

## **Consider the Dementor: Discipline, Punishment, and Magical Citizenship in *Harry Potter***

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### **ABSTRACT**

In his 2004 essay “Consider the Lobster”, David Foster Wallace investigated the ethics of boiling alive an aesthetically unappealing, yet sentient and perceiving, creature to augment the pleasure of a human consumer. In the Potterverse, dementors are described by our human heroes as “terrible things” with “rotting” bodies, “unseen” mouths, and characterized as “among the foulest creatures that walk this earth”. Their occupation as guards of Azkaban Prison does little to improve their reputation among wizard-kind. However, how much of the dementors’ evil is ontological? Is it possible that these beings have been actively constructed as villains by wizarding institutions in order to provide a non-human bogeyman for disciplinary purposes?

Lurking beneath and at the edges of the books’ representation of dementors are clues about their chosen habitats and habits that suggest wizards have manipulated their existence in order to weaponize them. Dementors operate in the wizarding world not only to literally confine certain bodies in prison, but also to serve as a hated and feared “other” against which wizards can define themselves. Dementors are enlisted as prison guards and assigned the task of punishing wizard lawbreakers because their physical and emotional effects on these magical humans literalize the social punishment of lawbreaking in the wizarding world: social expulsion and death.

Via a close reading the reviled dementor, this analysis hopes to open up a wider discussion on wizarding disciplinary techniques, and explore how other hierarchies in the Potterverse are established and maintained.

**Keywords:** J. K. Rowling, Harry Potter series, treatment of dementors, justice system in Harry Potter, rationality in Harry Potter

## INTRODUCTION

Googling “Does Reading Harry Potter Make You a Better Person” returns dozens of hits arguing in the affirmative, many referencing a 2015 study reported by NPR that found that “exposure to ‘Harry Potter’ stories changes the attitudes of children and young people toward people from disadvantaged backgrounds . . . it turns out ‘Harry Potter’ might be an effective tool against prejudice” (Does Reading Harry Potter). These articles attempt to scientifically bolster an intuitive interpretation about the series as a whole that is shared by its readers and fans: The *Harry Potter* books champion tolerance, empathy, and love as the antidote to discrimination and bigotry (Vedantam). And it is true that the mark of evil in the series is indexed by characters who are cruel to those who are different or disadvantaged. However, there is one creature that haunts the margins of the Potterverse, which even the most heroic of the characters categorically despise: dementors.

First introduced in *Harry Potter and the Prisoner of Azkaban* and intermittently, though powerfully, reappearing throughout the rest of the series, these creatures serve as guards of Azkaban prison and also as bounty hunters tasked with tracking and punishing escapees and criminals on the lam. Dementors are large humanoid figures, always cloaked in black and hooded. The only body parts that are usually visible are the creatures’ hands, which are described in *Prisoner of Azkaban* as “clammy” (184), “glistening” (136), “slimy” (384), “rotted” (184), “dead” (384), and “rotten-looking” (586), and they breathe through “a gaping, shapeless hole, sucking the air with the sound of a death rattle” (384).

The frightening physical appearance of the dementor is dwarfed, however, when compared to their emotional effect on wizards. As Defense Against the Dark Arts Professor Remus Lupin explains to Harry in *Prisoner*, “Get too near a dementor and every good feeling, every happy memory will be sucked out of you” (187). Harry experiences this psychic trauma several times throughout the series when he encounters dementors, which manifests first as a piercing cold, then an overwhelming memory of his mother’s screams as she is murdered, and finally unconsciousness. Harry also nearly undergoes the “Dementors Kiss” (*Prisoner* 247), a punishment in which the dementor’s breath is weaponized, sucking out the souls of their human victims and leaving them in a catatonic state of living death.

Critical treatment of dementors tends to follow two dominant threads: either unproblematically folding them into an analysis of Azkaban, as if the prison magically manifested its own corrections officers<sup>1</sup>, or reading their emotional effect on wizards as a representation of the symptoms of depression.<sup>2</sup> An exception to these approaches is hinted at in Daniel Kleinberger’s essay on agency in the series, where he investigates the relationship between the dementors and the Ministry of Magic, taking it as a given that dementors are autonomous beings:

Certainly, for most of the Harry Potter saga [dementors] play a key role for the Ministry of Magic and arguably they act subject to the Ministry’s control. However, it is not clear that the dementors have manifested assent to act ‘on behalf of’ the Ministry. It is equally arguable that they are merely under contract: providing services to the Ministry in return for a macabre form of payment. (353-54)

