



2017

Outside but Within: The Normative Dimension of the Underworld in the Television Series “Breaking Bad” and “Better Call Saul”

Manuel A. Gomez

Florida International University College of Law

Follow this and additional works at: https://ecollections.law.fiu.edu/faculty_publications



Part of the [Criminal Law Commons](#)

Recommended Citation

Manuel A. Gomez, Outside but Within: The Normative Dimension of the Underworld in the television series “Breaking Bad” and “Better Call Saul”, *JOxCSLS 2 Special Issue: Law and Popular Culture* (2017).

This Article is brought to you for free and open access by the Faculty Scholarship at eCollections. It has been accepted for inclusion in Faculty Publications by an authorized administrator of eCollections. For more information, please contact lisdavis@fiu.edu.

Outside but Within: The Normative Dimension of the Underworld in the television series “Breaking Bad” and “Better Call Saul”¹

Manuel A. Gomez

I. The portrayal of the legal system in popular media

The fascination of popular media with the operation of the legal system is not new. For many years, novelists, playwrights, and screenwriters have produced an endless catalogue of works focused on crime and punishment, trials, lawyers, judges, and other pieces of the intricate puzzle that comprises the legal system.² The universe of such works is so vast that it has led to the development of many sub-genres, which have persevered throughout the evolution of the different artistic and intellectual forms of written, oral, and audiovisual expression.

From the long gone days of the “silver screen” when motion pictures were only shown in theaters, to our current time when anyone with a palm sized electronic device can access and watch virtually any movie in existence; video recordings have attained a prominent place in our modern culture. Their sensory-stimulating potentials, and ability to reaching viewers in virtually every corner of the world, makes video recordings a premier vehicle for the propagation of cultural values, ideas, and attitudes about many facets of social life, including the legal system.

An average lay person today would likely describe the scene of a courtroom hearing as featuring a black robed judge, gavel in hand, presiding from an elevated podium whilst questioning a witness seated to her side. The jurors are contained in a special section (the jury box) and are situated farther apart, and the lawyers stand side-by-side, front and center, in a spacious courtroom where members of the public, too, are in attendance. Such a scene, taken from an American trial, has become a staple in popular culture in countries as far as Argentina, the Philippines or Malaysia, in great part due to the global reach of American television series.³ The impact has been such that even foreign movies and television shows routinely feature

¹ An earlier version of this work was published as MANUEL A. GÓMEZ, *No Limite: A Representação do Direito e da Ordem Social Não-oficiais na Série de Televisão Breaking Bad*, in LAW AND POPULAR CULTURE (Pedro Fortes, ed.) (Fundação Getulio Vargas: São Paulo, 2015) volume 12 of FGV LAW SCHOOL SERIES (CADERNOS FGV DIREITO RIO). The author acknowledges the suggestions and insight from the two external blind reviewers to the original manuscript, and the invitation of Professor Pedro Rubim Fortes to participate. Megan Roth and Itay Ravid also provided valuable commentaries to earlier versions of this article.

² Marilyn Robinson, ‘Collins to Grisham: A Brief History of the Legal Thriller’ (1998) 22 *Legal Studies Forum* 22

³ See, e.g. Carol J. Clover, ‘Law and the Order of Popular Culture’ in Austin Sarat & Thomas R. Kearns (eds) *Law in the Domains of Culture* (University of Michigan Press, 1998)

American-style courtrooms, and all the theatrics that it entails.⁴ Predictably, people from foreign countries have reported, “that they are more familiar with the American trial system than with their own countries’ legal regimes.”⁵

We do not know exactly how many law-related television shows have ever been produced, but we can reasonably estimate that there have been at least two hundred, of which the vast majority are American-made.⁶ The sub-genres, specific content and storylines of legal television series are numerous, and their taxonomy is beyond the scope of this article. Notwithstanding, we can say that law-related television series tend to have at least two features in common. First, their portrayal of the legal system tends to be neither completely accurate nor real, but instead dramatized, skewed, and distorted to varying degrees. This should come as no surprise given that their main goal is to entertain. Second, law-related television series also tend to put emphasis on the dramatic twists and turns of legal cases, courtroom drama, and shocking events that are often seasoned with gore and disproportionate violence.

Anyone who is familiar with the operation of the legal system knows that most dramatic events as depicted in television series are not common, and that the real life of the law is instead filled with mundane activities and routine tasks that would certainly seem dull and uninteresting to a lay person, and therefore unappealing to film producers and playwrights, too. Unless it helped support some dramatic twist, the writer of a television series would never focus their story on the average legal dispute between a tenant and her landlord, the administrative processing of a traffic violation, or the filing of a motion to dismiss a case for lack of jurisdiction. The situations from which screenwriters generally get their inspiration tend to be unusual crimes, political scandals, pressing social issues, or notorious court cases. Current events such as terrorist attacks, drug trafficking, gender and racial tensions, and gang violence inundate popular television series these days.

