

# Periodic Research

## The Tragic World of Magic: An Analysis of Human Rights Violation in the *Harry Potter* Series

### Abstract

The Harry Potter novels, though apparently included under the genre of children's literature, are texts that demand much deeper analysis and offer a huge scope of research. In this paper, we will attempt to analyse the numerous instances of human rights violation that take place in this apparently innocent world of magic. The paper attempts this exercise through numerous angles--- the prevalence of slavery in the society through the presence of house-elves, the class-hierarchy that labels a person based on his or her birth and not on his or her merit or achievements, the holocaust that takes place during the reign of Lord Voldemort in which thousands of Muggles are butchered and their human rights trampled under the feet of the dictator, the violation of the prisoner's rights in the wizarding prison of Azkaban as well as the sexual assault on a young girl hinted at in the series. Finally, we seek to question the barbaric system of law which governs such a huge population of witches and wizards, a law system in which human rights has been absolutely butchered and thrown to the dogs.

**Keywords:** Azkaban, Harry Potter, Human Rights, House-Elves, Slavery, Sexual Assault.

### Introduction

The *Harry Potter* novels, since the publication of the first book of the series in 1997, have not only been always at the top of the best-sellers list, thus making the creator J K Rowling probably the highest earning author in the history of erudition, but the series has also made a unique place for itself in the genre of children's literature. Stephen Deet, while writing about a Harry Potter course he taught, writes:

"Teaching Harry Potter has several benefits. Students are both familiar with the wizarding world and yet have distance enough to examine it dispassionately. The book is driven by ethnic conflict, political power struggles, and dysfunctional bureaucracies. Finally, there is academic literature on the books" (Deet, 741)

The causes of success can be attributed to many reasons, but one of the main reasons would be the unique blend of magic and reality that Rowling has created through her text which is a tissue of layers after layers of meanings. In the books the powerful tool of 'magic' is used in such a way that it becomes a very real and appealing theme for its readers

The world of witches and wizards, therefore, complete with its schools, sports, politics, wars, loves and love triangles, is in no way a utopian world, but a very realistic and political society, with its class inequity, unfairness against 'mudbloods', and bigotry against non-human species like elves and giants. In fact, re-reading these books as an adult, one is shocked by the creativity of the brutality that characterizes this world. Infact, this is a world in which, according to Schwabach, British international human rights law appears to matter as little as does Muggle Law. Means of torture like the Cruciatus and Imperius Curses, the holocaust against the muggles that takes place in the reign of Voldemort, the inhuman attitude towards house-elves, and most importantly the way the wizarding world punishes its law-breakers present before us the picture of the magical world as an extremely retaliatory, an excruciatingly sadistic and a violent world, where human rights, or more specifically wizard's rights are butchered ruthlessly, not once or twice, but every single moment.



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It is not until the fourth book of the series, *Harry Potter and the Goblet of Fire*, for example, that we come to know that the entire wizarding world was surviving on slavery in its crudest forms. House-elves have been brainwashed to believe that they are fit to be only slaves and it was their holy duty to serve the witches and wizards, so much so that we have the instance of a house-elf Winky, who develops a drinking problem because of the depression she suffers when she is freed of her slavery. The wizarding world had colonized their body and mind with the excuse that the house-elves enjoy being slaves. This, however, cannot be accepted in any civilized society as a justification of slavery. Slavery, forced labour and human trafficking are violations of human rights because these acts strip human beings of their inherent rights. In fact, the Universal Declaration of Human Rights explicitly prohibits slavery in all forms, clearly stating that no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Yet the so called Hogwarts-educated and revolutionary wizarding world are proud to own house-elves and consider exploiting them their birth right.

