

The Crisis After the Crisis: Neoliberalized Discourses of Urgency, Risk and Resilience in the Reconstruction of Lac-Mégantic

Liette Gilbert

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Quels enseignements avons-nous tirés de la catastrophe ferroviaire survenue à Lac-Mégantic

Have the Lessons of the Lac-Mégantic Rail Disaster Been Learned?

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Article abstract

This article examines how discourses of urgency, risk and resilience were mobilized in the reconstruction phase of Lac-Mégantic in the aftermath of the violent train derailment of July 2013. These discursive practices are central to rendering the existing built environment obsolete and allowing for redevelopment and reconstruction through expropriation and demolition. The manipulative discourses deployed in Lac-Mégantic utilize urgency to justify legislation that enables appropriation and demolition while creating the appearance of asking people to participate to reinvent their city. The mobilization of a risk and public insecurity logic about decontamination served as an alibi for demolishing the remaining downtown to clear the way for new real estate investments. It was also about emotionalizing resilience as a way to discredit contestation and instill acceptance and support for reconstruction efforts. The reconstruction process is deemed a crisis after the July 2013 crisis.

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LIETTE GILBERT*

ABSTRACT

This article examines how discourses of urgency, risk and resilience were mobilized in the reconstruction phase of Lac-Mégantic in the aftermath of the violent train derailment of July 2013. These discursive practices are central to rendering the existing built environment obsolete and allowing for redevelopment and reconstruction through expropriation and demolition. The manipulative discourses deployed in Lac-Mégantic utilize urgency to justify legislation that enables appropriation and demolition while creating the appearance of asking people to participate to reinvent their city. The mobilization of a risk and public insecurity logic about decontamination served as an alibi for demolishing the remaining downtown to clear the way for new real estate investments. It was also about emotionalizing resilience as a way to discredit contestation and instill acceptance and support for reconstruction efforts. The reconstruction process is deemed a crisis after the July 2013 crisis.

KEY-WORDS:

Urgency, risk, resilience, derailment, redevelopment, Lac-Mégantic.

RÉSUMÉ

Cet article examine comment les discours d'urgence, de risque et de résilience ont été mobilisés dans la phase de reconstruction de Lac-Mégantic à la suite du violent déraillement de train en juillet 2013. Ces pratiques discursives sont essentielles pour rendre l'environnement bâti existant obsolète et ainsi permettre son réaménagement et sa reconstruction par expropriation et démolition. Les discours manipulateurs déployés à Lac-Mégantic utilisent l'urgence pour justifier une législation permettant l'appropriation et la démolition, tout en demandant à la population locale de participer à la réinvention de leur ville. La mobilisation d'une logique de risque et d'insécurité publique autour de la décontamination a servi d'alibi pour démolir ce qui restait du

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centre-ville afin d'attirer de nouveaux investissements immobiliers. Finalement, le discours de résilience autour de la notion de « se relever ou d'aller plus loin » a voulu inciter l'acceptation et le soutien des efforts de reconstruction et ce faisant, il a servi à discréditer la contestation. Pour plusieurs résidents, le processus de reconstruction est vécu comme une seconde crise après celle de juillet 2013.

MOTS-CLÉS :

Urgence, risque, résilience, déraillement, aménagement, Lac-Mégantic.

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INTRODUCTION

The violent train derailment of July 2013 in Lac-Mégantic spilled far more than its unwelcome murderous consequences. It leaked concentrated toxic exposures of petro-capitalism and neoliberalism in the form of public unaccountability and “creative destruction”—a process by which capitalism seizes crisis to reproduce itself. Not only did the disaster reveal the failure of regulatory institutions by exposing a weak corporate and regulatory safety culture of oil transportation by rail, the tragedy also exposed deeply ingrained free market strategies which render transparency and accountability virtually impossible.

As expected, when the pageantry of national media, political aid announcements, and decontamination crews gradually left town, breaches of public confidence in institutional practice were revealed at multiple scales. Questions and lack of confidence arose first and foremost on the ability of the federal government to regulate, the effectiveness of self-management regimes implemented by railway companies to ensure public safety of rail transportation of crude oil;¹

1. See Bruce Campbell in this issue.

the unwillingness of federal politicians to conduct a public inquiry;² the institutional and legal systems' capacity to identify responsibility for the tragedy; and transparency related to the decontamination and reconstruction processes.

This article focuses on how discourses of urgency, risk and resilience were narrated and used in the reconstruction phase of Lac-Mégantic in the aftermath of the tragedy. My argument is that these discursive practices were central to rendering the existing built environment obsolete and allowing for redevelopment and reconstruction through expropriation and demolition. Obsolescence became the neoliberal justification for creative destruction in the reconstruction agenda led by the City and swarming private and government counselors. Under neoliberalism as a hypermarketed style of governance that considers that human well-being is best advanced by liberating entrepreneurial freedoms, the State has created a greater role for the market (i.e. developers, investors, bankers, and other economic actors) to promote economic growth and development practices as a pervasive commonsense discourse that benefit some more than others. While the process of "creative destruction" usually occurs over time through creative State policies and institutional arrangements promoting capital mobility, the case of Lac-Mégantic shows an intense process where the old was rapidly obliterated for a new order to unfurl.

