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For and Against the Law: 'Buffy the Vampire Slayer', 'Angel' and the Academy

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ABSTRACT

In this article I will first argue that the two television series 'Buffy the Vampire Slayer' (hereafter BtVS) and its spinoff series 'Angel' both contain an account of the place of law and legal institutions in society. However, whilst one series, BtVS, takes a mainly positive attitude towards law, the central characters usually seeking to live lawfully, 'Angel' shows those involved in the law to be, at best, morally flawed and the main character, Angel, consistently rejects the idea that any kind of law should determine his behaviour. If this is so, this appears to create a serious problem for the academic analysis of ideas about law in such programmes. The initial broadcasting of the two series overlaps. One man, Joss Whedon, is usually credited with the creation of both of the series. Given this, the utility of examining conceptions of law and legal institutions in programmes such as these might then seem to be put in doubt. Two different accounts of law and legal institutions produced at much the same time by the same person seems to emphasise the pure fictionality of the series. Interrogating the ideas and arguments in the series ignores the fact that they say radically different things at the same time. Why look at what the series and thus Whedon says about law and legal institutions in the two series, given the fact that Whedon seems to feel free to say anything that he chooses on an almost random basis? In the final part of this article I will show why, notwithstanding their contradictory nature, both accounts of law still deserve attention within the academy.

KEYWORDS

Conceptions of Law, Legal Institutions, Buffy the Vampire Slayer, Angel

INTRODUCTION

The television series BtVS consists of 144 episodes that were first broadcast in the USA 1 between 10 March 1997 and 20 May 2003. 'Angel' consists of 110 episodes that were first broadcast in the USA between October 5 1999 and 19 May 2004. Both series are now being continued as graphic novels with 'Buffy the Vampire Slayer: The Long Way Home' (2007) being the first novel for BtVS and 'Angel: After the Fall' (2009) being the first novel for 'Angel'. Some of these novels have themselves been the subject of academic analysis (Abbott, 2010). However this article will just consider the television series. Both TV series are available as videos and on DVD. The scripts to the programmes can be found on a number of web-sites such as 'Buffy vs Angel' <<http://www.buffy-vs-angel.com/guide.shtml>>.

Joss Whedon neither wrote all of the episodes for either television series nor did he direct 2 every episode http://slayageonline.com/episode_guides.htm. However, Whedon was responsible for the initial conception of both series, was heavily involved in writing and directing them and had final responsibility for determining their content. Because of the control that he exercised over the television series most commentators have treated the programmes as being largely the work of Whedon (Lavery, 2004; Lavery, 2002); he is for Comeford and Burnett the series' 'author/auteur' (Comeford and Burnett, 2010, p.3). Not all academic accepts this approach. Robert Loftis, for example, has argued that analysis of 'Angel' and BtVS should 'honor the collaborative nature of television by focusing on the collective author of *Buffy*, which includes, but is not limited to Whedon, the writers, the designers, and the cast' (Robert Loftis, 2007, para.6); Williamson takes a similar view (Williamson, 2005, p.77). This alternative approach raises issues that are similar to criticism of auteur theory in film studies, where directors are treated as the sole creators of their films (see, for example, Sarris, 1996 and Watson, 2003, pp.134-138). It is clear that one cannot for all purposes treat television programmes or films, as being the work of just one person in

the way that one might identify the author of a poem or a novel. Nevertheless, given that he 'oversees most every aspect of his productions' (Havens, 2003, p.2) in this article I will treat Whedon as the author of the two series in the sense that no development of plot or character of any consequence that Whedon strongly disagreed with would have found a place in the series.

LAW IN BTVS

In a series of articles that I published between 2003 and 2006 I argued that BtVS contains an account of the nature of law that becomes increasingly complex as the series develops (Bradney, 2003a; Bradney, 2003b; Bradney, 2006). Other commentators have also noted the place of law and legal institutions in the series (see, for example, MacNeil, 2003 and MacNeil, 2007, ch.2). From the second episode when Xander and Willow, who are to become Buffy's companions throughout the series, are told that the police 'couldn't handle it [a vampire] even if they did show up' law is viewed in what jurists would see as pluralistic terms ('The Harvest', 1002). In this article I will follow the convention that is normally used in scholarship that concerns either BtVS or 'Angel' and refer to episodes by title, series number, in this instance 1, and episode number within the series.). Alongside state law there is another legal jurisdiction, the laws of the Watcher's Council; the Council's laws are 'laws that have existed longer than civilization' ('Graduation: Part One', 3021). The Watcher's Council has jurisdiction over vampires and demons whilst 'the human world has its rules [that apply to humans]' ('Villains', 6020). (For accounts of legal pluralism see Merry, 1988, Tamanaha, 2001 and Melissaris, 2004.) Buffy, as the Vampire Slayer, works for the Council for most of the first three series of BtVS. 3