In any instance, scriptwriters take those situations as raw material and manipulate them, add drama to their plot, and embellish otherwise lackluster stories, but also make sure that some realistic or familiar content remains. After all, people (the audience of a play, television show, or movie) are more likely drawn to stories that are familiar to them, events and messages that have symbolic meaning, or about which they have an opinion. In this sense, television series and other popular media become valuable forms of cultural expression. Their depiction of events or situations where the law intersects with social behavior, norms, ideologies, and values is likely to have an impact on how the public sees the legal system and relates to it. Measuring such impact is another story.

In any case, the relationship between popular media and culture is synergetic in the sense that they impact each other. Popular culture is both a touched-up expression of real social phenomena and an influencer; whereas the depictions offered by popular culture may be biased, partial, or exaggerated, at the same time they help us understand the dynamics of social phenomena vis-à-vis the legal system. Furthermore, popular media reflects a particular set of values, ideas, and attitudes that certain people hold about the law (legal culture), and in

⁴ Jessica Silbey, ‘A History of Representations of Justice: Coincident Preoccupations of Law and Film’ in Antoine Mason & Kevin O’Connor (eds.) *Representations of Justice* (Peter Lang, 2007) at 140

⁵ Stephen McIntyre, ‘Courtroom Drama with Chinese Characteristics: A Comparative Approach to Legal Process in Chinese Cinema’ (2013) 8 U. Penn, East Asia L. Review 1, 4

⁶ [https://en.wikipedia.org/wiki/Category: Legal_television_series](https://en.wikipedia.org/wiki/Category:Legal_television_series)

turn contributes to reshaping and disseminating similar values, ideas, and attitudes back to society, as in a never-ending cycle.

The concept of justice is also important here. Popular media serves as a conduit that transmits an interpretation of what justice is, from the screenwriters –through the characters that they create– to the viewers, and from them to the rest of society. Conversely, the general public’s view of justice is also susceptible to be collected and reinterpreted in a script for further dissemination through popular media; so the cycle goes on and on.

In many law-related movies and television shows the idea of justice is presented in more than one way.⁷ The most obvious depiction is the one in which justice is perfectly aligned with the official legal system, and the characters that play the roles of lawyers, judges, and law enforcement agents are called upon to maintain such alignment, even through heroic actions. More often than not, the impeccable behavior of the agents of the law is exaggerated; conversely, the actions of those depicted as deviants are dramatized as well. The result here is a clear good guy/bad guy dichotomy.

On the other end of the spectrum, there are storylines where the formal authority is presented as having become illegitimate, so the only way to achieve justice and save the day is by breaking the formal law and confronting the officials who have gone astray. Given the unlimited reach of human creativity, imagination, and the incredible technological advances at our disposal, the variations among plots: the twists, the turns, and the situations between one extreme and the other, seem endless.

One of the most common representations of law and justice in popular media focuses on the official level, and the hurdles faced by those involved in one way or another with the workings of the state. There is also an important sub-genre where the normative order depicted is one that emerges and operates *outside* of the official legal system, and is often presented as being at odds with it. These private, unofficial, or indigenous legal systems⁸ might be portrayed as dependent on their own sets of norms, institutions, and enforcement mechanisms. The reasons for their indigeneness obviously vary depending on the plot, but the most common depiction is of social groups, the members of which are criminals, deviants, or act outside the law, and yet devotedly abide by their own unofficial normative regime. Simply put, despite being *outside* the state those groups act *within* the confines of their own legal system.⁹

Some popular examples of these private ordering structures are the mafias, gangs, and other groups of the underworld such as the Corleone family in *The Godfather* movie trilogy, the Soprano family in the eponymous television show, the Barksdale Organization in series *The Wire*, and more recently the Juárez Cartel in the award-winning show *Breaking Bad*, and its spin-off *Better Call Saul*. Despite the obvious differences that stem from each story, and the

⁷ James R. Elkins, ‘Popular Culture, Legal Films, and Legal Film Critics’ (2007) 40 *Loyola of Los Angeles Law Review* 475

⁸ See Marc Galanter, *Indigenous Law and Official Law in the Contemporary United States*, Symposium in Bellagio, Italy: State Institutions and Their Use of Folk Law: Theoretical and Practical Issues (Sept. 21-25, 1981) (unpublished manuscript) (on file with author) [hereinafter Galanter, *Indigenous Law*]. Following Galanter, “by indigenous law (we) refer not to some diffuse folk consciousness, but to concrete patterns of social ordering to be found in a variety of institutional settings.” *Id.* at 2.

