

Images of Law in BtVS

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A Bradney “Choosing Laws, Choosing Families: Images of Law, Love and Authority in ‘Buffy the Vampire Slayer’” (2003) 2 Web JCLI (<http://www.ncl.ac.uk/~nlawwww/>)

A Bradney ““I Made a Promise to a Lady’: Law and Love in BtVS” (2003) 10 Slayage: The Online International Journal of Buffy Studies (<http://www.slayage.tv/>)

A Bradney “The Case of Buffy the Vampire Slayer and the Politics of Legal Education” in S Greenfield and G Osborn (eds) “Readings in Law and Popular Culture” Routledge (In press)

BtVS – The Police Series

Buffy works for a Watcher who is her “commander” and who trains her (“Consequences” 3015). In turn the Watcher “in matters of tradition and protocol” is accountable to a Watcher’s Council (“Helpless” 3012). The Watcher’s Council has final responsibility for determining both what the Watcher and the Slayer should do, basing their decisions on “laws that have existed longer than civilization” (“Graduation: Part One”, 3021). The basic import of these laws is “kill vampires and demons”. As such Buffy can be seen as a police officer, working within a hierarchy of police officers who apply the law to the criminal element within society, an element which is both easily recognisable and clearly distinguishable from the non-criminal part of society.

Buffy is a rogue cop. She is not always respectful of the hierarchy within which she works. Giles her Watcher’s first diary entry regarding her reads, “Slayer is wilful and insolent” (“Bad Girls”, 3014). There are times when Buffy fails to follow Giles’ directions (“Reptile Boy”, 2005). In series two, when Kendra, another Slayer, suggests that she and Buffy return to their Watcher to ask for orders,

Buffy responds “[o]rders? I don’t take orders. I do things my way” and when asked in series four whether she ever obeyed the orders of the Watchers Council, Buffy responds, “[s]ure. The ones I was going to do any way” (“What’s My line? – Part Two”, 2010; “This Year’s Girl”, 4015). Buffy physically intimidates and then hits a human suspect in order to obtain information in one episode and she tortures a vampire for the same purpose in another (“Band Candy”, 3006; “When She Was Bad”, 2001). Nevertheless she is a cop who works within the hierarchy, even when her personal interests suggest she should do otherwise. Thus, for example, she breaks a much-wanted date in order to join Giles in a fruitless search for a vampire (“Never Kill a Boy on the First Date”, 1005). At this level a hierarchy prevails; as Buffy says to Giles, “[y]ou’re the Watcher, I just work here” (“When She Was Bad”, 2001).

The programme conforms with many, though not all, of the conventions of the police series genre.

“Within *The Sweeney* a binary dramatic structure unites a paradigm of representatives of the law against an episodically varied repertory of representatives of the world of crime. Since the forces of law and order predominate, Regan, Carter and Haskins...form an almost perpetual ensemble versus opponents inevitably characterised by fictional ephemerality; intruding into fiction, non-regular characters are much more likely to be transgressors – expelled from the contest, they are expelled from the fiction. In other words, the *actant* ‘villain’ remains essential within the opposition, its *actorial* expression is in constant flux.”

P Drummond “Structural and Narrative Constraints and Strategies in ‘The Sweeney’” (1976) 20 Screen Education 15 at p 24

As with “The Sweeney”, so with BtVS. And, as in all police series, BtVs calms our fear of

“urban disorder, of violence and drug-taking, of corruption in high places, of the sources of risk and threat, and of our disrupted sense of trust in the safety and habitability of our surroundings.”

R Sparkes "*Inspector Morse: 'The Last Enemy'* (Peter Buckman)" in George Bandt (ed) "*British Television Drama in the 1980s*" (1993) Cambridge University Press, Cambridge at p 87

BtVS and Affective Relationships

One convention of the police series genre that BtVS does not conform with lies in the emotional relationships that the characters enter into. It is almost a given within the police series genre that being a successful police officer means giving up connection with others. In "The Sweeney"

"the series format describes him [Regan, the central police character]:

'The total 'professional', 24 hours-a-day cop. His commitment to his career has led to the break up of his marriage...Regan finds it difficult to develop lasting emotional relationships...'"

(R Paterson) "'The Sweeney': A Euston Films Product" (1976) 20 Screen Education 5 at p 11)

In contrast to this Buffy enters into emotional relationships with a variety of people from the beginning of the series, some of which are sustained through all 144 episodes.

