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HARRY POTTER, SPECIAL EDUCATION, AND THE CANADIAN SUPREME COURT: A  
COMPARATIVE LEGAL AND LITERARY ANALYSIS

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Finally, I would like to dedicate this work to my late father Gary Bruce Richmond (1959-1997) “It has been, and always will be, my intention to make you proud” (Richmond, A. *Night Song* dedication page).

### Abstract

J. K. Rowling's *Harry Potter Series* has become one of the most widely read children's and young adult book series. The novels have received the attention of scholars from numerous academic disciplines. I will add to this body of literature by conducting a comparative legal analysis of these texts in relation to the educational equality rights of characters with disabilities in Rowling's narratives. I will do so by comparing the education laws that exist in the *Harry Potter Series* with the ones that are currently in place in Canada. My analysis concludes by recommending ways, in which the Ministry of Magic can increase the inclusion and legal protections available to squibs, werewolves, and other characters with impairments in J. K. Rowling's magical world.

### Epigraphs

“The highest result of education is tolerance”.

(Helen Keller *The World I Live In and Optimism: A Collection of Essays*  
unpaginated Kindle Edition).

“It is our choices, Harry, that show what we truly are, far more than our abilities”

(Albus Dumbledore *Harry Potter and the Chamber of Secrets* 333).

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## Introduction

Children's and young adult literature open the hearts and minds of their readers to new characters and possibilities. At the same time, literature also has the potential to introduce new ideas and shape readers' views on respective topics. Given this, one must carefully scrutinize the presented narrative texts in order to ensure that the images and ideas disseminated in them are accurate. This is particularly the case when one discovers characters with disabilities in these monographs because, historically, people with disabilities have been depicted in stereotypical ways. The problem associated with these inappropriate literary representations of disabled people is located when readers of these texts mistake the characterizations of disabled people in literature as authentic representations. This can lead to inaccurate and harmful stereotypes about people with disabilities, stigmatization, and the exclusion of people with disabilities by their peers and communities.

In response to the problems associated with the textual representations of people with disabilities in children's and young adult literature, I will conduct a comparative legal educational analysis of J. K. Rowling's *Harry Potter Series*. These texts were selected due to their wide ranging explorations of characters with disabilities<sup>1</sup>, the large popular and scholarly readership that these texts have received, as well as, the numerous ways that these narratives have impacted society. The experiences of students at Hogwarts who have disabilities will be discussed from an equality of opportunity perspective<sup>2</sup>. This will be done by comparing the Canadian education equality laws with

the ones that exist in J. K. Rowling's *Harry Potter Series*. In order to carry out my analysis of the legal protections that students with impairments have received in Canada the following legislation will be evaluated: *Canadian Charter of Rights and Freedoms*<sup>3</sup> (1982), *Ontario Education Act* (1990), and *British Columbia Human Rights Code* (1996). As a means of determining the effectiveness of the legal protections that have been extended to Canadian students with disabilities, two Canadian Supreme Court cases will be examined to determine the effectiveness of Canada's educational equality statutes when they are applied to students with impairments. The two cases that will be surveyed are: *Eaton v. Brant County Board of Education* (1997) and *Moore v. British Columbia (Education)* (2012).

### Definitions and Models of Disability

Before beginning my legal analysis, I will briefly define the two models of disability that I will use to analyse the *Harry Potter Series*. The philosopher Steven R. Smith defines the medical model of disability<sup>45</sup>, as:

Briefly put, the medical model has been commonly regarded by the (Disability Rights Movement) DRM as an inaccurate interpretation of disability forming the basis of oppressive and exploitative relationships between non-disabled and disabled people. The argument is that focusing on individual medical conditions as the causes of disability, the medical model, first, incorrectly defines disability as a fixed condition related to the severity of a medical impairment. Second, it also incorrectly assumes that it is this medical condition, often defined as 'handicap', which inevitably causes 'dependency' between disabled and non-disabled people (Smith 15)<sup>6</sup>.

One example of the medical model of disability from the *Harry Potter Series* is witnessed when Uncle Vernon angrily reminds Harry, "WHAT HAVE I TOLD YOU ... ABOUT

SAYING THE ‘M’ WORD IN OUR HOUSE? HOW DARE YOU THREATEN DUDLEY! ... I WARNED YOU! I WILL NOT TOLERATE MENTION OF YOUR ABNORMALITY UNDER THIS ROOF!”(CS 2 capitals in original)<sup>7</sup>. In his statement, Uncle Vernon is clearly attempting to reinforce the difference that exists between Harry and his positions in the family, because of Harry’s dependence on the Dursley’s. Three examples of responses to Harry’s difference these include, being forced to sleep in the cubbyhole under the stairs, being given clothes that do not fit properly, and being undernourished (SS 19-20 and 29). Each of these examples demonstrates, the “oppressive and exploitative relationships between non-disabled and disabled people” (Smith 15). Based on Smith’s definition of the medical model of disability, we learn that people with disabilities can be viewed as social others based on their medicalized physical or psychological difference. The psychologist Jessica Leigh Murakami connects the theme of abnormality with the magical abilities of witches and wizards from a Muggle perspective when she wrote in her 2006 chapter “Mental Illness in the World of Wizardry”,

What does it mean to be ‘abnormal’? Clearly, someone ceases to be abnormal when he is surrounded with people (or wizards) just like him. Oftentimes, we describe people who are outside of the norm as ‘freaks,’ ‘weirdos,’ and ‘misfits,’ but we might also describe them as ‘brilliant’ and ‘amazing’ depending on how we view their abnormalities (Chapter 13).

The definitions of normality and abnormality are also discussed in the *Harry Potter Series* for example (Rowling SS 1, PA 1, 4, and OP 2).

Smith also defines the social model of disability:

For the (Disability Rights Movement) DRM, the ‘social model’ offers an

alternative paradigm for understanding disability by identifying causes of disability within social and political domains. Therefore, the experience of disability is not reduced to a fixed medical state relating to the severity of a particular medical impairment, but rather is an experience that is dependent upon how society is politically and socially organised and structured in relation to particular medical conditions (Smith 15).

In contrast to the medical model of disability, the social model views disability as a social construction created through social, educational, economic and political forces that prevent people with disabilities from equally participating in society. One example of the social model of disability from the *Harry Potter Series* takes place when Hogwarts' Headmaster Albus Dumbledore accommodates Professor Firenze's need to teach in an alternate classroom (OP 600-601). This accommodation was made because Firenze's would have had difficulty accessing his classroom due to having to climb a ladder since he is a centaur.

#### Scholarly Research on the Harry Potter Series

Numerous scholars from a number of academic disciplines have researched J.K. Rowling's *Harry Potter Series*, including *Harry Potter and History* edited by Nancy Reagin<sup>8</sup> (2011), *The Ultimate Harry Potter and Philosophy Hogwarts For Muggles* edited by Gregory Bassham<sup>9</sup> (2010), *The Sociology of Harry Potter: 22 Enchanting Essays on the Wizarding World* edited by Jenn Sims<sup>10</sup> (2012), *Harry Potter and Philosophy: If Aristotle Ran Hogwarts* edited by David Baggett and Shawn E. Klein<sup>11</sup> (2004), and *The Psychology of Harry Potter: An Unauthorized Examination of the Boy who Lived* edited by Neil Mulholland<sup>12</sup> (2006). In addition, there are also full length monographs published by individual authors in regards to the *Harry Potter Series*, which

include: Bethany Barratt's *The Politics of Harry Potter*<sup>13</sup>(2012), and Karen A. Brown's<sup>14</sup> 2008 text *Prejudice in Harry Potter's World A Social Critique of the Series, Using Allport's The Nature of Prejudice*. Outside of the listed texts, individual authors have also written articles in academic journals that are related to the *Harry Potter Series*. For instance, Benjamin H. Barton's<sup>15</sup> (2005) "Harry Potter and the Half-crazed Bureaucracy", Todd A. Czubek and Janey Greenwarld's<sup>16</sup> (2005) "Understanding Harry Potter: Parallels to the Deaf World", Darby Dickerson's<sup>17</sup> (2007) "Professor Dumbledore's Advice for Law Deans", Amy M. Green's<sup>18</sup> (2008) "Interior/Exterior in the Harry Potter Series: Duality Expressed in Sirius Black and Remus Lupin", Jackie C. Horne's<sup>19</sup> (2010) "Harry and the Other: Answering the Race Question in JK Rowling's Harry Potter", William P. MacNeil's<sup>20</sup> (2002) "'Kidlit' as 'Law-and-Lit': Harry Potter and the Scales of Justice", and Tison Pugh and David L. Wallace's<sup>21</sup> (2006) "Heteronormative Heroism and Queering the School Story in JK Rowling's Harry Potter Series". Each of the previously cited monographs and articles represent a cross section of the literature that has been produced by scholars in relation to J. K. Rowling's *Harry Potter Series*.

### Research Questions

The first question that must be addressed is: Are there marginalized groups of characters represented in J.K. Rowling's *Harry Potter Series*? If this question can be answered affirmatively, do these groups enjoy the protection of equality laws in the same way that Canadians do? This question will be asked in the context of the educational equality rights that persons with disabilities have been granted under the *Canadian*

*Charter of Rights and Freedoms* (1982). The second question that requires examination inquires: If equality laws exist, are they equally enforced? If this is not the case, what reasons are provided for prohibiting the discrimination of some marginalized groups while continuing to permit the inequality experienced by other minorities? The third question that must be considered is: What steps can be taken to either legislate, or, through other means, remove the ongoing forms of inequality in order to ensure the full inclusion of every individual? This question needs to be addressed within the social, educational, political, economic, and legal framework that exists in J.K. Rowling's magical world. Finally, one must inquire how these legal methods of overcoming institutional and personal inequality can be transposed from J. K. Rowling's fictional society to the world outside these texts.

### Methodology

Numerous legal scholars have engaged in comparative legal analyses of J. K Rowling's *Harry Potter Series* in relation to different aspects of the United States and the United Kingdom's legislation. Some examples of scholarship that demonstrate this research method include, Benjamin H. Barton's<sup>22</sup> (2005) article "Harry Potter and the Half-crazed Bureaucracy". Secondly, three scholars who have documented the absence of the rule of law in the Harry Potter narratives while employing this methodology are, Mary Liston<sup>23</sup> in her 2009 article "The Rule of Law Through the Looking Glass", Susan Hall<sup>24</sup> in her 2003 chapter "Harry Potter and the Rule of Law: The Central Weakness of Legal Concepts in the Wizard World", and Aaron Schwabach<sup>25</sup> in his (2005) article"

Harry Potter and the Unforgivable Curses: Norm-formation, Inconsistency and the Rule of Law in the Wizarding World". A fifth scholar who utilizes a comparative legal analysis is William P. MacNeil in his (2002) article "'Kidlit' as 'Law-and-Lit': Harry Potter and the Scales of Justice". A sixth example of legal scholarship that uses this methodology is Kenneth Schneyer's<sup>26</sup> 2008 article "No Place to Stand: The Incoherent Legal World of J. K. Rowling". Finally, Jeffrey E. Thomas<sup>27</sup>, James Charles Smith<sup>28</sup>, Danaya Wright<sup>29</sup>, Benjamin H. Barton<sup>30</sup>, Aaron Schwabach<sup>31</sup>, Joel Fishman<sup>32</sup>, Austen Green<sup>33</sup>, Timothy S. Hall<sup>34</sup>, and Andrew P. Morriss<sup>35</sup> (2006) employ a comparative legal analysis in their article "Harry Potter and the Law". My implementation of this methodology involves reviewing the existing literature in relation to the legislative development of educational equality laws in Canada in regards to persons with disabilities. This literature will be compared with their fictional counterparts in J. K. Rowling's *Harry Potter Series*. I will thus document the relationship between the legal protections that exist in Canada for persons with disabilities in education law in comparison to those that exist for characters with disabilities in J.K Rowling's fiction.