In BtVS, despite some suggestions in the academic literature to the contrary, law in all its forms is largely seen in a positive light (see contra Clark and Miller, 2001). In the main the central characters, Buffy and her closest friends, the Scooby Gang, seek to act lawfully. Conflicts between the imperatives of different legal systems can, however, cause problems. Thus, for example, in 'The Harvest' (1002), Willow hacks into the city plans for Sunnydale because they are needed in the pursuit of vampires. In this instance the law of the Watchers' Council, 'kill vampires', takes precedence over state laws about the protection of intellectual property. During the seven series various characters steal when a higher law necessitates this (see, for example, 'Choices', 3019; 'Two to Go', 6021 and 'Bring on the Night', 7010). However, this does not mean that theft, as defined in state law, is, in itself, right. Dawn's, Buffy's sister's, kleptomania, a result of her feeling of being neglected, causes both Buffy and the Scooby Gang deep angst ('Older and Far Away', 6014). Committing what state law sees as theft has to be justified by reference to the needs of the rules of another legal in order to be acceptable. 4

In BtVS the desire to behave lawfully is deep-rooted. When Buffy thinks she has killed a human being, Katrina, in 'Dead Things' (6013) her first reaction is to turn herself over to the police. Equally when Tara, the lover of Buffy's closest friend, Willow, and herself a friend of Buffy, is murdered by a human being, Warren, Buffy's initial response is to let human law take its course ('Villains', 6020). State law and the work of its institutions and personnel are not dominant or even frequent themes in BtVS. However on the occasions when state law does surface it is seen as being important. Equally significant is the fact that Buffy's work as a vampire slayer has a legal quality. She does not work as a vigilante but instead works within a hierarchy applying a recognisable set of rules. In the penultimate episode of the third series of BtVS, Buffy resigns from the Watcher's Council because she has come to doubt the legitimacy of their legal order ('Graduation: Part 1', 3021). However, notwithstanding her resignation, Buffy rejects another Slayer's previous suggestion that Slayers 'don't need the law. We are the law' ('Consequences', 3015). Instead a recurring question in the remaining four series of BtVS is how Buffy is to continue her work as a Slayer legitimately; how she is to arrive at the law that will tell what to do. Decisions as to who she slays are, as Buffy puts it in 'Pangs' (4008), 'the question before the court'; the court being Buffy and her closest associates (see also 'Selfless' (7005). Whereas the law of the Watchers' Council was, like state law, a law that was imposed on Buffy by an authoritarian structure that was external to her Buffy and her friends now seek a law that they can agree on (Bradney, 2003b). 5

LEGAL INSTITUTIONS IN 'ANGEL'

Law and legal institutions are rarely explicitly to the fore in the plots of individual episodes or the story arcs that develop over episodes in BtVS. The place of law or legal issues where it is 6

to be found in the programmes is usually immanent or implicit. In 'Angel', however,

[L]aw has been a central concern of the Angelverse. *Angel's* exploration of legal themes has deepened with each successive season: beginning with an extended riff on the tropes of traditional legal dramas and law enforcement shows, *Angel* goes on to probe sources of law and to question the defining moral and ethical frameworks for its characters. By its final episodes, *Angel's* most resonant episodes relate to the interconnection between law and power... (Sutherland and Swan, 2005, p.132)

Three areas illustrate the importance of law and legal institutions in 'Angel'. First, there is the relationship between Angel and the revolving group of characters who work with him on the one hand and the large law firm, Wolfram and Hart on the other. This relationship is largely antagonistic, with Wolfram and Hart being Angel's regular adversary, and then seemingly changes in the final series of 'Angel' when Angel takes over as Chief Executive Officer of the Los Angeles branch of Wolfram and Hart whilst his then associates take on a variety of roles within the firm. Secondly, there is the relationship that develops between Angel and Kate Lockley, a police officer with the LAPD. Thirdly, there is Angel's own personal attitude towards law. Since it is Wolfram and Hart that figures most prominently as a legal institution in 'Angel' it is that to which this article will turn first. 7

WOLFRAM AND HART

Large law firms are a feature of the United States and English legal jurisdictions. Whilst firms from these two jurisdictions have branches or associates in many other jurisdictions, this in itself being a feature of being a large law firm, these other jurisdictions do not seem, as yet, to have generated their own large firms. The work of large law firms and the ways in which they differ from other ways in which lawyers organize their work has not, to date, received the attention that it deserves. Nevertheless some detailed work has been done in the USA (see, for example, Nelson, 1988 and Galanter and Palay, 1991) and preliminary work has been done in the United Kingdom (see, for example, Lee, 1992, Lee, 1999 and Galanter and Roberts, 2008). When compared with the data to be found in these studies, Wolfram and Hart appears to be a large law firm much like any other such firm whether located in the USA or in England. It recruits its employees from the most highly achieving students in the best law schools, it expects complete dedication and long working hours from its employees and in return it rewards them highly. There are differences between Wolfram and Hart and other large law firms. Wolfram and Hart's reach is not merely global but instead ranges across a number of different dimensions ('Through the Looking Glass', 2021; 'Loyalty' 3015). When employee performance is judged to be insufficiently good their contract is not terminated as with other large law firms; instead they are terminated ('Reprise' (2015)). Employment with Wolfram and Hart is not merely for life; one's contractual link with the firm extends after death ('Reprise' (2015); 'Home' (4022)). Despite this, in many ways the firm is still a reasonable approximation of actual large law firms (see further Bradney, 2005, pp.32-36). 8

