way of reproducing the economic sphere. That is, in unequal relations of power the ruling class does not simply rule by default, their “power in one domain had to be translated into political, social, and cultural authority or leadership” (Clarke 2014: 117). While the state will undoubtedly have “inbuilt biases that privilege some agents and interests over others... whether, how, and how far these biases are actualized depends on the changing balance of forces” and their strategies (Jessop 2016: 54).

Lastly, conceptualizing hegemony is useful for avoiding the “functionalism characteristic” (Clarke 2014: 117) of ideological domination that is often raised in critique of Marx and Engel’s *German Ideology*. Rather, it poses the question of “ruling ideas” (Marx & Engels 1932/1970: 64) differently, and in a way that I find particularly useful for my analysis. The question is one of consent, specifically how the consent of subordinated groups is gained and maintained by powerful ones. It is important to note that this process is neither natural nor inevitable and takes work to accomplish and uphold. Consider the discussion of sacrifice and voluntary victimhood detailed in *Chapter 2*, the most basic premise of which was that consent is reflected in victims offering no visible resistance (van den Bosch 2007; Abrutyn 2017). In these examples, the ‘voluntary’ nature of sacrificial victimhood involved drugging with alcohol and opioids, the breaking of limbs, or the threat of public chastisement; all of which avoid the immediate visual of excessive force and coercion in the traditional sense and also indicate an internalization of myths and mechanisms that justify such acts as ‘consensual’ (van den Bosch 2007: 213; Abrutyn 2017: 528).

Hegemony’s usefulness for my methodological framework, consequently, is found within its understanding of social forces (and their political representation) in our current conjuncture. Within this framework, the state is understood as a ‘collective fiction’ (Bourdieu 2014), the product of struggle among varying interests but with very real effects. Despite the appearance of a relatively fixed and stable nature, states are constantly changing and “the *real* can comprise diverse mechanisms that, through interacting tendencies and counter-tendencies in specific conjunctures produce *actual* effects that are the overdetermined (or contingently necessary) result of these particular interactions” (Jessop 2014: 483, emphasis original). This integral view of the state allows for a nuanced understanding of how vested interests – like Canadian railways

– gain and retain their privileged status. In any given historical moment, “the ways that members of the capitalist class will perceive their collective interests are an open question” (Block 1991: 872), and in this thesis, the discursive processes through which powerful groups construct perceptions of common interests in railway disasters move to the centre of analysis.

3.3.1 *Layder’s Research Map*

To aid in achieving conjunctural analysis’ primary goal of “map[ping] a social territory, in order to identify possible sites of political intervention” (Gilbert 2019: 15), I employ Layder’s research map design (see Appendix D). I use the research map and its elements not as a closed conceptual framework, but as “sensitizing devices” (Layder 1993: 105) serving as ongoing facilitators of theoretical thinking in relation to my research work. The research map is a prompt with two main functions. First, it facilitates an easier back-and-forth between my data and my theoretical framework, providing a space to refer back to “for theoretical ideas or suggestions for lines of empirical enquiry as the research proceeds” (Layder 1993: 73). Second, the map can be used to relate potential research findings to more general theoretical issues in the social sciences and, using conjunctural analysis, act on them politically. Even though I am focusing on one particular case of corporate violence, the case study is a foil to expose a larger problem: Lac-Mégantic is but one example of interwoven relations that led to a rupture, but sacrifice is not contained within the parameters of this case. My aim is to speak to the ongoing and embedded discursive formations of sacrifice and the naturalization of corporate violence in the Canadian state and the railway industry.

Layder’s (1993: 72) research map consists of four main levels of social organization, or domains: the self, situated activity, setting, and context. Beginning at the micro level, the *self* refers to social actors and their identities and is defined through an individual’s social

experience. According to Gilbert (2019: 17), “no attempt at analysing a specific socio-historical situation can avoid engaging with the question of how the human agents involved in it understand their positions, their actions, and their world.” I approach this with specific reference to what textual and ritual practices serve to reproduce (or contest) these understandings and how they may be shaped by underlying power dynamics consistent with the Canadian state-railway relationship. *Situated activity* refers to the type of social activity as defined by self-perception as well as by social setting. Interactions at this level are “face-to-face activities involving symbolic communication” and their examination requires a focus on “emergent meanings, understandings, and definitions of the situation” (Layder 1993: 72). Situated activities affect and are affected by both the larger setting and context, as well as the disposition of individual actors (the self). The most distinct characteristic of situated activity is that it shifts focus from individual perception and reaction to the *dynamics* of the situation. For my purposes, the domain of situated activity reveals within my data various styles of participation in routine and ritual sacrifice, as well as its distinct relation to the setting in which sacrifice occurs.

The level of *setting* refers to the immediate social environment, including work (industrial, military, state bureaucracies) and non-work (religious groups, sport teams, and social clubs) types of organization (Layder 1993: 72). Finally, *context*, as the most macro dimension, shapes arrangements within the setting and encompasses common phenomena used in sociological analysis, such as class, gender, and race relations (Layder 1993: 99). Significantly, context draws our attention to the “largescale, society-wide distribution” of resources, such as material goods or authority and power (Layder 1993: 99). As an object of *conjunctural* analysis, context refers to the historically specific, concrete yet contingent “organization – by power – of the social formation as a configuration of unequal positions and relations” (Grossberg 2006: 3).

Such macro features are important for this analysis in addressing certain cultural elements of sacrifice, including values and norms, codes of behaviour, linguistic forms, and the common sense attributed to particular forms of social and economic organization and power relations.

An important condition of setting and context is that they both have a character that is already established – an “ongoing life that is identifiable apart from *specific* instances of situated activity” (Layder 1993: 90, emphasis original). So, while settings and contexts are always sustained by social activities in general:

...from the point of view of specific participants entering these settings, they are experienced as already established forms of organization, with which they have to contend in various ways (‘fit in’, conform, reject, resist, enjoy, ‘use’, and so on). Similarly, when specific participants move away from them, these settings and contexts generally remain substantially unchanged. Think, for example, of people leaving hospital... or of people entering and leaving a restaurant, a sports and leisure centre, or a pub or cinema (Layder 1993: 90-91).

In other words, social production and social reproduction are happening at the same time. On the one hand, settings and contexts are in large part made up of reproduced social relations that are continually evolving over time. On the other, we cannot underestimate the extent to which aspects of setting and context can penetrate the subjective worlds of people and influence our activity.⁵⁸

All four domains of social organization exist within the overarching dimension of *history*. For Layder (1993: 101), history represents the temporal dimension on the research map through which all the other elements necessarily move. This means that, as social processes, *the self*, *situated activity*, *setting*, and *context* all have their own distinctive emphases in relation to time.

⁵⁸ Consider, for instance, Goffman’s (1968) classic work on ‘total institutions’, in which asylums and prisons are able to control the meaningful world of individuals by excluding external ones. The personal identities, level of communication, and patterns of social interaction of contained or imprisoned people are largely suppressed by the authority structure of such institutions.

While each domain could correspond to a specific research focus and be scrutinized separately, all levels of social organization are closely interrelated and the strength of the analysis lies within these connections (Layder 1993: 71; Clarke 2005, 2009). This is consistent with the “assemblage, coming together, or articulation of particular forces...or logics at specific times and spaces” of greatest importance to conjunctural analysis (Barker 2000: 382). Consequently, all the empirical data analyzed using the map – the official documents – are also considered in connection with each other (Layder 1993: 9).

3.3.2 *The Canadian State*

Given the contextually specific nature of my analysis, the case study is supplemented by a condensed narrative history of Canadian railways and their development, with “keen critical sensitivity” directed at the state-corporate symbiotic relationship (Gilbert 2019: 10). This approach fits well with the other elements of my research design, as critical discourse analysts see the state as a site of political struggle in which groups with opposing interests fight for power and subsequently produce ideology in advocating for those interests (Jessop & Sum 2018; Pearce & Tombs 1998). As Marx and Engels argued, these interests can only be conveyed through language, making it the most useful and accurate tool available for this struggle (Jessop & Sum 2018). However, as detailed above, the discursive cannot be separated from the extra-discursive, and an analysis of language is only useful when placed within its broader context (Pearce & Tombs 1998; Fairclough et al. 2015; Jessop & Sum 2018). As such, my analysis is performed with reference to the changing political economy of the Canadian state and its uniquely intimate relationship with the railway industry.

Given this focus on the Canadian state and official responses to the Lac-Mégantic disaster, an integration of state theory with my analytical framework is useful. As such, I draw

on the work of state theorist Bob Jessop (2016, 2009, 1990) and his strategic-relational approach (SRA) to state power. This approach is beneficial for investigating the sacrificial discourses implicated in official responses, while appreciating the political contestation that plays out in an environment that encapsulates the state, its formation, its capacities, and power – but not simply as a singular whole, a geographical territory, or unified actor. Rather, Jessop (1990: 341, emphasis added) argued that the “core of the state apparatus comprises a distinct *ensemble* of institutions and organizations” whose socially accepted function is “to define and enforce collectively binding decisions on the members of a society in the name of their common interest or general will.” Consequently, the focus is less on the ‘state’ *per se*, and more on state power, which Jessop (2016: 54) defined as “a contingent expression of a changing balance of forces that seek to advance their respective interests inside, through, and against the state system.”

In this sense, it is not necessary (or really possible) for me to capture the essence of the Canadian state but rather use my theoretical and methodological tools to better understand “its changing forms, functions, and effects” (Jessop 2016: 54) in relation to train disasters. This is also useful for rejecting the notion of the state as a neutral and objective actor, or as a passive tool of the economic class. Instead, “the state will always be predisposed towards some means of action and some type of actors through its specific history of formation and evolution” (Silvester & Fisker 2023: 4). I draw on Jessop’s (2014: 481- 485) “political ontology of state power as a social relation rather than a political ontology of the state as a structured entity,” and in particular “how ideas about the nature and purposes of the state share the exercise of state power” in the context of an institutional ensemble. Jessop (2016: 61) identified six dimensions of the state through which to analyze its “organizational form and sociopolitical bases”: forms of representation, internal organization, forms of intervention, social bases of state power, state

projects, and hegemonic formations. These dimensions are useful for integrating state power into my analytical framework in a way that makes sense for how such powers are mobilized in concrete situations like the Lac-Mégantic rail disaster.

Forms of representation include the electoral and administrative systems of liberal-democratic states, and the many ways in which various social forces gain formal and informal representation “to voice and promote their contingent material interests and their unconditional ideal interests” (Jessop 2016: 61). The promotion of certain interests (and values) is achieved through a differential access to centres of political decision making and influence. As detailed below in my data selection, political parties, Committee meetings, and federal safety advisory committees are examples of key sites of representation positioned outside of the state apparatus, but are important parts of the integral state.

Internal organization refers to the “institutional architecture of the state apparatus” and concerns the distribution of power between various branches of government (Silvester & Fisker 2023: 4). Jessop (1990) also considers the relative weight behind a state’s various administrative components, as well as the relations between central, regional, and local governments. Relatedly, forms of intervention refer to the means and capacity for action invested in by the state, including coercive measures of legislation or taxation. However, it can also be more subtle forms of governance where state actors manage to intervene in society through consent (Davies 2014). Measures of coercion and consent affect the social bases of the state, “the institutionalized social compromises which allow states to survive and function” (Silvester & Fisker 2023: 5). For Jessop (2016: 72), a social basis consists of a specific configuration of forces (often referred to as ‘the people’) that support “the basic structure of the state system, its mode of operation, and its objective.” Social compromises are unstable and subject to the pressures of changing social

forces, and the extent to which support is willfully given is often dependent on the aforementioned forms of representation.

State projects refer to the principles and practices that “define and regulate the boundaries of the state system vis-à-vis the wider society” (Jessop 2016: 84). Pursued and promoted by state officials, these projects account for the nature and purposes of the state and lend enough coherence and internal unity, at least operationally, for the state apparatus to perform its tasks.⁵⁹ Significantly, this also justifies authority outside of itself, providing a link to Marx’s notion of the state’s role in articulating an “illusionary ‘general’ interest” (Marx & Engels 1979: 47), which has clear implications for my theorization of sacrifice. Hegemonic formation is closely related to state projects because the latter crystalize “out of broader hegemonic tendencies” – the scope of which are global and “condition what kind of state project is politically feasible in any given conjuncture” (Silvester & Fisker 2023: 5). Whereas the social basis of a nation state is more-or-less co-extensive with its territory,” state projects cannot stray too far from what is deemed acceptable by prevailing hegemonic formations – the norms promoted and defended through global organizations such as the United Nations and the World Bank (Silvester & Fisker 2023: 5). As such, a state project pursuing a transformation of the railway safety regime, for instance, would only be politically feasible if it were somewhat reconcilable with the hegemonic formation.

This theorization of the state and state power informed my choice of data selection (see below). Despite not being a single, unified entity with its own agency *per se*, the Canadian state “does have various capacities and action-relevant biases inscribed in itself” (Jessop 2014: 485),

⁵⁹ This is not considered part of a functionalist approach to the state or power, because what the state ‘is’ or what the state must ‘do’ is never set in stone (Silvester & Fisker 2023: 5).

and the documents under investigation here are illustrative of the “relationship between social forces mediated through the institutional structures and selectivity of the state” (Flohr & Harrison 2016: 307). As previously stated, my goal is not to evaluate the effectiveness or appropriateness of specific state actions following the disaster, but I do reflect on “the institutionally mediated condensation of a changing balance of forces that are oriented to influencing state policies” (Flohr & Harrison 2016: 308). Any changes that arose in the aftermath of Lac-Mégantic were not naturally occurring, nor can they simply be explained as a “reflex” to underlying social or economic forces (Block 1991: 873). Thus, in taking lead from Jessop’s SRA, my analysis emphasizes contingency and pays attention to the discursive strategies that influence and are influenced by those changes.

3.4 A Merging of Theory and Method

This dissertation is a unique examination of the communion between structural abstractions (sacrifice, violence) and specific cultural phenomena (train derailments, state responses). I offer engagement with the ways in which the Canadian state formation and its crises are rooted in sacrificial violence. Given the importance of railways to the Canadian context and the historic inseparability of the railway industry’s interests from the general well-being of the nation, I anticipate hegemonic discourses of sacrifice to play a pivotal role in how the violence of Lac-Mégantic was constituted and subsequently responded to, demonstrating the consequences of such discourses for social practices.

The purpose of this project is not to determine the cause of the Lac-Mégantic disaster, nor is the Lac-Mégantic case study representative of every other train derailment in the country’s history. This would not be feasible, as it is “the general ensemble of power relations producing the cultural phenomenon under investigation” in each case that constitutes the “level of

abstraction at which the analysis is carried out”⁶⁰ (Gilbert 2019: 8). That being said, what this dissertation in its entirety does offer is insight into the “assemblage, coming together, or articulation of particular forces” (Barker 2000: 382), the accumulation of contradictions and circumstances that produce a *moment* which is “overdetermined in its principle” (Hall 1990: 130). Different contexts can be overdetermined by the same agents of force, but the mechanisms by which these forces manifest and how they become articulated to each other depend on the historical and social conditions of the context itself (Aksikas et al. 2019: 262). As such, I focus on the mechanisms and operations of power within a specific context and, in line with conjunctural analysis, “employ a variety of concepts and theories based on their analytical value for that context” (Aksikas et al. 2019: 264).

I believe this could be a critical moment of translation in the relationship between sacrifice and the state formation, and what this relationship means for how we understand our current conjuncture. To borrow from Gramsci (1971: 324-325), “commonsense is a collective noun, like religion: there is not just one common sense, for that too is a product of history and a part of the historical process.” This is important, as it points to “the work of political articulation” (Clarke 2014: 119) that is required to colonize selected fragments of common sense and create the illusion of unity and shared interest. The idea that sacrifice could be operating in our current conjuncture in different ways than popularly understood – in ways that do not align with common sense – is a novel contribution to the area. Sacrifice is most often understood as an act (immolation), or a series of rituals culminating in one moment of rupture; but it is possible that sacrifice as applied to corporate violence – the Lac-Mégantic train disaster – is a *failure* to act, a justification to leave things as they are rather than confront corporate power and demand

⁶⁰ The relative durability or contingency of those power relations also varies from case to case (Gilbert 2019:8).

accountability or change. But even in doing so, something is still continuously being created, not only in the physical documents under scrutiny in the following analysis but, as I will argue, in the extensive “ideological work” (Dodd 2006: 238) that is done to reproduce the Canadian state formation through the sacrificial functions of those documents.

I accomplished this methodological undertaking by integrating a range of data sources, including the TSB’s investigation of the Lac-Mégantic disaster, transcripts of Standing Committee meetings from the Parliament of Canada, rail and transportation safety reports, and official communications from the Minister of Transport. I chose to use only federal responses for this analysis because the Lac-Mégantic disaster involved a runaway and main track derailment of a federally regulated railway. Furthermore, the federal government has a unique and historic relationship with railways (see *Chapter 5*), and the social constructions governing state responses to rail disasters are fundamentally political because diverging beliefs, motives, and social interests generate competing descriptions of reality. While the federal state’s view is not the only way to represent reality, those with power are more likely to have their versions of reality accepted as truth (Bittle et al. 2018; Barak 2017). As such, I will show that this had significant implications for the discourses that animated the Lac-Mégantic case. A complete overview of my data selection and methods is provided below.

3.5 Data Selection

This dissertation relies on several key sources of data to critically examine responses to the Lac-Mégantic disaster: the TSB’s investigation report on the Lac-Mégantic disaster, three communications from Transport Canada (TC), 28 *Standing Committee on Transport, Infrastructure, and Communities* meeting transcripts, and three Committee reports on rail safety. Each piece of data is explained in greater detail below. For my purposes, *response* refers to

various processes and official actions taken in the aftermath of disaster, including the dominant ideas and language that impact processes of legitimation in official assessments, disaster reporting, and in legislation changes (Quaid 2020).

I began the data selection process by first examining the targeted policy and regulatory actions taken in response to the disaster, primarily by the Canadian government and industry regulators.⁶¹ These action items included: the development and implementation of emergency directives, ministerial orders, and protective directions; developments and amendments to several regulations under the *Railway Safety Act*, the *Railway Operating Certificate Regulations*, the *Railway Safety Administrative Monetary Penalties Regulations*, *Railway Safety Management System Regulations*, and the *Transportation of Dangerous Goods Regulations*; and various public communications. While my goal is not to evaluate the effectiveness or appropriateness of these responses, I am cognizant of the choice to engage in some symbolic actions while avoiding others, such as a public inquiry into the derailment or criminal charges against the companies involved. Ultimately, this component of my data selection was oriented towards what was officially *done* as a direct result of the Lac-Mégantic disaster.

As noted above, I chose to use only federal responses for this analysis because the Lac-Mégantic disaster involved a runaway and main track derailment of a federally regulated

⁶¹ A timeline of targeted policy and regulatory actions from 2013-2019 can be found in *Appendix A*. Perhaps unsurprisingly, the bulk of my data was gathered from the first 3 years following the Lac-Mégantic disaster. Responses continued over the course of several years as legislation changes caught up with the initial promises offered by officials in the aftermath of disaster. The most notable data spans from July 2013- April 2019, after which time other, more recent high-profile train disasters are brought to the forefront of the railway safety discussion in Canada. That is, by 2020, action items can no longer be understood as solely in response to Lac-Mégantic, even when the case is utilized as an example, because they are also reflective of measures taken in response to other rail disasters (such as 2017 fatality at Canadian National Railways' Melville Yard in Saskatchewan, for instance). A total of 40 additional action items have taken place between April 2020 – July 2025, including 14 amendments to existing legislation, 5 funding initiatives, 7 new pieces of legislation/regulations, 7 ministerial orders, and 7 instances of Information and Education sharing including consultations, statements, and notices of intent.

railway.⁶² Furthermore, the federal government has a unique and historic relationship with railways and the social constructions governing state responses to rail disasters are fundamentally political. However, my selection of documents provided for a range of discourses and perspectives because the Committee meetings involved extensive testimony from a wide range of actors from federal and provincial governments, the railway and petroleum industries, legal experts, academics, labour and union representative, and community activists. Furthermore, adopting Layder's research map design allowed me to extrapolate the most detail and connections from the data. I provide more justification for each piece of data selected below.

3.5.1 Data Pool

Transportation Safety Board Investigation Report, R13D0054: As the Lac-Mégantic disaster involved a runaway and main track derailment of a federally regulated railway, it immediately prompted an investigation by the Transportation Safety Board of Canada (TSB). In this report, obtained from the agency's website,⁶³ the TSB (2014: 1) indicates that its investigation was expressly for the purpose of "advancing transportation safety," as it was not the function of the Board to assign fault or determine liability in this case. The report contained a description of the derailment and resulting explosions, an overview of the Board's analysis regarding contributing factors, the safety action plan that had been taken to date along with five key recommendations, and "what more needs to be done to help ensure an accident like this does not happen again"

⁶² Initially, the data selection process included documents created by the provincial government of Quebec or other provincial groups, including two environmental impact assessments conducted by the Bureau d'audiences publiques sur l'environnement (BAPE) and legislation passed by Quebec's National Assembly (Bill 57, *An Act in response to the 6 July 2013 railway disaster in Ville de Lac-Mégantic*). This Act contained measures to enable the rebuild and "resumption of normal activities following the railway disaster," and postponed the town's general election. It was soon discovered that the same issues raised in these documents were reflected in the Committee meeting transcripts, along with some of the same actors. Consequently, I confirmed my original choice in limiting data selection to federal responses, as my data pool provided the same factual information with more substantive discussion and opportunity to reflect sacrificial discourses.

⁶³ <https://www.tsb.gc.ca/eng/rapports-reports/rail/2013/r13d0054/r13d0054.html>

(TSB 2014: 1). A critical overview of the causes of the Lac-Mégantic case is provided in *Chapter 6*, but it is worth noting that the purpose of this analysis is not to add to that already valuable knowledge base or to evaluate the effectiveness of any given response. However, I do wish to highlight several points from the TSB report that impacted how the official responses that I examined in my data unfolded.

In the weeks and months following the disaster, the TSB communicated “critical safety information” on the securement of unattended trains, the classification of petroleum crude oil, rail conditions at Lac-Mégantic, and the employee training programs of short line railways (TSB 2014: 8). In January 2014, the TSB made three recommendations to TC aimed at addressing “systemic safety issues” that posed a significant risk to the safety of rail operations generally. The first recommendation called for tougher standards for Class-111 tank cars used in the transportation of dangerous goods, “because in Lac-Mégantic the entire train was made up of older unprotected tank cars, and almost every tank car was breached, fuelling the fire” (Wendy Tadros 2014: TRAN 019). The second recommendation suggested that railway companies should conduct strategic route-planning and enhance train operations for all trains carrying dangerous goods, including an analysis of appropriate speeds “followed up with risk assessments” (Wendy Tadros 2014: TRAN 019). The third recommendation to emerge early from the Lac-Mégantic investigation called for Emergency Response Assistance Plans (ERAP) for the transportation of crude oil to make “sure that when something does go wrong even in the face of advanced planning, that the right resources are in place to reduce the severity and impact of the spill” (Wendy Tadros 2014: TRAN 019).

Three months after the initial recommendations, the TSB followed up to assess the action that had been taken by government and industry and indicated a “satisfactory *intent*” of railways’

progress for the development and implementation of new rules to improve their operating practices, specifically for the transportation of dangerous goods (TSB 2014: 9, emphasis added). In August 2014, the TSB made two additional recommendations: 1) that Canadian railways put in place added physical defences to prevent runaway trains; and 2) that the regulator take “a more hands-on role when it comes to railways’ safety management systems—making sure not just that they exist, but that they are working and that they are effective” (TSB 2014: 9).

Government communications, Transport Canada: I analyzed four documents created by the federal regulator in response to the Lac-Mégantic train disaster, including three from the Minister of Transport in response to railway safety reports created by the *Standing Committee on Transportation, Infrastructure, and Communities* (see below), and one communication to the Committee that encompassed a complete list of Action Items undertaken by the Government in the first two years following the disaster (Ministerial Orders, Emergency Directives, the creation of working groups). According to the Minister of Transport at the time, the Government of Canada’s “official response” to the Lac-Mégantic disaster was supported by 3 main pillars: “Prevention, Effective Response, and Accountability” (Raitt 2015: 1). These pillars were targeted at two specific aspects of railway operations, which largely dominated all of the official responses to the Lac-Mégantic disaster under interrogation here: the transportation of dangerous goods and safety management systems.

Under the pillar of “Prevention,” TC declared that their “measures centred on keeping trains on their track and keeping people safe” (Raitt 2015: 1). However, the only official actions taken at the time within the purview of train derailments was an Emergency Directive (23 July 2013) that required the securement of unattended locomotives – and even then, that directive was about not leaving trains unlocked *while unattended*; and a Ministerial Order (29 October 2014) to

establish a standardized minimum for handbrake application, based on railway companies' own risk assessments. Regarding "Effective Response," measures were supposedly focused "on minimizing damages and responding effectively in the case of an accident" (Raitt 2015: 1). Under this pillar, the Minister of Transport at the time, Lisa Raitt, established three working groups in the wake of Lac-Mégantic: one for DOT-111 tank cars; one for emergency response capability; and one for the testing and classification of crude. These working groups were largely comprised of industry stakeholders, as illustrated by the President and CEO of the Canadian Fuels Association, who stated in the House of Commons: "We, as associations, have been *directly* involved and *significantly* involved in that ongoing activity" (Peter Boag 2014: TRAN 022, emphasis added).

Under the pillar of "Accountability," the Government's response was supposedly focused on "the liability and compensation regime being strengthened to hold polluters accountable in the event of an incident" (Raitt 2015: 1). On 16 October 2013, a Government's Speech from the Throne committed to "requiring shippers and railways to carry additional insurance so they are held accountable," prompting Raitt to launch a review of the compensation regime for federal railways in January 2014. The goal of a "polluter pays" principle, which is present in the liability regimes of other modes of transportation, was raised in consultation with "over 25 stakeholders, including large and small railways, a range of commodity shippers, and the Federation of Canadian Municipalities" under the premise that Canadian taxpayers should not have to "pay for clean-up costs" (Raitt 2014: 2). This was adopted, in theory, in the *Safe and Accountable Rail Act* (2016), which required federally regulated railways to carry a mandatory minimum level of insurance ranging from \$25 million to \$1 billion, based on the type and volume of dangerous goods they carry.

On 18 November 2013, the House of Commons *Standing Committee on Transportation, Infrastructure, and Communities* (the Committee⁶⁴), received a request from the Minister of Transport to review and report on the Canadian transportation safety regime, encompassing the transportation of dangerous goods and safety management systems. According to the Committee, it was “the human, property and environmental losses caused by the accident in Lac-Mégantic [that] precipitated a thorough re-examination by government and industry of safety in the North American rail transportation system” (Interim Report on Rail Safety Review 2014: 1). The Committee began its study in November 2013 and held 13 meetings in Ottawa to discuss various issues pertaining to rail safety with stakeholders. The study produced an Interim Report (2014) and a final Review (2015), both which are included in this data pool, and promoted an additional study on Canada’s rail safety regime in 2016 under the newly elected Liberal government.

Pursuant to Section 109 of the Standing Orders of the House of Commons, the Government of Canada offered an official response to the Interim Report.⁶⁵ This response indicated how the Committee meetings were a fruitful option for analysis, functioning as one site that reflected broader trends and discourses across many layers of ‘government responses.’ For instance, the Minister of Transport commented on the Interim Report:

It is important to recognize that many of these issues align with those raised in other areas, including the Transportation Safety Board’s recommendations and findings

⁶⁴ Committees are comprised of Members of the House or Senate (or both) who are asked by the House of Commons to study specific matters (such as proposed legislation, for instance). Committees typically have twelve members, the distribution of which is determined by each party’s distribution in the House of Commons. While there are a variety of Committees in Canada’s Parliament (legislative, standing, joint, special, Committees of the Whole, various subcommittees), standing committees are permanent committees that may “study matters referred to it by special order or, within its area of responsibility in the Standing Orders, may undertake studies on its own initiative.” Committees may also issue reports on their findings to the House of Commons.

⁶⁵ The Committee reports and the Minister’s responses were all obtained online from the House of Commons website. They are paired together and labeled “Committee Report” and “Government Response,” respectively. I noted that the Minister’s responses were not dated. <https://www.noscommunes.ca/DocumentViewer/en/41-2/TRAN/report-3/page-18>.

regarding its investigation into the Lac-Mégantic train derailment, the Office of the Auditor General Fall 2013 Report Chapter 7: Oversight of Rail Safety, rail safety priorities developed by Federation of Canada Municipalities, and in ongoing dialogue between the federal government and other key stakeholders (Raitt, official communication 2014: 3).

The Minister’s response to the final Report was a reiteration of the claims made in the communication offered in response to the Interim Report a year prior, and an Annex summary of Actions taken immediately following the disaster in June 2013 up until May 2015.

Standing Committee on Transportation, Infrastructure, and Communities meeting transcripts: I analyzed 28 Committee meeting transcripts, obtained from the House of Commons⁶⁶ website, beginning with the first meeting that took place after the disaster in June 2013 and ending in 2024. The evidence documented in the Committee meeting minutes totaled more than 62 hours. Of the 28 transcripts, 13 encompassed the meetings specifically held to discuss the Committee’s *Review of the Transportation Safety Regime* – indicated as such under the “Studies and Activities” section of the meeting minutes. In 2016, after the election of Prime Minister Justin Trudeau, the Committee repositioned and elected a new Chair and two new Vice-Chairs. In March 2016, the Committee decided to follow up on the recommendations made in the above 2015 Review; they convened another five meetings in Ottawa and heard from 40 witnesses, travelled to the disaster site in Lac-Mégantic, and invited additional stakeholders to submit evidence in writing.

⁶⁶ On 23 July 2013, the Committee held their first meeting since the derailment, and members representing the NDP submitted a Request to Undertake a Study on of Rail Safety Measures, but there was significant debate and contestation over when the group should commence their study, if at all. Ultimately, the Committee chose to wait and did not reconvene to discuss the Lac-Mégantic disaster until later in the year, when they received the request from the Minister of Transport to review the transportation safety regime in its entirety. The official study began 25 November 2013.

The remaining 10 transcripts were also obtained from the House of Commons website, using the search function for meetings that discussed “Lac-Mégantic.” After locating the documents, I used my discretion based on an initial overview of the meeting’s purpose and the knowledge developed in my theoretical and methodological framework to refine the selection. While these meetings were not directly part of the initial safety review in the aftermath of Lac-Mégantic, they were still fruitful and connected strongly to the Review meetings and other official responses to the disaster. The purpose of each meeting was similarly indicated in its “Studies and Activities” section and included the following topics: Rail Safety; Act to Amend the *Railway Safety Act*; Canadian *Transportation Act* Review; Briefing on the Removal of Transportation of Flammable Liquids by Rail; Mandate of the Minister of Transport; and Transport of Dangerous Goods by Rail. A complete overview of the Committee meeting transcripts is provided in *Appendix C*.

Established by the Standing Orders of the House of Commons, the mandate of the *Standing Committee on Transport, Infrastructure, and Communities* is to examine the work of TC, Infrastructure Canada, and their portfolio agencies and partners. The Committee can study “any aspect of the management and operations of these organisations, as well as any legislation, programs or policy areas administered by the Minister of Transport and the Minister of Infrastructure” (House of Commons Canada 2025). The scope of issues related to this committee is broad and includes: federal programs and policies for air, rail, road, and marine transportation; federal infrastructure funding; Crown corporations, such as VIA Rail; administrative tribunals and agencies, such as the Canadian Transportation Agency; and a range of issues affecting quality of life in Canadian cities and communities (i.e. traffic congestion or noise complaints relating to transportation). While many aspects of transportation, infrastructure, and communities

are the responsibility of the provinces (such as highways, public transit, and municipal infrastructure), the federal government “may have a role where it is perceived that the national interest is at stake” (House of Commons Canada 2025). Given the range of topics examined and the myriad voices present in meeting minutes – of government, industry, labour, and communities alike – the Committee meeting transcripts were uniquely beneficial in demonstrating the “heterogenous institutional ensemble” (Jessop 2016: 61) that influenced official responses to the Lac-Mégantic disaster.

Committee Reports: In its initial study, the Committee submitted an *Interim Report on Rail Safety Review* to the federal regulator in June 2014, pursuant to its mandate under Standing Order 108(2). The Interim Report was 42 pages and provided an overview of what had been learned from the study up to and including the Committee’s meeting on 6 May 2014. It was largely focused on explaining the respective roles of the regulator and industry participants, as well as stakeholders’ recommendations for improvements to the transportation of dangerous goods regime and the effectiveness of SMS in rail transportation. The Interim Report also included a Supplementary Opinion from the Official Opposition in the appendix. The final report, titled the *Review of the Canadian Transportation Safety Regime: Transportation of Dangerous Goods and Safety Management Systems*, was completed in March 2015 and contained (in its 84 pages) the Committee’s findings and recommendations to the Government of Canada concerning TC’s legislative framework for, and oversight and enforcement of, the transportation of dangerous goods regime and SMS requirements for the Canadian transportation system. In “formulating its recommendations, the Committee considered testimony and written submissions from rail, air, marine, and road transportation industry stakeholders” (TRAN Report 2015: 1). The Report claims that “witnesses who came before the Committee included

representatives of the federal and municipal governments, industry operators from across the transportation system, and organized labour” (TRAN Report 2015: 1). However, this report also contained a Supplementary Opinion from the Official Opposition, who claimed that the final report failed to include testimony from several key and critical witnesses (see *Chapter 7*).

After the newly repositioned Committee completed their follow-up study, they submitted a final report in June 2016, titled *An Update on Rail Safety*. This report was 56 pages and named the Lac-Mégantic disaster and a series of other high-profile derailments as the catalyst for the Committee “deciding on rail safety as its first study of the 42nd Parliament” (TRAN Report 2016: 1). This document was divided into two main sections, the first of which outlined recent changes to the federal legislative framework for rail safety and the transportation of dangerous goods following the 2015 Review. The second section presented stakeholder views on the TSB’s key rail safety recommendations, “many of which led to the recent changes to the regulatory regime and upon which Transport Canada continues to make progress” (TRAN Report 2016: 2). While the primary focus of the initial study was the transportation of dangerous goods and SMS, this study mostly focused on railway operating crew fatigue, remote control operations for locomotives, locomotive voice and video recorders, federal resources for rail communities, the railway rule-making process, whistle-blower protections for railway employees, and the unique situation of short-line railways.⁶⁷

3.5.2 Purpose of Data Collection

In collecting this data, I included not only those documents created in direct response to the Lac-Mégantic disaster, addressing the case as the primary object of study, but also those which rely

⁶⁷ The Committee’s recommendations for “a more agile and robust regulatory rail safety regime that is better harmonized with the regulatory framework in the United States” (TRAN Report 2016: 2) were also provided throughout the report (see *Chapter 7*).

on or revisit the disaster's legacy secondary to other subjects, such as those created in the wake of other train disasters. By examining this data through my unique theoretical lens of sacrificial violence, I obtain a snapshot of some of the most potent cultural work of capitalism and the Canadian state formation as it responds to the potential crisis of widespread and routine violence generated by one of the country's most prominent industries. As such, the choice to examine responses to Lac-Mégantic stemmed from how I understand the social process of the responses themselves – as Dodd (2006: 241) argued, responding to disasters is often less about discovering causes in the strictest sense, and more about searching for a culprit: “a culprit that is, who draws attention away from the sacrifice of human life in the pursuit of personal profit.”

The operationalisation of particular ideologies can set the acceptable parameters for how the state (and industry, the media, the law) respond to disasters and instances of harm. As Tucker (2006) points out, the social constructions governing how we respond to disasters are fundamentally political, because diverging beliefs, motives, and social interests generate competing descriptions of reality – and those with power are more likely to have their versions of reality accepted as dominant. While the discourses presented in these documents are not the only way to represent reality, they are certainly prevalent and have significant implications for how railway disasters are understood and responded to.

For instance, the TSB investigation report played an ambivalent role in the aftermath of Lac-Mégantic, exposing “the conditions that led to the deaths and at the same time...render[ing] the public memory of these conditions safe for capitalism” (Dodd 2006: 268-269) by limiting reflection of class antagonisms and offering the increased control of bureaucratic capitalism as the best solution. This is evidenced not only in the TSB's declaration that any and all findings are expressly removed from notions of fault, blame, or liability, but it is also reflected in the very

design of the report itself. Any indication of Montreal, Maine, and Atlantic Railway's failings and part to play in the disaster, for example, were presented separately from what the TSB reported as "Factual Information" (TSB 2014: 1). According to the report, the facts of the case incorporate issues such as: the train's departing location and destination; the schematics of the locomotive and freight cars; the volume of goods on board; Thomas Harding's movements and personnel information; train securement; the weather; rail infrastructure damage; and the composition of tank cars and their failure to perform in the derailment. This section also provided a 101 on air and hand brake systems; an overview of the classification of dangerous goods regime; an outline of TC's responsibilities and operating procedures; and the role of SMS in railway safety (TSB 2014). It was especially illuminating that the TSB dedicated space in its investigative report to uphold SMS as "a systematic, explicit and comprehensive process for managing safety risks" that "is more effective in reducing accident rates" than "traditional approaches to safety management... based primarily on compliance with regulations, reactive responses following accidents and incidents, and a 'blame and punish, or retrain' philosophy" (TSB 2014: 78). The TSB even presented as 'fact' a summary of key sections of MMA's SMS manual to demonstrate how "in practice, this means that railway companies are required to comply with the SMS Regulations"⁶⁸ (TSB 2014: 80-82). The *fact* that MMA's safety culture and the ineffectiveness of its SMS are both implicated as causes in the disaster is not mentioned until much later, in the report's summary.

⁶⁸ There was no evidence that MMA actually acted on or implemented their SMS plans or that they were proven effective. Similarly, with respect to the track in Nantes, Quebec, the TSB made claims that "the track was "regularly inspected" and that "MMA performed these track inspections" in accordance with Transport Canada-approved *Track Safety Rules*; but no evidence to support this claim was provided in the report beyond a September 2012 defect test "using an automated rail flaw detection system" (TSB 2014: 35). Effectively, this demonstrates a belief in the responsible behaviour of MMA as a company based on a common faith in the way the system operates, not on evidence of the company's operations.

As such, the goal of this analysis is not to examine state-centered responses themselves (a specific outcome), but the processes of state power in responding to train derailments that *produce* a specific outcome. The Committee meeting transcripts became the most substantive source for identifying sacrificial discourses in this context. While the TC's decision to request a study by the Committee can be considered an official action in response to the disaster, what the transcripts provide analytically is not the "response," but a lens through which to observe the commonsense knowledge claims of sacrifice that move through state processes. Relatedly, including data from the 'same' committee at different junctures provided more insight into how such ongoing processes and relationships are coated in a sacrificial logic that goes beyond the micro level. In line with Jessop's (2016: 56) SRA, the "changing sets of politicians and state officials" on the Committee and within the regulatory body may be "key players in the exercise of state powers," but they "always act in relation to a wider balance of forces" that I seek to identify.

This data pool allows me to answer my research questions because I use the documents to understand how the state conceived of and responded to the Lac-Mégantic disaster over time, and the discursive practices involved in these processes. My data is understood as an articulation of a world view that, in conjunction with my theoretical framework, serves my purposes especially well with regards to the ideological work of these documents. As Dodd (2006: 238) argued, the "ideological work" of official responses serves to contain public reflection on the class violence exposed by disasters. Furthermore, Dodd claims that this ideological work is necessary, as disasters call into question three fundamental socio-economic presuppositions:

...first, that risk is a natural and unavoidable consequence of productive activity in general... second, that private economic activity is preferable to public activity; and third, that occupational health and safety is an area in which workers and employers

share a common set of interests and objectives, a consensus (Glasbeek & Tucker 1999: 72, as quoted in Dodd 2006: 238).

Accordingly, the responses under examination here may attempt to restore these presuppositions and regain legitimacy in public discourse.

3.5.3 *On Technique*

Analyzing the data involved taking detailed notes to determine the main issues and discourses from each source, as well as comparing and contrasting information across the different data elements. I read through each document twice, taking note of the dominant discourses and dissenting voices, and engaged in a back-and-forth between my theoretical framework and methodology. Following this, I returned to the literature to add depth and understanding to this preliminary analysis. I completed a third full reading of each dataset individually, wherein I expanded notetaking to include a more formal process of labelling the discourses I uncovered. The discourses were clustered into three distinct groups in alignment with the elements of sacrifice generated through my theoretical framework: that all sacrifice is violence, that sacrifice and its effects are ideological, and that sacrifice's significance and method of operation is context specific. I relied on this framework continuously when oscillating between readings of the literature and the data analysis.

To organize the discourses and many actors in the data, I created a new Research Map (Layder 1993) for each individual document, as well as a map for relationships between pieces of data (for example, for a Committee report and its corresponding response from the Minister of Transport). It was not necessary for me to generate specific codes line-by-line for analysis in the strictest sense, because utilizing Layder's research map involved considering each element in turn and then in relation to the other domains. Furthermore, my methodology draws primarily on

critical discourse analysis, which attempts to bridge the gap between the concrete and the abstract (Fairclough 2003). This reasoning justifies my decision not to engage solely in a line-by-line textual analysis of my sources, but to take a more holistic approach to account for their dialectic interconnection with other elements of social life. As such, in reading each piece of data, I was attentive to the following:

- a) The ways in which the Lac-Mégantic disaster is depicted.
- b) The text's claims of its own authority.
- c) The presentation of actors, both from the Lac-Mégantic case specifically (MMA, first responders, Thomas Harding) and within the official responses (TC, TSB, members of parliament).

3.6 Chapter Summary

This chapter outlined the various components that comprise my research design, the purpose of which is to critically analyze the discourses that characterized official responses to the Lac-Mégantic train disaster and the role of sacrifice therein. To achieve this goal, I use critical discourse analysis, conjunctural analysis, and Derek Layder's (1993) research map design. Using CDA helps to reveal the complex and often contradictory ways in which sacrifice is embedded within the Canadian state formation by examining the relationship between the discursive and extra-discursive, particularly in terms of how sacrifice is taken up by state-economy processes that naturalize corporate violence. Using conjunctural analysis, I approach the data as both a crucial site for the *normalization* of corporate violence and sacrifice, and as a potential site of *contestation* wherein different ideas could indeed challenge such a common-sense. Consequently, this dissertation is considered a theoretical-analytical-political practice (Gunkel 2011).

The dissertation's analysis, divided into two chapters, is "the analytical mapping of the relations of force that produce certain conditions of power within a closure of social reality"

(Davis 2019: 266) and was guided by a series of questions:

- What knowledge claims helped constitute corporate violence in the Lac-Mégantic derailment and how are they documented? To what extent do they challenge or correspond to dominant notions of corporate capitalism?
- How is sacrifice implicated in the formation and reproduction of the Canadian state? To what extent does sacrificial discourse emerge through the state's conceptualization of corporate violence?
- How does the notion of sacrifice influence, (re)produce, and contradict the ideological paradigms available within the wider context?
- What are the implications of the Lac-Mégantic case study for how we understand and respond to corporate violence in our current conjuncture? What are the implications of sacrifice theory for understanding and preventing future harm

A back-and-forth between my data and theoretical framework is facilitated by Layder's (1999) research map, as well as a means of relating potential research findings to more general theoretical issues in the social sciences.

Even though I am focusing on one particular case of corporate violence, the case study is a foil to expose a larger problem: Lac-Mégantic is one example of interwoven relations that led to a violent rupture, but sacrifice is not contained within the parameters of this case. The following chapters exemplify this, beginning with the broad literature on disasters that speaks to the widespread and pervasive harm of modern capitalist and labour relations.

Chapter 4: The Politics of Disaster Response

“Allowing railways absolute discretion...in the process of transporting dangerous goods is the rail equivalent of allowing the fox to guard the henhouse” (Richard Boudreault 2014: TRAN 018).

4.1 Introduction

This chapter provides an overview of the different perspectives in defining and responding to disasters from a broad body of literature and is intended to set the groundwork for appreciating the widespread and pervasive harm of modern capitalist and labour relations. I begin with the politics of *disaster* response precisely to avoid any misconception that train derailments and other workplace disasters (or corporate crime, broadly) are naturally occurring, unavoidable accidents (Slapper & Tombs 1999; Kirsch 2014), the result of a few bad apples (Glasbeek 2002), or a problem to be tackled with minor reforms to management and existing regulations (Tombs 2017; Alvesalo, Bittle & Lähteenmäki 2017). The literature on disasters encompasses a variety of disciplines, including sociology, health sciences, economics and labour relations, political science, and even linguistics and communications. Across disciplines, the literature is divided into three main themes: the evaluation of harm caused by disasters (Saint-Laurent et al. 2018; Meija-Avendano & Munoz 2017), disasters as industrial and organizational failures (Currie-Mueller 2018; Quigley et al. 2017; Bennet 2014), and the structural causes of disasters (Glasbeek 2013; Dodd 2006; Winfield 2016).

The evaluation of harm literature encompasses studies which focus predominately on the various psychosocial, health, and environmental impacts of disaster and, given the myriad studies that fit this description, will not be covered in detail here. Rather, the impact and consequences of train derailments generally and the Lac-Mégantic disaster specifically as this project's main case study will be incorporated throughout. For my purposes, this chapter reviews

the remaining two categories within the disaster literature – industrial failures and structural causes⁶⁹ – by giving special consideration for how characterizing ‘disasters’ is contingent upon the social, political, economic, historical, and ideological contexts within which they are conceived and the dominant discourses that condition those understandings. Furthermore, as this thesis is guided by the assertion that sacrificial discourses shape understandings of and responses to corporate violence, and that this is constitutive of class struggles over conflicting desires between the corporation’s bottom line and the health and safety of workers and the public, I focus primarily on how this phenomenon is associated with *workplace* disasters, as defined by the literature (as opposed to natural disasters).⁷⁰

4.2 Disasters as Industrial and Organization Failures

The literature identifying workplace disasters as industrial failures primarily adopts a *human factors* approach, addressing issues at the individual, group, and organizational level. First, at the individual level, “the indicators, signals, controls, alarm systems and visual display units are evaluated” in an effort to optimize human-machine interactions in the workplace (Gordon 1993: 158). As such, health risks (such as overwork and fatigue) and the contribution of human error to the probability of disasters is of main concern (Rudin-Brown et al. 2019). Second, at the group level, the added dimension of interpersonal relationships between members of a working group is considered, including between same-level employees or between employees and their

⁶⁹ At times, the themes of industrial failure and the structural causes of disasters can overlap or share subthemes in common, especially regarding issues such as regulation and liability.

⁷⁰ For instance, earthquakes, severe storms, and other catastrophic events. However, there is a body of literature which argues that existential threats such as climate change, resource depletion, environmental degradation, and overpopulation are directly related to the structural failings of human organization consistent with advanced capitalism (see Quinlan 2020). While this thesis does touch on areas of resources depletion and environmental harm, namely with reference to oil extraction, production, and consumption, a complete review of this literature was beyond the scope of this project. Instead, included in this chapter are arguments for how key failures repeatedly associated with other catastrophic events can be applied to workplace disasters.

supervisors. Lastly, at the organizational level, additional factors may be understood as contributing to problems at the first two levels and ultimately to disasters themselves, including imposed budgetary cuts and the widespread casualization of corner-cutting (Whyte 1999: 33; Gordon 1993: 158).

The bulk of the literature in this area argues that understanding how human organization fails can provide scope for more informed and effective responses to disasters.⁷¹ Consequently, a primary focus is directed at the ‘lessons learned’ from industrial failures and how to move forward with better management and regulation in the future. For instance, Bennet (2014) studied risk evaluation in the transportation of dangerous goods and questioned whether current strategies could adequately ensure their safe transport by rail. Taking a sympathetic stance towards industry, she argued that the unique reality of transporting dangerous goods by trains “results in rail assuming all the risk while manufacturers and shippers accept the benefit,” as insurance coverage is often inadequate to meet all potential claims resulting from a lethal spill (Bennet 2014: 2-3).⁷² Ultimately, Bennet (2014: 2) argues that an effective response to railway disasters is one in which “railways, shippers, and governments must work together” to reduce future risk.