## Results

In response to my first question, it is clear that J.K. Rowling has included characters with visible minority status in the *Harry Potter Series*, as described in her novels and confirmed by scholars. However, before I discuss the presence of difference in the series, one needs to be aware that the socially constructed criteria that are used to identify an individual as a social other is not the same as those in the Muggle world. For

example, in her chapter about inter-racial dating at Hogwarts, the sociologist Jen Sims notes this divergent understanding of social difference based on race when she stated: “While the differences among people that Muggles consider indicative of race is not a means of demarcation among witches and wizards, magic is. In other words, magic in the wizarding world is racialized” (Sims Chapter 17)<sup>36</sup>. An individual’s skin colour is not used as part of a classification system to determine an individual’s minority or majority status in society. Even so, there are characters from different Muggle racial categories at Hogwarts. Some examples, of which include, Angelina Johnson who is described as being “a tall black girl” (GF 261), Parvati and Padma Patil (SS 121 Sims Chapter 17), Dean Thomas (Sims 17), and Cho Chang (PA 259 Sims Chapter 17).

One scholar whose work problematizes J. K. Rowling’s depictions of race is Giselle Liza Anatol<sup>37</sup> in her 2003 chapter “The Fallen Empire: Exploring Ethnic Otherness in the World of Harry Potter”, in which she documents numerous examples where Rowling undermines her attempt to create a culturally diverse Wizarding society. One example from Anatol’s chapter states,

Noticeably, however, the inclusion of people of color does not mean the inclusion of any representation of ethnic difference and cultural practices. Parvati's and Cho's ethnicities are evident in their names, but only in their names. And while all of the students mentioned might be visually apparent to the characters within the fictional storyline, their visual difference for the reader quickly disappears and their racial identities fade into the background. In a world where white people are the dominant social group, whiteness becomes the ‘default’ for unmentioned race; it is interpreted as the norm and assumed when unstated. Rowling thus finds herself in an ideological bind-while she perhaps attempts to display a ‘colorblind’ society where everyone is distinguished solely by magical ability, she makes it supremely easy for the reader to forget (or ignore) the multiethnic surroundings that she initially seeks to establish (Anatol 173).

Anatol's citation clearly documents the fact that even though characters from different ethnicities can be read as present in the Harry Potter novels, J. K. Rowling's attempt to create a world in which Muggle race based discrimination does not exist is not successful due to, the lack of visibility that Rowling has given to her diverse characters. Therefore, J. K. Rowling has limited the effectiveness of her argument for ethnic equality by making it difficult for her readers to recall the ethnicities of her characters. This effectively in Anatol's view, has caused "whiteness (to become)... the 'default' for unmentioned race"(IBID) in J. K. Rowling's fictional society. By having done so, Rowling has reinforced the marginalization of the non-Caucasian characters in her texts by not highlighting each individual's ethnic identity.

When the lens shifts from race to gender, several scholars have addressed the representations of women and girls in the *Harry Potter Series*, three examples of which include (Gladstein 49-60)<sup>38</sup>, (Liedl 245-268)<sup>39</sup>, and (Railton Chapter 16)<sup>40</sup>. Each scholar describes the educational and recreational equality that female students enjoy at Hogwarts along with the economic equity that young witches will have once they enter the labour market. This is demonstrated through Mimi Gladstein's (52) discussion of Hermione's academic talents as the best student in Harry's year and in Janice Liedl's chapter where she addresses the equality that female students have with their male counterparts in both amateur and professional sports (Liedl 257). A third area of gender equality is presented by Gregory Bassham (216-217) when he describes the balance that exists at Hogwarts when it comes to the employment of male and female employees<sup>41</sup>.

In addition to addressing questions of race and gender, the *Harry Potter Series* also examines issues regarding economic inequality. Four scholars who have done work in this area include (Smith Chapter 8)<sup>42</sup>, (Barratt Chapter 9), (Loiacono and Loiacono 173-192)<sup>43</sup>, and (Park 179-190)<sup>44</sup>. Two examples from this scholarship will document the different understandings of class in the Wizarding world. In Laura Loiacono and Grace Loiacono's chapter "Were the Malfoys Aristocrats? The Decline and Fall of the Pure-Blooded", they argue that the Malfoy's are the Wizarding world's equivalent to the historical British aristocracy. As a result, the Malfoys view themselves as being superior to the Weasleys due to their socioeconomic status as Loiacono and Loiacono explain,

The Malfoys' sense of their own importance is grounded in their wealth and their 'pure' ancestry, which both go back for generations. From the Malfoys' point of view, their wealth means that they rank above families such as the Weasleys, who are purebloods but very poor. When attempting to garner Harry's friendship, Draco cautions Harry, 'You'll soon find out some wizarding families are much better than others, Potter. You don't want to go making friends with the wrong sort.' (SS, 135) The Weasleys are inferior, in Draco's eyes, because they have 'more children than they can afford,' thus associating larger families with lower-class wizards (SS, 135). By contrast, the aristocratic Malfoys have only one son. The purity of the Weasleys' ancestry is negated by the fact that they are poor (Loiacono and Loiacono 182).

By making the argument that the Malfoys are socially superior to the Weasleys Loiacono and Loiacono demonstrate the connection between wealth and family size with small families having more wealth due to the higher economic cost of having a large family. However, Bethany Barratt challenges Laura Loiacono and Grace Loiacono's perspective that a social class difference exists between the Malfoys and the Weasleys due to their economic standings. In her chapter, "Grunnings and Galleons: Materialism in the Wizarding and Muggle Worlds" Bethany Barratt states,

Before we conclude that the Weasley's poverty makes them pariahs, however, we should reflect that nearly every instance of ridicule is initiated by one of the Malfoys. While clearly the Weasleys struggle to make ends meet, Arthur and Percy both hold respected positions in the Ministry, and Bill and Charlie both have what appear to be prestigious positions. Further, we never hear discussion of other students' wealth. It seems possible that the Malfoys actually dislike the Weasleys for their 'blood-traitor' status, not their poverty. Poverty is, however, so easy to target that they cannot help themselves (Barratt Chapter 9).

In order to clarify Barratt's statement, earlier in her text she defines the phrase "blood-traitor" when she wrote, "... 'blood traitors,' or purebloods who fraternize with Muggles— and put family before fortune" (Barratt Chapter 2). In other words, the Malfoy's look down on the Weasley's because they have chosen to associate with Muggles and Muggle-born witches and wizards, and treat these individuals as social equals. As Barratt has demonstrated, in the Wizarding world an individual's blood status<sup>45</sup> is more important than his or her economic standing. This is because even though the Weasleys struggle economically their economic standing in Wizarding society is due to their denial of the social hierarchy espoused by some of the Pureblood families. Therefore, the Weasleys have experienced economic hardship due to their rejection of the rigid class structure supported by the Malfoy's. One example of this is witnessed when Lucius Malfoy asks Arthur Weasley "Dear me, what's the use of being a disgrace to the name of wizard if they don't even pay you well for it?"(CS 62). It is obvious from Lucius's statement that he believes that his economic and social standing place his family above the Weasleys because of the differences that exist between their social values and socioeconomic positions in Wizarding society.

## Educational Equality at Hogwarts

### The Legislation

In J. K. Rowling's *Harry Potter Series* there are numerous pieces of legislation that govern the education that the students at Hogwarts School of Witchcraft and Wizardry receive. However, I will acknowledge that attending Hogwarts was not made a formal legal requirement until *Deathly Hallows*. This legislation was created by the Death Eaters as part of their attempt to indoctrinate the children of the Wizarding world. Remus Lupin discusses the new mandatory education legislation that the Death Eaters enacted when he states, "Attendance is now compulsory for every young witch and wizard... It's a change, because it was never obligatory before. Of course, nearly every witch and wizard in Britain has been educated at Hogwarts, but their parents had the right to teach them at home or send them abroad if they preferred" (DH 210). Lupin's statement about the new mandatory education requirement leads me to believe that education was mandated by the Ministry of Magic. Thus education was a compulsory service provided to the children of this society in the same way that it has been in Canada beginning in the late 19<sup>th</sup> century. However, the new legislation that was implemented by the Death Eaters made it illegal for parents to home-school their children in addition to prohibiting British witches and wizards from attending schools other than Hogwarts.

The first piece of legislation that directly addresses education in the Harry Potter novels is the *Decree for the Reasonable Restriction of Underage Sorcery* (1875) which prohibits witches and wizards from using magic outside of school until they are

seventeen (GF 66-67 and HBP 56). This legislation is enforced by a charm that is placed on underage individuals that reveals if they use magic outside of school. Alastor Moody explains to Harry how the Ministry enforces this legislation when he states, “The Trace ...the charm that detects magical activity around under seventeens, (is) the way the Ministry finds out about underage magic! If you, or anyone around you, casts a spell to get you out of here, Thicknesse is going to know about it...” (DH 47). This however, does not explain why children under eleven are able to do magic without being charged under this magical regulation. For example, Harry is not disciplined for performing magic before he attends Hogwarts and neither is Hermione (SS 25-29 and 105). Harry is accused of breaching this regulation twice during his adolescence by the Ministry of Magic even though he does so on other occasions<sup>46</sup>. The first of which occurs when Dobby caused the Dursleys’ dessert to rise off of the table (CS 19)<sup>47</sup>. As a result, Harry receives a letter from the Ministry of Magic informing him that he (assumedly) had violated this regulation as well as informing him that “We also ask you to remember that any magical activity that risks notice by members of the non-magical community (Muggles) is a serious offence under section 13 of the International Confederation of Warlocks’ Statute of Secrecy<sup>48</sup> (CS 21). The previously mentioned law was enacted in either 1689 or 1692 as the historian Birgit Wiedl<sup>49</sup> chronicles,

It may come as a surprise that we are given conflicting information about the year in which the Statute of Secrecy was enacted, considering that it is undoubtedly one of the, if not the, most important rules of the wizarding world. Yet while Dumbledore claims that ‘wizardkind voluntarily went underground’ in 1689 (TOBTB, 13), Newt Scamander in his *Fantastic Beasts* gives the year 1692 as the date when the International Confederation of Wizards (including delegations of goblins, centaurs, and merpeople) met to enact the statute (FB, xv). Dumbledore’s

knowledge of all things magical notwithstanding, the later date seems more logical if we compare it with events happening in the Muggle world during that year (112-113).