Importantly the connections amongst the characters include a complex relationship with her "line-officer", Giles, that is mutually supportive at a deep level. When Giles turns to alcohol when he is pursued by the demon Eyghon ("The Dark Age", 2008) Buffy's reaction, in Bowers' phrase, is one of "parent-like attention" (C Bowers "Generation Lapse: The Problematic Parenting of Joyce Summers and Rupert Giles" (2001) 2 *Slayage: The Online Journal of Buffy Studies* 6). In the end, the Watcher's Council sack Giles as Watcher because, he is told, "[y]ou have a father's love for the child" ("Helpless", 3012). In fact the relationship between the two is more complex and idiosyncratic than a simple paternal one, involving Giles being mentor, friend and confidant but it is a connection that is sufficiently strong, as Buffy's mother herself observes, to challenge Buffy's relationship with her mother ("Anne", 3001). In this BtVS moves outside the police series genre. Equally important is Buffy's relationship with Angel. From early on in the series, convinced that he will not hurt her, she cannot think of killing him ("Angel", 1007)

as the law of the Watcher's Council demands. Her developing relationship with him culminates in the choice between following the law of the Watcher's Council or trying to save him; a choice which leads her to resign from the Watcher's Council, being now no longer the transgressive cop but, rather, someone who rejects the very spirit of the laws of the Watcher's Council ("Graduation Part 1", 3021). Moreover, it is not just Angel who Buffy (and indeed the other members of the Scooby Gang) see as falling outside the Watcher's Council's dictum "kill vampires and demons". In a variety of episodes demons and vampires appear who are either not evil or not so sufficiently evil as to justify killing them.

BtVS and Anarchism

Resignation from the Watcher's Council leaves Buffy with a decision about what law, if any, to follow. One option for her is, as Faith suggests, some form of anarchism or nihilism.

"[Slayers] don't need the law. We are the law"
("Consequences", 3015)

"Life for a Slayer is very simple...want...take...have" ("Bad Girls", 3014)

Thus when Riley leaves the Initiative he describes his action thus:

"Colonel: You're a dead man, Finn.
Riley: No, sir. I'm an anarchist."
("New Moon Rising", 4019)

But, despite brief enthusiasm for this approach, Buffy rejects this possibility.

In "Pangs" Hus, a vengeance spirit, seeks revenge for wrongs done to the Chumash, a native American tribe, when the Europeans colonized the USA ("Pangs", 4008). He kills several people. Willow argues that they "should be helping him redress his wrongs" and tells Buffy "I'm not gonna help you kill him. I'm not on board". Anya suggests that vengeance is sometimes justified whilst Giles and Spike, in different ways, contend that past wrongs do not justify what Hus is

doing. When Xander, who has been infected by the various diseases that Europeans brought to the Humash as part of the cycle of vengeance, asks of the Hus, “it is for to be slaying soon”, Buffy’s response is, “[t]hat’s sort of the question before the court” (“Pangs”, 4008). There is a law to be followed and Buffy does not determine the law on her own. “Pangs” shows that in fact for a Slayer it is more complicated than “want...take...have”. Similarly, in “Selfless” at the beginning Buffy claims,

“in the end the slayer is always cut off. There's no mystical guidebook. No all-knowing council. Human rules don't apply. There's only me. I am the law.”
(Selfless, 7005)

But Xander’s response is, “There has to be another way”. To which Buffy’s retort is, “[t]hen please find it.” And Willow does, arriving at a solution a way of resolving the issue that does not involve Buffy executing what she has determined to be the law.

Making Law

If law does not come from state law, the Watcher’s Council or the Imitative, where does it come from?

When Doc asks Spike why he, a vampire without soul, is protecting Dawn Spike’s answer is simply “I made a promise to a lady” (“The Gift”, 5022). Love has become part of the law determining how Spike should behave. Spike is not unique in letting love become part of their law. At the end of series five, Buffy saves the world by her suicide; an action prompted by her love for her sister who must die if she does not (“The Gift”, 5022). Series six culminates in a novel problem for Buffy and the Scooby Gang when Willow tries to bring about an apocalypse. The law “kill vampires and demons” is of no assistance in this situation. Buffy and the others struggle to prevent the end of the world whilst also saving Willow. Xander’s final solution to the dilemma is repeatedly to remind Willow of his love for her (“Grave”, 6022). Love determines how he behaves, forbidding any attempt to kill Willow. Similarly, though Buffy and Giles seek to stop Willow ending the world, neither try to kill her. Love limits their actions, preventing them behaving in the way they have done when

faced with other attempts to create an apocalypse. In smaller ways as well love guides Buffy and the Scooby Gang. Love, whether agape or eros, leads Buffy to have the Initiative remove the chip from Spike's brain ("The Killer in Me", 7013). Love, both agape and eros, leads Willow and Xander to protect Anya from Buffy ("Selfless", 7005).