We cannot forget in this respect the extremely loaded words of Sirius Black, Harry's godfather:

"...if you want to know what a man's like, take a good look at how he treats his inferiors, not his equals." (Rowling, "*Order of Phoenix*", p.456)

However, completely reversing his own theory, Sirius Black, an otherwise extremely kind and gentle man, who treats his friend's son as his own child, is seen to be continuously verbally and physically assaulting Kreacher, the house-elf of his family:

"Sirius, ignoring Hermione's protests, seized Kreacher by the back of his loincloth and threw him bodily from the room." (Rowling, "*Order of Phoenix*", p.109)

Though Kreacher doesn't realise it, what he was facing was actually bullying and harassment at workplace, which was a gross violation of his human rights. Physical and mental harassment, such as what house-elves like Kreacher and Dobby were facing mentally ruins a person and makes him or her internalize the violence that he or she was at the receiving end of, consoling oneself with words like "Perhaps that is what I deserve."

The working conditions in which the house-elves work are also deplorable—they have no proper clothes, food, rest hours or the right to leave the house of their masters. All that Dobby got to wear only a dirty "...old pillowcase, with rips for arm and legholes." (Rowling, "*Chamber of Secrets*", p.15) This is in gross violation of the human right to adequate clothing, which requires every person to be clothed enough to maintain his health and dignity, guaranteed by article 25 of the Universal Declaration of Human Rights. But in the wizarding world, house-elves are systematically stripped of not only their clothes, but also their self-respect and bodily integrity by brutal

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physical punishments. Dobby, for example, receives "such a flogging" (Rowling "*Chamber of Secrets*", p.133) for letting his master's dinner burn. Readers are also haunted by the image of Mr Malfoy kicking his house-elf openly in a public place like Hogwarts and Dobby "squealing in pain all the way down the corridor" (p.248).

Thus, there is also a kind of exhibitionism in the violence that the house elves are exposed to, characterised by, to use of Berenstein's theory, an atmosphere of suffering and constant fear of abuse, creating for the house-elves an experience in which their body and mind merge into sensations of disintegration. Jessica Seymour points out in her essay "Harry Potter and the House-Elf Rebellion" that house-elves have been turned into creatures who have been co-opted to the wizard and witches vision of them. They believe in their own otherness, and therefore they do not have the power to use the pronoun I and instead refer to their own-selves using third person pronouns as "he", "she" and "we". In this context, we cannot but refer to the theory of Sekora (1987) ---the slave-owners of America used to keep a close eye on the language their slaves used, and by "seeking to control slave language, masters sought to exact slave complicity in their own subjugation" (p.485).

It is not as if the wizards are unaware of the way they had subjugated the house-elves and violated their human rights, but they had taken this system of slavery as granted and universal, which they had neither reason nor authority nor interest to question. Albus Dumbledore couldn't have been more correct than when he aptly summarizes the situation as:

"I do not think Sirius...ever saw Kreacher as a being with feelings as acute as human's...And whatever Kreacher's faults, it must be admitted that Sirius did nothing to make Kreacher's lot easier...He regarded him as a servant unworthy of much interest or notice...We wizards have mistreated and abused our fellows for too long, and now we are reaping our reward." (Rowling, "*Order of Phoenix*", 733-735)

No wonder, Sirius pays for this behaviour of his with his life. It is his servant Kreacher, a slave whom he had treated worse than an animal, who triggers the series of events that ultimately lead to his (Sirius's) untimely and unfortunate murder.

The magical society of Harry Potter is an extremely class conscious one, because it is a society where the family where one is born determines what one was entitled to achieve in life. The pure blood wizards form the creamiest layer of the society, thus forming the aristocrats of the wizarding world. It is they, as in any other society, who control the powerful posts within the Ministry of Magic for the simple reason that they are financially much more well off than most other families. Below them come the class who have one parent Muggle and another a Muggle—