The train catastrophe left a large area of the small downtown open for rebuilding. Interventions in real estate were needed and such interventions usually require a local State to juggle two contradictory imperatives: creating the conditions for profitable capital accumulation while legitimating their actions, and managing political reactions from citizens. It is well known that the agendas of investors and developers are often courted by local States in order to maximize capital investments and the value of resulting redevelopment plans rarely coincide with residents' emotional attachments to their environments. Such attachments were clearly tested and fragilized by both the amplitude of the social, material and environmental devastation of the train derailment and the fact that responsibility has, so far, been laid with three workers rather than the railway company and/or the regulatory institutions. The most perplexing irony remains that the company and its senior executives, also charged with 47 counts of criminal negligence causing death, managed to completely vanish by filing

2. See Mark Winfield in this issue.

bankruptcy. In the face of such multilayered disaster, seeking accountability is inherently human as people try to understand who is responsible for the calamitous condition affecting them.³

Accountability is generally understood as an obligation of elected and governmental actors to responsibly report to citizens on their decisions and actions. As a basic principle of democracy, citizens have the right (and responsibility) to demand accountability from public actors whose mandate is to serve the public interest. Governments have an electorate to whom they are answerable. The word “public” in public accountability expresses both a concern for transparency and an opportunity for debate. Yet, accountability is becoming an elusive concept as citizens grow increasingly disillusioned with governments’ priorities and actions. Demands for accountability beyond the electoral process should not be cast aside as dissatisfaction or blame but rather as a popular expression of engagement and participation. Adding to this legitimacy crisis is a proliferation of governmental reforms and management models that steadily draw from neoliberal theories where market forces erode democratic accountability. Political cynicism and low levels of accountability and responsiveness potentially avert mobilization of citizens. Moreover, particular and powerful interests further endanger participation often resulting in elite capture of projects for exclusionary means.⁴ Yet, it is particularly in these precarious times and conditions that accountability initiatives and mechanisms become most important.

I owe the material for this analysis to many people of Lac-Mégantic who have been engaged and have continued to demand accountability for the tragedy. Right after the catastrophe, residents mobilized to form the *Comité citoyen de la région du lac Mégantic* to seek information, to open up and contribute to a public debate, and to demand justice. Followed the *Comité de vigilance pour la sécurité ferroviaire de Lac-Mégantic* and the *Coalition des citoyens et organismes engagés pour la sécurité ferroviaire de Lac-Mégantic* who have resolutely denounced the deficient conditions of rails and demanded the relocation of the

3. Thomas H Bivins, “Responsibility and Accountability” in Kathy Fitzpatrick & Carolyn Bronstein, eds, *Ethics in Public Relations: Responsible Advocacy* (London: Sage, 2006) 19.

4. Claudia Baez Camargo & Eelco Jacobs, “Social Accountability and its Conceptual Challenges: An Analytical Framework” (2013) Basel Institute on Governance, Working Paper Series No 16.

railway outside the downtown area.⁵ Local activists believe the local population deserves accountability after the violence that changed their lives and their environments forever. Demands for public responsibility are not limited to citizens alone. Media outlets, at least initially, play an important role of informing the population and demanding answers from power holders by exposing the failure of rail safety regulations, reporting on corporate negligence and impunity, and governmental laxness. By doing so, media likely encourage and foster individual or collective sense of engagement as seen in the many opinions expressed in the local weekly newspaper *L'Écho de Frontenac*. Over the last four years, there has been only a handful of weekly editions of the local newspaper without some attention to the tragedy, its aftermath and, or, the ongoing reconstruction. An important key actor in demanding social accountability has been the *Carré Bleu* Facebook page/citizen movement. Led by Jonathan Santerre, this forum has unrelentingly provided and curated information (frequently obtained through requests under the *Access to Information Act*⁶), and created a place for people to voice their concerns. Not only does the *Carré Bleu* represent one of the best, if not the best archive of information and opinions related to the July 6, 2013 disaster, it has also been instrumental in deepening democracy in Lac-Mégantic (and beyond) by being an arena where public officials are held accountable.

Prior to examining key discourses circulated in the post-tragedy rebuilding of Lac-Mégantic, I acknowledge my connection to the city/region. Born and raised in Nantes (where the deadly train was parked that tragic night like so many other nights before), I know Lac-Mégantic well. Despite having been away for many years, I have returned on a very regular basis to visit my family but I was not in town in early July 2013. My analysis has greatly benefitted from conversations with friends and activists in Lac-Mégantic who, for the last four years, have both lived and denounced the violence of the tragedy, day after day. This paper merges the documentary evidence and insights of local activists, media sources, reports by different agencies, and scholarly literature to understand the tensions and contradictions of the reconstruction process.

5. Special thanks to Robert Bellefleur, André Blais, Gilles Fluet and Jacques Gagnon.

6. RSC 1985, c A-1.

I. DISCOURSE OF URGENCY

Crises threaten societal values and structures while also challenging existing political and institutional frameworks. For decision-makers, crisis management usually requires swift and sound actions often in a context of limited information and resources. Despite these difficulties in intervening swiftly to ensure safety, and assessing the full consequences of an unfolding crisis, decision-makers are accountable for their actions to the public, media, political opposition, and many other stakeholders who expect them to display empathy for those affected and to provide explanations of the (f)actors triggering the crisis.

