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**The Justice Systems of Slayers and  
Vengeance Demons: Prosecutorial  
Discretion in *Buffy the Vampire  
Slayer***

**Slayage**  
The Journal  
of the Whedon Studies Association

**I. Introduction**

[1] Much of what people understand about the practice of law and law enforcement originates in television shows revolving around detectives and lawyers, many of which react to or comment on significant issues facing society. As the death penalty is increasingly called into question in the United States, scholarship emphasizes the influence that prosecutors have at early stages of criminal cases, noting how important prosecutorial discretion is particularly in death penalty cases.<sup>1</sup> The death penalty issue emerges in television, but problems of prosecutorial discretion are procedural and thus not especially entertaining or prevalent in shows about lawyers and the practice of law.

[2] However, the issue of discretion does appear in the perhaps unlikely fantasy/sci-fi television show *Buffy the Vampire Slayer*. Buffy Summers operates as law enforcement, detective, prosecutor, and judge within a system of law that governs non-human beings. As her title “Slayer” indicates, the guilty are often faced with the death penalty. Buffy’s discretion and biases administer justice in this world, thus drawing attention to what has been a point of controversy in America—the vastness of prosecutorial discretion, in contrast to other countries. The power wielded by prosecutors is all the more dangerous in America because the death penalty is a potential outcome.

[3] Since the criminal justice system that governs non-humans in the series is consummately fictional, the creators of the show were able to construct a system from scratch, questioning some of our basic underlying premises, assumptions, and values regarding our own criminal justice system in the United States. Within the fictional legal system by which Buffy brings vampires and various demons to justice, two prosecutorial systems are

presented: one where the prosecutor has discretion to charge or not to charge a suspect (the Slayer's justice system), and one where the prosecutor has no discretion in charging (the justice system of vengeance demons). The former reflects reality in the U.S. and the latter describes systems that have been practiced elsewhere in the world. I argue *Buffy the Vampire Slayer* demonstrates the insidious effects of systems without enough oversight and rules to constrain prosecutorial discretion, but ultimately presents a system of no discretion as the greater harm to society. After exploring how *Buffy* demonstrates merits and problems with each system, I conclude with my recommendations for the American criminal justice system, based in part on the areas problematized in *Buffy*.

### *Prior Literature*

[4] Prior literature on *Buffy* that discusses law often highlights the lack of law in the show. Anthony Bradney, who has written on *Buffy* and the law, acknowledges arguments that Buffy and Angel operate as executioners who have been authorized by a sovereign power and have the right to decide who should die and who should live without need of lawyers, judges, or juries.<sup>2</sup>

[5] While acknowledging those arguments, Bradney's view is that law is very present in the show, and Buffy works in multiple legal systems: state law, the law of the Watchers' Council, and the law that Buffy creates based on her own moral compass. Buffy both adheres to and diverges from legal systems that are not her own. Buffy's adherence to state law is what leads her to turn herself into the police when she thinks she has killed Katrina in "Dead Things" in Season 6 (6.13).<sup>3</sup> Similarly, her initial reaction to Warren's murder of Tara is to let human law take its course ("Villains" [6.20]).<sup>4</sup> However, state law is regularly broken by Buffy and her friends, and Buffy herself breaks out of police custody more than once. Similarly, Buffy follows the law of the Council until it diverges from her moral agenda, at which points she repudiates it and works with the Council solely on her terms.

[6] Prior literature also explores how law impacts the relationships of the characters. Unlike Bradney, who views love as a guide that shapes the behavior of characters on *Buffy*, thereby making love a kind of law, Caroline Ruddell notes that law is what causes disagreement and alienation among the characters.<sup>5</sup> In particular, Buffy's embodiment of her own law creates

distance between her and her friends. She can appear overbearing, authoritarian, and even offensive, making her companions feel worthless and unnecessary.<sup>6</sup>

[7] Other discussions of *Buffy* and law include the works of Sharon Sutherland and Sarah Swan. In addition to writing on the Council as lawmakers and judges, they have viewed other works by Joss Whedon through the lens of the law, for instance, analyzing the roles of lawyers in *Angel* as representatives of greed and evil.<sup>7</sup> However, examination of the justice system of vengeance demons in *Buffy* is not prevalent in the scholarship.

## **II. Overview of Systems with and without Prosecutorial Discretion**

[8] Prosecutorial discretion remains an issue with relevance today and will continue to be as long as biases exist among police and prosecutors. A 1988 study regarding the re-instatement of the death penalty in New Jersey was illustrative of the problems facing any system where prosecutors have ample discretion. The study showed “clear and significant discrepancies in the treatment of potentially capital cases” when cases were differentiated by the defendant’s race and county of jurisdiction.<sup>8</sup> The evidence suggested that individual prosecutors’ decision-making varied widely across counties. The resulting capital case processing system was impermissibly arbitrary, and the Supreme Court of New Jersey assured they would continue to consider the study’s results, with Justice Handler noting that the preliminary evidence of the study was enough to warrant a showing by the State that no bias existed in charging.<sup>9</sup> Notably, the study suggests that prosecutors have the most discretion and no guidance in the earliest stages of capital case processing, when they decide whether to charge or not.<sup>10</sup> Recognizing this, in *State v. Koedatich*, the New Jersey Supreme Court urged prosecutors to develop guidelines for the selection of death-eligible cases.<sup>11</sup>

[9] However, drawing the line between common sense discretion and impermissible arbitrariness is difficult, and that line may vary depending on the resources of the jurisdiction. Another Supreme Court case, *Chicago v. Morales*, posits it is common sense that police officers must use some discretion when deciding where to enforce city ordinances.<sup>12</sup> Ordinances might not be enforced because police and prosecutors do not want to

overwhelm the already overburdened courts; thus judicial expediency is an important factor in deciding whether to bring charges. However, one could imagine a system where, due to a city's abundance of resources, it would be perfectly reasonable and practical to allow the police and prosecutors very little discretion in deciding when, where, and how to enforce the law.