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called the half-bloods. This is probably the largest section of their society and interestingly both the hero and the villain of the series—Harry Potter and Voldemort belong to this class. They definitely do not enjoy the power and prestige of the pure-bloods, but they do have the right to enjoy a pretty decent position in the society. But the worst sufferers of human rights violation in this society are the Muggles, who have magical powers equivalent to that of the witches and wizards, but occupy the lowest rungs of the society, because both their parents are Muggles. After Lord Voldemort takes over the Ministry in the last book of the series—*Harry Potter and the Deathly Hallows*, he organizes a witch hunt against the Muggles, which comes dangerously close to the holocaust of Nazi Germany. Voldemort organises a Muggleborn Registration Commission to “better understand how they came to possess magical secrets”, implying that they are not entitled to become witches and wizards and must have become so by means of stealing secrets or some other fraudulent means (209). The fountain in front of the entrance of the Ministry of Magic is replaced by a statue which showed a witch and a wizard sitting on top of carved naked Muggles with the engraving “Magic is Might” (242). Muggle studies is made a compulsory subject at Hogwarts, where students are taught how Muggles are “like animals, stupid and dirty” (574). Thus, the society that Rowling presents before us a society where discrimination based on birth is a generally accepted custom (practised in greater or lesser degrees, based on the tolerance of the regime in power, but never quite disappearing), in gross violation of the human right to equality and non-discrimination, which requires every person to be treated equally before the law. In other words, those in equal circumstances need to be treated equally, but the wizarding world seems to be ignorant of, or purposely oblivious to this principle.

We, as readers, witness many acts of evil during Voldemort’s regime, mostly caused by his followers, called the Death eaters and more often than not, they are against the innocent Muggle community. But Rowling being the master of contrasts she is, once we see a reversal of the equation, where a gross child rights violation takes place at the hands of some Muggle boys. In fact, these ordinary and seemingly harmless boys were the perpetrators of one of the worst crimes in the series—a child sexual abuse. The victim was a six-year-old girl, Ariana Dumbledore, the younger sister of the future brilliant headmaster of Hogwarts Albus Dumbledore and future Hog’s Head barman Aberforth:

“When my sister was six years old, she was attacked, set upon, by three Muggle boys. They’d seen her doing magic, spying through the back garden hedge: she was a kid, she couldn’t control it, no witch or wizard can at that age. What they saw scared them, I expect. They forced their way through the hedge, and when she couldn’t show them the trick, they got a bit carried away

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trying to stop the little freak doing it.”(p.455)

Although not explicitly mentioned, it is pretty evident that what Ariana had suffered was a sexual assault that left her scared and damaged and mentally unstable for life, and had indirectly triggered a course of events that finally led to her untimely and tragic death at the tender age of fourteen. Her elder brother, in the quote given above, uses the word “attack” and not bullying, which clearly implies that some kind of physical harm, if not rape, then at least a sexual molestation had been suffered by Ariana, which left her in a state of trauma for the rest of her life. Her brother Aberforth, in *Harry Potter and the Deathly Hallows*, describes her condition thus:

“It destroyed her, what they did: she was never right again. She wouldn’t use magic, but she couldn’t get rid of it; it turned inward and drove her mad.” (455)

Her basic human right to her bodily integrity is violated and this violation gives her a mental wound which slowly poisons the entire entity of the child. But as with most sexual assaults, the attack on Ariana was more about power than about sex. The boys were older and physically stronger than Ariana, and more importantly, they had the big label of being “male” and she a “female”. The same tag is used in the asymmetrical power equation to gain power over the girl, who, due to her age, had no chance of defending herself.

Another major site of human rights violation is the wizarding prison, Azkaban. Azkaban had earned a reputation of being one of the most horrific places in the existence of mankind, probably because of the prison’s guards—Dementors. They are the inhuman creatures who thrive on the good and happy memories of the prisoners, draining them gradually of any life-sustaining force or their will to live. Dementors had a power to force a human being to recollect the worst memories of his or her life, due to which most people sent to Azkaban eventually went insane and slowly perished under the Dementors depressive influence. Even those who survived were left traumatised by their experiences in prison. Marvolo Gaunt, after his six months term there, was left almost a ghost of his former self and just a month in Azkaban had left an extremely brave man like Rubeus Hagrid feeling miserable for a long time after his release. Even those like Sirius Black and Bellatrix Lestrange, who probably escape from Azkaban in the best possible condition, lose their aristocratic look. Thus, those convicted or imprisoned in Azkaban were being deprived of their basic human rights as prisoners, which are guaranteed by the Universal Declaration of Human Rights. The aim of imprisoning any person is not to punish him or her, but to reform him. In fact, the UN Standard Minimum Rules for the Treatment of Prisoners, which came into effect in 1955, lists the basic requirements that every prisoner is entitled to—personal hygiene, clothing, bedding, exercise and sport, medical services, information to and complaint by prisoners, contact with the outside world, books, religion, retentions of prisoners’ property, notification