In the aftermath of any crisis, both actions and inactions are scrutinized. A crisis-induced accountability process generally focuses on three dimensions related to the origins of the crisis, the response to the crisis, and the lessons to be learned.⁷ However, a crisis-induced accountability process is rarely linear as people often want to identify the culprits and assign blame sooner than a comprehensive roster of factors contributing to the crisis can be fully identified and understood—if they ever fully become available or fathomable. Although it might be difficult to ascertain the specific origins and actions leading to a crisis, an avoidance of these questions can hinder the investigation process as involved parties choose to curb or silence issues, debates or learnings that expose shortcomings of institutions and policies. The management of crisis and accountability has important political consequences and policy implications to understand a current crisis and to avoid future ones.

In the case of Lac-Mégantic, the operational and technical failures in the safety culture of rail transportation of dangerous materials were tragically evident. The derailment of 63 cars of a 72-car unit train carrying Bakken oil from North Dakota to New Brunswick killed 47 people, released 6 million litres of volatile crude oil into the soil, water and air, and destroyed part of the downtown area. While firefighters from all over Québec and Maine joined local firefighters to control the fires that burned for two full days, a range of accountability narratives related to oil production and transportation (and inevitably our reliance on oil) were debated nationwide and internationally. The

7. Annika Brändström, *Crisis, Accountability and Blame Management: Strategies and Survival of Political Office-Holders* (Utrecht: Universiteit Utrecht, 2016) at 6.

tragedy of Lac-Mégantic became the object of national and international media coverage, police and technical investigations,⁸ governmental transport committee studies, parliamentary debates, and judicial proceedings but short of a public inquiry that would have critically reviewed the events and actions leading to this tragedy in the hope to prevent another such disaster.⁹

Initially, the imperative of urgency captured much public attention and mobilized waves of political and financial support. Even as many of their questions on the causes of the tragedy remained unaddressed, residents of Lac-Mégantic quickly understood that federal regulation of oil transportation by rail had dreadfully failed them. While they mourned family members, friends and their environment, residents realized that a railway company with a long history of safety violations can file for bankruptcy rather than assuming its responsibilities, that the federal government can shield its structural irresponsibility with self-regulation, and that the provincial and local governments can pass emergency legislation to expedite planning decisions that legitimate expropriation and demolition. For the purposes of power, attention and credibility, political institutions have long relied on manipulative discourse to legitimate and reassert particular “truths” or positions. This is amplified in situations where trauma leaves people vulnerable, where information is heavily controlled, and where impunity and the sidestepping of accountability appear to spread like a contagion from one institutional level to the other.

That local elected officials found themselves pressured by an urgency of the crisis of unprecedented scale, with very limited means to address it, is undeniable. In the initial aftermath of the tragedy, various governmental representatives were forced to report on the macabre consequences of the derailment and attempt to comfort the local populace while grappling with the reality that no emergency system with the capacity to deal with a crisis of this magnitude was in place. Existing systems (such as the emergency measures at the local hospital) actually prove unsuitable given the violence of the explosion and fires. Yet, operating under a logic of urgency, political actors devised deliberate strategies to frame the crisis.

8. See Bruce Campbell in this issue.

9. See Mark Winfield in this issue.

Narratives seeking to provide an appearance of normalcy—“*tout va bien, tout est sous contrôle*”—became regular official communication. Normalization narratives were intended to provide reassurance to a rattled public in the face of a rebuilding process taking place alongside a vacillating decontamination agenda, unanswered corporate negligence, and the resumption of rail transport five months after the tragedy.

Perhaps the most obvious mobilization of the logic of urgency was the passing of Bill 57, *Act in response to the 6 July 2013 railway disaster in Ville de Lac-Mégantic*, by the Québec National Assembly. Introduced on September 17, 2013 and assented to September 20, 2013, it was an omnibus bill predominantly presented to the local population at its onset as enabling the City of Lac-Mégantic to postpone municipal elections, to reorganize city territory via new rights to expedite planning decisions, to demolish buildings and to expropriate property in order “to facilitate a return to normal life.”¹⁰ Many months later, only expropriations and demolitions seem to have been normalized in the desolate landscape of Lac-Mégantic. For the great majority of people in this small town, there is no return to normal life. “Normal” has been up for redefinition.

Section 15 of the Bill 57 particularly emphasizes that “the town may demolish any building situated in the area delimited as a containment area in the special planning program [...] [which] according to an expert’s report, is deemed unfit for habitation or for continuing the activities that were previously carried out on its premises due to contamination of the land on which it is situated.”¹¹ Thirty buildings in the immediate oil-spilled containment area did not require any demolition. The fire and explosion of crude oil instantly took care of that task. The local government’s first project was to build commercial condominiums—few metres from the fatal railway track—to relocate some of the destroyed stores and offices. While the construction was relatively fast, reopening was a slower process because of the need to emotionally and financially process what had happened as well as the higher costs of relocation.¹²

10. Bill 57, *An Act in response to the 6 July 2013 railway disaster in Ville de Lac-Mégantic*, 1st Sess, 40th Leg, Québec, 2013, c1 1 (assented to 20 September 2013), SQ 2013, c 21 [Bill 57].