[10]Arbitrariness is a decidedly negative characteristic, to be eschewed whenever possible. In the U.S., the Fifth and Fourteenth Amendments forbid government and state actors (such as prosecutors) from selecting individuals on the basis of race, religion, or another arbitrary classification.<sup>13</sup> These Amendments aim to protect minorities from unfair treatment by the government.<sup>14</sup>

[11]This presents a problem for the Slayer in the world of *Buffy*. If she pursues someone simply for being a vampire, is she selecting based on race? Various scholars have argued that demons are metaphors for ethnic minorities. Kent Ono likens "thoroughly marginalized" "killable characters" to people of color.<sup>15</sup> Offering a more optimistic interpretation, Mary Alice Money argues that "the heroes begin to recognize the Other figure as merely an unchanging member of a certain race, gender, or culture."<sup>16</sup> Vampiric nature is also compared to nationality in the dialog of the series. For instance, Buffy asks Angel (sarcastically) if she should instead call him an "undead American" because calling him a vampire might be "an offensive term." (2.1)<sup>17</sup> What is clear in the show is that vampires (and sundry types of demons) are a minority against a human majority, and they have virtually no defense against the Slayer within the justice systems that apply to them. In contrast, in his own show, Angel articulates this imbalance, noting that mainstream humans, the majority, have a world of rules designed to protect them.<sup>18</sup> Thus, the question of representation of racial minorities through treatment of non-humans is at issue throughout the Buffyverse.<sup>19</sup>

[12] With the caveat that arbitrariness and selective prosecution should be avoided, prosecutors in America have discretion to choose the more or less serious charge. A prosecutor can also choose whether or not to file multiple charges.<sup>20</sup> Extending this principle to the world of the Slayer, *Buffy* also depicts a system of offenses with varying degrees of severity. A vampire drinking the blood of a human who consents is a fairly minor offense, while a vampire drinking the blood of a human without consent is a more

serious offense, and finally, killing a human is the most serious charge against a vampire.

[13] Interestingly, Buffy's treatment of vampires in the show demonstrates how arbitrariness can become an issue because her reactions to various vampire offenses are not predictable. She has discretion to give the vampire a warning, a particular punishment, or the ultimate punishment—death. If the suspect is a vampire she knows personally and has a history with, she may go so far as to *help* him, as though he is a victim suffering from a disease. This becomes an issue in Season 7 when she protects Spike even after he has resumed killing humans. Her friends remind her that Spike is not to be trusted, and implicit is the accusation that Buffy does not treat other vampires who kill humans this way; she is biased and behaves arbitrarily.

[14] At the other end of the spectrum of leniency, Buffy more typically kills individuals simply for being vampires, even if they are newborns and have not yet had the opportunity to harm humans. Thus for what should be the most minor offense a vampire can commit, existing, she "charges" them for the most severe offense and delivers the harshest punishment. As the show progresses, because Buffy ignores the hierarchy of offenses and charges, her system of prosecution seems to be arbitrary when she allows vampires who kill humans to live, while at other times she kills them on sight without evidence of any wrongdoing.

[15] In addition to systems of broad prosecution, another type of system, less common in the real world, is one of no or little prosecutorial discretion. Such systems are no longer common, but Criminal Law Professor Markus Dubber points to a watered-down rule of compulsory (no-discretion) prosecution.<sup>21</sup> This kind of system is presented in *Buffy* in a much more concentrated form, through the justice system of vengeance demons. Such beings must seek out and punish those who make wishes, but they have virtually no discretion in deciding whether to pursue and punish a person or not. Once a person makes a wish, specifically a wish born of negative feelings toward a particular individual or situation caused by an individual, the vengeance demon is compelled to enact punishment on the wrongdoers. The investigation is completely subjective, considering only the viewpoint of the wish-maker.

[16] Notably, vengeance demons are very numerous and resources for “charging” and punishing seem to be a non-issue, which allows the employment of a no-discretion system. This is in contrast to Buffy’s system of broad discretion, where resources are an issue. It would be impossible for her to charge and prosecute every suspect. Traditionally, the Slayer works alone (Buffy is unusual among Slayers for involving her closest friends); thus resources will always be lacking in that criminal justice system, making discretion a common sense necessity.

#### *A. Accountability for Charging Decisions*

[17] Systems of prosecution around the world offer varying degrees of oversight to their prosecutors, and American prosecutors have significantly little oversight. A contrast to that system, and a possible model for reform in the United States, is the Japanese prosecutorial system.

[18] David Johnson’s article “The Organization of Prosecution and the Possibility of Order” describes the organization of prosecutors in Japan, where a great deal of oversight and accountability exists, and charging decisions are made collectively, all of which decrease the effects of personal bias.<sup>22</sup> In Japan, the practice is to treat like cases alike, a result of a strong sense of order and commitment to precedent, which is not as strong in the United States. More precisely, the U.S. prosecutors view the concepts of individualizing cases on the one hand and the orderliness of treating like cases alike as existing in tension with each other, whereas in Japan, the hierarchy and oversight of the prosecutor organization in part allows these two concepts to co-exist.<sup>23</sup> With less stringent oversight and more discretion for U.S. prosecutors, the decisions to charge or not to charge and the decisions of what offenses to charge seem more ad hoc. The article does not suggest that American prosecutors do not need to account for their charging decisions at all, but that oversight could be more stringent, as is the case in the Japanese system.

[19] One example can be seen in the managers of the Japanese prosecutor organizations. “Japanese managers coordinate and control operators’ activities to an extent unseen in American prosecution offices.”<sup>24</sup> In contrast, Johnson notes that methods of insuring that policy will be

applied by subordinates in the U.S. are “rare and primitive” and American prosecutor organizations lack instruments to enforce them.<sup>25</sup>

[20] A system with less oversight (like the U.S. system), is depicted in *Buffy*, and problems with that approach are highlighted in Section VI of this article.

### *B. Prosecutorial Discretion in Practice: Plea Bargaining*

[21] In addition to the question of whether to file charges or not, prosecutors have discretion in other areas less relevant for the discussion of *Buffy the Vampire Slayer*, namely plea bargaining. Although this is the core of American criminal proceedings in practice, plea bargaining is not given the spotlight in television. In actual practice, whether a defendant is offered a deal or not by the prosecutor (plead guilty to these offenses, and spend less time behind bars) is extremely important to the suspect. Prosecutors are not required to offer every defendant a deal, and some deals may be better than others depending largely on the individual prosecutor’s feelings toward a particular defendant. This means that a major aspect of the criminal process is left to the discretion of prosecutors. In contrast to countries that rely less on plea bargaining, the American system can be criticized for allowing too much prosecutorial discretion at the stage following the charging decision.