In a similar vein, Quinlan (2020: 448) assessed industrial disasters and the impact of human error, claiming that many such events are “arguably the result of forms of human/social organization.” Like much of the work in this area (see, for instance, Aoki & Rothwell 2012; Goodhart & Tsomocos 2019; Bennet 2014), Quinlan is concerned with ‘learning lessons’ from catastrophes, specifically the repeated underlying causes that apply to a wide range of events.

⁷¹ A review of how disasters are responded to, including by the state, by industry, and in the media, is provided in more detail below.

⁷² As was the case with the MMA bankruptcy protection following the Lac-Mégantic disaster (see *Chapter 6*).

While the objective of my thesis aims beyond these lessons and small-scale reforms to industry management, Quinlan's work is nonetheless instructive in two ways. First, he draws from the work of James Reason (1984) to contextualize disasters as latent failures resulting from the interaction of multiple factors rather than a single cause. The concept of latent failures explains the origins of disasters not as "some rare species of monumental blunder" (Reason 1984: 179), but as multiple failures that are already present and activated by the alignment of certain conditions and precipitative incidents (often seemingly mundane and innocuous). Thus, a critical question arises of whether some types of failures are more commonly associated with disasters and, if so, what allows these patterns to reproduce so often?

Second, Quinlan (2014) identified 10 common-pattern causes or "pathways" to workplace death and disaster that are invaluable for understanding not only how these events happen, but how their occurrence is overdetermined by very routine factors.⁷³ Workplace disasters are complex events with often overlapping causes, more of which need to be explored than have made this list of pattern-failures (Tombs & Whyte 2007; Gregson & Humphrys 2020). However, a selection of Quinlan's pathways that are most relevant to my discussion of workplace disasters and corporate harm will be explained in greater detail in the following chapter, with specific reference to railway disasters in Canada. These causes include design and maintenance flaws; failure to heed clear warning signals and lessons gleaned from past disasters; failures in safety management systems (SMS); economic or production pressures compromising

⁷³ Quinlan's (2014) ten pathways include: design, engineering, technical, and maintenance flaws; prior warnings for alarm ignored; failures in risk assessment; failures in management systems; failures in auditing; economic pressures compromising safety; failures in regulatory oversight and inspection; workers expressing concern prior to the incident; poor management-worker communication and trust; and emergency resources and procedures (also see Jenke et al. 2022).

health and safety; failures in regulatory oversight and inspection; and conflict between workers and management (Quinlan 2014; Whyte 1999).

In a 2020 study, Quinlan applied his pattern-failure framework to 18 catastrophes affecting one or multiple countries between 1970-2020 and found that the majority were present in all cases, indicating a global and overlapping nature to seemingly ‘mundane’ latent failures. This builds on the work of James Reason (2008), who argued that the origins of disasters are not rooted in a single failure but “multiple failures” that are “already present but activated by an alignment and precipitative incident” (Quinlan 2020: 448). For example, production pressures that result in cost-cutting can undermine other safety-critical system components such as design and maintenance, and failures in regulatory oversight and inspection can overlook such technical flaws (Reason 1984). According to Whyte (1999), cost-cutting in particular has become formalized and strategically deployed in many industries, and maintaining safety standards in the long-term becomes less of a priority when markets reward risk-taking behaviours.

What distinguishes *disasters* from other types of events within the industrial and organizational failure literature is their classification as rare and largely unpredictable events, especially when involving high-risk technology. This remains true for “man-made disasters” which have the added problem of being understood as “the product of some rare species of monumental blunder” (Reason 1984: 179). For instance, in their work on critical infrastructure in Canada, Quigley, Bisset, and Mills (2017: 6) classify industrial disasters as “black swan” events, which are low-probability but high-consequence and contain “elements of randomness and bad luck.” The authors also claim that these “failures in infrastructure” are marginal in the sense that they exist at the “outer edge of normal routine” (Quigley et al. 2017: 142). Largely concerned with how we prepare for and respond to disasters in our communities, the authors draw on details

from the Lac-Mégantic derailment to indicate weaknesses in regulatory oversight specific to this case. In particular, they argue that the disaster was an example of the government “failing to adapt” to the increased use of rail for transporting crude oil (Quigley et al. 2017: 106) – a failure that can be remedied through lessons learned.

These and similar studies which view disasters as industrial failures represent a large body of work that, collectively, tends towards analyses focused on either the role, characteristics, or skills of individual workers, or management responses to particular crises. Very little of this scholarship places workplace disasters (let alone corporate harm in general) within a structural context. Consequently, “structural forces such as changes in corporate strategy or government policy tend to be seen as less relevant than the particular actions of individual managers and workers” in certain situations (Whyte 1999: 39). Interestingly, Taleb (2007: 13) argues that a common pattern with industrial failures is that the significant consequences of such events are “in hindsight, rationalized to seem natural and inevitable.” Thus, we are inclined to let the “horrendous consequences of an accident [not only] colour and distort our perception of the events that led up to it” (Reason 1984: 179), but also how these causes interact in multiple and mutually reinforcing ways. This line of thinking is a dominant theme explored in the literature on the structural causes of disasters, discussed next.

4.3 Structural Causes of Disasters

Considerations of the structural causes of disasters situate overlapping events more concretely within the broader context, including the nature of the for-profit corporation and late-stage capitalism (Tombs 1991; Dodd 2013; Pearce & Tombs 1990). Significantly, the following understandings highlight an important dimension of this thesis: that however random some disasters may seem, they are occurring within a particular political, social, economic context

which overdetermines the likelihood of these events and contributes to the manner in which we interpret, respond to, and apportion blame for them.

Much like Quinlan's (2020) approach, which views disasters as latent failures resulting from multiple intersecting events, Dodd (2013) sees disasters such as the loss of the *Ocean Ranger*⁷⁴ as a continuous event with overlapping causes. Dodd's work in particular demonstrates the complexities of workplace harm and the critical overlap of the literature pertaining to industrial failures and structural causes of disasters. On the one hand, the *Ocean Ranger* was considered an organizational failure because the operating company failed to properly train the crew, provide basic evacuation technology, or develop safety and emergency response protocols – all factors within the company's operations which can be categorized in the 'human factors' or management approach (Gordon 1993; Campbell & Dodd 1993). On the other hand, Dodd specifically locates the disaster within the problem of self-regulating corporations and the opportunity afforded companies to save money by letting their operating standards fall.⁷⁵ As such, disasters are also understood here as "political tragedies," where powerful people are blinded by the prospect of progress and the naïve view that "the profit-seeking of private companies simply, naturally, even magically, translates into what is good for our families and for the community as a whole" (Dodd 2013: 37).

⁷⁴ On February 14, 1982, the world's largest semi-submersible drilling rig, the *Ocean Ranger*, sank off the coast of Newfoundland and Labrador, killing 84 people. Inquiries into the disaster revealed that the oil companies, Mobil Oil and the Ocean Drilling and Exploration Company (both Canadian) failed to provide proper safety equipment and survival suits to employees and failed to provide adequate training to their personnel (Campbell & Dodd 1993). However, the two companies were not seen to be criminally negligent, and no charges were ever laid against either in connection with the sinking.

⁷⁵ A joint inquiry by the Newfoundland-Canada Royal Commission similarly concluded that there were serious flaws in the safety and training regimens on board the *Ocean Ranger* and highlighted problems with the regulatory framework governing its operations.

Essential to the scholarship concerned with the structural causes of disasters is the idea of routine violence engrained within the socio-economic system, often to the point of being taken for granted. In fact, Glasbeek (2013: 1) argues that the infliction of corporate harm is a daily occurrence and events that are categorized as *disastrous* are “but an eye-catching example of a common phenomenon.” Furthermore, as these instances of harm are part of the “routine operation of competitive capitalism,” we have come to accept and “expect a certain kind and amount of damage” that becomes defensible as the necessary balancing of harm and benefit (Glasbeek 2013: 2-3). For instance, disasters routinely occur within a context where workers feel under pressure to produce at a certain pace, push limits to make up for lost production, or meet production targets that have been linked to a bonus system (Tucker 2012; Nichols & Armstrong 1973).

In short, those who consider the structural causes of disasters are keener to adopt the view that harm and danger are created “by the problem of production, not by a problem of apathy” or other individual traits (Nichols & Armstrong 1973: 21). According to Pearce and Tombs (1990), the occurrence of workplace disasters, and any effective response to such harms, must therefore be considered within a specific context: that corporations are amoral calculators. Management decisions as to whether to implement effective safety measures, for example, are ultimately governed by a cost-benefit analysis that considers the price of such provisions and what can be done without conflicting with the priorities of profit accumulation (Whyte 1999: 11). Therefore, even if a corporation had the ability and drive to act with a primary commitment to social responsibility, “this would entail ignoring the very rationale of the corporation and the nature of the existing economic system” (Pearce & Tombs 1990: 425). With little to show in support for the claim that corporations will act in accordance with any driving factor other than profit

maximization, it is crucial to understand the economic, political, and legal conditions within which such calculations are made.

For some scholars in this area, industry's relationship with the state is exceedingly important for understanding disasters as a structural problem (Tombs & Whyte 2020; Friedrichs & Rothe 2014; Tombs 2012). To better understand the history of health and safety in the British North Sea, Carson (1980: 244) looked to the specific nexus of structural relationships which dominated offshore developments during the 1960s – specifically, the “nexus between finance capital and strategically located agencies within the state apparatus.” This rapid development required the kind of government assistance that spawned a “classically symbiotic relationship” between industry and the state, and a “singular harmony of interests” between large companies and official policy which places a high premium on progress, speed, and efficiency (Carson 1980: 246; Hamilton 1978). This harmony can be seen, in part, through efforts to ensure that industry is comfortable with the fairness and practicability of regulations that govern them. As such, Carson (1980) observed that the same considerations and constraints that influence the creation of safety policy at the highest level can penetrate down to the level of routine enforcement practices. Basically, an unsafe culture at the top effects unsafe practices at the bottom, and if the state shares in the same goals as the company, then it is unlikely to create efficient legislation to prevent workplace harm or enforce existing laws and regulations (Pontell, Black, & Geis 2014; Kauzlarich & Kramer 1993).⁷⁶

Key to this apparent “institutionalization of tolerance” is the structural-economic background of regulating disasters conceived largely within the broad context of national

⁷⁶ Carson's (1980) work expanded on this premise by identifying a certain reluctance on the part of the state to even view excessively high mortality and injury rates as a significant social problem.

interests (Carson 1980: 235; Dodd 2013). Citing ‘national interest’ is not an unusual tactic in state-corporate symbiosis, especially when power is trying to suppress opposition. For instance, in his work on the regulation of safety in the post-*Piper Alpha* offshore oil industry,⁷⁷ Whyte (1999) examined the relationship between the state and oil capital at the structural level to assess the efficacy of the company’s safety regime, based upon official inquiries into the disaster. Specifically, he connected knowledge and beliefs about the disaster to wider political and economic structures which influenced the actions of companies and government. At regular intervals in the history of the offshore oil industry, oil companies have used arguments linking the success of industry to national interests in justification of deregulation in general, and more lax health and safety regulation in particular (Miliband 1973). Furthermore, the industrial relations of a given country can be key contributors to disaster, specifically those relations which are of “distinctly North American style,” and which often create a context of individualism and machoism (Whyte 1999: 43; Woolfson & Beck 1995). It is within this broad setting of national interests that I pursue an understanding of railway disasters in the Canadian context in *Chapter 5*.

4.4 Responding to Disasters

Building from the critical insights above, this section keeps with the structural view of workplace disasters and details how the operationalisation of particular ideologies can set the acceptable parameters for how the state, the media, and the corporation respond to such harms. As Tucker (2006) points out, the social constructions governing how we respond to disasters are fundamentally political, because diverging beliefs, motives, and social interests generate competing descriptions of reality – and those with power are more likely to have their versions of

⁷⁷ Piper Alpha was an oil platform located in the North Sea operated by Occidental Petroleum (Caledonia) Limited. On 6 July 1988, an explosion and the resulting oil and gas fires killed 167 people. 61 workers escaped and survived, and 30 were never recovered from the sea.

reality accepted as dominant (Barak 2017; Bittle et al. 2018). For my purposes, *response* refers to various processes in the recognition of corporate violence, especially those which may impact processes of legitimation, such as the hegemonic truth claims of official assessments, disaster reporting, and legislation changes in the aftermath of disaster (Dodd 2013). These processes are complex, often related and overlapping but remaining fluid and susceptible to conflict. For instance, Tucker (2006) outlined the social process of recognition and the political economy of response by examining how disasters are connected to a variety of working conditions. Essentially, he argues that the type and quality of response to incidents involving death and injury depends upon the prevailing social constructions dictating what qualifies as a disaster. In reference to *workplace* disasters, these constructions reflect a social context in which harm to workers (and the public and environment) has been largely accepted, normalized, and legitimated (Glasbeek & Tucker 1993; Gereluk 2007).

It is necessary to consider the dominant language and knowledge claims in responding to workplace disasters, if only because they form the basis of incident reports and legislation changes. Hopkins (2006) illustrated the importance of language in one study by contrasting epidemics of repetitive strain injuries in Australia and the United States.⁷⁸ Even though Hopkins does not argue that the epidemic should be classified as a ‘disaster’ *per se*, he demonstrates how language can impact official responses to harms caused in a labour process that is shaped by structural conditions such as staff cutbacks and management pressures for increased speed (Gereluk 2007). In particular, he observed that the decision to use the term *injury* or *occupational injury* led to the Australian Labour government drafting new regulations for rest

⁷⁸ In the early 1980s Australia saw a rapid rise in reports of work-related upper limb disorders, largely among workers whose jobs involved repetitive hand movements. Although assembly line workers are most at risk in this respect, the greatest publicity was given to keyboard workers, among whom the problem seemed to occur in epidemic proportions (Hopkins 2006: 65)

and speed limitations, as well as providing some workers with ergonomically-design furniture (Hopkins 2006). Comparatively, in the United States where the prominent language used to describe the epidemic was one of *neurosis*, corresponding explanations tended to shift responsibility away from workplace conditions and towards the individual, resulting in a loss compensation for many injured workers (Hopkins 1990; Gereluk 2006).

Most official publications on disasters, for their part, present industry as having safety as its primary concern while constantly (and successfully) striving to improve (Dodd 2013). Following suit with most of the academic literature in the area, they are also most likely to locate problems within ‘human factors’ – the failures of individual workers on the one hand and on the abilities of managers on the other, both of which deflect blame from the structural causes of workplace disasters (Rudin-Brown et al. 2019; Gordon 1993; Campbell & Dodd 1993). In the remaining half of this chapter, I outline key pieces from the academic literature on state, corporate, and media responses to disasters as steppingstones for my own investigation into the multifaceted ways in which sacrifice is implicated in official responses to train disasters.

4.4.1 State Responses to Disaster

In the majority of cases, the most common state response post-disaster is the announcement of an official inquiry into the event (Dodd 2013). In some instances, this may involve releasing a public document subject to media reporting and which includes recommendations from respective agencies or organizations on how to move forward (Soederberg 2010; Quinlan 2020: 460). However, the effectiveness of these inquiries and their recommendations is seldom followed up on, revealing a significant and intriguing reality to the process: in many such cases, response can be separated from recognition. For instance, when the Pemberton Mills building

collapsed in Massachusetts in 1860, killing over 100 workers and injuring nearly 200 more,⁷⁹ the event was readily labeled as a disaster by the press and affected community; there was even a disaster relief fund established to aid victims and families (Gereluk 2007). However, while history remembers this disaster as the result of company greed and faulty construction materials (wood and cotton infrastructure, to be exact), officially there was “no response targeting either the insufficient regulatory apparatus of the state, nor the negligent employer” or owners of the factory (Gereluk 2007: 258).

To investigate the phenomenon of state responses, Dodd (2006) followed the evolution of official inquiries into the long history of coal mine disasters in Nova Scotia and revealed how they effectively draw attention away from the responsibility of both the employer and the state. Documenting cases as far back as 1858 and ending in the Westray mine disaster in 1992,⁸⁰ Dodd’s study contributed to our understanding of disaster-response culture and the “ideological work of inquiries” in particular (Dodd 2006: 238). Specifically, she argues that this ideological work serves to contain public reflection on the class violence exposed by disasters – disasters which call into question three fundamental socio-economic presuppositions:

...first, that risk is a natural and unavoidable consequence of productive activity in general, and staple extraction in particular; second, that private economic activity is preferable to public activity; and third, that occupational health and safety is an area in which workers and employers share a common set of interests and objectives, a

⁷⁹ On January 10th, 800 textile workers (mainly immigrant women and children) labored to the sounds of rattling within the factory walls. The building shifted, and a sudden crash sent the foundation and tons of machinery caving in on the workers. In addition to the shoddy build, a fire followed the collapse due to the highly flammable materials used in the building’s construction. A jury found Charles Bigelow, the building’s architect, responsible for the collapse but he was never sentenced nor fined. It was described as the worst manufacturing disaster in Massachusetts history and one of several similar events throughout the Industrial Revolution.

<https://www.zinnedproject.org/news/tdih/pemberton-mill-collapse/>.

<https://teamstersjointcouncil10.com/labor-history-101-the-pemberton-mill-disaster/>.

⁸⁰ On 9 May 1992, an underground explosion at the Westray coal mine in Pictou County, Nova Scotia killed 26 miners. The disaster was caused by dangerous and illegal working conditions and prompted reforms to organizational sentencing (see Bittle 2012 and Quaid 2020).

consensus (Glasbeek & Tucker 1999: 72, as quoted in Dodd 2006: 238).

According to Dodd, inquiry reports attempt to restore these presuppositions and regain legitimacy in public discourse. This is largely achieved by drawing from a stock of available assumptions and narratives in the language we use, supplemented by day-to-day bureaucratic record-keeping. That is, official reports “aim to limit reflection on bureaucratic capitalism as the cause of the disaster, to substitute this explanation with a more individualistic one, and to redirect attention from radical change onto minor legislative reform” (Dodd 2006: 238). As such, official reports must present grounds for their own authority, including “a definitive account of events consisting of causal chains that identify the source of disaster” somewhere external to structure and “produce recommendations that, if followed, should prevent another disaster” (Dodd 2006: 239).

In her work on corporate governance frameworks, Soederberg (2010) provided an overview of key responses by the US government to the wave of corporate scandals that affected a quarter of the largest corporations in the American economy between 2001 and 2002. Soederberg (2010: 46) specifically considered the launch of the *Public Company Accounting Reform and Investor Protection Act* of 2002 (also known as the Sarbanes-Oxley Act) by the Bush II administration, which targeted “weak corporate governance practices, not the underlying contradictions and relations of power linked to the largely deregulated financial market and liberalized corporations.” Soederberg (2010: 46-47) questioned this dominant position and instead sought to locate the legislative response within “the relations of power, contestations, and contradictions that characterize capitalist society.” She ultimately concluded that such a response re-legitimizes the same neoliberal policies that contributed to the scandals in the first place, namely self-regulation of corporations and financial deregulation.

From this perspective, the position adopted in official responses to disasters is indicative of the relationship between capital, labour, and the state within the current regulatory framework. While official state responses may make every effort to present a neutral position, “in the sense that they do not wish to take sides in what is essentially a struggle between workers and management,” their outcomes are far from neutral (Whyte 1999: 278). When the state is unwilling to involve itself in discussions outside of its rather limited definition of what constitutes disaster, it is more likely to accept and adopt industry’s assertions on the causes and consequently ignore or diminish the economic and political environment within which workplace disasters – like other corporate crimes – are overdetermined (Alvesalo & Lähteenmäki 2016; Michalowski 2016; Scott & Bell 2016). Thus, the understanding of what can and should be done in response to disasters relies upon a set of economic realities that are largely determined by corporations themselves.

In his work on the *Piper Alpha* disaster, Whyte (1999: 67, 349) concluded that official reporting, and the subsequent regulatory regime born from post-disaster “suggestions and learning,” have been a spectacular failure. The extent of this failure is evidenced by the extensive weaknesses in the health and safety system, and relatedly the lack of any serious attempt by regulators and industry to foster genuine workforce involvement in safety (Wright 1993). Instead, official reports largely underplay or omit full consideration of some key aspects of environment and workplace culture; when these key issues are addressed, they are peripheral and not regarded as “integral to the efficacy of the system” (Whyte 1999: 319). This is largely evidenced in the substance of the reports’ conclusions, which rarely call for the introduction of new legislative measures and merely advocate that problem areas would be best addressed through revised and strengthened guidance. Whyte goes on to argue that disaster response is

often short lived when the state is concerned with economic consequences: the *Piper Alpha* disaster may have momentarily disrupted the corporate self-regulatory approach that dominated Britain during the oil boom, but once attention died down, the oil industry mounted a powerful campaign that not only loosened regulatory controls but increased work intensification (Carson 1982; Harvie 1994). As Gereluk (2006: 259) notes of the process, British legislators accepted the industry's claims that it needed to become "more efficient" to survive, thus demonstrating the kinds of health and safety implications that arise from the state adopting and justifying the company's worldview by default.

From a critical standpoint, it can therefore be argued that the purpose of official reports is to engage readers in a fiction that state recommendations are both sufficient to prevent another disaster and likely to be implemented and enforced. For Dodd (2006: 269):

...this is an embarrassment because inquiry after inquiry has "discovered" the same problems and recommended the same solutions only for disaster to "strike" again. Each report must convince its readers that it really has "discovered" something new about the cause of the disaster, and that its recommendations are equally new insights into possible preventative measures. The key message must be that the disaster was caused by ignorance rather than a failure of political will, or that where there has been a failure of political will, this, too, is an aberration that has been "discovered" and can be prevented now, and only now that the inquiry has done its work.

Thus, official state responses to disasters, in the sense that they are constructed within and contribute to commonsense accounts of the world according to a state with a symbiotic relationship with industry, can be understood as key components in the mystification of corporate violence (Whyte 1999: 106). In fact, Johnstone (2006) argues that when a disaster disrupts the acceptance of dominant social and productive relations in popular consciousness, official inquiries can have the effect of reconstructing an event in such a way as to reassure the public that nothing is fundamentally wrong. With specific reference to the state's response to

occupational death, injury, and disease in the United States, Johnstone (2006: 207) suggests that even legal prosecution can operate to maintain a “membrane of normalcy” that legitimizes harm by decontextualizing and individualizing disastrous events.

In this sense, it becomes clear that state responses to disasters are often less about discovering causes in the strictest sense, and more about searching for a culprit: “a culprit, that is, who draws attention away from *the sacrifice* of human life in the pursuit of personal profit” (Dodd 2006: 241, emphasis added). Further to this point, defining and responding to disasters becomes an exercise in power, as much of a report’s authority is expressed in the literary conventions by which the historical account of the disaster is given (Dodd 2006: 239-240). Each report is a picture of the practices used in determining causation and attributing blame that dominated at the time the report was written – providing a snapshot of some of the most potent cultural work of capitalism. Thus, in a process that essentially “prepares facts for burial,” official state responses “play an ambivalent role in the aftermath of disaster: they expose the conditions that led to the deaths and at the same time they work to render the public memory of these conditions safe for capitalism” by limiting reflection of class antagonisms and offering the increased control of bureaucratic capitalism as resolution to various crises (Dodd 2006: 268-269; Johnstone 2006).

4.4.2 Corporate and Media Responses to Disaster

As governments and global agencies fail to act decisively in the aftermath of disaster, “it is critical to recognize the powerful interest groups stymying action” to some of the world’s most pressing problems (Quinlan 2020: 446). Nyberg and Wright (2016) argue that corporate responses to disaster are both performative and political, pointing to the role of corporations and the unique brand of corporate capitalism in creating both pathways to destruction and barriers to

accountability. That is, the construction of disaster images represents a process of mystification by which operating companies attempt to present a particular view of the world in which they operate – and the construction of a particular view of their safety operations is subject to similar processes. In fact, Whyte (1999: 276) provided a stark indication of the lengths to which operating companies and their contractors will go to mask the true scale of their injuries with these distorted constructions, including through the distribution of corporate materials and lobbying activity. The following section explores the significance of such responses.

Framing and controlling the post-disaster narrative can have strong material effects that shape and define lived realities. This performativity is part of “the ongoing material-discursive making of the world, and corporations take part in shaping the possibilities to act in the future” (Nyberg & Wright 2016: 5). For instance, corporations can frame the narrative of disaster response through the notion of ‘risk,’ a practice which has significant implications for the regulation of railroads and other industries (see *Chapter 5*). Through processes of risk evaluation and codifying said risk into monetary value, certain disasters become naturalized within market conventions and subsequently cemented through political activities (Ailon 2012; Maguire & Hardy 2013). While the concept of ‘risk’ is commonly used by corporations in regulations requiring them to assess, manage, and respond to their own violence, risk assessments are argued by Nyberg and Wright (2016: 3) as “performative and political frames influencing how societies should respond,” rather than accurate reflections of corporate harm. These frames are political precisely because they engage a narrow range of actors, favor certain conventions, and demand particular actions (and inactions) by specific actors.

The ways in which corporations respond to their own harms can also have implications for future disasters, especially when public-relations firms are rapidly engaged to manage

information and media reporting (Quinlan 2020). Large companies are influential and are often well-equipped to develop a narrative that emphasises images of hope, optimism, heroism, and learning – and avoid discussions of why and how a disaster occurred (Box 1983; Whyte 2016). In this sense, both what is included and what is excluded from a frame is significant. Hegemonic understandings of workplace disasters are often reinforced by media reporting that, while not necessarily ignoring causation or critical investigation (there are examples of journalists going to bat against corporations), largely focuses on the human-interest stories of victims and survivors (Quinlan 2020). Also typical of such reporting is coverage of politicians visiting the disaster site to express their sympathies, offer prayers, and convey the message of community strength and resilience – bearing a striking resemblance to the sacrificial logic that both the cause of the damage and possible solutions lie in the hands of a higher power, of which we can only hope to endure through our continued sacrifice (Tylor 1958).

From a critical standpoint, the role of the media in disaster response can often be summarized by the exaggerated condemnation of individual actions which obscures structural violence. In their study on long-haul trucking in Australia, Quinlan and colleagues (2006) found that unbiased recognition and response by the media can be impeded when harm is more incremental and widespread – when violence is slow and routine. In this case, the structural factors that influence safety performance in the trucking industry (specifically, a subcontracting system that caused excessive hours, speeding, and drug abuse) were removed from discussions of the problem (Quinlan et al. 2006). Rather, media adopted a ‘blame the victim’ approach consistent with that of safety authorities, focusing on driver behaviour and the neoliberal subscriptions of individual agency, responsibility, and risk management (Burton & Carlen 1979). In a similar vein, Mayr and Machin (2012) argue that the media can aid in the concealment and

evasion of corporate crime reporting through discourses that assuage tensions and conflicts by scapegoating individuals, often along the lines of class, race, and gender. Unsurprisingly then, images of disasters, even when sensationalized, tend to ultimately have only a brief hold on our attention (Polack 2019). As LeMenager (2014: 65) wrote about oil disasters: these events “spill across history to happen again as if they are happening for the first time. The intimate miseries of oil spills, archived in poetry and narrative, in photography and film, cannot remain public for long.” This is exceedingly unfortunate, as some argue that keeping disasters in public consciousness helps mitigate the amnesia that typically heralds the resurgence of corporate harm and misbehaviour (Polack 2019).

4.5 Chapter Summary

This chapter explored the politics of defining and responding to disasters, including an overview of the three differing perspectives on the causes of such events in the workplace. Setting the groundwork for analysing the widespread and pervasive harm of modern capitalist relations, as well as the work that is required in categorizing (and legitimating) that violence, this chapter considered the evaluation of harm caused by disasters, disasters as industrial and organizational failures, and structural causes of disasters. The current study aligns with the structural literature, which prompted a discussion of how the operationalisation of particular ideologies can set the acceptable parameters for how the state, the media, and the corporation respond to disasters and instances of harm.

The chapter reviewed general processes of recognition, dominant language use in official assessments and reporting, and the impact that processes of legitimation can have on legislative changes from a variety of global studies. At the same time, I am cognizant of how responding to ‘disasters’ is contingent upon the social, political, economic, historical, and ideological contexts

within which they are conceived and the dominant discourses that condition those understandings. The politics of disaster response, including how we understand their genesis and questions of accountability, has a great deal to do with how images and language are constructed, disseminated, and reproduced. Adopting a particular language, in which ideologies have material consequences, means that companies can play a central role in the construction of post-disaster responses while other groups, namely workers, are marginalized or excluded from meaningful consultations on the future of safety (Purvis & Hunt 1993). Consequently, this chapter also demonstrates that language, key concepts, and categories are often used in official responses to frame corporate violence as *anything but* violence, even when acknowledging serious levels of harm and destruction from disasters.

Such framings are inadequate and leave considerable conceptual gaps within understandings of violence generally, and corporate violence in particular. Beliefs about corporate harm and violence are “related to wider conceptions of and criminality and the distributions of economic, political, and social power” (Hébert et al. 2019: 5). Specifically, how we respond to disasters represents the social, political, and economic legitimization crises that ensue from corporate misconduct, and the conflict between very real and widespread harm and the promise of future prosperity. This chapter ultimately links understandings of disaster to the wider political and economic structures to set the tone for my analysis of train disasters within the specific political-economic context of Canadian railways.

Chapter 5: Railways and the Canadian Context

“You’re not allowed to stop and have lunch; that train has to move. You do not know when you’re coming back. You’re not entitled to book rest... Fatigue sets in... You cannot refuse” (Rex Beatty, Teamsters Canada 2014: TRAN 023).

5.1 Introduction

In this chapter, I discuss the historical development and relationship between Canadian political economy and railways, including the material importance of rail to the capitalist mode of production and the strategic importance of rail to the Canadian state. Furthermore, I discuss how railway policy is part of national policy in the country, including the contemporary shift to neoliberal capitalism and the effects its accompanying policy changes had on rail regulation. These sections are vital steppingstones for analyzing rail disasters as a structural problem requiring deeper investigation; they are also crucial for understanding the macro social dynamics within which responses to the Lac-Mégantic disaster were conceived. As a technological innovation, Canadian railways secured a century-long legacy of national importance. However, with an extensive history of repeating like-kind social and environmental harms, the railway industry is also a representative of both pervasive corporate violence and routine demands for sacrifice: from the workers who built it, the Indigenous groups colonized and displaced for its development, the environmental landscape supporting its expansion, and the general public who endure and rebuild in the aftermath of railway disasters.

5.2 The Legacy of Nation Building

The development of Canadian railways revolutionized transportation in the country and was integral to the very act of nation building (Marsh 2009; Hatfield 2018). From the 1830s, colonial leaders in what would become Canada recognized that railways were necessary within and between their colonies for economic growth and improved military capabilities (Widdis 2019).

The first small railways were built in the 1850s but plans for expansion took off at the 1864 Confederation conferences when delegates from Nova Scotia and New Brunswick expressed that their joining Canada was dependent upon the construction of intercolonial railways. Two of the country's largest players, Canadian National (CN) and Canadian Pacific (CP), were gargantuan, continent-spanning enterprises whose rail lines linked a number of cities, ports, and resources, opening up settlements in the West by launching new markets and bolstering industrialization (Lam 2016; Murray 2011).

The changes wrought by railroads were of such totalizing importance that their impact is often taken for granted. The story of the CP Railway itself has been eulogized in story and song, giving it an especially symbolic, even mythic, place in the Canadian psyche (Timur & Ponak 2002), while the critical land transportation provided by the Intercolonial Railway during the winter earned it the treasured nickname "The People's Railway" (Cruikshank 1986: 79). Brown (2013: 8) characterizes these changes by the notion of singularity: when a society "is so completely altered that individuals from the previously existing civilization cannot grasp the way of life of the post-singularity society." Some attribute this power to railroads' fueling of economic development (Fishlow 1965; Shortt 1914; Hatfield 2018), others to the industry's impressive control over public imagery and discourse (Cruikshank 1986; Lam 2016). For years, railways possessed almost exclusive control of the country's transportation and consequently involved significant public, political, and social interest, eventually coming to stand for all that Canada had achieved in the nineteenth century and *could* achieve in the twentieth century. To quote historian George Stanley: "without railways there would be and could be no Canada" (Scott 2013; Marsh 2009).

However, there are two sides to this coin. The “celebratory tone” of rail in Canada masks critical consideration of what sort of nation the railways helped build (if it even was one homogenous space), and how it affected different groups in different places (Hatfield 2018: 52). Historically, the dangers of railway construction have been in tension with the economic importance of rail and the harms that are generated in the name of ‘national interest.’ The construction of Canada’s railways created a demand for workers that demonstrated an early and enduring struggle between profit and people, as many immigrant and migrant workers encountered exploitative working conditions and poor living circumstances – notably the 15,000 Chinese labourers who helped build the Canadian Pacific Railway (CPR).⁸¹ As has historically been the case for other sectors (see Whyte 1999; Brown 2016; Snider 2015; Angelich 2019), when the political economy of speed and progress gathered momentum in the railway industry, high levels of death and injury inflicted upon workers became obscured by the intensification of productive demands.

A further problem with the ‘good of the nation’ rhetoric surrounding the construction of railways is that assessments of goodness and badness very much depend on where one is situated within the social formation. Consider the fate of Indigenous peoples in what is now Canada, whose subjugation was integral to the completion of the transcontinental railway (Watkins 2014). Rail was a colossal force in driving colonial settlement projects because it was an

⁸¹ Construction of the CPR began in the 1880s, and Chinese workers were crucial for building the difficult western sections of the railway. Chinese railway workers were brought by ship from both California and China to start building the CPR from the west coast at the same time that European labourers began building the eastern section from the east coast (Government of British Columbia 2025). Of the 9,000 railway workers over the course of construction and by the end of 1882, approximately 6,500 were Chinese Canadians who suffered greatly in harsh conditions for very little pay (less than \$1 a day, minus food and equipment), and historians estimate that at least 600 were killed by their work (Marsh 2009; Avery 2013). Even though Chinese Canadian labourers suffered and died building a railway that now symbolizes the unity of Canada from coast to coast, they were left out of the national celebration surrounding its completion (Government of British Columbia 2025). <https://www2.gov.bc.ca/gov/content/governments/multiculturalism-anti-racism/chinese-legacy-bc/history/building-the-railway>.

effective way of taming rough Canadian landscape, with locomotives being able to plough through snowy winters and easily “link the hubs of civilization through the sprawling wilderness” (Hatfield 2018: 58). However, “the dream of uniting Canada with a railway coast to coast was a nightmare for Native peoples” and the link between railways and the removal of Indigenous land is at the root of Canada’s national story (Willard 2003: 12). As the railways brought a flood of new settlers, Métis and Indigenous peoples saw threats to their land and way of life mounting, specifically along the North Saskatchewan River. Roughly 5,000 Indigenous people were violently expelled from the Cypress Hills of Saskatchewan in the 1880’s alone to make way for the Construction of the CPR, which was completed in 1885 (Willard 2003).

For many Indigenous peoples living on reserves, “the railway [also] proved to be a fatal disease vector” (Andrew-Gee 2020: 1). The rapid opening-up of the country by railway expansion involved a mass increase of settlers in the late 19th century, and settlers brought the measles, influenza, and other contagions. Additionally, the railway caused misery to Indigenous groups in the form of “bosses who exploited their workers with a new philosophy of profit” (Willard 2003: 13). Though their contribution to nation building – explained by Tania Willard (2003: 13) as “survival in a time of necessity” – is all too overlooked in Canadian history, Indigenous labourers worked as freighters, trackers, lumber suppliers, and in construction of the railways. Although increasingly ‘employing’ Indigenous people, railway construction was protested by several different Indigenous leaders and their communities; though victories were short lived, as the railways transported and delivered militia to enforce violent ‘relocations’ and executions (Daschuk 2013). In short, the railway ensured that “soldiers and military could move

around the continent enforcing colonialism” (Willard 2003: 12-13), and CPR still quotes colonization as one of its enduring business practices.⁸²

Thus, the heritage of conflict between First Nations communities and the large railway companies is one that continues today. In 2016, Fort William First Nation near Thunder Bay, Ontario, settled a land claim related to its ‘relocation’ more than a century earlier for the sake of building Grand Trunk Pacific railway terminus, the corporate predecessor of CN (Andrew-Gee 2020). This displacement pushed the band to less farmable land and forced the relocation of a community graveyard. For many of the First Nations who stalled traffic during the Wet’suwet’en standoff in 2019, railroads are a symbol of dispossession and colonial control that goes back generations – a simple piece of infrastructure that stands for many injustices that do not normally occur to other Canadians: land theft, starvation, expulsion (Andrew-Gee 2020). While the series of blockades across the country began as a response to RCMP arrests on Wet’suwet’en territory in northern British Columbia where protesters had been trying to stop the Coastal GasLink pipeline, for many the rails had taken on a symbolic as well as tactical meaning. Their occupation was cheered as a strike against one of the most effective tools in the colonization of Canada (McIvor 2021).

Despite what could easily be described as a legacy of violence, Canadian railways are increasingly held up as an iconic technology that could breach geographical gaps, link people and places, and realize the national and imperial endeavours of both politicians and capitalists alike, all while increasing the potential of a truly globalized economy (Hatfield 2018: 49). The railway enabled those with large amounts of money to further their own material designs and

⁸² (CPR 2025) <https://www.cpkcr.com/en/about-cpkc/history>.

make a mark in the development of the country, giving capitalists an “unrestrained opportunity to carve up a continent” and control the pulse of the nation (Widdis 2019: 12). This sentiment was not only felt by the country’s political and economic elite, but the importance of rail in the creation and development of national ideas was a common theme in the work of many artists, writers, and theorists of the time (Daniels 1993; Virilio 2007; Murry 2011). On the one hand, the railway and the locomotive were believed to be ushering in a new era ripe with progress and unbridled ambition. On the other, by linking people and places, the vast transport and communication networks created the conditions for unanticipated changes in economic and social geographies (Innis 1950). That is, while the railway does have a central role in the formation of the nation, it also leads to its reconfiguration. Therefore, the railway is not understood as a simple homogenising force, but instead one that creates the potential for change and unintended happenings too. The following sections discuss these changes in the development of a unique Canadian political economy and the importance of rail to the Canadian state.

5.3 A Political Economy of Canadian Railways

To fully understand the significance of rail in Canada beyond initial nation building, it is important to begin with a Canadian political economy. That is, understanding rail disasters in the current conjuncture requires understanding Canada’s distinct development, nature, and economy – the premise being that the underlying structures and patterns of the country inform the way that ideas are developed. Accordingly, I echo Clement (2014: 3-4) in arguing that a political economy of Canada must build from a totality connecting the economic, political, and ideological moments of social life, and that to understand each aspect requires contextualization of each *with* the other (Layder 1993). The political economy embodied here focuses on identifying social relations and scrutinizing social change while abandoning “the common-sense view that certain

things (e.g., capital or markets) and social and economic systems (e.g., capitalism) are irreducible rather than relational and *always* in process of flux” (Clement & Vosko 2003: xii emphasis original).⁸³

For many scholars concerned with the forces shaping the current trajectory of the Canadian economy, a wholistic understanding is rooted in the legacies of the country’s transition to capitalism in the 19th century (Palmer 2024; Pineault 2018). More specifically, Canada’s position as disciple in Britain’s transition to capitalism and industrialization is paramount:

Wedge between a dominant imperial power, which continued to maintain economic ties with its former colonies, and the rising industrial power of the United States, the Canadian colonies confronted an increasingly open and competitive international economy for their exports – meaning Canada would either have to “catch up” industrially or face being marginalized as a periphery of a larger, imperial power (Albo & Jenson 2014: 219).

Given this, the *staples theory* provides perhaps the most common interpretation of Canada’s economic development. Originally proposed by economic historians in the 1930s, this model submits that growth and change in Canada centres on resource extraction for export, or staples – such as cod, wheat, furs, minerals, and timber (Watkins 2006). As a major tradition that has examined the impact of primary-sector growth on the development of Canadian society from the colonial period to present, staples theory seeks to explain how the logic of mass extraction and exportation of staple products defined the trajectory of the country’s development (Pineault 2018). As the Canadian political economy was historically shaped by waves of export-oriented resource development, each wave left a lasting mark on the composition of key dimensions of

⁸³ Such an approach avoids economic essentialism because the economic itself is a social, political, cultural, and ideological construct within which time and space are ever present variables.

national life, including political structures and practices, infrastructure, finance, social geography, and colonial relations of power (Stanford 2020; Pineault 2018).

In addition to the extractive frontier, Canadian staples gave rise to another form of capitalist space: “corridors of transport” (Pineault 2018: 135). The exportation of a given staple has potential spread effects to other sectors both at home and abroad, with even some structural aspects of an economy – such as its transportation infrastructure – oriented around waves of export-initiated staples (Stanford 2020: 281). The building of infrastructure in its turn can then lead to further (and powerful) spread effects, even “potentially exceeding the original linkage from the staple itself and leading to pervasive industrialization” (Watkins 2014: 20). The central importance of Canadian railways for both staple production and industrialization is exemplary of this. Not only were the pace and form of development largely determined by geographical limitations and technological improvements – both heavily linked to railway development – but the unbridled expansion of railway systems through rough terrain led to discoveries of minerals faster than would have otherwise been the case, unleashing even further linkages⁸⁴ (Widdis 2019; Watkins 2014).

The core insights of staples theory have experienced renewed relevance for contemporary Canada, especially with the boom of another staple export: bitumen. Beginning around 2002 with the surge of global energy prices, a massive flow of investment into Canadian petroleum projects (especially enormous bitumen operations in Alberta) redirected Canada’s entire

⁸⁴ Such as the rich mineral deposits found in Northern Ontario, which remains a primary extractive region. Ten years ago, three-fifths of all Canadian freight by rail and half its shipping was dedicated to the export of minerals (Watkins 2014: 46). Today, metals and minerals account for 82% of originating carloads on Canadian short lines and as high as 90 per cent for those in the province of Quebec. Examples of metals and minerals moving on Canadian railways include aluminum, copper, nickel, iron ore, steel products, other base metals (Railway Association of Canada 2023) https://www.railcan.ca/wp-content/uploads/2023/05/RAC-Submission_INDUCircular-Economy_May-1-2023_UPDATED.pdf.

economic trajectory (Stanford 2020). Traditional extractive industries that marked Canada's development during the twentieth century – mines, fisheries, forestry – have been sidelined by a boom in the hydrocarbon sector. What is more, oil and gas corporations, whether Canadian or foreign owned, have become central economic actors, some of which are comparable in strength and wealth to national governments (Huerter 2016; Campbell 2013). Consequently, Pineault (2018) argues that the extractive corporation and the hydrocarbon transport industry are the primary locus of the capitalist pressure to extract. The significance of Canadian railways is again of note here, given that rail is the main source of transport for crude oil in the country and that only a handful of giant corporations manage the North American transport system of liquid fossil fuels (Pineault 2018).

However, despite the surface-level appearance of growth and prosperity, a staples dependency can be volatile for a country (Cohen 2020). Now, this energy expansion, like other staple cycles before it, has had worrisome implications for many aspects of Canadian society:

It sparked a devastating over appreciation of the Canadian currency, it contributed to the deindustrialization of domestic manufacturing, it realigned Canadian political power in a westward and conservative direction, and, most frighteningly, it increased Canadian and global greenhouse gas emissions at a time when the planet urgently needs to head in the other direction (Stanford 2020: 284).

The new staple trap of bitumen and its modern application to rail in the Canadian context demands further consideration and greater space than I can provide here, but I return to discussions of oil and the transportation of oil by rail in subsequent sections. These are not realities to be overlooked; as seen above, we have grown myopic about the role of rail in creating

ordinary histories, a blindness that persists despite our continuing dependence on rail to transport goods and resources.⁸⁵

5.3.1 The State-Railway Relationship

Given the power and impact of large companies in molding a country, this discussion of Canadian political economy would be incomplete without emphasizing the nature of historic and contemporary forms of state-corporate relationships: first in how the form and direction taken by the state at a particular moment is connected to its relationship with capital (Tombs & Whyte 2003; Jessop 1990; Tombs 2012), and secondly how this relationship uniquely pertains to railroads. While the state plays an important role in defining and responding to corporate harm, specifically through law, its power is not absolute and has rather been argued as one of the various societal mechanisms that helps (re)produce capitalist market relations, though not automatically (Tombs & Whyte 2007; Jessop 2004). However, as the state regulates conflict between classes, it necessitates at least the appearance of being relatively neutral, distanced, even removed from the economic realm (Pashukanis 2002). This apparent neutrality is important in maintaining legitimacy, “for if the state was to represent itself as it is, as defender and upholder of the dominance of the capitalist class, this could call into question the state’s status as mediator” (Whyte 1999: 123).

While the role of the state includes safeguarding the general material conditions of production, expanding national capital on a global scale, and regulating conflict between labour and industry (Jessop 2016; Alvater 1978), it is essential to reach beyond a deterministic view of the state simply responding to the demands of the dominant economic class (Soederberg 2001;

⁸⁵ This myopia about rail intersects with and is compounded by a myopia about oil.

Poulantzas 1978). That is, while the state may help create the conditions under which a certain class can dominate, it is not reducible to a tool. Furthermore, it is not that every fluctuation of politics and ideology presented in the history of rail in Canada can be expounded as an immediate expression of the economic structure; rather, the state represents an “unstable equilibrium of compromises” (Poulantzas 1976: 75), whose actions and strategies I interpret as part of a broader, longer-term struggle to sustain the capitalist mode of production (Jessop 2004; Stanford 2020).

State strategies are unique to their context and take various forms throughout different periods in history. Railroads changed the economics of transportation during the 19th century and challenged many of the existing societal norms, including within the discipline of political economy (Palmer 2024; Lutz 1992). From the beginning, a laissez-faire doctrine favored railway companies in a system based on faith in the efficacy of industry competition, “expressing itself in the form of general laws authorizing the freest possible railroad construction everywhere and by anyone” (Brown 2013: 11). However, by their very nature, railroads often had a localized monopoly, and their development rapidly became huge business as their material needs helped create several other big industries, such as iron, steel, and oil (Brophy 2022; Palmer 2024). As railway owners had an obvious interest in the success of these industries, large corporations attempted to stabilize their situations by pooling markets and centralizing management (Conigliaro et al. 1996). By combining all the fields into one conglomerate, the railroads found new power in acquiring control of many facets of the changing economy. As a result, a few large companies were able to squeeze out smaller competitors, force down the price of labour and raw materials, and increase fare prices for customers.

Through the 1850s and 60s, rapid expansion dramatically transformed the character of the railroad industry and created the new possibility for integrated rail networks – networks assembled largely through piecemeal processes of extended leases, bankruptcies, reorganizations, and new construction (Murray 2011). With unprecedented growth came an even greater tendency towards industrial monopoly, where “the business interests of the parties concerned made [free] competition practically impossible” (Hadley 1885: 63; Conigliaro et al. 1996). Thus, the economic theory that competition would impose behavioural checks on railway companies was now “relatively powerless within a network industry” (Brown 2013: 9). In fact, this failure of competition became an organizing principle for railroads that produced vast webs of track everywhere (Adams 1878), the effects of combining public policy based upon competition with powerful actors who had no fear of it.