11. *Ibid*, s 15.

12. The administration of the local mall, *Carrefour Lac-Mégantic* located at the entrance of the city, had offered to temporarily relocate displaced downtown merchants in trailers at a very low cost.

The legislation proved vital to the relocation of larger surface stores in a nearby neighborhood located on the other side of the river. Acting in urgency, preliminary plans were released showing proposed relocation of retail chain stores overlaid onto existing buildings without their owners being approached by public officials, or even, as it turns out, by the legal teams of these chain stores. Overnight, the parish church was demolished and a dozen residences and three businesses expropriated. All to give rise to a muddled urban grid of retail chain stores and parking lots accessible through a newly built bridge over Chaudière River paradoxically, yet evocatively, named “Solidarity Bridge.”

Residents of this particular neighborhood and the whole city grew increasingly uneasy but in the face of such an unprecedented scale of tragedy there was very little place for opposing public and local action. As outside public and political sympathies continue to pour in, local citizens saw their space to contest local authorities shrink. Any expression of dissent was perceived as an affront to collective grief and mourning.

Healing became a prominent subnarrative of the urgency deployed by public officials. Rebuilding the morale of the community became as important as rebuilding its urban materiality. Eight months after the tragedy, the local government launched its citizen participation process. *Réinventer la ville* was to define the elements of the reconstruction plan and identify key projects for its urban reflation. For public officials, along with an enthusiastic local business elite, the catastrophe highlighted how the town needed to become more attractive to capital investments. They therefore used the tragedy as an opportunity to infuse a new dynamic of (re)development. Local businesspeople hastily cobbled together a redevelopment project focused on “catastrophic” tourism (à la New York Ground Zero, Hiroshima or Auschwitz), including a convention centre/hotel, IMAX 3D/multimedia cinema that would replay the tragedy—and a light and show projection (à la *Cirque du Soleil*) on the wreckage of the DOT 111 cars that killed 47 people. To the bewilderment of many residents, and despite illegal lobbying to advance it, this macabre proposal actually got some traction.¹³

13. Nicolas Lachance, “Projet touristique audacieux”, *Journal de Montréal* (1 July 2014), online: <www.journaldemontreal.com/2014/07/01/projet-touristique-audacieux>. The project was initially presented to a room packed of residents in May 2014. See also Julie Vaillancourt, “Reconstruction de Lac-Mégantic et lobbyisme illégal”, *Radio-Canada* (19 October 2014), online: <ici.radio-canada.ca/nouvelle/689599/reconstruction-lac-megantic-lobbyisme-illegal-desjardins-michel-duval>.

In this spiralling climate of cumulative horrors, many citizens of the tightly connected small town who had already lost family members and friends, their downtown, everyday benchmarks, and their sense of security, showed great willingness to be part of a public redefinition of their city. The participatory approach led by public officials claimed to put “citizens at the heart” of the process but the proclaimed reinventing, from the very beginning, assumed reconstruction as an economic opportunity for a greater, better and greener downtown development. Although the process was presented as a way to identify the features and characteristics that residents wanted to see in the formulation of a reconstructed downtown on prime real-estate location by the lake, only evident elements such as a commemorative park, mixed-use development, pedestrian and environmentally friendly environment were retained. At the June 17, 2014 culminating session of the so-called participatory process, two clear messages emerged from a room full of citizens: no more expropriation; and a call for relocation of the railway outside the downtown core. The expropriations have nonetheless continued. The commitment to relocate the railway is still pending and is an object of aggravation due to both the slowness of decisions and ambiguity of the recent commendation of the *Bureau d’audiences publiques sur l’environnement* to consider both the *status quo* and an alternative relocation.

The participatory process led to substantive disagreement on whether to keep or demolish remaining buildings. That quickly exposed a disagreement on the legitimacy of the authorities’ vision to reinvent the city and led to a structural conflict generating sentiments of injustice and uncertainty.¹⁴ Residents saw the reinvention of their city as benefitting potential investors while the burden of reconstruction was carried by the local population. For many residents, the exercise of *Réinventer la ville* amounted to clear political manipulation and a travesty of citizen participation in light of the lack of transparency of the objectives, the process and the reconstruction itself—as revealed by the complete razing of the remaining buildings. The public process served to legitimate a predetermined agenda of capital accumulation that conspicuously used and discredited citizen input despite the constant message of public officials praising for such exercise as

14. Jean-Marc Dziedzicki, “Au-delà du Nimby: le conflit d’aménagement, expression de multiples revendications” in Patrice Melé, Corinne Larrue & Muriel Rosenberg, eds, *Conflit et territoires* (Tours: Presses universitaires François-Rabelais, 2004) 35.

cathartic and unifying. Bill 57 was a legal tool for the purposes of neo-liberal redevelopment.

