

BLAME AND THE SWEET HEREAFTER

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When tragedy strikes, we need to blame someone. Thus, when a bus crash killed a group of school children in fictional Sam Dent, New York, author Russell Banks carefully scrutinized the town's need to blame the bus driver and the effects of that need, including the impact of the swarm of lawyers that descended on Sam Dent. Banks' 1991 novel, *The Sweet Hereafter*, examines blame, responsibility, liability, lawyers, truth, greed, the implications of community, and more in a penetrating moral fable. The novel was followed by director Atom Egoyan's 1997 movie by the same name where some of those themes are subjected to Egoyan's probing sensibility. The book was inspired by a 1989 school bus crash in south Texas which took the lives of 21 children, provoked a blizzard of lawsuits and, in some ways, destroyed a community. This triangulated view of horrific, youthful death highlights the moral implications of tragedy while questioning our communal and personal responses to that tragedy.

TRAGEDY

We are beset by unexplainable horrors: two Colorado high school boys kill their fellow students and themselves; an otherwise ordinary man blows up an Oklahoma government building and its entirely innocent occupants in a vicious political statement; giant passenger planes crash into the ocean and hundreds die terrifying deaths. Justice and our search for moral peace seemingly require us to find an answer for these tragedies even though we secretly know that worldly answers do not exist. Nonetheless, we need to blame someone. Very often, however, we cannot definitively assign blame, or we instinctively feel that those who bear direct blame responsibility; e.g., Eric Harris and Dylan Klebold, are not the only ones who have fallen short. That is, we sense some kind of collective or shared responsibility.

Characteristically, in our civilized way, we turn to the legal system to sort out who to blame by converting these moral responsibility themes into liability problems. From there, we do the best we can, but inevitably almost no one is fully satisfied. The courts often cannot conclusively resolve who is to blame and even where that question is satisfactorily answered we ordinarily have no remedy other than incarceration and/or money damages to make things right again. So efforts to assign blame often lead to enormous suffering while the

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failure to make the effort would lead to some irreparable damage to the soul, both individual and collective. Thus, we seem to have no choice even though we understand that moral peace won't be forthcoming either way. This struggle to assign blame responsibility and liability is the core of a remarkable novel and subsequent movie, both entitled *The Sweet Hereafter*. Though uniformly praised, neither the book nor the movie nor the true story which inspired both have received extensive academic attention for their probing moral messages.

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When a school bus plunges over an embankment and sinks in the sandpit below, the anguish and the lawyers that come close behind are not surprising. The quiet, thought-provoking meditation on blame and punishment that follows is, however, unexpected in Russell Banks' examination of a small-town tragedy, *The Sweet Hereafter* (Banks, 1991). Both Banks' novel and the prize-winning 1997 movie of the same name expect us to proceed well beyond the tear-stained, "Dateline"/"20/20"/"Oprah" glimpse of life suddenly gone unjustly and irreversibly awry. Banks offers an opportunity for us to think about how we decide where responsibility lies, whether personal responsibility really matters in the end, who is good/bad, where truth lies, what role lawyers play in sorting all this out, and most importantly whether any of it can be sorted out. Indeed, Banks seems to be asking us why we are so anxious to assign blame. Then he reminds us of the postmodern caveat that truth is seldom so obvious as first appearances suggest. The movie advances many of the same themes, but from director Atom Egoyan's austere cinematic viewpoint.¹

What happens when that bus crashes so suddenly and surprisingly in the small, poor upstate New York town of Sam Dent? Fourteen children are killed and others are injured. The facts are spare, but the emotional fallout is enormous. Some marriages are destroyed, others are strengthened. Some find refuge in alcohol; others simply hide. Lawyers appear. Evidence is gathered. The townspeople choose sides. Depositions are taken. Then suddenly, surprisingly this morality tale ends.

We learn the story through the detailed introspections of each of the central characters—the bus driver, some of the parents, one of the

¹ The movie won both the Grand Jury Award and the International Critics Award at the 1997 Cannes Film Festival and was nominated for two 1998 Academy Awards while appearing on scores of critics' Top Ten Film lists.

wheelchair-bound children, and especially the big-city lawyer hungering, he says, for justice. But the events, except for the crash itself, don't really matter so much as the characters' interpretations of the events and the impact of those events on those characters and on Sam Dent. The bus driver, a robust, good woman, Dolores Driscoll, takes us along her route and tells us about the kids until the moment the big, yellow International leaves her control. One of the parents, Billy Ansel, "the best-liked man in town," examines his life before and after the accident. Then Mitchell Stephens, Esquire, drives up from New York City in his big Mercedes and takes an "objective," legalistic look at the facts and quickly builds a strategy for joining a group of Sam Dent plaintiffs against the state and local governments whom Stephens sees as the most promising defendants. Then Nichole Burnell, the paraplegic school beauty, pulls the surprise that brings the law suit to its provocative conclusion. Banks takes the story full circle when Dolores Driscoll reaches a halting and poignant understanding with her Sam Dent neighbors.