Returning to Carson’s (1980: 246) work, this rapid development similarly required the kind of government assistance that spawned a “classically symbiotic relationship” and “singular harmony of interest” between large railway companies and the Canadian state, reflected in national policy which places a high premium on progress, speed, and efficiency. Simply, the railroad age would never have begun without innovation by government (Roberts 2014). In fact, Canada’s early large-scale railroads were more closely intertwined with governmental entities than most of their U.S. counterparts. CPR, for instance, has always depended heavily on government loan grants and other subsidies to fund its epic expansion as a privately-owned company (Murray 2011). Similarly, CN – who incorporated ‘The People’s Railway’ – owes its very existence to the government. By the mid 1800s, rail was considered so essential that the

Guarantee Act (1849) established government assistance for railway construction, the cost of which was highly defensible as a public service (Cruikshank 1991: 59).⁸⁶

Once more, because it bears repeating, this rapid expansion was made possible and easier with the level of government assistance extended to railway companies.⁸⁷ In 1880, CPR was generously endowed with \$25 million in cash-grants by the federal government under Sir John A. Macdonald, along with 25 million acres in land grants, tax concessions, rights-of-way, and a 20-year prohibition on the construction of competing lines (Marsh 2009). But the federal government was not the only vested party in speedy railway expansion, and the construction of Canadian rail lines was also characterized by the rapid absorption of foreign (national) capital (Shortt 1914). Envisioning a line connecting Halifax to the St. Lawrence River as a prelude to the union with Britain's northern colonies, the construction of Canada's Intercolonial railway was spurred on and assisted by a generous British loan guarantee (Cruikshank 1991). At the same time, local and state interests sought out and subsidized the development of railroads, since they had become of great practical convenience while retaining their legacy as nation builders. In combination, these conditions spurred on a heedless drive of expansion for expansion's sake, bringing roads into existence for which there was no real demand. With nothing to hold back

⁸⁶ Mainly a result of the enterprising activity of the Canadian Minister of Finance, this first railroad policy set the groundwork for the continuous growth of rail in Canada and for the intimate relationship between industry and government for years to come. For example, prior to the introduction of the *Guarantee Act*, there were less than 50 miles of completed railroad in the country; just 8 years later, the railroad mileage amounted to 1653 in operation, with 344 miles of track still under construction (Shortt 1914).

⁸⁷ Consistent with the conflictual nature rail-state relations in the country, the subsidisation of branch lines has also been argued as ineffective, with disputes arising and continuing for long periods between the railways and the state about the appropriate measure of costs in the calculation of subsidies (Heaver & Nelson 1980). The effect was to place increased responsibility on the federal government for the maintenance of rail systems. The government allocated \$100 million to CN and CP line rebuilding and maintenance in 1977, a sum which reached \$258 million the following year (Heaver & Nelson 1980: 13). This prompted questions concerning the rationale, effectiveness, and rapid growth of railway subsidies.

network monopolies, and with governments' active support, capital was sunk into railroads for the sake of having them, resulting in zombie railroads and miles of neglected or abandoned track (Naylor 2006). This trend is significant, as years later critics would quote the neglect, decay, and elimination of unprofitable track as major contributors to train derailments and disasters (see *Chapter 6*).

Despite being essentially symbiotic in nature, relations between the state and industry can still be conflicting or tense – an uneasy symbiosis finding repeated political expression (Braford & Connors 2020; Carson 1980: 247). Documented economic failings, outrage over monopoly-induced fare discrimination, as well as corruption surrounding building and operating railroads eventually led to popular demands for their regulation. The nature of government controls includes both questions of government subsidization of railway construction and regulation once railroads are constructed. For example, in the 1850s some suggested that a public body to standardize and publish a company's financial reporting would simultaneously deter managerial malfeasance and alert the public to industry performance (Palmer 2024). However, one important result of the decades of power afforded railways was that they grew beyond the bounds of state regulation. As such, implementing oversight and legislation was difficult, as “the expertise in railroad matters naturally resided within the firms, and they were determined to resist resolutely the authority” that confronted them (Brown 2013).

A Board of Railway Commissioners was established in 1903 to regulate railway rates and service, but this did not end direct government intervention. From 1905 onward, Canadian governments experimented with new ways of managing railways, including nationalisation (Benidickson 1991). When most of CP's major competitors were in financial trouble in 1923, they were nationalised into a government corporation called the Canadian National Railways

(Heaver & Nelson 1980). This left Canada with two transcontinental railways and the idea that new government corporations “would have significant independence from politicians” (Cruikshank 1991: 63). At the provincial level, other governments enacted legislation to bolster the success of railways specific to their communities. For example, the Maritime provinces enacted fish and game laws that supported the rail industry’s efforts to attract paying tourists and “shape the wilderness that [they] might encounter” (Cruikshank 1991: 70). At the same time, evolving legislation grappled with the idea that “the distress and inconvenience associated with the high cost of living” spurred by the railway boom might be effectively remedied by bureaucratic processes (Shortt 1914: 294). That is, when the economic principles of competition failed to control the rail industry, some believed the early 20th century would see laws passed “for true summary suppression of the monopolists and other grasping conspirators” who were not operating in the best interest of “their helpless fellow citizens” (Shortt 1914: 295). However, railways are large and well-organized, have enormous political capital, and can influence regulatory policy through their intimate relationship with the state (Benidickson 1991; Campbell 2014).

5.4 Law, Legislation, and the De(regulation) of Railways

With over 180 years of legacy forming a nation, modern railways have retained their importance in the country, and railway policy is still part of national policy in Canada today. While some regulations emerged fairly rapidly, such as the fishing and gaming laws noted above, others have been a protracted affair (Palmer 2020). Making regulations can be long and drawn out because, as Carson (1980: 251) pointedly states, the symbiotic relationship between the state and industry often involves a preoccupation with ensuring that we “carry the industry with us in believing that the regulations are fair, reasonable, effective, and practicable.” However, while it would be

historically inaccurate to portray governing agencies as acting autonomously of the interests and productive requirements of the rail industry (or capital generally), they do try to maintain at least a general appearance of neutrality and independence. In fact, for Carson (1980: 256), the historical significance of regulating bodies “probably lies primarily in [their] ability to maintain this position which is signified in the small but steady stream of prosecutions each year.”

As far as the Government of Canada is concerned, however, resorting to penal sanctions available under the law is deemed largely irrelevant to railway operations. Even in the most exceptional circumstances, companies are more likely to be charged with regulatory offences, with regulators giving preference to written warnings, increased monitoring, or perhaps *Railway Administrative Monetary Penalties*⁸⁸ over harsher sanctions (Campbell 2018; Bradford & Connors 2020; Bittle & Hébert 2020). Such motivation is entirely in accordance with “a general approach which sees prosecution as nothing more than an occasional sharp corrective, or something to be countenanced for other and extraneous reasons” (Carson 1980: 259). It would therefore be no exaggeration to describe the enforcement of railway safety law in Canada as being organized in such a way that legal proceedings (especially against companies and senior management) are rendered highly improbable, if at all desirable.

Generally, regulation “involves state-imposed limitation on the discretion that may be exercised by individuals or organizations, which is supported by the threat of sanction” (Bittle 2012: 46). Measures of regulation include taxation, codes of conduct, standards, and guidelines; and proponents of regulatory justice advocate for persuasion, bargaining, and education as

⁸⁸ Railway Administrative Monetary Penalties are fines issued by Transport Canada to corporations and individuals for contraventions to the *Railway Safety Act*, or regulations and rules made under the Act. <https://tc.canada.ca/en/rail-transportation/enforcement-action-measures-mitigate-threats-rail-safety/railway-administrative-monetary-penalties>.

appropriate strategies for regulating corporate misdeeds. This is largely due to strict enforcement strategies being seen as counterproductive with the potential to decrease market efficiency and alienate corporate actors who were once cooperative (Alvesalo & Lähteenmäki 2016: 56). Instead of imposing punishments for violations, regulation is predominantly believed to encourage corporations to act as socially responsible, law-abiding, and self-managing organizations. This approach also views the state as insufficient for overseeing compliance and thus prefers to leave the management of health and safety to institutions beyond the state, specifically to business organizations themselves (Snider 2015; Bittle & Hébert 2020). This is understood as both possible and desirable should corporations be offered an appropriate combination of market incentives and persuasion (Tombs & Whyte 2013: 67).

The essentially symbiotic relationship between industry and state – one in which the objective of rapid rail expansion was substantially shared and a classic process of give and take grew between large corporations and the host state (Carson 1980: 261) – shapes the development, administrative structure, and enforcement of laws relating to railways (Wolmar 2012; Benidickson 1991). Initially an afterthought in the wake of the need to regulate fare prices, regulations relating to safety emerged slowly through a process of negotiation in which the need to carry the industry's support was crucial (Marsh 2009). Thus, there were divided loyalties and conflicts that result from the regulatory body's functions in relation to the economic. Ultimately, in capitalist states, the enforcement process takes place in the knowledge that government is determined to see rail survive and thrive.⁸⁹

⁸⁹ It should be noted that policy decisions do not necessarily have an equal impact upon each individual company. Different companies, with different sizes and types of operation are likely to have a variety of concerns and interests (Whyte 2020; Falk 1973).

Historically, laws and government bodies charged with regulating railways in Canada have been fluid and marked by tension. The *Railway Act* of 1903 formed Canada's first federal Railway Board, which had far-reaching jurisdiction over all federal railways at the time (Dunford 2017). The *Railway Act* was replaced by the *Transport Act* of 1938, and with it the Board of Transport Commissions (BTC) assumed total authority over all Canadian railways, airlines, and bodies of water (Canadian Transportation Agency 2004). In 1967, jurisdictional powers in this domain shifted once again when the BTC disbanded following the formation of the Canadian Transport Commission⁹⁰ (CTC; Dunford 2017). Although the main functions of the CTC included safety regulation and investigation, their ambitions shifted markedly away from regulatory compliance to financial concerns, including a key policy announcement that “regulations should not be restrictive” to a company's potential (Gratwick 2001: 3). The governing legislation was amended in the same year – now the *National Transportation Act* (1967) – and allowed railways to apply to the CTC for the abandonment of unprofitable lines, as a first step in removing the financial burden of these services.⁹¹ If the services and lines were found to be unprofitable but necessary to the public interest (for example, some intercity passenger services), their continued operation would be required but compensated by the federal government (Heaver & Nelson 1980). Despite the helping hand of the state, this policy was

⁹⁰The Canadian Transport Commissions was created to assume the responsibilities of two government bodies, the BTC and the Canadian Maritime Commission, making it Canada's first fully converged, multi-modal regulator. In 1988, the National Transportation Act overhauled the CTC and replaced it with the National Transportation Agency. In 1996 the Canada Transport Act (Bill C-14) received royal assent, and the agency was again renamed to the Canadian Transportation Agency.

⁹¹ This legislation also allowed railroads to downsize personnel, enter into long-term contracts, and merge with competitors (Gurney & Hill 2018).

harshly criticized by the railways, and VIA Rail was forced to assume responsibility for these passenger services as a new Crown corporation beginning in 1979 (Gratwick 2001).

The policy of largely deregulating railways has been effectively implemented since the passage of the *National Transportation Act* (NTAct), the direction of which is to achieve efficient transport by “relying principally on competition and commercial incentives, rather than on the older combination of commission regulation and direct government intervention” (MacPherson Commission 1961; Timur & Ponak 2002). The statement of National Transportation Policy in the NTAct declares that “an economic, efficient, and adequate transportation system making the best use of [transportation] at the lowest total cost is essential to protect the interests, economic well-being, and growth of Canada” (NTAct, section 3). Furthermore, the legislation states that these objectives are most likely to be achieved when regulation does not restrict the ability of rail to compete freely (Heaver & Nelson 1980). Thus, the NTAct drastically revised the extent and structure of regulation to emphasize negotiation over direct oversight and grant railways wider freedoms. With the added goal of addressing the rise in the trucking industry and its effects on the national rail freight system, the nationwide policy was based upon competition between all transport modes – the legacy of which is a sector that has had a primary objective of fostering competition between private entities within an ‘open’ market framework for decades (Katz-Rosene 2013).

The deregulation of Canadian railways was pursued even further in the 1970s with the rise of neoliberalism as the new economic mentality governing “for” the market rather than “because” of it (Foucault 2008: 121; Dunford 2017). As a new liberal formation of late-modern capitalism, neoliberalism has been defined as a “theory of political economic practices” proposing that human wellbeing “can best be advanced by liberating individual entrepreneurial

freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade” (Schwarzmantel 2007: 262). Commonly, it is a policy model characterized by the transfer of control of economic factors from the public sector to the private sector (Dilts 2012: 193). Importantly, though, this distinct formation was not the result of a “*retreat*” of the state, but of a “*transformation*” that involved significant changes in how the public and private spheres interact, especially through law and the “soft” regulatory approaches endorsed by the state (Picciotto 2011: 87-98, emphasis added).

The Canadian regulatory model has, therefore, been shaped by a preference for public-private collaboration and the belief that industry standards represent a valid alternative to traditional regulation (Lacoursière 2006; Barnettson 2010). Since the 1980s, the dominant narrative has evolved to include the assertion that private industry with a profit motive is better at managing its operations than government. This philosophy materialized through the promotion of policy agendas that dramatically increased financialization – the practice of applying a monetary value “to everything that can be touched (goods, services, natural resources), or imagined (futures, derivatives, intangible concepts and processes)” (Bittle et al. 2018: 8). In turn, this involved a “tectonic shift” in public policy towards privatization (Fudge & Cossman 2002: 3) and the “ideological reframing” of the idea of regulation (Tombs & Whyte 2013: 64), which stresses that as little as possible should be done to discourage or interrupt the economic progress of corporate bodies. In 1984, the new political project strengthened its roots in Canada when Brian Mulroney and the Progressive Conservative (PC) party came to power and immediately began an ambitious program of deregulation and privatization (Fudge & Cossman 2000; Barnettson 2010). These efforts afforded owners and operators across industries considerable

regulatory flexibility (Glasbeek 2013; Winfield 2013; Campbell 2018), and much of the privatization in Canada was considered a monumental success for the elite.

This development in political thought had important implications for the railway industry. Despite the change in political power in 1993 which began a 13-year stretch of Liberal government under Prime Ministers Jean Chrétien and Paul Martin, the Conservatives' deregulation agenda carried on and included massive budget cuts to TC and the privatization of CN – one of the largest rail privatizations in history (Boardman et al. 2007; Murray 2011). This shift to privatization is significant, as the railway's "historic covenant to bind the country together" was being rewritten (Campbell 2018: 26). That is, as a publicly constructed and operated railway, Canadian National was, at one time, under more of an obligation to balance public service and profitability (Murray 2011); now, that obligation to Canadian citizens, who had subsidized these companies for their entire existence, was gone. While the company's profits soared in the years following its privatization, the public saw the selling off or abandonment of unprofitable track, employee layoffs, and more and longer trains running through populated areas (Campbell 2018). The company also spent billions buying up rival railroads, expanding its reach in both Canada and the United States (Kirby 2008).

To summarize, much like corporate harm and wrongdoing in other Western countries, the fundamental principles of capitalist growth paired with state (in)action and a history of believing in the benevolence of corporations, downplayed the need to seriously regulate the railway industry in Canada (Glasbeek 2013; Alvesalo et al. 2017; Tombs & Whyte 2015). Furthermore, laws governing corporations have been argued (successfully) as unnecessary and redundant, "because free market competition was seen as the best way to separate out socially irresponsible companies" (Alvesalo et al. 2017: 8). Ultimately, the collapse of inspection and enforcement

regimes occurred at the same time as a series of government promises to industry that they would further restrict any interference with business operations (Brown 2013: 11), reflecting the same, though now more intense, laissez-faire doctrine that plagued the regulation of railways since Confederation.

The governance of Canadian railways is complex and has many tiers, with federal regulations applying only to certain railways meeting specific criteria.⁹² Furthermore, rail is regulated by several orders of government⁹³ as opposed to subsectors such as airports, seaports, and bridges, all of which are regulated primarily by the federal government alone. Not only does this influence regulatory complexities but it also generates “different organizational cultures, tensions, power relationships, and approaches to management” (Quigley et al. 2017: 11). There are 31 federally regulated rail carriers in Canada, but the rail industry is dominated by its three main Class I carriers: Canadian National, Canadian Pacific, and VIA Rail.⁹⁴ Large and well-organized to influence regulatory policy, these main carriers lobby government through the Railway Association of Canada. Interactions between government and the rail industry are privileged and non-competitive, evidenced by the fact that, as a national strategy, the state leaves considerable flexibility for the rail sector to develop its own risk profile and practices, and to *voluntarily* participate in safety exercises and associations (Hood 1998).

⁹² Federally regulated railways must meet one or more of the following criteria: they operate in more than one province; they cross the Canada-US boarder; they are owned and controlled by a person who operates a railway within Parliament jurisdiction; they are declared by the Canadian Government as a general advantage for at least two provinces, if not all of Canada (see *Canada Transportation Act*, section 88).

⁹³ Regulatory departments and agencies include Transport Canada, the Canadian Transportation Agency, the Transportation Safety Board of Canada, Employment and Social Development Canada, Environment and Climate Change Canada, Canadian Heritage, and Fisheries and Oceans Canada. See railcan.ca.

⁹⁴ Carriers are divided based on revenue threshold. As of 2004, a Class I rail carrier is a company that earned more than \$250 million (CAD) in gross revenues for each of the previous two years. <https://tc.canada.ca/en/corporate-services/transparency/corporate-management-reporting/transportation-canada-annual-reports/transportation-canada-2023/rail-network>.

Since most of the critical infrastructure in the country is owned and operated by the private sector, rail and its regulatory regime in Canada are characterized by concentrated power.⁹⁵ As Quigley and colleagues (2017: 56) argue, the federal government is content to use industry self-interest as the main incentive for risk management and to serve as facilitator, not enforcer. That is, “the decision to refrain from prescriptive, top-down standard setting is deliberate,” with government set on remaining relevant but not responsible (Quigley et al. 2018: 120). As such, the importance of rail in Canada is seen to create a “moral hazard” because current governments, much like their predecessors following Confederation, are unlikely to let the organizations that run railways fail outright, even if they cause harm to workers, the public, and the environment (Quigley et al. 2018: 149). This reluctance to hold industry accountable is demonstrated in the development and (lack of) enforcement of legislation governing railways today.

5.4.1 *The Railway Safety Act*

In our current conjuncture, rail regulations in Canada are primarily set by the Federal regulator, Transport Canada (TC),⁹⁶ which is responsible for developing regulations, policies, and services for the bulk of Canada’s rail, road, marine, and air transportation. TC was created as the Department of Transport in 1936 and fundamentally transformed regulatory authority in the country, primarily through the *Railway Safety Act* (the Act).⁹⁷ First enacted in 1985, the Act

⁹⁵ The Canadian rail system currently has over 48,000 route-kilometers of track, and 45% is owned by Canadian National. <https://tc.canada.ca/en/corporate-services/transparency/corporate-management-reporting/transportation-canada-annual-reports/transportation-canada-2023/rail-network>.

⁹⁶ Rail regulations are also impacted by the Canadian Transportation Agency, an independent, quasi-judicial tribunal and economic regulator. It makes decisions and determinations on a wide range of matters involving air, rail and marine modes of transportation under the authority of Parliament, as set out in the *Canada Transportation Act* and other legislation.

⁹⁷ While the *Railway Safety Act* and the regulations made thereunder constitute the main body of statutory controls specific to the safety of railways in Canada, they do not exhaust the catalogue of Canadian law purporting to have some application to rail regulation. For example, in 2024, CN was fined \$8million after pleading guilty to two

introduced the basic principle that railway companies are responsible for their own operations – a notion which over the next 30 years would increasingly devolve the responsibility for (and management of) safety to the companies themselves (Winfield 2013; Dunford 2017).

A key step in achieving this drawback of government power (Dunford 2017) was a later amendment to the *Railway Safety Act* (1998), which in turn led to the *Canadian Rail Operating Rules* (CROR). The CROR cover a range of rail operating issues including those related to employee responsibilities, the movement of trains, signaling, and braking systems, among others (Technical Safety BC 2021). While the CROR officially apply to all railway companies, the rules state that “certain railway companies may not, as a practical matter, perform each and every activity that the CROR governs” (Transport Canada 2020: 2). Rather, a railway company’s personal rule book is supposed to provide clarification on the rules that do govern their activities. As seen in previous work in the area of regulation and liability, demands for new laws in response to occupational harms are most often avoided, watered down, or diverted entirely in favour of non-criminal rules and regulations (Alvesalo et al. 2017; Tombs & Whyte 2015). This material but also linguistic and symbolic shift from ‘laws’ or regulatory ‘orders’ to ‘rules’ that were written, for the most part, by companies themselves represents concession to industry pressure and was a major victory for the railways.

Amendments to the *Railway Safety Act* in 2001 gave companies increased authority to develop their own rules and standards through the implementation of *Safety Management*

charges under the *Fisheries Act* for derailments and subsequent crude oil spills that occurred in 2015; both investigations concluded that CN failed to exercise due diligence in maintaining their tracks. <https://www.canada.ca/en/environment-climate-change/news/2024/07/canadian-national-railway-company-fined-8-million-for-environmental-offences-in-relation-to-two-2015-train-derailments.html>.

Systems (SMS). These systems were codified as “a formal framework for integrating safety into day-to-day railway operations” and include “safety goals and performance targets, risk assessments, responsibilities and authorities, rules and procedures, and monitoring and evaluation processes” (*Railway Safety Act* 2001). While previous regulations had empowered state actors, at least to some degree, to establish governing standards (Bittle 2012), this vital shift in policy transferred the traditional state authority to identify and respond to unsafe practices to private companies, effectively authorizing for-profit industries to determine what those industries saw as the correct balance between economic growth and public safety (Dunford 2017; Campbell 2013). It was not until 2007 that a *Railway Safety Act* review recommended that the federal regulator integrate assessments and audits of SMS into its oversight activities.

Although TC initially claimed that SMS would supplement existing government standards for railways, inspections and other regulatory enforcements have been routinely reduced (Winfield 2013; Campbell 2018). In fact, the Canada Safety Council⁹⁸ reported that SMS authorize rail companies to regulate themselves and potentially hide critical safety information from the public, which would effectively remove the federal government’s ability to protect Canadians and their environment (Emile Therien 2014: TRAN 024). This has resulted in significant tension and contradictions in the application and enforcement of rules. For instance, as a component of the *Railway Safety Act* and SMS procedures, the *Work/Rest Rules for Railway Operation Employees* (WRR) is a legislative instrument that governs the railway companies’ scheduling practices for their train crews. The WRR have been previously described as an attempt “to balance the interests of the railways (cost-effective crewing of their trains), of employees (quality of life and incomes), and the public interest in safe railway transportation”

⁹⁸ <https://canadasafetycouncil.org/?s=railways>

(Railway Safety Act Review Panel 2007: 155). While companies are unlikely to cite fatigue and shift scheduling as dominant factors in railway incidents (Rudin-Brown, Harris, & Rosberg 2019), testimony from railway employees in TSB investigations and before the House of Commons have indicated otherwise (see *Chapter 7*).

The implementation of SMS in 2001 immediately coincided with significant increases in rail crashes, runaways, and derailments; in the following year alone, the number of rail accidents reported by the TSB rose from 1,054 to 1,432 (Dunford 2017). In 2002, a CPR freight train derailed near Minot, North Dakota, and spilled five cars of anhydrous ammonia, a toxic liquefied compressed gas, killing one person and sickening 322 more (National Transportation Safety Board 2004). The investigation confirmed SMS failure as the cause of the derailment, specifically the “ineffective Canadian Pacific Railway inspection and maintenance program,” as well as ineffective federal oversight which did not ensure compliance with regulatory requirements (National Transportation Safety Board 2004: 1). Despite these rapid increases in derailments and crashes, the Canadian government did not address the issue, and a series of high-profile rail disasters unfolded in the following years. In 2005, a CN freight train derailed near Edmonton, Alberta and spilled nearly 800,000 litres of oil into Wabamun Lake, covering the wildlife and causing the shores to blacken.⁹⁹ Just two days later, another CN train derailed in the Cheakamus River in British Columbia, spilling 40,000 litres of toxic contents which killed over 500,000 fish and greatly damaged the surrounding ecosystem (Kirby 2008). In 2006, yet another CN train derailed near Lillooet, British Columbia after its brakes failed and slid more than 200 metres down a mountain, killing two workers and seriously injuring a third.¹⁰⁰ In that same year,

⁹⁹ <https://www.cbc.ca/news/canada/edmonton/wabamun-lake-oil-spill-a-decade-later-disaster-still-fresh-in-residents-minds-1.3177556>.

¹⁰⁰ Transportation Safety Board of Canada (2006). Railway Investigation Report R06V0136.

a Canadian Pacific train derailed on the Saint-Laurent Railway Bridge near Montreal, causing damage and disrupting rail service as six freight cars dangled precariously over the water for several days.¹⁰¹

In summary, the *Railway Safety Act* governing the safety of railway operations in Canada rests on two supposedly complementary pillars. The first, regulatory oversight, entails a traditional inspection, enforcement, and compliance regulatory regime (Lefsrud, Macciotta, & Nkoro 2020). The second is the requirement for each railway operator to have an effective SMS, making SMS itself a regulatory requirement subject to review and audit (Winfield 2016). While both pillars are overseen by the federal regulator, a history of major incidents and repetitive harm demonstrates that SMS have been applied unevenly by railroads and regulated insufficiently by regulating bodies (Auditor General of Canada 2013). In response to such disasters, the federal government undertook a two-year review of the *Railway Safety Act*. In 2007, a railway advisory panel was established and mandated improvements to SMS, mainly through an increased budget for TC's regulatory framework. However, no significant changes were made to increase regulatory authority itself (Auditor General of Canada 2013).¹⁰²

Thus, not only has the corporatist dynamic that existed in the 1850s between rail companies and the state clearly been extended to the contemporary federal regulator, but the very legislation intended to address corporate harm has positioned TC as secondary and supplemental to corporate self-regulation (Dunford 2017). For some experts, this weak regulatory environment means that “disaster is inevitable” as the reach of corporate power is extended (Winfield 2016:

¹⁰¹ <https://www.tsb.gc.ca/eng/rapports-reports/rail/index.html>.

¹⁰² At the time of the Lac-Mégantic disaster, TC had completed or partially-completed only 14 audits over a three-year span, for eight federal railways – which represents only 26% of what its policy requires (Lefsrud et al. 2020). In 2011, the Auditor General of Canada conducted an investigation of TC inspection files between 2008-2010 and concluded that 70% of the records were incomplete, while 53% reported industry noncompliance (Dunford 2017).

300; Campbell 2014). In 2013, the year of the Lac-Mégantic disaster, amendments to the *Railway Safety Act* included provisions to expand the use of SMS for railway operations (see Chapter 6). Two years following the disaster, TC repealed and updated their requirements under the *Railway Safety Management System Regulations* (RSMSR), which claims to have been built on 12 years of “lessons learned in providing regulatory oversight” (Transport Canada 2019). Allegedly, the RSMSR (2015) provides an updated framework for companies to better integrate safety into their operations,¹⁰³ primarily through reflecting on the organization’s safety policy – an explicit statement of the company’s commitment to safety. A safety policy is considered a living document, which is supposed to be reviewed and updated regularly, according to the characteristics and needs of the operations at the time (Lefsrud et al. 2020; Minister of Justice 2015).

This framework was supposedly intended to promote operational improvements in Canada’s rail safety performance by enhancing safety culture and promoting innovation in the management of higher-risk operations, such as crew changes on steep grades (Winfield 2016). However, a CP derailment in February 2019 that occurred under the exact conditions that this framework is meant to prevent demonstrates that these safety issues persist (Bittle & Hébert 2022). This incident involved the killing of three CP workers when a train composed of 112 loaded grain cars and three locomotives derailed near Field, British Columbia. Prior to the derailment, the engineer on board had difficulty controlling the train’s speed with air brakes in the extreme cold (-28C) and brought the train to a halt on the mountain using emergency reserves of air pressure (Canadian Press 2019). While it is maintained that the engineer and conductor

¹⁰³ The RSMSR lists 12 specific requirements and processes that each railway company’s SMS must identify and deliver, including an Accountable Executive, employee involvement in safety, risk assessment and mitigation, and compliance with regulations, rules, and procedures (Transport Canada 2019b).

contacted CP management for instructions, there is no public recording of the conversation. In the end, no hand brakes were applied, even though CP train handling procedures call for hand brakes on 75 per cent of rail cars stopped in an emergency “if abnormal conditions such as weather or poor braking train dictate” (Canadian Pacific Rail 2015). While hand brakes could have held the train, applying them takes time, and the CP manager dispatched a replacement crew to take over as the emergency stop was about to push the original crew past their maximum allowable hours (Seglins & Loiero 2020). However, the changeover was also a lengthy endeavor, and by the time the new crew arrived on site, Train 301 had been sitting on the hill for almost three hours. When the relief crew arrived, the train began to roll uncontrolled down the hill, reaching speeds in excess of 92 km/h before derailing and plunging into the Kicking Horse River (Bittle & Hébert 2022).

5.5 Chapter Summary

The development and regulation of railways has a long and complex history in Canada. This chapter has discussed the national legacy of railways and their relationship to Canadian political economy, including the historical importance of rail to the capitalist mode of production and the staples industry specifically. Having been integral to the very act of nation building, railways have largely benefited from the dominant position they hold both in the economy and within the Canadian psyche. Given the strategic and public significance (Wang 2016) of railways to the Canadian state, rail policy quickly became part of national policy, including the contemporary shift to neoliberalism and its accompanying effects on rail regulation policy – the material impact of which was the increase of derailments, runaways, and collisions. All of this history has significant implications for how we understand (or fail to understand) train derailments in the

current conjuncture, most notably as sacrificial violence identifiable at the structural level of the Canadian state.

Chapter 6: Train Derailments as a Structural Problem

“Having crossed those tracks literally hours before the accident at Lac-Mégantic and having slept in a community 100 kilometers away from there, it makes you realize how vulnerable all of us are” (Harold Albrecht 2013: TRAN 002).

6.1 Introduction

In this chapter, I review some of the main causes of train derailments, with reference to specific disasters in Canada’s history. While understandings of train disasters typically fall within the industrial failure literature outlined in *Chapter 4* (Lui 2017; Ebrahimi, Sattari, Lefsrud & Macciotta 2021), I ultimately take lead from the literature pertaining to the structural causes of disasters to locate derailments within a particular political, social, and economic context which overdetermines the likelihood and consequences of such events. Significantly for my purposes, this includes considerations of the for-profit corporation and the Canadian state formation (Dunford 2017; Dodd 2012; Glasbeek 2002). This chapter also explores how train disasters can and have been implicated in some common sacrificial principles, observed in the historical construction and commodification of derailment imagery and which have been instrumental in shaping how we respond to such harms.

6.2 Impact and Causation

With one of the longest railway networks in the world, Canadian railways move 70% of the country’s surface goods each year, totalling more than \$328 billion (Auditor General of Canada 2021). Not only has there been an upward trend in rail traffic over the years, but the number of cars per train and amount of goods being transported per train is also on the rise. Freight tonnage increased by more than 15 million tonnes from 2017-2018 alone; every year these numbers grow and have been projected to double by 2035 (Auditor General of Canada 2021; Kirby 2008). This

growth is in large part due to oil-by-rail¹⁰⁴ (see below) remaining a top government and corporate priority, despite history and research that demonstrates its negative environmental impact, the significant costs of derailments, and the threat to human and non-human life (Dunford 2017; Angelich 2019). Furthermore, governments are no longer the only major investors in the railways, as was mostly the case in the 19th and early 20th centuries, with the wealthy elite also throwing their weight behind industry.¹⁰⁵

This surge in train traffic leads to more wear and tear on tracks, creating more opportunity for maintenance failures and additional safety risks to railway workers and the public. According to Quinlan (2020), maintenance flaws are among the most prominent, recurring factors in workplace disasters. As previously noted, the unique history of rail in Canada – with its monopolistic tendencies, government support, and extensive deregulation – resulted in miles of abandoned, neglected, and decaying track that can contribute to derailments (Cooley 1884; Kirby 2008; Campbell 2018). Since the 2013 disaster in Lac-Mégantic, there have been at least seven major derailments of crude oil trains in Canada, and in each case, investigators blamed broken track as a contributing factor. For instance, in 2020, a Canadian Pacific train carrying crude oil derailed near Guernsey, Saskatchewan¹⁰⁶ after one of the lead cars jumped the track and the emergency brakes failed to stop the train. A total of 33 cars derailed and 20 were punctured, spilling an estimated 1.2 million litres of oil (Hyder 2020; Quenneville 2020).

¹⁰⁴ In 2017-2018 crude oil being transported by Canadian railways recorded an increase in weight of more than 45% (Auditor General of Canada 2021).

¹⁰⁵ For instance, Bill Gates has a nearly \$2 billion stake in Canadian National Railway (Kirby 2008).

¹⁰⁶ In this case, a fire ignited and burned heavily for nearly 24 hours, causing evacuations and concern from the First Nations of the area that underground water sources may be compromised. Interestingly, since CP was responsible for the costs, they were in charge of environmental assessment and remediation. That is, the company contracted their own environmental consultants and contractors to evaluate and complete the necessary cleanup work and assess the impact of their own disaster (Hyder 2020).

In addition to maintenance failure, train derailments can also be caused by uncontrolled movements, even on perfectly viable tracks (Ebrahimi et al. 2021). While the majority of uncontrolled train movements take place in rail yards where the risk to the general public is lower, they can still be very serious and have devastating consequences, especially for railway employees.¹⁰⁷ For instance, in 2017 a Canadian National employee was killed after being pinned between train cars during an uncontrolled movement in a Saskatchewan rail yard (Giles 2020). And while they may technically occur less frequently, a CBC News investigation in 2020 uncovered years of TC inspection records documenting hundreds of safety problems along main rail lines, including runaways and uncontrolled movements (CBC News 2021). In 2018, a Hudson Bay Railway freight train derailed in Manitoba, killing the locomotive engineer and releasing over 6800 litres of diesel fuel into the area.¹⁰⁸ In 2019, three Canadian Pacific Railway employees were killed when their train sped uncontrollably down a hill and derailed near Field, British Columbia after the train's air brakes failed in freezing weather (Bittle & Hébert 2022). None of these entirely preventable disasters once prompted orders for trains to stop rolling.

In 2019, railway incidents reported to Transport Canada were 17% higher than the previous 10-year average; of the 1,245 incidents in 2019, 56% were derailments and 72 resulted in fatalities (Auditor General of Canada 2021). Despite these increases, regulatory resources remain limited with fewer than 140 inspectors working in the federal rail safety oversight program – responsible for 75 railway companies and more than 45,000 kilometres of railway track (Auditor General of Canada 2021). This speaks to another main cause of disasters identified by Quinlan (2020): regulatory bodies failing to audit and investigate. Not only can this

¹⁰⁷ Eight railway employees were killed in various crashes in little over a year, from November 2017-February 2019.

¹⁰⁸ Transportation Safety Board of Canada investigation report R18W0237

be due to limited regulatory resources (an issue raised frequently by TC), but it can also be impacted by workplace relations that silence or punish workers who raise safety concerns. In fact, Quinlan (2020) argues that workplace disasters are almost always preceded by warning signs and near-misses that are systematically ignored, sometimes for years. In the case of the Canadian Pacific employees who were killed in British Columbia, the investigation revealed that workers had filed more than a dozen reports in recent years documenting problems with the cold and failing brakes specific to Field Hill (Stewart 2020). In fact, the company's own database demonstrated a history of runaways, derailments, and close calls in the same area. According to Whyte (1999: 43), these trends of ignoring safety concerns raised by workers is an example of the "distorted communication" between workers and management indicative of a marginalization of the workplace. This is not uncommon in railway management and speaks to my concerns with the specific and indirect infliction of structural harm, both implicit and explicit in systems of control, where relations of power are of central concern (Pawlett 2013; Galtung 1969). In the Lac-Mégantic case, the train's conductor was concerned about the level of smoke and sputtering oil erupting from the lead locomotive throughout the day, but when he contacted the company rail traffic controller he was instructed to "just leave it" (Campbell 2018: 12).

Structural causes of derailments can also be located within other social relations of work characteristic of capitalist systems, namely within the economic or production pressures that compromise health and safety (Quinlan 2020: 452). In this sense, disasters must be understood within the context of a productive system, where workers are pressured to act in maintenance or restoration of a company's bottom line. This can resemble, for example: workers feeling pressed by management to keep production on pace, pushing limits to make up for lost production, or production targets being linked to a bonus system (Tucker 2012; Nichols & Armstrong 1973). It

is fitting then, that I consider responses to the Lac-Mégantic disaster within the particular economic conditions of the Canadian state, including the shift to neoliberal capitalism and its accompanying policy changes. While a departure point of ‘neoliberalism’ alone would only provide part of the story, its unique development within the Canadian context is argued as one of the intersecting factors that overdetermines rail disasters and which, therefore, cannot be overlooked. For some scholars, the structural nature of rail disasters, much like other industry harms, are summarized as the collateral damage from the culmination of decisions stretching back multiple decades, including: “mutually reinforcing policies of deregulation, privatization and fiscal austerity; power relationships that subordinated government’s obligation to protect its citizens to the private interest of corporations; [and] decisions that were driven by greed, corruption and hubris” (Campbell 2018: 180; Glasbeek 2013; Bittle et al. 2018). Campbell (2018), for instance, argues that Canada has a regulatory regime whose structure “in practice allows companies to make their own judgements about the balance between cost considerations and the risks to public safety” (Campbell 2014: 5).

In a similar vein, Dunford (2017: 84) developed the concept of “neoliberal sovereignty” in part to explain the Lac-Mégantic derailment and Canadian railway practices. Taking lead from Foucault (2008: 121), he claims that while neoliberalism can be used to understand how the state “governs for the market rather than because of the market, neoliberal sovereignty pre-empts, contains, and eliminates intolerable threats to corporate profit and growth” (Dunford 2017: 69). In many ways, this is illustrative of a corporatist dynamic between TC and the rail industry, with both having undermined regulatory and safety measures in the country for years. Consequently, derailment disasters are understood as facilitated by the transfer of authority to for-profit corporations, consistent with “neoliberal rationalities” and a new site of power that “monopolizes

corporate profit as the *raison d'être* of governmental power” (Dunford 2017: 71). As a result, market pressures and state inaction continue to increase the probability of disastrous events by rewarding risk-taking behaviours as part of the “routine operation of competitive capitalism” (Glasbeek 2013: 2; Quinlan 2020).

6.3 (High) Risk and (Low) Response

As of 2021, railway companies remain responsible for the health and safety of their own operations pursuant to the *Railway Safety Act* and the accompanying *Railway Safety Management System Regulations* adopted in 2001 (Auditor General of Canada 2021). In theory, all railroads are instructed to have an SMS that includes a safety policy, safety targets, a risk-assessment process, and processes for continuous improvement. Under the *Railway Safety Act*, TC is responsible for overseeing safety requirements for federally regulated companies,¹⁰⁹ though SMS are intended to limit the need for intervention by the regulatory body (Auditor General of Canada 2021). With limited oversight capabilities, the federal regulator relies on risk-based oversight planning, which determines which audits and inspections to conduct in order to assess compliance. This development is consistent with the long period of “ideological reframing” of regulation discussed above (Tombs & Whyte 2013: 64). Discursively associated with the concept of ‘red tape’ and a hindrance on business, health and safety regulation became paired with the idea that regulators should not discourage or interrupt the economic progress of the bodies that they regulate (Bittle 2012). As such, developments in health and safety law enforcement have led to “the responsive regulation rationale” and the use of “risk-based” targeting techniques (Tombs & Whyte 2013: 62). Risk regulation refers to “the governance,

¹⁰⁹ In all, 75 railway companies and more than 45,000 kilometres of railway track in Canada are subject to Transport Canada oversight (Auditor General of Canada 2021).

accountability and processing of risks, both within organizations as part of their risk management and compliance functions, and also at the level of regulatory and other agencies that constitute risk regulation regimes” (Tombs & Whyte 2013: 63). Essentially, the focus shifted from routine inspection done by the regulator to risk assessments based on evaluating past performances, often provided by the companies themselves.

Risk-based and responsive regulation share several assumptions that have significant implications for regulating rail in Canada today. Specifically, they solidify the long-standing belief that the state is insufficient for overseeing compliance with regulation, supporting the doctrine that the management of ‘risk’ should be left to institutions beyond the state, specifically to business organizations themselves (Tombs & Whyte 2013). However, as previously noted, compliance with regulatory standards is rarely automatic (Dunford 2017), suggesting that railway companies, like other corporations, “simply will not self-regulate in the absence of external pressures” (Bittle 2012: 51). Furthermore, there are concerns with the arbitrary and ambiguous methods for evaluating risk. For example, the 2021 audit of TC found that each regional office followed different planning practices to prioritize their oversight activities and had inconsistent assessments of ‘risk’ across regions (Auditor General of Canada 2021). This approach offers no indication of how regulators will determine which companies are failing to effectively self-regulate aside from ‘targeting’ those companies who have already been caught with non-compliance (Verrico & Crosbie 2013; Tombs & Whyte 2015). This essentially means that we must wait for runaways, collisions, derailments, spills, and explosions before railway companies are inspected. However, inspections themselves are also on the decline, meaning that risk is being calculated based on performance within a regime where there is a minimal chance of being inspected in the first place. This decrease in routine inspection has led to what Tombs

and Whyte (2013:73) call an “intelligence deficit,” where regulators are tasked with making future decisions based on information that they do not have.¹¹⁰

In 2021, the Minister of Transportation announced the implementation of two new directives to Canada’s railway industry (CBC News 2021). Specifically, the minister claimed that the *Railway Safety Act* will be updated again to include measures aimed at reducing the risk of uncontrolled movement of rail equipment specific to securing air brakes. What these measures will involve remains unclear, however, for as of now the new orders simply require engineers to follow “specific procedures” to stop uncontrolled movement (CBC News 2021). Despite these various recommendations and legislative shifts, the TSB has argued that there remains a lack of incentive for the rail industry to make changes, which is evidenced by the fact that numerous recommendations that were made following the Lac-Mégantic disaster are still outstanding – 12 years after one of the deadliest rail disasters in Canadian history. According to Morin (2018: 1), it takes “resources and political will in order for change in the industry to occur [and] the rail industry still has more power than the federal regulator.” Essentially, enforcement for health and safety has become synonymous with words such as ‘notice,’ ‘request,’ and ‘recommendation,’ which has significant consequences for rail safety and for some is indicative of the state’s desire to see the rail industry succeed at any cost (Morin 2018).

6.3.1 *The Transportation of Oil by Rail*

A discussion of oil productivity and transportation is significant to the argument that derailments are a structural problem because access to uninterrupted supplies of crude oil has become of

¹¹⁰ In 2019-2020, 72% of Transport Canada inspections were risk-based (Auditor General of Canada 2021). However, an audit of Transport Canada’s oversight revealed that their senior management received only partial information to make informed risk-based planning decisions, often missing sufficient data on railway’s compliance with regulations, SMS audit results, and inspection results (Auditor General of Canada 2011).

paramount importance for the continuing economic power of advanced western nations – and therefore plays a special role in maintaining capitalist social relations (Whyte 1999; Angelich 2019). Given the importance of the bitumen staple to the Canadian political economy (see above), one can argue that the encouragement for the fast extraction and transportation of oil coincided with the political priorities of government to not hinder the rail industry with the burden of regulation. It is within this context that we understand the causes of and responses to rail disasters in the current conjuncture.

For a time, railroads lost out to the trucking industry in the movement of common goods because gasoline was so inexpensive, resulting in miles of neglected and abandoned track as railways invested little in new capacity (Kirby 2008). However, in the early 2000s, the railway industry began to experience its renaissance, due in part to the increased demand for the transportation of dangerous goods. At the same time that responsibility for health and safety was being shifted to railway companies via the *Railway Safety Act* and SMS, there was a major increase in the volume of Bakken crude oil being transported by rail.¹¹¹ While Bakken oil is lighter than conventional oil, allowing for larger loads to be shipped at once, it is also much more volatile and posed a greater risk to workers, the public, and the environment (Winter 2014). This was demonstrated in the immense destruction of the Lac-Mégantic disaster.

This unique development highlights the danger of Canada's regulatory mechanisms for rail and the transportation of dangerous goods, specifically “given that events relating to the expansion of the extraction of unconventional oil product...pose much greater risks than transporting conventional oil” (Dunford 2017: 77). However, just one year prior the Lac-

¹¹¹ From 2009-2013, oil by rail increased from 500 to 140,000 carloads per year (Winter 2014).

Mégantic disaster, TC had identified no major safety concerns with the increased oil capacity in Canada, nor were they concerned with the specific volatility of Bakken oil (Marie-France Dagenais 2013: TRAN 004). Comparatively, U.S. safety officials had significantly increased random spot checks, known as Bakken blitzes, to ensure compliance with their safety regulations and preventatively address the increased risk posed by transporting Bakken oil (Campbell 2013). For some, disastrous spills resulting from train derailments¹¹² are, therefore, illustrative of the Canadian government “failing to adapt” to the increased use of rail for transporting crude oil (Quigley et al. 2017: 106).

To complicate matters, Pendakis and Wilson (2012: 4) argue that “oil is a uniquely occluded substance...Its exchange value engenders an enormous corporate project of hiding, an explicit machinery of deception and spin.” This principle of hiding from view in order to avoid democratic oversight, control, and regulation is related to what Angelich (2019: 4, 36) describes as a “culture of containment,” in which capitalist ideology confines risk to a cost-benefit mode of analysis to the point where most people are made unaware of the “compounding risk of violence” that threaten their communities – in this case, the sheer volume of hazardous material being moved through their backyards by rail. Not only would people intuitively prefer to have hazardous materials move along train tracks than on transport trucks on highways, but rail tank cars are often upheld by authority as “the safest mode of transportation for moving critical commodities, particularly in light of the substantial hurdles involved in permitting and building new pipeline capacity across North America” (Hyder 2020: 1). In fact, just months prior to the Lac-Mégantic disaster, Prime Minister Harper cited rail safety as a main supporter of Canada’s

¹¹² Derailments involving dangerous goods average about 140 per year (Lefsrud et al. 2020).

superiority in moving crude oil across the continent (Brownlee 2013). However, as Angelich (2019) argues, oil-by-rail is driven by social and economic costs that the public has to shoulder, and there is no legislative requirement for communities to be involved in the rule-making process for the railway industry. This tension is amplified when considering the amount of rail traffic rolling through North America's big cities, as "there is not a rail line for dangerous goods that doesn't go through populated areas" (Kirby 2008: 42).

The recent prominence of big oil interests demonstrates just how much oil production and transportation overrides concerns for the environment and for human life. In the 1980s, the Canadian government was a global leader in environmental policy change, even hosting prominent international developments interested in depleting harmful compounds, such as the Montreal Protocol.¹¹³ However, by the late 1990s and early 2000s, environmental concerns went the way of health and safety policy, with governments significantly reducing environmental spending and deregulating many Canadian industries (Dunford 2017). Canada underwent a further environmental policy shift after three consecutive election victories by the Conservative Party of Canada under Stephen Harper that led to two minority governments (2006-2008 and 2008-2011), as well as a majority government (2011-2015) that passed the *Jobs, Growth, and Long-Term Prosperity Act* (2012) and slashed federal environmental regulations in several areas, including the *Fisheries Act* (MacNeil 2014). As summarized by Dunford (2017: 82), "the

¹¹³ Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol to the Vienna Convention for the Protection of the Ozone Layer). The Montreal Protocol was ratified by Canada in 1988 and came into international force in 1989. This agreement was originally signed by 24 countries, with the objective of phasing out production and consumption of ozone-depleting substances like greenhouse gases. See Government of Canada <https://www.canada.ca/en/environment-climate-change/corporate/international-affairs/partnerships-organizations/ozone-layer-depletion-montreal-convention.html>.

blueprint for leading Canada toward ‘economic success’ entailed dramatically reduced environmental protections.”

The relationship between oil, rail, and environmental policy therefore has significant consequences for how derailments and disasters are understood because it plays into a rhetoric of ‘national interest’ that is already engrained in Canadian consciousness. Furthermore, the dominant discourses that shield industry from costly public outrage can also influence policy and work to obstruct social change – demonstrated by the fact that major incidents like Lac-Mégantic and the Cheekamus River disaster¹¹⁴ have done nothing to slow the movement of crude oil¹¹⁵ or tighten regulatory controls in any meaningful way. Much like the idea of the railway itself, oil and its extraction and transport have seemingly been valorized in the Canadian context. However, it is important not to naturalize the role of either industry within the development of capitalism (or to naturalize capitalism itself, for that matter), because doing so runs the risk of also naturalizing the harms they create. This is a key component to understanding derailments as a structural problem and, ultimately, as sacrificial violence: embedded within our social relations and institutional structures is a process that can exercise strong political and cultural hegemony to the point where “national identity can be reconstructed” around a specific imaginary that legitimizes extractivism and its related industries as the “desired economic destiny” (Pineault 2018: 144).