Wolfram and Hart figures centrally in the first episode of 'Angel', 'City Of...' (1001) and continues to be prominent through all five series, becoming the focus of the programme for the final series. For much of the five series Wolfram and Hart serve as a dramatic counterweight to Angel himself. He is portrayed as seeking to be ethically good, attempting to atone for the harm he did as a vampire before he acquired a soul; a 'champion' who has physical powers that are far beyond those of an ordinary human being. Wolfram and Hart are, by contrast a 'full service law firm...It is our job to see to it that our clients lives run more smoothly' ('City Of...', 1001). A lot of those 'clients are demons, and...almost all of them are evil' ('Conviction', 5001). However, whilst Angel is, or attempts to be, ethically good, Wolfram and Hart are not, by contrast, simply ethically evil. Members of the firm do do things that are straightforwardly wrong. Thus, for example, Lilah Morgan, a lawyer with the firm, hires men to kidnap and rape a girl she thinks she can train as an assassin for Wolfram and Hart, believing such treatment will make the girl 'stronger' ('Untouched', 2004). In this sense '[l]awyers in *Angel* represent ultimate evil' (Sutherland and Swan, 2010, p.56). However, unlike some of Angel's other protagonists in the series, such as Lee deMarco in 'The House Always Wins' (4003) and Billy Blim in 'Billy' (3006), purely immoral goals such as seeking illicit wealth or inflicting pain in others are not the goal for Wolfram and Hart. In 'Blind Date' (1021) Holland Manners explains the firm's aim to his subordinate and fellow lawyer, Lindsey McDonald. 'It's not about good and evil – it's about who wields the most power. And we wield a lot of it here and you know what? I think the world is better for it.' The firm is portrayed as being both amoral and immoral. Members of the firm consistently deny the existence of clear 9

moral rules. As Lilah Morgan puts it, 'funny thing about black and white – you mix it together and you get grey. And it doesn't matter how much white you try and put back in, never gonna get anything but grey' (Habeas Corpus, 4008). It is partly this that makes them a suitable counterweight to Angel. He is a 'champion' who 'live[s] as though the world was what it should be, to show it what it can be' ('Deep Down', 4001). For Wolfram and Hart the notion of being a champion makes no sense.

In the final series of 'Angel' Angel and his associates take over the Los Angeles branch of Wolfram and Hart. Angel becomes Chief Executive Officer of the firm whilst the others take on a variety of roles with one, Charles Gunn, hitherto a character more associated with brawn than brain, becoming a lawyer in the firm by virtue of a surgical implant, arranged by the firm, to give him legal knowledge. Angel and the others are told that, in taking over the firm, 'you're on the inside now, and you can stop the worst of it. Maybe find some new solutions to some old problems' ('Conviction', 5001). Involving themselves in the management of the firm where the majority of employees are 'just opportunistic. They'll go with the flow' will mean that they will be able to change the firm's moral nature or, at least, push its work in another direction ('Conviction', 5001). The first few episodes of the series suggest that Angel and his friends can do just that. In 'The Cautionary Tale of Numero Cinco' (5006), after Angel has signed documents that Gunn has drafted using his newly acquired legal knowledge, Gunn tells Angel

[A]s CEO and president of Wolfram and Hart, you have just bankrupted a company that dumps raw demon waste into Santa Monica bay, banished a clan of pyro warlocks into a hell dimension, and started a foster care programme for kids whose parents have been killed by vampires. Not bad for a day's pay.

In a later episode, 'Damage', (5011) Gunn argues that taking over the firm has proved to be successful;

We've been able to do some serious good while we're here. Lives saved, disasters averted, with all our fingers and souls still attached. End of the day I'm thinking we made the right choice.

However, this in fact proves not to be the case. Working in the firm increasingly corrupts the characters. Thus, for example, when the implant that gives him his legal knowledge begins to fail Gunn agrees to arrange for the release of some things that are being kept in customs so that the firm will authorize further work on his implant. He does this knowing that 'there would be consequences' to his agreement lying beyond dealing with the customs problem ('Underneath', 5017; Shells, 5016). These consequences soon turn out to be, amongst other things, the death of his friend and former lover, Winifred Buckle ('A Hole in the World', 5015). As Spike observes,

[A] place like that [Wolfram and Hart] doesn't change...not from the inside. Not from the out. You sign on there, it changes you. Puts things in your head. Spins your compass needle round till you can't cross the street without tripping the proverbial old lady and stepping on her glasses. ('Soul Purpose', 5010)

Even though Angel thinks he,

[M]ade some devil's bargain to take over this company. Thought you'd use it to fight the evil of the world from inside the belly of the beast. Trouble is you're too busy fighting to see you and yours are getting digested. ('Just Rewards', 5002)

Taking over Wolfram and Hart proves to be an error. The firm itself is inherently flawed and lawyers, at least lawyers in large law firms, are shown to be 'the morally ambiguous crowd' (Reprise, 2015).