At first glance, the Statute of Secrecy might not seem to have any bearing on the education that students in the *Harry Potter Series* receive; however, upon further inspection, one becomes aware that it was for this reason that Ariana Dumbledore was confined in her family's home because she could not control her magical abilities. Ariana's inability to do so was due to her having a psychiatric disability<sup>50</sup>. Aberforth Dumbledore describes the impact that being attacked by the "three Muggle boys"(DH564) had on his (and Albus's) sister when he reveals, "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, it exploded out of her when she couldn't control it, and at times she was strange and dangerous. But mostly she was sweet and scared and harmless"(DH564). The attack on Ariana led directly to her father's imprisonment, as well as indirectly to her mother's death due to Ariana being denied the right to attend Hogwarts since she was unable to control her magical abilities. Aberforth Dumbledore makes it clear, that Ariana was confined in the family's home to prevent her from being institutionalised when he explains, "...if the Ministry had known what Ariana had become, she'd have been locked up in St. Mungo's for good. They'd have seen her as a serious threat to the International Statute of Secrecy unbalanced like she was, with magic exploding out of her at moments when she couldn't keep it in any longer"(DH 564). Based on Aberforth's statement, it is apparent that in the 19<sup>th</sup> century characters with psychiatric disabilities in the Wizarding world were confined in their family's homes or

placed in custodial institutions. This ablest and discriminatory practice also occurred in Muggle society during the 19<sup>th</sup> and 20<sup>th</sup> centuries in Canada<sup>51</sup>.

But (Ariana's) larger thematic function is decisive, and sets her 'brilliant' brother's life on its trajectory: he becomes infatuated with Grindelwald, and the ideal of wizard authoritarianism, partly because he is ashamed of his association with his disabled sister and (justifiably) furious at the Muggles who are the cause of his sister's condition, his father's imprisonment, and (indirectly) his mother's death. Ariana's death, in turn, becomes the impetus for Dumbledore's revaluation of values, his emphatic turn against Grindelwaldism, and his lifelong commitment to Muggle rights, tolerance for all magical creatures, and struggles against entrenched hierarchies and unjustifiable inequalities of all kinds (Bérubé Chapter 1)<sup>52</sup>.

J.K. Rowling is employing the events surrounding Ariana's disability and death as the catalysts for Professor Dumbledore's attempt to establish educational equality at Hogwarts. As such, both Wizarding law and educational equality of opportunity are inextricably linked based on the influence they had in Professor Dumbledore's life. Dumbledore's equality of opportunity principles will be further elaborated on when I discuss the admission of students with disabilities to Hogwarts as well as the reasonable accommodations that he offers to them.

A second group of laws that exist in the Wizarding world led to the denial of the educational and other rights of characters with lycanthropy<sup>535455</sup>. The two regulations that I am referring to are the *Werewolf Code of Conduct* (1637) (SS 263) and the *Werewolf Register* (1947) (FB VI), both of which were used to control the behaviour of individuals with this impairment. One illustration that demonstrates how this legislation was used to limit the rights of characters with lycanthropy occurs prior to Dumbledore becoming headmaster in 1970. Under previous administration, students with lycanthropy were

denied admission to Hogwarts. The reason for their exclusion is revealed when Professor Lupin explains,

The potion that Professor Snape has been making for me is a very recent discovery. It makes me safe you see. ... Before Wolfsbane Potion was discovered, however, I became a full-fledged monster once a month. It seemed impossible that I would be able to come to Hogwarts. Other parents weren't likely to want their children exposed to me. But then Dumbledore became headmaster, and he was sympathetic. He said that as long as we took certain precautions, there was no reason I couldn't come to school (PA 352-353).

From Professor Lupin's statement, one becomes aware of how he and others with lycanthropy are stigmatized as a result of their chronic illness. The formally mentioned laws openly deny the equality rights of characters with lycanthropy in a similar way that students with disabilities were denied access to public education in Ontario prior to the 1980 *Ontario Education Act* which included special education provisions.

A final collection of legislation that readers learn about in the Harry Potter novels are the various educational decrees that are enacted by the Ministry of Magic and enforced by Dolores Umbridge in her role as Hogwarts High Inquisitor. Even though these educational regulations are used inappropriately to increase Dolores Umbridge's authority over Hogwarts' professors and students, they are educational edicts that are legally binding<sup>56</sup>.

### No Squibs Allowed! The Exclusion of Squibs from Hogwarts

Before I discuss Professor Dumbledore's equality of education principles, I must address one limitation to the school's admissions policy. Every student must have

magical abilities to gain admission to Hogwarts. As such, students who are Squibs are not eligible for admission due to their inability to perform magic. Ron Weasley describes characters who are Squibs using medicalized language based on their magical impairment. This is analogous to the medical models representation of people with disabilities in the Muggle world, as Ron's definition reveals, "a Squib is someone who was born into a Wizarding family but hasn't got any magical powers" (CS145). The sociologist Karen A. Brown suggests a biological explanation for the magical impairment experienced by Squibs when she states, "Squibs might just be the unfortunate bi-products of centuries of inbreeding amongst Pure-bloods" (Brown 42). Even though Brown's genetic basis for the births of children with this disability is plausible, J. K. Rowling has not given her readers an authoritative rationale for their disability. Being excluded from Hogwarts because an individual is a Squib might seem discriminatory; however, I do not think this is the case because students must demonstrate magical abilities to be invited to attend Hogwarts. Therefore, Brown identifies Squibs as "...the first truly disadvantaged group in the series"(43). Brown elaborates on her statement when she explains, "In most cases they (Squibs) are simply excluded or ignored because of their lack of magical ability. Basically, they are an embarrassment to their families: It is perceived as a shameful thing for a witch or wizard to produce non-magical offspring"(43). This fact is supported by Ron's Auntie Muriel who recalls, "In our day Squibs were often hushed up... [They] were usually shipped off to Muggle schools and encouraged to integrate into the Muggle community... much kinder than trying to find them a place in the wizarding world, where they must always be second class..."(DH 155). The sociologist Alice

Nuttall<sup>57</sup> also comments on the historical and contemporary discrimination experienced by Squibs in response to Auntie Muriel's statement when she writes,

This is clearly what has happened to Harry's neighbour in Little Whinging, Mrs. Figg. At first, Mrs. Figg seems to be nothing more than 'a mad old lady.....' (SS 22). However, her true identity is revealed after the Dementor attack on Harry and Dudley: 'I'm a Squib, as Mundungus knows full well, so how on earth was I supposed to help you fight off dementors?' (OP 20). Harry soon learns that Mrs. Figg has done everything within her limited power to help in the fight against Voldemort. She has watched over Harry ever since he arrived at the Dursleys' ...<sup>58</sup> (Chapter 11).

When considering the fact that an individual needs to have magical abilities to attend Hogwarts, the exclusion of Squibs is not discriminatory. However, this does not excuse witches and wizards' ablest treatment of the non-magical members of their community, such as the exclusion of Mrs. Weasley's second cousin, (who is an accountant) because of his magical disability (SS 99). This also explains why Neville's relatives tried so hard to learn if he had magical abilities (SS 125 CS 185). Neville elaborates on his family's relief when they discovered that he was not a Squib when he states, "...the family thought that I was all-Muggle for ages...And you should have seen their faces when I got in here – they thought that I might not be magic enough to come..." (SS125).

Neville's educational and other personal struggles are elaborated on by Alice Nuttall when she describes the prejudice that he encounters at school when she wrote,

Neville Longbottom is a complex wizard. As a child, he is a gawky, awkward student who struggles to fit in with his peers. ...he is clumsy, forgetful, and struggles with almost every subject taught at Hogwarts, excelling only at Herbology. Neville is bullied for his lack of magical ability, not only by students like Draco, but by teachers, particularly Snape. Draco's bullying is, of course, an

indication of his unpleasant character; however, his attitudes do not only reflect his family's prejudices, but also biases that permeate the wizarding world... (Chapter 11).

The personal struggles that Neville encounters stem not only from his low level of magical ability and the bullying that he experiences at school but also due to the fact that his parents have psychiatric disabilities stemming from the First Wizarding War (GF 603 and OP 512-515). From Neville's statement about his family's concerns regarding his decreased magical abilities, one is made aware of how stigmatizing having no (or limited) magical ability is for characters in the Wizarding world. Even so, at the end of the series, readers discover that Neville becomes the professor of Herbology at Hogwarts, a position that requires little magical ability but a strong academic knowledge of the subject (DH 757).

In order to address the social and educational inequality that the Squib community experience, I strongly recommend that Hogwarts develop an integrated educational program so that Squibs can attend Hogwarts equally with their magically able-bodied peers. The two objectives of this program would be, to provide inclusive educational opportunities to the Squib community, in order to prepare them for appropriate careers in Wizarding society and, to reduce the discrimination that Squibs experience. However, my proposed integrated education program must remain speculative, because only J. K. Rowling has the authority to make changes to Hogwarts admissions policy, and to create new academic programs in the Wizarding world.

The Positive Impacts Associated with Dumbledore's Equality of Education Principles

Numerous times throughout the series, Dumbledore demonstrates his belief in the equality of the students at Hogwarts while also working to create positive opportunities for students from different nationalities, blood status', academic abilities, races, classes, and genders. The result of which has positively impacted the beliefs that students have about individuals that are different from them. The law school dean and legal studies scholar Darby Dickerson comments on Dumbledore's equality principles, which I will quote from at length,

As his childhood friend Elphias Doge wrote in memoriam, Dumbledore 'could find something to value in anyone, however apparently insignificant or wretched.' ...For example, he was unusual among wizards because he took the time and effort to master both Gobbledegook, the language of goblins, and Mermish, the language of merpeople. He sent Hagrid and Madame Maxime as emissaries to the giants, and instructed Hagrid to 'show [them] some respect.' Earlier, Dumbledore had argued against killing the last giants in Britain. He showed compassion and provided help to house-elves Dobby and Winky. And he did not hesitate to hire Lupin the werewolf or Firenze the centaur as professors. Dumbledore realized the true power of respect and acceptance. Not only did he understand that it was morally correct to treat all beings equally, but he knew that only through collaboration and true unity could the dark forces be defeated. Dumbledore also understood it would take the cooperation of all magical beings and beasts to accomplish this important task. In a wizard world ripped apart by Voldemort's violence, Dumbledore taught that understanding is the first step to acceptance, and only with acceptance can there be recovery. (Dickerson 277-278).

Dickerson's reflection on Elphias Doge's letter of condolence in addition, to her numerous examples of Dumbledore's efforts to create an egalitarian society are commendable. Dumbledore desired to create a society in which an individual's race, language, genetic heritage, disability, social status, blood status, social connections or beast or being classification<sup>59</sup> would no longer be determinative of his or her legal status. This is because Dumbledore practiced a personal code of conduct which if adopted by the

Ministry of Magic would serve as the basis for rights based equality laws. Unfortunately, Albus Dumbledore died, before his personal equality principles were codified into Wizarding law. Nonetheless, in the following sections, I will discuss examples that document how Dumbledore's equality principles could lead to the development of an egalitarian Wizarding society through the implementation of universal rights based equality laws. The purpose of which was to combat the systematic discrimination and inequality experienced by marginalized populations in the Wizarding world.