These different mechanisms of public consultation and reconstruction show how, under logic of urgency, discourse can be manipulated to express the virtue of responsibility and commitment to transparency and democracy while attempting to shape the perceptions of the local population in order to promote a particular narrative of redevelopment.¹⁵ The mobilization of such discourse means that decision-makers can reframe and disqualify any sentiment of dismay and injustice felt by residents as an egoistic and irrational reaction in defense of particular or local collective interests rather than the broader interest of economic development.¹⁶

II. DISCOURSE OF RISK

The concept of risk has long been inevitably associated with environmental pollution, contamination and other forms of hazards. According to Ulrich Beck, risk has become an integral element of contemporary industrial society that can only be managed, regulated or distributed.¹⁷ The train catastrophe in Lac-Mégantic has demonstrated, following Beck's argument, that we now live in a "risk society." It normalizes risk as an environment in which the public is constantly exposed to, and must live (and die) with, threats of uncontrolled industrial development even though they might never be able to fully account for the nature of the risks and be unable to identify the culprits.¹⁸ The irony of risk logic is that modern society is "increasingly occupied with debating, preventing and managing risks that it itself has produced."¹⁹ As Beck argues, risk is a socially constructed phenomenon and therefore some people have greater power and capacity to define risks than others. The elimination of risk is merely impossible and public officials can only attempt to reduce risk—which, in turn, only serves to reify the logic of risk.

15. Mark Bovens, "Two Concepts of Accountability: Accountability as a Virtue and as a Mechanism" (2010) 33:5 *West European Politics* 946.

16. Dziedzicki, *supra* note 14.

17. Ulrich Beck, *Risk Society: Towards a New Modernity* (London: Sage, 1992).

18. Dayna Nadine Scott, "Confronting Chronic Pollution: A Socio-Legal Analysis of Risk and Precaution" (2008) 46:2 *Osgoode Hall LJ* 293.

19. Ulrich Beck, "Living in the World Risk Society" (2006) 35:3 *Economy and Society* 329 at 332.

In the reconstruction phase of Lac-Mégantic, risk prevailed as a discourse. The crude oil contamination left by the rail catastrophe was unprecedented. More than six million litres of crude oil were spilled in the centre of the small town, adjacent Mégantic Lake and Chaudière River. In the absence of a polluter to pay for (or for that matter to carry sufficient insurance to cover the environmental cleanup costs and then vanish by filing bankruptcy) the provincial *ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques* and the *Ville de Lac-Mégantic* took charge of the decontamination. They hired the multinational engineering firm AECOM to oversee the cleanup activities using multiple crews. More than 170 000 cubic metres of contaminated soil were excavated from the site by November 2014, moved offsite to a nearby area to be biologically decontaminated by March 2017 (after other methods proved unsuccessful). The excavated crater that was once a vibrant commercial street was ultimately filled with sand that had the advantage of being ready for reconstruction.

Soil characterization reports to identify the extent of the contamination were initially commissioned by the Montreal, Maine and Atlantic Railway (MMA) but passed on to the provincial government after the railway company filed for bankruptcy protection one month after the disaster due to mounting costs and potential liabilities. The last report by Golder Associates on the contamination of the buildings remaining in containment zone completed at the end of 2013 was confidentially sent to the City and building owners. Obtained through a request for access to information in November 2014 by Jonathan Santerre for the *Carré Bleu*, the shocking conclusion of the Report was that out of the 39 buildings remaining in the containment zone, only 7 were contaminated by the July 6, 2013 spill,²⁰ 5 were historically contaminated and 27 were found without any contamination. The Golder Report also presented possible decontamination scenarios when appropriate.

Yet, in a deeply controversial move, despite the repeated assurances of the *ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques* that it would rehabilitate the

20. The initial number of 10 contaminated building by the July 6, 2013 tragedy was eventually revised to 7. See Jonathan Santerre, "Bâtiments contaminés: il y en aurait seulement sept?" (14 November 2014), posted on *Carré Bleu de Lac-Mégantic*, online: Facebook <www.facebook.com/notes/le-carré-bleu-lac-mégantic/bâtiments-contaminés-il-y-en-avait-seulement-sept/910906058934550>.

site until no contamination is found,²¹ City Council announced their decision to demolish 36 of the remaining 39 buildings at a town hall meeting (on October 29, 2014) in anticipation of the lingering risk of contamination. City Hall and the adjacent decontaminated firefighters station, the old train station (said to be historically contaminated but decontaminated early on to house AECOM's site office and later the *Bureau de reconstruction de Lac-Mégantic*), and a Bell Canada building were all spared from the bulldozers as the last building was demolished on March 30, 2015.

In her puzzling announcement, then-Mayor Colette Roy-Laroche stated that the decision was difficult but necessary given City Council's duty to "manage risk" and the fact that there cannot be 100% guarantee of decontamination given possible residual contamination, contaminant migration (due to infill soil and high water table) and emergence of oil pockets, all despite numerous announcements that the site was fully decontaminated. Against political and scientific assurances from engineering firms Golder Associates and AECOM,²² City Council argued that it was impossible to have definitive information and undeniable proof of decontamination, therefore justifying the demolition as a precautionary move to protect citizens. In a perplexing statement that was never explained, the Mayor stated the decision was taken, not on what the reports said, "but rather on what reports did not present."²³ City Council analyzed the conclusions of the reports and proposals for decontamination, and considered them unreliable to ensure safety of citizens even though the City had been overseeing all phases of the decontamination with the provincial government since July 17, 2013. Maintaining that elected officials had been deeply involved in the

21. The *ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques* repeatedly promised to be present in Lac-Mégantic until the whole downtown be decontaminated and rehabilitated. See Québec, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques, *Lac-Mégantic: compléter la décontamination, redonner le centre-ville aux citoyens*, Summary Record (16 February 2015), online: <www.mddelcc.gouv.qc.ca/lac-megantic/fiche-synthese-megantic-16-fevrier-2015.pdf>.