For the purposes of this article the most important thing to note is that the moral failure in large law firms suggested in 'Angel' is not just individual moral failure. Individual moral failure in lawyers in Wolfram and Hart does exist. Thus one of the lawyers, Lyndsey McDonald, who comes from a poor family:

I'm talking dirt poor – no shoes – no toilet. Six of us kids in a room, and come flu season it was down to four. I was seven when they took the house. They came right in and took it – And my daddy was being nice, you know? Joking with the bastards while he signed the deeds.

His motivation in working for the firm is money and status:

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Either you got stepped on you got to stepping and I swore to myself that I was not going to be the guy standing there with a stupid grin on my face – while my life got dribbled away. ('Blind Date', 1021)

In the case of Lilah Morgan her moral failure lies in the fact that the struggle to be successful in a masculine environment has meant that she has given up an attempt at morality:

I have been doing this [being a lawyer] a damn long time. I have had to be better, smarter, quicker than every man in Wolfram and Hart...It's a survival thing. I made a lot of devil's bargains and I stuck to them. As a result, I live somewhat dangerously, and quite comfortably. My mother, who no longer recognises me, has the best room at the clinic. I get up every morning, put on my game face and do what I have to do...The game face – the one that I worked so hard to get – I became that years ago. ('Sleep Tight', 3016)

However working for Wolfram and Hart over time subverts even those who believe in and seek moral good. '[S]imply choosing to be a lawyer in this world marks...[one] as occupying a position of moral corruption' (Sutherland and Swan, 2010, p.56). In the first programme of the final series when Gunn becomes a lawyer he asserts that '[I]ook it's me here. They didn't evil me up. All I got stuck in my head was the law' ('Conviction', 5001). However the contention of 'Angel' is that even with someone like Gunn, who, having abandoned being a lawyer, will end the series fighting a battle with vampires and demons against overwhelming odds, believing he cannot win, becoming part of a legal institution leads inevitably to moral failure. Gunn is reluctant to give up his legal knowledge because he values that status of being a lawyer. 'By receiving access to education [through the implant], he experiences what it is like to be privileged and respected for more than sheer muscle, and losing this newfound respect scares him immensely' (Meyer, 2005, p.183) As Kaveney observes, 'good intentions can easily be corrupted by vices as trivial as his vanity in his competence' (Kaveney, 2005, p.61). In taking over Wolfram and Hart Angel becomes 'CEO of Hell, Incorporated' and thus personally implicated in its moral failure ('You're Welcome', 5012).

KATE LOCKLEY

Kate Lockley is a detective police officer who figures in the first two series of 'Angel'. Her place in the series and her contact with Angel is a lot less substantial than is the case with Wolfram and Hart, Lockley featuring in only 15 episodes, sometimes very briefly. Nevertheless she is still of some significance in considering the place of legal institutions in the series. Two things about Lockley are important for this article; first her own perception of herself as a police-officer and secondly her treatment by the police.

Lockley is a second-generation police officer, her father retiring from the force in the sixth programme of 'Angel', 'Sense and Sensitivity' (1006). She says of herself '[m]y whole life has been has been about being a cop. If I am not part of the force, it's like nothing I do means anything' ('Epiphany', 2016). In 'Sense and Sensitivity' Lockley says of her father '[h]e forgot how to be anything but a cop a long time ago. And maybe, - maybe that's why I became a cop too'. Early programmes in which she figures stress her dedication as a police officer and her success as seen, for example, in her arrest of a major criminal figure, Little Tony Papizan ('Sense and Sensitivity', 1006). In her first few contacts with Angel she sees him as just a private investigator whose work overlaps with hers meaning that she sometimes uses him ('Sense and Sensitivity', 1006), and, more usually, she helps him ('I Fall to Pieces', 1004; 'Room With a View, 1005; 'Somnabulist', 1011). However, in 'Somnambulist' Lockley both learns about the existence of vampires, one being responsible for a series of murders that she is investigating, and also learns that Angel is himself a vampire.