In *Deathly Hallows*, Dumbledore challenges the historic Hogwarts tradition of sorting students into houses at the beginning of their first year (DH 680). The Sorting Hat has also questioned this practice due to its tendency to create social prejudice instead of developing a unified student body between students with different but equally important abilities (OP204-207). With this being the case, Muggle sociologists and psychologists have argued that continuing to do so will not accomplish Dumbledore's goal of creating a unified Wizarding world. The house based prejudices that are caused by Hogwarts' sorting system are described by the psychologists Melissa J. Beers and Kevin J. Apple when they give four reasons for the social prejudices that exist at Hogwarts when they wrote, "1. Groups are created based on distinctive characteristics.... 2. Group membership is made obvious.... 3. Favoritism and inequality between the groups are prevalent.... 4. Groups compete in a variety of contexts" (Beers and Apple Chapter 3). Beers and Apple's examples demonstrate how house identities work to create a hostile and discriminatory environment between students of different houses. The result of which has led to a divided educational institution based on socially constructed forms of

otherness. In order to correct the discriminatory social and educational environment that exists at Hogwarts, Beers and Apple suggest,

First, the school should eliminate the group-based competitive situations that have fueled past tensions. For example, perhaps Quidditch teams could be intramural instead of House-based. Heads of Houses could be rotated so that they do not always represent their own House. Teachers could also facilitate more positive intergroup group contact by modifying their instructional styles. If the Hogwarts faculty creates more opportunities for cooperative learning, it could introduce superordinate goals and the contact between the students could be more positive and productive (Chapter 3).

If Beers and Apple's suggestions were implemented, Hogwarts would become more socially interconnected through creating an environment in which students come to see themselves as being Hogwarts students instead of placing emphasis on their house identities. Additionally, if Hogwarts instructors were to reduce their house-based favouritism and the inter-house competitiveness that exists at Hogwarts, students would develop a stronger collective identity. The negative effects of the house system are present throughout the series such as during the Tri-Wizard Tournament when Gryffindor House supports Harry during the Tournament and the other houses support Cedric Diggory (GF 297-298). The sociologist Mya Fisher explored the role that house identity had during the Tri-Wizard Tournament when she wrote,

Hogwarts students want to support their school champion, whoever he or she might be, against the rival schools. However as the champion selection process gets under way, and students begin to submit their names for consideration, House divisions within Hogwarts become primary.... As outlined in social identity theory, each individual has a number of identities that function in daily life – status characteristics like gender, class, race, and group affiliation. In the case of the Triwizard Tournament, the champion selection process highlights the salience of student affiliation with their Houses (Chapter 14).

Later in the narrative, Hogwarts students learn the importance of uniting behind both Cedric and Harry, which was paramount during the founding of Dumbledore's Army (D.A.), a student organization that was instrumental in the defeat of Lord Voldemort. As Fisher continues,

But these divisions do not last the duration of the tournament. Following Harry and Cedric's success in the first task against the dragons, these internal divisions within Hogwarts seem to lessen as students begin to understand that if either Harry or Cedric win, in the end, it is a win for Hogwarts. Harry sees fewer POTTER STINKS badges and does not sense as much open hostility from his schoolmates (Chapter 14).

Further evidence that supports the exclusive nature of friendships based on a student's house identity is revealed during Katie Christie's exploration of social networks among Hogwarts students. Her study found that prior to the formation of Dumbledore's Army, student friendships were strongly tied to their house affiliations but, afterwards, membership in the D.A. led to more inter-house friendships between D.A. Members (Christie Chapter 5).

Some of the positive outcomes that have resulted directly from Dumbledore's equality principles include the educational and employment opportunities that he provided to Rubeus Hagrid and Remus Lupin, and the friendships along with the dating relationships that developed through the formation of Dumbledore's Army and in the Tri-Wizard Tournament. As a result of the Tri-Wizard Tournament, students from the participating schools made important social ties with peers from different houses, schools, blood status's, nationalities, and magical abilities<sup>60616263</sup>. These connections would be important not only throughout the remainder of the series but in the lives of the

students following the completion of their education by helping the Wizarding world to heal after the Second Wizarding War.

### The Admission of Muggle-born Students

During his tenure as Headmaster at Hogwarts, Dumbledore admitted students who were pure-blood, half-blood, and Muggle-born witches and wizards equally. One character who is a member of each blood status is Ron Weasley (a pureblood wizard OP 113), Harry Potter (who is a half-blood SS 53), and Hermione Granger (who is Muggle-born SS 105)<sup>64</sup>. As the series develops, it becomes clear that Dumbledore's decision to include students from each blood status has no impact on the student's magical abilities. For instance, both Ron and Neville often struggle in school even though they are pureblood wizards<sup>65</sup>. Secondly, Hermione is the best student in Harry's year even though she is Muggle-born. Additionally, Lilly Potter (nee Evans) was an exceptionally good student who was also Muggle-born<sup>66</sup>. The fact that a student's blood status does not impact his or her classroom performance demonstrates the importance of equality of opportunity requirements. Otherwise Hermione and Lily would have been excluded from Hogwarts due to their blood status.

The importance of Professor Dumbledore's equality principles when it comes to the admission of Muggle-born students is also demonstrated in the series when Dumbledore is temporarily removed from his position as the school's headmaster. Just prior to Dumbledore and Hagrid's removal from the school, Hagrid describes the importance of Dumbledore's willingness to admit Muggle-born students when he

states, "Yeh can' take Dumbledore!...Take him away, an' the Muggle-borns won' stand a chance! There'll be killin next!"(CS 263). Hagrid's prediction that Muggle-born witches and wizards will be severely discriminated against in wizarding society without the protection offered to them by Dumbledore foreshadows the events that occur in *Deathly Hallows* when the Death Eaters overthrow the Ministry of Magic. Remus Lupin informs Harry, Ron, and Hermione of the discrimination being experienced by Muggle-born individuals when he describes the *Muggle-born Registration Act* along with the changes that have taken place at Hogwarts when he states,

Voldemort will have the whole Wizarding population under his eye from a young age. And it's also another way of weeding out Muggle-borns, because students must be given Blood Status –meaning that they have proven to the Ministry that they are of Wizarding descent before they are allowed to attend (DH 210).

Just prior to Lupin's statement, Hermione reads an article from the Daily Prophet that describes the *Muggle-born Registration Act* part of which states,

*The Ministry of Magic is undertaking a survey of so-called 'Muggle-borns' ...When no proven Wizarding ancestry exists, therefore, the so-called Muggle-born is likely to have obtained magical power by theft or force. The Ministry is determined to root out such usurpers of magical power, and to this end has issued an invitation to every so-called Muggle-born to present themselves for an interview by the newly appointed Muggle-born Registration Commission (DH 209 italics in original).*

From Lupin's statement, along with the information documented in the Daily Prophet, it is clear that without a strong advocate for the equality of Muggle-born witches and wizards such as Albus Dumbledore, Muggle-born members of the magical community would be openly discriminated against by some Pure-blood members of Wizarding society. This will be especially the case in the event that Pure-blood supremacists are able

to acquire high ranking political positions that will permit them to enact legislation that violates the rights of the Muggle-born population along with other marginalized groups. With this new legislation in place, Muggle-born individuals will have their lives monitored by the Wizarding authorities in the same way that individuals with lycanthropy are in J. K. Rowling's magical community.

### The Admission of Luna Lovegood

A second student who is both a contemporary of Harry and who is considered by her classmates to potentially have a disability is Luna Lovegood. Luna is first introduced in the *Order of the Phoenix* where her socially constructed otherness is displayed almost immediately. For instance, Ginny first identifies Luna by referring to her as "Loony Lovegood"(OP 185) and Harry immediately notices that "She (Luna) did not need to blink as much as normal humans" (IBID). Luna's otherness is also due to her ability to see Thestrals, which Ron cannot see (OP 196-199). In response to Harry's puzzlement over his friend's inability to see "the winged horses"(OP 198) Luna tells Harry, "Oh yes ...I've been able to see them since my first day here...Don't worry you're just as sane as I am"(OP 199 the reason for this is explained in OP 863). Luna also believes in the existence of magical creatures that other characters do not believe exist, such as "the Blibbering Humdingerer and the Crumple-Horned Snoorkack"(OP 262). In response to Luna's belief in the existence of these creatures, Hermione states, "Ginny's told me all about her, apparently she'll only believe in things as long as there's no proof at all. Well, I wouldn't expect anything else from someone whose father runs *The Quibbler*"<sup>6768</sup> (OP

262 italics in original). It is clear from the text that Luna's classmates believe she has a form of psychiatric difference based on her different beliefs about the world. Even so, Luna is not prevented from attending Hogwarts. In fact, it will be demonstrated that it is because of Luna's unique way of viewing the world that will enable her to become an essential member of Dumbledore's Army and a close friend of Harry's. For instance, Luna's ability to understand life and death from a different perspective than the other characters allows her to comfort Harry after Sirius' death (OP 862-863). It is also during this moment when Luna reveals that she is aware of what the other students think of her and it is at this moment when Harry comes to respect her when she confides in him, "I think they (the other students) think I'm a bit odd, you know. Some people call me 'Loony' Lovegood, actually"(862). Luna's status as an outsider at Hogwarts due to her different way of viewing the world is similar to the outsider status that Harry experiences as a wizard who did not grow up in the Wizarding world. The importance of Harry's friendship with Luna is seen when Luna chooses to fight alongside him throughout the series (for example OP 761-806 and DH 755) as well as her suggestion of Ravanaclaw's Diadem as a Horcrux (DH 584-588).

### The Admission of Werewolves to Hogwarts

In 1971, readers learn that Dumbledore permitted Remus Lupin to attend Hogwarts even though he has lycanthropy, a highly stigmatizing disability. In his chapter regarding stigma in the Harry Potter novels, the sociologist Ty Hayes<sup>69</sup> employs Erving

Goffman's construction of The Wise to describe the acceptance of individuals with stigmatized identities. Dumbledore permits Remus to attend Hogwarts as Hayes explains:

The Wise not only accept the stigmatised, but often offer them personal help. Snape and Dumbledore, for example, are responsible for helping Lupin to cope with his stigma, the former preparing Wolfsbane potion for him which ameliorates the effects of his condition during full moon and the latter providing the Whomping Willow and Shrieking Shack arrangement to allow Lupin to attend Hogwarts like a normal wizarding child (Chapter 12)<sup>70</sup>.

By making these accommodations, Dumbledore is demonstrating his belief that every child in the wizarding world who has magical abilities should be permitted to attend Hogwarts. Dumbledore's decision to provide Lupin with an education as a child would become very important in the life of another stigmatized student because Neville Longbottom was encouraged by Professor Lupin, who was offered employment at Hogwarts even though he has a stigmatizing disability (PA 132)<sup>71</sup>. By providing Professor Lupin with employment at Hogwarts, Professor Dumbledore enabled him to be a positive role model for other socially marginalized students including Neville due to his decreased magical abilities. In one brief statement, Professor Lupin describes the profoundly meaningful and positive impact that Professor Dumbledore has had in his life when Lupin states, "Dumbledore's trust has meant everything to me. He let me into Hogwarts as a boy, and he gave me a job when I have been shunned all my adult life, unable to find paid work because of what I am" (PA 356). As a result of being denied employment opportunities due to his stigmatizing disability, it is clear that Lupin's academic and other achievements were not effectively able to overcome the weight of society's discrimination against individuals with lycanthropy.

In *Prisoner of Azkaban*, Remus Lupin discusses the importance of the friendships that he had as a child with a disability, especially when he was treated equally by James Potter (Harry's father), Sirius Black, (Harry's Godfather), and Peter Pettigrew when he explains,

Now my three friends could hardly fail to notice that I disappeared once a month. I made up all sorts of stories. I told them my mother was ill, and that I needed to go home to see her ... I was terrified they would desert me the moment they found out what I was...And they didn't desert me at all. Instead, they did something for me that would make my transformations not only bearable, but the best times of my life. They became Animagi...It took them the best part of three years to work out how to do it...(Hermione asks) 'But how did that help you?' (Lupin explains) They couldn't keep me company as humans, so they kept me company as animals...A werewolf is only dangerous to people (354).