Attributing the possibility of contractual consent to dementors, and questioning the presence of that consent in their workings with the Ministry implies that dementors are active and equal agents in the Harry Potter

1 E.g., see Iafraite, Duriez.

2 E.g., Barton. This interpretation is understandably and compellingly bolstered by J.K. Rowling’s own extra-textual explanations that dementors were inspired by her bouts with clinical depression (Verhoeven). Though this article analyzes dementors as autonomous creatures within the Potterverse and not symbols of human emotional experience, that is not to discount the value of Rowling’s openness about mental health issues and treatment to her readers.

universe. However, they are consistently and completely maligned by human and nonhuman magical creatures alike throughout the series, even those who otherwise advocate for empathy and tolerance. In this essay, I explore the implications of Kleinberger's contention that dementors are worthy of more consideration, and argue that exploring these creatures more carefully reveals that they have been exploited by the Ministry to further a culture of surveillance and unquestioning obedience by witches and wizards.

Undoubtedly the dementors are fearsome and dangerous. But a closer look at what does (and does not) distinguish them from some of the other treacherous magical creatures the human heroes encounter in the series reveals how and why these beings, in particular, have been instrumentalized to engender fear and mandate discipline from witches and wizards. In his 2004 essay "Consider the Lobster," David Foster Wallace looks at a creature similarly judged solely for its utility: the lobster. Wallace attended and reported on the Maine Lobster Festival, and while there, he became less interested in what the attendees were consuming and more interested in what the attendees were not *considering* about what they were consuming. He writes, "For practical purposes, everyone knows what a lobster is. As usual, though, there's much more to know than most of us care about—it's all a matter of what your interests are" (236-37). If your interests are, in this case, your own gustatory pleasure, then you, in an almost zero-sum game, won't be interested in the lobster's experience of being boiled alive. Similarly, if your interests are disciplining wizards, you won't consider the experience of the disciplinary instrument. By considering the dementor in a different way, I hope to not only explore and possibly sympathize with these shadowy creatures in the Potterverse, but also to expose the interests of the wizarding community that takes advantage of them to endorse the law by imposing order through emotional terrorism.

The title of the opening essay in *The Law and Harry Potter* poses an important question: "What Role Need Law Play in a Society with Magic?" By way of answer, John Gava and Jeannie Marie Paterson offer an overview of the operations of public and private law in Rowling's series, and observe that "the Ministry is potentially a despotic organisation with very few legal limitations on its power" (3). Undoubtedly true; however, Gava & Paterson conclude that the role of public law in Harry Potter is "much less significant" than in the Muggle (a wizarding term for nonmagical humans) world, and use as evidence the absence of wizard lawyers, deducing that "Law is unlikely to be important when there are no lawyers" (4).<sup>3</sup> Through analyzing the workings of the criminal justice system in the Potterverse, I concur with the authors' criticism of the totalitarian leanings of the Ministry of Magic, but reach a different conclusion about the import of law in the wizarding world in which the novels take place. Though much of the processes and procedures that produce laws are imperceptible to the average wizard citizen, the consequences of running afoul of them are consolidated and made hauntingly and monstrosly visible in the figure of the dementor, making obedience to the law a primary concern in and of wizard citizenship.

## PART I

In *Prisoner of Azkaban*, we are first introduced to the dementors through the seeming universal aversion they generate in witches and wizards. Initially, the creatures are entirely defined by their emotional effect on magical human beings. They give Ernie Prang "the collywobblers" (40), the Minister of Magic "shudder[s]" (46) when he speaks of their anger, and even Dumbledore, the series' champion of inclusivity and tolerance, "isn't fond" of dementors, and "would rather avoid" them (66). By the time we reach chapter five, titled "The Dementor," both Harry *and* the reader have been primed to distrust and dislike these magical creatures.

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3 A claim that is somewhat complicated by Minister of Magic Rufus Scrimgeour's taunting inquiry to Hermione: "Are you planning to follow a career in Magical Law, Miss Granger?" (*Deathly Hallows* 123). However, it is true that all trials described in the series proceed without formal legal representation.

However, dementors are not the only new nonhuman magical creatures Rowling introduces in *Prisoner of Azkaban*. Harry and his fellow students also meet hippogriffs, a horse-eagle hybrid in their third-year Care of Magical Creatures Class. These beings are dangerous to humans as well, as they sport “deadly looking talons” (114) and are “proud” and “easily offended” (114), requiring subtle and skilled interactions on the part of wizards. Buckbeak, a hippogriff who takes to Harry but lashes out against the careless and brash Draco Malfoy is sentenced to death for injuring a student. However, what initially endears hippogriffs to the reader is precisely what damns the dementors; they’re “beautiful” when you “got over the first shock” (114). Hippogriffs also provide transportation through flight to wizards, when respectfully persuaded to do so, further separating them from the dementors’ antagonistic role as prison guards.