⁹ Conversely, the law enforcement agents depicted in popular media shows tend to be portrayed as acting both *inside* the state and *within* the boundaries of the formal legal system.

characters involved, there seem to be some common features among the criminal organizations depicted in popular films.

First, criminal organizations in popular television shows usually feature a clear hierarchical structure whose core members are related to each other through multi-stranded ties that include family, ethnicity, or some other affiliation such as longstanding friendships. The bonds that result from these connections are often shown to signal the sense of intra-group identity, loyalty, unquestionable obedience, and cooperation toward attaining a common goal,¹⁰ regardless of whether it involves committing a crime or engaging in illegal behavior vis-à-vis the official legal system.

Second, the roles in each of these groups are also clearly defined from top to bottom, and recognized both within and outside the organization, especially among the law enforcement officials that are naturally depicted as their nemesis. Unsurprisingly, most of the attention given to the characters of the underworld in popular culture tends to focus on their criminal activities, and the intrepid behavior of their members who are usually featured among the main characters of the show.

With the exception of the characters depicted as ruthless villains whose antisocial behavior challenges every convention and breaks every possible rule including their own intra-group norms, criminal organizations are generally shown as having their own internal legal order of sorts. At the core of these indigenous orders are their own sets of laws and internal control mechanisms that ensure compliance with those laws. One common feature of these indigenous legal systems is the presence of a leader or kingpin who makes important decisions, including the adjudication of disputes. In other instances, collective bodies such as the council of the “five families” in the *Godfather* perform such an adjudicatory function in a similar way to how courts or other state institutions would operate, but applying their internal community norms or standards.

None of these standards or normative codes, however, appears to be contained in any document or written record, which is not surprising given the purported illegal nature of those organizations. Notwithstanding the absence of written laws, there is never confusion as to the scope and effect of those laws, or their meaning, which all members seem to understand and abide by. Unlike the case of many television series and movies about the official legal system, where important parts of the story are devoted to showing intense disagreements between the parties to a dispute, their lawyers, and the court regarding the interpretation of a particular law, the laws of the underworld always appear to be crystal clear and compliance seems to be very high.

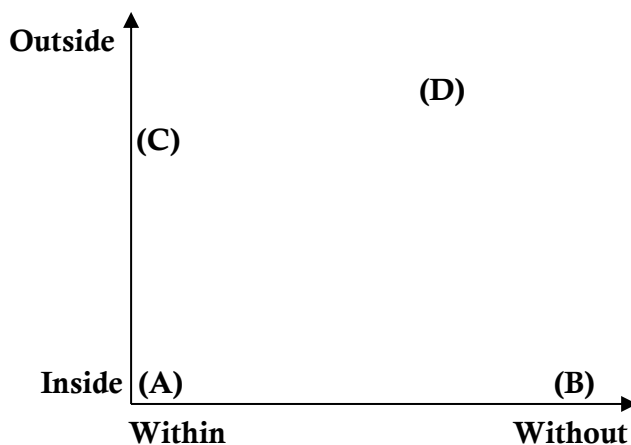
One key element in the legal systems of the underworld portrayed by the popular media is the internal sanctioning power of the group. Depending on the severity of the violation, mafias and other criminal organizations shown in television shows act swiftly when imposing fines and giving other economic consequences to violators. Among organizations such as drug cartels or smuggling operations, sanctions range from the loss of a market share, a monetary sanction, or the deprivation of an earned commission. For other type of infractions, including the betrayal of colleagues or “family” members, the punishment may entail intimidation,

¹⁰ See generally, Tom R. Tyler, ‘Why People Cooperate: The Role of Social Motivations’ (Princeton University Press, 2011)

physical harm, or even death, which is frequently portrayed prominently to enhance the dramatic effect of the story. Occasionally, the injured party also seeks revenge, retaliation, or decides to snitch to the official authorities, so these may in turn prosecute and punish the guilty party.

Intra-community sanctions are usually decided summarily at the highest level by the bosses or leaders, but are carried out by specially designated enforcers who are usually depicted as ruthless individuals otherwise unconditionally loyal to their bosses and to the criminal organization to which they belong.¹¹ Inter-group violations, on the other hand, are generally dealt with directly by collective bodies comprised by the heads of each family, an alliance of gangs or drug cartels, acting as a court of last resort.¹² Despite their apparent efficiency, the normative orders of the underworld in popular media are sometimes depicted as marred with bouts of injustice and extreme cruelty. At the center of the plot there is usually an individual or a group of individuals whose moral compass is mislaid, and who act as if no laws or norms apply to them. In other words, these characters are both *outside* of the state apparatus, and also act *without* any regard for their own community or intra-group norms.

The *inside/outside* distinction refers to the insertion or not of a particular social group or individual into the state bureaucracy. The *within/without* dichotomy denotes instead the submission or not to a given normative order, be it *inside* or *outside* the state. The interplay between the two dimensions, and the degree to which they appear in the different storylines, may lead to an array of different possibilities. The following coordinate system shows four basic combinations that illustrate this dynamic.