[22] The main reason plea bargaining has become so integral to the American criminal justice system is that there are not enough resources to give everyone a full trial. In *Santobello v. New York*, the Supreme Court validated plea bargaining as a process, noting that there would be nowhere near enough courts and judges “if every criminal charge were subject to a full-scale trial.”<sup>26</sup>

[23] Technically, limits to extracting plea bargaining exist: A guilty plea must be voluntary. If it is compelled by the government, it is a violation of the Fifth Amendment protection against self-incrimination.<sup>27</sup> However, the power imbalance between the defendant and the prosecutor offering a guilty plea and mercy, or a plea of innocence and the threat of enhanced penalties and overcharging, brings the voluntariness of guilty pleas into question. Nevertheless, plea bargaining is considered constitutional, and is the mechanism for disposing of about 90% of criminal cases.<sup>28</sup>

[24] Criminal Justice Law Professor Yue Ma has written about the power of prosecutors in America as opposed to continental Europe. In America, recent decades have expanded the American prosecutor's power and prestige, as the criminal justice system has become increasingly oriented toward crime control and a the cultural zeitgeist that values winning the "war on crime."<sup>29</sup> Tools that legislatures have granted prosecutors include the three-strikes laws, Violent Crime Control and Law Enforcement Act, truth-in-sentencing laws, RICO (Racketeer Influenced and Corrupt Organizations Act), and sentencing guidelines, which have reduced the discretion of sentencing judges and thus have made prosecutor charging decisions all the more important.<sup>30</sup> Ma argues that "[t]he expanded power of the prosecutor, coupled with relaxed judicial supervision, has made the prosecutor truly the most preeminent figure in the administration of criminal justice in America."<sup>31</sup>

[25] Critics of the American system have turned to continental Europe for a model, where criminal justice systems have relied less on plea bargaining.<sup>32</sup> As of the 1970s, a number of continental European countries did not employ plea bargaining.<sup>33</sup> Although plea bargaining has increased in France, Germany, and Italy over the past decades, prosecutors there do not enjoy such "overwhelming dominance in the bargaining process that they can exact highly pressurized pleas from defendants."<sup>34</sup>

[26] A number of tools give American prosecutors this "overwhelming dominance" over defendants during plea bargaining. They can file multiple charges, they can charge under penalty-enhancing statutes, and they can file charges that are based on probable cause but which cannot be proven at trial because prosecutors can simply drop the charges with weaker evidence at later stages.<sup>35</sup> Given these tools coupled with a lack of supervision, in contrast to Europe, Ma concludes that "American prosecutors still stand virtually alone in their overly broad and largely unchecked discretion."<sup>36</sup>

[27] Ma addresses charging decisions as well as plea bargaining decisions, noting that the problem with the American system is that prosecutors' ability to be arbitrary is tied to the ability of American prosecutors to be *lenient*, rather than harsh. "What makes American prosecutors such powerful figures in the administration of justice is not their power to charge but rather their power *not* to prosecute further even in the



face of sufficient evidence.”<sup>37</sup> Critics have warned that the power of leniency is the power to discriminate.<sup>38</sup> This argument is interesting with respect to this article (and *Buffy*) because it could indicate that if American prosecutors have too much power due to their ability to not prosecute, perhaps a better system might compel them to prosecute everyone possible; indeed, a less arbitrary and fairer system would. Another possible indication, and one that is more difficult to swallow, is that prosecutors should bring *all* possible charges wherever there is sufficient evidence. If prosecutors are afforded any ability to be lenient in how many charges they bring each defendant, then again the system becomes corrupted by arbitrariness.

[28] Continental European systems present a contrast, particularly those of Germany and Italy, which are categorized as following the legality principle. In countries that follow the legality principle, prosecutors are required to file charges whenever sufficient evidence exists to support the guilt of the accused.<sup>39</sup> Taken to the extreme, these systems would then compel prosecutors to bring charges. However, the more recent trend is that these countries have moved away from strict adherence to compulsory prosecution.<sup>40</sup> Plea bargaining has emerged in Germany and Italy; however in contrast to America, as noted above, these countries have not allowed prosecutors to have such bargaining advantage over the accused to exact highly pressurized pleas.<sup>41</sup>

### **III. Buffy Summers: The Many Roles of the Vampire Slayer**

[29] The figure of the American prosecutor with abundant discretion is especially prominent in *Buffy the Vampire Slayer*. Buffy Summers occupies many diverse roles. As police, prosecutor, judge, and jury, she is the law (as she notes in “Selfless.” [7.5])<sup>42</sup> However, Buffy has greatly expanded the powers of the Slayer, as Slayers were traditionally more constrained by oversight from and obedience to the Council.

[30] Concerning these various roles, first Buffy patrols the streets, much like a police officer. Upon seeing a vampire, she will typically stake and kill it without questioning it, with some exceptions. Thus, even in this most basic and simply nightly routine from early in the series, she acts as (1) prosecutor, indicting the vampire for being a vampire; (2) judge and jury, deciding the vampire is guilty of indeed being a vampire, and sentencing it

to death; and (3) executioner. In more complex prosecutions, she conducts long-term investigations. Her mission is to protect humans from various supernatural threats and to save the world when nefarious forces attempt to end it. Like prosecutors and the criminal justice system today, hers is a war on crime, although the criminals are usually non-human.

[31] Due to her sundry roles, it would not be accurate to compare Buffy only to a prosecutor, or to consider the show as remarking only on prosecutorial discretion. The show comments on and problematizes the criminal justice system as a whole. However, prosecutorial discretion is one element that is emphasized throughout the series. Buffy's decisions to kill start with her decision to pursue a suspect or to leave him alone. She also determines if there is probable cause for the charge based on the evidence she has gathered. In that respect, it is useful to think of her character as a prosecutor who decides whether to charge someone with a criminal offense or not. Also, because prosecutors are the most powerful figure in criminal proceedings, Buffy can most readily be characterized as a prosecutor.

#### **IV. Buffy and Anya: Personal Bias versus Neutrality**

[32] Buffy and the vengeance demon Anya embody two contrasting justice systems in the show: broad prosecution and no prosecution. The death penalty is not always offered to Anya's victims, but her history as a vengeance demon for many centuries includes the murder of countless humans. In contrast to Buffy's ad hoc decisions, Anya has no choice in deciding whether to pursue someone. As a vengeance demon, she must track down, charge, and punish whoever the wish-maker feels negatively toward.