6.4 Constructing Disaster Images: The Social Capital of Progress

¹¹⁴ CN train derailment that occurred near Squamish, British Columbia, on August 5, 2005. Nine cars, including one loaded with sodium hydroxide, derailed across the bridge over the Cheakamus River. Approximately 40 000 litres of sodium hydroxide spilled into the river, killing more than 500 000 fish and causing extensive environmental damage.

¹¹⁵ In fact, the year following the disaster saw the highest volume of oil-by-rail in North America with 540,383 carloads shipped in 2014 (Angelich 2019: 4-5).

This section examines how train derailments, like other workplace disasters, are events that are always and already implicated in ongoing narratives (and material documents) of legitimization (Dodd 2012). In particular, I explore how disaster images are constructed as to portray their inevitability and necessity in the search for progress. Here, images refer to material images (e.g. photographs, promotional material, art) as well as those created in popular consciousness (e.g. ideas, beliefs, emotions associated with industry and disasters). I conclude with a discussion of the history and importance of rail imagery and the commodification of derailments in Canada.

In keeping with “corporations’ proclivity for concealment,” images of particular industries are circumscribed, carefully crafted, and usually company-sponsored (Polack 2019: 154; Bradford & Connors 2020; Whyte 2016). In her work on hydrocarbon extraction at sea, Polack (2019: 152) maintains that these images, especially when backed by corporate public relations agendas, often enforce the massive scale of industrial endeavors, their technological sophistication, and endurance. They may even be specifically targeted to imply a certain image about safety regimes and public benefit – as was evidenced in promotional material that helped to enforce “the promise of oil” (Dodd 2012: 5) and enthusiastically welcome in the oil industry as a potential catalyst for economic and social change within the same year that the *Ocean Ranger* sank. What is more, images staged at the behest of the petroleum industry over the past century have “worked through routine channels of advertising, cinemas, schools, industrial expos, and social media to seamlessly equate the story of oil with the experience of modernity” (Polack 2019: 159).

Other images enforce the massive scale of industry technology (such as the locomotive or offshore oil rigs) and focus on the infrastructure’s technological sophistication to withstand the vicissitudes of the natural environment. The result is a powerful aesthetic which may even

invoke emotional responses in the viewer appreciating such endurance and strength, specifically in the face of a “hostile frontier being successfully conquered by human ingenuity and tenacity” (Polack 2019: 154). However, that same powerful imagery can also “be evoked by industry to transform dangerous and violent conditions into *daring* and *adventurous* westerns” (Carson 1980: 239, emphasis added). Leading among such imagery is one in which industries face all the risks associated with “operating at the outer limits of existing technology and in physical conditions which are, at the very least, consistently more difficult than anywhere else in the world” (Carson 1980: 240). Through careful marketing and advertising, corporations are able to create their own language and images that are readily consumed by the public, often enthusiastically, as people “have been left breathless by the pace of technological developments” spurred along for the sake of change itself (Carson 1980: 240). The *Ocean Ranger*, for instance, promised to enable the most technologically sophisticated exploration of oil the world had ever seen (Dodd 2012). Years after the disaster devastated the province, the *Ocean Ranger*’s monumentality and technological sophistication remain emphasized in large-scale publicity images that are widely displayed in St. John’s, Newfoundland (Polack 2019). In a similar vein, Carson’s (1980: 240) work on the North Sea oil expansion in Britain found that images created in reference to the industry’s horrific safety record presented the endeavor as one of man’s “biggest challenges this century,” which pushed the boundaries of progress and innovation – an image which “readily reconciles readers to the inevitability of accidents [because] people are killed at inhospitable frontiers.”

A related image which is often projected alongside that of technological progress is one of necessary sacrifice – or the price to be paid for our collective prosperity. In Carson’s (1980: 239-240, emphasis added) work, with reference to the high casualty rate on Britain’s offshore oil

installations in the 1970s, a Treasury representative declared that “with the economy in the state that it was, the people who were dying there were *dying for the greater good*.” Similarly, the then Secretary of State for Energy wrote that health and safety risks were “the penalties” which “as with all things...are to be paid” (Carson 1980: 240). While these quotes may be read as inappropriate humour or a tone-deaf attempt at rallying morale, they bear a striking resemblance to the routine demands for modern sacrifice which opened the Introduction to this dissertation. As Carson (1980: 240) states, “the suggestion of necessary sacrifice is often quite explicit and quite serious,” as workers and members of the public paying with their lives are “tragically the price so often extracted of pioneers.” These constructions are important because they imply that this price is non-negotiable, that casualties are an inevitable consequence of work and progress, and that there is simply nothing any of us can do to limit that cost.

There are of course circumstances under which tight corporate control over imagery is compromised, when spectacular catastrophes – blowouts, fires, large-scale oil spills – occur and different kinds of images come into circulation (Taylor 2005; Prosser 2004). However, such expansions of the visual realm can still meet considerable corporate resistance as companies work hard to safeguard the dominance of their carefully crafted images and to control how information is disseminated. For instance (and notwithstanding the powerful role that the internet now has in quickly circulating information), after the *Deepwater Horizon*¹¹⁶ catastrophe began in 2010, BP was able to impede access to real-time video footage of oil gushing from the Macondo well (Polack 2019: 155). Similarly, images of the *Ocean Ranger* that were not directly sanctioned by corporations (i.e., which were taken by workers on the rig) did not enter public

¹¹⁶ The Deepwater Horizon oil spill was an industrial disaster than began on 20 April 2010, in the Gulf of Mexico. It is considered to be the largest marine oil spill in the history of the petroleum industry. The rig, operated by BP, was rapidly engulfed by fire, fuelled by the endless supply of oil gas rushing up the rise to the deck. 11 workers were killed and 17 injured by the explosion, and about 1,300 miles (2,100 km) of the U.S. Gulf Coast was covered in oil.

domain until 33 years after the disaster (Polack 2019). This ability to exercise control over the creation and sharing of disaster images is significant because such images have the ability to cause dominant understandings of the world to shift in meaning. Keeping workplace catastrophes in the public consciousness may help to “mitigate the amnesia that typically portends the resurgence of hubris and bad corporate behaviour” (Polack 2019: 156). Immediately after the *Piper Alpha* explosion, Occidental Petroleum, the operating company, offered Sue Jane Taylor considerable compensation for photographs and sketches she had created on board the rig (Taylor 2005). It is believed that Occidental wished to acquire control of any material that could potentially be used as evidence in civil or criminal proceedings, or which might further harm its reputation (Polack 2019).

Importantly, while there is no denying that certain industries involve greater technological sophistication or that certain operational settings are harsher than others, neither of these factors can be held primarily responsible for the rate of death and injury which has historically taken place – not for the lives lost in the British sector of the North Sea, not for the hundreds of Chinese labourers who were killed building the Canadian Pacific Railway. On the contrary (and as seen above), the evidence in many cases overwhelmingly supports the view that workplace disasters that adopt the tone of necessary sacrifice “emanate from the same set of relatively mundane factors that cause the majority of accidents in any industrial context” (Carson 1980: 242). But these narratives can produce a type of mythology at multiple levels (class, race, gender, ability); an image to live up to and which can shape the desires of individuals and groups. It is one which “dominates lived reality, even though it can exist in conflict with it and can be ruled by different interests. It survives by means of its narrative and imaginary power” (Hirsch 1997: 8). For instance, Polack (2019) offers insight into the powerful mythologies

shaping the oil industry beyond the immediate economic needs of the corporation: namely, predominant cultural assumptions about gender. The underlying consciousness of the oil industry is “a powerfully masculine culture” partly derived from the “symbols of the frontier myth” and specifically the “enduring hero” or “cowboy” (Miller 2004: 46, 62). This myth identifies qualities including toughness, individualism, and ruthlessness which impacts not only how people engage in work in these settings, but also how we respond to harms generated in these contexts. The notion of voluntary victimhood or that workers should ‘toughen up’ and take personal responsibility in the face of workplace disasters is an easy transition in the face of such myths; as such, understanding how these ideas are created and sustained through symbols and myths is important (Polack 2019: 166).

6.4.1 *Railway Imagery in Canada*

In the late nineteenth and early twentieth centuries, railway companies became exceptionally gifted at creating imagery that expressed both their role within Canada and the country’s image itself. The image and ‘promise’ of railways was widely disseminated through railway posters, brochures, guidebooks, and news media (Lam 2016; Hatfield 2018). Not only did railways manipulate the physical landscape during their vast continental expansion, but they “constructed landscapes of the mind” to tame and overcome imagined environments in addition to natural ones (Cruikshank 2016: 57). Consequently, images associated with Canadian railways reflect and reinforce significant tropes about the industry and railway operations, capitalism, and the nation. Historically, these images were constructed with the material interests of the railways in mind for two main purposes: commodification through the narrative of progress and modernity and controlling the image of the railway accident (Cruikshank 2016; Hatfield 2018).

Early on, many Canadians had little experience with rail and the railway companies struggled to generate profit and public support for their endeavors. Railway companies therefore had to establish a relationship with the people and often used the media to support and promote their interests (Hatfield 2018: 63). Media interventions represent a “key element of hegemonic struggle,” and influential discourses can be observed in a variety of industrial contexts, operationalized via business-funded promotional groups, propaganda campaigns, and through the power of advertising (Whyte 1999: 151). Many railway executives and managers took a personal interest in the image of rail travel as a socially prestigious activity and turned to artists and publicists to construct a certain image in the minds of potential patrons, creating uniform and relatively predictable earnings and political capital, while bolstering their own social capital (Cruikshank 2016). Central to this discourse was the claim that railways could improve the quality of life in Canada by emphasizing the physical power of the locomotive that would provide privileged entry to previously inaccessible landscapes.

By highlighting individual benefits in addition to national prosperity, the use of railways quickly became a marker of prestige and status, attracting wealthy first-class passengers (Lam 2016). However, this public enthusiasm for the rail industry was largely based in illusion, with individual experiences often cultivated and sold before patrons were ever exposed to rail travel (Lam 2016; Nash 1968). What’s more, it was wholly contradictory, as the rail experience in Canada simultaneously represented progress and innovation but also an escape from the very modernism that the railways helped establish. That is, while rapid rail development triggered a higher cost of living, difficult and dangerous working conditions, and intricate networks between towns and cities, it also claimed to offer sanctuary from them – coming to the rescue of those

coping with the strenuous pressures of living in North America's growing and increasingly complex cities, which rail companies helped to create and profit from (Palmer 2024; Lam 2016).

In global terms, the chronology of railway development runs roughly parallel to the development of photographic media, so imagery has a unique and powerful relationship with the industry (Hatfield 2018). That is, not only did rail play a prominent role in nation building, but it was *represented* this way. For instance, Canadian Pacific's promotional material depicted its railway "as a force that both accessed and civilized" seemingly impenetrable Canadian landscapes (Lam 2016: 277). The juxtaposition of civilized technology with untamed natural environments created a backdrop for rail development and progress that was uniquely Canadian. As one of the most powerful entities in Canada in the years following Confederation, CP actively shaped not only the physical reality of Canadian geography through the construction of railways, but perceptions of local regions and even authentic Canadian pride and identity (O'Brian & White 2007). For example, they sold tourists the idea of the Canadian experience with romantic conceptions of rusticity, freedom, and adventure, which remain integral parts of the tourism industry (Innis 2023). This speaks to the deeply engrained value that is still held today of railways representing more than simple transportation technology and infrastructure.

In the late 1880s, the rail industry further capitalized on its perceived relationship with the country's natural wilderness, with Canadian Pacific playing an instrumental role in establishing the earliest national parks in Canada (Innis 2023). The development of Rocky Mountains Park, now Banff National Park, was the direct result of CP extending its reach on tourism and mirrored railway expansion as developments which would civilize the wild landscape through technology. However, despite the popular image of brave pioneering for the good of the nation, "the decision to designate Canada's first national park in the Rocky

Mountains resulted in part from [CP's] lobbying to protect its own commercial interests in the region" (Lam 2016: 282). Furthermore, the industry's development objectives trumped any claims by the First Nations peoples who were long familiar with the area and advocated for its preservation. The Canadian government, which had taken political and economic risks in sponsoring CP's transcontinental railroad, had a vested interest in the company's success and supported its material and imaginary reach into the tourism industry (Palmer 2024; Innis 2023). In the end, the image of railways became closely tied to numerous leisure activities and vacation destinations which would continue to cater to broader audiences for decades.

Thus, through their immense influence and government support, railway companies created not only a legacy of physical infrastructure but also a set of cultural ideas that have been integral to their popular image for almost two centuries. That rail makes such a valuable contribution to the nation implies that the operating companies are acting out of duty, responsibility to society, or some sort of greater purpose than simply being motivated to maximize their profits. These are powerful claims, with the potential to pre-empt public criticism of the harms that the railways can cause – in those instances when the railways relinquished their status as a symbol of progress and instead create the conditions for disaster.

6.4.2 *Commodifying Derailments*

As the railway brought new opportunities, it also brought unexpected dangers that Canadians had to become accustomed to (Hatfield 2018: 50). To invent rail *was to invent* the rail accident, and the complex and contested Canadian landscapes in the process of modernisation quickly began to see the horrors of runaway trains, collisions, and derailments (Virilio 2007, emphasis added). In 1854, a Great Western Railway express train collided with a gravel train and killed fifty-two people, resulting in the worst railway disaster ever in North America, at the time (Bonikowsky

2015). Just three years later, another Great Western Railway passenger train derailed and smashed through the Desjardins Canal bridge in Hamilton, killing fifty-nine people.¹¹⁷ In the 120 years to follow, Canada would see a number of major railway disasters resulting in more than 700 officially recorded deaths as well as countless more injuries, evacuations, property loss, and environmental destruction (Halliday 1997). Paradoxically, despite these violent developments, the narrative of necessary innovation persisted, and the image of the benevolent railway provider continued to be celebrated.

Images of rail disasters can vary based on factors such as geographical location, what the train was carrying, and whether it occurred during a national rail network expansion (Angelich 2019; Hatfield 2018; Halliday 1997) but they share a common challenge for rail companies in relating to a public that was now perceiving the danger of something previously promoted as so safe and unstoppable. The success of the new technology was underpinned by the ability to “pass off the ‘accident’ as just that: an aberration, a far from normal occurrence” (Hatfield 2018: 66), while simultaneously structuring rail incidents as natural or inevitable. Even though narratives of economic progress would seemingly be at odds with the devastation of derailments, the contradiction is that they have historically found a way to harmoniously bolster the image of railways. For example, the Azilda train crash of 1906 was one of Canada’s worst railway incidents, resulting in 12 deaths (including two children) and 17 injuries.¹¹⁸ It was raining, and CP’s No. 1 passenger train was running behind schedule, so it was speeding to try to make up time (Halliday 1997). As they approached the town of Azilda, the brakes on the back half of the train failed and, with the rails slick from rain, the train sped into town and crashed into another

¹¹⁷ <https://www.thecanadianencyclopedia.ca/en/article/great-western-rail-disaster-feature>

¹¹⁸ <https://www.sudbury.com/then-and-now/then-now-deadly-rail-accidents-near-sudbury-some-of-worst-in-canadian-history-5169831>.

train parked at the Azilda station. Following this deadly event, images of the crash circulated and were printed as postcards (Hatfield 2018), tying them into the networks of nation-building represented by both the railway and Canadian postal service. Consequently, train crashes and derailments were understood as both “exceptionalities” that should not deter railway endeavors, and also as “eventualities” representing “the price paid for technological progress across Canada’s landscapes” (Hatfield 2018: 69-73).

6.5 Chapter summary

This chapter identified derailments as a structural problem by exploring various sets of empirical and ideological claims made about rail disasters and how such claims have been used to construct a particular view of the world. Such claims are particularly relevant to railways and sacrificial violence as they speak to the inseparability of industry’s interests from the general well-being of the country and the necessary price that we are expected to pay for promises of progress and prosperity. It is important to consider where images of railways and the prescribed ideas that accompany them come from because, ultimately, the symbol of rail in Canada is a potential commodity in which individuals have invested time and money for generations (Hatfield 2018; Lam 2011; Palmer 2024). And the persistent calls for progress and nation-building, coupled with the fiscal and regulatory generosity afforded rail companies, have significant consequences for how derailments are understood and responded to. That is, just as the causes of derailments have been argued as a structural problem, emanating from particular socio-economic and historical conditions, so too are ideas and images most often associated with those disasters.

In some ways, the railway industry has the media’s cultural ideas to thank for the enduring images of progress and innovation that we associate with rail today (at least in part),

while also having the benefit of a corresponding “politics of omission” in derailment imagery that helps us overlook disasters as structural violence or corporate crimes (Hatfield 2018: 63-64). But in other ways, the problem of railway disasters in our current conjuncture is emblematic of a larger, previously overlooked and understudied phenomenon. Canadian railways are not only a vital source of transportation to the country, but an intimate cultural reference point of both strategic and public significance (Wang 2016). They are a spiritual sacrament. To borrow from Haiven (2022: 9), the history of Canadian railways is an abundantly obvious and yet forgettable story of whole groups and thousands of lives “sacrificed on the altar of the three-faced God: capitalist accumulation, white supremacist ideology, and inter-imperialist rivalry.” This dissertation will contribute to the structural violence and sacrifice knowledgebase by examining the subtle ways in which the rhetoric of sacrifice is mobilized in official responses to railway disasters as a particular form of corporate violence. The operationalisation of particular ideologies is central in the struggle over hegemony and can set the parameters of legitimate and illegitimate violence and by extension, the acceptable parameters for state intervention and regulation – but this has never been critically interrogated in the context of railway disasters, and not in using sacrifice as an orienting logic.

The following chapters present my research findings, a combination of sacrificial narratives and representations reflected in the language and ideas of various actors observed in the documents detailed above. These narratives intertwine to produce an *emergent discourse of sacrifice* that works to linguistically conceal the collective violence of railway disasters. *Chapter 7* is divided into two main sections, consistent with the first two elements of sacrifice generated through my theoretical framework: that sacrifice is a form of structural violence embodied in railway disasters, and that sacrifice and its effects are ideological and have material

consequences. Research findings pertaining to the third element, that sacrifice's method of operation can only be understood within the context in question, are laid out in *Chapter 8*. Throughout, there is a necessary effort to situate train derailments as an object of study within a wider set of social relations and historical tendencies, and my close examination of the documents works in tandem with the broader historical discussion of railways and the Canadian state from previous chapters.

Chapter 7: Sacrificial Discourses in the Lac-Mégantic Railway Disaster

7.1 Introduction

The following analysis is divided into two chapters and discusses the socially embedded belief framework that forms the discursive basis for official, federal responses to train derailments and the Lac-Mégantic case specifically. Together, the analysis chapters are representative of (1) discourses specific to the Lac-Mégantic case that conceal structural violence, and (2) the broader, ideological mystification of state and corporate power. There are three interlocking discursive frames in this analysis, all intertwining to produce an emergent sacrificial discourse that is deeply embedded in responses to Canadian railway disasters, reflected in the ideas and language of different documents produced by or in conversation with the Action Items detailed in *Chapter 3*. Throughout, there is a necessary effort to situate train derailments as an object of study within a wider set of social relations and historical tendencies, and the close examination of the documents here works in tandem with the broader historical discussion of railways and the Canadian state from previous chapters.

The findings presented in this chapter relate to two of the three elements of sacrifice generated through my theoretical framework: that sacrifice is a form of structural violence embodied in railway disasters, and that sacrifice and its effects are ideological and have material consequences. These elements are reflected in interconnected narratives and representations, developed through various historical, cultural, economic, and political contexts, that coalesce within particular discursive formations to produce a specific response to railway disasters in Canada. The emergent sacrificial discourse functions to conceal collective violence in support of the broader structural context and relations of domination.

First, *sacrificial violence* is expressed in representations of corporate harm (including the risk of future harm) as natural and inevitable. The ritual embeddedness of such violence within social relations and institutional structures lends it a certain level of legitimacy, despite being undoubtedly constitutive of class struggles and the conflicting desire between profit and people. Second, *ideological effects and material consequences* are expressed in queries about who should be deemed responsible or held accountable for the violence in question. These representations demonstrate the commonsense myths associated with sacrifice that are able to harness consent through ideological means, specifically in the following narratives: the price of progress, the myth of voluntary victimhood, the universalization of a particular world view as a Greater Good, and depictions of the sacrificial scapegoat.

7.2 Sacrifice: Organized Rituals of Structural Violence

Structural violence encompasses the violence of modern sacrifice in the broadest sense: both implicit and explicit in systems of control, where relations of power are of central concern, and where much of the violence is hidden or appears legitimate (Pawlett 2013; Galtung 1969). My centering of sacrifice as structural violence corresponds to these concerns of power and legitimacy especially with regards to powerful state and corporate actors who are often overlooked in law, academia, and popular consciousness as perpetrators of violence (Scott & Bell 2016; Michalowski 2016).

Representations of sacrifice as structural violence are reflected in responses to railway disasters in the following three ways: in characterizations of corporate harm (including the risk of future harm) as natural and inevitable, in class antagonisms, and in the portrayal of corporate harm as righteous violence. I argue that the ritual embeddedness of such violence within social relations and institutional structures lends it a certain level of legitimacy, concealing the

widespread harm that results from deliberate decision making and corporate activity (Pearce & Tombs 1998).

7.2.1 Natural and Inevitable Violence

The dominant view expressing the naturalness of corporate harm permeates Canadian workplaces, privileging the interests and goals of industry over the safety and wellbeing of the public (Barnetson 2010). Framing and controlling the post-disaster narrative in such a way can have strong ontological effects, bringing certain realities into being and setting the parameters for recognition, response, and accountability. This performativity is part of “the ongoing material-discursive making of the world, and corporations take part in shaping the possibilities to act in the future” (Nyberg & Wright 2016: 5). Specifically, railway companies are well-versed in the notion of *risk* and positioning themselves as the best option for managing public hazards, especially in relation to the transportation of dangerous goods. Consequently, representations of train disasters are influenced in large part by the notion that all worthwhile, productive activities entail necessary risk and inevitable harm.

Throughout the data, but especially in the early months immediately following the Lac-Mégantic disaster, it was very common for risky and dangerous outcomes to be glossed over as inherent (but not problematic) to railway operations. In one Committee meeting, just four months after the disaster, the Minister of Transport claimed that “transportation can inherently be dangerous just by the nature of what it is, whether it’s rail, road, air, or marine” (Lisa Raitt 2013: TRAN 002). Similarly, a professor at the University of Laval testified for the Committee that “we will *never* be able to reduce the risk of railway accidents to zero, anymore than we can with highway accidents or airline accidents” (Daniel Gardner 2014: TRAN 019, emphasis added). The same logic and rhetoric were repeated over the years, even outside of the direct context of the

Lac-Mégantic derailment. For instance, six years after the disaster, the Chair of the Canadian Transportation Accident Investigation and Safety Board appeared before the Committee to discuss updates to the Canadian rail safety regime. When prompted about the occurrence of three high-profile train derailments in as many months, the Chair bluntly stated: “*Derailments happen. They happen as a consequence of railway operations*” (Kathleen Fox 2019: TRAN 131, emphasis added).

This trend demonstrates the embeddedness of sacrificial logic within social relations and institutional structures. Such a mindset is dangerous for a number of reasons, not to mention in the aftermath of a disaster when any effective or just response has yet to be implemented. In accepting uncritically that all railway activities are inherently risky, discussions then became narrowly constrained within parameters that already understand this violence as inevitable; consequently, strength is given to the misguided assumption that there is little anyone can do to change our current system(s) of domination. For example, just a few months after the disaster, the Minister of Transport declared that “fundamental changes are difficult to make at any given time, let alone in the wake of an accident such as the accident in Lac-Mégantic” (Lisa Raitt 2013: TRAN 002). Almost one year later, even the Chair of the TSB testified before that Committee that “none of the safety issues are about to disappear anytime soon” (Wendy Tadros 2014: TRAN 019).

As detailed in my theoretical framework, the operationalization of sacrificial ideas may have significant material effects on social relations, including those which “shape and define the possibilities for state action” in response to corporate violence (Whyte 1999: 173). In the Lac-Mégantic case, the sacrificial mindset that naturalizes violence is cemented further through political actions, such as those taken by TC compelling railway companies to conduct their own

assessments of safety risks within their operations. The Ministerial Order, issued on 23 April 2014, required “risk assessments of key routes used to transport dangerous goods” and for “railway companies transporting dangerous goods to develop new permanent rules on operating practices and risk assessments of key routes” (Lisa Raitt, Transport Canada 2014: 2). Shortly after, in response to the Committee’s Interim Report on Rail Safety, the Minister of Transport indicated that “the Department will use this information to help inform its annual risk-based planning and oversight plans” (Lisa Raitt, Transport Canada 2014: 2). Not only does this reveal that railway companies themselves essentially inform the regulator as to whether or not their activities constitute adequate ‘risk’ to be overseen, but limiting the discussion to risk management detracts from the structural factors that impact safety and cause harm that is more incremental and widespread (Quinlan et al. 2006; Gereluk 2007).

As such, risk assessments – or more specifically, the illusion that risk assessments are performed using science and sophisticated technology that is inaccessible to those outside of the railway industry – are among the processes of legitimization implicated in sacrificial violence as it pertains to Canadian railways. In fact, one of the updates to the legislative framework following the Lac-Mégantic disaster focused on defining ‘risk’ in such a way that it would, presumably, be quantifiably measured and addressed by the railways. Testifying before the Committee for its 2016 study on rail safety, the Assistant Deputy Minister of Safety and Security at the Department of Transport stated:

The specific requirements for risk assessments for key routes and trains... are very detailed and specific in terms of the factors that need to be considered. Those include things like the route, the grade of the slope, and the types of ground area, whether or not, for example, the rail route passes over a body of water, a fragile environmental area, and/or perhaps the source of water for a community. Then it's up to the railway to look at how those work. What are the risks? How would they mitigate those?

(Laureen Kinney 2016: TRAN 006).

When asked if the Department could provide the Committee with the risk assessments that were completed and submitted by the railway companies to TC in 2015 for review, the Assistant Deputy Minister declined and insisted that “they are fairly long and complex technical documents over very long routes in some cases, so they are quite bulky” (Laureen Kinney 2016: TRAN 006).

Furthermore, while Canadian railways are required to undertake risk assessments under the *Railway Safety Act*, they are generally granted the privilege of confidentiality, as industry has successfully argued that their public access would threaten the entrepreneurial spirit and principles of competitiveness. The Committee also implicated the regulator in this phenomenon, when one member representing the NDP revealed that:

CN, CP, MMA, and Transport Canada have refused to release the [assessments] of those corporations on the basis they have some kind of corporate competitive advantage to keep them private and secret (Mike Sullivan 2014: TRAN 021).

In a similar vein, the Rail Safety Review report submitted by the Committee in 2015 indicated that “representatives from CN Railway offered to provide the company’s risk assessment for Ontario to the Committee but ultimately submitted only a partial description of the risk assessment process” (TRAN Report 2015: 9). In the same year, the Auditor General recommended that TC obtain better access to the railways’ risk assessments itself, to better perform its function and duties. In response, “Transport Canada told the Committee that” this requires “companies’ permission because third-party information is protected under the Access to Information Act” (TRAN Report 2015: 9). Concerns for access to information and disclosure were raised frequently in the data and are returned to again below.

Through processes of risk evaluation and codifying said risk into monetary value, railway disasters become naturalized within market conventions. Throughout the data, discussions surrounding risk revealed structural processes of legitimating violence, as these activities – undertaken by private companies – were still believed to create the most material welfare for all Canadians, despite their ‘inherent’ risks. The concept of risk in this context became a central construct for how railways should manage their own violence – not as an *accurate reflection of that violence*, but as a performative frame influencing how Canadians *could and should respond to such harm*. For instance, when the question was raised whether railway companies would voluntarily lower the speed of their trains carrying dangerous goods through densely populated areas, the President and COO of Canadian Pacific Railway stated:

Let’s be realistic. It’s about risk mitigation. Everything in life can be unsafe if it’s not done properly... could you imagine if we were mandated to do what we do and we moved all of those trains at 15 miles an hour? There’s a degree of risk in everything you do. The only way to eliminate that risk, the only way to make an unsafe situation safe, is to eliminate the activity (Keith Creel 2014: TRAN 020).¹¹⁹

A year later, the President and CEO of the Railway Association of Canada similarly spoke out against potential legislation that would lower the speed of trains carrying dangerous goods through communities:

Without rail service, we would have more congestion, more pollution, less safety, and more greenhouse gases... and let's not forget about the economic argument. Railways need to maintain velocity and fluidity on their tracks in order to deliver high levels of service to their customers. We need rail to move the economy, so before we start making small steps that we think may solve a specific problem, let's make sure we are not further hindering our ability to enable the competitiveness of our customers and the economy in this globally competitive world (Michael Bourque

¹¹⁹ Representatives from both Canadian National and Canadian Pacific Railway who participated in the Committee’s study indicated that they were unaware of *any* risk assessments performed by their respective companies regarding the abandonment of unprofitable rural lines which effectively “drive dangerous goods through heavily populated areas” (Mike Sullivan 2014: TRAN 020).

2015: TRAN 050).

Disappointingly, the validity of the cost-benefit analysis that gives power to weak rail regulations and their corresponding mentalities was rarely questioned; and discussions of potential solutions to problems were overwhelmed by the difficulties that arise in setting an appropriate and acceptable level of harm that the public will tolerate. This is a clear indicator of structural violence and the embedded nature of sacrificial logic within our institutional structures.

It is important to note that there was not universal agreement on the naturalness and inevitability of violence in railway operations, and the Committee meetings especially represented a significant site for conflict and debate. Some actors, including the National President of Unifor, questioned the effectiveness of bureaucratic capitalism in protecting workers and members of the public:

The railway will present to you that they are required to and will conduct risk assessments... Administrative measures are not fail-safe. Risk assessments do not eliminate any hazards; our members remain exposed (Jerry Dias 2016: TRAN 007).

Others critically assessed some of the hegemonic principles of modern capitalism that are often disseminated as commonsense in the aftermath of disasters (Dodd 2013). A past president of the Canada Safety Council, for instance, claimed that “preventable catastrophes happen because potential risks in the system are accepted as normal” (Emile Therien 2014: TRAN 024). In the Committee’s Interim Report on Rail Safety, the Official Opposition submitted in their supplementary opinion that “the tragedy that struck Lac-Mégantic unfolded in a matter of hours. Unfortunately, the conditions that led to this devastation were much longer in the making, and *entirely preventable*” (Interim Report 2014: 29, emphasis added).

Initially, this last point has the potential to be a critical indictment of ‘risky’ capitalist activities and the overarching reality of structural violence in the current conjuncture. However, the Opposition continues on to say:

Crude oil shipments by rail have ballooned...an increase of more than 300-fold. This new traffic is great business for rail companies, but the industry and Transport Canada have been dangerously slow to react to the new risks that this increased activity brings (Interim Report 2014: 29).

As Bremmer (2007: 4) argued, while it is not necessary for every community member to rejoice in sacrificial violence *per se*, the ritual remains impactful because the practice of sacrifice is rarely challenged internally. This is largely achieved in this context by drawing on a stock of available assumptions about the naturalness of risk in the rail industry, supplemented by day-to-day bureaucratic record-keeping. Ultimately, the Opposition substitutes a potentially radical explanation with a more individualistic one, redirecting attention from fundamental change onto minor legislative reform.

7.2.2 *Class Antagonisms*

That risk (and subsequent harm) is a natural and unavoidable consequence of productive activity is a fundamental socio-economic presupposition that contains public reflection on the class violence exposed by disasters (Glasbeek & Tucker 1999). However, for a brief period following disaster, the balance of power between social forces may shift, or appear to shift, in favour of counter-power and pro-regulatory forces. Class antagonisms were evident in the data in three main ways: the depiction of workplace relations that silence or punish workers; the myth of voluntary victimhood attributed to the powerless; and the sacrificial scapegoating of workers. Given my conceptualization of sacrifice as structural violence and the class conflict inherent to capitalist social relations, *class antagonisms* is a recurrent representation which overlaps with

other narratives throughout this analysis. That said, this section will focus predominately on the depiction of workplace relations that silence or punish workers, as the myth of voluntary victimhood and the sacrificial scapegoat are both presented below as ideological effects of sacrifice.

Ignoring the safety concerns raised by workers is an example of the “distorted communication” of class antagonisms that is indicative of a marginalization of the workplace (Whyte 1999). This trend is not uncommon in railway management and speaks to my concern with the specific and indirect infliction of structural harm, both implicit and explicit in systems of control, where relations of power are of central concern (Pawlett 2013; Galtung 1969). Across industries, workplace disasters are almost always preceded by warning signs, near-misses, and ongoing hazards that are systematically ignored, sometimes for years (Quinlan 2020). For instance, one of the primary safety concerns for railway workers following Lac-Mégantic was fatigue and the ongoing conflict between workers and the railway companies regarding the *Work/Rest Rules for Railway Operation Employees* (WRR) under the *Railway Safety Act*.¹²⁰ During one Committee meeting less than a year after the Lac-Mégantic disaster, a Lobbyist from Teamsters Canada testified that:

Workers are not inattentive, *they are fatigued*... Seemingly with no concern for our fatigue, our ability to focus, or for safety, we are constantly told by front-line supervisors that production is all that counts. Human beings aren’t built for this. We break down. We become fatigued. Where there’s no attempt to manage it, we can lose focus. *We can lose lives* (Phil Benson 2014: TRAN 023, emphasis added).

¹²⁰ A second concern raised in the data was the speed at which trains operate. A Lobbyist for Teamsters Canada testified before the Committee that: “our members involved in railway track maintenance report that speed is an issue they often feel threatened by. They often work in very remote areas where trains, including those carrying dangerous cargo, race through a maintenance zone at the top speed with workers only a few meters away from the track” (Richard Boudreault 2014: TRAN 018). However, as the previous discussion revealed, railway companies have no interest in voluntarily reducing the speed of their trains, even if their operations threaten workers, the public, and the environment.

Seven years later, workers' safety concerns regarding fatigue in the railway industry were still being raised and still being ignored. In fact, in 2021, one Committee member representing the NDP shed light on the issue as a historical problem for railways:

We've heard a bit about fatigue management. This is an issue that is relevant not only for rail communities and communities along the rail corridors, but most specifically for rail workers, the people who work on the trains. It's been identified by the Transportation Safety Board as a concern since 1994. Why hasn't this been dealt with? (Taylor Bachrach 2021: TRAN 039).

In that same meeting, a locomotive engineer representing the legislative position of the Teamsters Canada Rail Conference reflected on the Lac-Mégantic disaster and the reproduction of harm and potential harm that still impacts rail workers nearly a decade later:

Many are faced with a decision to go to work tired, which is heavily influenced by fear of reprisal from the employer... We work in a safety critical position. When we make mistakes, they're not paper cuts. We don't hit the backspace. We see major tragedies and major incidents happen. These often result in fatalities, and fatigue is a major component in that. Going back to Lac-Mégantic, that happened at approximately two in the morning. If you ask me, I would question fatigue (Chad McPherson 2021: TRAN 039).

This issue of silencing workers and ignoring safety concerns is necessarily political *and sacrificial* because it engages a narrow range of actors and favours certain conventions at the expense of others. Furthermore, when frames inaccurately represent a given phenomenon – such as the causes and implications of railway worker fatigue – the consequences of these “misfires” are unequally distributed among less powerful or marginalized actors (Nyberg & Wright 2016: 5). As one Committee member representing the NDP argued: “when there is a derailment, guess what, it's the *workers* who put their lives on the front line” (Olivia Chow 2013: TRAN 077, emphasis added).

In addition to the class antagonisms surrounding ongoing safety concerns, several counter-hegemonic voices in the data revealed that workers are systematically removed from any meaningful contributions to railway safety. When prompted to comment on the involvement of workers in the development of railway SMS for the Committee's study on Rail Safety, a lobbyist for Teamsters Canada stated: "We've made it very clear today that the safety management system doesn't exist. There is no safety culture. It is not safe" (Phil Benson 2014: TRAN 023). In a separate Committee meeting, the Area Coordinator for the United Steelworkers similarly revealed that employees have little control over workplace safety cultures:

Employers often fail to observe safety rules. Employers often make changes to safety systems and various ways of working and do not obey the rules. We have to put up with it... I do not see why a railway company should be able to keep prospering in Canada when it is not obeying any laws and when it is complying with regulations in any way it likes (Richard Boudreault 2014: TRAN 018).

Thus, despite being upheld as "a systematic, explicit and comprehensive process for managing safety risks" by the TSB (2014: 78) and "the way forward" in rail safety by the Minister of Transport (Lisa Raitt 2013: TRAN 002), SMS actually seem to represent a significant site of sacrificial violence where relations of power play out at a structural level:

The friction it caused between management and employees of railway companies led to an acrimonious work environment, which in and of itself has a very bad effect on safety... I understand that there is currently a lack of protection for railway workers who report safety violations to Transport Canada. They are not allowed to bypass their company's SMS. If that company has already accepted the complaint as a tolerable level of risk, nothing can be done (Emile Therien, Canada Safety Council 2014: TRAN 024).

The dominant role of SMS and the sacrificial violence implicated in responses to the Lac-Mégantic disaster is returned to below, specifically in the sub-discourse of the *Greater Good*.

At times, counter-hegemonic voices would raise issue with the concept of risk and its sacrificial tendencies, specifically in relation to class conflict. In one Committee meeting, a member representing the NDP questioned:

Is it appropriate for the rail companies themselves to do the risk assessments about how fast they should go through communities or whether they should re-route around communities given that it's a conflict of interest for them? They may be prepared to take a risk but *the public isn't* (Mike Sullivan 2014: TRAN 024, emphasis added).

Similarly, the National President of Unifor, a Canadian general trade union, testified in one Committee meeting that:

What is worrisome, though, is the increased reliance and belief of the industry that risk assessments and risk control processes are reliable and unquestionably support implementing a change in operations. While an assessment process may turn a corporation's mind in taking risk into their planning...our experience in the industry is that the decision to implement the change has already been made, and the risk assessment is simply another report that goes into the file. We have yet to see a risk assessment in which the corporation says, 'wow, we aren't doing that. It's too dangerous' (Jerry Dias 2014: TRAN 021).

He continues on to argue that Canadian railways are simply “developing administrative measures as a way to ignore the hazards in order to find a way to *live or die with the risks*” (Jerry Dias 2014: TRAN 021, emphasis added).

Unfortunately, such critical points were routinely countered by arguments which sought to reaffirm the legitimacy of railways as responsible social actors engaged in valuable business activities. In fact, such claims were often provided by corporate and government actors themselves, who are typically considered the most reliable and legitimate stakeholders in official negotiations. At one Committee meeting, the Assistant Deputy Minister of Safety and Security at the Department of Transport testified that:

We know that an organization can comply with all of our regulatory requirements and still pose a risk to safety, which... suggests that there are few opportunities to improve safety by means of addressing a single issue or event (Gerard McDonald 2013: TRAN 003).

McDonald continued on to claim that Canada's regulatory regime adopted principles such as risk assessments and SMS to respond to the unique and evolving nature of the transportation sector, and that this would mark "the beginning of an approach that will allow the industry to systematically manage risks... buil[t] on the principles of quality management that are already embraced by most" railways (Gerard McDonald 2013: TRAN 003). Two years later, the Committee published in their *Review of the Canadian Transportation Regime* report (2015: 22) that:

...experience and research have shown that an organization can comply with all regulated safety requirements yet its operations may still pose a risk to safety. As such, simply making more regulations that address specific issues or events would not necessarily bring about improvements in transportation safety.

Accordingly, and in line with the principles of sacrificial violence, the framework most readily available for addressing risks when they routinely materialize in the rail industry is one that is already preprogrammed for legitimacy. Despite notable moments of counter-hegemony, the aftermath and legacy of the Lac-Mégantic railway disaster demonstrate key functions in legitimization: a reproduction of circumstances, environments, and responses which have historically been effective in generating stability and renewal in an otherwise conflicting society. If the harm can no longer be hidden, it must be a necessary and inevitable consequence of desirable activity that can be effectively managed by the railway companies. If needed (and it rarely is), we may enact laws and standards to ensure that appropriate precautions can diminish the materialization of similar risks. If the enforcement of those standards requires imposing sanctions for violators (and it rarely does), it is imperative that we should not think of them as

anti-social wrongdoers; after all, Canadians should be grateful that corporations are contributing to the general welfare of the country, many even engaging in such virtuous activities voluntarily. For instance, during one Committee meeting, the Minister of Transport at the time took the opportunity to celebrate Irving Oil, the importing company who was implicated in the Lac-Mégantic disaster:

Two weeks ago, Irving Oil made the decision that they would not accept cars that were not up to the new standard that we just published in regulations. That was a business decision they made. I commend them for it, because they are doing something without having to be forced to do it by regulation (Lisa Raitt 2014: TRAN 016).

Seemingly, the structural nature of sacrificial violence as it pertains to railway disasters is perfectly suited for a framework which assumes that risk is tolerable, even desirable, because private actors chasing profit maximization are engaged in *virtuous* activities since *they* themselves are virtuous.

7.2.3 Righteous Violence

The concept of righteous violence most distinctly reveals how sacrificial discourses can add weight to the all-too-common separation of ‘legitimate’ violence from its illegitimate counterpart when that harm is conducted by the most powerful and privileged members of our society. As such, it corresponds to my research concerns with the specific and indirect (re)production of structural violence as it relates to elite corporate actors, who are often overlooked as perpetrators of violence. Despite countless examples of the for-profit, limited liability corporation routinely generating massive social, economic, and environmental harms (see Friedrichs 2010; Bittle 2012; Tombs & Whyte 2015; Whyte 2020), corporations remain lionized as inherently rational and responsible social actors engaging in productive economic activities.

In the context of Canadian railways, this position is obviously taken up by the railway companies themselves, but also by government officials, other industry stakeholders, and the general public alike. During one Committee meeting, a member representing the NDP claimed that “companies such as [CN, CP, and the Railway Association], that care a great deal about safety... will apply stricter standards than those the government imposes” (Hoang Mai 2014: TRAN 020). At that same meeting, the President and CEO of the Railway Association of Canada testified:

Canada’s railways know that the safety discussion has taken on an even greater urgency and importance post-Lac-Mégantic. This tragedy deeply affected every railroader and every railroad in Canada. We know we are in a different environment now, and we accept our position with responsibility and humility (Michael Bourque 2014: TRAN 020).

In their Interim Report on Rail Safety, the Committee similarly upheld this view of morally righteous corporate actors going above and beyond in their own codes of practice:

Witnesses from the dangerous goods shipping community provided the Committee with examples of their voluntary initiatives – beyond what is required by regulation – to improve safety at their end of the dangerous goods supply chain... really an ethic exemplified by either doing the right thing or going beyond what is required (TRAN Interim Report 2014: 6).

Consequently, the kind of “righteous violence” (Katz 1988: 13-15) associated with corporate greed becomes a routine (even desired) outcome of how business is conducted, similarly supporting dominant claims that railway operations are necessarily and unavoidably risky. For instance, the President of the Freight Management Association of Canada, who is also a member of the TC advisory committee on rail safety, testified before the Committee:

I would like to offer a few general comments about transportation safety. One, by any reasonable standard, modern transportation in all modes in the Western world is very safe. Two, as long as there is movement controlled by human beings, there will

be accidents (Robert Ballantyne 2014: TRAN 023).

In a similar vein, the Vice-President of Product Engineering at National Steel Car Limited sacralised the harms caused by the transportation of dangerous goods by comparing the (still high) occurrence of major accidents against the (notably higher) rate of overall shipments:

...between 2003 and 2012 it's recorded that there have been 14,229,880 tank car shipments just in North America... this is from RSI. It has only recorded 508 individual accidents causing major problems. If you want to categorize efficiency... that's the highest efficiency you get (Jamal Hemetian 2014: TRAN 018).

Beyond the obvious, immediate concern that this statistic points to the occurrence of 508 major rail accidents – or approximately one major ‘accident’ per week – in just 9 years (the *major* ones, which is nothing to say of the lesser rail incidents that still cause damage, or near-misses with the potential to cause mass devastation), it is equally concerning that an engineer at Canada’s largest manufacturer of railway rolling stock is compelled to present this statistic as an achievement. To suggest that *only* 508 “individual accidents causing major problems” in 9 years is the peak of efficiency in the transportation of dangerous goods by rail is not only an exercise in the sacralisation of corporate violence, but an irresponsible glorification of a certain kind and amount of damage that has become all too defensible as the necessary balancing of cost and benefit. This is sacrifice incarnate.

Once again, the operationalization of sacrificial ideas may have significant material effects on social relations, including those which “shape and define the possibilities for state action” in response to corporate violence (Whyte 1999: 173). The sacrificial logic that naturalizes and sacralises the violence of Canadian railways was cemented further in 2019 by the TSB as they provided a briefing to the Committee on the transportation of flammable liquids by

rail. Specifically, it was during this time that the TSB decided to remove the transportation of flammable liquids by rail from their Watchlist, which historically:

...has served as both a call to action and a blueprint for change—a regular reminder to industry, to regulators, and to the public that the problems we highlight are complex, requiring coordinated action from multiple stakeholders in order to reduce the safety risks involved (Kathleen Fox, Canadian Transportation Accident Investigation and Safety Board Chair, 2019: TRAN 131).

The transportation of flammable liquids by rail was first added to the Watchlist in 2014 as a direct result of the Lac-Mégantic disaster, and the TSB justified its removal at the time because, since then:

Transport Canada and the industry have taken a number of positive steps. Notably, railway companies are conducting more route planning and risk assessments... Given that kind of action we removed the issue from the watchlist (Kathleen Fox 2019: TRAN 131).

In response, a committee member representing the Bloc Québécois reminded the TSB of the ongoing violence inflicted on the Lac-Mégantic community as they attempt to rebuild in the aftermath of disaster, while trains stocked with explosive product pass through via the only recently rebuilt track:

I went to Lac-Mégantic to meet with people who were affected by the tragedy... the companies insisted on putting cars back in service and resuming transportation as quickly as possible. You will understand that the situation is pretty traumatic for the people of that small village.¹²¹ Your decision to remove that issue from the watch list is also traumatic. According to you... railway companies are assessing risks and carrying out inspections themselves. Once again, it is very troubling for the people of Lac-Mégantic—and it should be for all Canadians—to think that railway companies are being given back the power to carry out their own inspections and assessments.

¹²¹ Similarly, the Committee stated in their Update on Rail Safety report that “a health expert indicated that 70% of adults surveyed [in Lac-Mégantic] suffered from post-traumatic stress disorder and that the region exhibits twice the normal rate of other anxiety disorders as compared with the rest of the Canadian population. She also reported that negative health impacts have actually *worsened over time* as a result of secondary stressors, such as the resumption of rail operations and ongoing site remediation and reconstruction” (TRAN Report 2016: 2, emphasis added).

Do you trust [what] the representatives of railway companies tell you? (Monique Pauzé 2019: TRAN 131).

It was at this point that the Chair of the Canadian Transportation Accident Investigation and Safety Board dutifully embodied the sacrificial logic at the core of these discourses: “I can reassure you and the people of Lac-Mégantic: we will never forget what happened there. That was a tragedy. [But] derailments happen. They happen as a consequence of railway operations” (Kathleen Fox 2019: TRAN 131).