The professional legal actors such as lawyers, judges, and law enforcement officers are mostly depicted as being *inside and within* the official legal system (A). A police officer or a

¹¹ Some famous examples are Strinkum and Wee-Bey in *The Wire*, Luca Brasi in *The Godfather*, Tuco Salamanca in *Breaking Bad*, and the twin brothers Leonel and Marco Salamanca in *Better Call Saul*.

¹² Such is the case of The Council of the Five Families in *The Godfather*, or the New Day Co-Op in *The Wire*.

lawyer who breaks the law (regardless of his or her motives) could still remain *inside but act without* respect for the rules (B). The less respect the character shows for the law, the farther he or she will be from (A) along the “X” axis line. The members of outlaw groups such as crime syndicates, mafias, and other close-knit organizations will always be *outside*, but as long as they follow their own normative order we will place them along the *within* continuum (C). Finally, the individuals whose behavior challenges all normative systems, including the rules prevailing in the underworld, will be deemed both *outside* (the state) *and without* (rules) (D). As in a geometrical plane, the possibilities are infinite and will move along or up, depending on whether each character is inserted inside or outside the official legal system, and acts within or without conforming to any norms.

The popular media depiction of how outlaw organizations operate, their purported internal efficiency, and their relationship with the official legal system, is most likely an idealized and exaggerated rendering of their real-life version. In this sense, popular culture cannot be taken as “an accurate mirror of the actual state of living law,”¹³ as a true representation of the social relations that those laws are meant to regulate, or even as an accurate representation of the content of the law itself.

Nevertheless, as I explained earlier, law-related television shows and movies serve as conduits for the dissemination of the traditions, ideologies, and norms prevalent in society as interpreted by their authors and scriptwriters.

Each of the movies and television series mentioned earlier feature certain characters depicted as criminals who seem to place a high value on their own version of justice, fairness, due process, and other ideals generally associated with the official legal system. Members of the criminal organizations, gangs, and the like, depicted in popular movies and television shows also tend to follow indigenous codes of conduct where honor, loyalty, and even the right to present one’s case and be heard seem to be of paramount importance. Following my proposed classification, these characters tend to be *outside* the state *but within* their own normative systems.

The notion of *justice* portrayed in such cases is, of course, retributive and also at the service of their family, gang, or enterprise, and not the interest of society at large. As a result, one could argue that what is depicted there cannot be considered real justice, but perhaps something else. In any case, the fact that these indigenous normative systems exist contributes to reaffirming the idea that dispute processing is not the exclusive business of the state. Furthermore, this also shows that even those depicted as deviants in the eyes of the official legal system are able to develop their own normative system, including a sense of what is right and wrong, and what is just and unjust.

In the sections that follow, this article explores the aforementioned dynamics using two acclaimed television series; *Breaking Bad* and its spin off *Better Call Saul*, as points of reference. *Breaking Bad* traces the journey of Walter White, a terminally ill high school teacher, from his uneventful middle class life to becoming the most powerful and dangerous methamphetamine manufacturer in the Southwestern United States. *Better Call Saul*, a spin off, follows the story of lawyer Saul Goodman, one of the supporting characters in *Breaking Bad*.

¹³ Lawrence M. Friedman, ‘Law, Lawyers, and Popular Culture’ (1989) 98 *The Yale Law Journal* 1579, 1588 [Hereinafter, *Friedman, Law and Popular Culture*].

The show is written as a prequel to *Breaking Bad* and focuses on the transformation of Jimmy McGill from a small time swindler into a mediocre lawyer, and then into a powerful intermediary in New Mexico's underworld.

These shows not only portray how the formal legal system appears to respond to crime but, more importantly for our analysis, how criminal organizations as depicted in popular media regulate themselves, process disputes, and deliver sanctions. In a broader sense, these examples help illustrate how popular media disseminates the notions of law and justice developed and supported outside the formal legal system. In addition, this framework also has the potential to contribute to the discussion about what values, perceptions, and images about the law are transmitted to the public through popular media and how such transmission occurs.

II. S'all Good, Man! Legal actors and the official legal system in *Breaking Bad* and *Better Call Saul*

One of the central characters of both *Breaking Bad* and *Better Call Saul* is attorney Saul Goodman. A tacky lawyer who routinely represents crooked clients and assumes the legal representation of the main characters of *Breaking Bad*: Walter White and Jesse Pinkman. Goodman embodies the opposite of what an ethical lawyer should strive to be. He is portrayed as a money-hungry individual who views the legal system as a pliable tool, and who is willing break any rule that stands between him and the possibility of attaining personal gain. Goodman's moral compass runs counter to what professional ethics dictate,¹⁴ and his character appears to be continuously navigating back and forth between both worlds; *outside and inside* and *within and without*.