But what of another nonhuman magical creature that, in comparison to dementors, is a little more unattractive, equally aggressive, and similarly lethal to wizards, acromantulas? These enormous spiders, first appearing in *Harry Potter and the Chamber of Secrets*, enjoy the taste of human flesh, memorably and vividly demonstrated by a colony of the hungry beasts furiously pursuing “fresh meat” Harry and Ron through the Forbidden Forest with the permission of arachnoid patriarch Aragog (279). Nevertheless, these creatures are not nearly as reviled by wizards as dementors are. In fact, Hagrid raises, befriends, and mourns Aragog, and Dumbledore knowingly permits the colony that attacks Harry and Ron to reside in the Forbidden Forest, only yards from the school and their vulnerable student prey. However, they do mainly keep to themselves and have extremely valuable venom, so their utility to wizards possibly compensates for the threat they pose.

The final candidate for nonhuman magical being just as fearsome as a dementor is another Dark creature that also makes its first appearance in *Prisoner of Azkaban*, is likewise explicitly antagonistic to wizards, and similarly preys upon human emotions, boggarts. No one knows the true appearance of a boggart, as its *modus operandi* is to infiltrate the darkest and most eerie places in a human’s own home and transform into their greatest fear upon sight. A truly nightmarish proposition, realized most powerfully in *Order of the Phoenix*, when a sobbing Molly Weasley is confronted with a boggart that transforms into the murdered corpses of her family, one by one (175-6). But still, they are not as intensely demonized in the wizarding world as dementors. Boggarts are mainly treated as either household pests or objects of humor in the series, notably when Neville disarms a boggart in Professor Lupin’s Defense Against the Dark Arts class by transforming his worst fear (Professor Snape) into the ridiculous apparition of the Potions Master in Gran Longbottom’s clothing (*Prisoner* 134-7).

The most ready counterargument here is that dementors, unlike the similarly lethal acromantulas or psychically predatory boggarts, explicitly align themselves with Lord Voldemort. In *Order of the Phoenix*, when the Dark Lord’s return is finally confirmed by the Ministry, Minister of Magic Cornelius Fudge concurrently announces “the mass revolt of the dementors of Azkaban” (845). The sixth and seventh books of the series detail their escalating violence against witches, wizards, and Muggles alike, presumably under Voldemort’s orders. But, perhaps the very role wizards have assigned these creatures prior to Voldemort’s return, and the terms of the relationship between “good” wizards and dementors, reveal that the treatment of dementors by the Ministry might be provoking their “revolt,” and contributing to their allegiance to Dark wizards.

The little we know about dementors in their natural habitat comes from Professor Lupin in Harry’s third year, and even he, himself a marginalized and persecuted figure amongst wizards due to his lycanthropy, gives an account laced with prejudice. However, the details he shares are illuminating. Lupin explains, “Dementors are among the foulest creatures that walk this earth. They infest the darkest, filthiest places, they glory in decay and despair, they drain peace, hope, and happiness out of the air around them.” He continues, “Get too near a dementor and every good feeling, every happy memory will be sucked out of you. If it can, the dementor will feed on you long enough to reduce you to something like itself . . . soul-less and evil” (*Azkaban* 187). This description confirms that wizard and dementor interactions will be both terrifying and cruel for the wizard, but

Lupin's description ascribes an emotional and ontological argument to the dementors' feeding practices that is unsupported by evidence but is of a piece with the way humans have been narrativizing dementors since their first mention in the series. His use of the verb "glory" suggests that the creatures delight in human suffering, but this supposition is contradicted by Dumbledore himself earlier in the same book. Though there seems to be a primitive means of cross-species communication —Fudge can sense the dementors' anger (*Azkaban* 46) and Dumbledore is able to inform them of the results of the search for Sirius within the school (*Azkaban* 166)—they seem constitutionally unable to recognize or appreciate the value and significance of the emotions they feed upon. Dumbledore warns the students, "it is not in the nature of a dementor to understand pleading or excuses" (*Azkaban* 92). Though this lack of cross-species perception contributes to their intimidation, it also excuses them from harboring malicious motives. They, like other creatures magical and nonmagical alike, feed on what they feed on—for us, lobsters, for them, emotions. Lupin applies this misreading of the dementors' emotional investment in their means of survival towards a degrading claim about their moral value: dementors are "soul-less" and therefore "evil." But how can Lupin, or any wizard, know the status of a dementor's soul? What powerful narrative is overriding Lupin's own experiences with the dehumanizing assumptions about his worth due to his difference? It is powerful wizards who have cultivated and weaponized the dementors' natural predilections to create fearsome and debilitating prison guards, and have created for the creatures a terrifying and malicious interiority to match their ominous appearance.