7.3 Summary

As the presumed ‘virtuous activities’ of corporate actors are often discussed in broad terms in the data, I also considered discussions of corporate violence in broader terms, in addition to the specific horrors of the Lac-Mégantic case itself. In keeping with the tradition of critical criminology, I define corporate violence as the “actual harm and risk faced by workers, consumers, and the public as a result of decisions by corporate executives, from corporate negligence, the quest for profit, and the willful violation of health and safety laws” (Hills 1987: 1). Self-interest of the decision makers, the capitalist goal of profit maximization, and the structure of the corporation itself all come together to produce the conditions for this violence to not only occur but to be taken as something legitimate (Chasin 2004: 80; Scott & Marshall 2009).

Given their dominant position in Canada’s history as a nation, railways are well-equipped to develop a narrative that emphasises their privileged position in our social formation, while avoiding discussions of how and why rail disasters actually happen. The ways in which the rail industry can sacralise its own harms may therefore have significant implications for future

disasters. In one Committee meeting, the President of the Freight Management Association of Canada and member of the TC advisory committee argued that:

The Canadian transportation safety regime – that is, the policy, the laws, the regulations, enforcement, accident investigation, and practice – focuses on prevention of accidents. This is, of course, the right emphasis. [However], there is a tendency by both media and government to focus on *the next Lac-Mégantic*, and by that I mean that considerable activity focused on the characteristics of, in this case, the DOT-111 tank cars and on making them more robust for the next big accident. Such accidents are extremely rare, a fact that needs to be considered in any actions the government decides to take (Robert Ballantyne 2014: TRAN 023, emphasis original).

Comparatively, the burden of sacrificial violence is routinely and disproportionately borne by communities, the environment, and by railway workers who, in the data, were instrumental in providing the counter-hegemonic discourses that pointed to Canada's unique brand of sacrificial violence. As the Area Coordinator for the United Steelworkers testified resolutely before the Committee: "We do whatever we can to try to work in safety so that earning a living does not cost us our lives" (Richard Boudreault 2014: TRAN 018).

Unfortunately, the relations of power and class struggle at the heart of structural violence hinder the ability for such counter-hegemonic discourses to be taken seriously or at least taken more seriously than the voices of those already in power. During one Committee meeting, a member representing the NDP raised concerns about conflicting testimonies among different groups during the rail safety study, to which a different committee member representing the Conservative party replied:

We certainly heard something different from the unions. I would say that the companies and Transport Canada are much more consistent in terms of the coherence of the information presented to the committee (Jeff Watson 2014: TRAN 033).

In the Committee's final *Review of the Canadian Transportation Regime* report, the Official Opposition was "compelled to issue a supplementary opinion to add key recommendations raised by witnesses but not included in the report" (TRAN Report 2015: 69). In total, the Opposition provided 18 recommendations to the federal regulator based on witness testimony that was omitted from the final report, most of which came from railway workers and union representatives. Perhaps most significantly, they recommended that the Government launch an independent public inquiry into the transportation of dangerous goods by rail to better understand and address "the causes leading to the disaster of Lac-Mégantic" because "Canadians expect their government to pursue justice" (TRAN Report 2015: 70). None of these recommendations were addressed in TC's official response to the report, and as of early 2026, which is 12 years after the disaster, there has still not been an independent public inquiry into the Lac-Mégantic case.

The importance of understanding derailments and sacrifice as a structural problem speaks to the common pattern of train derailments, like other industrial disasters, being rationalized to seem natural, inevitable, and unchangeable. In consequence, we are inclined to let the "horrendous consequences of an accident [not only] colour and distort our perception of the events that led up to it" (Reason 1984: 179), but also how these causes interact in multiple and mutually reinforcing ways. The sacralisation of violence produced by railways represents a process of mystification by which operating companies attempt to present a particular view of the world, and along with it, a particular view of their safety operations. These discourses say something specific about powerful corporate actors: they all want to work in the best interest of all Canadians. No one ever *wants* to produce harm, but the sacralising violence logic assumes a

cost-benefit approach that does not require that risks be eliminated – just paid for, by workers, consumers, communities, and the environment.

At the same time, when a disaster like Lac-Mégantic occurs, the world is in shock that such an event could happen at all. Over the course of Committee meetings, most actors providing evidence on rail safety would begin their commentary with expressions of shock, humility, and condolences. In some cases, actors even offered personal anecdotes to that effect, including the Chair of the Committee and Conservative member of parliament, Larry Miller:

...I toured [Lac-Mégantic] with the minister and we were very well received – [it] had a very profound effect on me...It's not something that I would want to witness every day...it was very surreal (Larry Miller 2013: TRAN 077).

I just want to point out that both the minister and I were in Lac-Mégantic this summer, just days after the minister was appointed to her new role. I think she would agree with me, based on her comments, that Lac-Mégantic is something we sure never want to happen again, if it's at all avoidable. It was a real tragedy, but to see it with our own eyes... (Larry Miller 2013: TRAN 002).

However, as Harry Glasbeek (2013:1) reminds us, “the only thing that is special about a Lac-Mégantic is the sudden manner in which a huge amount of harm is inflicted.” That is, the Lac-Mégantic disaster is but an eye-catching example of the catastrophic dimensions of daily harms to which we are otherwise “systematically desensitized” (Glasbeek 2013: 1).

How can we be simultaneously shocked and not at all surprised by the daily materializations of risk built into our socio-economic structure? On their own, both sacrifice and corporate violence are contradictory phenomena because they reveal “the fragility and improbability of the smooth reproduction” of complex social orders; but the former may also function as an asset for the latter, “reflexively and flexibly deployed in response to emerging crises” (Jessop 2004: 162). That is, Canadian railways and the capitalist state both rely in part on

mythical rhetoric and rituals to sustain their own contradictions, and sacrifice lends itself well to a socially embedded faith in the system even in the face of monumental pain, suffering, and inequality. The following section presents the second major sacrificial discourse found in the data and is primarily focused on the complex and often contradictory ideas justifying the aforementioned processes of legitimation as they relate to corporate violence and railway disasters.

7.4 Ideological Effects: Harnessing Consent Through Sacrificial Discourse

Much like other rhetorical practices, sacrifice is governed by persuasive symbolic techniques and commonly held knowledge (Wang 2020) – or processes of legitimation and the ideas justifying these acts. Sacrifice’s *ideological effects* demonstrate the commonsense myths that harness consent through ideological means and are often expressed in queries about who should be blamed for the violence in question. The following representations were reflected most prominently in the data: the necessary price of progress; the universalization of particular views as a Greater Good; the myth of voluntary victimhood; and use of the sacrificial scapegoat.

It cannot be argued that ideologies in and of themselves simply represent material realities, since many claims can be shown to be false or contradicting, at least in part. But the effect of ideological power is that it ensures that even a plurality of ideas is defined within certain boundaries of what is deemed acceptable or legitimate (Poulantzas 1976). As these ideas are “promoted, disseminated, and reproduced, they reach popular consciousness through a variety of means” and become accepted as truth (Whyte 1999: 127-128). In this sense, ideology refers to the manifestation of lived relations through social practices, which are intended to patch up the cracks and contradictions within systems of domination, not by ‘hiding’ them in the truest sense of the term, but by allowing for a level of confrontation that makes the issue so visible that

it is invisible, so exceptional that it is mundane. The Lac-Mégantic derailment, like other major workplace disasters, was seriously encased in ongoing processes of legitimation. While knowledge of the disaster itself could not be prevented, what it *could* be was discursively constrained within the boundaries of legitimacy, national identity, and a price-of-progress discourse presented as both non-negotiable and collectively beneficial.

7.4.1 The Price of Progress

At its most fundamental level, the basic premise of sacrifice is that an individual or group can engage in ritual violence and gain favor with some higher form that they deem of greater value than the loss that was endured in the process. Often, sacrificial violence is considered the “price to be paid” to ensure a common good or prosperity, even when involving the total consumption of life (Keenan 2005: 11). As such, the representation of derailments as *natural and inevitable violence* presented in the previous section is in large part, and paradoxically, driven by the notion of *progress* – specifically in the form of capitalist growth and expansion. That is, despite being understood as ‘naturally’ occurring in railway operations, derailments are often simultaneously justified as the price to be paid for the progress and innovation delivered to us by the railways. This raises the question: are derailments inevitable by their nature, or are they the result of specific conditions and deliberate choices that we have come to accept as inevitable? The spirit of modern capitalism is often hailed as “involving rational conduct in the form of disciplined work, careful calculation, and a willingness to sacrifice short-term gains for long-term gains” of freedom and prosperity (Keenan 2005: 11). Consequently, it can be tempting to view health and safety problems within the railway and other industries as simply “the penalties” which “as with all things...are to be paid” (Carson 1980: 240).

The *price of progress* often enforces the massive scale of industrial endeavors, their technological sophistication, and endurance in trying environments. In discussions pertaining to the Lac-Mégantic disaster and the future of rail in Canada, this was most often reflected in the promise of oil and the weight placed on the shoulders of industry as they face increased demands for the transportation of dangerous goods. For instance, in an effort to show appreciation for the burden on railways, one member of Parliament representing the Conservative party claimed before the Committee that: “It’s clear... that there has been significant action over the years as it relates to the transportation of dangerous goods” (Harold Albrecht 2013: TRAN 004). He goes on to reference a common statistic that was raised repeatedly throughout the data, that 99.998% of dangerous goods shipments make it to their destination without major incident, and that this occurs “in spite of a 60% increase in volume. I think that’s a *great statistic*” (Harold Albrecht 2013: TRAN 004, emphasis added).

Not only do several competing realities find fault with this statistic (for example, that railway incidents are notoriously underreported or that this statistic references ‘major’ incidents for which no empirical measurement is offered, while ignoring the occurrence of ‘minor’ events and near-misses), but as one Committee member representing the NDP noted in the same meeting: “.002% of 30 million is *600 serious incidents* per year. That seems like a big number” (Mike Sullivan 2013: TRAN 004, emphasis added). Furthermore, the Minister of Transport contradicted the former “great statistic” by testifying to the Committee that, with respect to the transportation of dangerous goods: “as the increase in the shipments occur, then you will see *more* individual accidents and incidents” (Lisa Raitt 2013: TRAN 002, emphasis added). Ultimately, the concealment function of the *price of progress* is that we need railways, we need the transportation of dangerous goods, and the rest is just a matter of mathematics.

However, it is significant to note that statistical analysis in response to train derailments is not without its own conflicts and contradictions. In the Committee's Interim Report on Rail Safety, the document begins with the claim that "mainline accident rates for the federally regulated railways have declined considerably since the *Canada Transportation Act* came into force in 1996, despite impressive growth in traffic" (TRAN Interim Report 2014: 1). This statement was published in reference to a report completed by the Auditor General of Canada the year prior, despite the Auditor General himself appearing before the Committee and cautioning that:

The numbers that we've put in the report are the numbers. They are, I guess, sort of the facts. But I would be careful about drawing conclusions from those numbers, because certainly when you look at some of the more recent accidents, I think you have to factor in the *seriousness of these accidents* as well as the number of accidents before drawing conclusions just from those numbers (Michael Ferguson 2013: TRAN 006, emphasis added).

Seemingly, the Auditor General's words went unheeded, and the benefits of 'progress' attributed to railway operations have continued to be paired with misguided statistics that legitimize the widespread harms of railway operations. In 2021, the Associate Assistant Deputy Minister of Safety and Security at the Department of Transport testified before the Committee that:

Every day, railway companies carry goods, including dangerous goods, across the country that are essential to our well-being, the creation of jobs, and economic growth... Transport Canada prescribes stringent safety requirements for railway operations and to transport dangerous goods by rail. These efforts have allowed us to demonstrate real results for improving safety for Canadians and their communities. I would like to quote the Transportation Safety Board, which tweeted in March, "959 railway accidents were reported to the TSB in 2020—a 12% decrease from the five-year average." These statistics show that our improved oversight is leading to better results (Aaron McCrorie 2021: TRAN 038).

The fact that any decrease in railway occurrences in 2020 is most likely attributed to a decrease in rail traffic due to the global pandemic aside, what I wish to highlight most is the use of such

statistics and the ideas behind them in light on the Auditor General’s concern raised almost a decade prior: to consider the *seriousness* of these events as well as their occurrence (that is, their intensity in terms of impact, rather than quantity alone). The level of harm, the potential for greater harm, and on whom it is most often inflicted are things that should matter. In 2024, the TSB received 1198 reports of rail transportation occurrences,¹²² including 69 fatalities. This is technically a 2% decrease in *occurrences* using the same “five-year average” statistic, but an *increase in fatalities* (Transportation Safety Board 2025). Furthermore, according to TC data, 47% of the recorded incidents were uncontrolled movements and runaways, of which a 3% increase was recorded on main (non-yard) tracks compared to the previous year.

All of this is to say, while the total number of “railway occurrences” may be (reportedly) declining in some instances, the threat faced by workers and the public who are paying with their lives is in fact *increasing*. In my analysis, the representations of Canadian railways and the transportation of dangerous goods reveal not only an exercise in the sacralisation of corporate violence, but an irresponsible glorification of a certain kind and amount of damage that has become all too defensible as the necessary price that we must pay. In keeping with this commonsense perspective, an interim Committee member representing the Liberal party praised the actions of firefighters and first responders during the Lac-Mégantic disaster whom “of course made us proud,” before claiming that “the incident was unfortunate, but these are the things that we have to deal with” (Massimo Pacetti 2014: TRAN 023).

¹²² Rail transportation occurrences for 2024 included 896 accidents (87 involving dangerous goods) and 302 incidents. When the harms generated on and by Canadian railways are reported, they enter into the TSB Railway Occurrence Database System (RODS). The data is split by “accident” and “incident,” though they do not provide specific definitions for either category or the reasoning for their separation (see Introduction for examples of both categories). The 2024 data was collected according to the reporting requirements described in the *Transportation Safety Board Regulations* in force during that calendar year (Transportation Safety Board 2025). <https://www.tsb.gc.ca/eng/stats/rail/2024/sser-ssro-2024.html#tsb-common-toc-2mjhxho7kpk-item-6>.

7.4.1.1 The Promise of Oil. The *price of progress* narrative in responses to the Lac-Mégantic disaster, and enduring in our current conjuncture, is intimately related to the promise of oil and to the future of Canada as an energy superpower and world-class transporter of dangerous goods. In one Committee meeting just a few months following the disaster, a Committee member representing the Liberal party explained:

From 2011 to 2012, in one year, the amount of oil that's being transported by rail has tripled: tripled. We have gone from 6,000 train carloads in 2009 to 15,000 this year. It's accelerating at such a pace that railway companies, that you rightly point out are strong in safety, have rolled out \$1 billion in rail infrastructure... to carry oil (David McGuinty 2013: TRAN 002).

In more illustrative terms, the same Committee member later suggested that “there's a gold rush, but it's an oil rush, shipping oil by rail” (David McGuinty 2014: TRAN 022). In response, the Minister of Transport testified:

I concur that what we have seen in the past 18 months are increased numbers in the shipping of dangerous goods in terms of oil via rail. That is a function of the fact that the oil has to make it to market and it's going through the rail system. An industry is developing around the need to ship our natural resources in a way that makes sense, and that's why I think it's important for the committee to take a look at it. These things are happening already, and we need to ensure that we are keeping pace... we're going to ensure that we're doing whatever we can to have the ability to move these goods (Lisa Raitt 2013: TRAN 002).

Despite noting that the Lac-Mégantic disaster had eroded public confidence in the capacity of the regulatory system to protect public safety and the environment (Interim Report 2014), the Committee accepted as fact that the transportation of oil by rail would continue to grow as Canada sought expansion in export markets. Consistent with the assertions of the regulatory body, along with the rail and petroleum industries, the Committee made no suggestion that the pace of production or transportation of dangerous goods should be slowed, at least until

improvements in rail safety could be completed. In fact, in one Committee meeting in the early months after the disaster, the then Chair of the Committee remarked:

It's not often that the chair reserves his chance to ask a question or make a comment, but something which I think the committee needs to remember, and the officials as well, is that it's quite obvious that oil and other dangerous products have to be moved... *it's Transport Canada's job*, in consultation with the committee, hopefully, to work better to *not stop the flow of these products* (Larry Miller 2013: TRAN 003, emphasis added).

The historic and well documented relationship between oil and major railway disasters notwithstanding, the data revealed an enthusiastic embrace of the transportation of crude oil by rail and of the oil industry as a potential catalyst for economic and social change. During one Committee meeting, the Vice-President, External Relations of the Canadian Association of Petroleum Producers declared:

Our industry produces and transports three million barrels per day of oil serving Canadian consumers and export markets.¹²³ This year the oil and gas industry will generate over \$100 billion in revenues. These revenues serve as capital investment, labour, purchased goods and services, and...taxes. Every molecule of energy that generates this revenue and jobs for Canadians must be transported from its source to the end market. Thus... transportation capacity is critical to our industry and to the Canadian economy (Bob Bleaney 2014: TRAN 022).

Similarly, the Minister of Transport testified before the Committee that the transportation of oil “is a critical element in our efforts to increase trade, because that generates jobs and that generates growth and long-term prosperity for all Canadians” (Lisa Raitt 2013: TRAN 002). A comparable logic was applied years later by a Conservative member of Parliament, in a

¹²³ At this time in 2014, approximately 200,000 barrels per day of crude were being shipped by rail in Canada. In 2021, the Line 3 Pipeline project was completed and boosted Canada's oil sands pipeline export capacity by 370,000 barrels a day. In turn, this reduced the need for oil exports by rail to 131,224 barrels per day in 2021 (Transport Canada 2024) <https://tc.canada.ca/en/binder/11-pic-oil-rail>.

Committee meeting discussing whether the transportation of dangerous goods should be diverted from populated areas in Québec, the province that witnessed the Lac-Mégantic disaster:

All of these jobs that are being created in Québec... are all jobs that are being created at refineries, at petrochemical operations... our friends who are sitting to the left of us, who keep talking about the oil and the bad things that come out of oil.... Maybe they need to know that there are thousands and thousands of jobs that are being created in Québec every day at refineries, whether that oil comes from the United States, Algeria or western Canada. It goes in by rail (Ron Liepert 2019: TRAN 131).

Relatedly, another concealment function of the *price of progress* is one which has long been applied to Canadian railways, where the industry's horrific safety record is presented as a challenge to push the boundaries of progress and innovation – an image which “readily reconciles readers to the inevitability of accidents [because] people are killed at inhospitable frontiers” (Carson 1980: 240). In particular, actors mobilized sacrificial discourses by enforcing the massive scale of industry technology and the railways' technological sophistication to withstand the vicissitudes of the natural environment, all to our collective benefit. In one Committee meeting, the President and CEO of the Canadian Fuels Association argued:

With our vast geography and dispersed population, it should come as no surprise that Canadians are among the highest per capita users of transportation fuels in the world... fuels that keep our economy moving and enable our high standard of living. For some locations, rail may be the only mode of transportation available. For example, many of Canada's northern communities rely exclusively on the rail supply of fuels (Peter Boag 2014: TRAN 022).

It was not uncommon within the data for railways to be portrayed as uniquely capable economic actors. During the study on the transportation of dangerous goods by rail taken up after Lac-Mégantic, one of the Vice-Chairs of the Committee at the time and member of the Liberal party suggested:

There's going to be a lot of pressure on the rail system to carry more and more oil, if indeed we see a doubling of the exploitation of the Alberta oil sands... Even if all current pipeline projects are approved in Canada, in 10 years from now national oil production will exceed pipeline capacity by one million barrels a day... the only way to get that oil out economically is by rail (David McGuinty 2013: TRAN 002).

Similarly, there were times where industry elites were upheld as the true socio-economic leaders attempting to operate around a government that is failing to keep up. As one other Vice-Chair of the Committee and member of the NDP party claimed:

Deregulation exists; it is a fact. We are told that regulations are in place and that everything is going well, but we know that Transport Canada actually does nothing. For at least 20 years, the TSB has been saying that there are problems with the DOT-111 [tank cars]. With the accident in Lac-Mégantic, we know full well that the issue was the old DOT-111s. Today, once again, the rail companies and the oil companies are going ahead with timelines, but the government is not in a position to do so. It actually seems that the safety of people in the communities is not a priority. The government is doing nothing (Hoang Mai 2014: TRAN 018).

The following week, the same Committee member addressed representatives from the rail and petroleum industries, along with the Canadian Fuels Association:

With the DOT-111 tank cars, railway companies are showing a lot more leadership in terms of regulations and public protection than the very government that is supposed to be protecting Canadians. *I congratulate you* (Hoang Mai 2014: TRAN 022, emphasis added).

A critical and cognisant view of the state's role in the proliferation of railway disasters is important, and is a major discourse presented below. However, this type of sacrificial rhetoric also runs the risk of overlooking the symbiotic relationship that the state has with industry and excusing the behaviour of corporations in the process. In fact, the notion that railway and oil companies are rising to the occasion and acting in our best interest (while our government is not) only serves to further sacralise corporate violence as *righteous*. It should not be forgotten that it was a rail company who caused the Lac-Mégantic derailment in the first place, along with 24

other companies who shared responsibility in the disaster, and in conjunction with a Canadian state who allows them to operate essentially unchecked and unhindered.

7.4.1.2 Lessons Learned. The *price of progress* narrative was often paired with an overemphasis on the lessons that had been learned from the Lac-Mégantic derailment. This is in line with the common, more individualistic understanding of disasters found throughout the literature, which argues that pinpointing how human and industrial organization fails can provide for more informed and effective responses in the future.¹²⁴ According to the Mayor of the Municipalité de Sainte-Catherine-de-Hatley in Québec, “the Lac-Mégantic tragedy... is an opportunity to look at the state of Canada’s railway system, some parts of which have not been updated in many years” (Jacques Demers 2014: TRAN 024). This premise was likewise reflected in the actions taken by the federal regulator following the disaster, in having the Committee undergo a study of the country’s entire transportation regime rather than focus on rail specifically. In fact, the Assistant Deputy Minister for Safety and Security at the Department of Transport testified before the Committee: “we’ve learned a few lessons along the way that will benefit ourselves as the regulator, as well as the transportation industry we serve” (Gerard McDonald 2013: TRAN 003).

A significant concern with the *lessons learned* narrative is that it linguistically conceals and mystifies systemic, repetitive safety issues in a way that is reminiscent of the charade of non-violence witnessed in sacrificial rites of the past. That is, claiming to always learn from disaster overshadows the serious and arbitrarily applied nature of the violence, justifying or excusing it without really requiring that the problem be fixed. For instance, when critical voices raised

¹²⁴ A review of how disasters are responded to, including by the state, by industry and capital, and in the media, is provided in more detail in *Chapter 4*.

concerns during the rail safety study that railways have demonstrated a pattern of ignoring health and safety issues and are under no real obligation to conform to regulations, the Minister of Transport stated:

Obviously you learn lessons from tragic incidents like the one at Lac-Mégantic as you move along. The TSB has been instrumental in ensuring that as they progress through their investigation, they're providing us with feedback. One such piece of feedback was regarding content of the cars in Lac-Mégantic (Lisa Raitt 2013: TRAN 002).

In referencing the *lessons learned* within the narrow framework of railcar content, the Minister of Transport deflected from the issue of corporate negligence and deliberate law breaking in the history of railway operations. The following year, the Chair of the TSB testified before the Committee that:

We first flagged issues with those cars about *20 years ago*. They started to come up in our investigations. We made a couple of very specific points on them. As time went on we learned more and more. I would say that this accident gave us the opportunity to learn the very most, because the whole train was class 111 tank cars. We were able to study each and every tank car to see how it performed and how it failed in the accident (Wendy Tadros 2014: TRAN 019, emphasis added).

As a result of the supposed learning opportunity that was the Lac-Mégantic disaster, TC issued an Emergency Directive requiring that any crude oil being transported by rail is properly tested.

While not evaluating the merit of this Directive specifically (or the fact that no such direction was given to railway and petroleum companies prior to 2013), I do take issue with the fact that an overemphasis on the individual lessons that can be taken away from disasters – about a specific car, a specific track, a specific flammable substance – impacts our understanding of how the causes of derailments interact in multiple and mutually reinforcing ways. During their presentation to *Crude by Rail Safety Initiative* one year after the Lac-Mégantic disaster, the Chair of the TSB claimed that they have “spent almost a quarter century... to learn from mistakes and

make better choices so something doesn't go wrong the next time" (Wendy Tadros 2014: 1).

After claiming that the disaster "offers plenty of experience to learn from," the Chair explains:

In this investigation... we looked at so many risks: car securement rules, testing and classification of crude oil, tank car design. Emergency response. That's a lot of opportunities for improvement...a lot of lessons to learn. If we are successful, this accident and the report that emerges from it will have transformed the way in which we transport oil... in a once-in-a-generation way (Wendy Tadros 2014: 10).

A decade later, on the 10th anniversary of the Lac-Mégantic disaster, the Canadian Association of Fire Chiefs, in collaboration with TC, "ran a summary of the status of the recommendations made after Canada's largest rail tragedy" to see whether "the lessons of Lac-Mégantic have gone unactioned" (Chris Case 2024: TRAN 144). Testifying before the Committee, a fire chief from Ontario, who is also the co-chair of the dangerous goods committee for the Canadian Association of Fire Chiefs, claimed:

It's one thing to assess the issues of the past and another to be proactive for the future... After Lac-Mégantic, the Transportation Safety Board made five recommendations. As of 2023, three have been met and two remain in progress. These relate to regulatory oversight and safety management. As the TSB correctly concluded, the tragedy at Lac-Mégantic was the result not of one person, one issue or one organization, but of their confluence. Today, we [still] face the confluence of many challenges (Chris Case 2024: TRAN 144).

Ironically, the fact that the two outstanding recommendations following the Lac-Mégantic disaster are related to regulatory oversight and safety management demonstrates the potential material force of the discourses under examination here. In this case, the *lessons learned* narrative inevitably resurrects a related myth that corporations can and will effectively self-regulate when given the opportunity – the most responsible and virtuous citizens take the opportunity to learn from disaster. However, as the National President of the Unifor Canadian union commented, "knowing that it's raining is often not desperately helpful unless you have a

strategy to stop it raining, which we don't" (Jerry Dias 2014: TRAN 021). That is, the notion of learning from disasters is really only beneficial if corporations are willing to apply what has been learned to their safety regime, even if it does not serve their bottom line. This was demonstrated in the following communication between the Chair of the Committee, Larry Miller, and one Committee member representing the Liberal party, David McGuinty, who at the time was also the Vice-Chair of the Committee. During this exchange, McGuinty references a story published in the *Globe and Mail* in 2013 which revealed evidence that oil shippers are exploiting the wording of a recent federal order by TC, so that they could ship their products in whatever container they choose without testing its explosiveness:

Industry leaders in North Dakota, in the Bakken oil field from where that oil which was ignited and blew up in Lac-Mégantic came, are saying that very little oil is being tested, and that operating procedures remain mostly unchanged... (David McGuinty 2013: TRAN 003).

He is interrupted by the Chair of the Committee on more than one occasion, who attempts to claim that this discussion is out of order for the study's purposes. In response, McGuinty argues:

Given the SMS that is in place between the regulator and the company that's carrying this oil right now, and the fact that there has been a protective direction issued by Ottawa, this should have been caught. This should have been enforced (David McGuinty 2013: TRAN 003).

The Committee member is interrupted again and the Chair claims: "What that article says is that it is up to interpretation, to a degree. At the companies that are shipping the oil, *nobody is lying*" (Larry Miller 2013: TRAN 003, emphasis added). The conversation ends there.

During the next Committee meeting a week later, David McGuinty addresses the Director General for the Transportation of Dangerous Goods at the Department of Transport, to confirm that "the [federal] order *requires* shippers to test any crude sent by rail. So far, so good. Correct?

That's the directive?" (David McGuinty 2013: TRAN 004, emphasis added). In response, the Director General indicated that:

The directive *asks* that every shipment be tested and classified before it's put on rail. On the other hand...there's no product that wouldn't be able to be shipped by rail. Basically, what we're telling the industry is that if you haven't had the proper testing done, you need to classify it as a higher-risk product and put it in the proper means of containment (Marie-France Dagenais 2013: TRAN 004, emphasis added).

When McGuinty reminds everyone in attendance of the *Globe and Mail* article and the exploitation of federal regulations by railway companies, the Assistant Deputy Minister of Safety and Security for the Department of Transport claimed: "what's more concerning is that the sources in that [Globe and Mail article] are not attributable to anyone other than nebulous industry insiders" (Gerard McDonald 2013: TRAN 004). McGuinty countered with two quotes from the article, one from a senior industry official whose company is involved in shipping oil to Canada, who claims that the federal order "doesn't seem to change anything," and one from a former U.S. railway inspector, who argued that "there is no requirements to test oil, despite what Transport Canada claims" (David McGuinty 2013: TRAN 004). This discrepancy is reflected above in the simple yet vital difference between *requiring* shippers to test their crude oil and *asking* that shipments be tested – especially when industry is operating with the knowledge that those products are being shipped in any case, no matter what actions they do or do not take.

In addition to a misplaced faith in their desire and ability to self-regulate, *lessons learned* sacralize the violence of railway companies by emphasizing the (potential) future gains that could be generated in their wake, should we correctly seize the opportunity to learn from them. For instance, at the *Crude by Rail Safety Initiative* presentation, the Chair of the TSB claimed that:

Once in a generation, there is an accident that changes the face of safety... an accident that moves us – that forces us – to question our assumptions, to dig deep into the way things are done...and to really change a company, or an industry, or an entire culture, when the current one is found wanting (Wendy Tadros 2014: 2).

To illustrate their limitless potential to learn from major railway disasters and change the face of safety, the Chair continued:

What we learned from this accident, what we gained in experience, has already *proven a game-changer*... Overnight, the old perception – of crude as just inert sludge – had been banished... given the impact and fires at Lac-Mégantic, one thing was crystal clear: commodities posing significant risk must be shipped in *containers that are safe* (Wendy Tadros 2014: 4-5, emphasis added).

In a similar vein, the President of the Freight Management Association of Canada appeared before the Committee for their rail safety study and gave weight to the hegemonic claim that the lessons learned post-disaster outweigh the need to hold railways accountable for their harms, by referencing their intrinsic value for understanding “Black Swan events” (Quigley et al. 2017: 6). Specifically, he testified that:

The last accident that came even close to Lac-Mégantic was a derailment of propane cars as well as some cars carrying other [dangerous goods] in Mississauga on November 10, 1979 – nearly 35 years ago. In that accident, no one was killed or injured...Transport Canada and the railways learned significant lessons from the Mississauga accident, with the result that there has been no accident as severe...since that time. There of course have been other derailments, and some of them have been relatively serious, but there has been nothing of quite that magnitude (Robert Ballantyne 2014: TRAN 023).

Furthermore, as a member of the TC advisory committee for rail safety, Ballantyne was adamant that both the infrequency of large-scale disasters and the industry’s ability to learn from them are “facts that need to be considered in any action that the government decides to take” in response to the Lac-Mégantic disaster (Robert Ballantyne 2014: TRAN 023).

These examples from the data are consistent with the literature on disasters as industrial failures, which collectively places very little emphasis on the structural context, opting instead to focus on minor (and temporary) legislative and regulatory fixes. Consequently, we are more inclined to let ‘learning’ from the “horrendous consequences of an accident colour and distort our perception of the events that led up to it” (Reason 1984: 179), resulting in a sacrificial violence that is, in hindsight, rationalized to seem natural and inevitable. As Dodd (2006: 269) reminds us, the narrative of *lessons learned* is both an embarrassing and troubling pattern, as year after year industry and government discover the same problems, recommend the same solutions, and are repeatedly shocked when disaster strikes again. Moreover, these representations intersect, with the necessary *price of progress* narrative which suggests an added layer of sacrificial violence at the structural level: that while the government and the railway industry may take away valuable lessons from the disaster, they consider these to be unstoppable, sacred economic forces against which ordinary citizens are powerless to fight even if they wanted to.

7.4.2 The Greater Good

Ideologies have a foundational moral component, demonstrated in their ability to make the ideas of a particular group seem both legitimate and universal (Parekh 2015). This perspective is derived not from an individual or group of individuals, but from a *position* – the conditions of existence of a particular social class. Consequently, this orientation of thought is necessarily biased towards the social class from which it developed, and “explicitly or implicitly suggests that only a society structured in terms of its characteristic form of thought... is fully rational or consistent with human nature” (Parekh 2015: 30). Consequently, one key element of contextualizing dominant discourses is determining what gives a particular discourse weight or

‘truthfulness’ (Bittle 2012). The universal ‘truth’ of sacrifice, whether understood as part of a commensal relationship with god(s) or a social requirement expressing morality, has remained relatively consistent in that it is an altruistic behaviour necessary for oneself and for whole communities to survive and thrive (Derrida 1995; Girard 2011; Bell 2002). It is, in essence, a ritual undertaken for a *Greater Good*.

However, sacrificial discourses are also produced by hegemonic power structures, working ideologically to obscure and legitimize domination and subsequently reproduce those same structures (Jessop & Sum 2018). Conceiving ideological effects like this “delimits a realm in which social knowledge and experience are constructed in such a way as to mystify a situation, circumstance, or experience,” particularly of subordinate groups (Purvis & Hunt 1993: 476). It is worth noting that these relations are not always reflective of the railway industry intentionally suppressing certain ideas to dominate, but rather that “the structure of social relationships systematically generates ideological distortions which serve the class-interests of the dominant class” (Keat & Urry 2011: 131; Pearce & Tombs 1998).

In the context of the Lac-Mégantic disaster, the narrative that railway disasters are part of the *Greater Good* was supported, in large part, by two complimentary pillars: the myth of *common interests* and the *sacred nation*. On a more general level, the myth of *common interests* was reflected in claims of mutual benefit for all Canadians in the success of railways and the transportation of dangerous goods; consequently, it was also reflected in notions of shared responsibility for their risks. For instance, in one Committee meeting, the legal advisor for the Federation of Canadian Municipalities claimed that: “...this is a societal risk. The transportation, the use of dangerous goods in our society, is something that we all partake in, we all benefit from... not just those carrying the goods” (Stephane Emard-Chabot 2014: TRAN 027). During

the same meeting, the Co-Chair of the National Municipal Rail Safety Working Group for the Federation of Canadian Municipalities testified that:

...it's not only the responsibility of the railway system, it's also a great responsibility of municipalities. Lac-Mégantic has brought us all, I think, to realize that we all have a role to play and the objective is the safety of our population and of our economy (Pauline Quinlin 2014: TRAN 027).

Similarly, the First Vice-President of the Canadian Association of Fire Chiefs had testified in an earlier meeting that:

The tragic derailment in Lac-Mégantic has focused attention on the impact of dangerous goods incidents on public safety and the environment. All of us here have the shared responsibility of mitigating the risks associated with the transport of dangerous goods (Paul Boissonneault 2014: TRAN 023).

The *common interest* rhetoric was mobilized often in discussions concerning Safety Management Systems (SMS), which was a major area of focus for the Committee in their study on rail safety and for Government action following the Lac-Mégantic disaster.¹²⁵ Based on my analysis SMS represent one of the ideological effects of sacrifice which universalizes a particular set of ideas – that of the company – as the *Greater Good*. This does not mean that the claims made by the railway industry are inherently superior or more legitimate than other ideas, but they are more compatible with the interests of powerful groups better positioned to promote such claims over others.

Following the Lac-Mégantic disaster, amendments were made to the *Railway Safety Management System Regulations* under the *Railway Safety Act*, which were supposed to “modernize existing requirements and help railways better identify and manage safety risks” (Lisa Raitt 2015: 4). In her response to the Committee’s Interim Report on Rail Safety Review,

¹²⁵ This sub-discourse is necessarily related to the discussion of risk and violence presented above.

the Minister of Transport declared that SMS “provides flexibility for companies to formulate rules that take into account unique operating conditions... [and] manage organizational knowledge so that employees can perform their duties more safely” (Lisa Raitt 2014: 3). Likewise, during their review of the Canadian transportation safety regime, a Committee member representing the Conservative Party of Canada claimed that “safety management systems... actually require a safety culture, which is *shared values, attitudes, and norms* with respect to safety” (Jeff Watson 2014: TRAN 023, emphasis added).¹²⁶ In essence, powerful corporate actors were given the space to frame their operating goals as a *common interest* which, from the perspective of ritual sacrifice, helps legitimize a certain amount of violence in pursuit of those goals.

In some cases, representations of the *Greater Good* explicitly overlapped with the *price of progress*. Just a few months after the Lac-Mégantic disaster, the Minister of Transport appeared before the Committee and suggested that “these disasters tell us things about SMS to make them more progressive, smart...” (Lisa Raitt 2013: TRAN 002). During another Committee meeting discussing the transportation of dangerous goods by rail, a past President of the Canada Safety Council claimed:

Lac-Mégantic, Plaster Rock,¹²⁷ and other serious rail incidents aside, I sense that there has been a monumental shift... in how Transport Canada and the industry approach safety, with very encouraging and positive results. The TDG General Policy Advisory Council has played and continues to play a large role in this success. This council... brings together stakeholders – police, firefighters, industry, including rail, provincial governments... [and] at the end of the day, through consensus and

¹²⁶ This was echoed by a Professor of Psychology from Saint Mary’s University who also appeared before the Committee in a previous meeting: “safety culture refers to the attitudes, values, norms, and beliefs which a particular group of people share with respect to risk and safety” (Mark Fleming 2014: TRAN 021).

¹²⁷ The Plaster Rock train derailment occurred on January 7, 2014, and involved a CN freight train carrying dangerous goods. The train derailed due to a defective wheel, resulting in the spillage of about 230,000 litres of crude oil and causing a massive fire that forced the evacuation of approximately 150 residents. <https://globalnews.ca/news/2064304/cracked-wheel-caused-plaster-rock-train-derailment-tsb/>

thoughtful discussion, decisions affecting the movement of dangerous goods are made in the best interests of the health and safety of all Canadians (Emile Therien 2014: TRAN 024).

In other cases, actors mourned the potential Good that benevolent railway companies could do if only they were not burdened by regulations. During one Committee meeting, a Conservative member of Parliament suggested that legislative requirements can:

...put a *real burden on the railways*. Some of their other safety measures that they may be able to implement they haven't been able to implement because of the money that they're actually directing so strongly into [a] particular piece of legislation (Lawrence Toet 2014: TRAN 019, emphasis added).

Similarly, the Vice-President of the Canadian Association of Petroleum Producers suggested:

It's worth highlighting that regulatory requirements as to proof of compliance can contribute to management systems that become over-documented bureaucratic mechanisms that do little to improve overall safety. We would caution that... personnel attitudes to safety can suffer as a result (Bob Bleaney 2014: TRAN 022).

In this sense, the sacrificial logic of a *Greater Good* lends itself well to the dominant view that strict enforcement strategies are counter-productive to safety (and our overall prosperity), because they decrease market efficiency and alienate corporate actors who were once cooperative (Bittle 2012).

Since SMS are believed to be operating in the best interest of all Canadians, and with their internal inconsistencies effectively concealed and legitimated, the material force of the *Greater Good* sees railway companies being afforded more power and freedom to self-regulate. This is in line with the compliance-oriented enforcement to health and safety seen in *Chapter 6*, where the goal of regulation is said to encourage corporations to act as responsible and self-managing organizations rather than imposing restrictions or punishments for violations (Snider 1990). In the data, this often presented as an assertive pushback against any suggestion that

railway disasters could be prevented through better oversight and regulation. For instance, appearing before the Committee for their study on the Canadian Transportation Safety Regime, the President and CEO of the Railway Association of Canada declared:

In the wake of the tragedy at Lac-Mégantic, we found that there was a clamouring by critics and others for more inspections and more punishment, which are heading in precisely the opposite direction from relying on the safety management systems... we have the system that we do... because it is accepted worldwide as being the most effective way you can manage safety within complex organizations like railways (Michael Bourque 2014: TRAN 020).

However, critical scholars have argued that cooperative models of regulation offer little incentive for companies to reduce workplace risk and violence and are only preferred because they legitimize existing power relations and reaffirm the status quo (Snider 1990; Bittle & Snider 2006; Tombs & Whyte 2015). The idea of self-regulation and the efficiency of SMS rely on the assumption that workers and employers have a fundamentally *common interest* in safety. Not only is this inaccurate, as corporations are legally obligated first and foremost to create profit for shareholders, but it severely overlooks the power imbalance inherent to work relations (Tucker 2012).

At times, dissenting voices raised concerns with the *common interest* myth and its attempt to linguistically elicit consent for the harm caused by railway operations. During one Committee meeting where the notion of *necessary risk* was frequently mobilized in reference to the transportation of dangerous goods, the Mayor of Ville de Saint-Basile-le-Grand, Québec argued: “No, it’s not normal. It’s an economic activity carried out by producers and rail carriers, but cities inherit the damage and must respond when there’s an incident or accident” (Yves Lessard 2024: TRAN 114). Others took issue with the conflicting interests at stake in the overreliance on SMS for safety regulation. During one Committee meeting, a member of

Parliament representing the NDP addressed the Assistant Deputy Minister of Safety and Security at the Department of Transport:

On a cursory view, it looks like SMS appears to be more aligned toward the company's vision and the business vision, and not necessarily for the public and the environmental considerations. You even said in your remarks that regulations are more or less to adhere to the businesses, *but you didn't mention people* or the environment (Peter Stoffer 2013: TRAN 003, emphasis added).

No reply was given by the Department of Transport at the time. Similarly, in one recommendation provided by the Committee in their 2016 Update on Rail Safety report, they propose that:

Transport Canada immediately pursue in consultation with provincial and local governments legislative and/or regulatory structures to require rail companies operating in Canada to 1) develop and implement long-term plans to mitigate environmental impacts...and 2) that communities be consulted in the development and implementation of the plan (TRAN Report 2016: 33).

In his official response to the Committee, the Minister of Transport claimed that "Transport Canada will engage provincial governments as well as other stakeholders, including railway companies, to address this recommendation" (Marc Garneau 2016: 7). Again, the interests of the *people*, namely, to not be harmed in the pursuit of corporate profits, were seemingly overlooked in these responses.

Furthermore, there were specific concerns as to how railways could reflect the public's interest when they are able to keep their SMS plans secret and confidential. According to one Committee member representing the NDP, "not disclosing a safety management plan is really an excuse to get around from disclosing faulty management systems or operations within the industry to the public" (Jean Crowder 2013: TRAN 003). To this, the Assistant Deputy Minister of Safety and Security at the Department of Transport replied: "obviously when we're dealing

with company information, we have to be cognizant of commercial confidentiality of information that we receive” (Gerard McDonald 2013: TRAN 003). Despite the fact that, two years later, the Committee published in their final report that “all unions representing railway employees recommended that it would be in the interest of Canadians for railway companies’ SMS to be publicly available,” TC was adamant that it would require “the *companies’ permission* because third-party information is protected” (TRAN Report 2015: 24).

However, much like the counter-hegemonic voices overthrown in the sacrificial violence discourses, these critical perspectives were overshadowed by official reports which sought to reaffirm the legitimacy of railways and the regulatory status quo. In their Interim Report on Rail Safety, the Committee reported that:

Despite the challenges inherent in the implementation of SMS in the railway industry for both the railway companies and Transport Canada, many witnesses supported persevering with the SMS approach in Canada. Most notably, the Chair of the TSB called the SMS approach a “very good tool,” one that helps to find the biggest risks so that mitigating steps can be taken (TRAN Interim Report 2014: 12).

Shortly after, the Committee took an even clearer stance, demonstrating the moral or prescriptive dimension of the *Greater Good* narrative:

Some witnesses that the SMS approach to safety amounts to deregulation... Transport Canada officials had reassured the Committee that this assessment is common but not accurate, given that the SMS requirements are themselves regulations (TRAN Interim Report 2014: 13).

The discrepancies in the data between the ideas associated with SMS and railways as operating for a *Greater Good* and the actual lived experiences of workers and the public demonstrate a key element of sacrificial ideology: that even though it operates largely unchallenged, it is fundamentally unable to critically defend itself. As a systematically biased body of ideas embedded in the basic structure of thought, ideology takes for granted a specific

perspective and plucks it out of its context to make it universal and neutral. When this occurs, many social issues are presented as if there is nothing that can be done about them, and it is within such representations that “domination is articulated as being inevitable and necessary,” as a specific right, “or simply as not a relation of domination at all” (Toth 2021: 162). This trend was even more apparent when actors invoked representations of the *Greater Good* in terms of the nation.

7.4.2.1 The Sacred Nation. According to the Durkheimian view of sacrifice outlined in *Chapter 2*, sacrifice essentially comes down to how it is understood within a society and an individual’s position in social dynamics. Specifically, Durkheim stressed the religious quality of a society, in the sense that it engages (like a religion does) in a kind of significant meaning-making activity for its respective members (Strenski 2002: 10). Society is understood as a meaning-making entity because it provides individuals with a particular framework for understanding to take place, and it is from society that the collective representations that individuals use to gain that understanding are created (Durkheim 1968). In this sense, the relationship between citizens and their political society bears a strong resemblance to the relationship between sacrificers and their sacred (Fortuna 2010; Allen 2004). As Strenski (2002: 10) argued, “whatever else they may be, nations are meaning-making entities of grand and transcendent sorts, creating an aura of sacredness about all their central doing.”

Through their immense influence and government support, railway companies have created not only a legacy of physical infrastructure but also a set of cultural ideas that have been integral to their popular image for almost two centuries. That rail makes such a valuable contribution to the nation implies that the operating companies are acting out of duty, responsibility to society, or some sort of greater purpose than simply being motivated to

maximize their profits. These are powerful claims, with the potential to linguistically conceal collective violence by pre-empting and deflecting public criticism of the harms that the railways can cause. Throughout the data, nearly every document pertaining to the Lac-Mégantic disaster and the operations of Canadian railways generally began with a glorification of the railways' position in the country. For example, a former president of the Canada Safety Council testified before the Committee that:

The railway companies are a very important industry...they employ thousands of Canadians from coast to coast and some in the United States. The products they move – agricultural, industrial, commodities – are an integral and important part of our economy *responsible* for a large part of *our prosperity* (Emile Therien 2014: 024, emphasis added).

Similar discourses were woven throughout the data by all classes of actors, including members of government, industry stakeholders, unions, and community representatives. The following quotes are provided as evidence to this effect:

The rail supply chain is the backbone of our economy... the Canadian freight rail system is the safest, most efficient, and environmentally friendly means of transporting goods and commodities (James Clements, CP Railway 2017: TRAN 068).

With respect to rail shipments...an effective rail transportation system is critical to the competitiveness of our agriculture sector and other rural-based industries in Canada, including oil and potash (David Marit, Saskatchewan Association of Rural Municipalities 2014: TRAN 024).

Transportation... makes a significant contribution to Canada's agenda with respect to public safety and economic growth. As a trading nation with a huge land mass, we must rely on transportation to get our goods to market, our consumables into Canada, and our citizens to their families and communities (Gerard McDonald, Department of Transport 2013: TRAN 003)

Generally, it was widely accepted in the data that railways are pivotal to the success and wellbeing of the country.

The *Greater Good* narrative as it pertains to *the nation* has a material force that can shape and define the parameters of state action, including the development and application of laws and legislation and responding to disasters. A few months after the Lac-Mégantic derailment, the Minister of Transport presented the Government's plan for railway safety (see the Government's Action Items in *Chapter 3*), suggesting that their target areas "underscore our government's commitment to protecting the public while supporting long-term economic growth, jobs, and prosperity" (Lisa Raitt 2013: TRAN 002). The following year, after presenting the Committee with an update on these target areas, specifically the Ministerial Order which provided railway companies greater control over their SMS, the Minister of Transport stated:

...while all these actions demonstrate how we are working to strengthen the safety of railway transportation together, we have to remember that in general, statistics do show that Canada has one of the safest transportation systems in the world, and what we're doing is just reinforcing a great system (Lisa Raitt 2014: TRAN 016).