[33] Her system of justice is very old, like herself (she is around 1100 years old), thus the compulsory prosecution system seems outdated in the show, just as compulsory prosecution is mostly a system of the past in reality. While the trend in the world today has been to move away from systems of no-discretion, there have been "jurisdictions requiring compulsory prosecution of all detected and investigated offenses."<sup>43</sup> Such systems emphasized the legality principle, which suggests prosecution *must* take place wherever there is sufficient evidence of a suspect's guilt, and where no legal hindrances bar prosecution. "Adherence to the legality

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principle in the procedural sense means that the prosecution service cannot exercise any discretion over the prosecutorial decision."<sup>44</sup> Few countries strictly adhere to this principle, though Italy arguably did in the 1980s.<sup>45</sup>

[34] The two systems demonstrate two practical consequences both in reality and in the series: Systems of broad prosecutorial discretion can seem arbitrary, while systems of no prosecutorial discretion may have trouble keeping the cases to a manageable number. *Buffy* emphasizes both of these negative consequences, but suggests the greater problems accompany the no-discretion systems.

#### *A. Buffy's Unlimited Discretion*

[35] Buffy's broad discretion reveals biases and discrimination that call her system of justice into question. While Buffy kills even newborn vampires fresh out of the grave who have not had the chance to commit any crimes, she does not kill vampires in demon bars. During these occasions, she is typically seeking information. It is unclear why she does not simply kill every vampire in the bar after gathering whatever information she needs. Perhaps she fears that if demons and vampires feel unsafe in the bars, she will lose a valuable location to procure information. To continue the analogy, vampires and demons in seedy bars providing information in exchange for being left alone might be equated with the work of undercover informants, who may commit crimes but are valuable enough to earn a blind eye.

[36] Buffy's close friends call her arbitrary behavior into question when she begins dating the vampire Angel. A reformed vampire, he drinks only animal blood and helps Buffy in her fights against other vampires. However, when Angel loses his soul, even killing Jenny Calendar, it is difficult for her companions to reconcile Buffy's ongoing love for Angel and her zero tolerance policy with other vampires.

[37] Her use of discretion is again called into question when Buffy becomes determined to kill vampires engaged in the practice of sucking the blood of adventurous humans in exchange for money. Her friends, ignorant of her boyfriend Riley's participation in this practice, which is analogized to having an affair with a prostitute, do not understand Buffy's urgency to pursue this particular nest of vampires. Her advisor, Rupert Giles, points out

that the humans surrendering their money and blood are doing so consensually, and argues Buffy's efforts would be better spent elsewhere. In the language of prosecution, these vampires are committing only a very minor offense, and since Buffy has limited resources, she should use her discretion and not pursue them. "They're willing victims," he observes. "There are people out there who deserve your help who aren't." (5.10)<sup>46</sup> However, while Buffy allows the vampires in the demon bars to continue living, she is determined to pursue these vampires who may be relatively innocent if drinking blood from willing victims is their most objectionable offense.

[38] Xander condemns Buffy for another example of her unpredictability. When Anya reverts to being an active vengeance demon and resumes killing humans, Buffy quickly concludes she must kill Anya. Xander reminds her that when Willow killed a human, Buffy bent over backwards to help her: "It took you all of ten seconds to decide to kill one of your best friends [Anya]. When our friends go all crazy and start killing people, we help them [Willow]." (7.5)<sup>47</sup> Presumably then, Buffy is biased. She is more willing to be lenient with humans (and friends) who kill people than demons who do.

[39] Buffy herself points out a main problem with her system, which is its lack of rules and guidance: "There's no mystical guide book, no all-knowing council. Human rules don't apply. There's only me. I am the law."<sup>48</sup> If constrained by requisite rules and standards, the Slayer's system of justice might be far less arbitrary and unpredictable. In fact, a Slayer handbook is alluded to in Season 2, but Giles notes early on that he did not bring it to Buffy's attention because he knew she would not follow it.<sup>49</sup> His assumption seems likely, as Buffy states in the same episode, "I don't take orders. I do things my way." (2.10)<sup>50</sup> This suggests a system of prosecutorial discretion may be workable, if there are limits to discretion, for instance in a collection of rules and parameters that prosecutors must adhere to based on the situation. Thus, the series also demonstrates the problem of potential disparities between practices laid out in the rules (the Slayer handbook) and what happens in reality (Buffy would not use of the handbook). At other

times, however, the flexibility afforded the Slayer is portrayed as an advantage; thus her system of justice is not condemned wholesale.

### *B. Anya's Compulsory Prosecution*

[40] As mentioned above, a system of no prosecutorial discretion may face a practical problem of keeping the number of criminal cases brought to courts low enough to be manageable. In *Buffy*, the vengeance demons have plenty of manpower, but another problem is introduced to dramatically criticize a justice system that is less flexible in terms of discretion. That problem is disproportional sentencing.

[41] While the system in which vengeance demons operate is kept fairly mysterious throughout the show, the audience is offered a glimpse of an important distinction between that system and the Slayer's. When Tara is murdered by a human, Willow embarks on a journey to kill the murderer. Anya senses Willow's bloodlust and desire for vengeance, and when Xander asks if Anya will go to her, Anya responds, "Normally I'd have to. But she doesn't want me." (6.20)<sup>51</sup> From these words, we gather that Anya is essentially summoned to a person who desires vengeance with sufficient volition, and subsequently she punishes the wrongdoer. Within that process, there may be an investigation, but it is only of the wish-maker's feelings and often occurs very rapidly, within the blink of an eye, as vengeance seems nearly automatic at times. There is no evidence of vengeance demons showing any interest in the defendants; their only interests are in the victim whose emotions summon them, and in the sentencing. The charging decision (which is not really a decision as it is compulsory), the investigation, the trial, and the sentencing are, in fact, all performed by Anya within a matter of seconds. As with *Buffy*, to describe her only as a prosecutor would be inaccurate. Like the Slayer, a vengeance demon is also the police, prosecutor, judge, jury, and executioner.

[42] However, in the no-discretion system of vengeance demons, the sentences are not proportional to the crime. This may be a criticism of systems where prosecutors are compelled to bring all charges. Many bystanders and innocents are typically harmed during Anya's punishments,

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including the original victims she is supposedly helping. This suggests that disproportional punishments harm not just defendants but all of society, a very important point in the show.

