



## CENTRE FOR LEGAL THEORY

NATIONAL LAW UNIVERSITY, JODHPUR

### OPINION WRITING COMPETITION

September 20, 2019

1. The Kingdom of Alagaesia [hereinafter “**Alagaesia**”], during its glory days, had colonised and ruled over almost half of the world. However, this once great nation gradually deteriorated over a period of time, losing most of its powers, and along with it, almost all of its colonies. One such colony was a country called Hogwarts. Over the last 600 years, Hogwarts was ruled by various invaders, of which Alagaesia was the last. Before the invasions started the most widely practiced religion in Hogwarts was the Faith of the Seven [hereinafter “**FOTS**”]. However, the subsequent invasions introduced several new religions, such as The Order of the Old Gods [hereinafter “**TOG**”] and The Temple of the Drowned Gods.
2. Around 70 years ago, Hogwarts gained its independence from Alagaesian rule . At the time of freedom, a section of Toglians (people practising TOG) demanded a separate land for themselves on religious grounds, as their community believed that they could not live with the FOTS population. Thus, Hogwarts was divided into two countries - Hogwarts, with a majority FOTS population, and Durmstrang, with an almost exclusively TOG population.
3. One of the repercussions of the divide was that the ‘Mordor territory’ became disputed between the two countries. This region shared borders on the western side with Durmstrang and on the eastern side with Hogwarts, resulting in the populace being a mix of Hogwartsians and Durmstrangers. Both claim that Mordor belongs to them. Currently, some part of Mordor is effectively controlled by Durmstrang and the rest by Hogwarts. Under a temporary provision in its Constitution, Hogwarts has provided a special status to Mordor from the very beginning; giving it its own flag, its own laws, and its own Constitution.
4. Some thirty years ago, the TOG population in the Mordor region forced the FOTS population out of the territory. Despite this, Hogwarts has continued to provide support to the residents of Mordor. Yet, Mordor still remains underdeveloped compared to the rest of Hogwarts and riots are a frequent occurrence. In almost every aspect, Mordor appears to

have taken a step backwards as compared to 70 years ago. Hogwarts believes that one of the main reasons for the problems of Mordor is Durmstrang's interference.

5. Under such circumstances, Hogwarts amended its Constitution on July 1, 2019 revoking the special status of Mordor. As a consequence, all laws of Hogwarts are now being extended to Mordor. This step, taken by Hogwarts, made news all over the world. However, the act of revoking the special status of Mordor by Hogwarts was protested by Durmstrang's government. Durmstrang appealed unsuccessfully to various international forums seeking their support in this matter. Their lack of success in this regard has caused a spate of protests to break out in Durmstrang.
6. Currently, a large number of TOG and FOTS followers are settled in Alagaesia; coexisting peacefully ever since they had settled there. Unfortunately, on July 5, 2019, the Hogwarts Independence Day, things changed. On this day, a protest rally was held in Alagaesia, orchestrated by the resident Durmstrang Togian community. During this rally, a number of Togians gathered and marched, hoisting the Durmstrang and Mordor flags, and shouting anti-Hogwarts slogans. This protest reached the Hogwarts Independence Day celebrations at the High Commission of Hogwarts. The Togian protestors attacked the FOTS Hogwarts community, tore down the Hogwarts flag and raised the Mordor flag. The Alagaesian administration and the entire central Alagaesian area came to a standstill for many hours. The Fotsians had to rush inside their High Commission to save their lives.
7. There is a Alagaesian named Mr. Jaqen H'ghar who is a professional photographer based in Braavos, the capital of Alagaesia. His Instagram account describes him as an artist, street photographer, story teller, and armchair philosopher. He also has a website and a YouTube channel. He is very active on social media, and posts his work almost every day. His theme generally centres around street photography and some portrait shots. He currently has over 200,000 followers on Instagram and more than 2000 photos. Till July 5, he had never posted any photos on a political theme. On July 5, he took a picture of a TOG Durmstranger man participating in the anti-Hogwarts rally. In the foreground, the picture shows this man with an agitated face with his hand raised and his mouth open. In the background, the picture shows Mordor and Durmstrang flags in the hands of some other protesters. The image was taken in portrait orientation and edited into black and white, designed to draw attention to the man's face. The hashtag Mr. Jaqen attached to this image included '#protests' and '#mordorprotests'. The photo got more than 7000 likes. Mr. Jaqen posted no other photo

of the rally. Many people, including Hogwartsians, got offended by this photo. This led to several heated exchanges on Instagram and other social media. Some excerpts are as follows:

Comment: *'did you ask him what he wants?'*; to which Mr. Jaqen replied: *'yes'*.

Comment: *'being a photographer you should have shot some other pictures of this rally too when these TOG Durmstrang protesters were attacking innocent FOTS Hogwartsians... your pictures show these protesters as innocent whereas they are not...you should have taken pictures of their violence too and should have posted those pictures also'*; to which Mr. Jaqen replied: *'I have no obligation to tell a story as I am not a journalist. I captured a moment and within minutes took a cab back home'*.

Comment: *'you have given these people the publicity that they wanted'*; to which Mr. Jaqen replied: *'I just saw an interesting face and clicked a picture'*.

Comment: *'you are spreading half-baked one-sided information'*; to which Mr. Jaqen replied: *'I am ignorant of the details of the protest and have no political opinion of the protest'*.

Comment: *'the flag in the image signifies a deep anti-Hogwarts political message'*; to which someone, defending Mr. Jaqen, replied: *'it's just a photo... instilling emotion in you... documenting history'*.

Comment: *'the hashtag could also be #hogwartsindependencedayattack'*; to which Mr. Jaqen replied: *'that is not in this picture'*.

Comment: *'will you take a picture when someone is throwing stones at your house or will you form some opinion and do something about that? Every photographer need to learn when to put his camera down and become a responsible human being. A photographer does not just*

*tell a story, he becomes a part of the story. You have just identified yourself with these hooligans’; to which someone replied, defending Mr. Jaqen: ‘A lens does not take sides. Photos are the recordings of time. What you read in a photo is solely your choice’.*

*Comment: ‘do you think everything that you see on the street can be a subject matter of street photography?’; to which there was no reply.*

8. The image continues to be on Instagram. Further, Mr. Jaqen’s following on Instagram has only increased after this post.

### ISSUES FOR CONSIDERATION

The given situation raises several moral and ethical issues on which opinions could be formed. Some of them could be:

1. Did Mr. Jaqen act in an irresponsible manner in uploading this image on Instagram?
2. Should he have posted more images showing the complete truth of the incident?
3. Are the moral and/or ethical responsibilities of professional photographers different from an ordinary man who is just taking photos out of passing interest? Would it have made any difference if Mr. Jaqen was just a tourist who happened to be there at that moment and uploaded such a picture on Instagram?
4. Does a sizeable social media following place an additional burden on a person to use more discretion in what they upload to their followers? What could those additional responsibilities be, if at all? Do those additional responsibilities include undertaking greater investigation and gathering more information about the picture before publishing?
5. Can everything that we see on streets be a subject matter of street photography? Are there some situations when a photograph should not be taken?
6. What are the outer limits of the freedom to express yourself through photographs?

**NOTE: PLEASE REFER TO THE GUIDELINES FOR SUBMISSION BEFORE WRITING AN OPINION.**