A similar drive to reflect the (economic) *Greater Good* of the nation within legislation was expressed by the railway companies. At one Committee meeting, the VP of Strategic Planning and Transportation Services for CP Railway was invited to speak on potential legislative changes to the rail safety framework. He testified to the Committee that:

Canada's freight transportation system has been successful because the legal and regulatory environment, particularly in recent decades, has recognized that competition and market forces are the most effective organizing principles. These principles are articulated in Canada's national transportation policy. It is important not to lose sight of these principles when reflecting upon legislative changes to the framework that has been proven to be so successful in delivering economic benefit to Canadians (James Clements 2017: TRAN 068).

This evidence demonstrates that sacrificial violence, when embedded without our social relations and institutional structures, can exercise strong political and cultural hegemony to the point where "national identity can be reconstructed" around a specific imaginary that legitimizes

the harmful behaviours of industry as our “desired economic destiny” (Pineault 2018: 144). At times, this was accompanied by claims that, in attempting to serve the interests of the public and the nation, railway companies altruistically bear the brunt of a great deal of risk themselves. In one discussion of the transportation of dangerous goods by rail and the common carrier obligation, the President and COO of Canadian Pacific told the Committee:

...each time we move these products, we take a significant risk that could have tragic consequences not only for the public, but also for the railroad... [but] these products need to be made...they drive the economy, sanitize your water, and they are not highly substitutable (Keith Creel 2014: TRAN 020).

The sacrificial logic imbued within these representations is reminiscent of the story of Abraham and the notion that “the general responsibility of ethics is shattered by the absolute responsibility of religion” (Carlson 1997: 331; Derrida 1995). With the nation acting as the new god-totem in modern capitalist societies, these intersecting narratives drive sacrificial myths into a projected future of prosperity, as opposed to the “historical contingencies of the present” (Smith 2003: 218). In essence, powerful corporate actors were given the space to frame their operating goals as a *common interest* which, from the perspective of ritual sacrifice, helps to linguistically conceal and legitimize a certain amount of violence in pursuit of those goals. And as that violence is now inextricably linked to a *Greater Good* for all Canadians, our desire for welfare must (and is assumed to be) linked to a willingness to sacrifice our bodies, lives, and futures.

7.4.3 The Myth of Voluntary Victimhood

To sustain and legitimize “the continued survival and development of the capitalist mode of production” (Snider & Pearce 1995: 31-32), sacrificial systems must harness consent through ideological means. One of the ways this is accomplished is by building consensus around the notion of victimhood as something altruistic and voluntary, even when that consent is for the

maintenance of unequal power relations (Purvis & Hunt 1993; Pearce & Tombs 1998; Fairclough 2010; Snider 2000) and disproportionately exposes certain groups to more harm.

As explored in *Chapter 2*, sacrificial victimhood is a heavily debated element of sacrificial rites. While the complexities of this procedure can take many forms and be used for the most diverse purposes, it invariably establishes “a means of communication between the sacred and the profane worlds through the mediation of a victim” (Hubert & Mauss 1899: 76).¹²⁸ There was some overlap between representations of *voluntary victimhood* and the *Greater Good* in the analysis, in the sense that the public should be willing to sacrifice for the nation at large, but it was also observed in discussions which more clearly framed victimhood in inequitable terms – as a class antagonism. As such, it is worth repeating that the use of the term ‘victim’ in this analysis does not always or necessarily mean victimhood as defined by the state. The structural emphasis of the Lac-Mégantic disaster means that victimhood did not begin and end with the 47 people who were killed by the explosion and resulting fires – it also includes those who remain in the town and suffer from PTSD (Généreux et al. 2019); those still dealing with the consequences of soil and water pollution (Saint-Laurent et al. 2018; Munoz et al. 2017); and those who live in fear of the hazardous goods being transported by railways that cut through their back yards (Currie-Mueller 2019; Généreux et al. 2020).

The presence of non-traditional victimhood in contemporary sacrifice is one of the mechanisms that strengthens the concealment function and perpetuates the myth that structural violence is not ‘real’ violence (Pawlett 2013). Thus, my decision to use the term ‘victim’ is done consistently to stress the fact that systemic, recurring collective violence is taking place, despite

¹²⁸ A notable factor for many is that “the sacrificial offering passes from the commonplace to the religious” during the ritual (Aleman & Perez-Agote 2021: 2).

the efforts to legitimate or mystify that harm. Consequently, my illustration of voluntary victimhood as something mythical is deliberate and raises questions about who has the power to define the parameters of sacrificial violence, including who is a victim? Whose voice is heard when it comes to issues of consent and resistance? What kind of power relations are involved when considering who has the capital to force others into ‘voluntary’ victimhood by assigning worth to their existence? Can people even truly consent to this level of violence? Representations of *voluntary victimhood* were expressed in state responses primarily against communities built in proximity to railway lines.¹²⁹

The myth of *voluntary victimhood* as it pertains to communities assumes that people appreciate representations of *natural and inevitable violence* and the *price of progress* because they are fully aware of and benefiting from the circumstantial violence happening around them. This is especially true for the transportation of dangerous goods by rail (Angelich 2019). For instance, when concerns were raised in one Committee meeting about the dramatic increase in transporting crude by rail, the Chair of the TSB claimed that “Canadians know that much of this oil is volatile. No accident speaks more profoundly to the risks than that in Lac-Mégantic” (Wendy Tadros 2014: TRAN 019). However, as Pendakis and Wilson (2012: 4) have argued, “oil is a uniquely occluded substance...Its exchange value engenders an enormous corporate project of hiding, an explicit machinery of deception and spin.” This principle of hiding from view in order to avoid democratic oversight, control, and regulation is related to what Angelich (2019: 4, 36) describes as a “culture of containment,” in which capitalist ideology confines risk to a cost-benefit mode of analysis to the point where most people are made unaware of the

¹²⁹ There were also some indications of voluntary victimhood as it pertains to railway workers, but they were incorporated into the discussion of the *Sacrificial Scapegoat*, below, to ensure a whole complete and clear discussion of the routine sacrificial violence experienced by railway workers.

“compounding risk of violence” that threaten their communities. To put it simply, the average Canadian doesn’t know *anything* about the composition or sheer volume of hazardous material being moved through their backyards by rail on a daily basis.

In fact, the privacy that was shown to be afforded railway companies and their risk assessments speaks directly to this disconnect. During one Committee meeting which proposed amendments to legislation¹³⁰ that would create more public access to such information, the leader of the Green Party of Canada at the time stated:

This is an area of extreme interest to communities that live near facilities that handle the transport of oil. The pollution prevention plans and emergency plans being made public would be in the public interest (Elizabeth May 2014: TRAN 015).

However, dominant voices routinely expressed concerns with access to information, competitive advantage, and national security, and the amendment was denied. To this, the MP declared:

I’m a bit surprised to see that the government members are voting against making the reports public... Look at what’s happening with railway safety, we see that people are worried, that they are asking questions and that they want all the information made public (Elizabeth May 2014: TRAN 015).

Similarly, a representative from the United Steelworkers reminded the Committee of the potential consequences of keeping communities in the dark about the “compounding risk of violence” (Angelich 2019: 4) that threatens them:

We are asking that first responders at least be informed... let us not forget that the people in Lac-Mégantic were pouring water on the accident site for more than a day. That had environmental consequences. The oil soaked into the soil and ended up in the rivers and, from there, it spread everywhere. It would have been better to use a foam for an adequate response, but they did not [know]. They had a tragic, catastrophic situation to deal with, but they could have avoided having to deal with

¹³⁰ The Committee underwent a clause-by-clause examination of Bill C-3, an Act to enact the Aviation Industry Indemnity Act, to amend the Aeronautics Act, the Canada Marine Act, the Marine Liability Act and the Canada Shipping Act, 2001 and to make consequential amendments to other Acts.

an environmental disaster as well (Richard Boudreault 2014: TRAN 018).

Furthermore, in addition to a lack of knowing, communities were shown to be prevented from acting on information when they *were* in the know. During one Committee meeting, a Conservative MP asked TC representatives: “what are the safety requirements in terms of where transload facilities¹³¹ can be located, and do communities have some reasonable opportunity to object to their location?” (Ed Komarnicki 2013: TRAN 004). The Director General for the Transportation of Dangerous Goods replied that “we don’t actually regulate, or it’s not part of our jurisdiction to choose where the transloading facilities will be located” (Marie-France Dagenais 2013: 004). The back and forth continued:

Is the fact that they’re located next to residential premises an item of concern? Shouldn’t it be? ... At the moment, if a community is in opposition to a transload facility being located without an appropriate emergency response plan, do they have any opportunity for preventing it from taking place? (Ed Komarnicki 2013: TRAN 004).

...they have a chance to voice their concern and comment on whether this requirement should go ahead of not (Marie-France Dagenais 2013: TRAN 004).

outside of voicing their concerns, they can’t actually stop the transload facility from taking place (Ed Komarnicki 2013: TRAN 004).

Not under Transport Canada’s jurisdiction, we don’t have any legislative authority to do that (Gerard McDonald, Assistant Deputy Minister 2013: TRAN 004).

Thus, as a class antagonism, *voluntary victimhood* serves to deflect and justify a lot of violence created by the rail industry and endured by communities, and is taking place within a lived reality where there is no legislative requirement for communities to be involved in the rule-making process for their safety.

¹³¹ Transload facilities are specialized centres designed to expedite the movement of goods from one mode of transportation to the other (trucks, trains, ships, for instance). They are often located near residential premises.

This tension is amplified when considering the amount of rail traffic rolling through North America's urban centres, as "there is not a rail line for dangerous goods that doesn't go through populated areas" (Kirby 2008: 42). As the Mayor of the Municipalité de Sainte-Catherine-de-Hatley stated for the Committee: "we know that our communities, in many places, were built around the railways. It is hard to imagine how the railways could be made to bypass them" (Jacques Demers 2014: TRAN 024). To this effect, communities were often made responsible for their own victimization due to their very proximity to the vast continent-spanning web of tracks that is Canadian railways. As one member representing the Conservative Party of Canada argued before the Committee:

Of course, we recognize the fact that communities have actually grown around the railway system, the railroad tracks, the stops... We have a certain history in Canada, of course, with the railway system. I think it's a really important thing that communities recognize, or that it's somehow put to them, that they have a responsibility too. It's not just the railways – the partnerships have to happen (Wai Young 2014: TRAN 021).

Shortly after, a different Committee member representing the Conservatives declared:

The municipalities encroached on the railways more than the other way around, if you want to be true to history. I think we have to be fair about acknowledging that fact. *We can't blame the rail lines* for houses that are being built close to them. If they had their say, I think they would rather have those houses further away (Lawrence Toet 2014: TRAN 023, emphasis added).

In the following meeting, the Mayor of the Municipalité de Sainte-Catherine-de-Hatley suggested that "If we do not want railway lines to be closer to houses, those houses should not be located near railway lines. As municipalities we are responsible" (Jacques Demers 2014: TRAN 024).

Some counter-hegemonic voices challenged the myth of *voluntary victimhood* and the responsibility put on communities for the harms caused by railways. During one Committee meeting in which the National President of Unifor was invited to offer the union's perspective on the future of rail safety in Canada as it relates to the transportation of dangerous goods and SMS, he stated:

You spend a lot of time talking about community... but you need to also understand that with deregulation and privatization, a lot of the lines that went around the communities have been eliminated... leaving the option of going through the middle of the town. We can talk about how communities are being built around the tracks, but because of a shift from having railways that serve the country [to] serving communities that assist them based on profitability, a lot of the solutions that were in place are now not in place (Jerry Dias 2014: TRAN 021).

In another meeting the year prior, a Committee member representing the NDP took a clear shot at the myth of *voluntary victimhood* being just that: a myth. Addressing TC officials, the member claimed:

...in my riding there are tens of thousands of crude oil cars going by every week, 12 feet from people's windows. Last year the railroads actually moved their tracks closer to those windows, by 12 feet, and there is nothing anybody can do about it, right? It's their [the railway's] choice. They expropriated the land some time ago (Mike Sullivan 2013: TRAN 004).

However, such claims were few and far between in the data and seemingly offered little in way of resistance to the routine violence perpetrated by railways. In fact, one Committee meeting the following year involved a conversation between members of Parliament and the railway industry, which revealed an explicit overlap of the *natural and inevitable violence, lessons learned*, and *voluntary victimhood* narratives underpinned by the implication that industry could be the leader we need to rally behind to secure our joint success. A Committee member representing the Conservative party stated:

Of course, we need to have this rail corridor... it is indeed the lifeblood of our country. At the same time communities are developing and growing, which is a happy thing, but unfortunately they're growing in places where it could be dangerous to them. But if you know that *safety hazards and deaths are inevitable*, which I think is what I'm hearing from all of you learned and experienced people... Why is there not a plan in place to address this? (Wai Young 2015: TRAN 050, emphasis added).

While none of the industry representatives commented directly on the suggestion that “deaths are inevitable” in communities developing near railways, the President and CEO of the Railway Association of Canada replied that:

There is a lot of good work. It is a continuous improvement environment that we live in. But I guess one of the points I would leave with you is that this is an all-of-society problem. We do need these corridors and we do need to work together (Michael Bourque 2015: TRAN 050).

This is a clear representation of how different narratives converge to produce an emergent discourse of sacrifice capable of concealing systemic violence through deflection, naturalization, and ultimately restoring social order.

In the early aftermath of the Lac-Mégantic disaster, the Minister of Transport testified to the Committee that she had visited the site and commented on: “... the resilience of the communities... Although they definitely felt what the effect was, they knew that they still wanted to have rail service through their communities” (Lisa Raitt 2013: TRAN 002). However, there is much evidence to support that survivors and residents of Lac-Mégantic experienced additional victimization from ongoing rail operations even years after the disaster (see Chapter 3). Moreover, several community activity groups including the Québec-based *Convoi-citoyen*, who publicly opposes the rail transport of unconventional oils, “recommended that a decision to build a bypass line [around Lac-Mégantic] be taken immediately and that it be built quickly” (TRAN Report 2016: 3). The federal government promised to build the bypass by 2018, taking

the rail line (now owned by CPKC) out of downtown Lac-Mégantic. In 2022, the Committee proper recommended that “Transport Canada commit to building the... bypass as soon as possible and be transparent about its progress and completion timeline through consultation with Lac-Mégantic residents, landowners, and elected officials” (TRAN Report 2022: 8). As of 2025, there are still public demands for a rail bypass around Lac-Mégantic but there has been no construction and no projections published regarding a real timeline.¹³²

Once again, the material force of sacrificial ideology (while not the only factor at play in these relations) can seemingly help shape and define the parameters of state action in response to rail disasters. Much in line with other representations (the *price of progress*, the *Greater Good*, the *sacred nation*), the myth of *voluntary victimhood* embodies the fundamental principle of sacrifice that a society’s very existence depends upon individuals being willing to suffer on its behalf. What constitutes these sacrifices involves a level of deprivation, loss, and renouncement on the part of those communities doing the sacrifice (Bell 2022), often just by existing in proximity to railways. These abstentions, as a necessary part of the sacrifice and something ‘we all do,’ serve as a way of transforming individuals and rendering them suitable and deserving to participate in society (Fortuna 2010). As such, the predominant form that sacrifice takes within the socio-political realm of Canadian railways is *self-sacrifice*: the willingness to undergo loss for the sake of the nation in a mutually dependent and beneficial way. In this sense, sacrifice is operating as symbolic actions that are deployed to inculcate commonly held values and standards of behaviours, actions that are ultimately understood to be motivated by positive emotions rather

¹³² Recently, the community of Nantes withdrew from talks with the Canadian government about the project, after years of stalled efforts and “injustice towards the municipality.”
<https://www.cbc.ca/news/canada/montreal/nantes-quebec-lac-megantic-rail-bypass-talks-1.7382627#:~:text=The%20Nantes%20municipal%20council%20decided%20at%20a%20meeting,Justin%20Trudeau%20first%20promised%20a%20bypass%20in%202018..>

than the result of coercion or a lack of other options, even while doing a disservice to those who endure the outcomes of routine violence that is imbricated in their daily lives.

However, in this final section, the *sacrificial scapegoat* mechanism is presented as the ideological effect of sacrifice not motivated by positive emotions or altruistic *self*-immolation, but by a need to identify “a culprit... who draws attention away from the sacrifice of human life in the pursuit of personal profit” (Dodd 2006: 241).

7.4.4 The Sacrificial Scapegoat

Scapegoating is a common form of expiation sacrifice; the ritual loss made for warding off threats and avoiding retribution from a higher force (Wang 2018; Girard 2005). Depending on what different societies sacralise at a given time, retribution from a higher force could range from the wrath of god(s) to chastisement in the court of public opinion. Expiation sacrifice is typically performed with a declaration that a sacred covenant was broken and therefore may also signify a ritual attempt at dealing with some transgression and resolving feelings of guilt (Graulich 2000; Girard 2005). In this sense, it is not just who is chosen as a *sacrificial scapegoat* that is important, but the context within which a scapegoat is *needed*. In the Lac-Mégantic case, a sacred covenant can be witnessed in the historic promise of railways and the prosperity we are all supposed to share in their success. Beyond this, sacrificial scapegoating deflects from the systemic issues underpinning the true vulnerabilities in the railway safety regime and larger social order.

Evidence of a broken covenant was shown throughout the data by various actors, including the Chair of the TSB, who claimed that “today there is a heightened fear. There has been, and there is no other way to put this, an erosion of public trust” (Wendy Tadros 2014: TRAN 019); though, perhaps unsurprisingly, it was most often expressed by members of

Parliament who did not belong to the majority government. Shortly after the disaster, a member of Parliament representing the NDP asked the Director General for the Transportation of Dangerous Goods with the Department of Transport:

After the Lac-Mégantic accident, citizens seeing all this have some concerns. They know that we are going to talk about it today... What can I tell them? I understand their fears because I was affected by the Mississauga train derailment. I was evacuated for two weeks. We were lucky because we only had to be evacuated. What should I tell Canadians? (Marjolaine Boutin-Sweet 2013: TRAN 004).

Similarly, a Committee member representing the NDP argued in a different meeting that: “we have the responsibility to tell Canadians that we are working together to improve rail safety” (Olivia Chow 2013: TRAN 077).

Tensions surrounding the broken covenant were compounded when additional promises were made and subsequently broken or were otherwise unable to rectify the original transgression. For instance, with the federal government now led by the Liberals, the Minister of Transport was questioned during one Committee meeting about the updated car requirements for the transportation of dangerous goods that came out of the Lac-Mégantic disaster. A Committee member representing the NDP stated:

...on the point of rail safety, one of the crashes in Saskatchewan involved, I believe, entirely the new TC-117 cars. They derailed and exploded. Canadians were told that these cars were safe. Obviously, they are not. What is your government doing in reaction to this very troubling news? (Niki Ashton 2020: TRAN 004).¹³³

¹³³ On 6 February 2020, a CP unit train carrying petroleum crude oil was travelling on the Sutherland Subdivision near Guernsey when a train-initiated emergency brake application occurred near a public crossing. Thirty-two tank cars derailed, releasing approximately 1.75 million litres of crude oil, which ignited. There were no personal injuries but approximately 85 people were evacuated. Just two months prior, a similar accident occurred near Guernsey in which a CP freight train derailed, releasing 1.77 million litres of crude oil. <https://www.tsb.gc.ca/eng/medias-media/communiques/rail/2024/r20w0025-20240607.html>

The Minister of Transport replied: “*We did not say they were safe. We said they were safer; there's a difference*” (Marc Garneau 2020: TRAN 004, emphasis added).

A similar indication of a broken covenant was evident years prior, regarding the regulator’s inability to effectively inspect the railways. During one Committee meeting, a Conservative Member of Parliament testified:

I am the Member of Parliament for Mégantic—L'Érable. So, every week, I come in contact with people from Lac-Mégantic who experienced the tragedy... We have a lot of work to do on railway regulations to restore Canadians' confidence in the railway transportation system, which is of key importance for our country (Luc Berthold 2016: TRAN 007).

Berthold then addressed the National President of the Union of Canadian Transportation Employees, which represents employees from Transport Canada, the Transportation Safety Board, and the Canadian Transportation Agency:

Ms. Collins, you said that, since the Lac-Mégantic tragedy, efforts have been made to recruit inspectors, but that doing so is difficult. I think this is important because confidence greatly depends on the number of inspectors. Do you feel that the government is currently deploying all the necessary resources to hire enough inspectors to do the work? (Luc Berthold 2016: TRAN 007).

The Union’s National President indicated no, citing federal cuts to TC’s budget as a significant factor, cuts which she claims may “potentially *sacrifice* Transport Canada's mandate, which is to provide the safety and security of the travelling public” (Christine Collins 2016: TRAN 007, emphasis added).

Though likely unintentional, this conversation goes on to directly invoke representations of the *sacrificial scapegoat*. On the issue of limited railway inspectors and the broken covenant of public safety, Collins argued:

Inspectors take years to train and many of them come to Transport Canada from industry in the later stages of their working lives.¹³⁴ They are hard to hire because they need extensive skills and qualifications. They are hard to attract because wages in the private sector are often now better than in government... my only conclusion is that this government has the confidence to cut inspections and inspectors because it believes that safety management systems will be sufficient... Unfortunately, we know that the MMA Railway had an SMS program. The result was that [47] people were killed, and the three employees who were following MMA procedures are the ones who are criminally charged (Christine Collins 2016: TRAN 007).

This narrative is demonstrative of the “transferential character of the collective violence” of a society that is channeled into a single adversary (Arppe 2009: 37). That is, to deflect from its personal internal contradictions, a society confronted with its own violence may offer up the immolation of an arbitrary victim, the scapegoat, as an effective substitute for the violence of ‘all against all’ to the more economical violence of ‘all against one’ (Girard 2011) – or, in this case, all against three MMA employees.

The use of a surrogate victim avoids reciprocity for the violence because the victim is effectively powerless, having been marginalized in one form or another (Girard 2005). In the Lac-Mégantic case, blame was initially directed away from powerful industry actors and towards the easiest and most vulnerable target: the worker closest to the event, Thomas Harding. The scapegoating of Thomas Harding was most evident in the immediate aftermath of the disaster, particularly in the media and in the legal case against the workers (see *Chapter 6*). However, the

¹³⁴ The Committee’s Interim Report discloses that the Auditor General highlighted as an area of concern “the independence and objectivity of Transport Canada’s inspectors, many of whom have links to the rail industry” (Interim Report 2014: 14). In the final version of their report, they claim that “Transport Canada officials explained that the most qualified rail safety inspectors come from the industry and confirmed that they all sign conflict of interest statements as a condition of employment” (TRAN Report 2015: 25). In their Update on Rail Safety report the following year, the Committee states that TC “competes for qualified oversight employees with the railway companies, which employ such personnel for their internal inspection and audit activities... the salaries and benefits the department offers compare unfavourably with those offered by the railway companies (TRAN Report 2016: 7).

data also revealed representations of the *sacrificial scapegoat*, both against Harding and against railway workers more broadly.

The following exchange took place between the Chair of the Standing Committee, Larry Miller, and Richard Boudreault, a representative from the United Steelworkers, on the issue of worker fatigue and the fact the MMA should never have been granted a special exemption to operate one-person crews in the transportation of dangerous goods. In this instance, I have chosen to include the entire exchange rather than a snapshot of the discourse, including where Boudreault's answers are interrupted and cut short by Miller. The exchange is presented this way because I believe that the conflicting power dynamic shown is as important as the words of each actor:

You were talking about the fact that there was one conductor on the train. I'm not getting into whether that's correct or incorrect, but you basically said that you needed another guy there to make sure the other guy was doing his job right. Now, I hope you don't really believe that. Have you ever heard of the term 'being able to work independently'? (Larry Miller 2014: TRAN 018).

I have no – [*Boudreault is cut off*] (Richard Boudreault 2014: TRAN 018).

You're interviewing a potential employee, quite often you'll ask them, 'do you think that you can work independently' or something to that effect. So, you've heard that term? (Larry Miller 2014: TRAN 018).

Well, I have no – [*Boudreault is cut off*] (Richard Boudreault 2014: TRAN 018).

Yes or no? (Larry Miller 2014: TRAN 018).

My answer has to be a little more than yes or no. I think the question deserves – [*Boudreault is cut off*] (Richard Boudreault 2014: TRAN 018).

No, it's my time. I didn't interrupt you when you had your 10 minutes. I'm just asking if you've heard that term. No? (Larry Miller 2014: TRAN 018).

I'm not going to say the answer you want me to answer (Richard Boudreault 2014: TRAN 018).

At this point, the meeting descends into chaos with multiple calls for a Point of Order and overlapping voices, some expressing disapproval of the Chair's conduct. The Chair, however, exercises his power over the meeting and continues:

In all early reports on the Lac-Mégantic thing, and God only knows none of us ever want to see that happen again... but there were rules put in place... that if the gentleman who was looking after that train had put on the 11 brakes that he should have under the laws that were there, it probably wouldn't have happened (Larry Miller 2014: TRAN 018).

Mr. Chair, there is no conclusion okay? (Richard Boudreault 2014: TRAN 018).

No, no. That's right, I never – [*Miller is cut off*] (Larry Miller 2014: TRAN 018).

This is your conclusion, okay? This is not the report of the TSB right now (Richard Boudreault 2014: TRAN 018).

I'm not suggesting that it was. I'm just saying that probably it wouldn't. I think we could all say that (Larry Miller 2014: TRAN 018).

That is your opinion, Mr. Chair (Richard Boudreault 2014: TRAN 018).

The Chair's language and comportment in this example demonstrates how the scapegoat mechanism strengthens the concealment function of sacrificial discourse by redirecting a social problem away from structural considerations and towards an individual target. Unfortunately (and notwithstanding the union representative's critical engagement), the "transferential character of the collective violence" usually remains hidden from the general population; the function of the surrogate victim is not only to channel the collective violence into a single adversary, but also to hide its collective roots (Arppe 2009: 37).

The scapegoating of Thomas Harding is in line with the same hegemonic commonsense that universalizes the worldview of the railways as a *Greater Good* and identifies workplace

disasters as industrial failures occurring at the individual level.¹³⁵ Accordingly, sacrifice is implicated in responses to rail disasters through the pattern of blaming workers in general for health and safety failings while legitimating – or sacralising – the violence of railways. The *sacrificial scapegoat* mechanism was mobilized against workers by various actors, most often by industry representatives, and often in conjunction with other narratives of sacrifice. Of significant note is a wholly unnecessary inclusion by the TSB in their Investigation Report into the Lac-Mégantic disaster, which makes no causal link between Thomas Harding’s actions and the derailment, but still manages to channel the violence against the working class:

Workers will sometimes deviate from written rules and procedures, either because they do not know the rule or procedure or do not understand its purpose, or to accomplish the work more efficiently. When there are no negative consequences, these employee adaptations can persist and become widespread. In doing so, this way of working becomes normalized and can erode the safety margins that the rules and procedures were intended to provide (TSB Investigation Report 2014: 119).

As previously mentioned, the TSB makes a declaration at the beginning of this investigation that their purpose is not to assign blame or criminal liability in the case, so it is unsurprising that they report this perspective in general terms. However, the *reality* of such hegemonic ideas being disseminated as commonsense has both meaning and impact on responses to the Lac-Mégantic disaster and on the safety of Canadian railways generally – on the broader cultural context.

¹³⁵ See *Chapter 4* for a discussion of the responsibility (and liability) for workplace disasters disproportionately borne by workers, despite the reality of their causes being much more attributable to management failures and corporate negligence.

For instance, the President and COO of Canadian Pacific appeared before the Committee for their Review of the Canadian Transportation Safety Regime and was questioned about his efforts to strengthen CP's safety culture. He testified:

At a corporate level, we're committed [to safety] but we're also focused most specifically on...employee accountability. I want every man and woman who comes to work every day to operate in a manner that puts safety first and foremost. People's lives are at risk. Where we're seeing, however, a stubborn flatline of statistics is in an area called human factors. These are incidences essentially caused by *human error* (Keith Creel 2014: TRAN 020, emphasis added).

During that same meeting, the Executive Vice-President and COO of Canadian National Railway suggested: "for us, our employees are the very first level of safety, and if they are not safe, that's where you have problems" (Jim Vena 2014: TRAN 020). Both industry representatives would later advocate for the proactive use of recording devices in locomotives to monitor employee behaviour and would see this materialize into legislation within a few years. The federal regulator finalized the *Locomotive Voice and Video Recorder Regulations*¹³⁶ in 2020 and specified the technical requirements for rail companies to install these devices on board their locomotives by September 2022. According to these regulations:

...locomotive voice and video recorders provide accident investigators with insight into the sequence of events leading up to a rail accident (e.g. crew communications and actions). This information helps determine if corrective measures are required to improve rail safety in Canada (Transport Canada 2020).

Notably, these new regulations were the cause of significant concern and outrage on the part of railway workers and their unions, who feared that their use for monitoring and punishing employees would have severely negative consequences. Relatedly, the President of the Institut en

¹³⁶ <https://www.canada.ca/en/transport-canada/news/2020/09/transport-canada-publishes-the-locomotive-voice-and-video-recorder-regulations.html>

Culture Sécurité Industrielle Mégantic¹³⁷ questioned the benefit of such regulations in the aftermath of Canada's biggest rail disaster:

It is a useful type of technology, but the fact remains that it is used after a tragedy happens. But what is being done to ensure tragedies no longer happen? We want to make sure that no one ever has to go through a disaster like the one we experienced in Lac-Mégantic (Béland Audet 2017: TRAN 068).

Despite clear and ongoing conflict, the Committee argued in their Update on Rail Safety Report:

According to the TSB, on-board voice and video recordings would provide information about whether and how the actions of train crews contribute to rail incidents and accidents and therefore would be very helpful for advancing rail safety (TRAN Report 2016: 15).

While workers and union representatives stressed that access to recorded footage should only be granted to TC and the TSB, and even then, only for accident investigation purposes, TC committed that “information from these recorders can also be used by railway companies to identify and manage safety risks” (Transport Canada 2020). During the Update on Rail Safety, “CN Rail indicated that the company would use the recorded information to discipline employees found breaking the company's rules” (TRAN Report 2016: 16). Clearly, and in no small way, the material force of sacrificial discourse created a pathway for the *scapegoating of workers* that was built into the very safety legislation borne from the Lac-Mégantic rail disaster.

This reveals an element of sacrifice that, to my knowledge, has not been previously observed in relation to the scapegoating of workers: that in addition to deflecting blame or avoiding retribution from a higher force, the scapegoating of workers can also lead to their

¹³⁷ The Institut en Culture Sécurité Industrielle Mégantic (ICSIM) is an organization that was created in the aftermath of the 2013 disaster in Lac-Mégantic. It is “dedicated to the training of first responders in railway safety, and to instilling a culture of safety in rail companies, particularly short lines, which actually have no training on the culture of safety” (Béland Audet 2017: 068).

ritualized control and governance. Take, for instance, the conflict explored above between workers and the railway companies regarding the *Work/Rest Rules for Railway Operation Employees*. The WRR were described in the Committee's Update on Rail Safety as an attempt "to balance the interests of the railways (safe and cost-effective crewing of their trains), of employees (quality of life and incomes) and the public interest in safe railway transportation" (TRAN Report 2016: 18). However, when representatives from the rail industry appeared before the Committee to discuss the issue, the Vice-President of Canadian National Railway stated:

When we get to fatigue, it's really about... addressing healthy sleep habits. It's an education process. As well, at work, when the individual is already fatigued, we have to look prior to that, and that's what we are currently doing (Michael Farkouh 2017: TRAN 068).

When prompted about the company's efforts to alleviate worker fatigue and related safety concerns for rail operations, the executive Vice-President of Corporate Services at Canadian National revealed:

At the moment, for example, we are conducting a pilot project with our employees. They are wearing a gadget like a Fitbit, which allows us to find out about their daily habits, when they are both working and resting. It is allowing us to get baseline information that we can rely on. Through them, we want to be able to observe the balance between the requirements at work and the practices at rest. We can also determine which habits in their lives mean that they are less rested than they should be when they get to work (Sean Finn 2017: TRAN 068).

This is the very nature of the structural violence under examination in this analysis and what is considered *sacrificable* in the everyday operations of Canadian railways. Despite many commonsense ideas that accompany the scapegoat mechanism, "workers are not inattentive, they are fatigued" (Phil Benson 2014: TRAN 023) and following such unsubstantiated assertions, are disproportionately threatened due to their positionality in unequal relations of production. The 'easily sacrificable' tensions that permeate these relations create a culture of blame where

workers are overly responsabilized for accidents, increasingly monitored and controlled by their employers, and then rendered expendable by a system who only assigned worth to their existence for that ability to be sacrificable in the first place.

7.5 Summary

Much like other rhetorical practices, sacrifice is governed by persuasive symbolic techniques and commonly held knowledge. The effect of this ideological power ensures that even a plurality of ideas – including the causes of railway disasters and how to define and respond to corporate violence – is demarcated within certain boundaries of what is deemed acceptable or legitimate (Poulantzas 1976). The *ideological effects* of sacrifice presented in this section – the representations and overlap of various narratives including the *price of progress*, the *Greater Good*, *voluntary victimhood*, and the *sacrificial scapegoat* – demonstrate the commonsense myths that harness consent through ideological means by linguistically concealing collective violence.

While I do not argue that sacrificial ideologies in and of themselves simply represent material realities, since many claims in the data were shown to be false or contradicting (at least in part), they are clearly implicated in railway disasters and a process of legitimation that justifies and overdetermines this violence. In this sense, ideology functions at a broad structural level alongside the case-specific narratives, which are intended to patch up the cracks and contradictions within systems of domination not by ‘hiding’ them in the truest sense of the term, but by allowing for a level of confrontation that makes the issue so visible that it is invisible, so exceptional that it is mundane. While public knowledge of the Lac-Mégantic disaster itself could not be ignored or hidden, what it could be was contained and concealed within the boundaries of

legitimacy, national identity, and a sacralised discourse presented as both non-negotiable and collectively beneficial.

Organized rituals of sacrifice and the ideas justifying these acts mutually shape and maintain one another, and it is important to note that neither appear out of thin air. Like all collective ideas, notions of sacrifice reflect the underlying historical conditions and the mode of production of a given society (Wang 2018; Wrage 1947). Given their dominant position in Canada's history as a nation, railways are well-equipped to develop a narrative that emphasises growth, optimism, learning, heroic innovation – and avoid discussions of how and why rail disasters happen. In doing so, they impact the policies and legislation meant for their own regulation, and exercise greater power and control over the workers they employ. As such, the first half of this analysis demonstrates a fact about sacrificial ideology that can no longer be ignored: public mythology is more than mere beliefs or abstract representations that inform our social development; it forms the legitimation framework for the governing apparatus and provides organizing principles for the articulations of power and social control. By presenting the ideas and goals of a particular group “as inherent in human nature, and its conditions of existence as the human condition” (Parekh 2015: 34), the grand claims of sacrifice give force and reproductive value to corporate unaccountability and deregulation in the name of national interests.

Before continuing to the remaining half of the analysis, the sacrificial context, it is important to (re)emphasize that the emergent discourse presented in the data is not articulating a form of human sacrifice that is figurative. The human agents (the self) and their symbolic communications (situated activity) (Layder 1993) do not recognize a distinction between *sacrifice* as a term historically contextualized in religious rites and the human suffering resulting

from the secular sphere of railway disasters. Rather, the discussions reflect more broadly a secularized understanding of sacrifice that has come to reside in the Canadian psyche, in which the town of Lac-Mégantic and the 47 people who perished there in 2013 are seen as unfortunate casualties of the ongoing neoliberal capitalist project in which resource extraction and transportation along increasingly deregulated rail lines is considered vital to the country's success and wellbeing. As such, the following chapter presents my research findings in relation to the third element of sacrifice generated from my theoretical framework: that sacrifice's method of operation can only be understood within the context in question. This analysis is in recognition of the hegemonic work that is done and ongoing to influence societies in accepting rail disasters as a form of necessary sacrifice.

Chapter 8: The Sacrificial Context

“...for a hundred years there has been this tension...and it is the government’s role to give good policy overall to smooth that out and ensure that producers...do get their product to market” (Lisa Raitt 2014: TRAN 016).

8.1 Introduction

The preceding analysis has been an ongoing discussion of the socially embedded belief framework that forms the discursive basis for official, federal responses to train derailments and the Lac-Mégantic case specifically. The three interlocking discursive frames generated through my theoretical framework in *Chapter 2* support the logic of sacrifice in the documents under examination and demonstrate the extent to which sacrifice is implicated in such responses. These intersecting narratives produce an emergent sacrificial discourse, reflected in the ideas and language of various actors and produced by or in conversation with the Action Items detailed in *Chapter 3*. In this chapter, I present my research findings pertaining to the *sacrificial context*. Throughout, there is a necessary effort to situate train derailments as an object of study within a wider set of social relations and historical tendencies, and my close examination of the documents works in tandem with the broader historical discussion of railways and the Canadian state from previous chapters.

In the case of the Lac-Mégantic train disaster, the *sacrificial context* is exemplified in two main ways. First, representations of the *capitalist cosmology*, expressed in terms of the primacy of the economy, reveal an overarching framework of thought and action organized around the notion of the market as neutral and unquestionable. Second, but relatedly, representations of the *state formation* expressed the hierarchical ordering of the Canadian state and transportation industry as morally superior and developmentally unique. The essential nature of railways to Canada’s very existence as a colonizing nation is highlighted here. A related

narrative revealed the complex and symbiotic nature of *state-corporate relations* between the government and the railway industry. These representations represent overlapping yet distinct points that coalesce to overdetermine instances of sacrificial violence that are foundational to the Canadian state and the role of railway companies therein; they link the sacrificial violence of the first (structural violence) and the processes of concealment and legitimation of the second (ideological effects) within a specific context (the broader social structure), located throughout the history of Canadian railways and the contemporary material relations of train derailments.

8.2 Capitalist Cosmology and the State

The systemic deepening of global capitalism speaks to the need for interrogating sacrifice in our current conjuncture, as the notion of the free market has become a sacred icon not only for capitalism, but for modernity itself (Wang 2020: 4; Datta & MacDonald 2011: 78). The spirit of modern capitalism is often hailed as “involving rational conduct in the form of disciplined work, careful calculation, and a willingness to sacrifice short-term gains for long-term gains” of freedom and prosperity (Keenan 2005: 11). The capitalist society’s dedication to capital is one characterized by the worship of private property and of individual ‘freedom,’ and a seeming disdain for genuine equality and collective endeavors (Pearce 2010). This is partly due to the fact that dominant ideologies exemplify capitalism as “the source of everything that is good, favorable, and legitimate” (Pearce 2003: 56), which essentially *sacralizes* possession, consumption, and growth for growth’s sake in our modern context. This present “age of human sacrifice” alerts us to the ways in which widespread “death and suffering transpires and is normalized within a *capitalist cosmology*,” in which sacrifice is presented (specifically by the elites who practice it) as a kind of “cosmic insurance” to invest in a progressive and prosperous future (Haiven 2022: 101, emphasis added).

This chapter builds from the analysis presented in *Chapter 7* to explain how the discourse of sacrifice specific to the Lac-Mégantic case is composed of intersecting narratives that conceal systemic violence and ultimately operate to restore order. Many of the sacrificial narratives were often disguised behind a thin veil of justification frameworks spelled out in the language of economic rationalities, reflected in a market logic that was applied to discussions of rail regulation, liability for disasters, and how rebuilding the town could translate into growth for the rest of the country. Consequently, this section does share some overlap with the *price of progress* and *Greater Good* narratives, above; but ultimately what distinguishes the *capitalist cosmology* is an overarching framework of thought (and action) expressed in the primacy of the economy and the unquestionable superiority of capitalism over other forms of social organization. While the preceding chapter revealed trends that spoke more directly to Canada's unique brand of sacrifice as a staples-driven nation built by railways, and case-specific mechanisms of deflection and naturalization, this section speaks more to the larger hegemonic formations. That is, "whereas the social basis of a nation state is more-or-less co-extensive with its territory," state projects cannot stray too far from what is deemed acceptable by the prevailing norms that are promoted and defended through global organizations (Silvester & Fisker 2023: 5). As such, a state project pursuing a transformation of the railway safety regime, for instance, would only be politically feasible if it were somewhat reconcilable with the hegemonic formation.

In some ways, the *capitalist cosmology* narrative had the least to do with Canadian railways and their legacy as nation builders, as the logics bound up within these representations were geared primarily towards presenting the 'free' market as natural, neutral, inevitable, and unquestionable; a *global* truth that first binds Canadians together and then Canada to the rest of humanity. At the same time, however, the role played by railways in facilitating this prosperous

future is highlighted. For instance, during one Committee meeting debating the transportation of dangerous goods by rail, the Executive Vice-President and Chief Operating Officer of CN declared:

In the Canadian economy, these products that we ship are necessary. We use them in a number of products in Canada, such as chlorine in drinking water. It has to get to market. How is it going to get to market? It is going to go by rail (Jim Vena 2014: TRAN 020).

The logic that railway operations, and specifically the transportation of dangerous goods, is necessary and inevitable – that it is going to happen one way or another – is further underscored by the fact that “unlike other modes of transportation in Canada, railway companies do not have the right to refuse transportation solely based on the type of goods being shipped” (TRAN Report 2015: 10).

At times, counter-hegemonic voices in the data were critical of the notion that derailments and their corresponding conditions are naturally occurring, the implication being that government and industry are agents that actively shape the *sacrificial context*. For instance, during the Committee meeting at which time the TSB briefed members on the removal of the transportation of flammable liquids by rail from their watchlist, a member representing the NDP and the Vice-Chair of the Committee at the time inquired:

How can Transport Canada be proactive, not reactive, whenever a rail accident happens? The department could have introduced measures immediately following the Lac-Mégantic accident. It's been six years since the tragedy, and three out of the five recommendations have not been implemented. Can you at least tell us that... your response to the TSB's five recommendations on the Lac-Mégantic accident will receive a “satisfactory intent” rating? (Robert Aubin 2019: TRAN 131).

The Director General of Rail Safety at the Department of Transport answered: “that is our hope” (Brigitte Diogo 2019: TRAN 131), to which the member replied: “it’s not a matter of hope; it’s a

matter of action” (Robert Aubin 2019: TRAN 131). Although this exchange was cut-off due to the time constraints set out in the meeting’s format, the Assistant Deputy Minister of Safety and Security at TC added:

Organizationally, Transport, like every other government department, manages its resources based on the priorities that are set and uses the resources that it has, delivering on a risk-based approach, a priority-based approach. Of course, we know that addressing the watchlist issues and responding to the TSB recommendations, which we take very seriously, are a priority area and accrue resources accordingly (Kevin Brosseau 2019: TRAN 131).

Even though it is not explicitly stated, this exchange is indicative of the exact rationale behind capitalist economic organization that is portrayed as natural and inevitable and, ultimately, *correct*. And it is through this doxa that many material conditions that are in fact socially and historically shaped are made to pass as fact or the natural order (Bittle & Frauley 2023; Frauley 2015), or even as a sacred good.

In official negotiations, dominated by corporate and government actors who are considered the most reliable and legitimate stakeholders, the sacrificial cosmology of the market is taken as a given. In addition to the discourses which justify and diminish corporate violence, railways entrench their power by binging it up in a cosmology that entitles them (largely, but not exclusively), to frame already devalued lives as the price to pay for destiny. This is intensified as self-interested elites seek to expand their wealth and power by systematically directing regulation to benefit private interests at the expense of the public interest. For example, the Committee brought in representatives from the rail industry as part of their study of Bill C-49, an Act to amend the *Canada Transportation Act* in 2017. A Committee member representing the governing Liberal party stated:

Managing risks and creating value is of utmost importance. As businesses, shippers, and service providers, looking through a lens of contributing to economic environmental social strategies, what are your opinions on how we can... ultimately contribute to an overall transportation strategy and how it's going to help you be a global enabler and lead us to perform better economically on a global stage? (Vance Badaway 2017: TRAN 068).

The president of the Freight Management Association of Canada, and member of the TC advisory committee on rail safety, argued:

If the overall objective is to make our economy as competitive as possible on a global basis, then all the things in... pieces of legislation and so on... should be geared towards that objective. One of the governance problems, it seems to me, for the government, is how you reconcile the quite legitimate needs of private businesses to maximize the return for their shareholders on the one hand, but make sure that the system is working effectively for the whole economy on the other hand (Robert Ballantyne 2017: TRAN 068).

For his part, the legal advisor for Freight Management Association of Canada simply suggested:

“It would be important that the bill comport with our existing national transportation policy, which highlights competition in market forces” (Forrest Hume 2017: TRAN 068).¹³⁸

This discourse is important when considering that markets increase the probability of disastrous events by rewarding risk-taking behaviours, a phenomenon seen in the Lac-Mégantic case and the business practices designed by MMA to reduce operational costs that contributed to the disaster (TSB 2014; also in Campbell 2018). That is, while MMA provided the kind of adaptive capacity that markets value in global supply chains, they did not have adequate risk management, even by SMS standards (TSB 2014). Staff routinely followed unsafe practices based on acceptable corporate culture (van Schouwen 2018), and executives responded to profit

¹³⁸ This discourse is in line with Bruce Campbell's notion of 'regulatory capture' seen in *Chapter 5*; in fact, in his capacity as Director of the Canadian Center for Policy Alternative, Campbell was referenced by the Committee in their Update on Rail Safety Report: “Bruce Campbell asserted that regulatory capture exists where regulation is systematically directed to benefit the private interest of the regulated industry at the expense of the public interest” (TRAN report 2016: 44).

motives over workplace safety (Campbell 2018). Not much attention was paid to preventing a disaster that was believed to be unlikely or unimaginable, especially in the short-term; and this made perfect market sense, rewarding behaviours and ways of thinking that do not always contribute to a safe workforce or public.

With representations of the *capitalist cosmology*, regulatory efforts are only considered to be of value if they do not impede the economy. This frame of thought was demonstrated by industry representatives, members of Parliament, and local governments. While the Lac-Mégantic disaster certainly prompted discussions of the railway safety regime's credibility, the data revealed that barriers to effective regulation were generated by the perceived sanctity of the capitalist system and corporate competition. Consider the full case for privileging market forces over regulation presented to the Committee by the VP of Strategic Planning and Transportation Services for CP Railway:

A healthy rail system is critical to Canada's international competitiveness, given our vast geography. Without a competitive, economic, and efficient rail system that can move products thousands of kilometres to ports for export... much of what Canadians sell on international markets could not be priced competitively. Canada's freight transportation system has been successful because the legal and regulatory environment, particularly in recent decades, has recognized that competition and market forces are the most effective organizing principles. These principles are articulated in Canada's national transportation policy. It is important not to lose sight of these principles when reflecting upon legislative changes (James Clements 2017: TRAN 068).

Similarly, the Executive Vice-President of Corporate Services at Canadian National claimed during that same meeting:

I think it's imperative for the committee to know that deregulation and market-driven forces over the last 20 years have been the key underpinnings enabling investment and innovation in Canada's rail sector (Sean Finn 2017: TRAN 068).

Appearing before the Committee to discuss the transportation of dangerous goods by rail, the mayor of the Municipalité de Sainte-Catherine-de-Hatley in Québec argued:

We agree here that 10 miles an hour is not fast enough to make transportation profitable. If we believe in Canadian railway transportation, we should do something about it. Let us stop lowering train speeds. Rail transport is not economically viable if speeds are reduced. A region cannot attract business that require rail transport if no work has been done to its railway in 10 years and trains are restricted to 10 miles an hour on most sections of track (Jacques Demers 2014: TRAN 024).

This logic is praised by the Chair of the Committee at the time as “*common sense*” (Larry Miller 2014: TRAN 024, emphasis added). Not long after, the National Municipal Rail Safety Working Group¹³⁹ – “formed in the wake of the rail disaster that devastated the city of Lac-Mégantic” (Pauline Quinlin 2014: TRAN 027) – appeared before the Committee, and their Co-Chair claimed:

...while any insurance regime will generate costs to the railway industry and those who rely on it for their commercial activities, the regime must also recognize the essential role of railways in supporting economic activity throughout our country. The regime must, therefore, be structured in such a way as to avoid harming the viability of railway companies. It must also be structured in such a way as to avoid harming the competitiveness of the countless businesses that rely on rail transportation (Pauline Quinlin 2014: TRAN 027).