Notwithstanding his departure from the fundamental ethical duty of an attorney, in *Breaking Bad* Goodman appears to always bring common sense to his desperate clients and to provide them with practical advice. He is also swift in helping them cover their tracks, launder their money, and avoid being caught. On occasion, Goodman is shown condoning or even supporting illegal behavior (i.e. acting *without* respect for the law), but, at the same time, he appears to hold a high regard for the notion of attorney-client privilege, like someone who acts *within* the confines of the legal profession.

Goodman's role is that of a broker or middleman, which is much more than being a simple legal advisor to his clients. His intermediation is not only between his clients and the state, but, more importantly, between the official legal system and the underworld, which puts him alongside similar characters like Tom Hagen from *The Godfather* trilogy. The difference between Goodman and Hagen, however is that the latter worked exclusively for the Corleone family as their *consigliere* or advisor, whereas Goodman is an independent lawyer with multiple clients and an elastic sense of loyalty that depends on the circumstances. The effectiveness of both Hagen and Goodman rested on their capacity to navigate between the official legal

¹⁴ For a general discussion on legal ethics in popular culture, see, William H. Simon, 'Moral Pluck: Legal Ethics in Popular Culture' (2001) 101 Columbia Law Review 421

system, which they formally vowed to defend as licensed attorneys, and the world of crime where their clients and their business associates routinely operated.

Saul Goodman is obviously an over-dramatized character whose exaggerated unethical behavior ridicules lawyers. The fact that he never gets caught makes the official legal system appear inept and ineffective, although it also raises an occasional giggle from viewers with a dark sense of humor. Goodman's intrepid character was further developed in the spinoff series *Better Call Saul*, the second season of which finished broadcasting in the United States in early 2016. The central plot of *Better Call Saul* concerns Saul Goodman's early professional career; his transformation from a small time swindler nicknamed "Slippin' Jimmy" into a struggling lawyer, and later on into a highly effective intermediary and fixer who eventually became the go-to person of New Mexico's underworld. The series' title is taken from the slogan that Goodman coined for the televised infomercials and billboards inconspicuously displayed in many of the scenes of *Breaking Bad*.

In *Better Call Saul*, Goodman –whose real name in the series is James "Jimmy" McGill¹⁵– is portrayed as a novice attorney who started his legal career in the shadow of his older brother, Charles "Chuck" McGill Jr., who is one of Albuquerque's most successful and respected lawyers and also co-founder of the prominent law firm Hamlin, Hamlin & McGill ("HH&M"). Due to a medical condition described as "electromagnetic sensitivity", Chuck is confined to stay at home for a long period of time and his brother Jimmy becomes his primary caretaker while also trying to make ends meet by working as a public defender.

Throughout the first season we learn that prior to becoming an attorney Jimmy was a grifter with no promising future in sight. At some point, Jimmy got into legal troubles and was saved by his brother Chuck who then hired him to work in the mail room of HH&M. Later on, Jimmy enrolled at the University of American Samoa Law School, graduated and passed the bar, but HH&M refused to hire him as an associate, thus forcing him to leave. Jimmy's first legal experience comes from his work as public defender in the criminal courts, and then as an attorney specializing in elder law. While trying to recruit clients, Jimmy becomes aware of a possible multimillion-dollar fraud committed by the owners of the nursing home Sandpiper Crossing against its residents. He began assembling a potentially lucrative class action based on the alleged fraud, which lands him an associate position with the firm Davis & Maine (D&M), and he is given the main task of developing clients for the case.

Despite having been given several opportunities to become a respectable attorney and therefore staying *inside* the legal system and *within* the law, Jimmy never stops engaging in unethical and fraudulent behavior. Most of his illegal actions appear to be well intentioned, or in pursuit of a laudable goal, but the fact that Jimmy carries them out in total disregard of the law puts the spectator in a quandary. In other instances, Jimmy reveals himself to be a very effective negotiator, like in the scene when he persuades drug kingpin Tuco Salamanca to break one leg of each of his con artist associates, Lars and Cal, instead of killing them. Aside from Jimmy, his brother Chuck, Jimmy's girlfriend Kim Wexler, and Chuck's partner Howard Hamlin, who are all attorneys, *Better Call Saul* does not focus on other legal actors or on any other aspect of the official legal system.

¹⁵ Saul Goodman is actually a made up name from the words "S'all good, man", which McGill invented.