BLAME

Neither Banks in the book nor movie director Egoyan gives us a clear set of facts. As Dolores tells her version of the events in the book, a dog or at least a blur of some kind passes quickly across the path of the bus as it proceeds down hill in a gathering snow. In the movie version, one of the parents says that Dolores blamed the crash on a patch of ice. In her deposition in the movie, Dolores says that the bus was "on its own" while Nichole, the crippled teen, says that Dolores was speeding at the time of the accident. Both Banks and Egoyan, however, leave us with the impression that Nichole is lying as a strategy to end the lawsuits (Lawyer Mitchell Stephens reasoned that if Dolores was at fault the "deep pockets" of the state, the town, and the school would be difficult to reach on negligence grounds.) and to punish her father with whom she has had a sexual relationship. Indeed, at one point in the book, Nichole says that she remembers nothing about the accident. In talking with Stephens, Dolores concedes that she simply doesn't know how fast she was going although she told the police "Fifty, fifty-five at the most." To Billy Ansel, who lost two children in the crash, and who was following behind the bus in his pickup, it was all an accident. But as he says in the book, many townspeople and lawyers couldn't leave it at that:

And then there were those folks who wanted to believe that the accident was not really an accident, that it was somehow caused, and

that, therefore, someone was to blame. Was it Dolores's fault? A lot of people thought so. Or was it the fault of the State of New York for not replacing the guardrail out there on the Marlowe road? Was it the fault of the town highway department for having dug a sandpit and let it fill with water? What about the seat belts that had tied so many of the children into their seats while the rear half of the bus filled with icy water? Was it the governor's fault, then, for having generated legislation that required seat belts? Who *caused* this accident anyhow? Who can we *blame*? (73-4).

Very quickly, many of the parents come to see this tragedy as anything but a simple, yet unexplainable, accident. Those shattered victims, with the help of a crowd of invading lawyers, "re-tell" the story. As Stephens says:

So that winter morning when I picked up the paper and read about this terrible event in a small town upstate, with all those kids lost, I knew instantly what the story was; I knew at once that it wasn't an "accident" at all. There are no accidents. I don't even know what the word means, and I never trust anyone who says he does (91).

Thus, in commonplace, yet philosophically evocative, ideas and language, Banks conducts an "inquest" of the accident. He inspects the meaning of blame and of accident and compels us to think about why we so desperately need to assign responsibility when something goes wrong.

TRUTH

Martin Heidegger, Jacques Derrida, Michel Foucault, Richard Rorty, and the many others in a now well-developed stream of post-modern/poststructuralist thought call into question our Enlightenment notion of objective truth. To them, truth is contingent, provisional, and rooted in one's personal interpretation of the situation. We create truth, they say, rather than discover it. Reality is merely a construct of man. History itself is often little more than inventions or theories springing from the special circumstances, biases and needs of observers/historians. All things are relative; nothing can be fixed and certain (Gilley, 1996: 11).

So it seems for Banks who, in telling the same story from various participants' points of view, shows us that what is a tragic mystery to bus driver Dolores Driscoll, is an accident to the grieving father Billy Ansel, is a monumental wrong crying for justice to litigator Marshall Stephens, and a perverse opportunity for freedom for the wheelchair-bound Nichole Burnell. So Banks seems not to be taking the nihilistic

posture that truth is undiscoverable and perhaps simply non-existent, but rather that truth is multi-dimensional and often cannot be revealed from a single vantage point. Director Egoyan sought to capture that highly personal vision of "truth":

I need to understand what made the book so powerful—people having their own experiences, their own sense of what was true. . . . There are things about other people we can never know. . . but which are urgent and necessary to them (McGurk, 1997: W21).

To Egoyan the subjectivity of "truth" is conspicuously manifest in lawyers:

The film deals with the question of truth, Egoyan says. It's not so much what happened, but rather the story that's based around it. Lawyers are storytellers, not purveyors of truth. They purport to be, but it's really about who can tell the better story. That's really what this movie is about: people constructing stories (Puig, 1997: 5D).