A thought experiment that imagines dementors before they were employed by the Ministry to guard Azkaban somewhat lessens their menace. According to Lupin, they are attracted to "decay" and death—places where bad things have *already* happened. They seem more like scavengers than predators, regulating their own numbers and largely keeping to themselves, preferring "dark" and "filthy" places wizards and Muggles are unlikely to frequent. Of course, an unexpected encounter with a dementor would be traumatic, but so would suddenly running afoul of an acromantula, grindylow (a predatory water demon that attacks students in *Goblet of Fire*), or redcap (another creature that benefits from human death, as it feeds where blood has been shed). So, my point here is that dementors are indeed "bad"—both physically and emotionally injurious and dangerous for humans—but that the characteristics of their badness (fostering negative emotions in humans, killing humans) are shared by other creatures that aren't as reviled. That their badness, therefore, has been intentionally cultivated by wizards.

An example of this purposeful cultivation is their very name. It's unlikely that "dementor" is how the creatures self-identify. Much like Tusken Raiders in the *Star Wars* universe, they have been assigned a name that instills a negative and predatory connotation to the creature that bears it. A dementor requires a dementee. The magical or nonmagical human who suffers from the interaction wholly defines not only the encounter, but also the creature itself. Additionally, as well as these linguistic clues that wizards dictate the material conditions of dementor existence, there are textual ones that occur through the manipulation of the creatures' living conditions in order to ensure maximum scariness as well as compliance. A hungry dementor is obviously a more effective hunter and guard, and the dementors guarding Hogwarts from the fugitive Sirius Black are, Lupin admits, "starving," unable to "resist" swarming a Quidditch match (*Azkaban* 188). Similarly, outgoing Minister of Magic Cornelius Fudge informs the human Prime Minister in *Half-Blood Prince* that the unusually foggy weather is due to dementors "breeding" (14), suggesting that before they revolt and abandon Azkaban to join Voldemort, wizards strictly governed and interfered with their freedom to mate.

As Hagrid notes in censuring them, dementors don't care about concepts like guilt or innocence (*Azkaban* 221), so why has the Ministry invested so much time and energy into positioning them as intrinsic to maintaining wizarding justice? Why not have acromantulas keeping prisoners from escaping? What is it about dementors that serves the wizarding world's interests? An answer can be found in the dementors' appearance and emotional effect that is more complicated than engendering fear and despair in wizards,

metonymized in the dementors' hands that are described as "rotted," "dead," and "rotten-looking." I would like to draw attention to the crucial hyphen in the last descriptor, because I think it is important to emphasize that dementors are not, in fact, decaying human bodies. The Potterverse includes many examples of formerly alive humans still interacting with the wizarding world. For example, the Hogwarts campus is populated by house ghosts, who, though translucent, intermingle with the students like faculty members, and portraits of deceased Hogwarts headmasters and headmistresses move from frame to frame and occasionally weigh in on meetings in Dumbledore's office. Undead humans also make sporadic appearances, like the vampire Sanguini at a school Christmas party (*Half-Blood Prince* 315-6). Harry and Dumbledore memorably battle an army of inferi, reanimated human corpses, in *Half-Blood Prince*, but their appearance differs from that of the dementor in a crucial detail: inferi are "preserved indefinitely by Dark magic" ("Inferi"). They are not "rotted" or "rotten-looking." Dementors are unique in the wizarding world because they are not formerly dead, undead, ghosts, or zombies, *but they look like they are*. They are particularly associated in the wizard's mind with death because they resemble decaying human corpses and visit a type of emotional death on humans through feeding on the memories that make their victims feel most human.