Lockley's increasing awareness of the world of vampires and demons has an impact on her work as a police-officer. In 'The Prodigal', for example, Angel shows that the case she is

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investigating is the work of a demon whilst later in the same episode her father is killed by vampires ('The Prodigal', 1015). In 'Sanctuary' (1019) another police officer says to her, '[e]verybody knows you've gone all Scully. - Anytime one of these weird cases crosses anyone's desk - you're always there. What's going on with you?'. Lockley remarks on the error in the comparison; Scully being the sceptic in 'The X Files' whilst Mulder is the believer. However, at a deeper level both the inaccuracy of the comparison and the comparison itself underlies the deepening gulf between Lockley and her fellow officers; they do not share her belief in the world of demons and vampires and she knows their knowledge, not just of 'The X Files' but of the world in general, is deficient and damages their ability to do their job. In 'Reprise' (2015) Lockley tells her superior officers, '[y]ou people have no idea what's going on in this city'. In 'Reunion' (2010) Lockley frees Angel from police custody so that he can hunt for the vampires Darla and Drucilla 'because I don't think I can stop them'. The person whose whole life has been about 'being a cop' has come to see the severe failings of the police as an institution.

Lockley's awareness of, and involvement with, the demon and vampire world has a serious 22 effect on her relations with her fellow officers. In 'The Thin Dead Line' (2015) a police Captain has created a station of zombie police officers whose work as police officers is effective in reducing crime but who are overzealous and brutal in what they do. Angel, with Lockley's help, is able to destroy the zombies. However the Captain makes a complaint against Lockley and she is subject to an internal disciplinary hearing. The hearing is not just about the Captain's complaint but, more broadly, about her beliefs and attitude towards her job. Thus, during her hearing, whilst being questioned, she is asked at one point, '[i]s this the part where you start to talk about monsters?' ('Reprise'). Later she is told that

What it appears you've been doing, detective, is isolating yourself. You've withdrawn from the stabilizing influence of your fellow officers, developed this morbid fascination for cases of a bizarre and macabre nature, and even you can't seem to give an explanation to why.'

Lockley's hearing ends with her dismissal. This dismissal is unjust on a number of different 23 levels. She has in fact been fighting crime and the disciplinary procedure that is applied to her is based on the inaccurate premise that her beliefs about the demon and vampire world are *ipso factowrong*. Moreover the tribunal members' view of what is morally right inverts the truth. A member of the disciplinary tribunal says 'I'm just glad your father's not around to see this'. Her father is the 'good cop' whose long service gives him moral legitimacy. Lockley is disciplined by the tribunal because she is a 'bad cop'. In fact, immediately before his death her father had become involved in the distribution of drugs ('The Prodigal', 1015).

Both the fact of Lockley's dismissal and its manner underscores how much the police fail not 24 in the fact they have made a mistake but because they are inherently flawed at an institutional level. As Clark and Millar have noted, in BtVS the police are normally portrayed as being 'incompetent and easily thwarted', even when they act within their own jurisdiction (Clark and Miller, 2001, para.13) Thus, for example, in 'Ted' (2011) the police fail to notice that the 'man' that Buffy has 'murdered' is in fact a robot. However these failings in competence are different in form to the endemic moral failure that characterises the police in 'Angel'.

Lockley herself is not exempt from the corrupting nature of being a member of the police 25 force. On being dismissed from the force Lockley attempts suicide ('Reprise', 2015). Harrison comments that Lockley is 'employed in the traditional patriarchal climates of law/law enforcement' and loses her 'sense of self' because of this (Harrison, 2005, p.118 and p.117). She cannot value her self as herself if she is not a police officer. Being an employee of Wolfram and Hart, a very large law firm, will corrupt even those who are basically morally good. In a similar manner being a part of the police leads to a loss of one's own sense of self-worth.

ANGEL'S OPPOSITION TO LAW

Drawing on the work of Reynolds, Halfyard argues that Angel, like other superheroes, 26

Stands for justice, upholding the rights of the innocent. However, in order to do this he must often place himself over and above the law as represented by politics, the

legislature and the police, and therefore finds himself standing in opposition to these legitimate authorities, whose expedience, corruption or ineffectiveness forces the hero to act illegally in order to uphold natural justice. (Halfyard, 2005, pp.151-152)

Halfyard writes that Angel 'is positioned in opposition to the law', illustrating her thesis by reference to Angel's relationship with both Kate Lockley and Wolfram and Hart (Halfyard, 2005, p.151). At one level Angel's attitude towards law and legal institutions seems to be comparable to that of Buffy since she too is willing to break state law and even the law of the Watcher's Council when it conflicts with her own evolving notion of what she comes to see as a better form of law (Bradney, 2003a; Bradney, 2003b). However Angel's opposition to law goes deeper than this, manifesting itself not just in hostility to legal institutions but also in a rejection the very notion of the legitimacy of law itself. 27