From Lupin's statement regarding the vital role that his friends had in his life as a person with a disability, it is clear that peer relationships between people with and without impairments were beneficial to each of them. By choosing to associate with Remus, James, Sirius and Peter increased his social acceptance in the same way that Harry, Ron, and Hermione do for Neville and Luna. The importance of Lupin's friendships are described by the psychologists E. David Klonsky and Rebecca Laptook when they state,

Before the Wolfsbane Potion was available to him, Lupin would lock himself in the Shrieking Shack whenever it was his time to transform into a werewolf. Unable to attack others, werewolf-Lupin would become highly agitated and injure himself: 'I was separated from humans to bite, so I bit and scratched myself instead' (PA 353)... In this instance, it appears that Lupin self-injures for reasons that also exist in the real world. According to the affect regulation model of self-harm, people often hurt themselves as a way to cope with intense negative emotions (Chapter 14).

As Klonsky and Laptook's citation reveals, prior to his friends gaining the ability to become Animagi, Lupin engaged in self-harm as a coping mechanism. Logically,

physically harming oneself is counterproductive as doing so fails to address the underlying cause of Lupin's chronic impairment. Therefore, once James, Sirius, and Peter were able to be present during his transformations, Lupin's physical and emotional health would have improved.

In her text *Prejudice in Harry Potter's World* the sociologist Karen A. Brown describes the importance of having childhood friendships for Remus Lupin as a character with a disability when she wrote,

Perhaps the *Children* category should also include non-disabled who are close friends of the Disabled. As children, Sirius Black and James Potter treated Remus as an equal despite his condition. Hence they are 'Child Transformers' by association because of their friendship and faith in Remus. And furthermore, by regarding him as their equal, they implicitly encouraged him to think of himself as one of the empowered elite; and that, in itself, is a most progressive gesture (Brown 132). (In the next paragraph Brown continues), ...Peter Pettigrew, however, is not included here as a Child Transformer or Progressive there are strong hints in the series that he was never really interested in Remus; nor was he at all knowledgeable about the werewolf condition (132).

Lupin's social inclusion as a student with a disability is important to the narrative as it represents a reversal of Hogwarts' admissions policy to not permit individuals with lycanthropy to attend. Moreover, Lupin's acceptance to Hogwarts served to lessen the social isolation that he had encountered due to his impairment. Even so, the social isolation that Squibs experience remains unchallenged by their ongoing social exclusion as a result of their magical disability. However, both characters with lycanthropy and Squibs parallel the stigmatized identities and social isolation of people with disabilities in many cases. This connection is drawn when one compares the social isolation experienced by werewolves and Squibs in the Harry Potter novels. The disability studies

scholar Tom Shakespeare documents the social isolation experienced by people with disabilities due to the challenges associated with creating social networks when he states,

By contrast, disabled people may not know any other disabled people in their family, neighbourhood or wider community. They may find it difficult to identify as disabled. They may be excluded from social settings. Prejudice, ignorance and hostility may create barriers which prevent connecting to strangers or make entering public spaces an ordeal (191).

By creating an environment at Hogwarts where Remus could attend school equally with his nondisabled peers, Dumbledore was addressing the isolation and exclusionary barriers that Shakespeare documented in his discussion regarding why people with impairments have fewer peer relationships. However, the stigma associated with Lupin's impairment led to him needing to conceal it from his peers due to his fear of being socially rejected (PA 354). By providing both educational and employment opportunities for Remus Lupin and other characters with disabilities, Dumbledore enacted one of the methods that Dr. Tom Shakespeare discusses for increasing the integration of people with disabilities into society when Shakespeare wrote,

Inclusion of disabled people in schools establishes familiarity between disabled and non-disabled people. Education about impairment and disability, and by disabled people, may challenge myths and establish ways of being together. Ultimately, disabled people may still need to explain and to educate their non-disabled colleagues and friends about what their own impairment means, and where accommodation will have to be made. This requires patience and commitment and communication from both sides (206).

Shakespeare has clearly identified the need for students with and without disabilities to attend school together in an integrated setting. This permits classmates with and without disabilities to interact positively with one another thus leading to the development of mutually beneficial peer relationships between students with and without disabilities. By

creating safe spaces for students with and without disabilities to interact positively with one another, school administrators are creating an environment where students can engage in honest and open discussion about disability and difference. As a result, students without impairments will gain a more complete understanding of their classmate's disability based needs while confronting and challenging their own prejudice. Accordingly, this will promote the social inclusion of students with disabilities in mainstream classrooms while decreasing the isolation and stigma that persons with impairments experience due to their perceived otherness.

#### The Admission of Hagrid to Hogwarts

When readers are first introduced to Rubeus Hagrid in *Sorcerer's Stone*, J. K. Rowling describes him as, "A giant of a man was standing in the doorway. His face was almost completely hidden by a long, shaggy mane of hair and a wild, tangled beard, but you could make out his eyes glinting like black beetles under all the hair" (SS46). From Rowling's description of Hagrid's appearance, the fear associated with his bodily features reflect his impairment based otherness. Several times during the series, Hagrid's disability based otherness is discussed. One example occurs when Ron and Harry discuss giants after over-hearing a private conversation between Hagrid and Madame Maxime,

(Harry) 'What's the problem with giants?' (Ron) 'Well they're ...not very nice.' (Harry) 'Who cares?...There's nothing wrong with Hagrid!'...(Ron) 'I know there isn't but...blimey no wonder he keeps it quiet....I always thought he'd got in the way of a bad Engorgement Charm when he was a kid or something'...(Harry) But what's it matter if his mother was a giantess?' (Ron) Well...no one who knows him will care 'cos they'll know he's not dangerous...But...Harry, they're just vicious, giants. It's

like Hagrid said, it's in their natures, they're like trolls...they just like killing, everyone knows that'(GF 430).

From Ron and Harry's discussion, the reader becomes aware of the disability based otherness that individuals such as Hagrid and Madame Maxime encounter as a result of their genetic inheritance<sup>7273</sup>. In a second example, Hagrid is demeaned by Draco Malfoy who refers to Hagrid as both a "half-breed" and "the elephant-man" (GF 443). This demonstrates how being related to an individual who is a giant is considered to be disabling in the Wizarding world due to the social otherness that witches and wizards associate with this genetic trait. In his previous statements, Draco's use of ablest language is illustrative of his family's pureblood supremacist worldview while making reference to the ablest beliefs that led to Joseph Carey Merrick being labelled as the Elephant Man. Joseph Carey Merrick's biography is briefly discussed in *Disabled Literature A Critical Examination Of The Portrayal of Individuals With Disabilities In Selected Works Of Modern and Contemporary American Literature* when the authors state,

In *The Elephant Man*, a play written by American author Bernard Pomerance, this is exactly what happens to Joseph Carey Merrick, the man known historically as John Merrick. He is also known as the Elephant Man. John Merrick lived in London during the latter half of the nineteenth century. However, his presentation in literature as a sympathetic character is very modern indeed. Horribly deformed, Merrick eked out an existence as a young adult by allowing himself to be displayed as a 'freak' attraction in traveling carnivals and shows. His deformities were enormous. Dr. Treves, a surgeon, teacher, and Merrick's first real friend, explains them to a class in this fictionalized account of his life:...(Beauchamp, Chung, Mogilner, and Zakinova Chapter 5).

Based on the representation of Merrick's life by Beauchamp, Chung, Mogilner, and Zakinova, it is clear that J. K. Rowling was making a visible and a verbal connection

between the physical impairments and social discrimination experienced by Joseph Carey Merrick and Hagrid based on their physical attributes as well as their social otherness.

After having established the links between gigantism and disability based oppression it becomes obvious why Hagrid chooses to isolate himself from others. This may also explain why he seeks out the companionship of animals in response to the prejudice that he encounters based on his biological identity<sup>74</sup>. In her chapter about animals in the *Harry Potter Series*, the sociologist Anna Chilewska<sup>75</sup> explains Hagrid's choice of animal companions when she writes,

Because he is half-giant, and because giants are reputed to be savages from whom wizards and witches need to be protected, he chooses to interact with and protect those who are regarded with the same attitude. The personal network Hagrid creates with his chosen non-human animals is a marker of his self-identity that has been, in part, imposed by the wizarding society (Chapter 18).

As the previous quotation indicates, Hagrid's desire to protect marginalized others stems from the social prejudice that he has encountered due to his visible impairment. However, Hagrid's willingness to care for mistreated others also stems from his relationship with Dumbledore who experienced hardship due to his sister's disability and his sexual identity<sup>76</sup>.

Hagrid's educational and employment relationships with Hogwarts are first discussed in *Sorcerer's Stone* when Hagrid states, "I was at Hogwarts meself but I –er– got expelled, ter tell you. In my third year....But Dumbledore let me stay on as groundskeeper" (SS59). Later, Hagrid's employment opportunities are increased when he is given the task of teaching Care of Magical Creatures (PA 93). However, Hagrid's

employment at Hogwarts was briefly ended twice during the series. In the first instance, Hagrid attempted to resign after his identity as a half-giant was publicly revealed by Rita Skeeter (GF 437-440). It is also during this crisis that readers learn more about how Dumbledore's equality principles have positively impacted Hagrid at different times throughout his life. For example, Hagrid points to Dumbledore's acceptance of every student with magical abilities when he states, "Dumbledore was the one who stuck up for me after dad went. Got me the groundskeeper job ... trusts people, he does. Gives 'em second chances ... tha's what sets him apar' from other Heads, see. He'll accept anyone at Hogwarts s'long as they've got the talent. Knows people can turn out okay even if their families weren' well...all tha' respectable" (GF455). In the second instance, Professor Umbridge removes Hagrid from his position at Hogwarts (OP 720-724). Even so, her decision to terminate Hagrid's employment was based on her ability to do so under *Educational Decree 23*, as High Inquisitor, because of her dislike of Hagrid as Hermione explains, "Umbridge hates part-humans...She was always going to try and get Hagrid out" (OP 723). From the brief sketch of Hagrid's educational and employment opportunities at Hogwarts, it is apparent that his genetic impairment could have led to him being denied the opportunity to attend Hogwarts especially when one considers the demeaning and ablest way in which other members of the Wizarding community behave towards individuals with his biological identity. For example, Hagrid's ability to attend Hogwarts as a child and employment at the school as an adult are based solely on Dumbledore's willingness to offer educational and employment opportunities equally since clearly other characters such as Rita Skeeter and Professor Umbridge would not

have given Hagrid these opportunities if they had been responsible for determining, which students were eligible to be admitted to Hogwarts.