The contrary happens in *Breaking Bad* where the presence of the official legal system is much more salient. This is not surprising given that illicit drug trafficking is an essential part of the story. Unlike some other law-related shows that tend to highlight the flawed side of the official law enforcement by showing police abuse, corruption, and inefficiency, almost none of that occurs in *Breaking Bad*. The depiction of the official legal system in *Breaking Bad*, which is mainly represented by members of the Drug Enforcement Agency (DEA) led by Hank Schrader and, to a more minor extent, the local police force, the state's correctional system, and lawyer Saul Goodman, is one of a reasonably well-functioning apparatus managed by competent agents willing to sacrifice their own lives for the good of society.

Aside from Schrader and his colleague Steven Gomez, who is killed while on duty, none of the characters playing law enforcement roles become known for their heroic actions, as routinely occurs in shows of this nature. Every law enforcement character in the series seems to perform their job normally and, with the exception of Schrader, their lives are unremarkable. In other words, they stay both inside the legal system, and act within its principles.

Breaking Bad has been dubbed one of the highest rated television shows of all times. During the years when *Breaking Bad* was aired in the United States (between 2008 and 2013), the series won more than one hundred industry awards, including sixteen Primetime Emmy Awards, two Peabody Awards, and the Writers Guild of America Award for Television for two consecutive years. Aside from serving as inspiration to the spinoff *Better Call Saul*, *Breaking Bad* gave life to a Spanish-language version dubbed *Metástasis*, and also encouraged the production of a contemporary opera. Because of its focus on the illegal drug trade and other related problems, the series also stirred a public debate about its potential pernicious effect on American society. One prosecutor, for example, blamed the show for glorifying the manufacturing and trafficking of methamphetamine¹⁶, one of the most harmful illegal drugs in the United States.

Breaking Bad's premise is the tragic story of Walter White, an Albuquerque public high school chemistry teacher who, upon being diagnosed with a terminal cancer, became a manufacturer and dealer of crystallized methamphetamine, in order to help build a financial nest egg for his pregnant wife and his teenage son afflicted with cerebral palsy. White launched his dangerous venture in partnership with a former student, Jesse Pinkman, an amateur drug dealer with contacts in the underworld. Both Walter and Jesse begin by "cooking" meth in a retrofitted RV that they drive into the desert to avoid being caught. Soon after realizing the potential economic success, due in great part by their high-quality product which they call "blue sky", White and Pinkman become associated with an erratic kingpin by the name Tuco Salamanca, and later on joined the organization of the well-established distributor Gustavo Fring, who in turn worked with the powerful Juarez Cartel, led by Don Eladio Vuento.

¹⁶ Blake Ewing, *Breaking Bad Normalizes Meth, Argues Prosecutor* (Time, September 20, 2013) Available at: <http://ideas.time.com/2013/09/20/breaking-bad-promotes-meth-use-argues-prosecutor/>; *See also*, Stephen Marche, *How Breaking Bad helped end the war on drugs* (Esquire, August 16, 2013) Available: <http://www.esquire.com/entertainment/tv/a24325/breaking-bad-war-on-drugs/>; Max Rivlin-Nadler, *Breaking Bad's failed American dream* (The Nation, July 11, 2012) Available at: <https://www.thenation.com/article/breaking-bads-failed-american-dream/>

Walter's initial association with the drug cartel was involuntary, and resulted from a series of events that slowly brought out his violent and ruthless side. Instead of revealing his real identity to the members of the underworld, Walter introduced himself as Heisenberg. His increasingly aggressive behavior and cold-blooded demeanor easily places Walter not only *outside* the legal system, but also *without* any normative boundaries. His character develops into an incredibly anarchical trafficker, even for the most seemingly merciless drug lords. The dramatic effect of the story was enhanced by the fact that White's brother in law, Hank Schrader, was an important drug enforcement agent whose main quest was to bring down the illicit drug trade in New Mexico.

As it commonly occurs in the world of legal thrillers, *Breaking Bad* is full of dramatic twists and turns, suspense, and even a certain dose of black humor. The central story poses some moral dilemmas such as the decision of Walter White to "break bad"¹⁷ and turn into a ruthless drug dealer in order to provide for his needy family before his impending death.¹⁸ Another important character, Gustavo Fring, poses as a meticulously organized businessman with a sophisticated taste for good food and music. His front business is a chicken restaurant chain called "Los Pollos Hermanos", but his real lucrative enterprise is the distribution of meth across the Mexico-United State border, which goes in hand with his persona as a coldblooded drug dealer.

III. Outside but Within: *Breaking Bad*, *Better Call Saul*, and the indigenous legal system of the underworld

Despite the frequent appearances of Hank Schrader, his law enforcement colleagues, and lawyer Saul Goodman as representatives of the official legal system, *Breaking Bad* also underlines the existence of a private justice system embedded in the criminal organizations of Fring and Viente. This order, which is displayed in bits and pieces throughout the series, focuses mainly on the enforcement of rules through intra-community sanctions carried out by specially designated individuals who appear to follow their bosses' orders without hesitation. For the most part, the internal hierarchies of the criminal organizations depicted in *Breaking Bad* seem to be well defined.