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of death, illness and transfer. Not only was none of these provided to any of the prisoners, one of their fundamental human right, the right against any kind of torture was being denied to them. The condition of Sirius Black when he escapes from Azkaban speaks volumes about the conditions in which inmates of the wizarding prison spend their days:

“Harry looked into the shadowed eyes of Sirius Black, the only part of the sunken face that seemed alive. Harry had never met a vampire, but he had seen pictures of them in his Defence Against Dark Arts classes, and Black, with his waxy white skin, looked just like one.” (Rowling, 1999, p. 34)

In fact, Harry tries to recognize the person from the photograph that he had of him, taken on his parents' wedding and he finds him unrecognizable:

“If he [Harry] hadn't known it was the same person, he would never have guessed it was Black in this old photograph. His face wasn't sunken and waxy, but handsome, full of laughter.... Did he realise he was facing twelve years in Azkaban, twelve years which would make him unrecognizable?” (Rowling, 1999, p 158)

The transformation of Sirius Black was obviously due to torture and trauma, which had become an integral part and parcel of Azkaban, in gross violation of Article 2 of the United Nations Convention which prohibits any kind of torture and urges parties to take effective measures to prevent it in any territory under their jurisdiction. Yet the Ministry of Magic reveled in the thought that their prisons were completely safe at the hands of the inhuman Dementors and the entire wizarding world deceived themselves with the idea that all was well there.

The wizarding world also suffers from a practically non-existing judiciary, due to which, many innocent people were often arrested and thrown behind the bars of Azkaban. The system is rather barbaric in nature, as Article 6 of the Universal Declaration of Human Rights guarantees to every accused a fair and public hearing, heard by an independent and impartial decision maker. The greatest victim of this violation of human rights is Harry Potter's godfather, Sirius Black. He had been arrested purely on circumstantial evidence for the murder of twelve muggles and his friend Peter Pettigrew, the second murder apparently committed in such a brutal manner that nothing but a finger of Pettigrew remained to be sent to his mother. We might recollect the scene of the murder, as narrated by Cornelius Fudge, which had caused Sirius Black to be arrested:

“I was Junior Minister in the Department of Magical Catastrophes at the time, and I was one of the first on the scene after Black murdered all those people. I-I will never forget it. I still dream about it

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sometimes. A crater in the middle of the street, so deep it had cracked the sewer below. Bodies everywhere. Muggles screaming. And Black standing there laughing, with what was left of Pettigrew in front of him...a heap of blood-stained robes and few—a few fragments” (Rowling, 1999,p.155)

The description, though extremely poignant and remarkable for the pathos it arouses in the reader, does not have enough merit to suffice as evidence for a man to have been thrown behind the bars for a life time imprisonment. In criminal investigation, there is always something more than what meets the eye. Sirius Black had been arrested for the murder of Peter Pettigrew and the twelve eye witnesses, but it was actually Peter Pettigrew, who was a wizard who could turn into a rat, who had murdered all the muggles, betrayed Lily and James Potter to Lord Voldemort and caused their brutal murder and framed Sirius Black for his as well as the Muggles murder, before disappearing down the sewer as a rat, a form in which he spent the next twelve years of his life, until Sirius Black escapes from Azkaban. The only proof that the Ministry had against Sirius was Peter Pettigrew's finger, and accordingly the it circulated the charge-sheet that “The biggest bit of Peter they found was his finger” (Rowling, 1999, p.266) The truth was that Pettigrew had cut his finger off himself just before he transformed. The actual course of events is narrated by Sirius to Harry and his friends much later:

“When I [Sirius] cornered him [Peter Pettigrew, for having sold Lily and James' whereabouts to Lord Voldemort] he yelled for the whole street to hear that I'd betrayed Lily and James. Then, before I could curse him, he blew apart the street with the wand behind his back, killed everyone within twenty feet of himself---and sped down into the sewer with the other rats.” (Rowling, “*Prisoner of Azkaban*”, p266)

A proper investigation of the events had been Sirius's right, which he had been deprived of. Even if Peter Pettigrew could not be traced, Sirius Black should have been cleared of all charges due to lack of evidence against him. Bail was his basic right, and so was the help from a registered legal practitioner, so that he could defend himself. But Sirius was thrown behind the bars without a trial. It is the basic human right of every accused to be held innocent till proven guilty, but the wizarding world was least bothered to find out whether he was innocent or guilty. Murders had been committed and they needed someone to shoulder the blame, and the easiest scapegoat was Sirius Black, who just happened to have been at the wrong place at the wrong time. The result of this gross and extremely callous human rights violation had to be born, not only by Sirius, but also by a child—Harry Potter for twelve long years. He had to spend these years in a condition worse than an animal at his aunt Petunia's house, where he was continuously

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physically and mentally abused, but had to bear with it, thinking himself to be absolutely without a friend, relative or guardian in this world. James Potter had, with many dreams, appointed Sirius Black to be his son's godfather, yet the nonchalant attitude of the ministry caused Harry to have remained ignorant of the existence of his godfather. Sirius Black loved Harry more than his life (in fact, he dies trying to save his godson's life), but he could not be with Harry during the years when the child needed him the most. He could neither be a part of his childhood games nor be a witness to his mischief. He probably would never even have been able to even see his godchild had he not escaped from Azkaban. Even then, for the two years he remained in Harry's life, he had to live the life of a fugitive, continuously hiding in his ancestral house and getting to meet Harry only in his animagus form (he could transform into a dog). It is an extremely sad and pathetic life that this man had to lead, being held responsible throughout his life for crimes he had never committed.

Any sensitive reader is also shocked by the casualness with which death penalty is awarded in the magical world. The death penalty has a different name in the wizarding world, it is called the Dementor's kiss—but the change in nomenclature does not reduce its brutality. A conversation between Remus Lupin and Harry makes the cruelty of their death sentence extremely pronounced:

"They call it the Dementor's Kiss," said Lupin, with a slightly twisted smile. "It's what the Dementors do to those they wish to destroy utterly. I suppose there must be some kind of mouth under there, because they clamp their jaws upon the mouth of the victim and suck out his soul."

Harry accidentally spat out a bit of Butterbeer.

"What—they kill--?"

"Oh no," said Lupin. "Much worse than that. You can exist without your soul, as long as your brain and heart are still working. But you'll have no sense of self any more, no memory, no... anything. There's no chance of recovery. You'll just exist. As an empty shell. And your soul is gone forever...lost...It's the fate that awaits Sirius Black." (Rowling, "Prisoner of Azkaban", p.183)

The above quoted portion doesn't seem at all to have come out of the pages of a book compartmentalised under the children's literature, thus validating the claim of critics that the Harry Potter series is no innocent fairytale, there is much more to it that meets the ordinary eye. The book is marked by a calm insanity of the sane, a latent brutality of the civilized.

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## Conclusion

In fact, most of the violations of human rights in the Harry Potter series occur via the systematic state machinery--the Ministry of Magic. And the democratic legitimacy of this entire system is rather questionable. For example, we are not told of any elections taking place in the wizarding world, because no kind of campaigning or political parties seem to exist there. There is also no mention of any wizard's parliament, though the entire world is supposed to be located in England, the country that gave birth to the parliamentary system of government. Therefore, although not much is said about the kind of law that the wizarding world follows, we can definitely infer that the law is not in framed keeping in mind the Universal Declaration of Human Rights.

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