The uncertainties of truth in *The Sweet Hereafter* are structurally signified by Banks' and Egoyan's non-linear story telling styles. Banks moves from narrator to narrator, and we hop here and there as the story unfolds in a halting, piecemeal fashion. The order and coherence that most of us seek in life is explicitly denied to the people of Sam Dent and to the reader/viewer. Hence, as journalist Doug Henwood reminds us, this postmodern view of life is "an embrace of discontinuity, a celebration of the fragmentation of time, space, and historical experience that liberates us from the dead hand of master narratives." (Henwood, 1996: 1).

Of course, Banks and Egoyan recognize that most of us aren't happy about this state of affairs. Maybe the truth isn't quite so plainly discoverable as we had, perhaps naively, thought, but that doesn't mean we can gently come to terms with the resulting confusion and emptiness. Reviewer Stephen Hunter sees *The Sweet Hereafter* as a "cry of hope" in our destabilized era:

Here's one way to look at it: Man is a meaning-seeking creature. Pitiful being, he cannot accept the random cruelty of the universe. That is his biggest failing, the source of his unhappiness and possibly of his nobility as well. He paws through disasters with but one question for God: Why? And God never answers.

This lawyer: greedhead or pilgrim of pain? This town: victim of horrid coincidence or of God's vengeance? This story: remembered myth or spontaneous occurrence? The answer to the questions is: All of the above. And one more thing is certain, and that is uncertainty. The

movie is of the mode called postmodernism, which no one understands but everyone recognizes (Hunter, 1997: C1).

LAWYERS

Neither Banks nor Egoyan lavishes affection on the legal profession, but neither is Marshall Stephens merely another in the long line of slimy, self-interested, ambulance-chasers who have become so familiar in American popular culture. To Billy Ansel, “[t]They swam north like sharks from Albany and New York City, advertising their skills and intentions in the local papers, and a few even showed up at the funerals, slipping their cards into the pockets of mourners . . .” (74).

But Banks and Egoyan both sought to move past that familiar stereotype to show that lawyers do “chase ambulances” and do go for the throat, but that they are also complex, interesting people with multiple motivations. Egoyan saw Stephens as “somebody who is addicted to this process of finding the truth behind other people’s tragedies” (Stuart, 1997: B02). And Egoyan wants to show the weight and importance that we have attached to the lawyer’s role in these tragic episodes: “I was intrigued by that whole notion in our culture that a lawyer has taken the role of a priest and comes into a community and says he knows what the truth is” (Gabrenya, 1997: 1H).

In the novel, Banks rather sympathetically displays precisely the burden that Egoyan has identified. Mitchell Stephens is a man driven by the search for truth and justice, but at the same time, recognizes that some of the slime clings to him:

People immediately assume we’re greedy, that it’s money we’re after, people call us proctologists of the profession, and, yes, there’s lots of those. But the truth is, the good ones, we’d make the same moves for a single shekel as for a ten-million-dollar settlement. Because it’s anger that drives us and delivers us. It’s not any kind of love, either—love for the underdog or the victim, or whatever you want to call them. Some litigators like to claim that. The losers.

No, what it is, we’re permanently pissed off, the winners, and practicing law is a way to be socially useful at the same time, that’s all (90).

So lawyers are neither the villains nor the saviors in *The Sweet Hereafter*. Rather, they—as expressed in the person of Mitchell Stephens—are composites of good and evil, but, by nature and training, they are resolutely focused on winning a mighty battle. All of them are looking for money, some for justice, some are moved by anger, some to expunge their own personal pain, but all are on a crusade to assign

blame. As it turns out, that specific hunger, forming the core of Western jurisprudence, is precisely the determination the people of Sam Dent do not need. Nonetheless, that they would seek peace via the legal system is hardly surprising. After all, religion and "God's will," for many, have lost their explanatory power and emotional comfort. We cast about in new modes of spiritualism, self-help, group therapy, and the legal system seeking answers. Egoyan explains: "People need some sort of code, and in a society that has become quite secularized, and religious codes have ceased to have any meaning, the legal code has some answers" (Dreher, 1997: 1D).

COMMUNITY

The fact that we no longer know our neighbors, much less care about them, has been a subject of widespread lamentation for some years now. Many prescriptions have been offered for restoring our fading sense of community. For Banks and Egoyan, the bus crash and especially the law suits that follow are a trial by extreme psychological pain for the small town of Sam Dent. Through hard times, marital infidelity, heavy drinking, and all the other pathologies that characterize humanity, the people of Sam Dent seem to care about each other. Now many of their kids are gone. The loss is irreparable, but rather than confront their grief and move on, some of the victims turn to the law to assuage their pain and, in some instances, to cash in. The town is shattered.