Angel is a champion who 'live[s] as though the world was what it should be, to show it what it can be' ('Deep Down', 4001). He comes to believe that '[t]here's no grand plan, no big win' ('Epiphany', 2016). Evil cannot be finally defeated. Because of this, 'if there is no great glorious end to all this, if - nothing we do matters, - then all that matters is what we do. 'cause that's all there is' and 'if there is no bigger meaning, then the smallest act of kindness - is the greatest thing in the world' ('Epiphany'). Angel is there to help in the fight against evil. However, who Angel helps and how he helps is usually simply something that he personally decides even when his choices have direct effects on others who are close to him. In this there is a strong contrast between the way that Angel works in 'Angel' and the way Buffy works in BtVS. In BtVS each programme's introduction begins with the statement that the Slayer works alone (Topping, 2002, p.12). In fact, however, the plots of the programmes show that Buffy almost invariably works with others, particularly at moments of exceptional crisis. The two most obvious exceptions to this are when she flees from Sunnydale and briefly abandons her role as Slayer at the end of series one ('Anne', 2001) and her expulsion from her house where the Scooby Gang and various potential Slayers are staying in series seven ('Empty Places', 7019). Both these events are scripted as departures from the norm. In 'Angel', in contrast, although Angel usually has associates with him the relationship that he has and that he seeks with them is not the same close bond that is to be found in BtVS. When challenged by Tara's 'blood-kin' about the right that Buffy and the Scooby Gang have to interfere in Tara's affairs Buffy's response is 'we're family' ('Family', 5006). This familial relationship is increasingly explicit as BtVS develops (Battis, 2005; Bradney, 2003a; Lorrach, 2003). In 'Angel', in contrast, the relationship between Angel and those around him is rarely so close. (For a contrary analysis which sees Buffy as working alone at moments of confrontation and Angel and his associates working as a team see Halfyard, 2010, pp.22-23 and pp.28-30.) 28

In BtVS the Scooby Gang's membership changes through the series but some members, Giles, Xander and Willow, are there from the beginning to the end. In 'Angel' who his associates are in the series is much more changeable. Angel does have very close relationships with some people. He is, for example, in love with Cordelia Chase for a time ('You're Welcome', 5012). Harrison describes the relationship of Angel and those around him as being familial in season three and Halfyard sees the relationship between Angel, Wesley and Cordelia as being familial at the end of season one (Harrison, 2005, p.127; Halfyard, 2010, p.30). However, even if this is so on these occasions, this is not normally the case. Thus, for example, in 'Reunion' (2011) Angel fires his then circle of associates from his firm Angel Investigations. In this instance the estrangement between Angel and those around him lasts for six episodes. Battis' use of the notion of family with respect to 'Angel' is with reference to a range of restricted familial relationships in 'Angel', for example that of Angel and his son Connor, rather than the larger family group to be found in BtVS (Battis, 2005). Lorrach writes that, 29

[N]ot only can Angel not create a stable non-traditional family...but when he is given a real, blood-related family [the son he has with the vampire Darla ('Lullaby', 3009)]...the result is high tragedy that first echoes and then surpasses the Greek tragedies of Sophocles and Aeschylus. (Lorrach, 2004, p.59; however, see contra Stoy, 2004)

Angel's attitude towards his associates is well illustrated by his behaviour in the final series of 'Angel'. As we have seen above the final series begins with Angel and the others taking over the management of the Los Angeles branch of Wolfram and Hart. This is the result of an 30

agreement that Angel has reached with the Senior Partners of the firm, without the knowledge of his associates, whereby Angel agrees to the takeover in return for a new life with an adoptive family for Connor, Angel's son ('Home', 4022). As part of the agreement his associates, again without their knowledge or permission, have all their memories of Connor erased from their memories by the Senior Partners. All this Angel terms an 'executive decision'. The fact that Angel becomes Chief Executive Officer whilst his associates take on subordinate roles is symbolic of his relationship with them. During the final series Angel learns of the existence of the Circle of the Black Thorn, a group of powerful humans and demons who collaborate to perpetuate their dominance over the world. He keeps this knowledge to himself and it is only in the penultimate programme of the series that he Angel reveals to his associates his plan to kill all the members of the Circle of the Black Thorn. Destroying the Circle of the Black Thorn will not bring an end to an eternal battle with evil:

Power endures. We can't bring down the senior partners, but for one bright, shining moment, we can show them that they don't own us. You need to decide for yourselves if that's worth dying for. I can't order you to do this. I can't do it without you. So we'll vote. As a team. ('Power Play', 5021)

At this point Angel's associates do get a choice as to whether they continue to involve themselves in what Angel is doing. However at the end of the final series as at the beginning, and as is normally the case, it is Angel who has made the important decisions without any discussion with anyone else. 31

Angel receives help from others throughout the series and, as in the case of his attempt to destroy the Circle of the Black Thorn, he sometimes actively seeks that assistance, on occasion even seeing it as being central to what he is doing. However, in the end, almost invariably, he determines what he is going to do. His behaviour has nothing to do with obedience to either law or authority of any sort. Equally, unlike Buffy, he does not hold himself accountable to anybody or anything, including those around him. Even when what he does has a direct impact on others Angel rarely consults them about his actions. Instead his concern is with the proper role of a champion in society and the immediate needs of an individual, existential, everlasting fight against evil. Whilst Buffy and the Scooby Gang seek to live lawfully, law and legal institutions are of import in 'Angel' only as exemplars of moral failure. 32