[43] One example of this appears in the third season when Cordelia wishes Buffy had never come to their town. The result of that wish, which Anya grants, is that the town is plunged into chaos and overrun with vampires. Buffy is killed, but so is Cordelia, the original wish-maker whose wrongs are supposed to be redressed through the granting of the wish. Fortunately, Anya's actions are reversed when Giles performs a spell and breaks Anya's pendant, cutting off the source of her power.<sup>52</sup>

[44] In an example from Anya's past, Anya evidently caused or significantly contributed to a revolution in St. Petersburg, Russia, in 1905. She explained, "I grant wishes. It's all inside the girl. I just bring it out" (7.5). However, considering the body count, there seems to be a good chance the wish-maker died in the war. Anya's colleague, Halfrek, comments sarcastically, "Yes, I'm sure this is what she had in mind," recognizing that the wish has gone far beyond the wish-maker's desire. Anya responds, "Well, I don't know about her mind, but it was in her heart."<sup>53</sup> This last comment suggests human emotions are what bring the detriment not just to the intended parties, but to the wish-maker and society as well. Applying this argument to reality, we should not allow wish-makers (for instance, a victim's family member) to decide the sentencing of others because their emotions will result in overly harsh punishments, or a lack of concern for executing someone innocent.

[45] Anya views herself as redressing the wrongs of scorned women when granting their wishes, but the results suggest that the wishes of these women, often made in a moment of heightened emotion, are not actually intended by the women once they understand what their wish really means. For example, a college student tells her ex, "Just once, I wish you could feel what it's like to have your heart ripped out" (7.5). Compelled by the force of the girl's emotions, Anya summons a spider demon which rips the boy and his friends apart, but also nearly kills the victimized girl herself (Willow intervenes to save her).<sup>54</sup> In another instance, Anya turns the wish-maker's

ex-boyfriend into an enormous, cement tunneling worm that nearly devours the wish-maker and succeeds in consuming her dog.<sup>55</sup>

[46] In each of these instances, the punishment is so severe, it surpasses what the victim could have possibly wanted, and puts the whole town in danger. This suggests that disproportional punishments harm all of society, thus leniency in discretion may be desirable. The show argues against a system of prosecution where all charges that could possibly brought must be brought, and the harshest sentence that can be given always given; Instead, we should heir on the side of leniency because we may not understand the full extent of the harm that harsh punishments cause to innocents and society as a whole.

[47] Applying this argument to the death penalty, putting convicts to death harms society, including the victims of the crime. While victims may desire a convict's execution, they may not understand the full extent of the harm that causes, especially given that the convicts who are put to death are sometimes innocent of the crime. The execution of innocent people harms all of society. Buffy's unwillingness to kill humans, even humans who have killed others, may support this interpretation. Through the entire seven seasons, she never takes a human life.

[48] Additionally, *Buffy* reflects a practical reality by portraying the disparity in resources in the two systems of justice. A no-discretion system needs to be fairly large with substantial resources to handle the increased caseload. Anya is part of a system with so many members and resources, the demons themselves are expendable, as her supervisor D'Hoffryn tells her after killing Halfrek: "There will always be other girls." (7.5)<sup>56</sup> Conversely, Buffy's resources are limited. She is often strapped for cash and handles all of the cases herself, along with an initially makeshift team of volunteers. Thus, it would be completely infeasible for them to operate in a system of no-discretion.

[49] The other difference in the two systems is that because Anya is part of a larger system of unlimited resources, she also has superiors that she is accountable to, namely D'Hoffryn. His vengeance demons are expected to meet certain quotas and their punishments must be sufficiently inventive

and harsh, or presumably D'Hoffryn will reprimand (and possibly kill) them. We see an allusion to this when Halfrek asks if Anya is all right. "No deaths. No eviscerations. You're not goading women into anything inventive, and you're not delivering when it is." (7.1)<sup>57</sup> Thus, even in this system full of rules, problems may persist if the rules are simply too harsh and pernicious to society.

[50] Buffy originally had the opportunity to, like Anya, engage in a larger system with bountiful resources. As an instrument of the Council, Buffy had access to more research materials and man power, but in return she was expected to follow the Council's orders. Buffy rejected the Council when it declined to help save Angel when he was poisoned.<sup>58</sup> The Council's decision was based simply on the fact that Angel was a vampire, and thus he did not deserve to be saved. In this way, the Council's system of justice shares commonalities with the vengeance demon system, and might be described as a no discretion system. Thus, Buffy comes to operate within her own system of rules, and declines to take orders, or accept oversight.

[51] Viewers of the show will probably feel – and are likely intended to feel – that the vengeance demon system of justice (and even the Council's) is the greater evil of the two systems. Mandatory stringency is portrayed as far more detrimental to society than the Slayer's arbitrary, subjective system of justice.

[52] Still, the series leaves open the possibility that the Slayer's system could be just as damaging to society, if the Slayer is not just. Having no qualms about killing humans, let alone demons and vampires, Faith presents just such a situation. She has no respect for the laws of any justice system, and feels no compunction about stealing and attacking others, including the police. Dictator-like, she views society merely as a depository from which to take when she needs something. Espousing her philosophy to Buffy, she explains, "Life for a Slayer is very simple. Want, take, have" (3.14).<sup>59</sup> Her character is useful for comparing the Slayer's system of justice and that of vengeance demons. With a loose cannon like Faith, one could argue a system with better oversight and strict rules is preferable. At least a supervisor like D'Hoffryn would be able to control her and ensure she adhered to some rule of law.

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[53] These two systems as shown in the series suggest that the worst of all worlds would have all of the negative elements presented: no oversight and no rules with harsh penalties as a result of arbitrariness, or no discretion with harsh penalties as a result of rules and oversight. On the other hand, the ideal system would have some oversight to keep the use of discretion in check and to make sure rules were being followed relatively closely. Importantly, the rules should be just; sentencing should err on the side of leniency rather than harshness or excess, which is more likely deleterious to society.

## **V. The Question of Redeemable Demons: Minorities Not Protected**

[54] While selective prosecution based on race or other arbitrary classification is prohibited in reality, Buffy's biases against vampires and demons are not depicted as entirely unreasonable or problematic. To some degree, Buffy represents morality while demons and vampires represent chaos and inevitable criminal conduct. The issue of demons as minorities not being protected is both problematized and accepted as the way things should be. This complex portrayal of demons and minorities and what their rights should be is particularly open for interpretation.

[55] First, Buffy is usually the moral compass of the show. While she is not perfect, her sense of morality is in many ways the essence of the character. She sacrifices love, friendship, and even herself, dying twice, to save the world. If there was any doubt about her morality, unlike many characters on the show, she goes to a heavenly dimension after dying (and before being brought back to life by supernatural means). Her role as a representation of goodness is in stark contrast with the non-human characters.

[56] The vast majority of demons seem completely irredeemable. If Buffy sees one, she assumes the worst. Vampires in particular possess little room for redemptive qualities. The show makes it clear that they need to kill to survive, and their blood of choice is human. Other demons portrayed have a similar penchant for killing humans, destroying property, and attempting to bring about the end of the world.