Love, to be good, must have the right context. It is therefore significant that the imperatives of state law and the dictum "kill vampires and demons" remain important through all seven series, providing an environment in which love can operate. Nevertheless, increasingly love supplies the test for these lesser forms of law at moments of crisis. When Buffy and the Scooby Gang find themselves in the position where they have to, in Bauman's words,

"place our bet on that conscience which, however wan, alone can instil the responsibility for disobeying the command to do evil..."

Z Bauman "Postmodern Ethics" (1993) Oxford Blackwell Publishers at p 250

they place their bet on love. Love supplements and at times supplants the rigidities of state law and the law of the Watcher's Council. Buffy, in an alternative universe where she has never moved to Sunnydale and met either Giles or the Scooby Gang, is governed only by her obedience to the law of the Watcher's Council ("The Wish", 3009). Killing vampires is the only thing she thinks she is good at and, when she does meet Giles, she has no interest in his search for ways to make the world better. Buffy fights and dies and does not even notice Angel as he sacrifices his life for her. As Money writes

"[h]ow does a human become less human? By disregarding love, by becoming inflexible, by operating as a machine without choice, knowledge, or wisdom."

M Money "The Undemonization of Supporting Characters in Buffy" in R Wilcox and D Lavery (eds) "Fighting the Forces: What's at Stake in Buffy the Vampire Slayer" (2002) Lanham. Rowman & Littlefield Publishers at p 102

What Buffy and the Scooby Gang increasingly strive for in *BtVS* is a consciousness of both love and law and an attempt at Bańkowski's "risky and uncertain" settlement of the tensions between the two. (Z

Bańkowski “Living Lawfully: Love in Law and Law in Love” (2001) Dordrecht, Kluwer Academic Publishers at p 11) When Giles asks Buffy why she had the chip removed from Spike’s brain, thus effectively loosing a vampire on the world and breaching the law “kill vampires and demons”, Buffy initially gives her reason as being “instinct” (“First Date”, 7014). However, a few moments later, she reasons that, since Spike has gained a soul, he has to be given a chance to be good of his own free will without being electronically muzzled by the chip. Love, whether agape or eros, has resulted in the articulation of an argument for limiting the application of the law. “[A] mysterious explosion of love carries within it the bond of rules and rationality” (Bańkowski op cit at p 101). Later it will be Spike who, as Buffy’s “champion”, freely sacrifices his life to save the world, love having become part of his law, thus vindicating Buffy’s judgement (“Chosen, 7022).

BtVS and State Law

The traditional state police are disparaged in BtVS as being irrelevant;

“they couldn’t handle it [vampires] if they did come. They’d only show up with guns”
 (“The Harvest”, 1002)

They are largely shown as being incompetent, even when working within their own supposed area of expertise (failing, for example, to notice that a “man” that Buffy has supposedly murdered is, in fact, a robot (“Ted”, 2011), and sometimes seem, at least at senior level, to have some connections with vampires and demons (“I Only Have Eyes or You”, 2019). Nevertheless, notwithstanding the way in which Buffy and the others try to develop their own law, this should not be taken to mean that state law is wholly rejected. Buffy and the others do not completely ignore state law and accept that “the human world has it’s own rules” (“Villains”, 6020). What they do not acknowledge is state law’s hegemony. State laws demand total and unquestioning obedience. Ignorantia juris non excusat (ignorance of the law is no defence). Thus, normally, “the legal subject is to all intents and purposes a ‘servant’ of the law” (P Goodrich, Peter “Law in the Courts of Love: Literature and Other Minor Jurisprudences”(1996) London. Routledge, at p 111). Buffy and the Scooby Gang, however,

decide when state law's writ will run and when they must intervene. From the moment in the second episode of the first series, "The Harvest" (1002), when Willow hacks into the city plans for Sunnydale it is clear that they do not accept that they are the "servants" of state law and that this law will not always bind them. The pursuit of vampires and demons regularly involves them in a range of activity, from trespass through theft to assault, which is contrary to state law.