#### Friendship and Inclusion the Results of Dumbledore's Equality Principles

The personal benefits of Dumbledore's decision to permit students with different abilities to attend Hogwarts are witnessed specifically in the friendships that Neville and Luna form throughout the series. As I have demonstrated, Neville struggles to make friends due to his low level of magical ability, his poor academic performance, and his family circumstances. However, once Dumbledore's Army (D.A.) is formed, Neville's confidence and magical abilities increase significantly due to the support of the other members of the D.A. One example of which occurs when Neville disarms Harry during a D.A. meeting (OP 393). This experience strengthened Neville's relationship with Harry, Ron, and Hermione (OP 864-866). The D.A. also served as a positive means through which students from Gryffindor, Ravenclaw, and Hufflepuff engaged in positive intergroup relationships, which helped to breakdown the social barriers that existed between the students, owing to their placement in different houses. This also dispelled the stereotypes that were believed to characterise the members of each house. For example even though Luna Lovegood was placed in Ravenclaw (OP 168) who are known for their intelligence (SS118), she also demonstrates the qualities of bravery, and loyalty, which are traits common among Gryffindor and Hufflepuff (SS118). The same inter-house traits are also present for other members of the D.A. since each trait was essential to

defeating Lord Voldemort and helping to establish a more unified Wizarding community after the Second Wizarding War.

Neville's confidence increases to the point where he leads the student resistance movement at Hogwarts during *Deathly Hallows* (DH 571-579), stands alone against Lord Voldemort (731-732), and kills Nagini<sup>77</sup> (DH 695-696 and 733). Each of these examples show how Neville's confidence, peer relationships and inclusion increased between the fifth and seventh novels. However, these changes were only possible because Dumbledore permitted him to attend Hogwarts even though he had limited magical abilities.

A second student whose social inclusion increased due to Dumbledore's decision to invite her to attend Hogwarts is Luna Lovegood. As I demonstrated previously, Luna was discriminated against by her peers due to her beliefs. However, once Dumbledore's Army is formed, her social acceptance improves. Luna's social desirability began to increase when she joined the D.A., which led to her fighting alongside Harry, Ron, Hermione, and Neville at the Department of Mysteries (OP 761-806) Luna's willingness to risk her life during the Battle of the Department of Mysteries solidifies a strong bond between Harry and Luna. This is particularly witnessed when Luna and Harry bond over their having lost loved ones as children. At this moment, Harry realizes how poorly the other students treat Luna and she becomes one of his most important friends (OP 862-864). The friendship that Harry and the others begin to develop with Luna continues on the Hogwarts Express the following year. During this, they discuss the importance of the

D.A. and its impact on their relationships, about which Luna states, “I enjoyed the meetings too...It was like having friends” (HBP 138). When Luna questions her and Neville’s inclusion as Harry’s friends, he compliments her by stating, “You are cool, ...None of them was at the Ministry. They didn’t fight with me” (HBP 139). Ron expresses his delight when he, Harry, and Hermione decide to visit the Lovegood’s, which points to Ron’s developing friendship with Luna and to her increased social acceptance at Hogwarts (DH 396). This is followed by the discovery of Luna’s large painting of Harry, Ron, Hermione, and Neville’s pictures with the word “FRIENDS” incorporated into the artwork (DH 417). As I have demonstrated, Luna’s social acceptance and peer relationships have improved throughout the *Harry Potter Series* especially after the formation of the D.A.

### The Limitations of Dumbledore’s Equality Principles

Even though Professor Dumbledore worked diligently to create a more inclusive educational community, it is limited by its exclusion of Squibs from the magical community. In order to address this ongoing form of oppression, Dumbledore provides employment to Argus Filch at Hogwarts who readers learn in *Chamber of Secrets* is a Squib (127-128 145 see also Hayes Chapter 12). Additionally, Professor Dumbledore has included Muggle Studies as a third year elective course (PA 98). Muggle Studies courses were taught by Professor Charity Burbage until she resigned in 1997(DH 16). Even though I have found no textual evidence, I think that Muggle Studies is also offered in years four and five since there is an Ordinary Wizing Level (O.W.L.) exam required

for individual's seeking employment in Muggle Relations (OP 657). O.W.L. exams are taken at the end of students fifth year at Hogwarts. The results from which are used to determine, which courses students are eligible for in their sixth and seventh years at the Nastily Exhausting Wizarding Test (N.E.W.T.) level. Students also write N.E.W.T. exams at the end of their seventh year at Hogwarts. Readers are not told if topics related to Squibs are part of the Muggle Studies curriculum, but since these individuals do not have any magical abilities Squibs could be one of the subjects discussed. Perhaps careers in Muggle Relations would be appropriate for members of the Squib community in the event that they were permitted to attend Hogwarts. In the conclusion of her text, *Prejudice in Harry Potter's World* Karen A. Brown discusses the social disadvantages that Squibs and individuals with lycanthropy experience in the Wizarding world due to their inability to (in most cases)<sup>78</sup> gain admission to Hogwarts when Brown argues,

...if we observe certain social trends in Rowling's fictional world, we see that despite their wizarding blood, Squibs and werewolves are unable to climb the wizarding world's social ladder, partly due to their lack of access to magical education. Hence we could say that these groups are 'kept in place' by their social status and/or personal misfortunes. In much the same way, many of the underprivileged are socially immobile in our own world due to their lack of access to education (259).

Brown's quotation, documents the underlying problem of the Wizarding world's education system because, until the ability based exclusion of Squibs and characters with lycanthropy are addressed by the Ministry of Magic students with impairments will continue to be denied access to magical education. By making accommodations that permitted Remus Lupin to attend Hogwarts Dumbledore demonstrated his willingness to address on an individual basis the ability based discrimination that Remus Lupin and

others experienced. Even so, this measure of individualized equality did not lead to the enactment of an open admissions policy that would include students with lycanthropy. Furthermore, Dumbledore's offer of employment to Argus Filch does not address the systematic educational and social exclusion faced by members of the Squib community. Instead, Dumbledore needed to develop an inclusive educational program that would provide an appropriate education to individuals who have magical disabilities within the magical education system. However, one must acknowledge that Dumbledore's inclusion of all students with magical abilities regardless of their other characteristics, such as being a half-giant in Hagrid's case, or being an individual with limited magical ability such as Neville Longbottom is a positive start to the inclusion of socially marginalized individuals in the Wizarding world.

### The Magic of Reading Harry Potter

The positive impact of reading the Harry Potter novels has been noted by Loris Vezzali<sup>79</sup>, Sofia Stathi<sup>80</sup>, Dino Giovannini<sup>81</sup>, Dora Capozza<sup>82</sup>, and Elena Trifiletti<sup>83</sup> in their 2014 article "The Greatest Magic of Harry Potter: Reducing Prejudice", in which they presented the results of three studies. Each study examined the impact of reading the Harry Potter novels on the opinions of elementary, high school, and university students towards stigmatized populations when they concluded,

Results from one experimental intervention and two cross-sectional studies show that reading the novels of Harry Potter improves attitudes toward stigmatized groups among those more identified with the main positive character (Studies 1 and 2) and those less identified with the main negative character (Study 3). We also found evidence for the role of perspective taking as the process allowing the

improvement of out-group attitudes. These findings were obtained by considering three samples, in two European countries (Italy and United Kingdom), covering an extended age range (from elementary school children to high school to university students). Moreover, we considered several control variables and we employed different measures of attitudes toward three different, highly stigmatized groups: (Study 1 immigrants), (Study 2 homosexuals), and (Study 3 refugees) (115).

The importance of these three studies is located in their applicability when it comes to teaching children, teenagers, and university students about the positive impact of inclusivity — a vital component of a diverse and egalitarian society. Even though the authors of these studies did not include disability as one of the areas of stigma that they evaluated, one can hypothesize that the same conclusion would have resulted if it had been. Therefore, I would recommend that teachers develop lesson plans that take advantage of the popularity of the *Harry Potter Series* with students of various ages and reading abilities. By developing course content related to the *Harry Potter Series*, teachers will be creating opportunities for their students to learn about the value of social inclusiveness along with the personal and societal harm that results when it is not widely viewed as a legal imperative. This is witnessed in the *Harry Potter Series* due to the absence of universal equality rights that would mandate the equality of Squibs, werewolves, giants, individuals with different blood statuses, and other socially disenfranchised populations. One clear example of this legalized denial of equality rights is seen when one views the fountain outside of the Ministry of Magic, which represents the authoritarianism of witches and wizards (OP 121, 127, and Brown 36).

In Ontario, Canada, special education schools were established at approximately the same time as compulsory education laws were being codified. For instance, the education historian Paul Axelrod discusses briefly the history of mandatory state sponsored education in Canada when he writes,

It is important to note that Canadian families were inclined to send their children to school even before provincial laws compelled them to do so. Ontario was the first province, in 1871, to legislate compulsory attendance. Children between the ages of seven and twelve were required to attend school no fewer than four months per year. Prince Edward Island's first compulsory-school law was passed in 1877, Nova Scotia's in 1882, and New Brunswick's in 1905. British Columbia's mandatory-schooling legislation of 1901 was strengthened in 1921 to include children aged seven to fifteen. By 1916, eight provinces had compulsory-school laws. Quebec and Newfoundland avoided such legislation until 1942 (35-36)<sup>84</sup>.

As this citation describes, public education in Ontario began in 1871, which is only one year after the Sir James Whitney School for the Deaf opened in Belleville Ontario in 1870 and one year before the W. Ross MacDonald School For the Blind opened in Brantford Ontario in 1872. However, even though schools for deaf and blind students opened in Ontario in the 1870s, public schools were not required to accommodate students with impairments in the province until Ontario's 1980 Education Act.

Educational Equality for Students with Disabilities Under the Canadian Charter of Rights and Freedoms 1982 and the Ontario Education Act 1990

### The Legislation

In 1980, the Ontario Government passed a new Education Act, which mandated that school boards provide special educational services for students with disabilities<sup>85</sup>.

This requirement was further clarified in Ontario's current Education Act that was passed in 1990 (Valeo 102)<sup>868788</sup>. The Education Act includes regulations to guide teachers, principals, and school boards regarding the administration of special education services in Ontario<sup>89</sup>.

Even though the *Canadian Charter of Rights and Freedoms* was codified in 1982, the equality provisions of the Act did not come into effect until 1985. The sections of the *Charter* that apply to the equality rights of Canadians are sections 1 and 15 which state, "The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society" (*Charter* s. 1)<sup>90</sup>.

(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability (*Charter* s. 15)<sup>91</sup>

In their 1986 article "The Canadian 'Charter of Rights' and the Right to Education for Exceptional Children," Donald Poirier and Léonard Goguen<sup>92</sup> discussed the possible implications of the *Charter* on the educational rights of children with disabilities when they wrote:

The Charter would probably have a greater impact on provinces with permissive legislation (namely, New Brunswick, Prince Edward Island, Alberta, and British Columbia). For them, s. 15 could be interpreted to say that having undertaken to provide public education to some children, the province may not deny it entirely to

handicapped students unless there exists a rational basis for such exclusions. S. 15 would have the effect of raising serious doubts and colourable claims where groups of students are excluded. The onus would then be placed on that province to show the existence of a rational basis for such exclusions (240).

Subsequent court proceedings however have not revealed this to be the case since there has been only two Supreme Court decisions involving special education in Canada. In regards to the *Moore v. British Columbia Canadian Supreme Court case* the British Columbia Human Rights Code, R.S.B.C. 1996, c. 210, s. 8. as well as the British Columbia *School Act, S.B.C. 1989, c. 61* was the provincial legislation that were utilized to challenge Jeffrey Moore's unequal treatment by his local school board. The previously listed legislation states,

(1) A person must not, without a bona fide and reasonable justification, (a) deny to a person or class of persons any accommodation, service or facility customarily available to the public, or (b) discriminate against a person or class of persons regarding any accommodation, service or facility customarily available to the public because of the race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person or class of person (British Columbia Human Rights Code, R.S.B.C. 1996, c. 210, s. 8.1).