[57] However, to the extent that demons are a metaphor for people who compulsively perform acts of violence and destruction, or perhaps

people with serious criminal records, certain questions arise: Do we feel that such people should have the same rights and treatment that law-abiding citizens do? Are they redeemable? Can they be productive members in society?

[58] The answers may correlate with one's views on the goals of prison. Should repeat offenders, arguably exhibiting a tendency to violate laws, be given a chance to reform and re-enter society? For petty offenses, many would answer yes. But in California, where the show takes place, the three strikes law, although it has endured much criticism, suggests a different answer. However, if we concede that people convicted of lesser crimes deserve second chances to function in society, then the metaphor in *Buffy* may suggest that demons should be treated similarly; they are not per se incorrigible. Thus, whether Buffy is racially profiling or not may depend largely on whether demons *must* be immoral because that conduct is *what* they are, or whether they have a choice to behave morally or immorally.

[59] Interestingly, the show portrays at least some demons as having a choice in how morally they behave, and some are even capable of being redeemable and useful to society. In contrast to Angel, whose soul is forced upon him by a curse, Spike *elects* to go through various trials to retrieve his soul, all for his love of Buffy and, importantly, the morality she represents. While Riley found Buffy's lifestyle problematic (she was the mission and he was "the mission's boyfriend" (5.4)<sup>60</sup>), by the seventh season Spike seems to love her largely *because* of her mission, values, and lifestyle, despite his consummately demonic nature. After laboring to earn back his soul, he expresses those sentiments to Buffy: "I love what you are. What you do. How you try. I've seen your kindness and your strength. I've seen the best and the worst of you. And I understand with perfect clarity exactly what you are: you're a hell of a woman" (7.20).<sup>61</sup> It is her sense of morality, and maybe even her sense of justice, that inspires him to be better.

[60] Various other demons in the show also prove to be, if not beneficial to society, then helpful to Buffy and relatively innocuous to society. One such demon is Clem, a floppy eared, loose-skinned demon with exotic red eyes whose only evident vices are a penchant for eating kittens and cheating at poker. Despite these aspects of his character which are immoral by human standards, Buffy trusts him to babysit her little sister, and ropes

him in to help her train the next generation of potential Slayers.<sup>62</sup> He even comes to her birthday party and socializes with her cohort, the good guys.<sup>63</sup> He also exhibits a sense of shame about eating kittens when in the presence of Buffy, indicating a desire to reform when he says he is "cutting way back. Cholesterol. Morals. I mean morals" (7.19).<sup>64</sup>

[61] The existence of characters like Spike and Clem leave room for the possibility that many demons can choose to be useful, productive members of society, and may have a code of ethics that resembles a human ilk of morality. This presents a problem for Buffy. If she assumes that demons are up to no good by virtue of the fact that they are demons, then personal bias has entered the equation, and she is like a police officer racially profiling when she patrols the streets at night. In the world of *Buffy*, humans are innocent until proven guilty, but demons are guilty until proven innocent.

[62] The metaphor of demons as (cultural, racial, religious) minorities is pervasive throughout *Buffy*, and the show consistently asks viewers to consider the possibility that Buffy and human society are not treating them fairly, as citizens, and perhaps they should be. Examples of prejudice include when Anya informs the group that she's been digging around for information in "the demon community," and Xander retorts with, "They're a community now?" (7.11).<sup>65</sup> His implied view is that demons are sub-humans. Anya appears offended and viewers likely sympathize with her.

[63] A more direct metaphor is probably when the Council interrogates Anya. As an ex-demon, Anya feels defensive and quickly fabricates an identity for herself that is ultra-American. Calling herself Anya Christina Emanuella Jenkins, she adds, "...I moved here from Southeastern Indiana, where I was raised by both a mother *and* a father" (5.12).<sup>66</sup> However, Anya is not from America, and her original name was the more exotic sounding Aud, while her name as a vengeance demon was Anyanka. In the same episode, Giles is threatened with deportation back to England, ensuring the vulnerability of immigrant status is at the forefront of viewers' minds.

[64] Demons are also loosely compared to LGBT people as minorities, highlighting the fact that their difference from the majority may prompt negative reactions from the majority. Buffy forgives Riley for his negative reaction to learning that Willow is dating a werewolf, saying, "You found out

that Willow was in kind of an unconventional relationship, and you had a momentary wiggins. It happens" (4.19). In fact, Buffy is reflecting on her own behavior earlier in the episode when Willow informs Buffy that she is gay. Buffy's reaction is to walk around the room awkwardly while uttering platitudes and repeatedly calling Willow "Will," but Willow is onto her. "Why do you keep saying my name like that? Are you freaked?"<sup>67</sup> The juxtaposition of these two situations in the same episode, and Buffy's recognition of her own experience in Riley's, ensures that vampires and demons are analogized to LGBT people as minorities, purely through the reactions of the majority members. (The analogy is not perfectly symmetrical, as Riley's reaction was more negative, while Buffy's was merely shock and disorientation.)

[65] Buffy herself recognizes the possibility of demons behaving morally. When she asks what kind of demon attacked Riley's friend, Riley retorts with a biting and prejudiced, "Does it matter?",<sup>68</sup> implying all demons are equally deserving of automatic reproach. Her defense of Angel becomes a source of tension between the two, because Riley's initial understanding is that all demons are dangerous and should be imprisoned (or killed).

[66] His philosophy is clarified when he defends the Initiative, a covert government operation that locks up and experiments on demons and vampires.

Buffy: "You sounded like Mr. Initiative. Demons bad. People good."

Riley: "Something wrong with that theorem?"

Buffy: "There's different degrees of..."

Riley: "Evil?"<sup>69</sup>

Riley begins with the premise that demons, regardless of their behavior or criminal history, must be tracked down and locked up, simply because they are demons. The show prompts viewers to question this philosophy, and ultimately viewers likely side with Buffy, who comes to feel that what the Initiative is doing is wrong.

[67] Buffy's condemnation of the Initiative and her defense of individual demons may be surprising, given her status as a Slayer, but it dates back to her relationship with Angel. When Riley first discovers that Willow is dating a werewolf, he responds, "I didn't think Willow was that kind of girl." Buffy retorts defensively, "What kind of girl?" Not yet realizing Buffy

has a romantic history with a vampire, Riley answers, "Into dangerous guys. She seemed smarter than that." Buffy defends Willow and herself by accusing Riley of being a bigot: "Oz is not dangerous. Something happened to him that wasn't his fault. God, I never knew you were such a bigot."<sup>70</sup> Interestingly, Buffy's defense of werewolves can be said about vampires as well. New vampires are created when humans are bitten by vampires and fed vampire blood, thus "something happened to [them] that wasn't [their] fault." Thus she takes into account mitigating circumstances with respect to demons at times, and seems to view non-humans as racial or other arbitrary categories when she uses the word "bigot."