Dementors resemble not merely an individual wizard's worst fears; the ontological accident of their appearance and feeding habits not only enact but metaphorize death itself, and this, I contend, is why they were weaponized as guards of wizarding discipline. The sight (and feel) of an approaching dementor is emotional shorthand for the social consequences of lawbreaking in the wizarding world: isolation and expulsion from the community of magical humans, a fate that wizarding institutions must frame as worse than death if their small community is to survive. If dementors did not exist, the Ministry would have to invent them for its own purposes: disciplining the wizarding citizenry with the threat of communal death—the expulsion from the wizarding community if laws are broken. In the next section, I take a closer look at the legal processes and procedures that the dementor body consolidates, metaphorizes, and weaponizes in order to elucidate how a surveilled body and mind are a crucial part of magical citizenship.

## PART II

The place of the dementor in the criminal justice system reveals the wizarding world's problematic framing of the definition of "rationality" and the magical human. This tactic evokes Wendy Brown's critique of the political deployment of rationality in her study of Western liberal identity formation. In *Regulating Aversion*, Brown argues that political institutions equate "rationality" with enlightenment, civilization, and reason, and therefore, by necessity will disparage and pathologize the "other" as irrational, barbaric, and ultimately nonhuman. This process depoliticizes the concept of the rational by and through a calculated and deliberate bid to maintain power. I contend that Brown's theory, when mapped onto Rowling's universe, explains a great deal about the choice of dementors for policing the criminal justice system.

Though the settings of *Harry Potter and the Sorcerer's Stone* and *Harry Potter and the Chamber of Secrets* are shaped by the institutions that structure the wizarding world (such as the Ministry of Magic, Gringotts Bank, and of course, Hogwarts School of Witchcraft and Wizardry), the plots of the third and fifth books of the series in particular depend upon explicit descriptions and explorations of how the mechanisms of civic discipline, particularly the wizarding criminal justice system, shape and form magical citizenship. This system, as Bethany Barratt argues, operates through "the centrality of punishment" to maintain "social hierarchy and relationships of power" (44). Through narrativizing the punishment of the unjustly imprisoned Sirius Black, and Harry's disciplinary hearing for the improper use of underage magic, *Harry Potter and the Prisoner of Azkaban* and *Harry Potter and the Order of the Phoenix* reveal the policies of investigation, legal recourse,

and incarceration to which all witches and wizards in the Potterverse are subjected, and the ideologies that underpin those practices.

In the Potterverse, the law becomes mystified by and centralized in the governing body of the wizarding world: the Ministry of Magic. All rules and rule-breaking are handled by the Ministry. For example, as an employee in the Misuse of Muggle Artifacts, Arthur Weasley both drafts legislation and enforces it. That is, he writes laws that prohibit tampering with Muggle artifacts and is also charged with disciplining wizards who break those same laws. The Wizengamot, a body housed within the Ministry's Department of Magical Law Enforcement, presides over the prosecution of offenders of the most serious crimes in the wizarding world, and that court is headed by the Minister of Magic. The procedures surrounding investigation, litigation, and incarceration are by and large obscured from non-Ministry-affiliated wizard citizens, who are nonetheless at their mercy. The law, therefore, is an incredibly important tool shaping magical citizenship, albeit one that operates by and through a bureaucracy that enables constant surveillance and nurtures an ever-present threat of emotional and physical punishment for noncompliance.

It is instructive to trace one court case from offense to trial in order to understand the consequences of law and order that are generated from one centralized power source. Harry's use of a Patronus Charm to ward off dementors in *The Order of the Phoenix* makes for an appropriate case study. Before the start of term, Harry and his despicable cousin Dudley are arguing in a deserted alleyway in Little Whinging. The two are unexpectedly ambushed by dementors, prompting Dudley to faint and Harry to conjure his Patronus to protect them both. This spell breaks the "Decree for the Reasonable Restriction of Underage Sorcery," monitored by the Improper Use of Magic Office in the Ministry, and Harry's most serious engagement with wizarding jurisprudence is initiated.

Firstly, the decree's very name betrays the latitude with which the Ministry can choose to police it. Who decides what is, in fact, "reasonable"? The invocation of a "reasonable person" is a familiar trope in Muggle law. The "reasonable person standard" imagines how a hypothetical person would respond to a situation dangerous to themselves or others. What distinguishes wizarding legal philosophy is that the restriction *itself* is deemed "reasonable," not the underage wizard or witch who might use magic depending on the circumstances. In this legal fiction, reason is located in the law, not in the person operating in a world organized by laws. Here, Wendy Brown's work on the political deployment of rationality is again instructive. She argues that liberal states are able to insist on their rationality *because* of the existence of "nonreason as its opposite" (152). To disagree with what the Ministry declares "reasonable" is to be on the other side of wizard citizenship.