Yet, although it is true to say that state law is the law that Buffy and the Scooby Gang have least regard for, it would not be true to say that, because they are aware of its limitations, they have no regard for it at all. The acknowledgement that "the human world has it's own rules" is real and not merely rhetorical. It leads Buffy to be willing to turn herself into the police when she thinks she has killed Katrina in "Dead Things" (6013) and it means that her initial reaction to Warren's murder of Tara is to let human law take its course ("Villains", 6020). Nonetheless, at the same time, state law is regularly broken by Buffy and the Scooby Gang; their relationship with state law is thus a complex one.

Theft provides a good example of the nuances of Buffy and the Scooby Gang's attitude towards state law. When Giles steals documents from the Watcher's Council library this occasions no adverse comment ("Bring on the Night", 7010). Similarly the theft of the Box of Gavrock from the Mayor of Sunnydale incurs no criticism nor does Xander's theft of a police car ("Choices", 3019; "Two to Go", 6021). Buffy's attempt to steal a knife from a shop is, however, more problematic ("Bad Girls", 3014) whilst Dawn's kleptomania causes both Buffy and the Scooby Gang deep angst ("Older and Far Away", 6014) and Anya feels the necessity to excuse her acts of burglary by telling herself that they were the result of a spell ("Him", 7006). Theft is sometimes acceptable and even meritorious; sometimes it is not. The distinction drawn is between those thefts that are necessary because of the need to defeat vampires and demons and those that are not. Dawn's behaviour stems from personal traumas and has to be expiated by either returning the goods or paying for them ("Entropy", 6018), Anya's burglary spree is excusable, if at all, because of the magical effects of RJ's letterman jacket and Buffy's attempted theft, whilst ostensibly necessary because she needs weapons to fight the demon Balthazar, in fact results from her brief

flirtation with Faith's nihilism and is thus inexcusable. The other thefts are, however, essential in furtherance of the battle with supernatural evil. The need to comply with state law has to be balanced against a greater good. When Willow takes things she needs for a spell from the Magic Box without paying for them Anya describes her actions as burglary whilst Willow seeks to justify them by claiming that her spell will help Buffy ("Triangle", 5011). Story lines that focus on the fight with vampires and demons serve to emphasise instances when it is necessary to break state law. Nonetheless, on a day-to-day basis, compliance with the dictates of state law is still an important matter in BtVS.

Legal Pluralism in BtVS

An increasingly complex account of law is sketched out in BtVS. Alongside state law lie a series of other legal regimes. The Watcher's Council and the Initiative are both a source of law. In this the programme provides a pluralistic account of the nature of law.

“[N]on-state legal orders range from the interstices within, or areas beyond the reach of, state legal systems where custom-based norms and institutions continue to exert social control, to the rule-making and enforcing power of institutions like corporations and universities, to the normative order that exists within small social groups, from unions, to sports leagues, community associations, business associations, clubs and even the family.”

B Tamanaha "A General Jurisprudence of Law and Society" (2001) Oxford University Press at p 116

The form of law offered by the Watcher's Council and the Initiative mirrors that of state law. It is hierarchical and rests on the application of power; we are creatures of, and subject to, the law. The law that Buffy and the Scooby Gang arrive at is different in form. It is not imposed but chosen and it involves not hierarchy but co-operation. Consistently through the series Buffy averts apocalypses not solely as the result of her own efforts but in co-operation with others. In the end Buffy rejects even the most basic tenet of the law that was given to her.

“In every generation one Slayer is born because a bunch of men who died thousands of years ago made up that rule. They were powerful men. This woman [Willow] is more powerful than all of them combined. So I say we change the rule. I say my power should be *our* power.”
 (“Chosen”, 7022)

Through the agency of Willow’s witchcraft and with the concurrence and assistance of her friends Buffy ensures that every potential Slayer becomes a Slayer and the First Evil is defeated.

Conclusion

BtVS offers a challenging account of the nature of law: challenging in two different senses. First law is not seen in a simple sense. A variety of legal orders compete for our attention and all of them have meritorious aspects to them. Secondly the law finally favoured is that which involves the individual engaging in the greatest amount of emotional and intellectual effort. In the company of others we must arrive at what the law is, a task that BtVS shows will not be easy, as lessons have to be learned and relearned. And in the end, having arrived at the law, the programme does not tell us that we will then enter into some promised land where paradise awaits. In abandoning her claim to be the sole Slayer Buffy ensures the defeat of the First Evil but, as Giles tells us, there is another hellmouth in Cleveland (“Chosen, 7022) and, as the fifth series of Angel shows, the fight goes on.