[68] Of course, this view of demons, vampires, and werewolves contrasts with her nightly vigil at the graveyard. She kills newborn vampires because of what they are, without considering that they might be redeemable. This presents a tremendous contradiction in her understanding of non-humans and their potential place in society.

[69] The problem is highlighted by the lack of a defense counsel role in *Buffy*. No one is seen advocating for demons, considering mitigating circumstances, or protecting them until they are proven guilty – except for Buffy herself, and that occurs in an *ad hoc* manner whenever she feels so inclined, but certainly not in the many cases where she is killing new vampires with no record of violence.

[70] With respect to the role of defense counsel, the criminal justice system of the Slayer is less adversarial, thus the system somewhat resembles Japan's. However, in Japan, prosecutors place a great emphasis on fact-finding before they make charging decisions, while in *Buffy*, more of an American system is alluded to in the sense that Buffy makes charging decisions – typically, even decisions of guilt – without or before extensive fact-finding. David Johnson summarizes these two systems in the following way: "American prosecutors are more dependent on defense lawyers to provide information [about defendants] because they lack direct access to the defendant. Japanese prosecutors routinely interrogate suspects before making charge decisions, while American prosecutors rarely do."<sup>71</sup> The Japanese criminal system does have defense attorneys, but their role is less crucial to the trial; prosecutors in Japan more often resolve factual doubts in favor of suspects.<sup>72</sup>

[71] In *Buffy*, the role of the defense counsel is all the more important, although it is usually lacking, because the Slayer's system is non-adversarial and Buffy does not conduct fact-finding investigations before making charging decisions.

## **VI. Corruption by Power: The Problem of Oversight**

[72] The series is not ambiguous in its assertion that oversight and limits to power are necessary. Buffy and Anya should not have the ability to do anything and everything they want; guidelines of some sort, if not mandatory requirements, should be in place.

[73] One illustration of this is Faith, who lacks the sense of morality, selflessness, and duty that Slayers are typically endowed with. Instead, Faith is an often immoral character interested only in herself, and with no respect for the Council. Walking out on a meeting with her supervisors, she makes it clear to Buffy that in her view, Slayers can do what they want (3.14).<sup>73</sup> In contrast, Buffy assumes they should follow orders (at least, in this case).

Faith: You actually gonna take orders from him?

Buffy: That's the job. What else can we do?

Faith: Whatever we want! We're slayers, girlfriend. The Chosen Two. Why should we let him take all the fun out of it?<sup>74</sup>

Buffy, of course, is presented in stark contrast, explaining, "We help people. It doesn't mean we can do whatever we want" (3.15).<sup>75</sup> Although Faith redeems herself later, for much of the show she has a monstrous status. After becoming a hired gun for the Mayor, she kills an innocent professor, ostensibly with no regrets or guilt. The main message from Faith's arc, until her return in the final season, is that power corrupts. The Slayer needs some oversight and some restriction on her power.

[74] The problem of oversight ties into the issue of the Slayer's broad discretion. When Willow is corrupted by dark magic, Buffy is slow to take action. Even once Willow turns against her and has killed humans,<sup>76</sup> Buffy's reaction is to coax her back to the light with words alone. She never tries to kill Willow in earnest, even when Willow challenges Buffy to a physical fight.

In contrast, when Anya begins punishing humans again as a vengeance demon, Buffy jumps rather quickly to the conclusion that she must kill Anya.

[75] Traditionally, the Slayer is supervised by her watcher and The Council. She is typically subjected to the Council's tests and examinations, and her decisions and strategies are examined quite critically by the Council. Moreover, the Slayer traditionally takes orders from the Council, as does her watcher. When Giles is fired from the Council and Buffy declares she will no longer take orders from them, viewers are probably proud of Buffy for asserting her independence. However, the repercussions that follow demonstrate the drawbacks to her decision, namely that an unchecked Slayer is very dangerous and likely incapable of being a fair, predictable administrator of justice.

[76] At one point in the fifth season, the Council attempts to take back its place as the overseer of the Slayer. They hold valuable information about Glory hostage until Buffy will submit to their authority again. Minimizing her relevance, they insist that "the Council fights evil. The Slayer is the instrument with which we fight. The Council remains. The Slayers . . . change" (5.12).<sup>77</sup> Ultimately, however, Buffy refuses to accept their oversight and supervision, noting that if the Council does not give her the information she seeks, she will be unable to save the world, and although the Council has the information, they lack her powers to do anything with it.<sup>78</sup>

[77] By the time Buffy's arbitrariness is called into question by Xander in season 7, it is clear that no one has the power to supervise or guide Buffy, beyond offering friendly suggestions and advice. In fact, Buffy herself may not be happy with the situation she has put herself in, and her response to Xander seems to be a complaint about the system she is in. Her attitude is resigned as she almost laments, "There's no mystical guide book, no all-knowing council... I am the Law."<sup>79</sup> Thus, the Slayer's broad authority to act without oversight is portrayed not as a liberating development ultimately, but as a serious problem.

## **VII. Conclusion**

[78] *Buffy the Vampire Slayer* presents the benefits and disadvantages of both the American system where prosecutors enjoy broad discretion and

bargaining power as well as a fairly extreme version of the traditional German and Italian systems, where prosecution was more or less compelled and there was historically far less room for bargaining.

[79] In a system with broad discretion, the show demonstrates how personal biases result in a lack of neutrality and predictability, and could result in dangers to minorities. In the context of the show, minorities are demons and vampires, at times deemed to be per se criminals, and at other times presented as beings with the capacity to embrace or reject criminal conduct. They are often condemned for visible, immutable characteristics and declared guilty by virtue of what they are, rather than what they do, while murderous human characters are offered leniency, thus highlighting the potential for prosecutors (and law enforcement) to treat some suspects harshly and others with lenience.