The arbitrariness of this precept is demonstrated in two previous investigations of Harry for the same alleged crime: first for a Hover Charm that Dobby actually performed (*Chamber* 20-21) and second for inflating his Aunt Marge after extreme emotional provocation (*Azkaban* 29-30). In both of these cases, the Ministry determined that punishment for his infraction would not be "reasonable," with the first instance resulting only in an official warning from department head Mafalda Hopkirk, and the second prompting the Minister himself to assure Harry "Oh, my dear boy, we're not going to punish you for a little thing like that! . . . It was an accident! We don't send people to Azkaban just for blowing up their aunts!" (*Azkaban* 45). In both cases, Hopkirk and Fudge define and dictate the limits of reason.

Such leniency does not follow from the detection of a Patronus charm in *Phoenix*. Harry's official entry into the wizarding legal system is marked by a written notification of the offense, which reaches his person with a speed that exposes the level of surveillance under which wizards live. Harry receives an owl notifying him of the infraction and punishment after he has walked Dudley home and begun to climb the stairs—in other words, in about the amount of time it would take the owl to fly from the Ministry, implying that the notice was generated almost immediately. After noting the precise time of and witnesses to the offense (confirming that wizards are always being watched), this time, Mafalda Hopkirk informs Harry that "Ministry

representatives will be calling at your place of residence shortly to destroy your wand” (*Phoenix* 27). This particular punishment would have the effect of, prior to trial, completely banishing Harry from the wizarding world, as a wand is both the instrument and marker of human magical citizenship.

After Dumbledore’s quick intervention, Harry is able to secure his wand, but is still required to attend a disciplinary hearing at the Ministry, as related in chapter eight of *Phoenix*. His experience with the Wizengamot, the wizarding high court, is instructive. Susan P. Liemer, in her essay “*Bots and Gemots: Anglo-Saxon Legal References in Harry Potter*,” provides interesting insight into the ideological precepts that undergird the court through an etymological examination of its name. Liemer traces “Wizengamot” to the Anglo-Saxon legal and political institution called the “*witenagemot*” (19), a “group of village elders who heard and settled disputes” (21). The practice of gathering members of the community to settle conflicts reflects the political culture of Anglo-Saxon England, in which there was “no separation of powers into three branches of government and no true representational democracy” (23). As Harry’s hearing, and other trials he visits through the Pensieve reveal, the Wizengamot preserves this consolidation of civic power into the hands of the powerful few with unsettling results for the bodies and minds of accused witches and wizards. The trials do not merely benignly replicate a pre-modern justice system. Placing so much authority into the hands of the Ministry alone enables a gross mishandling of power.

Harry is led to an underground courtroom and must enter alone, demonstrating that court proceedings are concealed from public observation and reporting and, therefore, public scrutiny. The lack of legal representation is a given, as what interests the court seems to be arguments not about Harry’s actions in relation to the law, but rather about his character. Liemer also links this element of wizarding jurisprudence to Anglo-Saxon roots. She explains:

Another important aspect of an Anglo-Saxon criminal trial was the swearing of oaths by *kin* . . . Gathering detailed evidence and sworn testimony by eyewitnesses in order to prove a matter beyond a reasonable doubt was not the goal. Instead, close relations would stand and vouch for the good character of the accused. Although some details about events leading to the charges would likely surface, that was not the focus of the testimony. What the accused might have to say about the charge was not considered as important, if he spoke at all. The oath swearing of *kin* was key; the more *kin* you got to show up and the more prominent they were in the social hierarchy, the more likely you were to successfully beat the rap. (24)

Liemer’s historical account illuminates the way the Ministry values social capital above fidelity to the law when investigating crimes and assigning punishment. It explains both Fudge’s line of questioning and his desire to keep Dumbledore out of the courtroom (through changing the date and place of the hearing at the last minute [*Phoenix* 139]). Fudge asks Harry about the night he conjured a Patronus out of school and in front of his cousin; however, he is less interested in the circumstances surrounding Harry’s behavior and more invested in maligning his character. He implies that Harry knows the relevant laws (140), speculates that he has made up a “very nice little cover story” (141) to excuse his actions, and ultimately resorts to listing past offenses—referencing “the number of cock-and-bull stories this boy has come out with . . . while trying to cover up his flagrant misuse of magic” (148)—to paint Harry as a habitual liar, no matter what might be proven about the night in question.