22. The firm AECOM announced that decontamination of the site was ending on July 25, 2015. See Jonathan Santerre, "Lac-Mégantic: on nous a menti (encore) sur la contamination, la décontamination et la démolition du centre-ville" (3 December 2016), posted on *Carré Bleu de Lac-Mégantic*, online: Facebook <www.facebook.com/lecarrebleulacmegantic/posts/1486977314660752> [Santerre, "On nous a menti"].

23. Jonathan Santerre, "L'épreuve des faits: les réponses de la Ville aux questions sur la démolition" (4 December 2014), posted on *Carré Bleu de Lac-Mégantic*, online: Facebook <www.facebook.com/notes/le-carré-lac-mégantic/lépreuve-des-faits-les-réponses-de-la-ville-aux-questions-sur-la-démolition/923838004308022> [translated by author].

range on complex issues related to the site, the Mayor affirmed that “they were the most competent to choose the best interventions.”²⁴ She therefore defended their duty and authority to “manage risk” and justified the complete demolition as the only responsible outcome to insure complete decontamination.

City Council took this moral stance and “refused that citizens assume the risks associated with doubt and ambiguity” and by doing so apparently chose “the best chance of success for Lac-Mégantic’s future.”²⁵ Demolition was seen as the only responsible outcome to ensure the perennality of the local economy and downtown redevelopment. Thus, the discourse of risk took a double meaning as it sought to rationalize demolition as the solution to both protect citizens and utilize the urban and economic growth opportunities afforded by the disaster.

Authorities have frequently used law and science to justify unpopular decisions. In this case, local public officials uniquely turned to the uncertainties of science to legitimize their political decisions. Nonetheless, given the technical and invisible nature of risks, the “politics of risk” emerge as a politics of knowledge in which the expertise and status of knowledge professions are elevated into an authoritative political position leaving very little room for citizen opinions.²⁶ This position was empowered by Bill 57 granting the town legal rights to demolish any building, even though the law specifically spoke of demolition of building which “according to an expert’s report, is deemed unfit for habitation or for continuing the activities that were previously carried out on its premises due to contamination of the land on which it is situated.”²⁷

As remaining downtown buildings were declared obsolete, many residents viewed the demolition as “illegal [...] illegitimate, unethical and immoral.”²⁸ For those residents, it became clear that the position of the City was far more about protecting the environment for investments than it was about protecting residents from the environment. Demolition, as seen in the history of many North American cities, is the oldest trick of “creative destruction” of the built environment: old

24. *Ibid* [translated by author].

25. *Ibid* [translated by author].

26. Frank Fischer, *Citizens, Experts, and the Environment: The Politics of Knowledge* (Durham: Duke University Press, 2000).

27. Bill 57, *supra* note 10, s 15.

28. Santerre, “On nous a menti”, *supra* note 22 [translated by author].

structures are devalued and destroyed in order to be responsive to capital ventures generating new profits and tax revenues. Demolition, as an effective spatial fix for capitalism, prepares land for reconstruction and gentrification. As Weber explains:

Local states have produced their own set of directives, most aimed at absorbing the risks and costs of land development so capitalists do not have to do so. Municipalities justify such interventions by strategically stigmatizing those properties that are targeted for demolition and redevelopment. These justifications draw strength from the dual authorities of law and science in order to stabilize inherently ambiguous concepts like blight and obsolescence and create the appearance of certitude out of the cacophony of claims about value.²⁹

The discourse of risk was indeed used to stigmatize, devalue and condemn remaining properties and to justify a ready-to-build clean slate that would appeal to developers, investors, bankers and insurers. In a small town facing depopulation, financial deficits and limited growth, the use value of city structures was literally demolished to make place for exchange value and capital accumulation. Emotional attachment was bulldozed in favour of capital investments. Ultimately, displaced residents and businesspeople did absorb the risks so that investors, developers and insurance companies would not have to.

The discourse of risk serves to secure a *tabula rasa* for capital and the persistent overlay of risk by local authorities framed as precautionary and compassionate is perceived by residents as political manipulation. For many residents the demolition of the downtown was a second tragedy to hit Lac-Mégantic. As one citizen stated: more damage was done by the local government to downtown than the 2013 train.³⁰ While different people have different perceptions and understandings of risk, the key questions of who bears the costs and who reaps the benefits remain. An idiotic suggestion to build five-metre high protection walls along the railway (slicing through downtown) as an alternative to the bypass and a way to prevent the risks

29. Rachel Weber, "Extracting Value from the City: Neoliberalism and Urban Redevelopment" (2002) 34:3 *Antipode* 519 at 520.

30. Letter from Hélène Rodrigue to the Premier Philippe Couillard (20 November 2014) in *L'Écho de Frontenac*, online: <www.echodefrontenac.com/actualitedujour.asp?ldNov=3240&ladate=>>.

of future derailment illustrates the logic of risk as more apropos of alienation than protection.