It follows suit, then, that the *capitalist cosmology* narrative was also reflected by the federal regulator. When a member of the Committee inquired why the Department could not commit to removing the unsafe DOT-111 cars from circulation, while simultaneously commending Irving Oil for making the “good business decision” of refusing to accept those cars for their own operations, the Minister of Transport suggested: “It’s important that we get it correct, that we can work together, and that we do so without having a detrimental impact upon

¹³⁹ By the Federation of Canadian Municipalities

our supply chain and our prosperity” (Lisa Raitt 2014: TRAN 016). Despite the legislative amendments made after Lac-Mégantic, specifically about the tank cars, the TSB remained “concerned about the extended timeline for the retirement of remaining Class-111 tank cars from dangerous goods service” (TRAN Report 2016: 10). In their 2016 Update on Rail Safety Report, the Committee indicated that the TSB was specifically concerned that “we might have to wait until 2025 before all the deficient cars are withdrawn” (TRAN Report 2016: 10).¹⁴⁰

In the same way that a market logic penetrates discussions of oversight and regulation, the overarching framework of thought and action within the *sacrificial context* also applied a commonsense of causality to discussions of liability for railway disasters. For instance, the legal advisor for the Federation of Canadian Municipalities addressed the Committee and indicated a “financial economic reason” for not demanding “too much” from railway companies in way of insurance and liability following a disaster:

If you put this entirely on the carrying sector, the railways themselves, most of the short lines will not be able to carry that burden. They can only purchase what they can purchase on the market, and the market will only go so far. The market will not cover Lac-Mégantic... or heaven forbid, the next one that will happen in 40 years. But we need “a system that is bearable to the sector... [and] makes the most sense economically... [to] not, hopefully, bankrupt any of the railways (Stephane Emard-Chabot 2014: TRAN 027).

This logic was echoed in the Committee’s final Review of the Canadian Transportation Safety Regime Report when they declared:

It is important that the liability regime provide comprehensive coverage of all types of losses, including environmental damages, while recognizing the essential role of railways in supporting economic activity throughout Canada (TRAN Report 2015:

¹⁴⁰ As of 2025, the current design standard for tank cars is TC-117; but at the time of writing this thesis, Class-111 cars were still in use across Canada. According to Transport Canada (2024), all railways were supposed to stop using Class-111 tank cars before 1 May 2025. I was unable to find any confirmation that this phase-out was completed in its entirety or that it was followed up on by the regulator.

11).

Responsibility was also shown to share a similar market logic, though in some cases creating tensions rather than consensus. For instance, the Interim Report on Rail Safety Review indicated that chemical shippers are of the opinion that “they pay the railways a substantial rate premium to haul their dangerous goods, which should compensate the railways for the additional risk relative to transporting other commodities” (TRAN Interim Report 2014: 6). For this reason, shippers are largely opposed to the suggestion that they should play a bigger role in the liability regime. Furthermore, representatives from the chemical industries told the Committee that:

...they oppose transferring any of the railway liability for accidents involving dangerous goods to the chemical shippers because that might reduce the railways’ incentive to minimize the risks of their operations (TRAN Interim Report 2014: 10).

On the other hand, the data also revealed efforts to counteract the hegemonic common sense that normalizes and conceals collective violence within the *capitalist cosmology*, specifically the notion that our current *sacrificial context* is inevitable and unquestionable. On the issue of liability and updating rail’s compensation regime, a professor at the Université Laval, and specialist in liability and insurance, told the Committee:

...all that would be necessary would be separating, on one hand, personal injury, cases of bodily harm and fatalities and, on the other hand, property damage. The current problem is that the system deals with personal injury and property damage under the same liability insurance coverage (Daniel Gardner 2014: TRAN 019).

Not only is this a bureaucratic choice and not a natural state of affairs, but it is a choice that is unique to the railway industry; the last major mode of transportation to handle liability insurance in this way. Professor Gardner continued:

It seems to me that the motto “*people before property*” should be applied to our way of viewing compensation issues for victims of accidents. It is all very well to pay for

environmental damages and to rebuild destroyed property, but the priority should be first and foremost... the victims. I guarantee you that if, tomorrow morning, full reparation was paid out...and the families of the 47 victims were compensated, it... would probably be less than \$15 million. Unfortunately, as they say, human life does not have a price, but it does have a cost which in legal terms is limited (Daniel Gardner 2014: TRAN 019, emphasis added).

During one Committee meeting, a lobbyist for Teamsters Canada spoke about the market logic that runs the safety/operating decisions at Canadian National Railway:

During the last cold snap we had, the polar vortex, CN totally ignored the rest rules contained in the collective agreements and basically ran fatigued crews for three months carrying dangerous goods, because the goods had to move and they had to make their profit margin, to hell with fatigue management (Phil Benson 2014: TRAN 023).

To this, the Chair of the Committee replied:

So are you suggesting that the trains have to stop to address the fatigue issue or something else within that? Because, to me, when you have that kind of money sitting there, that investment not just in the engines and the cars but in the cargo that's on them, you have to keep them moving (Larry Miller 2014: TRAN 023).

Consequently, the 'inevitability' of widespread harm organized around the notion of the market has seemingly much less to do with the 'naturalness' of derailments and much more to do with choices – priorities and limitations within a particular *sacrificial context*. A dominant priority in the aftermath of the Lac-Mégantic disaster was the need for increased and continuous growth, for both the devastated town and Canada as a whole.

8.2.1 Capitalist Growth in the Aftermath

In the first few months following the disaster, the Minister of Transport appeared before the Committee and declared, regarding the future of rail safety: “The areas I’ve outlined today underscore our government’s commitment to protecting the public while supporting long-term economic growth, jobs, and prosperity” (Lisa Raitt 2013: TRAN 002). These representations

reflect the supremacy of the market within the modern *sacrificial context*, while also highlighting the processes of mystification and legitimation that accompany the linguistic concealment of sacrificial violence.

For instance, four months after the disaster in Lac-Mégantic, the Minister of Infrastructure, Communities and Intergovernmental Affairs appeared before the Committee to discuss “supplementary estimates for the infrastructure, communities and intergovernmental affairs portfolio, and for the Economic Development Agency of Canada for the Regions of Quebec” (Denis Lebel 2013: TRAN 002). He testified:

Seventeen days after the Lac-Mégantic catastrophe, given the lack of programs for that sector—as that was not a natural catastrophe—we announced \$60 million in funding in aid of the assistance and rehabilitation efforts in Lac-Mégantic. Of course, our thoughts and prayers are with the families that lost loved ones to this tragic accident. The Conservative government will be there to...support the rehabilitation and improvement—including the expansion—of existing community infrastructure (Denis Lebel 2013: TRAN 002).

According to the Minister, these efforts would not only help the town of Lac-Mégantic, but also “provide meaningful benefits for Canadians in every region of the country” because “in the end, infrastructure is money, it’s jobs, and it’s possible to grow the economy because this infrastructure brings more investment” (Denis Lebel 2013: TRAN 002). Three years later, in their Update on Rail Safety Report, the Committee claimed:

...the members were greatly encouraged by the plans and progress with respect to reconstruction... Lac-Mégantic will have a new, environmentally sustainable, downtown core including an education and training centre for railway safety, emergency response and reconstruction. The training centre is expected to serve Eastern Canada and generate economic activity for the region and, as such, a positive outcome from the community’s experience in dealing with the rail disaster (TRAN Report 2016: 3).

The Department of Transport similarly appeared before the Committee in 2014 to discuss their main and supplementary estimates, specifically to “explain how the funding” they were seeking (to the tune of \$1.656 billion) was “going to be a benefit to Canadians” (Lisa Raitt 2014: TRAN 016). According to the Minister of Transport, the funding would be in support of key departmental “priorities:”

...to refine and strengthen safety and security oversight for the entire transportation system... to improve Canada’s competitiveness and critical transportation infrastructure... [and] ensure that Transport Canada’s policies, programs, and activities meet the needs of the transportation system in the long term. Finally, I would like to turn my attention to what is my top priority, and that’s railway safety improvements. In the aftermath of Lac-Mégantic, our government focused on three elements of railway safety: prevention, preparedness and response, and liability and compensation... When we do these things, what we’re saying is that we are committed to a safe rail transportation system, not only for our communities but in general for Canada’s economic well-being as well (Lisa Raitt 2014: TRAN 016).

During this same meeting, a Committee member representing the NDP party suggested:

If you want to know where a government’s priorities are, follow the money... I would put to Canadians that you’re spending more on economic action plan advertising, \$42 million this year, compared to \$34 million on rail safety (David McGuinty 2014: TRAN 016).

In response, the Minister of Transport declared that the Department:

...recognizes the importance of both trade and investment in Canada’s economic future. The role of Canada’s transportation system and infrastructure network is to support domestic and international trade in those markets... we have to work with... the private sector to do so (Lisa Raitt 2014: TRAN 016).

This exchange demonstrates an overarching framework of thought that not only supports the primacy of the market, but also centres railways (with their government relationships) as key actors in the *capitalist cosmology*. When confronted about this dynamic, the Minister of Transport argued:

You know what? I'm not here to be apologetic for the railways. Our role in Transport Canada is to ensure that we understand the chain and that we do as much as we can to ensure that we balance that relationship. What we want in the government is for economic prosperity for everybody and getting to move our product to market. That's what we're going to continue to work on (Lisa Raitt 2014: TRAN 016).¹⁴¹

Further evidence to the state-corporate relationship within the *sacrificial context* is explored in greater detail below.

Although the *sacrificial context* of Lac-Mégantic and responses to the disaster are in many ways unique, the *capitalist cosmology* nevertheless reveals something more universal about the nature of capitalism: it compels people to sacrifice and be sacrificed on “the altar of industry” because many beliefs and priorities are shaped by the “fetish power” of the market (Haiven 2022: 83-84). In this sense, the core problem with the transportation safety regime in Canada is not the outdated tank cars, the neglected tracks, or even the turn to SMS and deregulation, but the merciless organization of human sacrifice and the functions it serves within a broader capitalist system. Consequently, the *sacrificial context* under examination here is not contained to the country or even the continent; it is global. As the Assistant Deputy Minister of Safety and Security with the Department of Transport indicated just months after the Lac-Mégantic disaster:

The continual evolution of the world is something we see every day and it affects transportation and how Transport Canada must do business. We are faced with concurrent challenges and opportunities that require us to adapt and to be agile... Canada has one of the best transportation records in the world. However, this record is being jeopardized by population growth, globalization, increasing traffic and emergence of new technologies (Gerard McDonald 2013: TRAN 003).

¹⁴¹ In the following week, a representative from the United Steelworkers union appeared before the Committee and argued, contrary to the Minister's claims, that: “the steelworkers believe that the role of Transport Canada should be, first, to promote and provide for the security and safety of the public and the environment in railway operations” (Richard Boudreault 2014: TRAN 018).

Ultimately, the *capitalist cosmology* narrative suggests that the railway industry is unlikely to be reformed in any meaningful way, even when major disasters make visible what is often invisible and massive public pressure is brought to bear (Tombs 2018; Glasbeek 2002; Bittle 2012). Not only is industry adept at capturing government interests and evading regulation, but discussions of possible solutions to social problems tend to be dominated by corporations and governments who are often considered to be the most reliable and legitimate stakeholders. This means that “in official negotiations, the sacrificial cosmology of the market is taken as a given, something to be worked around or accommodated rather than fundamentally rejected or abolished” (Haiven 2022: 114).

Even though the *sacrificial context* of railway disasters has global implications, it would be a mistake to assume that sacrifice looks the same across all modern contexts or performs the same function in current societies that it fulfilled in the past. The very fact that societies change with time implies that a social fact will likewise present several faces depending on the context and on the influence of different values, tensions, hegemonic institutions, and counter-hegemonic movements constructed in each society (Beriaine et al. 2021). As such, I understand that sacrifice performs a role in modern societies, but a role in which its meaning, along with its function, have already changed. For the purposes of this thesis, the unique context of the Canadian state formation and its extensive, symbiotic history with rail is the primary site of investigation.

8.3 Sacrifice and the Canadian State Formation

The development of railways revolutionized transportation in Canada and was integral to the very act of nation building. The changes wrought by railroads were of such totalizing importance that they can be characterized by the notion of singularity: when a society “is so completely altered that individuals from the previously existing civilization cannot grasp the way of life of

the post-singularity society” (Brown 2013: 8). Some attribute this power to the economic development that was fueled by railroads (Hatfield 2018), and others to the industry’s impressive control over public imagery and discourse (Cruikshank 2016; Lam 2016). For years, railways possessed almost exclusive control of the country’s transportation and consequently involved significant public, political, and social interest, eventually coming to stand for all that Canada had achieved and *could* achieve as a nation.

As such, a sacrificial narrative of the *state formation* was expressed in responses to the Lac-Mégantic disaster through the hierarchical ordering of the Canadian state and transportation industry as morally superior and developmentally unique. The essential nature of railways to Canada’s very existence as a colonizing nation is highlighted here. A related and intersecting narrative revealed the complex and symbiotic nature of *state-corporate relations* between the government and the railway industry. As a component of the *sacrificial context*, these representations are included among the overlapping yet distinct points that coalesce to overdetermine instances of violence foundational to the Canadian state and the role of railway companies therein; they link the sacrificial violence of the first (structural violence) and the processes of concealment and legitimation of the second (ideological effects) within a specific context, located throughout the history of Canadian railways and the contemporary material relations of train derailments.

The centrality of railways in the Canadian context has been a common theme throughout this analysis. The importance of rail in the *state formation* narrative is shown primarily through the concept of nation building – to such a degree that, much like the sanctity of the market, so too are railways represented as natural, inevitable, and unquestionable. In fact, one Committee member representing the NDP likened rail operations to basic human rights, claiming: “it is the

responsibility of the government... to make sure that the food we eat, the water we drink, and the trains that come through our communities are in fact safe” (Olivia Chow 2013: TRAN 077). In other instances, various actors argued:

Of course, many towns are on the railway lines. Many of the towns owe their existence to the railways, as did the town of Lac-Mégantic (David Jeanes, Transport Action Canada 2014: TRAN 019).

Railways are of paramount importance in the Canadian transportation system as they provide low-cost long-haul transportation service that is the only economical choice for commodity shippers (TRAN Report 2016: 1).

Of course, we recognize the fact that communities have actually grown around the railway system, the railroad tracks, the stops... We have a certain history in Canada, of course, with the railway system (Wai Young, Conservative Member of Parliament 2014: TRAN 021).

With the entrenched adoration afforded railways as nation builders comes the related logic that, if Canada wants to continue to grow as a nation, the railway industry must also grow. During the Committee’s Review of the Transportation Safety Regime, arguments were often made in support of increased capacity for the railways – the idea being that derailments and disasters happen because the existing infrastructure could not keep up with other trends. During one Committee meeting, a member representing the Conservative Party of Canada asked a representative from the Department of Transport the following:

When we look at the general trends...production has been on an upward incline. Our oil production in Saskatchewan has been on an upward incline, and Bakken fuel itself. Everything is sort of trending upwards. The big question everyone wants to know is, is there a capacity issue that needs to be addressed? We’re sort of a landlocked country... and the only way to move a lot of our product is by rail, and we only have two rail companies (Ed Komarnicki 2014: TRAN 016).

The fact that “*the big question everyone wants to know*” in the wake of one of Canada’s deadliest railway disasters is one of capacity and not one of safety or of corporate accountability

and redress to victims, the impression is given that, through some kind of fortunate cosmic design, Canada has the opportunity to capitalize on a growth that is naturally occurring. The Minister of Transport replied:

We expect and we want our logistics chain to grow to make sure that it can handle the prosperity that we want to build for our country. That's what we do every day in government, we try to build jobs and growth and long-term employment through our resources... we have to *maximize* (Lisa Raitt 2014: TRAN 016, emphasis added).

As such, it becomes imperative that the railway companies are not hindered in their ability to lead the nation into the future, and railway disasters are more easily taken up in the sacrificial logic of short-term loss for long-term gains. When prompted to consider the historic difficulties in creating safe railway system, the President and CEO of the Railway Association of Canada told the Committee:

This really is an all-of-society type of problem. We have grown as a country... We've grown along the railway lines that we built to build the country. As we've done that, and as railways have become more and more important to moving all the goods we produce, we've increased the traffic on the rail lines (Michael Bourque 2015: TRAN 050).

In short, the routine occurrence of rail disasters becomes normalized within a specific sacrificial context believed to be indebted to the railways in the first place. The official documents used in this analysis exemplify this, created as they are within a particular setting (state bureaucracy) and reflective of certain situated activities (actions and symbolic communications) that uphold railway companies as essential and benevolent, too important to be the problem. Consequently, responses to railway disasters are also more likely to locate safety problems within 'human factors' or the need for minor legislative reform, all while deflecting attention from the structural causes of derailments and the need for radical change. This is largely achieved by drawing from

a stock of available assumptions and narratives in everyday language, supplemented by day-to-day bureaucratic record-keeping (Dodd 2006).

For instance, in the Supplementary Opinion of the Official Opposition submitted with the Committee's Update On Rail Safety Report, the NDP summarized:

Municipalities, communities, rail workers, regulatory experts, rail inspectors and the TSB have all called for deeper reforms to the rail safety regulatory regime. Concerns range from perceived overreliance on industry-developed operating rules, to allowing exceptions to rules, to overreliance on self-regulation, to weak whistleblower protections, to limits on liability for catastrophic incidents... Regrettably, the Committee failed to hear testimony from key witnesses expressing these deeper concerns, including community organizations and legal experts (TRAN Report 2016: 44).

And yet, in the Minister of Transport's official response to this study's completion, he thanked the Committee for their efforts and claimed that this report, like others before it, "allows rail transport to continue its historic role as a *critical enabler* of the Canadian economy" (Marc Garneau 2016: 3, emphasis added). Seemingly, and in no small measure, responses to the Lac-Mégantic disaster were taken up in a process that "prepares facts for burial" by exposing the conditions that led to the deaths but working to "render the public memory of these conditions safe for capitalism" by offering the increased control of bureaucratic capitalism as the resolution to the crisis (Dodd 2006: 268-269).

8.3.1 *Canada's Party Politics*

My understanding of Canadian railways and the Lac-Mégantic disaster builds from a totality connecting the economic, political, and ideological moments of social life, with each aspect requiring contextualization of each *with* the other. While a deep dive into Canadian politics was beyond the scope of this thesis, party politics were obviously unavoidable in the data. As such, this subsection focuses on identifying social relations within a specific setting and context

(Layder 1993), while abandoning “the common-sense view that certain things (e.g., capital or markets) and social and economic systems (e.g., capitalism) are irreducible rather than relational and *always* in process of flux” (Clement & Vosko 2003: xii emphasis original).

As explored in *Chapter 3*, I take lead from Jessop (2014: 485) in theorizing the state (more specifically, state power) as a social relation rather than a structural entity. Therefore, I reject any notion of the state as a unified mechanism with a singular purpose and focus on how ideas about the nature and purpose of the state – what is to be ‘expected’ from the state – shapes the exercise of state power in the *sacrificial context*. Ultimately, the symbol of rail in Canada is a potential commodity in which individuals have invested time and money for over a century, and the persistent calls for progress and nation-building, coupled with the fiscal and regulatory generosity afforded rail companies, have significant consequences for how derailments are understood and responded to by the different political parties that comprise Canada’s federal government.

Party politics were evident in responses to the Lac-Mégantic derailment from the onset, sometimes impacting the structure and progress of Committee meetings and other responses to the disaster. For instance, as noted in *Chapter 3*, there was considerable debate over when to begin the Committee’s study on rail safety in relation to the TSB’s investigation into the disaster. This was evident in the Supplementary Opinion submitted with the Committee’s Interim Report on rail safety:

In the wake of the disaster, Official Opposition MPs in the Transport Committee called for an emergency study to review all recommendations from expert authorities and stakeholders that has not yet been implemented by Transport Canada. Unfortunately the **Conservative** and **Liberal** members of the committee did not agree to an emergency rail safety study and our proposal was rejected (Interim Report 2014: 29).

As the study progressed, power struggles within the *sacrificial context* continued to unfold.

During one Committee meeting, a member representing the NDP and the vice-chair at the time claimed:

Since the **Liberals** abandoned the public stake in rail transportation, it seems that the pace of privatization and deregulation has increased. Some people will say that there was no deregulation...however, the government allowed MMA to operate with only one operator onboard. Everyone in Canada said that this way not safe...and we all know what happened in Lac-Mégantic (Hoang Mai 2014: TRAN 021).

The next day, the same Committee member argued:

A lot of **Liberals** are saying that establishing rules for rail transportation is the responsibility of the rail companies and the industry. We see the **Liberals** and the **Conservatives** with the same attitude: letting the industry regulate itself and come up with its own regulations that are even better than the present ones (Hoang Mai 2014: TRAN 022).

In the following meeting, debating the transportation of dangerous goods and the privilege afforded railway companies to keep their risk assessments and operations secret for competitive advantage, a member representing the Conservative Party of Canada declared:

I want to state for the record that I'm not sure that the issue for the **NDP** is the public's right to know, but the ability of communities to veto trains coming through their communities, if they don't like what's on the train. I think that's the real objective here, and if that were the case then nothing would be transported in this country (Jeff Watson 2014: TRAN 023).

Despite the political tensions and conflicts evident in the Committee meetings, none of the official reports or government communications reported any disconnect, aside from the remarks made by the Official Opposition, located in an appendix. For instance, in their Supplementary Opinion submitted with the Update on Rail Safety Report, the NDP argued that the Lac-Mégantic based citizen group, the Coalition des Citoyens:

...expressed concern that that previous federal governments and the current administration have neglected their primary duty, to ensure the health and safety of the Canadian public. They complained of a *laissez faire* approach to deregulation and

self-management of the railways. In the opinion of this Lac-Mégantic based citizen group, the major deregulation of Canada's rail transportation industry, which begun under Paul Martin's **Liberals** and increased under Stephen Harper's **Conservatives**, has significantly threatened the health and safety of Canadians (TRAN Report 2016: 44).

These representations highlight the importance of understanding that whenever the state is seen to 'do something' in response to rail disasters, it is not the result of actions taken by a single unified entity (Jessop 2004), but an event that can reveal or mystify any number of ritual practices performed by actors working in and through a *sacrificial context*. This analysis focused on responses to the Lac-Mégantic disaster, which the data shows to have centered mostly on implementing small legislative changes; but "precisely how and if the state can be mobilised and utilised to bring about the necessary changes is highly contextual and often a consequence of a complex interplay of actors within and beyond the apparatus competing for power and resources" (Sylvester & Fisker 2023: 2).

While the role of the state and the nature of its tasks are often contradictory, there is still myriad ways to satisfy the interests of capital at any given time (Jessop 1990). During one Committee meeting, the President and CEO of the Railway Association of Canada wanted to "speak to the success of Canadian railways in a public policy context, and some important and hard-won lessons from the past three decades of rail regulation and deregulation" (Michael Bourque 2017: TRAN 068). He continued:

Successive governments, and indeed this committee, have enabled the positive accomplishments of Canadian railway industry by introducing and improving a regulatory regime that prioritizes commercial freedom and reliance on market forces over government intervention (Michael Bourque 2017: TRAN 068).

The industry representative spoke favourably of the contemporary shift to neoliberal capitalism explored in *Chapter 5* and the effects its accompanying policy changes had on rail regulation, policies that:

...by the 1990s, [provided] decades of incremental deregulation...these gave railways greater freedoms [and] control. As a result of these policies, Canadian railways evolved into highly productive companies. Canadian railway performance... greatly improved under these regulatory freedoms (Michael Bourque 2017: TRAN 068).

In a similar vein, the President of the Freight Management Association of Canada and member of TC's advisory committee on rail safety glorified the enabling legislation for SMS during the Committee's initial study. He claimed:

...it is useful to understand the philosophy and context that the [*Railway Safety Act*] provides. This was one of a series of laws passed in the final third of the 20th century that ended the long dark night of oppressive regulation on railways (Robert Ballantyne 2014: TRAN 023).

Other actors alluded to state relationships as an important factor in responding to railway disasters. In the first week of the Committee's study on rail safety, the Assistant Deputy Minister at the Department of Transport testified: "of course, when we're developing regulations, we'll consult with the railways, with the short-line railways, and with their associations, such as the Railway Association of Canada" (Gerard McDonald 2013: TRAN 003). This was identified by one Committee member representing the NDP as:

...the *old traditional North American approach*. The regulator holds meetings; all kinds of voices are brought to the table; it's all taken under advisement; the doors are closed; and the regulator does what the regulator does. Usually, it's with instructions from the political master. That's how its been *working forever in this country* (David McGuinty 2013: TRAN 003, emphasis added).

A year later, the same Committee member reiterated the significance of state relationships in this context. Addressing a representative from the United Steelworkers Union, the member inquired:

...what's your experience in terms of interfacing with Transport Canada and with the minister? Is there a relationship problem here between the government and your union in terms of the recommendations you're making, in terms of the improvements you're trying to put forward? Is there a hearing problem on the government side? (David McGuinty 2014: TRAN 018).

After being prompted by the Chair of the Committee to reconsider his line of questioning, the member replied: "This is about the relationship between labour and the Government of Canada... and it has everything to do with rail safety. It's about managing relationships with industry" (David McGuinty 2014: TRAN 018).

While the party interactions in the meetings and the differences in overall tone of the final reports produced when the Conservatives were in power versus the Liberals are notable, both parties ultimately reproduce the sacrificial ideologies and concealment processes that I problematize in this analysis. Although sacrifice manifests differently across time and space, it is undergirded by common features that become normalized within everyday life, creating a false sense of unity despite individual and collective differences within societies (Arppe 2009; Aleman & Perez-Agote 2021; Pearce 2001). This false unity is created in part by using particular language elements that construct a vague sense of common – or national – interests. This shows the extent to which the sacrificial processes that overdetermine railway disasters are embedded within our institutional structures and the role of the state in those processes as a representative of industry interests rather than of the people they claim to represent, regardless of party affiliation.

These relationships are complex and important, with significant implications for how the state can and does respond to railway disasters and other forms of corporate harm. As explored in *Chapter 5*, the historical development and continued growth of a continent-spanning railway system spawned a classically symbiotic relationship between industry and the state. In this relationship, one can see a “singular harmony of interest” between large companies and official policy which places a high premium on progress, growth, and efficiency (Carson 1980: 251). The impact of the state-corporate relationship on official responses to the Lac-Mégantic disaster is expanded on below.

8.3.2 *The State-Corporate Symbiotic Relationship*

This section emphasizes the nature of the *state-corporate relationship* primarily in how the form and direction taken by the state at a particular moment is of importance to its relationship with capital, specifically the rail industry. For instance, the Minister of Transport appeared before the Committee shortly after the Lac-Mégantic disaster and claimed to have “met with the Advisory Council on Railway Safety to underscore the importance of industry and government working together to ensure a safe rail transportation system” (Lisa Raitt 2013: TRAN 002).

As explored in previous chapters, a corporatist dynamic exists between the federal regulator and the rail sector (Dunford 2017). There are 31 federally regulated rail carriers in Canada, but as previously noted, the rail industry is dominated by its three main Class I carriers: Canadian National, Canadian Pacific, and VIA Rail. These companies are large and well-organized to influence regulatory policy and lobby the government through the Railway Association of Canada. Thus, interactions between government and rail are privileged, non-competitive, and influenced by just a few large companies (Dunford 2017; Campbell 2013). This

was evident in the data, as corporate representatives from each of the big three carriers were invited speak at Parliament in the aftermath of the Lac-Mégantic disaster.

While the self-proclaimed role of the state includes safeguarding the general material conditions of production and expanding national capital on a global scale (Kramer & Michalowski 2006), efforts are still made to necessitate at least the appearance of being relatively neutral, distanced, even removed from the economic realm. This apparent neutrality is important for regulating class antagonisms and maintaining legitimacy, not only for the state itself but for the structural violence caused by railways. For instance, just months after the Lac-Mégantic disaster, the Minister of Transport appeared before the Committee and claimed:

First of all, let me be very clear that CN and CP are the safest class I railways in North America, safer than the ones in the United States. They're very proud of their safety record, and we've seen a decrease in accidents in the past number of years. But my job isn't to be here to speak for the rail companies; my job is to ensure that we have rules and regulations, that we inspect their safety management systems, that we audit their systems, and that we're there to ensure the protection of the health and safety of Canadians (Lisa Raitt 2013: TRAN 002).

However, during that same meeting, the Minister (casually) directed the Committee on how to proceed with their Review of Canada's Transportation Safety Regime. She stated:

I do recommend that to answer these questions fully you meet with industry and government stakeholders to get their perspectives and their advice. I encourage you to look at all sides of the issue (Lisa Raitt 2013: TRAN 002).

Despite many such efforts to feign objectivity, representations of the *state-corporate relationship* suggested that the government tends to default to an industry framework of thought and action, normalized within the *capitalist cosmology*. Consider the following exchange between a Committee member representing the NDP (Mike Sullivan) and the Director General

for the Transportation of Dangerous Goods at the Department of Transport (Marie-France Dagenais) regarding the DOT-111 tank car:

I think I heard you say that they were safe. Why is it that the Transportation Safety Board says they're not? Is there a fight going on between Transport Canada and the Transportation Safety Board? (Mike Sullivan 2013: TRAN 004).

The standard for the DOT-111 was developed with manufacturers, producers, regulators, and trust groups. They determined that the DOT-111 was appropriate to transport certain types of dangerous goods... (Marie-France Dagenais 2013: TRAN 004).

...the Transportation Safety Board says they're not safe and has said on several occasions that they are not appropriate...why are we still running DOT-111s? (Mike Sullivan 2013: TRAN 004).

The Director General simply replied: "I believe that's part of *how the business works*" (Marie-France Dagenais 2013: TRAN 004, emphasis added), and the exchange ended there.

The symbiotic relationship between the state and industry often involves a preoccupation with ensuring that we "carry the industry with us in believing that the regulations are fair, reasonable, effective, and practicable" (Carson 1980: 251). The prevailing regulatory model for railways in Canada involves extensive government consultation with industry. As the Assistant Deputy Minister at the Department of Transport told the Committee:

Obviously with any regulation you have to consult – and we have an obligation to consult – with all those who may be affected with regard to that particular regulation, to assess what the potential benefits and costs of bringing in a regulation are (Gerard McDonald 2013: TRAN 004).

Similarly, regarding the state's plan to increase growth in the transportation sector, the Minister of Infrastructure, Communities, and Intergovernmental Affairs told the Committee:

...we held meetings with the private sector because it was important for us to hear their ideas, or their point of view. These consultations have been very successful, and since [then], all of these stakeholders have been happy and proud of what we have

done together (Denis Lebel 2013: TRAN 002).

Unsurprisingly, the sentiment was shared by industry representatives. During the Committee's review of the transportation safety regime, the Vice-President of External Relations for the Canadian Association of Petroleum Producers claimed:

Regulators are in a unique position to provide leadership, clarify expectations, and support industry as it strives to improve....as design considerations for the rail liability and compensation regime are contemplated, TC will need to be mindful of implications to carriers (Bob Bleaney 2014: TRAN 022).

As most critical infrastructure in the country is owned and operated by the private sector, rail and its regulatory regime are also characterized by concentrated power. When the federal regulators are tasked with considering the potential for public or environmental harm, they consult with the companies and industry leaders whose behaviours create those very harms (but whose initiatives they do not want to inhibit). During one Committee meeting, the Chief Legal Officer for CN Railway claimed:

If you look at the last 12 or 18 months since Lac-Mégantic, the amount of regulation that has been put in place is substantial. We make sure that we comply with every regulation, but we also have views. When a regulation is out for consultation, we're very much present and *we make sure our views are heard* (Sean Finn 2015: TRAN 049, emphasis added).

Furthermore, as evidenced by the consideration afforded SMS and other safety operations, much of this consultation is privileged and kept secret. After the Lac-Mégantic disaster, it was shown that federal regulations already provided that trains left unattended must have sufficient handbrakes applied by the train operators to prevent runaways. However, in setting this standard, the government entered into consultation and agreement with the railway companies, and the

definition of what had to be done to comply with the requirement of ‘sufficiency’ was kept private – for commercial confidentiality reasons.¹⁴²

One of the effects of the *state-corporate relationship* is the adoption of a particular language that indicates a faith in industry that is not afforded other classes of people, certainly not the employees who are frequently scapegoated in safety issues. In their Interim Report on rail safety, the Committee conveyed that they:

...heard from representatives from the industries that produce petrochemicals, fertilizers and other chemicals, which are among the dangerous goods transported in the largest volumes in Canada. These shippers assured the Committee that they comply with the Transportation of Dangerous Goods Act and the TDG Regulations (TRAN Interim Report 2014: 5).

Of course, not everyone shared in this faith and critical voices draw attention to the *state-corporate relationship*, their shared goals, and the privilege it affords railway companies. For instance, the Interim Report on rail safety disclosed that the Auditor General of Canada highlighted as a major concern “the independence and objectivity of Transport Canada’s inspectors, many of whom have links to the rail industry” (Interim Report 2014: 14). Similarly, a Committee member representing the NDP argued:

The government can’t even warrant that the inspectors are objective, arm’s length, and independent because they come mainly from federal railways, and the ethics codes and so on are not applied in such a way as to know for sure whether the folks doing these minimal inspections are objective and independent (David McGuinty 2013: TRAN 006).

However, in their final report the Committee defaulted to the same industry framework of thought and action, claiming that “Transport Canada officials explained that the most qualified

¹⁴² A similar phenomenon was observed in relation to the transportation of dangerous goods and the need for the public to be informed on the hazards being shipped through their communities on a daily basis.

rail safety inspectors come from the industry and confirmed that they all sign conflict of interest statements as a condition of employment” (TRAN Report 2015: 25).

As detailed in *Chapter 5*, one important result of the decades of power afforded railways in Canada was that they grew beyond the bounds of state regulation. As such, implementing oversight and legislation was difficult, as “the expertise in railroad matters naturally resided within the firms, and they were determined to resist resolutely the authority” that confronted them (Brown 2013: 15). That is, despite being essentially symbiotic in nature, relations between the state and industry can still be conflicting or tense – an uneasy symbiosis finding repeated political expression (Carson 1980: 247). During one Committee meeting, a member representing the NDP addressed representatives from the rail and petroleum industries and inquired:

...tell me how the government can help you in implementing better regulations. Is the government going to have to come up with the regulations itself and impose standards on you, or are you ready to pick up the pace... Do we really have to use the threat of stricter regulations in order to get things moving? Are we going to have to wait for the next disaster if the government does not get involved? (Denis Blanchette 2014: TRAN 022).

The President and Chief Executive Officer of the Canadian Fuels Association replied:

I don't think anyone's waiting for there to be another catastrophe. I think the key point of much of the discussion and engagement...has been to directly address that. So yes, there's a role for regulation. Yes, there's a role for voluntary action on industry. I think in Canada we have a pretty good system to do that (Peter Boag 2014: TRAN 022).

In another meeting just months after the Lac-Mégantic disaster, a Committee member representing the NDP engaged the President and CEO of the Railway Association of Canada:

Mr. Bourque, you alluded to this partnership between the regulated and the regulator, the instrument being the safety management system. I think Canadians understand that it's a shared responsibility, but when you see that only 25% of the audits that TC said were necessary to keep your railways in compliance were actually performed,

that's a really big problem for Canadians (David McGuinty 2013: TRAN 020).

Even though the comment was not directed at him, the Executive Vice-President and Chief Operating Officer of Canadian National Railway interjected: "it's not my job to worry that the regulator is given enough money to regulate" (Jim Vena 2013: TRAN 020).

Thus, the relationship between railways and the state is at once both collaborative and strained – a fitting paradox that was also identified by the regulator. Following the publication of the Auditor General's scathing indictment that TC largely lacks the information necessary to ensure the safety of railway operations, the Minister of Transport suggested that governments still have to "*make the request*" for companies to provide information in the event of a derailment, sometimes resorting to court orders (Lisa Raitt 2013: TRAN 003, emphasis added). A year later, the Minister of Transport commented on the *state-corporate relationship*, claiming: "for a hundred years there has been this tension...and it is the government's role to give good policy overall to smooth that out and ensure that producers...do get their product to market" (Lisa Raitt 2014: TRAN 016). Clearly, conflict and tensions are of little importance in the face of what is truly considered sacred in the *sacrificial context*: profit.

8.4 Chapter Summary

In this chapter, I presented my findings as they relate to the third of the three main elements of sacrifice generated through my theoretical framework: that sacrifice's method of operation can only be understood within the context in question. In its totality, this analysis was a critical investigation of the socially embedded belief framework that forms the discursive basis for official, federal responses to train derailments and the Lac-Mégantic case specifically. *Sacrificial violence* was expressed in representations of train derailments as natural and inevitable. The ritual embeddedness of such violence within social relations and institutional structures was

shown to provide a certain amount of legitimacy, despite an undeniable conflict between the profit-generating behaviours of the railway industry and the safety and wellbeing of the Canadian people. Ultimately, railway disasters (much like other corporate crimes) were taken up in processes of concealment that helped construct this violence as something *righteous* (Katz 1988). The *ideological effects* of sacrifice were expressed in queries about who, if anyone, should be deemed responsible or held accountable for the violence in question. Four narratives and commonsense myths associated with sacrifice were shown to operate linguistically to conceal the collective violence and harness consent through ideological means: *the price of progress*, the universalization of a particular world view as a *Greater Good*, the myth of *voluntary victimhood*, and depictions of the *sacrificial scapegoat*.

However, sacrifice's method of operation can only be understood within the context in question, and the second half of this analysis presented evidence to this effect. First, the *capitalist cosmology* narrative, expressed in terms of the primacy of the economy, demonstrated the overarching framework of thought and action organized around the notion of the market as neutral and unquestionable. Second, but relatedly, representations of the *state formation* expressed the hierarchical ordering of the Canadian state and railway industry as morally superior and developmentally unique, while highlighting the importance of rail for Canada's very existence. A related and interconnected narrative demonstrated the complex and symbiotic nature of *state-corporate relations* regarding the government and the railway industry.

In conversation with my theoretical framework, this analysis demonstrates that the call to sacrifice in the modern context is a global paradigm in need of focused attention. Sacrificial violence and its ideological effects are "more than mere beliefs or abstract representations that inform and shape who we are" (Wang 2020: 14), they form the legitimation framework for the

governing apparatus and provide organizing principles for expressions of power and social control. In many ways, this bridges the logic gap between the promised blessings of capitalist socio-economic organization and their actual fulfillment, as sacrificial myths help to produce and legitimize hegemonic claims about railway disasters that cannot be confirmed through the lived experience of victimized workers, communities, or members of the public. Ultimately, the discourse of sacrifice is presented as an emergent, case-specific mechanism composed of intersecting narratives that conceal systemic violence through processes of deflection, legitimisation, and naturalization that stabilize the broader social context.

Despite what could be described as a legacy of violence, Canadian railways are upheld across the country as an iconic technology that breaches geographical gaps and helps realize the national endeavours of politicians and capitalists while increasing the potential of a truly globalized economy (Hatfield 2018: 49). This sentiment was not only felt by the country's political and industrial elite, but the importance of rail in the creation and development of national ideas was commonly expressed throughout official responses to the Lac-Mégantic disaster. On the one hand (the dominant one), railways are believed to be the primary drivers of progress and economic prosperity, and on the other they are valued for their ability to link people and places in a country with a very large and sometimes remote landmass (Hatfield 2018).

Consequently, the Lac-Mégantic disaster struck firmly at the heart of the contradictions of Canada's unique brand of capitalism. In the absence of material justifications for the harms caused by railways, sacrificial discourses fill the gap in the public imaginary. Industry representatives and government, deemed the most legitimate stakeholders in the capitalist cosmology (Haiven 2022), rhetorically transformed the notion of economic growth into a self-justifying sacred concept; this transformation in the context of Lac-Mégantic responses would

not have been possible without a pre-existing, socially embedded worship of capital accumulation. While the disaster was in some ways unique in its nature and scope, it was very much *overdetermined* and underpinned by the routine sacrifices that form the bedrock of the capitalist state – a ritual embeddedness that has the potential to shape Canadian futures.

Ultimately, this analysis shows the development of a series of claims about rail and railway disasters in Canada that provide ideological justifications for corporate violence and (a lack of) official responses to it. The concluding chapter contextualizes the key findings from my analysis of the Lac-Mégantic disaster within a broader scope of global capitalism and its demands for routine sacrifice. In so doing, I map those “political and economic fault lines” that run beneath expressions of modern sacrifice (Wang 2018: 29; Layder 1993) to locate their divergent boundaries, fractures, and potential points of rupture. Following this discussion, I offer a few comments and reservations concerning this project, including a review of remaining theoretical weaknesses and methodological constraints. The closing remarks note potential directions for further inquiry and future research endeavors.

Chapter 9: Discussion and Conclusions

“You don’t always have to learn from your mistakes in the short term if you are powerful enough” (Bob Jessop, in conversation with Flohr & Harrison 2016: 312).

9.1 Introduction

For ancient and contemporary human societies alike, sacrifice has been a central question (Robertson Smith 1889; Girard 1987; Bremmer 2007; Hubert & Mauss 1964; Arppe 2009). It may evolve, adopt different meanings and take various forms, but it persists in thought, in language, and in human culture. Across the globe, the idea of sacrificing for something greater than ourselves is often hailed as a necessary and worthwhile *choice*, or as a temporary (but still necessary) evil from which we can all benefit in the end (Keenan 2005). Through an examination of the unique socio-political-economic and historical context of Canadian railways and a distinct case study of one of the country’s deadliest train disasters, I explored the ways in which sacrificial rhetoric is reappropriated into the governance structures tasked with responding to such harms and highlight the role sacrifice plays in the management and normalization of widespread corporate violence. Consequently, modern sacrifice is illuminated as not only a social mechanism operating in our current conjuncture, but an institutional one.

This dissertation identified the socially embedded belief framework that formed the discursive basis for official responses to the Lac-Mégantic railway disaster. I argue that this case is set within the ongoing reproduction of social domination generally, and its ideological counterpart that obfuscates this domination: corporate power and state-corporate symbiosis. Several sacrificial narratives and representations were observed in the case study, demonstrating the extent to which sacrifice is implicated in such responses and embedded within our very institutions. *Sacrificial violence* was most prominently expressed in representations of train derailments as natural and inevitable to (essential) railway operations. The ritual embeddedness

of such violence within social relations and institutional structures provided a certain level of legitimacy to the profit-driven and negligent corporate behaviours that are most likely to cause railway disasters in the first place (Campbell 2018; Whyte 2020; Tombs & Whyte 2015).

Ideological effects were expressed in queries about who, if anyone, should be deemed responsible or held accountable for the violence in question. These discourses demonstrate the commonsense myths and narratives associated with sacrifice that are able to harness consent through ideological means, including the *price of progress*, the myth of *voluntary victimhood*, the universalization of a particular world view as a *Greater Good*, and the *sacrificial scapegoating* of the train operator, Thomas Harding, and railway workers generally.

The sacrificial context was shown to include a *capitalist cosmology* with an overarching framework of thought and action organized around the primacy of the economy and the hegemonic notion of the market as neutral and unquestionable (Haiven 2022). Relatedly, representations of the *state formation* expressed the hierarchical ordering of the Canadian state and railway industry as morally superior and developmentally unique, which highlighted the importance of rail to Canada's very existence along with the complex and symbiotic nature of *state-corporate relationships*. Together, these intertwined narratives formed the rhetorical foundation for ritual sacrifice in the modern capitalist state and produced an emergent discourse of sacrifice that responds to Canadian railway disasters through linguistic processes of concealment and naturalization.

The importance of analyzing railway disasters for the social sciences lies in both their routine occurrences and their devastating potential. A fundamental element of my conceptualization of sacrifice is that sacrificial violence not only reflects the potential violence of a society but also provides the opportunity for that violence to be acted out in a culturally

sanctioned form – making the unbearable, “*bearable*” (Toth 2021: 162, emphasis original). Deploying these rituals in the context of the Lac-Mégantic disaster functioned both as a system of representation and as a practical instrument of the governing apparatus. In the remaining sections, this chapter integrates the study findings with extant literature and discusses its contributions to criminological knowledge. It also considers the theoretical and methodological significance of this thesis, including some of the difficulties encountered in this respect, as well as avenues for future research.

9.2 A Structural Approach to Sacrificial Violence

The theoretical framework developed for this dissertation has drawn upon the combined works of three prominent scholars – Durkheim (1968), Bataille (1970), and Girard (2007) – to elucidate the concept of sacrifice and its usefulness for examining the violence of railway disasters. This theoretical integration provided a rich analytical lens to examine how a society may demand the sacrifice of its members, what this can mean for a person and for a nation, and how it relates to a particular violence constitutive of the socio-political-economic context of advanced capitalism. My reformulation of sacrifice based on this theoretical review involved three essential elements that were instructive going forward with my analysis of modern sacrifice and how it is implicated in Canadian railway disasters. These elements – that all sacrifice is violence, that sacrifice and its effects are ideological, and that sacrifice’s significance and method of operation is context specific – formed the basis for grouping discourses within the data.

Driven to consider how Lac-Mégantic and similar events fit within modern calls to sacrifice, I used this theoretical lens to investigate the multifaceted ways in which the state and state power mobilized various ritual elements in official responses to the disaster. In so doing, my primary concern was with the implications of employing sacrificial myths for the

concealment, legitimation and reproduction of widespread corporate violence. Such an approach is unique because much of the knowledgebase underpinning theories of sacrifice focus on acute moments of rupture and have overlooked instances of slow violence which may nonetheless demonstrate, even require, sacrificial processes. That is, most work on the topic focuses on the action of sacrifice and not the *reaction* to such violence that ensures its continuation and entrenchment in our systems. This is a key aspect of reproduction as I see it: not only the event itself, but responses surrounding it. As such, I engaged with the Canadian state throughout this study as a site of power and power struggles, a relational process by which ideas about corporate violence and sacrifice take root (Jessop 2016). This approach has allowed me to answer the important questions that emboldened this dissertation from the onset: why is sacrifice manifesting this way in our current time and place? What is occurring at the social-structural level that generates such widespread calls to sacrifice and lends strength to its status as a selfless and necessary route through so many crises? In what other ways may sacrifice be implicated in the widespread harms that characterize our current conjuncture?

The social sciences have approached the analysis of modern sacrifice in many ways, but to my knowledge there is no critical scholarship which thoroughly examines how responses to railway disasters are contingent upon the social, political, economic, historical, and ideological contexts within which they are conceived nor the sacrificial discourses that condition those understandings. Some have focused on the violence generated by sacrificial rituals (Girard 2011; Derrida 1995), while others emphasised the necessary presence of the gift with the immolation (Tylor 1920; Janzen 2004). Other authors have focused on different aspects of the ritual, such as the link between sacrifice and nationalism (Strenski 2002), the mobilization of military personnel for imperial projects (Pearce 2015), or as a condition of neoliberalism's raw economic rationality

(Brown 2015; Haiven 2022). Most recently, sacrifice has been conceptualized as a rhetorical device in the legitimation of exploitative political-economic systems and public takings (Wang 2020), and as defensive heroism during the global COVID-19 pandemic (Gil-Gimeno & Sanchez Capdequi 2021; Lachmann & Stivers 2016).