The most prominent group is the Juárez Cartel led by Don Eladio Viente, a godfather-like figure who also symbolizes the stereotypical Latin *à la* Tony Montana in the movie *Scarface*.¹⁹ At some point during the show, the viewers are provided with some history about the relationship between Viente and his longtime business associates; Gustavo Fring and Hector "Tio" Salamanca. During most of the show, however, Salamanca appears as a sick and severely disabled man, probably the victim of a stroke or other crippling condition, who only communicates through a bell attached to his wheelchair or through his desperate facial

¹⁷ Lily Rothman, 'Breaking Bad: What does that phrase actually mean?' (Time, September 23, 2013) Available at: <http://entertainment.time.com/2013/09/23/breaking-bad-what-does-that-phrase-actually-mean/>

¹⁸ Pablo Echart & Alberto N. García, 'Crime and Punishment: Greed, Pride and Guilt in *Breaking Bad*' <[https://www.researchgate.net/publication/273030501 Crime and Punishment Greed Pride and Guilt in 'Breaking Bad'](https://www.researchgate.net/publication/273030501_Crime_and_Punishment_Greed_Pride_and_Guilt_in_'Breaking_Bad')> accessed 8 February 2017

¹⁹ In fact, the actor who portrayed Eladio Viente in *Breaking Bad* (Steven Bauer) was also in the movie *Scarface* as Manny Ribera, the loyal sidekick of Tony Montana played in turn by Al Pacino.

expressions. During his youth, Salamanca was clearly an active cartel member and Viente's enforcer, although he also appeared to be revered within his own family.

Better Call Saul offers a better glimpse of Hector Salamanca's life prior to him succumbing to his affliction. The vigorous Salamanca is portrayed as a ruthless and coldblooded man with no concern for the consequences of his actions. In one particular scene, Hector is shown threatening to kill Mike Ehrmantraut unless he retracts a witness statement that he gave to the police incriminating Hector's nephew, Tuco Salamanca. Hector offers Mike several thousand dollars to smooth the deal and appears to leave no room for negotiation. Acting as a hardball negotiator Mike makes Hector a counteroffer ten times higher, which the latter reluctantly accepts, while praising Mike for his audacity. This settlement, however, does not end the conflict between the two, as Mike still carries out a plot against Hector and robs one of his cash-filled drug delivery trucks on its way back to Mexico. Mike's actions are obviously criminal but they seem justified under the circumstances, given the humiliation he endured from Hector and the fact that the monies Mike stole from him were also ill obtained.

Another villain featured in *Breaking Bad* is Gustavo Fring, who unlike the Salamancas, is depicted as a well-established and calculating businessman who uses his successful fast food chain, Los Pollos Hermanos, as a front for his methamphetamine laboratory and related illicit drug business. Whereas Viente's operations were confined to Mexico, Fring and Salamanca seemed to only work in the United States. Even though Eladio Viente appears to be the most powerful leader, both Fring and Salamanca had their own area of influence and did not view themselves as complete subordinates to Viente. A particular scene in Season 3 serves to illustrate this point.

Upon learning from their uncle Hector that Walter White had killed their cousin "Tuco", Leonel and Marco Salamanca went to execute Walter in his home. When they are about to carry out their mission, a text message with the word "Pollos" (as in Gustavo Fring's restaurant) makes them abort and instead go to a meeting between Gus and Hector, with Juan Bolsa (another one of Viente's associates) acting as a mediator. During the meeting, Fring persuades the Salamanca brothers to spare Walter's life for the time being, because he is using him to produce methamphetamine, and offers to kill Hank Schrader for them instead. The parties reach an agreement, although Fring breaches it later by warning Hank and snitching on Juan Bolsa to the Mexican police.

The interest in negotiating in the aforementioned situation seems to be the best option, given the contending parties' similar status within the organization and their apparent interest in maintaining their long-term relationship. Juan Bolsa is not entirely neutral, but his role as representative of the Juárez Cartel carries important weight and commands certain respect. How the negotiation is conducted, by allowing each party to present their arguments and propose a solution facilitated by Juan Bolsa, also shows the parties' concern for the appearance of some level of fairness, as it would have occurred in any legitimate business dispute.

Throughout the development of *Breaking Bad*, different disputing parties seem to prefer handling their conflicts through various forms of self-help, including intimidation and violence. This is what we see in one of the first interactions between Tuco Salamanca, Jesse Pinkman, and Walter White, when the former threatens and intimidates Jesse and Walter in

order to force them to enter into a business deal. Other similar scenes involve Victor, one of Gustavo Fring's henchmen, who use intimidation to force Walter into selling methamphetamine for Fring at a fixed price. Another character routinely employed as an executioner and cleaner is Mike Ehrmantraut, a former police working for Gus Fring and, on occasion, for Saul Goodman. Unlike the other hired guns in the show, Mike appears to be more sensitive and avoids hurting any innocent people or bystanders, which makes him look fair-minded and just.