III. DISCOURSE OF RESILIENCE

At the same time as the remnants of downtown Lac-Mégantic were annihilated and trains carrying hazardous materials and, eventually, crude oil distressingly reappeared (after December 2016) on the crime scene despite the manifest demand for rerouting and bypassing the fallen downtown, the discourse of resilience came into town. Undeniably, a crisis of this magnitude deeply ravages the social and material fabric of life in a small town. The courage of residents forced to confront destruction after destruction on an everyday basis since July 2013 is remarkable.

Authors of and contributors to the book *Lac-Mégantic: de la tragédie... à la résilience* define resilience as a competency or ability of an individual or community to cope with trauma.³¹ Resilience is said to increase one's capacity to adapt, and to reduce stress, depression and post-traumatic stress in the context of tragedy. Moreover, resilience works at both individual and collective levels as a generator of optimism, solidarity and empathy, sense of belonging, personal growth and acceptance. Community resilience is therefore seen as the recognition of vulnerability and the capacity to prevent and prepare for trauma. The authors recognize that resilience is not something fixed but is highly influenced by various factors, notably social relations and economic status. Such definition of resilience is well aligned with the dominant discourse that circulated in Lac-Mégantic by public officials. Accordingly, in one of the two prefaces of the book, former Mayor Colette Roy-Laroche explains that City Council took actions to promote community recovery and strong resilience, and to seize the opportunity to rebuild a more dynamic, attractive and prosperous city. The citizen participation *Réinventer la ville* was identified as the foundation of such rebuilding that sought to inspire a new energy and impetus for the rebuilding of Lac-Mégantic. In her opinion, resilience was about "bouncing farther ahead, farther than before."³² The mayoral message

31. Danielle Maltais & Céline Larin, eds, *Lac-Mégantic: de la tragédie... à la résilience* (Québec: Presses de l'Université du Québec, 2016). See in particular Chapters 3 and 4.

32. *Ibid* at x [translated by author].

was duplicated by the director of the *Bureau de reconstruction* when he emphasized the same impulse to “bounce farther”:

Much has been said about the resilience of the Mégantic people in the aftermath of the tragedy. But the survival instinct is not resilience. Resilience means taking the painful events, which are difficult to live with both individually and collectively, and propel us further to make us better. This is what we are doing in Lac-Mégantic.³³

Resilience is, however, a contested concept. As a dominant doctrine associated with disaster, it comes to mean different things, often omitting to ask “resilient to what exactly”? The doctrine draws from ecology where resilience means the ability of an ecosystem to respond to disturbance and recover quickly. Applied to a social system, such definition quickly takes an aspirational form to rhetorically shape individual and community spirit, to render insecurity the natural order of things where resourcefulness and “bouncebackability” become the logical response to a crisis.³⁴

Resilience and its inherent optimism are “to be found precisely in the ability to emerge from the ashes of the catastrophic more appreciative.”³⁵ But resilience is more than a call to optimism, it promotes “adaptability so that life may go on living despite the fact that elements of our living systems may be irreparably destroyed.”³⁶ Yet, a “rolling with the punches” approach has clear limitations for those who are continually being punched. A more critical view sees resilience as a discourse to appease and silence demands for accountability and, perhaps more effectively, to rationalize the process of “creative destruction” ensuring security and sound investment for investors at the cost of insecurity and dispossession of residents. In this sense, resilience becomes a logic that legitimates a neoliberal model of development by disempowering a population from their agency.

If resilience is only the ability of a system to recover from a shock, to what extent can we romanticize resilience when a segment of the

33. Jacyntne Nadeau, “Rebâtir Lac-Mégantic un pas à la fois”, *La Tribune* (29 December 2016), online: <www.latribune.ca/actualites/estrie-et-regions/rebatir-lac-megantic-un-pas-a-la-fois-2735367cc28df0062ea77af5f783f04b> [translated by author].

34. Brad Evans & Julian Reid, *Resilient Life: The Art of Living Dangerously* (Cambridge: Polity Press, 2014) at xii.

35. *Ibid* at 26.

36. *Ibid* at 32.

population seems to be increasingly concerned by the lack of appropriate political and corporate response, transparency and accountability, not to mention that many residents are still suffering from post-traumatic stress and mental health issues? According to the *Direction de la santé publique de l'Estrie*,³⁷ 76% of people with high exposure to the July 2013 catastrophe and 67% of the general population suffered from moderate to severe post-traumatic stress in 2015. Although respective decreases to 68% and 49% were recorded in 2016, the authors noted that mental disorders, mood disorders, and psychotropic drug consumption have increased since 2014 and 2015. Investigations also revealed that "levels of resilience" in cases of high exposure appear to have increased over the past two years from 2% in 2014 to 19% in 2016. The study concludes that the community is "confronted with a variety of stressors [...] including the class-action suit, the demolition and reconstruction of the downtown area, and the challenges surrounding the implementation of a bypass route."³⁸ This is what is happening in Lac-Mégantic.