At one point, the crippled beauty queen, Nichole Burnell, recounts her father's argument with Billy Ansel about the lawsuits:

Daddy said, . . . "There's a whole lot of people in town that's involved with lawsuits. We're hardly unique here, Billy. I mean, I can understand how you feel, it's depressing, sure, but it's reality. You can't just turn this off because you happen to think it's a bad idea. Half the town is suing somebody or other, or getting ready to" (193).

Dolores Driscoll, the bus driver, naturally saw the whole terrible story in quite a different light. To her, a victim but perhaps also a villain, the town must find its own quiet solution to the tragedy. The town must survive and move on and the assignment of blame has very little to do with that survival. She had been at the center of a terrible accident. She, too, had grieved, but now she wanted her town back, and she expected them to accept her and her husband, Abbott:

Sam Dent was our permanent lifelong community. We belonged to this town, we always had, and they to us; nothing could change that, I thought. It was like a true family. Certainly, terrible things happen in

every family, death and disease, divorce and blood feuds, just as they had in my own; but those things always have an end to them and they pass away, and the family endures, just as ours had. The same must hold for a town, I thought. But I'm a sanguine person, as Abbott says. Too sanguine, I guess (223).

Can a community summarily shredded by the loss of its children find its way home so that it can embrace Dolores and accept the unacceptable? Or does the community's salvation lie in the pursuit of justice? Can a legal judgment that poses as truth, and the money that accompanies it, provide the balm Sam Dent so desperately needs? Perhaps those questions cannot be answered satisfactorily, but Banks provides an interesting possibility in the unlikely venue of a demolition derby which becomes something of an allegory motivated by pain but redeemed by forgiveness. In the end, we can't say that Sam Dent has found the "sweet hereafter," but we know that the town has made an honorable run for it, and the idea of community hasn't been fully extinguished even for these suffering souls. So Banks seems to have succeeded in his self-proclaimed goal: "I wanted to write a novel in which the community was the hero, rather than any single individual. I wanted to explore how a community is both disrupted and unified by a tragedy" (Ronsenblatt, 1991: sec. 7, p. 1).

CHILDREN, GREED, AND MORE

These tightly-crafted gems, 260 odd pages in Banks' story and Egoyan's movie of 110 minutes, resound with intellectual, philosophical and emotional inspection. Both are profound but unpretentious commentaries on our times. For the lawyer Mitchell Stephens the loss of his own daughter to drugs is symptomatic of the greater loss of all of our children to divorce, sexual license, television, or whatever unexplainable forces are at work in contemporary America. Of course, Stephens' personal loss and those of the Sam Dent parents lay bare the fragility of children and the suffering that accompanies parental love. Egoyan doesn't wallow in easy emotion, but few films so powerfully expose the horror of children lost to their mothers and fathers. Moreover, this story is dense with themes. As one reviewer said, many things figure here:

infidelity, alcohol, vehement religious faith, a stroke, experiences in Vietnam, the loss of a wife to cancer, child molestation, pride in one's children and for one's place in society, sibling relationships, a rebellious daughter who has contracted AIDS, financial despair, marital stresses . . . (Anderson, 1991: 16).

THE GRIM REALITY & THE LAWYERS IN TEXAS

The Sweet Hereafter is based on a true story, the September 21, 1989 deaths near Alton, Texas of 21 children whose school bus plunged into a municipal gravel pit. The bus was struck by a soft-drink delivery truck which had plowed through a stop sign. Sixty children survived the accident. The small, impoverished Mexican-American community was devastated.

Dozens of lawyers hurried to Alton, reportedly even approaching families in the morgue and in hospitals (McQueen, 1993). The soft-drink truck was owned by Valley Coca-Cola, a division of the soft drink giant. The bus manufacturer was sued on the grounds that the standard rear emergency door should have been supplemented with an exit on the left side of the bus which would have permitted most or all of the children to escape. The community of Alton was sued because the pit was not thoroughly barricaded, and some lawyers sued other lawyers for allegedly stealing law suits. The State Bar sought to bring actions against lawyers whom it believed to be paying people to refer clients to them. Some families who settled soon after the accident sued again after discovering that other families had received larger settlements. The 350 lawsuits resulted in settlements totaling more than \$150 million. In the end, Valley Coca-Cola paid some \$144 million in claims of which lawyers took an estimated \$50 million (McQueen, 1993). Families who lost children received about \$4.5 million from Valley Coca-Cola for each boy or girl who perished while the 60 children who survived each received an estimated \$500,000 to \$900,000 (Minutaglio, 1993: 8). One father, who allegedly hadn't seen or supported his deceased daughter in years, collected \$1,000,000 (Minutaglio, 1993: 8). The rescuers sought compensation, as did people who merely saw or heard about the accident (Minutaglio, 1993: 8).

