

**Course Name: An Interface between Fantasy Fiction Literature and Law: Special Focus on Rowling's  
Potterverse**

**To be offered in the Winter Semester 2018-19 to**

**the Students of 4<sup>th</sup> Year and 5<sup>th</sup> Year of the B.A., LL.B. (Hons.) Programme at**

**The W.B. National University of Juridical Sciences**

**Course Instructor: Shouvik Kr. Guha**

*Course Duration: 45 hours (approximately)*

*Introduction and Scope*

*"Are you planning to follow a career in Magical Law, Miss Granger?" asked Scrimgeour.  
"No, I'm not," retorted Hermione. "I'm hoping to do some good in the world!"<sup>1</sup>*

This is merely one of the several instances of J.K. Rowling expressing her thoughts about law and legal institutions being merely redundant at best and posing impediments at worst in the archetypical struggle between good and evil, justice and injustice, freedom and oppression in her creation of the magical world of Potterverse. Millions of readers have joyfully immersed themselves till date in the cultural phenomenon that the Harry Potter novels represent. Some have grown up reading them and later introduced them to the next generation, while others have discovered to their astonishment that adulthood does not really pose a barrier to enjoy the experience that Potterverse promises, despite having been introduced as fantasy fiction literature meant for the consumption of children and young adults.

The engrossing narrative built by Rowling in course of the seven main books has been further enriched by supplementary books providing additional glimpses into the Potterverse, be it a discussion of the fascinating magical game of Quidditch, or an effort to trace the origins of the magical world in the annals of history, or an introduction to the various mythological creatures that have made one or more appearances in Potterverse, or even a brief look into what has been referred to as 'fantasy-within-fantasy', the popular folk-tales prevalent in Potterverse. It is true that fantasy fiction literature and

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<sup>1</sup> J.K. Rowling, Harry Potter and the Deathly Hallows, Arthur A. Levine Books (NY: 2007)

children's literature in particular have often been neglected by several law and literature scholars as well as literature critics for lacking in socio-cultural significance. However, there are others who believe that children are not simply spellbound by the plot-twists and inherent excitement of such fiction; they represent the future and all over the world, it is our future leaders, thinkers and bringers of change, who are being exposed to the wealth of social values and cultural mores intrinsically posited within such literature – therein lies its significance.

When it comes to law, while it is true that the books are not directly about legal themes, yet the entirety of Pottermore is fraught with laws and legal institutions and from time to time, Rowling has drawn images that vividly expose the limitations of such laws and institutions. Imagine a government, for instance, that uses its representatives to torture children for lying (or even for daring to tell the truth), that imprisons or even executes its citizens without the benefit of due process of law, that designs its prisons in a manner that is intended to drive the inmates to despair and suicidal tendencies without any hope of reformation, that offers little in the way of democratic law-making process, that allows the wealthy to control and influence government policy, that curtails the freedom of the Press and uses the latter with impunity to spread its propaganda, that does not flinch before putting all its citizens under surveillance. The picture that Rowling paints of the government in Pottermore is not pretty, yet the critique that she aims at it on multiple levels, ranging from the functions of the government to its nature and the bureaucracy busy in running it, often resonates with the readers in comparison to their own governments in the real world. That is where the boundary between reality and magic begins to blur and that is perhaps one of the strongest appeals that Pottermore holds. Illustratively, imagine the stark difference between the plain, even somewhat boring Dursley household obsessed with 'normalcy' and the seemingly invisible, wilder, unpredictable magical world as introduced in *Harry Potter and the Philosopher's Stone*, and the way in which these two worlds tend to crash into each other with the appearance of the Dementors in Private Drive and Voldemort's destruction of the Brockdale Bridge in *Harry Potter and the Order of the Phoenix* and *Harry Potter and the Half-Blood Prince* respectively. Similarly, the secure, protective boundaries of Hogwarts tend to weaken with Dumbledore's death (as Ron said, "Everywhere's the same now!"), revealing the ways in which the borders between safe and unsafe, public and private, home and away may be eradicated at a moment's notice, as may the ones between childhood and adulthood (Harry's rite of passage and assumption of adult responsibilities as witnessed throughout the series), between student and teacher (while still a student at Hogwarts, Harry ends up playing the role of a teacher for the rest of Dumbledore's Army), between multiple identities and consciousness (the Harry/Voldemort connection and periodic possession and also the Horcruxes), as