The diversity of voices that have analyzed sacrifice and the variety of conclusions these works have reached demonstrate that the practice remains prevalent in contemporary social life. Despite sacrifice's extensive history, there is little consensus when it comes to the everyday implications of these recurring symbolic practices, and even less when one focuses on the context outside of the targeted moment of rupture involved in a sacrifice (or the 'act' itself). Furthermore, many of the modern approaches to sacrifice tend to focus on the self and self-sacrifice in various forms, namely on an individual's willingness to sacrifice on behalf of their society or nation (Durkheim 1965; Smith 2003; Keenan 2005; Beriain 2020), or what it means for individuals to self-sacrifice and reconnect with the sacred that was lost to them (Bataille 1988; Keenan 2005). What constitutes these sacrifices involves a level of deprivation, loss, and renouncement on the part of those doing the sacrifice. These abstentions, as a necessary part of the sacrifice and something 'we all do,' serve as a way of transforming individuals and rendering them suitable and deserving to participate in society (Fortuna 2010). However, despite the judgment that sacrifice requires a loss, a question of value is, for the most part, never explicitly directed at *what* is given or lost in a particular context. The value of what is lost is rather subsumed within the logic meant to explain why that loss is necessary and embedded with moralistic undertones justifying that operation. In other words, loss is usually characterized in sacrificial terms as an obligatory means to a favorable end; and given that this favorable end is commonly understood to be the survival and reproduction of society, it is worth questioning

what kind of society we are sacrificing (or being sacrificed) for and what exactly is being reproduced in the process.

To help fill this gap, I questioned how sacrifice is implicated in the formation and reproduction of the Canadian state and the extent to which sacrificial discourses emerge through the state's conceptualization of corporate violence. Significantly, I interpret this as a structural phenomenon and an attempt to replicate the circumstances, environments, and responses which have historically been effective in generating stability and renewal in an otherwise conflicting society. The difference, as I see it, lies in the distinction between self-sacrifice and *being* sacrificed or *sacrificable*. Rather than focussing on a reconnection with the sacred, taking one from the profane world and into the realm of the consecrated, I was most concerned with how modern sacrifice manifests and reproduces within the profane world itself – within the everyday world of work, labour, and bureaucratic capitalism. The methodology developed for this dissertation helped to reveal the complex and often contradictory ways in which sacrifice is embedded within the Canadian state formation by examining the relationship between the discursive and extra-discursive (Jessop 2004), particularly in terms of how sacrifice is taken up by state-economy processes that naturalize corporate violence.

This is a unique contribution to the sacrifice literature, which often marks a clear transition from ritual sacrifice to self-sacrifice in the modern context (Bourdillon & Fortes 1980; Fortuna 2010). In conceptualizing sacrifice as structural violence, I interpret it as an evolution *of* the ritual rather than a transition *from* ritual to something else. The key factor in this evolution is the role of the state in responding to disasters and changes in the way human societies accomplish the task of making things sacred. In the Lac-Mégantic case, the involvement of state power meant decreasing precision in differentiating the classic roles of ritual sacrifice (such as

the victim, sacrificer, or sacred object). For instance, my analysis revealed a classically symbiotic relationship between the Canadian state and the railway industry, in which the latter functions as both sacrificer – the beneficiaries who oversee the destruction of a victim (Pearce 2015) – and also a component of the sacred itself, given the sacralisation of the nation as the new god-totem (Beriaian 2020). The sacrifice literature would benefit from future research which focuses on the role of the state and state power in the function of sacrificial discourse and ritual violence.

Thus, conceptualizing sacrificial violence as a structural problem centres the ritual as much more than an acute moment of rupture, a descriptive word for the violence of global capitalism in the broadest sense, or a rationalizing mechanism for said violence. Much like state power (Jessop 1990, 2016), sacrifice is a *relation* that actively produces ideological and material consequences that benefit certain actors at the expense of other groups. This provides new insight into how vested interests, like railway companies, are able to gain and retain their privileged status despite an extensive history of causing widespread harm to workers, the public, and the environment (see *Chapters 5 and 6*). Such an integral view of sacrifice and the Canadian state allows for a nuanced understanding of the “diverse mechanisms that, through interacting tendencies and counter-tendencies in specific conjunctures produce *actual* effects that are the overdetermined (or contingently necessary) result of these particular interactions” (Jessop 2014: 483, emphasis original). In this case, those effects included the naturalization of corporate violence, the deflection of accountability, and the stabilization of society post-disaster.

Different contexts can be overdetermined by the same agents of force, but the mechanisms by which these forces manifest and how they become articulated to each other depend on the historical and social conditions of the context itself (Aksikas et al. 2019: 262). This dissertation focused on sacrifice as a mechanism and operation of power within the specific

context of Canadian railways. As explored in *Chapter 5*, Canadian railways are not only a vital source of transportation to the country, but an intimate cultural reference point of both strategic and public significance (Wang 2016). They are a spiritual sacrament, the history of which is an abundantly obvious and yet forgettable story of whole groups and thousands of lives “sacrificed on the altar of the three-faced God: capitalist accumulation, white supremacist ideology, and inter-imperialist rivalry” (Haiven 2022: 9). In fact, railways are so important to the Canadian context that the operationalisation of particular sacrificial ideologies in their defense set the parameters of legitimate and illegitimate violence in the Lac-Mégantic case and, by extension, the acceptable parameters for state intervention and regulation.

Given this, it is clear that while sacrifice’s significance and method of operation is a matter of how it is understood within a given context, the power of sacrifice as a structural relation is that it can also manipulate a context. More specifically, the notion of sacrifice can influence, (re)produce, and contradict the ideological paradigms available within the wider context. In *Chapter 4*, I reviewed the general processes of disaster recognition, including dominant language use in official reporting and the effects that processes of legitimation can have on legislation changes. At the same time, I was cognizant of how responding to disasters is contingent upon the social, political, economic, historical, and ideological contexts within which they are conceived and the dominant discourses that condition those understandings. To that same effect, while sacrificial discourses may impact understandings of corporate violence and railway disasters, the discourses that characterized responses to the Lac-Mégantic case are constitutive of a broader context that *requires* sacrifice. It isn’t that the language of sacrifice exists because Lac-Mégantic happened, but that the disaster was made possible due to the convergence of conditions specific to its existence and the sacrificial discourses which

characterized responses to the disaster make those conditions easier to replicate by harnessing public consent for violence through ideological means. Replication of disastrous outcomes is far from an impossibility given that sacrificial ritual is, by definition, a symbolic act of preservation (Wang 2018): it preserves common values and norms of behavior through repetition and likeness. I believe this could be a critical moment of translation in the relationship between sacrifice and the state, the ideological work that is required to colonize fragments of common sense, and what this illusion of unity and shared interests could mean for rendering exceptional sacrifices permanent in our current conjuncture.

9.3 Sacrificial Tendencies of Responding to Rail Disasters

As previously suggested above, the idea that sacrifice could be operating in our current conjuncture in different ways than popularly understood – in ways that do not align with common sense – is a novel contribution to the area. Sacrifice is most often understood as an act (immolation), or a series of rituals culminating in one moment of rupture; but it is possible that sacrifice as applied to corporate violence and the Lac-Mégantic train disaster is a *failure* to act, a justification to leave things as they are rather than confront corporate power and demand accountability or change. However, even in failing to act, something is still continuously being created, not only in the physical documents under scrutiny in this analysis but in the extensive “ideological work” (Dodd 2006: 238) that is done to reproduce the Canadian state formation through the sacrificial functions of those documents. Considering the disaster’s impact and the public’s awareness of the case, the Lac-Mégantic derailment had the potential to be a turning point in Canadian history in terms of corporate regulation, but it wasn’t. The rhetorical dimensions of the disaster – of the “worst environmental disaster in Canadian history” (CBC News 2013) – are not in alignment with the lived reality of what happened on that night in 2013,

nor with the business-as-usual model that has seemingly followed over the twelve years since (Campbell 2018). This is a discrepancy that deserved further interrogation.

In *Chapter 6*, I examined how train derailments, like other workplace disasters, are events that are always and already implicated in ongoing narratives (and material documents) of legitimization (Dodd 2012). In particular, I explored how disaster images have historically been constructed as to portray their inevitability and necessity in the pursuit of progress. At the same time, I identified rail disasters as a structural problem by exploring various sets of empirical and ideological claims made about derailments and how such claims have been used to construct a particular view of the world. This review is relevant as my analysis revealed a clear inseparability of industry interests from the general wellbeing of the country in responding to railway disasters, most notably in the price that we are expected to pay for the promise of future prosperity. It was important for me to consider where images, beliefs, and ideas about railways come from because, ultimately, the *symbol* of rail in Canada is a potential commodity in which individuals have invested time and money for generations (Hatfield 2018). Therefore, just as the causes of derailments were argued as a structural problem in *Chapter 6*, so too are the ideas and discourses associated with those disasters – some of which have significant consequences for how derailments are understood and responded to, especially when coupled with the fiscal and regulatory generosity that is afforded Canadian rail companies. Consider the early actions taken by TC in the Lac-Mégantic case and their “Prevention, Effective Response, and Accountability” framework, which presented a clear image of an industry that has safety as its primary concern and is making every effort to constantly (and successfully) improve by learning from disasters. This is a powerful idea that reflects a hegemonic view of the world while deflecting from the structural violence of modern sacrifice.

Working in a continuous back-and-forth, my theoretical lens and methodological framework demonstrate how power influences common conceptions and beliefs in relation to corporate violence and sacrifice. The goal of my case study and CDA was to understand the knowledge claims that helped shape responses to the Lac-Mégantic derailment, how they were documented, whether they corresponded to or challenged hegemonic power relations, and the extent to which sacrificial discourses emerged in this process. Specifically, I was driven to consider how disasters like Lac-Mégantic fit within modern calls to sacrifice which not only have a disciplining capacity on the human body in both a literal and symbolic sense, but are also instrumental in motivating behaviours that stabilize a society and can render violent social transactions to appear more legitimate in both a legal sense and in the court of public opinion (Durkheim 1893; Girard 1996; Bittle 2012).

The TSB's actions in response to the Lac-Mégantic disaster replicated similar patterns of official reports identified in *Chapter 4*, feeding into a process that essentially “prepares facts for burial” and contributes to the process of drawing attention away from the routine sacrifices of human life and environmental protection at the macro level (Dodd 2006: 238; Whyte 2020). The investigation report presented grounds for its own authority, first by disclosing the TSB's seemingly unbiased and impartial stance as an independent body with the objective goal of “advancing transportation safety” broadly, and second by presenting as “fact” an account of the events that mostly identified the source of the disaster somewhere external to the structure (TSB 2014). Given that these reports “aim to limit reflection on bureaucratic capitalism as the cause of the disaster... and to redirect attention from radical change onto minor legislative reform” (Dodd 2006: 238), it follows suit that the TSB then produced recommendations of little substance for

“what more needs to be done to help ensure an accident like this does not happen again” (TSB 2014: 1).

Furthermore, the railways and other industry elites were in many ways handed the reins in the aftermath of Lac-Mégantic. They were asked to look into their own operations, develop their own risk assessments, decide on their own best practices for route allocation and speed, and help set new regulatory parameters for future tank cars, emergency response capability, and the classification of dangerous goods. This choice demonstrates that TC operates within a framework that subscribes, on some level, to many commonsense beliefs associated with sacrifice – and railway companies have become key beneficiaries of such practices. That one of the government’s initial responses to a massive rail disaster was to uplift and strengthen the voice of industry speaks to the ritual embeddedness of corporate violence as something necessary and inevitable, while also affording it a certain level of legitimacy through the creation of working groups comprised almost exclusively of industry elites. The state was more likely in these cases to accept and reflect the industry’s assertions on the causes and conditions of disasters and consequently ignore or diminish the economic and political environment within which Lac-Mégantic was overdetermined. Thus, the understanding of what could and should have been done in response to the disaster relied heavily upon a set of economic and cultural realities consistent with the global hegemonic formation and largely determined by corporations themselves.

Consequently, the decision for the Committee to wait for more documentation from the TSB and TC before commencing their study also makes *them* more susceptible to the ideological work that official responses do to contain public reflection on the class violence exposed by

disasters – disasters which, as Glasbeek and Tucker (1999: 72, as quoted in Dodd 2006: 238) remind us, call into question three fundamental socio-economic presuppositions:

...first, that risk is a natural and unavoidable consequence of productive activity; second, that private economic activity is preferable to public activity; and third, that occupational health and safety is an area in which workers and employers share a common set of interests and objectives, a consensus.

The symbolic actions and recommendations made by TC and the TSB were among the most popular discussion topics raised in Committee meetings, and each represents (among others) a site of sacrificial discourse deployed in response to the rail disaster. And since the Committee revealed an inclination – if not an outright preference¹⁴³ – of drawing from the stock of available assumptions and narratives provided by the federal agencies, they are more likely to adopt them and to restore the socio-economic presuppositions above in their own language, supplemented by day-to-day bureaucratic record-keeping (Dodd 2006).

There is an instinct when reading about disasters that steers people towards the idea that these tragedies are preventable. And while this is absolutely true in the literal sense – in no way are railway disasters and other workplace harms natural and inevitable – I have been steered to the unsettling judgement that an unconscionable level of destruction (including lives lost) falls under an industry standard of *necessary sacrifice*, much like one of ‘acceptable risk’ or ‘cost of business.’ This concept embodies a market logic dependent upon how costs and benefits are calculated in a deregulated industry with a uniquely powerful and symbiotic relationship to its host state. The emergent discourse of sacrifice surrounding Canadian railways and the

¹⁴³ It is important to note that a preference for dominant language and narratives surrounding railway disasters was not shared uniformly across the Committee, and many members and guest speakers mobilized counter-hegemonic narratives in the data. These counter-narratives were incorporated throughout my analysis and give weight to my claim that modern sacrifice is a form of structural violence in which relations of power are of central concern.

transportation of dangerous goods reveals not only an exercise in the sacralisation of corporate violence, but an irresponsible glorification and normalization of a certain kind and amount of damage that has become all too defensible as the necessary price that we must pay.

9.4 Beyond the Lac-Mégantic Disaster

Other questions framing my analysis were concerned with the implications of the Lac-Mégantic case study for how we understand and respond to corporate violence in our current conjuncture. Specifically, given my focus on power relations and the goal of “mapping the specificity of the present” (Gilbert 2019: 5) to situate train derailments historically and look out for political opportunities for change, I considered the implications of my theory of sacrifice for understanding and preventing future harms. As Grossberg (2019: 60) argues, the point “is not merely to map an outcome (where we are) but how we got here, how we are sustained here, and how we might get out of here.” Consequently, my analysis of the Lac-Mégantic disaster is more than an illustration of one tragic event: it is a foil that demonstrates a larger problem to be tackled politically.

Ritual sacrifice and its relationship to corporate violence is a complex research subject afflicted with a combination of social, moral, and material implications. On their own, both sacrifice and corporate violence are contradictory phenomena because they reveal “the fragility and improbability of the smooth reproduction” of complex social orders; but the former may also function as an asset for the latter, “reflexively and flexibly deployed in response to emerging crises” (Jessop 2004: 162). My analysis highlights how sacrificial discourses influence Canadian laws, policies, and regulations pertaining to the railway industry – ultimately facilitating the economic success of its corporations and the reproduction of dominant social relations over the protection and wellbeing of workers, the public, and the environment. This influence is

entrenched further by a capitalist cosmology which links the success of Canadian railways to our nation's success in the arena of global capitalism, which similarly relies on sacrificial rhetoric to sustain itself.

9.4.1 *Contributions to Scholarship*

Seeking applicability beyond the 2013 case, I questioned how the notion of sacrifice may influence, (re)produce, or contradict the ideological paradigms available within the wider context. This dissertation provides an important opportunity to critically explore the discourses that work to conceal widespread corporate violence, including railway disasters, and reproduce the broader material contexts that enable such harms (Bittle & Frauley 2023; Box 1983). By pursuing this line of inquiry, the dissertation offers several contributions to the corporate crime and broader sociological literatures.

First, it provides an understanding of the complex social, moral, and material realities afflicting modern sacrifice and its relationship to Canadian railway companies. On their own, both sacrifice and corporate violence are contradictory phenomena because they reveal “the fragility and improbability of the smooth reproduction” of complex social orders; but the former may also function as an asset for the latter, “reflexively and flexibly deployed in response to emerging crises” (Jessop 2004: 162). Second, it challenges the “constraining bureaucratic categories” (Frauley 2015: 619) that have historically guided criminological enquiry, and which focus predominantly on the ‘crimes’ of the powerless (Bittle 2015; Snider 1993). While there is an important and critical body of literature that examines harms created by the powerful, many drawn on throughout the dissertation, it pales in comparison to the mounds of orthodox research focused on traditional ‘street crime’ (Reiman 2005). Therefore, this dissertation helps address the “relative paucity” (Bittle 2015: 15) of corporate crime research.

Given the contextually specific nature of my analysis, supplemented by a condensed narrative history of Canadian railways and their development, the dissertation directs “keen critical sensitivity” at the state-corporate symbiotic relationship (Gilbert 2019: 10). Dodd (2013: 37) argues that industrial and environmental disasters are reflective of “an industry-government partnership of forgetfulness” that workplaces are not just a site of production, but of people. As such, this dissertation also contributes to the state-corporate crime scholarship, the benefit of which is helping to capture the historically complex relationship between the state and railway companies, and other industry juggernauts. As state-corporate relations are characterized as symbiotic in critical corporate crime literature (Tombs & Whyte 2015; Bittle & Snider 2013), I argue that they reflect key sites of power within capitalist societies that are accessed more critically using sacrifice as an orienting logic. The dissertation contributes to a more comprehensive understanding of this relationship by highlighting the sacrificial discourses contained in official state responses to rail disasters, necessitated by the broader socio-economic context that enables such harms in the first place and which those same discourses work to conceal. The body of state-corporate crime literature will benefit from this work’s theoretical depth, particularly in relation to the sacralization of corporate violence and the broader ideological mystification of state-corporate power.

Official responses to train derailments, like other workplace disasters, are both a crucial site for the *normalization* of corporate violence and the sacrificial state, and a potential site of *contestation* wherein different ideas could in fact challenge such hegemonic common sense (Dodd 2006). The bulk of the disaster literature reviewed in *Chapter 4* and of the transportation of dangerous goods by rail in *Chapter 6* falls victim to the governing approach of contextualizing derailments as individual or organizational failings. For instance, Quigley and colleagues (2017:

106) claimed that, in the “the lead-up to the Lac-Mégantic tragedy, Transport Canada was aware of the increased use of rail for transporting crude oil, but it had not adequately assessed the operational risks inherent in the practice” and that the resulting disaster was an example “of the government failing to adapt.” This view and similar arguments are dominant but ultimately inadequate for explaining the continuous and widespread phenomenon of train derailments – not to mention the serious lack of accountability for such harms. This dissertation contributes to the conversation by shedding light on the sacrificial dynamics that are illustrative not of the government failing to act, but acting as the sacrificial system always intended. There is less of a need to ‘adapt’ when the ‘operational risks’ impact the people and communities that are already deemed sacrificable.

In a process that frames the violence of railway disasters as natural and beneficial to the nation at large, the grand claims of sacrifice give force and reproductive value to hegemonic demands for corporate unaccountability and deregulation. As evident in the discussions from *Chapters 4* and *6*, there is a general lack of language which appropriately describes corporate crime as *real* crime (Mayr & Machin 2012), with legal and popular discourses usually defaulting to terms such as accident or tragedy. Consequently, questions of accountability and moral blameworthiness remain largely absent from discussions of workplace disasters in favor of a performativity that “neutralizes threats to industry” and sustains the status quo (Angelich 2019: 3-4). For instance, a common tactic adopted by corporations facing a public crisis (and which is similarly reported in the media) is the “strategy of containment,” whereby industry will preach about the lessons they learned from a disaster and how they can move forward with greater success (Woolfson, Foster, & Beck 1996: 328). Often, the onus is placed on regulatory bodies to demonstrate that they can ensure compliance with whatever new strategies were born from these

lessons (Whyte 1999). My analysis contributes to this discussion by illuminating the connection between sacrifice and common justification processes already prevalent in the corporate crime scholarship, such as lessons learned and the price of progress. Moreover, it demonstrates how sacrificial language further masks the ‘obviousness’ of capitalist violence, ensuring that we continue to fail in seeing how workplace disasters and other corporate harms are “on-going catastrophes” that persist and reach far beyond punctuated events (Dilts 2012: 193; Cooper & Whyte 2017).

The privilege and power of framing the post-disaster narrative can have strong material effects that shape and define lived realities. This performativity is part of “the ongoing material-discursive making of the world, and corporations take part in shaping the possibilities to act in the future” (Nyberg & Wright 2016: 5). In *Chapter 4*, for instance, I reviewed how corporations can frame the narrative of disaster response through the notion of ‘risk,’ a practice which was shown in *Chapter 7* to have significant implications for the regulation of railroads in Canada. Through processes of risk evaluation and codifying said risk into monetary value, certain disasters become naturalized within market conventions and subsequently cemented through political activities (Ailon 2012; Maguire & Hardy 2013). While the concept of ‘risk’ is a central construct for how businesses respond to and ‘manage’ their own violence, risk evaluations or representations are argued not as accurate reflections of corporate harm, but as “performative and political frames influencing how societies should respond” (Nyberg & Wright 2016: 3). These frames are political precisely because they engage a narrow range of actors, favor certain conventions, and demand particular actions (and inactions) by specific actors. Regarding official responses to the Lac-Mégantic train derailment, I demonstrated that such actions are bound up in

processes of mystification which set the parameters of legitimate and illegitimate violence – and by extension, the acceptable parameters for state intervention.

In addition to an institutionalized support for and concealment of corporate violence, sacrificial accounts of train derailments also reinforce the myth that capitalist economic development is our best (if not only) option. The influence of such discourses – that corporate activity is inherently beneficial, morally legitimate, and operating for a Greater Good – is evident in the popular promotion of capital in the name of human benefit, even when confronted with the harmful realities of the profit-seeking behaviours of corporations (Gordon 2010; Heinrich 2004; Pearce & Tombs 2011). As such, industry elites become the primary beneficiaries of modern sacrifice, and the power of Canadian railways becomes further entrenched in legislation reliant on a set of realities rooted in that same sacrificial logic. These discourses, intertwined with the development of rules, regulations, and amendments following the Lac-Mégantic disaster, are likely to be applied to future derailments and other instances of corporate harm – meaning that the history of rail, oil, and capital in Canada *set a precedent* which is continuously reaffirmed in the ongoing material and symbolic importance of railways in Canada and extends beyond the ways in which we respond to rail disasters.

In the Canadian context at the time of writing this dissertation, Prime Minister Carney addressed an audience comprised largely of students at the University of Ottawa and used the word “sacrifice” when discussing spending decisions linked to his first federal budget (Wherry 2025). According to a statement published 13 November 2025, Canada’s change in economic strategy is to be accomplished by “drawing on our legacy as builders” and the “major projects” that have historically defined our landscape, including “the first major railway that united the Maritimes” and “the Canadian Pacific Railway that helped bring British Columbia into

Confederation” (Prime Minister of Canada 2025). Over the next five years, the federal government will enable \$1 trillion in investments aimed at projects that are upheld as in the “national interest,” including liquid natural gas (LNG) production, mineral extraction and processing, and nuclear power (Rabinovitch 2025), as well as over half a trillion dollars in military spending, reflected in Canada’s first “Defence Industrial Strategy” (Prime Minister of Canada 2026).

To facilitate these major projects, the federal government passed the *Building Canada Act*, which “allows cabinet to quickly grant federal approvals for big industrial projects it deems to be in the *national interest* by, among other things, sidestepping existing laws”¹⁴⁴ (The Canadian Press 2025, emphasis added). While there has been some opposition and outcry over the legislation, including legal action taken by two First Nations communities in British Columbia over the LNG project (Greer 2025), Prime Minister Carney has continued to push forward, leaning on the historic importance of railways in his public announcements and the notion of sacrifice to achieve specific goals:

Consider... the railway that linked the Maritimes at the outset of Confederation to move goods and troops, to assert our independence, and help unite a young country. That line eventually became part of the Canadian National Railway, which now spans more than 31,000 kilometres across this vast land – reaching to Terrace, and from Terrace, the world. It moves \$250 billion of cargo each year and employs nearly 25,000 Canadians. Infrastructure as old as our nation itself – driving tens of billions in revenue every year, employing thousands of Canadians, and uniting our nation. That is the power of a nation-building project. Projects that Canadians have built before. Projects that we are starting to build again (Prime Minister of Canada 2025).

¹⁴⁴ Those laws include the *Fisheries Act*, the *Species At Risk Act*, and the *Impact Assessment Act*.

In this sense, this dissertation also contributes to the discipline of political economy by illuminating that sacrificial ritual not only stabilizes a society (Durkheim 1902; Girard 2007), it *stabilizes the social basis of state power*. Sacrificial discourses better equip state actors with the legitimacy to support and defend corporate actors, securing and strengthening their own symbiotic relationships. This implies that social crises are never purely objective moments that automatically produce a particular response or outcome. Rather, a crisis emerges when prevailing models of dealing with structural contradictions and conflict fail – and the public witnesses that broken covenant.

In the end, the power of sacrifice lies in the edit: the defining element with the most powerful material force is not the violence itself, but the linguistic concealment of violence after the fact through discursive practices that legitimize systemic harm as something natural, inevitable, and desirable. Having been informed by this *emergent discourse of sacrifice* (the two are mutually constitutive), responses to train disasters can only be (largely) symbolic, since the belief in the ‘inevitability’ of such violence over-determines its likelihood of occurrence. However, this analysis concludes that sacrifice is not simply an acute moment of rupture that produces violence (a derailment); nor is it simply a type of ideological rhetoric that can be mobilized in times of crisis (a response). It is both and it is also more. Whether intended or not, sacrificial discourses may result in romanticizing, or even fetishizing, what amounts to extremely violent and exploitative social practices; but after all, rituals are known for their role in regulating and normalizing traumatic human experiences via symbolically concealing the violence. This is congruent with Girard’s (1987: 6) perspective on religion explored in *Chapter 4* – that it is, by definition, “evasion... avoidance of an unacceptable truth.” The fact that workers are scapegoated for safety crimes, that poor people are most likely to live near train tracks and

transloading facilities, and that Indigenous groups remain displaced and in conflict with railways today, means we need to consider how various forms of sacrificial violence are prescribed for certain classes of people.

9.5 Limitations and Avenues for Future Research

One potential limitation of this dissertation lies in my choice to focus on the federal responses of only one country within a continent-spanning rail network that operates beyond its geographical borders. The distinctly North American character of Canada's railway network and the significance of our shared border with the United States was raised several times in the data. For example, the TSB and its US equivalent "made parallel recommendations aimed at making the transportation of crude oil safer across North America" following the Lac-Mégantic disaster (Wendy Tadros 2014: TRAN 019). However, a comparative case study was not practical for this dissertation, and I chose to focus more resolutely on the Lac-Mégantic case and the unique Canadian context. That being said, there are significant avenues for future research in comparing the responses interrogated in this analysis with their official counterparts in the United States, or the "extensive collaboration" that exists between Canada and the US on different aspects of rail transportation (David McGuinty 2013: TRAN 004).

While accepting that this framework and its core arguments relate historically and contextually to Canadian train derailments, I believe that it is entirely feasible (indeed, valuable) to generalize the framework to studies of other disasters and instances of corporate violence. While definitions of sacrifice may change as conjuncture and other factors change, it is still useful to understand the fundamentally sacrificial tendencies of corporate capitalism and how it reproduces structural violence. I make the argument that this type of violence is routine and widespread, but there will always be critics who argue that the likelihood of events like the Lac-

Mégantic disaster is low or who uncritically search for ways to quantify risk. I seriously doubt that I could measure the threat and extent of corporate violence to any one person any more than I could assign relative worth to their health and wellbeing – but this dissertation is not concerned with those types of evaluations. There are plenty of scholars who measure the risk or impact of derailments using quantifiable methods, and these models also fail to address the most important questions: Do we need to do things this way? *Should* we be doing them this way? Can we reimagine a 150-year-old legacy in order to decouple the occurrence of railway disasters from a deeply embedded sacrificial logic that justifies this violence in the Canadian context?

On the other hand, I am cognizant that this analysis will in many ways fail to meet a public desire to put a fine point on concepts such as risk and blame. But there is no man behind the curtain, no single transportation conspiracy or key government failure to explain the injustice of Lac-Mégantic and similar events. Responses to rail disasters are not coordinated efforts to *deliberately fail* to act; rather, the logic of sacrifice is so embedded in state power processes that they produce the outcomes of both overdetermining railway disasters and sacralising corporate violence. Likewise, the failure of the regulatory body to make any meaningful changes to the transportation safety regime after the disaster was not a carefully selected outcome, but the result of state processes that navigate train disasters using a lens of sacrifice that is built into our very institutional structures. As such, it is possible that if we stop thinking about and responding to railway disasters and other corporate harms in sacrificial terms, we open up new discursive spaces with the potential of exploring more radical options – such as abolishing the corporation (Whyte 2020) or capitalism itself – and producing real, lasting social change by “reimagining social relations and the crises we now face” (Haiven 2014: 8). It is even possible that this arena of struggle see a repurposing of sacrificial language that creates “poetry for the future” (Marx

1852: 32) by inspiring a proliferation of such alternative visions.¹⁴⁵ This kind of imaginative work, while perhaps daunting and difficult in our current conjuncture, is of momentous import in questioning the work and imperative of modern sacrifice going forward.

But the disaster that's Lac-Mégantic
Marks no jinx? The *Injustice*
Was no runaway train? *Greed*—gone frantic—
May discount corpses countless?

The thirst for black ink can turn a blood sport
When *Profit's* the trophy, and scorned
Is *Safety*—some businesses' "last resort"
(Despite being sued, threatened, fined, and warned).

Too many lie dead at Lac-Mégantic;
Most due maybe to one mistake—
Failure that allegedly turned *Tragic*:
Expense-cutting that had no brake.

(George Elliot Clarke, 7th Parliamentary Poet Laureate, from *The Ballad of the Lac-Mégantic Disaster*).

¹⁴⁵ For instance, Sorel's (1999) theory of violence articulated a concept of proletariat martyrdom intended to inspire the forging of community and revolutionary action through myth, or the power of symbolic violence (Ptacek 2006). In response to the current political moment in the United States, Spade (2020: 136) advocates for expanding mutual aid strategies and "building new social relations that are more survivable." In a sense, reconceptualizing sacrifice in this way would involve ritual that, while still necessarily a 'loss,' would also be "radical and generative" because it entails "providing for one another through coordinated collective care" (Spade 2020: 136).

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Appendix A: Timeline of Government Action in Response to the Lac-Mégantic Disaster

DATE	RESPONSE	DETAILS	NOTE
23 July 2013	Emergency Directive Ministerial Order Increased monitoring	Issued under the <i>Railway Safety Act</i>	Required railway companies to use two-person crews for trains hauling dangerous goods. Required companies to formulate new rules or revise existing ones to ensure the issues identified in related emergency directive are actually addressed. Transport Canada increased inspections to monitor compliance with Emergency Directive.
16 October 2013	Speech from the Throne	Emphasized the importance of transportation safety. Transport Canada	Included 2 actions: shippers and railway companies required to carry additional insurance for increased accountability; TC will take targeted action to make the transportation of dangerous goods safer.
17 October 2013	Protective Direction	Direction 31 <i>Under the Transportation of Dangerous Goods Act</i>	Required importers of crude oil to conduct classification testing and sampling, and make those results available to TC.
18 November 2013	Minister of Transport requests review of the Canadian transportation safety regime for the safe transportation of dangerous goods and SMS	To be conducted by the House of Commons Standing Committee on Transport, Infrastructure and Communities	Across all modes of transportation
20 November 2013	Protective Direction	Direction 32 <i>Under the Transportation of Dangerous Goods Act</i> In consultation with the Transportation of Dangerous Goods General Policy Advisory	Requires railway companies to inform municipalities of annual totals regarding nature of dangerous goods being transported through communities. Minister of Transport engaged “technical and industry experts,” who submitted their recommendations on 31 January 2014.

		Council.	
26 December 2013	Updated <i>Canadian Rail Operating Rules</i>	Legislative response Applied to most but not all railways.	Expanded on July 23 emergency directive to require “more stringent operational safety requirements for railway companies”
1 January 2014	Emergency Directive	Under the <i>Railway Safety Act</i> for non-Railway Association of Canada companies	Encouraged to enhance the safety and security of their operations.
11 Jan. 2014	Proposed regulatory changes	Published in <i>Canada Gazette</i> , Part I	Proposed adoption of new standards for Class 111 tank cars (thicker steel, top fitting, head shield)
22 Jan. 2014	Launched review of Liability and Compensation Regime for Rail		Stakeholder consultations.
7 Feb. 2014	Proposed regulatory changes	Published in <i>Canada Gazette</i> , Part I Published again in <i>Canada Gazette</i> , Part II on 17 December 2014	Proposed <i>Grade Crossing Regulations</i> for federally regulated grade crossings Requires Class I and class II rail carriers to report indicator data to TC. Came into force 1 April 2015
14 March 2014	Proposed regulatory changes	Published in <i>Canada Gazette</i> , Part I Published again in <i>Canada Gazette</i> , Part II on 19 November 2014	Proposed <i>Railway Operating Certificate Regulations</i> Requires railways to hold valid certificate to operate on federally regulated railways in Canada.
23 Apr. 2014	Protective Directions Issued to address interim recommendations from the TSB	Direction 33 Direction 34 Minister of Transport, in response to the Transportation Safety Board’s interim recommendations	Introduced ERAP requirements for crude oil, gasoline, diesel, and ethanol. Imposed immediate ban on using the least crash-resistant DOT-111 tank cars for Class 3 flammable liquids. Announced a 3-year phaseout of legacy cars that did not meet industry standards.

	Emergency Directive	Under the <i>Railway Safety Act</i>	Required railway companies to immediately implement the practice of reducing the speed of trains transporting dangerous goods.
17 May 2014	Proposed regulation changes	Published in the <i>Canada Gazette</i> , Part I	Proposed <i>Railway Safety Administrative Monetary Penalties Regulations</i> in Canada Introduced penalties as additional enforcement tool.
June 2014	Interim Report on Rail Safety Review	Type: Report By the Standing Committee on Transport, Infrastructure and Communities 41st parliament, 2nd session	Supplementary opinion provided by NDP official opposition. Minister of Transport responded 10 October 2014
2 July 2014	Regulation changes (communication)	Published in the <i>Canada Gazette</i> , Part II <i>Updated Transportation of Dangerous Goods Regulations</i>	Update the class 111 tank car standard and require proof of classification of dangerous goods. Came into force 15 July 2014 Amendments on safety marks.
5 July 2014	Proposed regulation changes	Published in the <i>Canada Gazette</i> , Part I Railway Safety Management System Regulations Published again in <i>Canada Gazette</i> , Part II on 25 February 2015.	Modernize existing requirements “and help railways better identify and management safety risks” (Minister of Transport 2015).
15 Jul. 2014	Federal Regulation	Type: Legislative In response to TSB investigation	Regulation upgrading the design standards for various means of containment used for transporting dangerous goods, including tank cars, came into effect.
19 Aug. 2014	Transportation Safety Board Investigation Report (made public)	Railway Investigation Report R13D0054	TSB “investigated this occurrence for the purpose of advancing transportation safety. It is not the

			function of the Board to assign fault or determine civil or criminal liability”
10 Oct. 2014	Government Response to interim safety report	In response to the Standing Committee on Transport, Infrastructure and Communities Tabled in the house of commons	
22 Oct. 2014	Proposed regulation (communication)	Published in Canada Gazette, Part II	<i>Railway Safety Administrative Monetary Penalties Regulations.</i> Came into force 1 April 2015
29 Oct. 2014	Ministerial Order Emergency Directive	MO 14-05 Issued under <i>Railway Safety Act</i> in response to TSB final report	Compelled railway companies to conduct assessments of safety and security risks and standardize number of handbrakes. Established the standard minimum for hand break applications and additional physical defences for unattended trains.
29 Oct. 2014	Regulation amendment		Amended the SMS audit cycle to a 3-5 cycle
1 January 2015	New Regulations come into force.		<i>Railway Operating Certificates Regulations</i>
20 February 2015	Introduction of the <i>Safe and Accountable Rail Act</i>	Bill C-52 Introduced by Minister of Transport Does not come into force until 18 June 2016	“to strengthen railway safety requirements and enhance the liability and compensation regime for federally regulated railways” (Minister of Transport 2015)
11 March 2015	Regulatory Proposal under development (publication)		Additional details on the new tank care standard and risk-based phase out approach.
March 2015	Review of the Canadian Transportation Safety Regime: Transportation of	Type: Report Created by: Standing Committee on Transport,	

	Dangerous Goods and Safety Management Systems	Infrastructure, and Communities.	
March 2015	-Government of Canada's Response to the Fourth Report on the Standing Committee on Transport, Infrastructure, and Communities "Review of the Canadian Transportation Safety Regime"	Type: Communication Pursuant to Section 109 of the Standing Orders of the House of Commons	"The Government's comprehensive response to the July 2013 Lac-Mégantic accident has addressed each of three main pillars: Prevention, Effective Response, and Accountability" (minister of Transport 2015). Prevention: "measures centre on keeping trains on their track and keeping people safe" Effective Response: "measures focus on minimizing damages and responding effectively in the case of an accident" Accountability: "the liability and compensation regime is being strengthened to hold polluters accountable in the event of an incident"
1 April 2015	New Regulations came into force: <i>Railway Safety Administrative Monetary Penalty Regulations, Railway Safety Management Systems Regulations</i> and amended <i>Transportation Information Regulations</i>		Introduced penalties as additional enforcement tool. Requires class I and II rail carriers to report data to TC. "modernize existing requirements"
1 May 2015	New regulation standard (announced)	For stronger rail cars (TC-117)	"the new standard is the result of collaboration on both sides of the border, with a joint goal of strengthening the safety of the two countries' inter-connected rail networks" (Minister of Transport 2015).
18 June 2015	An Act to amend <i>the Canada Transportation Act</i> and the <i>Railway Safety Act</i> assented.	Bill C-52 Type: legislation change	
17 August 2015	Ministerial Order	Issued under the Railway Safety Act	Renewed requirements for all railway companies to formulate rules and, as

			the case may be, revise rules respecting the transportation of dangerous goods.
June 2016	An Update on Rail Safety	Report of the Standing Committee on Transport, Infrastructure and Communities 32nd parliament, 1st session Minister of Transport responded to this report on 5 October 2016.	The committee convened 5 meetings in Ottawa and heard from 40 witnesses. It invited stakeholders to submit briefs summarizing their positions and travelled to LM to meet with local administrators, residents, and a health expert. “This report reflects the continuous evolution of the rail safety regime in Canada.”
18 June 2016	<i>The Safe and Accountable Rail Act</i> comes into force.	Legislation	Federally regulated railways are required to carry a mandatory minimum level of insurance, based on the type and volume of dangerous goods they carry, ranging from \$25 million to \$1 billion
31 October 2016	Complete removal of all legacy DOT-111 tank cars from crude oil service	In accordance with Protective Direction 38	
16 May 2017	<i>The Transportation Modernization Act</i> was introduced in the House of Commons	Bill C-49 Legislation Royal Assent: 2018-05-23	Proposes changes to laws to improve the transportation system and help grow the economy and improve safety and security for Canadians. It is the first legislative step to deliver on measures that are part of Transportation 2030 Final version mandates the installation of locomotive voice and video recorders.
31 May 2018	Final report of the 2017-2018 <i>Railway Safety Act</i> Review Panel in the House of Commons	Statutory review was accelerated to begin a year early.	Report produced 16 recommendations for Transport Canada. TC responded with an action plan for all 16 report recommendations.

		Report: Enhancing Rail Safety in Canada: Working Together for Safer Communities	
12 April 2019	Minister of Transport response to 2018 Railway Safety Act Review report		Persistent rail safety issues and position of Canada's rail transportation system.

Appendix B: List of Actors

Bob Bleaney: Vice-President, External Relations, Canadian Association of Petroleum Producers.

Daniel Gardner: Professor, Faculty of Law, Université Laval.

David Jeanes: President, Transport Action Canada.

David Marit: President, Saskatchewan Association of Rural Municipalities.

David McGuinty: Liberal, committee member, Vice-Chair (June 2011-August 2015).¹⁴⁶

Denis Blanchette: NDP, committee member.

Denis Lebel (Hon.): Minister of Infrastructure, Communities and Intergovernmental Affairs.

Ed Holder: Conservative, committee member.

Ed Komarnicki: Conservative, committee member.

Elizabeth May: Leader, Green Party of Canada.

Emile Therien: Past president, Canada Safety Council.

Gerard McDonald: Assistant Deputy Minister Safety and Security, Department of Transport.

Greg Stringham: Vice-President, Oil Sands and Markets, Canadian Association of Petroleum Producers.

Guy Marchand: President and Chief Executive Officer of Budget Propane 1998 Inc., Canadian Propane Association.

Harold Albrecht: Conservative, member of parliament.

Hoang Mai: NDP, committee member, Vice-Chair (October 2013-August 2015).

Jacques Demers: Mayor, Municipalité de Sainte-Catherine-de-Hatley.

Jamal Hematian: Vice-President, Product Engineering, National Steel Car Limited.

James Clements: VP of Strategic Planning and Transportation Services, Canadian Pacific Railway.

Jean Crowder: NDP, committee member.

Jean Rousseau: NDP, committee member.

Jeff Watson: Conservative, committee member.

Jerry Dias: National President, Unifor Canadian union.

Jim Vena: Executive Vice-President and Chief Operating Officer, Canadian National Railway.

¹⁴⁶ At the time that the Committee meeting transcripts were created, the Honorable David McGuinty did not hold his current title of Minister of National Defence.

Jonathan Genest-Jourdain: NDP, committee member.

Judy Sgro (Hon.): Liberal, Chair of Standing Committee on Transport, Infrastructure, and Communities (December 2015-September 2019).

Kathleen Fox: Chair, Canadian Transportation Accident Investigation and Safety Board.

Keith Creel: President and COO, Canadian Pacific Railway.

Larry Miller: Conservative, Chair of Standing Committee on Transport, Infrastructure, and Communities (June 2011-August 2015).

Laureen Kinney: Assistant Deputy Minister, Safety and Security, Department of Transport.

Lawrence Toet: Conservative, committee member.

Lisa Raitt (Hon.): Minister of Transport.

Louis Levesque: Deputy Minister, Department of Transport.

Luc Berthold: Conservative, Member of Parliament.

Marie-France Dagenais: Director General, Transportation of Dangerous Goods, Department of Transport.

Marjolaine Boutin-Sweet: NDP, Member of Parliament.

Mark Adler: Conservative, committee member.

Mark Fleming: Professor of Psychology, Saint Mary's University.

Massimo Pacetti: Liberal, interim committee member.

Michael Bourque: President and Chief Executive Officer, Railway Association of Canada.

Michael Farkouh: Vice-President (East), Canadian National Railway.

Michael Ferguson: Auditor General of Canada.

Mike Sullivan: NDP, committee member.

Nina Frid: Director General, Dispute Resolutions, Canadian Transportation Agency.

Olivia Chow: NDP, committee member, Vice-Chair (June 2011-September 2013).

Paul Boissonneault: Fire Chief and First Vice-President, Canadian Association of Fire Chiefs.

Pauline Quinlin: Co-Chair, National Municipal Rail Safety Working Group, Federation of Canadian Municipalities.

Peter Boag: President and Chief Executive Officer, Canadian Fuels Association.

Peter Stoffer: NDP, Member of Parliament.

Phil Benson: Lobbyist, Teamsters Canada.

Rex Beatty: President, Teamsters Canada.

Richard Boudreault: Area Coordinator, District 5, United Steelworkers.

Robert Aubin: NDP, committee member, Vice-Chair (December 2015-September 2019).

Robert Ballantyne: President of the Freight Management Association of Canada; Transport Canada advisory committee on rail safety.

Sean Finn: Executive Vice-President of Corporate Services, Canadian National Railway.

Stephane Émard-Chabot: Legal Advisor, Federation of Canadian Municipalities.

Wai Young: Conservative, committee member.

Wendy Tadros: Chair, Transportation Safety Board of Canada.

Yves Lessard: Mayor of Ville de Saint-Basile-le-Grand, Québec.

Appendix C: Committee Meeting Transcripts

2013

TRAN number 077, 1st session 41st parliament, July 23. House of Commons, Canada.
Request to Undertake a Study of Rail Safety Measures

TRAN number 002, 2nd session 41st parliament, November 18. House of Commons, Canada.
Committee Business

TRAN number 003, 2nd session 41st parliament. November 25. House of Commons, Canada.
Review of the Canadian Transportation Safety Regime

TRAN number 004, 2nd session 41st parliament. November 27. House of Commons, Canada.
Review of the Canadian Transportation Safety Regime

TRAN number 006, 2nd session 41st parliament. December 4. House of Commons, Canada.
Review of the Canadian Transportation Safety Regime

2014

TRAN number 016, 2nd session 41st parliament. March 6. House of Commons, Canada.
Main Estimates 2014-15

TRAN number 018, 2nd session 41st parliament. March 27. House of Commons, Canada.
Review of the Canadian Transportation Safety Regime

TRAN number 019, 2nd session 41st parliament. April 1. House of Commons, Canada.
Review of the Canadian Transportation Safety Regime

TRAN number 020, 2nd session 41st parliament. April 3. House of Commons, Canada.
Review of the Canadian Transportation Safety Regime

TRAN number 021, 2nd session 41st parliament. April 8. House of Commons, Canada.
Review of the Canadian Transportation Safety Regime

TRAN number 022, 2nd session 41st parliament. April 10. House of Commons, Canada.
Review of the Canadian Transportation Safety Regime

TRAN number 023, 2nd session 41st parliament. April 29. House of Commons, Canada.
Review of the Canadian Transportation Safety Regime

TRAN number 024, 2nd session 41st parliament. May 1. House of Commons, Canada.
Review of the Canadian Transportation Safety Regime

TRAN number 025, 2nd session 41st parliament. May 6. House of Commons, Canada.
Review of the Canadian Transportation Safety Regime

TRAN number 029, 2nd session 41st parliament. May 29. House of Commons, Canada.
Review of the Canadian Transportation Safety Regime

TRAN number 033, 2nd session 41st parliament. June 12. House of Commons, Canada.
Review of the Canadian Transportation Safety Regime

2015

TRAN number 049, 2nd session 41st parliament. March 24. House of Commons, Canada.
Act to Amend Railway Safety Act

TRAN number 050, 2nd session 41st parliament. March 26. House of Commons, Canada.
Act to Amend Railway Safety Act

2016

TRAN number 006, 1st session 42nd parliament. March 21. House of Commons, Canada.
Rail Safety

TRAN number 007, 1st session 42nd parliament. April 11. House of Commons, Canada.
Rail Safety

TRAN number 022, 1st session 42nd parliament. September 22. House of Commons, Canada.
Canadian Transportation Act Review

2017

TRAN number 068, 1st session 42nd parliament. September 12. House of Commons, Canada.
Transportation Modernization Act

2019

TRAN number 131, 1st session 42nd parliament. February 21. House of Commons, Canada.
Briefing on the Removal of Transportation of Flammable Liquids by Rail

2020

TRAN number 004, 1st session 43rd parliament. February 27. House of Commons, Canada.
Mandate of the Minister of Transport

2021

TRAN number 024, 2nd session 43rd parliament. April 13. House of Commons, Canada.
Follow-up Audit on Rail Safety

TRAN number 038, 2nd session 43rd parliament. June 15. House of Commons, Canada.
Railway Safety

TRAN number 039, 2nd session 43rd parliament. June 17. House of Commons, Canada.
Railway Safety

2024

TRAN number 144, 1st session 44th parliament. December 12. House of Commons, Canada.
Transport of Dangerous Goods by Rail

Appendix D: Layder's Research Map

Research Element	Research Focus	History
Context	<i>Macro social organization</i> Values, traditions, forms of social and economic organization and power relations.	
Setting	<i>Intermediate social organization</i> Work: industrial, military, and state bureaucracies; labour markets Non-work: Social organization of leisure activities; religious and spiritual organizations.	
Situated Activity	<i>Social activity</i> Face-to-face activity involving symbolic communication by skilled, intentional participants implicated in the above contexts and settings.	
Self	<i>Self-identity and individual's social experience</i> As influenced by the above sectors and as they interact with the unique psychobiography of the individual.	

"A Resource Map for Research" in Derek Layder's (1993: 72) *New Strategies in Social Research*.