#### Eaton v. Brant County Board of Education Case Summary and Outcome

Emily Eaton was an elementary school student who has Cerebral Palsy. Her parents believed that she would receive the most appropriate education in a regular classroom with special education support. However, according to the school board after three years of mainstreamed education Emily did not demonstrate appropriate educational progress. Therefore, the school decided that Emily's educational needs would be more effectively met in a segregated special education classroom. After numerous attempts were made to

resolve this dispute, the Eaton's challenged Emily's educational placement in court. The Eaton's argued that their daughter's equality rights were being violated under s. 15 of the *Charter* (Valeo 102) (Grover 253-254)<sup>93</sup>. The Canadian Supreme Court heard this case in 1997.

Throughout the legal proceedings, questions related to Emily Eaton's educational interests and rights were raised as a person with a disability. The education scholar Sonja Grover presents some of the issues addressed during the trial when she wrote,

Emily Eaton then, it is here suggested, via the representations made by her parents on the *Charter* questions, raised issues that address the equality rights of all Canadian children. The *Eaton* case is thus not simply about the rights of disabled students to the placement of their choice, but at a more fundamental level it is a case about all Canadian children's equality rights both within and outside of the school setting. A central question then is whether these rights can be violated by the State at will on the basis of a best interests rationale, and more specifically whether they were so violated in the *Eaton* case notwithstanding the decision of the Canadian Supreme Court (254-255).

Grover has argued that the *Eaton* case's significance goes beyond the most appropriate educational environment for Emily Eaton because it addresses the equality rights of children. Grover argues that Emily Eaton's equality rights were violated by the schoolboard when it decided that she would receive a more beneficial education in a segregated special education classroom as Grover explains,

The issue then at the initial stage is not one of determining whether the parents or the school board have reached the correct determination about which type of placement is in the child's best interest. Rather, the issue in the first instance is one of whether or not the child's equality rights as represented by the parents will be respected; those equality rights having been expressed in terms of whatever placement the parents have decided upon. In denying the parents the autonomy to make that decision, the school board in fact is violating the child's equality rights,

regardless of what the parents' pedagogical preferences might be regarding placement (256).

By denying the Eaton's the right to decide the best educational setting for their daughter, the schoolboard was clearly discriminating against the Eaton's based on their daughter's impairments. This is especially the case since education is not only about learning course content. If it were, the value of education would be decreased. Grover recognised the wider purpose that education has in our society when she concludes,

It must be recognized that the school experience is not just about acquiring knowledge and skills but about learning democratic values and principles relating to social justice. Imposed exclusion without demonstrable evidence supporting a section one justification is an affront to human dignity. .... The failure to require a s. 1 proof for imposed segregated placement of a special education student in effect affords the school board unlimited discretion under the *Education Act* as to placement which may or may not be in accord with the child's best interests (263).

A second scholar who has criticized the Canadian Supreme Courts best interests based judgement in the *Eaton* decision is Dianne Pothier<sup>94</sup> in her 2006 article, "Eaton v. Brant County Board of Education" when she argues,

The tribunal's findings that a segregated placement met Emily's best interests were made in a disaggregated way, and the assessment of Emily was based on able-bodied norms. It is the failure to assess Emily as a whole person that enabled the tribunal and the Supreme Court of Canada to downplay the significance of integration and to ignore the historic context that segregated education for disabled students connotes inferior status (Pothier 140).

In her citation, Pothier documents the ableism of the Ontario Special Education Tribunal, and the Canadian Supreme Court in their handling of *Eaton*. This is witnessed in Pothier's view, when both judicial bodies failed to acknowledge their able-bodied assumptions by ignoring the history of oppression experienced by people with disabilities in special education. The outcome of which led to prejudicial decisions by the Ontario

Special Education tribunal and the Canadian Supreme Court, when they determined that the most appropriate educational placement for Emily Eaton was in a segregated special education classroom.

Other scholars of education have studied the results of attending inclusive versus segregated education for students with disabilities. For example, Spencer Salend<sup>95</sup> and Laurel M. Garrick Duhaney stated in their review of the literature that,

The research suggests that students without disabilities can benefit from placement in inclusion programs. The principal benefits include an increased acceptance, understanding, and tolerance of individual differences and the development of meaningful friendships with classmates with disabilities. However, MacMillan, Gresham, and Forness (1996) suggested that contact with students with disabilities in itself does not result in favorable attitudes toward and improved acceptance of individuals with disabilities. ...Therefore, ...Educators also can use a variety of strategies to make learning about individual differences and facilitating friendships among students integral parts of their curriculum (Peck, 1995)... (123).

In a second study, education scholars Bunch<sup>96</sup> and Valeo 2004 examined how educational mainstreaming and segregated special education delivery methods affected the opinions of students without disabilities about those with impairments when they concluded,

The inclusive approach models that it is beneficial to educate all students in regular classrooms. This study notes that all inclusive system students believed friendships develop, that learning goes on for all, that an amount of abuse, although comparatively minimal, occurs and that advocacy is routine. A number of students reject the idea that students should be separated for any reason. ...If one of the major objectives of education is to promote acceptance of difference, the structures developed by schools become of central importance (Bunch and Valeo 75-76).

From these quotations, one is made aware of the benefits of inclusive education for both students with and without disabilities. Unfortunately, the Canadian Supreme Court disagreed when it concluded that a segregated educational setting was the most

appropriate educational placement for Emily Eaton as the Supreme Court's ruling demonstrates,

I conclude that the placement of Emily which was confirmed by the Tribunal did not constitute the imposition of a burden or disadvantage nor did it constitute the withholding of a benefit or advantage from the child. Neither the Tribunal's order nor its reasoning can be construed as a violation of s. 15. The approach that the Tribunal took is one that is authorized by the general language of s. 8(3) of the Act. I have concluded that the approach conforms with s. 15(1) of the Charter (Sopinka paragraph. 80).

The Court's determination was based on the testimony of individuals who interacted with Emily Eaton during the three years that she had been placed in a mainstreamed classroom, as well as the Special Education Tribunal decision in the Eaton case. As Justice Sopinka's statement indicates, the Canadian Supreme Court concluded that the Ontario Special Education Tribunal made the correct determination when it decided to place Emily Eaton in a self-contained classroom. By doing so, the Court denied Emily Eaton's equality rights while interfering with her parent's ability to make decisions on her behalf.

In order to understand the rationale behind the Canadian Supreme Court's ruling in *Eaton*, one must examine the philosophical assumptions of the Court when considering disability as a protected class under s. 15 of the *Charter*. In her 1997 article "Sameness/difference: A Tale of Two Girls", the legal scholar Margot Young identifies the ablest assumptions regarding persons with disabilities that were held by the Court in addition to their impact on the Court's decision in the *Eaton* case when she argues,

...Sopinka J.'s minimalist understanding of accommodation is connected to his deterministic notion of disability. Thus, the question of integrated as opposed to segregated educational opportunities becomes more a question of whether the individual herself will fit the existing educational environments rather than how those environments need be changed to fit her and others who currently occupy the margins of society (Young 162).

When one considers that Justice Sopinka holds an individual centered view of disability that limits (in his view) society's need to initiate wide-reaching changes to accommodate people with disabilities, his determination that the Special Education Tribunal made the correct educational placement decision in Emily Eaton's case is obvious. This determination clearly highlights the Court's failure to understand the wide spread educational inequality that individuals with disabilities experience in contrast to their able-bodied peers. By determining that a segregated special education placement was in Emily Eaton's best educational interest, the Court failed to consider not only the individual implications of Emily Eaton's exclusion from an integrated educational setting but, how the Court's judgment negatively impacts the educational equality rights of other students with disabilities. Ultimately, the Court's judgment in *Eaton* not only denied the educational equality rights of Emily Eaton but, in effect, the educational rights of all Canadian students with disabilities. This occurred when the Court decided that educational officials could impose a segregated educational placement on a student with a disability over the objections of her parents. By openly restricting Emily Eaton's educational equality rights, the Canadian Supreme Court set a dangerous precedent that could have led to other school boards imposing segregated special education placements on students with impairments against the wishes of their parents.

Moore v. British Columbia (Education) Case Summary and Outcome

When Jeffrey Moore was in the second grade, his school's psychologist gave him a psycho-educational assessment and determined that his educational outcome would be improved through accessing special education services at a diagnostic centre (Paré 71)<sup>97</sup>. A brief history of the diagnostic center's role in the education of students with disabilities is discussed by Robert E. Charney<sup>98</sup> and Sarah Kraicer<sup>99</sup> when they wrote,

The Diagnostic Centre... was operated by the District School Board from 1976 to 1994, and offered intensive remediation to severely learning disabled students. It consisted of three teachers and up to 18 learning disabled students who were enrolled in a segregated program for three or four months in one of the DC1 classes. In addition, the DC1 teachers would work one day per week with classroom and learning assistance teachers after the student returned to his or her home school (237).

However, Jeffrey Moore was denied access to the diagnostic center because the schoolboard closed it due to budgetary reasons (Charney and Kraicer 237). In response to the public education systems unwillingness to accommodate his son's educational needs, Moore's father paid for him to receive special education services at a private school and filed a human rights complaint (Brotsky 88)<sup>100</sup>. The case progressed to the Supreme Court of Canada, which heard the case in 2012. The Court ruled that, by closing the diagnostic center without making arrangements to offer these services in public schools, the schoolboard violated Moore's equality rights under section eight of British Columbia's *Human Rights Code* which states,

A person must not, without a bona fide and reasonable justification, (a) deny to a person or class of persons any accommodation, service or facility customarily available to the public, or (b) discriminate against a person or class of persons regarding any accommodation, service or facility customarily available to the public because of the race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age

of that person or class of persons (*Human Rights Code*, R.S.B.C. 1996, c. 210, s. 8.1)

In court, the Moore's argued that education is a public service that their son was being denied equal access to as a result of his disability.

Justice Abella records the Supreme Court's verdict when she wrote,

Its finding of discrimination against Jeffrey Moore by the District should be upheld, as should the individual orders, which reimburse the Moores for the cost of private schooling and award them damages. These orders properly seek to compensate them for the harm that Jeffrey suffered and were well within the Tribunal's broad remedial authority. ...however, the order for reimbursement and damages should apply only against the District (paragraphs 70-71).

From Justice Abella's ruling, it is clear that Jeffrey Moore was discriminated against by the schoolboard due to their unwillingness to provide him with the appropriate special education services. It is also obvious from Justice Abella's reasoning that the Moore's were to be reimbursed for the costs associated with their son's private school education since the schoolboard failed to meet its obligations to him. This, however, raises questions about the private/public school educational divide in Canada when it comes to providing special education services for students with disabilities since these students have the right to be accommodated in Canadian public schools. The reason that the *Moore* decision is problematic is because; schoolboards could choose to pay for students with disabilities to attend segregated private schools instead of integrating them into public schools. The result of which, would deny the educational equality rights of students with disabilities under the equality provisions of the *Charter* while imposing

segregated educational placements on them in the same way that the ruling in *Eaton* did in 1997.