well as between life and death (Harry's experience in the limbo-like state resembling Platform 9 & ¾). One may even get a glimpse of the radical reordering and breaking down of barriers that Rowling advocates in the aftermath of the final battle in *Harry Potter and the Deathly Hallows* ("Nobody was sitting according to House anymore: All were jumbled together, teachers and pupils, ghosts and parents, centaurs and house-elves."), or even in the Gargoyle standing guard before the Headmaster's Study not requiring any password when the trio seeks to enter (It merely groans, "Feel free!"). Perhaps readers can imbibe this reorganization by breaking down the social hierarchies they themselves face in the form of socio-economic conditions, gender, race, ethnicity or religion, making law an ally instead of an enemy in their struggle, or perhaps some of them will still be filled with doubt just like Albus Severus Potter leaving for Hogwarts at the end of the seventh book.

It is true that lawyers may not feature as prominent characters in the *dramatis personae* itself, unlike say, journalists or bureaucrats do, yet one may argue that the implicit presence of what James Boyd White refers to as the 'legal imagination'<sup>2</sup> in the thematic language and context of the Potterverse novels makes lawyers one of the privileged 'implied reader' groups when it comes to the novels. Take for instance the graphic representation of the trial scenes through the vision of the Pensieve, or the multiple references to rights including gender rights and class rights, which cumulatively form one of the most dominant idioms of jurisprudence, or the very controlling value of jurisprudence that is arguably the underlying theme of the entire narrative, justice. Be it by delivering a satirical critique of the Left (consider Hermione Granger's advocacy of house-elf rights) or the Right (as MacNeil illustrates in the form of "apologia for the status quo as voiced by the Weasley twins"<sup>3</sup>), Rowling has proceeded to paint Hogwarts, the 'ideal sanctuary' in Potterverse, as a place that needs both protection from external threats (Voldemort) as well as internal reforms (freedom from the various status inequities). Potterverse is often a depiction of the limitations rather than the utility of law, but at the same time, its creator often urges the readers, the potential future lawmakers, to proceed 'beyond the popular notions of law' in pursuit of justice.

On a lighter note, surely one can notice the similarities between law school and Hogwarts? Law students end up reading about Hogwarts (and other make-believe worlds) either in between reading commentaries and statutes or often even instead of reading commentaries and statutes. Both places

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<sup>2</sup> James Boyd White, *The Legal Imagination*, Little, Brown (Boston: 1973).

<sup>3</sup> William P. MacNeil, *Kidlit as Law-and-Lit: Harry Potter and the Scales of Justice*, 14 *Law & Literature* 545, 547 (2002)

can and ought to teach students about power, how to acquire it and how to use it, whether explicitly or otherwise, using education as a tool that, when used properly by students, makes one expect of those students things great and terrible (or hopefully, not-so-terrible). With questions about grades, internships and jobs looming in the horizon, how much consideration is given to the question about what sort of a lawyer the law student should become? Choice is after all, the central tenet of Potterverse, one would say – between Dumbledore and Voldemort, between Draco and Ron, between Umbridge and McGonagall, between Lupin and Snape, between Sirius and Bellatrix, between Dobby and Kreacher or any of multiple other options.

While the course will involve discussions about similarities between law school experience and Harry's days at Hogwarts, some of the more obvious ones can perhaps be mentioned here. An elite institution where a minority are selected to join, a process-oriented place where the grueling curriculum often make students face self-doubts and anxieties in their initial years (and for some, in their later years too), only for them to eventually realize that not all knowledge or answers can be had from books and to gain the self-confidence needed to think like wizards and to make the right choice, with the admission committee (or the Sorting Hat) wondering how to segregate (whether on the basis of CLAT scores or moot/debating achievements/publications or something else) an already competitive bunch without giving rise to even more intensive rivalries. There will be intense and difficult courses like Potions that students will face in their very first semester, as well as easy courses such as Muggle Studies (for law school students, maybe a course like this very one?). There will be students who will be diligent and exceptional with their colour-coded notes and study schedule (and those who will ask the teacher questions in class such as the nuances of the 48<sup>th</sup> paragraph of Lord Denning's dissenting judgment in a case involving chalk and how it might have an impact on the price of cheese fixed twenty years hence), and there will be those who will not wish to go through examination papers afterwards (because 'it would make them feel ill'). There will be long-lasting bonds forged here in the camaraderie of late night study sessions and memo preparations (challenging tasks, despite perhaps lacking the flair of knocking out together a twelve feet tall Mountain Troll). There will be teachers who are the nightmarish personifications of the Socratic methodology, those whose routine and lectures are so dull that their presence would hardly be felt even by themselves, those who have the gift of keeping a class silent without effort and those who would wish at some point of time or another to turn at least a few students into ferrets and bounce them around the classroom and when asked about what they thought they had been doing, would give the monosyllabic reply, "teaching." Practical applications and clinical courses will usually be deemed more interesting than theoretical concepts, to the extent that the

