

Third Annual Symposium on Pop Culture and International Law: “There’s No Place Like Home” – Or is There? Re-imagining the Wizard of Oz in Light of Modern-Day Migrant Struggles

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The Wizard of Oz, a bestselling American children’s novel released in 1900 which spawned several movie and theatre adaptations, is a classic allegorical tale about overcoming adversity and the search for the idylls of home.

The Stuff of Fairy Tales

Young Dorothy and her pet terrier, Toto, are on the run because Toto took a bite out of one of Auntie Em's neighbours, Almira Gulch. Vengeful and horrible Mrs Gulch managed to get an order to euthanise Toto so Dorothy and Toto are hiding. Dorothy dreams of brighter days, somewhere she and Toto can go where they won't get into trouble, *somewhere, over the rainbow*.

A tornado catapults Dorothy and Toto from Kansas to Munchkinland in Oz. In what was *not a happy si-tu-ation for the witch*, the Wicked Witch of the East is inadvertently killed when Auntie Em's farmhouse, which was also transported from Kansas with the force of the storm, lands on top of her. Magically, the Wicked Witch of the East's ruby slippers find their way onto Dorothy's feet.

Dorothy is desperate to get back home and a brief and fortuitous encounter with Good Witch Glinda sets them off on the right path. Dorothy and Toto's journey in Oz requires them to rely on kind strangers who become fast friends – the Scarecrow; the Tin Man and the Cowardly Lion. This unlikely motley crew make their way down the yellow brick road in search of the Wizard who they hope can cause miracles to happen and grant their wishes. They are each on a path of discovery, new challenges and ultimately, happy endings. On the way, they have an encounter with the Wicked Witch of the West, a green-faced nasty character, who threatens Dorothy and Toto: *Just try and stay out of my way. Just try! I'll get you, my pretty, and your little dog, too!*

Dorothy and friends finally find their way to Emerald City and to the Wizard. Dorothy is told by the Wizard (who turns out to be a charlatan), that they must steal the Wicked Witch of the West's broomstick if they want to get home. This, resourceful Dorothy manages to do. The Scarecrow's head catches on fire and Dorothy douses him with water. The water splatters onto the Witch, causing her to melt into oblivion, so Dorothy quickly snatches the broomstick before it, too, disappears. Ultimately Dorothy and Toto return home, with the magic of ruby slippers, and the powers of persuasion. All is well in Dorothy's dreamy Kansas; after all, *there's no place like home!*

Dorothy's World, Re-imagined

But what could possibly happen when one wipes away the many layers of rose-tinted, sugar-coated veneer? *Lions and tigers and bears, oh no!* The many re-imaginings of *The Wizard of Oz* depend much on the applicable law and on Dorothy and Toto's, and their friends' placement within that law. Ultimately, Dorothy and Toto are on the lam – with Toto fearing a death sentence. Pretty harsh sentence for a dog bite, but, oh well...

The fugitives cross an international border without any travel permit. In many countries this would lead to Dorothy and Toto's automatic detention, even though Dorothy is an unaccompanied minor. But it's really all about the privilege and the passport! With a US passport, Dorothy would have been able to gain entry rather easily to Oz, though Toto may have faced a long wait in quarantine. Good Witch Glinda gives Dorothy and Toto directions and advice to get to Emerald City instead of handing them to the authorities as

unauthorized migrants, which in some countries can amount to Glinda being accused of facilitation of irregular entry, transit or stay (see also here and here), or otherwise aiding or abetting in border smuggling, even if there was no financial or material benefit to Glinda's assistance. In many countries her actions would have been criminalised, and she too could have been thrown in jail. Later down the yellow brick road, Scarecrow, Tin Man and Cowardly Lion also provide invaluable support to Dorothy and Toto, which again, would be criminalised in many countries.

The Wizard of Oz ultimately bribes Dorothy and puts her in severe danger by forcing her to get the Witch's broomstick. The Wizard's taking advantage of Dorothy is sadly an all too common feature of migrants' experiences, when they are vulnerable, have clear needs that are not being met and are afforded no protections in the countries where they find themselves. Human rights law requires that all persons have their most fundamental rights respected, and Dorothy's status as a child would have entitled her to stronger protections (and here). But many states' hostile environment policies have severely restricted any kind of protections. Thus, migrants like Dorothy and Toto often fall prey to the whims of persons who do not have their best interests at heart and often end up doing precarious jobs. Dorothy would have done *anything* to get back home to Auntie Em in Kansas!

Dorothy succumbs to the Wizard's demands to get the broomstick and ultimately her actions result in the killing of another Witch, a citizen of Oz. Arguably, Dorothy was forced into a confrontation with the Wicked Witch of the West because she was coerced by the Wizard who took advantage of her vulnerability; and she melts the Witch supposedly by accident, when she threw the bucket of water to douse the flames engulfing the Scarecrow's head. What would be Dorothy's fate for this grievous act? If it could be argued that she had the necessary intention to kill the Witch (and it wasn't actually an accident), she could be charged under a child justice system with manslaughter, and she could argue duress, which may militate against a finding of guilt, also taking into account that she is a child, though one who it is assumed (though this will depend upon the law of the land) is not below the minimum age of criminal responsibility at the time of the commission of an offence. As a child, her lawyers could also seek to have her diverted from the criminal justice system. She would likely be deported after serving her sentence, which is what she would want, but Toto's fate is a bit up in the air.

How would Scarecrow, Tin Man and the Cowardly Lion fare in Kansas?

We never really know what happens to Scarecrow, Tin Man and the Cowardly Lion after Dorothy and Toto are catapulted back to Kansas. Dorothy is content in her familiar surroundings so sadly there is little thought to her new non-human friends (how rude!). But what if her new-found friends come with her? When Dorothy finally taps her ruby slippers to go home, what if Scarecrow, Tin Man or Cowardly Lion join hands with her and scam a ride to Kansas?

Despite Dorothy's protestations, as illegal aliens in the United States, they would likely end up in ICE detention, and as non-humans, they may face particular discrimination within the immigration system, and may be targeted for abuse. For example, it is unlikely that the Tin Man would receive an oil can as special dispensation given his unique needs to avoid rusting, and therefore his quality of life would have quickly deteriorated. Dorothy too might be prosecuted for bringing them into the USA with her.

If the ruby slippers accidentally dropped Dorothy and Toto, and their friends in Florida or Texas, as opposed to Kansas, Scarecrow, Tin Man or Cowardly Lion might have been forced onto planes to California, or further afield.

So is Dorothy correct in saying "There's no place like home" ? I suppose it all depends on who one is and the extent of one's privilege.



Special thanks to Pretzel Jarzebiak, my inspiration for Toto.