Of course, Fudge has an ulterior motive for such slander. He wishes to discredit Harry’s declaration that Voldemort has returned in order to keep power and prevent panic. But the proceedings of Harry’s trial uncover prejudicial elements of wizarding criminal trials that extend beyond Fudge’s vendetta against Harry and indict the legal system itself. For example, Dumbledore’s presence is particularly dangerous for Fudge not

because he is well-versed in the details of Harry's alleged crime, but because he is an already vetted member of the court, having until quite recently served as Chief Warlock of the Wizengamot (149), as well as being the most powerful and respected wizard in Britain. Liemer points out that Dumbledore is not a witness to Harry's transgressions, but rather acts as a co-equal to the other judges (25). In other words, he is "exactly analogous to the ideal person an accused Anglo-Saxon would have wanted vouching for him at trial" (26). Dumbledore's advocacy for Harry is likely to carry much weight because he is a powerful person invested in helping Harry—not because he knows the truth of the events under investigation.

Conversely, the other voice summoned to defend Harry is not as ideal, not because of what she knows, but because of who she is. Arabella Figg, though unquestionably present the night of the alleged crimes and, therefore, qualified to testify to them, is dismissed by Fudge because she's a Squib—a person born to wizarding parents but who demonstrates negligible magical ability. Fudge "eye[s] her closely" (143) and "snort[s] derisively" during her testimony" (144), even though it includes details Dumbledore could not have known first-hand. Again, Fudge's successful prosecution of Harry depends on discounting Mrs. Figg's informed account.

Though Liemer argues that uncovering these proto-parliamentary roots of the wizarding court "may help readers of the Harry Potter books to relax some concerns about certain procedural aspects of the trials held before that wizarding body" (24), I contend that the lack of an appeals process, the consolidation of power by and within an elite group of wizards, and the judgment of testimony based on status rather than knowledge is cause for *more*, not less, concern. Minister Fudge's personal vendetta against Harry demonstrates how the wizarding world's failure to separate judicial and legislative powers makes it supremely easy for those in power to use the legal system to intimidate and harass citizens who speak freely: Fudge presumably appoints himself Chief Warlock of the Wizengamot after Dumbledore's removal, positioning himself in a stunning display of conflict of interest as the boss of the woman who issued the infraction and the executive directing the trial. Without Dumbledore's intervention, Harry would surely have been convicted, his wand broken, and possibly sentenced to Azkaban.

The focus on character rather than on actions in the Wizengamot is echoed in the ideology which shapes wizarding incarceration: Azkaban prison. Azkaban materially manifests the social and physical punishments of isolation and death-in-life embodied and made portable by its guards, the dementors. Azkaban is geographically remote, located on an island, and referred to as a "fortress" in an article reporting Sirius's escape (*Prisoner* 37). Though fortresses are commonly constructed to keep intruders out, Azkaban is designed to keep prisoners *in*: incarcerated not only on the island but imprisoned in their own minds through emotional manipulation at the hands of starving and similarly confined dementors.

In his historical study of the evolution of imprisonment *Discipline and Punish*, Michel Foucault describes a transformation in the means and ends of carceral punishment during the modern age. Foucault theorizes that though the state once demonstrated its complete power over its subjects through public spectacles of torture meant to mark the convict's body as "criminal," modernity has embraced the prison as a way to diagnose the *mind* of the convict as delinquent. Rather than mortifying the body, "it must be the soul. The expiation that once rained down upon the body must be replaced by a punishment that acts in depth on the heart, the thoughts, the will, the inclinations" (16). Foucault's historical analysis of punishment provocatively dovetails with Liemer's explanation of Anglo-Saxon legal and political processes. Dementors literalize judgment and punishment's interior turn, but do so in a way that exposes the unreasonable and cruel consequences of aiming a penalty at an individual's psyche.

Because dementors feed on human emotion, serving a prison sentence in the wizarding world becomes a form of punishment that has no reliable connection to the crime. Unlike sentencing in the Muggle world, which at least gestures towards a causal relationship between the nature of the offense and the amount

and type of time spent incarcerated, once placed in Azkaban, no matter the crime, wizards and witches are subject to the same punishment: providing food for the dementor guards. Additionally, it is impossible for this penalty to be fairly or consistently regulated. Professor Lupin explains to Harry that “the dementors affect you worse than the others because there are horrors in your past that the others don’t have” (*Prisoner* 187). The implications of this offhand assessment are extraordinarily chilling and profound for the wizarding penal system. This means that prisoners could suffer more or less depending not on their crime, but on their own psychobiographies and magical capacities. The truth of this claim is played out with Sirius’s ability to forestall madness because of his obsessive desire to avenge James and Lily’s deaths bolstered by the added barrier of transfiguring into a dog (*Prisoner* 372). However, a wizard sentenced to a few week’s time for a relatively minor offense could presumably lose their minds only due to a larger well of unpleasant memories. Indeed, as Professor Lupin notes, “The fortress is set on a tiny island, way out to sea, but they don’t need walls and water to keep the prisoners in, not when they’re all trapped inside their own heads, incapable of a single cheerful thought. Most of them go mad within weeks” (*Prisoner* 188).