Mike's character, as a fair-minded yet determined executioner, is well developed in *Better Call Saul*. Mike and Saul (then Jimmy McGill) met when the former was working as cashier in the parking lot of the Albuquerque courthouse. Despite their constant arguments over Jimmy's repeated attempts to avoid paying for parking, Mike eventually hires him as his lawyer but ends up using Jimmy in a scheme to steal a notebook from a Philadelphia detective who flew to New Mexico to interrogate Mike. Their relationship strengthens, as they need each other for different tasks, but never truly becomes a lawyer-client relationship. Throughout the show, Mike takes occasional jobs as an enforcer, bodyguard, and as a hired gun by members of the underworld. Mike stands out for being reliable and a man of his word, which sets him apart from other characters, such as the members of the Salamanca clan.

Mike's dependability explains why he ended up working for Gustavo Fring in *Breaking Bad*. Mike and Gustavo's professionalism, and their abidance by their group's internal norms and codes of conduct, are very different from what we see in the behavior of Walter White. Walter's character evolves from a fearful and amateur drug manufacturer into an ambitious, vain, and ruthless criminal with a very low tolerance for error and a great disdain for compassion and loyalty.²⁰ Even Walter's seemingly laudable actions, like when he tries to save his brother in law Hank from his executioners or when he asks his former friends Elliot and Gretchen Schwartz to set up a trust fund for his children with his illegal money, are undermined by his frequent cold-blooded and unreasonable conduct.²¹ The exaggerated and over-dramatized behavior of Walter White in *Breaking Bad* offers an interesting contrast with the seemingly orderly conduct of the underworld leaders and their subordinates. White's chaotic descent into anarchy is not only an affront to the official legal system but, more importantly, to the private normative order created and maintained by Fring, Vulture, Ehrmantraut, and even the Salamancas.

IV. Conclusion

From the standpoint of the formal legal system represented in *Breaking Bad* and *Better Call Saul* by licensed attorneys, drug enforcement agents, and ordinary police officers, the underworld is identified with chaos and disorder. The criminals and gangsters portrayed in the plot appear to be excluded, alienated, and *outside* the boundaries of society. If we look at it from a different angle, we can see that, despite the illegality of the criminal world depicted in *Breaking Bad* and *Better Call Saul*, its members also show abidance by certain rules and codes of conduct that

²⁰ Albert M. Kopak & Ophir Sefiha, 'Becoming Badass: Teaching Katz's "Ways of the Badass" using the Breaking Bad Television Series' (2015) 26 *Journal of Criminal Education* 94

²¹ Morgan Fritz, 'Television from the Superlab: The Postmodern Serial Drama and the New Petty Bourgeoisie in *Breaking Bad*' (2014) *Journal of American Studies* 1

originated *within* their social groups. Furthermore, such groups also feature a sophisticated level of organization and a set of norms that maintain their social balance. With very few exceptions, the criminals and other deviants depicted in the series conform to certain intra-group expectations and follow a pre-established set of rules that are deemed legitimate within their gangs, criminal networks, and the underworld in general. In short, they are both *outside* (of the legal system) and *within* (their own normative order).

These observations are obviously about imaginary societies and individuals created by talented scriptwriters with the main objective of providing entertainment to the general public. Nevertheless, as we mentioned earlier, their inspiration almost always comes from real events and also reflects the values, perceptions, and images held about the relationship between law and society. The cross-border criminal activity that takes place in *Breaking Bad* with almost absolute impunity brings to memory the ongoing efforts by the United States government to build a wall along its border with Mexico as a way to physically impede such crimes.

Regardless of whether any walls, fences, or any other barriers are raised, the private order and normative pluralism of the underworld will likely continue to exist similarly to how it did in *Breaking Bad*, despite any government efforts to eradicate the strong networks built by the likes of Viente, Fring, Salamanca, and Heisenberg. Very much like in the popular television series, the development, success, and eventual demise of drug cartels and similar organizations of the underworld does not seem to come from outside, but rather from within.

Television series such as *Breaking Bad* and *Better Call Saul*, where the central focus is not just on how the formal legal system responds to deviant behavior and exercises its function of social control, but rather how criminal organizations regulate themselves, offers an interesting example of how the notions of law and justice can develop and be supported outside the formal legal system. Whereas the portrayal of the private normative order in *Breaking Bad* and *Better Call Saul* has been certainly enhanced for dramatic effect, it nonetheless helps understand the relationship between law and culture and “between the functioning legal system and its essential social matrix”.²²

²² Friedman (n.13) at 1605