mystique of the real life practitioner-teacher will never lose its charm (because, “He *knows*...what it’s like to be out there *doing* it...he’s seen it all.”). Part of the education process will involve identifying the words of power in the books, while another part would involve learning the limitation of the books themselves (because “books can take you only so far in this field”). Used textbooks left behind by seniors will mostly be preferred because not only are they cheaper, but they also may be marked-up with invaluable notations left behind by the previous owners. There will be examinations, assignments and grades, more often than not integral to the career path (while some would believe they deserve the elusive E because they have exceeded all expectations by simply turning up for the examinations, yet others would learn the meaning of T is for Troll). While Recruitment Day Zero for law school students may not offer much of a variety, yet the truth remains that legal education can prepare students for a wider range of careers than most other disciplines can (though such careers may not be as colourful as the ones asking “Have you got what it takes to train Security Trolls?”).

From a rich academic culture to obsessing about rankings and competitions, from formalities of dress to formalities of address, from wondering about life after (law) school to learning the wisdom of where to act and where not to, and from knowing how to apply old rules to new cases to perhaps even envisioning a re-shaping of the law by leaving formal education behind before its completion, the journeys through Hogwarts and law school both often turn out to be the veritable Bildungsroman for young minds. Perhaps that is what this course too is all about, along with reminding people that studying and learning law need not be devoid of sheer, unadulterated fun!

#### **Topics to be discussed**

This course is very much a work in progress and cannot and perhaps ought not be rigidly segregated into modules. However, the discussions (and not lectures) in class would probably at least try to address the following topics, but would by no means remain limited to them:

- Legal Traditions and Institutions in Potterverse (including role of law and rule of law in a magical society, moral choice and liberty in Potterverse and the role of bureaucracy in the Ministry of Magic)
- Crimes and Punishments in Potterverse (including Unforgivable Curses, Wizengamot Trials, Innocence of Sirius Black and Persecution of Tom Riddle)

- Morality, Social Values, Identity and Class Rights in Pottermore (including (human?) dignity and enslavement of House Elves, marginalization of Werewolves, Giants, Centaurs and Merpeople, Mudbloods and Squibs, militant literacy and misuse of texts)
- The Pottermore Economy (including Gringotts, magic of money and economic growth and entrepreneurship)
- Politics in Pottermore (including bases of authority, terror and counterterror, resistance, intelligence and secret societies)
- Contracts and Agency in Pottermore (including Unbreakable Vows, Agents of Good or Servants of Evil, express will and loyalty, Snape and the Order of Phoenix, Dumbledore's Man through and through)
- Family in Pottermore (including blood relationship, familial ties, testamentary law)
- Miscellaneous (including Quidditch and sports law, religion and destiny, Rowling's legal battles and reflections, philosophical significance of Pottermore characters, technological anarchism & the hi-tech, low-tech wizarding world, archetypes and stereotypes, from 'Mars is Bright Tonight' to Horcruxes in Faerie Land and 'Just behind the Veil': Influences of Dante, Edmund Spenser and George MacDonald on Pottermore)

#### References

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- Travis Prinzi (ed.), Harry Potter for Nerds: Essays for Fans, Academics and Lit Geeks, Unlocking Press (2011)
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#### Evaluation Pattern

#### Total: 100 marks

- Written essay assignment on topic self-selected by students and approved by course instructor: 25 marks
- Presentation of written assignment (or in the alternative, students can perform magic tricks for 15 minutes and no, disappearance does not count!): 20 marks
- End-Semester Examination: 55 marks

**Note: This course has a cap of 40 students (20 from each year, but convertible in case of vacant seats). The main books by Rowling have not been included in the References section, because it is expected that each student opting for this course would have already read all the books at least twice, if not**

more. Watching the movies is optional, though. It is also expected that the students would be enthusiastic and eager not only to merely participate in class discussion on related topics, but also to initiate such discussion and therefore, would turn up for the classes from the very beginning of the semester, if only to comment, “Nitwit! Blubber! Oddment! Tweak!”