Resilience discourses would much prefer that people, overcome by trauma, anxiety and insecurity, adapt to whatever conditions without making any claims or expressing discontent. This is what both the oil by rail transportation regulatory regime is hoping for and what city reconstruction advocates are expecting as the doctrine of resilience permeates into policy and power at various levels of decision-making. Discourses of acceptance of a crisis and adaptation to vulnerability become naturalized as a mode of depoliticizing popular reactions and actions.³⁹

In their criticism of resilience, Evans and Reid suggest that "to be resilient, the subject must disavow any belief in the possibility to secure itself and accept instead an understanding of life as a permanent process of continual adaptation to threats and dangers which are said to be outside its control."⁴⁰ The resilient subject must constantly struggle

37. Québec, Direction de la santé publique de l'Estrie, *Three Years After the Tragedy: How the Le Granit Community Is Coping?*, by Mélissa Gagné & Danielle Maltais, Bulletin Vision Santé publique No 34 (January 2017) at 3.

38. *Ibid* at 6.

39. Brad Evans & Henry A Giroux, *Disposable Futures: The Seduction of Violence in the Age of Spectacle* (Monroe, OR: City Lights Books, 2015) at 14.

40. Evans & Reid, *supra* note 34 at 41.

to accommodate and adapt to whatever crisis. In that sense, the “resilient subject is not a political subject who on its own terms conceives of changing the world, its structure and conditions of possibility.”⁴¹ As Pierre Filion argues, “the coincidence between the rising interest for resilience and the neoliberal transformation of the State and society is not serendipitous.”⁴² Resilience plays an important role in legitimizing neoliberal governance and policies by imposing a discourse that naturalizes capitalism’s creative destruction.

Resilience emerges as a mechanism by which neoliberal governance gains from having people conform without questioning the political stakes of a crisis. As Rees so appropriately writes:

There seems, for most of us, no way to “get at” these bodies, no way on which complaint or protest, never mind real influence, can reach them. Pollution occurs, fatal rail accidents take place [...] lives are lost and injury caused [...] by] working conditions are unilaterally altered and the path of individual redress begins and often ends with the automated answering services of the great bureaucracies.⁴³

To embrace resilience is to romanticize and commit to adaptation rather than resistance. By emphasizing a discourse of resilience, decision-makers fabricate a narrative that justifies their actions by pretending that the community is “doing well” and, consequently, silences the voices that might differ, disagree and challenge their decisions. The discourse of resilience, in all its contradictions, becomes a metaphor for the most predatory formation of neoliberal capitalism that is willing to manipulate whatever discourse to justify its expansion and power.

CONCLUSION

The answering services of great bureaucracies, as Rees calls them, have failed people in Lac-Mégantic. Not only did people have to

41. *Ibid* at 42.

42. Pierre Filion, “Fading Resilience? Creative Destruction, Neoliberalism and Mounting Risks” (2013) 6:1 *Surveys and Perspectives Integrating Environment and Society* at para 23, online: <www.sapiens.revues.org/1523>.

43. Stewart Smyth, “Public Accountability: A Critical Approach” (2007) 6:2 *Journal of Finance and Management in Public Services* 27 at 29, citing John Rees, “Socialism in the 21st Century” (2003) 100 *International Socialism* 3 at 22.

contend with more than their share of harm in the unprecedented violence of a crude oil train derailment, spill and explosion, they had to witness the unwarranted further destruction of their city and everyday lives. For many residents, the worst tragedy was not the derailed train of July 6, 2013 but what came after, fuelled and locomoted by the interests of money, power and political prestige.⁴⁴

Much has been said about the lack of accountability in the origins and causes of the train derailment, the failure of regulatory regimes, and the unfair scapegoating of workers held on criminal charges while top corporate executives are allowed to recklessly walk away. Still, the need to continuously point to the injustices of the catastrophe and its aftermath remains as important now as it was four years ago. The everyday politics of reconstruction of Lac-Mégantic have not captured much mainstream attention. The initial public support for local authorities during the emergency phase has quickly faded away as a lack of transparency, erosion of trust, public unaccountability related to costs, priorities, and reconstruction projects are increasingly contested on the ground. While many local activists have demanded a public inquiry on the cause of the derailment, the *Carré Bleu* is recommending a public inquiry on the post-disaster reconstruction process. While many residents believe that such inquiry would certainly unearth interesting findings, the local population is inevitably exhausted and strained.

Under the logics of urgency, risk and resilience, some citizens have felt manipulated by discourses attempting to reassure them about decisions that do not reflect their beliefs or best interests. Manipulation is not only about power, but too often about the abuse of power and authority through deployment of discourses aimed at making people believe that plans and actions are being taken in their interests or to protect them. The manipulative discourses deployed in Lac-Mégantic use a sense of urgency to justify legislation that enables expropriation and demolition while creating the appearance of asking people to participate to reinvent their city. In the end, the mobilization of a risk and public insecurity logic was about decontamination as a catalyst for razing the city's downtown to clear the way for real estate investments. It was also about emotionalizing resilience as a way to

44. Jonathan Santerre, "Lac-Mégantic: ce n'était qu'un rêve..." (12 May 2017), posted on *Carré Bleu de Lac-Mégantic*, online: Facebook <www.facebook.com/notes/le-carré-bleu-lac-mégantic/lac-mégantic-ce-n'était-qu'un-rêve/1737624709596010/>.

discredit contestation and instill acceptance and support for reconstruction efforts. Discourses have a way of manipulating accountability. If accountability is the capacity and means to hold political and economic power responsible for their actions and ensure transparency of public decisions and actions, that train has also derailed in Lac-Mégantic.