

The Law and Harry Potter

Edited by

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Preface

The Law and Harry Potter? What does Harry Potter have to do with the law? Directly, nothing. Indirectly, however, a great deal. There is no denying that the Harry Potter franchise is an unprecedented cultural phenomenon: hundreds of millions of books in dozens of languages; six movies generating billions of dollars in revenue; a theme park.¹ This success shows that the narratives appeal to the public, children and adults alike. Within the narratives Rowling creates a “magical world” complete with laws and legal institutions. Although the stories are not directly about legal issues, law and legal institutions are important parts of the narratives. There are laws against certain curses and the underage use of magic, international treaties on a variety of topics, a wrongful conviction of Sirius Black, the ever powerful (or inept) Ministry of Magic, numerous crimes (by Lord Voldemort and others), a horrible prison (Azkaban), a tribunal that appears to be a combination of judge and jury (the Wizengamot), a banking system (Gringotts), etc.

Part of the appeal of the narratives is that the depictions resonate with readers and viewers. This may suggest that the depictions are consistent with readers’ and viewers’ values or opinions. Alternatively, if the depictions are not reflective, they may influence the development of values or opinions. This is not to say that the conditions of Azkaban will generate a movement for prison reform. Certainly any influence would be much more subtle than that. But perhaps readers and viewers will be more willing to consider the plight of those in prison, or to consider the possibility that a person was wrongfully convicted. Even if the depictions have little or no influence on their own, they can be used as examples or archetypes to advance the discourse on various issues, as

1. Originally, I tried to gather statistics to support this point, but it is a moving target. A recent news account puts the number of copies of the books at more than 400 million and the revenue from the first five films at \$4.5 billion. See Michelle Nichols, “*Harry Potter*” director says finale to be the best yet, Reuters (July 13, 2009), available at <http://www.reuters.com/article/entertainmentNews/idUSTRE5687D420090713> (last visited August 10, 2009). The theme park has its own website. See <http://www.universalorlando.com/harrypotter/>.

is demonstrated by several chapters included in this volume. There can be no doubt that the Harry Potter narratives have become a significant part of our popular culture, and our popular culture is the context within which our legal system operates and is reformed.²

The 22 chapters in this book have been grouped into five sections based on the content and approach of the chapters. The first section looks at legal traditions and institutions. It considers the role of law and legal institutions generally in the wizarding society, and includes a chapter on historical allusions. The second section considers crimes and punishments, and includes consideration of the wrongful conviction of Sirius Black and the application of human rights law. The third section includes chapters about identity in the narratives. It includes chapters about family relationships, moral development, and racial and other differences. The fourth section considers economic issues: the economy, money and banking. The fifth and final section contains chapters using the narratives as archetypes for law-related purposes: legal education, legal argument, and to illustrate legal principles.

This project is an outgrowth of a presentation made at the conference on *The Power of Stories: Intersections of Law, Culture and Literature*, co-sponsored by Texas Wesleyan University School of Law, the University of Gloucestershire, and the City of Gloucester, England. We therefore wish to express our appreciation to the conference organizers. Five of the original panelists stayed with the project and were joined by my co-editor, Frank Snyder, who was involved in organizing the conference, and a more than a dozen others.

I also wish to express my appreciation for assistance from an outstanding team of student assistants: Rachel Flaster, Erin Lawrence, and Scott Thein. They did a great job and without their assistance, I would have never finished. I also wish to thank our contributors for their patience. This project has taken longer than it should have, but the editorial delays (for which Frank and I are responsible) have a silver lining because it allowed us to account for *The Deathly Hallows* to make this volume complete.

Jeffrey E. Thomas
Kansas City, 2009

2. See generally Lawrence M. Friedman, *Law, Lawyers, and Popular Culture*, 98 YALE L.J. 1579 (1989).