BTVS, 'ANGEL' AND THE ACADEMY

Consideration of BtVS on the one hand and 'Angel' on the other appears to put in question the general utility of this way of looking at law and popular culture in the academy. In one programme we have a largely positive account of the place of law in society but in the other the account is negative. In one programme the central characters seek to live lawfully whilst in the other the central character ignores law. In one programme law is seen as being potentially efficacious providing the right legal order is used; in the other, law is irrelevant to determining personal action and legal institutions are morally corrupt. The attitudes towards law evinced in BtVS and 'Angel', when compared, seem to be wholly contradictory. We are not considering differing theoretical positions being taken at different times by a writer, as, for example, in the work of Wittgenstein (see, for example, Pears, 1971). The making of the two series by Whedon overlaps in time. What justification can there then be for a close textual reading of the programmes of the place of law in the programmes when the texts themselves, taken together, seem to have an almost random character, saying anything that the author pleases without any attempt at coherence? Answering this question involves reconsidering what the purpose of such analysis is. In turn doing this necessitates looking at the intellectual and academic foundations for such enquiry. 33

Including programmes such as BtVS and 'Angel' in the analysis of law is, in many ways, not a radical departure for university law schools. The study of literature by legal academics is something that has a long, although until relatively recently, a somewhat thin history. In the USA, for example, Gaakeer dates such work back to Wigmore's 1908 article on legal novels in the Illinois Law Review (Gaakeer, 1998, p.20). In the United Kingdom early work includes the interchange between Hirschfeld and Pollock on Shakespeare's 'Merchant of Venice' (Hirschfeld, 1914; Pollock, 1914). The examination of BtVS and 'Angel' can draw upon this tradition. With some exceptions, the texts studied in law and literature would normally be categorised as 'high art' whereas BtVS and 'Angel' would usually be regarded as popular 34

culture. However law and literature has looked at texts that are not always high art (see, for example, Morison, 1996) and, in any event, an argument can be made for BtVS and 'Angel' being high art (see further Bradney, 2003a).

The study of law and literature is, of course, a study of written texts and BtVS and 'Angel' are more than their scripts(although, arguably, 'sound, mainly the sound of speech, is always foremost in television' (Chion, 1994, p.157) and the script is therefore prioritized). It is thus unsurprising that some of the work on BtVS and 'Angel' has been on matters that are non-textual (see, for example, Halfyard, 2001 and Attinello, Halfyard and Knights, 2010). However, other traditions within the law school can be of use when looking at such non-textual matters. The study of law and film, where the films may or may not be high art and where they are more than their scripts, is also something that has a place in the law school (Greenfield, Osborn and Robson, 2008. Studying BtVS and 'Angel' is thus allied to at least two existing areas scholarly areas within the legal academy. 35

Quite separately from this there is also the burgeoning literature on law and popular culture (see, for example, Sherwin, 2002; Greenfield and Osborn, 2006; Masson and O'Connor, 2007). Work on law and literature, law and film and law and popular culture in the law school can build on the study of literature, film and popular culture in the wider academy. Equally, outside the law school, there is the specific discipline of television studies which assists in the study of television within the law school even though, in this field; although here the kind of analysis found in this article is not as common as it is in the other areas that have been already discussed. 'While film has a recognised canon and a tradition of close textual analysis, in the study of television the programmes themselves have tended to vanish...' (McKee, 2003, p 182). Although none of these fields and sub-fields provide an exact model for the study of BtVS and 'Angel' there is, nonetheless, a substantial academic and intellectual provenance for analysing such programmes in both the law school and the university at large. Yet the fact of this provenance does not, of itself, answer the question why should the law school pay attention to what the programmes say about law and legal institutions when they appear to have no intellectual consistency in their stance. The answer to this question comes by examining the way in which the kind of analysis of BtVS and 'Angel' seen in this article finds its place in relation to the fields sketched out here. 36