[80] The show also presents an extreme version of the alternative, a system of no discretion. Taken strictly, a prosecutor in such a system would be mandated to bring full charges wherever sufficient evidence exists. A benefit to the system is neutrality; Anya may be harsh, but she treats all offenders similarly while she is truly invested in being a vengeance demon. (After living with Xander for a time, she loses much of her drive and begins treating wrongdoers more leniently, but this conduct violated the vengeance demon code and their system of justice.) *Buffy* suggests that a disadvantage to a system where full charges must be brought is that the sentences are often not proportional to the crime.

[81] However, the show is clear about the importance of oversight and limits of prosecutorial power. When Buffy becomes the rule of law herself, ignoring the guidance of her watcher and without the oversight of the Council, even her trusted comrades begin to criticize her arbitrary behavior, be it for favoring the vampires Angel or Spike, her harshness towards a vampire group drinking blood from consenting humans, or resorting to slaying Anya more readily than Willow.

[82] In sum, *Buffy* suggests that a criminal justice system should strive to be fair and predictable, ensure sentences that are proportional to the crimes, and should provide sufficient oversight with respect to prosecutors' conduct.

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[83] I agree with the suggestions presented in the series, and my own recommendations for the American criminal justice system also include more oversight over prosecutors specifically with respect to coercion in the plea bargaining process (admittedly, a question of resources) and guidelines to limit arbitrariness but simultaneously allow for leniency. In practice, prosecutors have broad power to compel defendants to enter guilty pleas, and while this is efficient, it disregards the principle of voluntariness under a due process analysis. Because of prosecutorial discretion to charge multiple offenses based only on probable cause under sentence-enhancing statutes, combined with a lack of oversight as to the prosecutor's tactics, the requirement that a guilty plea be voluntary is drained of its power except in the most extreme cases. However, given the scarcity of court resources and the continued orientation towards winning the "war on crime" as opposed to ensuring real due process, it seems unlikely that positive change will be forthcoming.

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<sup>8</sup> Allison, 327.

<sup>9</sup> Allison, 327.

<sup>10</sup> Allison, 326.

<sup>11</sup> *Id.*

<sup>12</sup> See *Chicago v. Morales*, 119 S.Ct. 1849 (1999).

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<sup>14</sup> The Fourteenth Amendment includes an Equal Protection Clause which is read into the Due Process clause of the Fifth. See Legal Information Institute, Fifth Amendment, [http://www.law.cornell.edu/constitution/fifth\\_amendment](http://www.law.cornell.edu/constitution/fifth_amendment); Legal Information Institute, Fourteenth Amendment, <http://www.law.cornell.edu/constitution/amendmentxiv>.

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<sup>33</sup> Ma, 23.

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<sup>35</sup> *Id.*, 27.

<sup>36</sup> *Id.*, 24.

<sup>37</sup> *Id.*, 25.

<sup>38</sup> Ma, 25.

<sup>39</sup> Ma, 30.

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<sup>47</sup> "Selfless," Episode no. 127, first broadcast October 22, 2002 by UPN, directed by David Solomon and written by Drew Goddard.

<sup>48</sup> *Id.*

<sup>49</sup> "What's My Line (Part 2)," Episode no. 22, first broadcast January 12, 1998 by the WB, directed by David Semel and written by Marti Noxon.

<sup>50</sup> *Id.*

<sup>51</sup> "Villains," Episode no. 120, first broadcast May 14, 2002 by UPN, directed by David Solomon and written by Marti Noxon.

<sup>52</sup> "The Wish," Episode no. 43, first broadcast December 8, 1999 by the WB, directed by David Greenwalt and written by Marti Noxon.

<sup>53</sup> "Selfless," Episode no. 127, first broadcast October 22, 2002 by UPN, directed by David Solomon and written by Drew Goddard.

<sup>54</sup> *Ibid.*

<sup>55</sup> "Beneath You," Episode no. 124, first broadcast October 1, 2002 by UPN, directed by Nick Marck and written by Douglas Petrie.

<sup>56</sup> *Buffy the Vampire Slayer*, "Selfless."

<sup>57</sup> "Lessons," Episode no. 123, first broadcast September 24, 2002 by UPN, directed by David Solomon and written by Joss Whedon.

<sup>58</sup> "Becoming," Episode no. 21 and 22, first broadcast May 12 and 19 by the WB, directed and written by Joss Whedon.

<sup>59</sup> *Buffy the Vampire Slayer*, "Bad Girls."

<sup>60</sup> "Out of My Mind," Episode no. 82, first broadcast October 17, 2000 by the WB, directed by David Grossman and written by Rebecca Rand Kirshner.

<sup>61</sup> "Touched," Episode no. 142, first broadcast May 6, 2003 by UPN, directed by David Solomon and written by Rebecca Rand Kirshner.

<sup>62</sup> *Buffy the Vampire Slayer*, Season 6 and Season 7.

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<sup>63</sup> "Older and Far Away," Episode no. 114, first broadcast February 12, 2002 by UPN, directed by Michael Gershman and written by Drew Z. Greenberg.

<sup>64</sup> "Empty Places," Episode no. 141, first broadcast April 29, 2003 by UPN, directed by James A. Contner and written by Drew Z. Greenberg.

<sup>65</sup> "Showtime," Episode no. 133, first broadcast January 7, 2003 by UPN, directed by Michael Grossman and written by David Fury.

<sup>66</sup> "Checkpoint," Episode 90, first broadcast January 23, 2001 by the WB, directed by Nick Marck and written by Douglas Petrie & Jane Espenson.

<sup>67</sup> "New Moon Rising." Episode 75, first broadcast May 2, 2002 by the WB, directed by James A. Contner and written by Marti Noxon.

<sup>68</sup> *Buffy the Vampire Slayer*, "New Moon Rising."

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> Johnson, 285.

<sup>72</sup> *Id.*, 285, 286.

<sup>73</sup> *Buffy the Vampire Slayer*, "Bad Girls."

<sup>74</sup> *Id.*

<sup>75</sup> "Consequences," Episode no. 49, first broadcast February 16, 1999 by the WB, directed by Michael Gershman and written by Marti Noxon.

<sup>76</sup> The number of people Willow kills is not clear. Certainly Willow kills Warren, the murderer of Willow's girlfriend Tara. During her descent into dark magic, Willow causes destruction to the prison, police, and at least one truck driver. Her confession to Giles in "Lessons," "I killed people, Giles," suggests that others in addition to Warren may have died during her spree of violence (7.1).

<sup>77</sup> *Buffy the Vampire Slayer*, "Checkpoint."

<sup>78</sup> *Buffy the Vampire Slayer*, "Checkpoint."

<sup>79</sup> *Buffy the Vampire Slayer*, "Selfless."