Ironically, the driver of the soft drink truck sued claiming the truck had defective brakes and that he hadn't been properly trained. He also sued Valley Coca-Cola's lawyers, whom he thought had been representing him (Minutaglio, 1993, p. 8). The driver was prosecuted for criminally negligent homicide, but four years after the accident was acquitted of all charges. Prosecutors said the driver had been inattentive.

For the poor, mostly Hispanic farm workers whose children died or were injured, the American legal system was a mystery. As the *New York Times* reported, many of those parents simply got caught up in a process that they didn't understand:

"I didn't want a lawyer," said Carmen Cruz, whose 17-year-old daughter was killed in the crash and whose 14-year-old daughter was injured. "I said, 'The first lawyer who can bring my daughter back, I'll hire.' But everyone started telling me: 'No, that's the law. When this happens to you, you hire a lawyer and you get money.' So now I have a lawyer."

Actually Mrs. Cruz has had a number of lawyers, and has been courted by more than half a dozen. She has signed three contracts and tried to cancel two of those. One lawyer gave her \$5,000 and promised to help her buy a new house. Another helped her buy the shiny GMC Suburban van that now stands outside her dilapidated apartment (Belkin, 1990: A1).

COMMUNITY AND MONEY

So, as in *The Sweet Hereafter*, we don't know who to blame. The real lawyers in south Texas, in some instances, can hardly be seen as anything other than money-crazed ambulance chasers while Banks and Egoyan are careful to portray Mitchell Stephens' humanity. And while the fictional characters in *The Sweet Hereafter* are obsessed with the question of blame, the real victims' families in south Texas seemed to observers not to have dwelt particularly on that question. Few of them, for example, attended the criminal trial for the truck driver (Special to the *New York Times*, 1993: A14).

Nonetheless, the real Alton, Texas was torn apart much like the fictional Sam Dent. The characters in *The Sweet Hereafter* never reached the point of getting rich from the deaths of their children. In Alton, Texas they did, and the consequences were often tragic. The *New York Times* reported that the money only bought trouble for many in Alton:

People who got money and who were at first offered sympathy now complain that the new cars, jewelry and clothes are driving a wedge between them and their relatives, friends and neighbors.

... [T]wo Alton teen-agers who survived the wreck, Joe Vargas, age 19, and Efrain Cruz, 16, were killed along with another youth when Mr. Vargas's new Camaro struck a guardrail, then slammed into a tree. The police say Mr. Vargas, who had wrecked another new car a few months before, and Mr. Cruz, who lost his 12-year-old sister, Elda, in the bus accident, had been drinking and using cocaine.

"The Cruz family is one of those families that never recovered from the bus crash," said Daniel Doty, the Mission police officer who investigated the early-morning crash. "Efrain Cruz always felt that he should have died instead of his sister." (Hastings, 1992: A22).

CONCLUSION

So the Texas bus tragedy and *The Sweet Hereafter* raise an array of philosophical themes that characteristically accompany tragedies. One of those themes, blame, animates the Banks' novel, and to a lesser degree, Egoyan's movie. Normally, we assign blame responsibility only where an individual (a) caused the harm in question, (b) intended to act as she did, and (c) could have acted otherwise. Whether Dolores, the bus driver, was blameworthy under that test clearly was not Banks' central concern. Rather, he was interested in whether blame mattered at all in this instance, and if it did matter was it so important as to threaten the well being of a community?

The true story of Alton, Texas vividly demonstrates the destructive potential of resolutely assigning blame, at least in the form of monetary settlements, regardless of the consequences. So Banks seems to be raising the possibility of a more expansive view of responsibility. Perhaps our fixation with assigning blame blinds us to richer, more powerful forms of responsibility? The contemporary decline of family and community have caused new tensions and rendered old societal glues unworkable. In a sense, traditional roles (parent, neighbor, friend) and their accompanying responsibilities have atrophied in our mobile, individualistic, compulsive society, and we have failed to find a replacement except the law; to which we turn in desperation. Perhaps Banks is suggesting that we need to find a more caring, community-concerned conception of responsibility; a robust responsibility where duty involves not simply avoidance of wrongdoing, but affirmation of "rightdoing" in the context of the welfare of the total community. Easier said than done, of course.

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