When studying literature one approach is to study it with a view to analysing the arguments are being elucidated in it. Thus, for example, whether we read 'The Roads to Freedom' or 'Being and Nothingness' we are looking at an exposition of Sartre's existentialist philosophy. This is not to deny the literary quality of 'The Roads to Freedom' sequence. As Murdoch says, the books that constitute the sequence are 'traditional novels, crammed with characters, events, story, various people, various moral judgements' (Murdoch, 1987, p.12). Nevertheless, at the same time, the books are also a theoretical argument about the relationship between the individual and the world (Murdoch, 1987, p.58). However that is not the normal reason for studying literature. Literature, when looked at as a field within the university, does not offer either the incremental advances in knowledge to be found in science or some form of 'distilled and repeatable...wisdom of the ages' (Boyd White, 1999, p.54). Equally in literature individual writers do not normally offer political programmes for social action; instead their concern is to provide 'understandings of other people and other minds' (Boyd White, 1999, p.58). Studying literature, and by extension popular culture, can help us understand what Gaakeer calls 'the particularity of human experience' (Gaakeer, 1998, p.35). How particular people react to particular things in particular circumstances is the core of what writers in these areas are interrogating. In this sense literary works can be seen as studies in individual psychology. This is one of things that makes literature important for the legal academy. 'King Lear' can, for example, be read, and has been read, as a critique of the way in which either law or love, but not the two together, can be determinants for behaviour (Kahn, 2000). However, such a reading does not make Shakespeare a legal philosopher, dedicated to formulating a consistent and coherent account of the nature and effect of law. Instead Shakespeare's concern is with individual people and the way that they behave in certain situations. In this sense the play is about Lear, Cordelia and the other characters not about law and love. In looking at what happens to them and why it happens, and in thinking about how this relates to what we already know about law and love, we can learn more about law and love. 37

Literature's concern with human character enables us to address questions about the possible arbitrary nature in the way in which such writing develops. If literature is about the 38

particularity of human experience writers do not have unlimited freedom with regard to the development of their material. Authenticity is the key to what they do; facts need not be factual, but people, characters, must have integrity if literature is to be true to itself. Fidelity to character not fact is central. Ford Madox Ford's description of his own work as a novelist is illustrative of this: 'When it seems expedient to me I have altered episodes that I have witnessed, but I have been careful never to distort the character of the episode' (Greene, 1962, p.9). As with literature, so with popular culture, or, at least, so with what Whedon sought for *BtVS* and *'Angel'*. Whedon has been quoted as saying that he 'wanted the audience to trust the core characters' (Havens, 2003, p.51). In her essay on the character Cordelia in *'Angel'* Crusie, herself a novelist, writes,

As any good writer knows...the first law of characterization is 'Never violate your character's core identity.' You can play all the variations on her psychology that you want, you can show her growing and regressing, making huge mistakes and taking huge maturation leaps, but you cannot violate who she is at heart. (Crusie, 2004, pp.187-188)

It is significant in this respect that a number of writers have commented on the detail and depth of the central characters in *'Angel'* and *BtVS*. Thus, for example, Lyubansky, himself a psychologist, states that 'Buffy Summers...is the most psychologically well-developed character on television' (Lyubnasky, 2007, p.171). It is also important that, whilst the events in the programmes are far-removed from everyday lives, the motivations of the characters are not; the programmes have a 'relentless reality' (Havens, 2003, p.47). The interaction between Buffy and the various members of the Scooby Gang, their attempts at love understood both as *agape* and *eros*, represent a reasonable approximation to what most people aspire to in their personal relationships (Bradney, 2006); equally *'Angel'*'s deeply-felt sense of responsibility for his own actions and his attempts to work out the implications of that responsibility are things that most people would see as being desirable, both in themselves and in others. It is this careful and scrupulous exposition of characters whose reasons for doing what they do resonate with the quotidian lives of viewers that makes the kind of analysis found in this article both possible and worthwhile. *BtVS* and *'Angel'* are about how various imaginations react to law and legal institutions. Like any material that is used in the legal academy, *BtVS* and *'Angel'* needs to be treated with caution. The close textual analysis that is central to this article is about what is being said in the programmes. However writers, whether in literature, film or television, may fail to develop their characters appropriately. Because of this what is said may be said incorrectly. Indeed Crusie's essay, cited above, is in part concerned with what she sees as such a failure with respect to the treatment of Cordelia's character at the end of the third series of *'Angel'*; a failure that she does not see as being remedied until halfway through the final, fifth series (Crusie. 2004, pp.193-196). *BtVS* and *'Angel'* are worthy of study but that is not to say everything, or indeed anything, that they say must be accepted without question. They provide evidence that can be used in analysis but evidence needs to be tested. Like *'King Lear'*, like any material that the legal academy might choose to use, they are uncertain guides to matters of character and imagination. 39

Insofar as *BtVS* and *'Angel'* concern themselves with law they are not an exposition of jurisprudence but are, rather, a study of the place that law has in the lives of those in the programmes. Because of this there is in fact no contradiction in the accounts of law that we find in *BtVS* and *'Angel'*; instead there is a contrast between the various characters' reaction to law. It is this very contrast that is one of the things that makes the programmes worth studying both for their own sake and also for the comparison to be made between the two. What kind of experiences, what kinds of minds, seek to live lawfully or, alternatively, reject law as a reason for action, is a matter of pressing concern for the legal academy. When taken together the programmes allow for the exploration of a much wider range of 'particularities of human experience' than either programme does when seen alone. In doing this, whilst the programmes are not themselves jurisprudence, like *'King Lear'*, they can be a contribution to the thinking that underpins jurisprudence. 40

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