Therefore, we can deduce that the purpose of wizarding incarceration is not rehabilitation. The presumption is that offenders who enter Azkaban will not be reintegrated into society, but will in fact be reduced first to madness, then to suicidal despair. These facts and accounts allow us to infer that any conviction that results in more than a few days prison time can be, in essence, a death sentence. Witches and wizards sentenced to Azkaban are separated from their communities and eventually their own personalities. Prison in the wizarding world is used brutally as a threat and a weapon, making witches and wizards so fearful of Azkaban that they will go to any lengths to obey the law and avoid it, thereby further securing and consolidating civic power in the despotic and opaque Ministry.

## CONCLUSION

Dementors operate in the wizarding world not only to literally confine certain bodies in prison, but also to serve as a hated and feared “other” against which wizards can define themselves. In *The Cultural Politics of Emotion* Sara Ahmed argues that the logic of human emotions does not operate on an “inside out” model, but rather an “outside in.” That is:

In my model of the sociality of emotions, I suggest that emotions create the very effect of surfaces and boundaries that allow us to distinguish an inside and an outside in the first place. So emotions are not simply something ‘I’ or ‘we’ have. Rather it is through emotions, or how we respond to objects and others, that surfaces and boundaries are made: the ‘I’ and the ‘we’ are shaped by, and even take the shape of, contact with others. (10)

Emotions are not generated by one individual psyche, but rather, construct the way we understand ourselves as individuals (or communities) in relation to another. Pairing Ahmed’s argument with Brown’s insight that political institutions deploy narratives of rationality and irrationality to secure power, the choice of dementor to embody wizarding discipline becomes clear: They are just human-looking enough to reflect what wizards insist they are not: “sightless, soul-sucking fiends” (*Goblet of Fire* 23). In this social narrative, whereas dementors are blind, wizards can “see” the difference between guilty and innocent, and therefore can police that distinction. Whereas dementors take the “soul,” the wizarding community enriches and protects the individuality of each citizen, and whereas dementors are undead “fiends,” wizards are, rational, free, and above all else, human.

The wizarding institutional reality bolsters the fiction that wizards are judicious and free self-determined subjects because they are not uncivilized star-gazers (centaurs), greedy and unreasonable workers (goblins) or subservient automatons (house-elves), much less ungovernable brutes like giants, trolls, or werewolves, who

are not allowed in the bretheren at all. The metonym for this fiction is the wand. Those who carry a wand are members of the wizard citizenry proper and those who do not are not only other but lesser than. This fiction, like all unjust power hierarchies, shows its seams repeatedly in the series (through Goblin rebellions and the liminal status of Hagrid), but it is nonetheless both a powerful enabler and a limit on individual power. Magic can be done by humans without a wand (demonstrated by the ability of children under the age of eleven to perform it), but it is only organized, acceptable, evolved, and *rational*, once a wand has been bestowed, marking the entrance of a human into the institutional reality that elevates their powers and disciplines their capacity for using them as a “citizen-wizard” . We can almost read the hyphen between the two identifiers as a magic wand itself, conjuring a hybrid identity that affirms and contains a wizard’s humanity in contrast to nonhuman magical beings. Once one loses that hyphen through lawbreaking and a broken wand, one belongs to the dementors and become as a dementor—dead in the eyes of the wizarding world.

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### **SUGGESTED CITATION**

#### **APA**

Bealer, T. (2019). Consider the Dementor: Discipline, punishment, and magical citizenship in *Harry Potter*. 6(3). *Dialogue: The Interdisciplinary Journal of Popular Culture and Pedagogy*. <http://journaldialogue.org/issues/v6-issue-3/consider-the-dementor/>

#### **MLA**

Bealer, Tracy. "Consider the Dementor: Discipline, Punishment, and Magical Citizenship in *Harry Potter*." *Dialogue: The Interdisciplinary Journal of Popular Culture and Pedagogy*, vol. 6, no. 3, 2019. <http://journaldialogue.org/issues/v6-issue-3/consider-the-dementor/>



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