Now that I have briefly outlined *Moore v. British Columbia (Education)*, I will examine one of the problematic aspects of the Canadian Supreme Court's ruling in this case. Even though the *Moore* decision required that students with disabilities be reasonably accommodated in public schools this decision did not further this objective. Furthermore, it could lead to school boards being required to pay for students with disabilities to attend private schools. The legal scholars Robert E. Charney and Sarah Kraicer discuss this possible outcome of the *Moore* decision when they wrote,

At first blush, *Moore v. British Columbia* does not appear to be about public funding of private schools. In our view, however, the Human Rights Tribunal remedy upheld by the Supreme Court of Canada, with virtually no comment and no examination of its implications, is exactly that: a voucher for private school tuition. The remedy ordered in that case — reimbursement of nine years of private school tuition (from Grades 4 to 12) — bears no relation to the perceived inadequacy of the special education program actually offered by the school board in this case, nor did it accomplish its purported goal of providing access to the public education system. This remedy has profound implications beyond the interests of the individual student and the impact of a single order for payment of private school tuition. As a result of the Supreme Court's decision in *Moore*, private school tuition payment orders have the potential to become a widely sought alternative to accommodation within the public school system (236-237).

By requiring the school board to repay the Moore's for the costs associated with their son's private school education, Charney and Kraicer argue that this ruling by the Supreme Court does nothing to increase the ability of students with disabilities to access public education. In fact, the Court's determination serves to limit the requirement for schools to accommodate students with impairments by (in Moore's case) ordering them to pay for his education at private disability specific schools. The result of which could

decrease the obligations of publicly funded schools to create integrated educational environments for students with disabilities. Based on the ruling in *Moore*, parents who have children with disabilities may begin requesting that their children be educated at private schools at public expense, or school boards could recommend to parents that their child with disabilities be offered his or her education in a private disability specific school instead of accommodating the student's special education needs in the public education system. If either of these solutions becomes commonplace as the most appropriate educational option for students with disabilities, the goal of creating an integrated, accessible, and diverse public education system will be lost. The consequences of which will lead to the ongoing segregation of students with disabilities from their able-bodied classmates thus denying both groups the opportunity to learn from one another in integrated schools.

At the conclusion of their article, Charney and Kraicer concur with the perspective presented previously by Sonja Grover regarding the integration of students with disabilities in public schools on the grounds of student equality and diversity when they state,

In our view, these two visions of education are not compatible, and if we choose the latter route we must accept the impact that the resulting diminished resources will have on the capacity of public schools to accommodate those students with disabilities remaining in the public system. We must also accept the loss of inclusiveness and diversity in the public system that would result from the withdrawal of students with disabilities from public schools. The preferable route is to require that disagreements about special education programs be dealt with expeditiously and by specialized tribunals with sufficient expertise to realistically distinguish between access by a single student to the best possible education that

money can buy, and access to a general *public school* education that must serve and accommodate all students (259).

Due to the numerous arguments presented by education and legal scholars in support of integrated public education, one must conclude that parents, judges, and education policy makers pay close attention to the arguments presented in order to provide Canadian students with disabilities the most beneficial environment, in which to receive their education.

Even though both the *Eaton* and *Moore* Canadian Supreme Court cases addressed the issue of the most appropriate educational setting for students with disabilities, they also demonstrate how students with different impairments need to have access to educational environments that meet their individual needs. One demonstration of which, is presented by Mona Paré when she discusses the school placement requests of Emily Eaton and Jeffrey Moore's parents when she wrote,

Unlike *Eaton*, *Moore* is not concerned with integration in a regular classroom but, rather, with the availability of intensive remedial treatment for a student who has severe learning disabilities. The two cases illustrate that a variety of parental claims can arise in an attempt to combat discrimination against children with special education needs. For some parents, such as the Eatons, equality comes with inclusion in the regular classroom. For others, such as the parents of Jeffrey Moore, equality cannot be achieved without intensive individual attention that will help their child reach his full potential, even if this attention requires a segregated setting (Paré 74).

Paré's statement illuminates the challenges associated with implementing a special education program, owing to its need to both meet the disability specific needs of individual students while attempting to create an integrated and inclusive educational environment. Even with these administrative challenges, I conclude that the most appropriate educational setting for students with impairments in Canada is in public

schools, when students with impairments are provided access to the appropriate special education support services that will enable them to participate equally. I would however like to make clear, that the parents of students with disabilities should be able to request a segregated educational setting for their child if they believe that this educational environment is in his or her best interest.

### Discussion

Before I examine the numerous differences that exist between Canada's special education laws and those that exist in J. K. Rowling's Wizarding world, I will begin by discussing the similarities that I have located. First of all, both Canada and the Wizarding world have compulsory education laws, which require the children of both societies to attend school. In Canada, compulsory education legislation began being codified by provincial legislatures in the late 19<sup>th</sup> century (Axelrod 35-36). In the Wizarding world however, similar mandatory education requirements were not implemented until 1997 (DH 210). Additionally, this legislation removed parent's educational autonomy rights by mandating that every child who is a pure-blood or a half-blood witch or wizard in the United Kingdom must attend Hogwarts. Moreover, the new education decree made homeschooling illegal even though, it had previously been an educational option. In contrast to the Wizarding world, parents in Canada have numerous educational placement choices open to them. For example the Ontario Education Act (1990) permits parents to send their children to Catholic schools (ss. 78-95, 135, 135.1, and 137), Protestant schools (ss. 158, 159, 164, 165, 166, 167, 168, and 169), the Ontario Provincial Schools (these are special education schools for blind, deaf, and deafblind students) (O Reg.

296/1990), or to homeschool their children (s. 21a) in addition to other educational options.

A second similarity between the education systems, in Canada and in the Wizarding world is that students with disabilities were denied the right to be accommodated in both school environments until relatively recently. It was not until 1980 in Ontario and 1989 in British Columbia that students with disabilities were granted special education provisions (Valeo 102) (British Columbia Ministerial Order M150/89)<sup>101102103</sup>. Even though at Hogwarts, characters with lycanthropy, half-giants, and Squibs were denied access to Wizarding education before Albus Dumbledore's equality principles were adopted in 1971 however, once implemented, Dumbledore's equality principles provided opportunities for students with impairments to attend Hogwarts equally with their able-bodied peers. Even with this being the case, Hogwarts is still not legally required by the Ministry of Magic to accommodate students with disabilities. With this being the case, Canadian students with disabilities and characters with impairments at Hogwarts are able to participate in each jurisdictions public education system, with the stipulation that in order to attend Hogwarts students must demonstrate magical abilities.

Over the past forty years, the disability rights movement has worked diligently to lobby governments to enact legislation in Canada to protect the equality rights of people with disabilities. Even so, once enacted, laws such as the *Canadian Charter of Rights and Freedoms* (1982) have remained largely ineffective due to their being misinterpreted by the courts. One example of this ineffectiveness was witnessed in the *Eaton* 1997

Supreme Court decision when the Court ruled in favour of the Brant County Schoolboard (Young 162 Grover 256). The result of which was that in special education cases the Canadian Supreme Court continued to deny the educational equality rights of students with disabilities in Canadian public schools until the *Moore* decision in 2012. Therefore, between the *Eaton* and *Moore* judgments students with disabilities were denied their educational equality rights in Canadian schools. The effect of which endorsed the stereotypical and ablest belief that students with impairments are different from their able-bodied peers. Furthermore, by failing to accurately apply the equality provisions of the *Charter* and the special education regulations in the *Ontario Education Act*, could have led to the decreased integration of students with disabilities in Ontario schools. By doing so, the Supreme Court of Canada decreased the level of student diversity in Canadian schools when it imposed a segregated educational placement on Emily Eaton instead of placing her in a mainstreamed classroom. The effect of this judicial decision not only violated Emily Eaton's educational equality rights but established a precedent which made it more difficult for parents to ensure that their children with disabilities received integrated educational placements. This judicial outcome however, has been challenged by scholars whose research documents the positive impact of including students with impairments in mainstreamed classrooms (Bunch and Valeo 61-76), and (Salend and Garrick-Duhaney 114-126).

It was not until relatively recently when the Canadian Supreme Court ruled in 2012 that Jeffrey Moore was discriminated against when the diagnostic centre he used to improve his educational opportunities was closed (Charney and Kraicer 237). Based on

the *Moore* decision, it is clear that Canadian law-makers and courts are beginning to change their medical model understanding of disability and disabled people to one that is more in line with the social model of disability. This movement towards the wider legal and social acceptance of persons with disabilities in mainstreamed classrooms will help to increase the social acceptance of people with disabilities in wider society.

From a legal standpoint, students with magical impairments in the Wizarding world are not legally required to be given reasonable accommodations that would enable them to attend school equably. Therefore, existing legislation such as the *Werewolf Code of Conduct* (1637) (SS 263) and the *Werewolf Register* (1947) (FB VI) along with ongoing social prejudice against characters with lycanthropy continue to deny the educational rights of witches and wizards with this impairment. As I noted previously, if Professor Dumbledore had not been Headmaster of Hogwarts in 1971 when Remus Lupin sought admission, his disability would have prevented him from being admitted to Hogwarts (PA 355-356).

From reading the *Harry Potter Series*, it is clear that the Ministry of Magic does not have codified rights based equality laws such as the *Canadian Charter of Rights and Freedoms* which legally protect the rights of minority populations against discrimination. With this being the case, racialized communities, such as Muggle-born witches and wizards, and members of the magically disabled population are forced to rely on the equality based beliefs of others, instead of having their rights codified in law. The most convincing evidence for the existence of equality laws in the *Harry Potter Series* is the

*Wizengamot Charter of Rights* which describes the legal protections that accused characters have in the Wizarding world (OP 142-143). Unfortunately, the only right that readers are informed of is "...the right to present witnesses"(OP142-143) during his or her trial. With this being the case, it is not clear if the *Wizengamot Charter of Rights* is the Wizarding world's equivalent to the *Canadian Charter of Rights and Freedoms* or if it only addresses the legal rights of an accused character during court proceedings.

During the years 1991-1997, (when the majority of the events in the *Harry Potter Series* occurred) it is apparent that the absence of educational equality laws in the Wizarding world and the failure to enforce the educational equality rights of students with disabilities in Canada led to a similar result. For example, in 1992 Emily Eaton's family began their struggle against the discriminatory special education system even though, beginning in 1980 students with disabilities in Ontario<sup>104</sup> were legally required to be accommodated in public schools (Pothier 127). Additionally, in 1994 Jeffrey Moore's right to access the special education services that would have been available to him were denied in British Columbia because, the diagnostic centre where these services would have been provided was closed (Charney and Kraicer 237). This occurred even though, special education services had been required in British Columbia schools since 1989 (British Columbia Ministerial Order M150/89). This leaves one to inquire, if it is more philosophically consistent for a society to openly discriminate against people with disabilities by not giving them educational equality rights, or to have antidiscrimination laws but fail to enforce them? Regardless, of the answer to this question, students with disabilities in both the fictional world of the *Harry Potter Series* and the educational

experiences of students with impairments in Ontario and British Columbia were similar. This is because both groups of students needed to rely on open-minded teachers and school administrators to ensure that they could receive their educations in accessible environments. These environments took different forms such as, the integrated placements with accommodations that Professor Dumbledore provided to students with disabilities on an individual basis, the provision of appropriate special education services at a special education school that Jeffrey Moore attended, and the segregated special education placement that Emily Eaton would have been required to attend, if her parents had not located a mainstreamed placement for their daughter in a Catholic school (Pothier 127).

Based on the outcomes for the students involved it is clear that even though the Wizarding world does not have human rights laws or special education provisions for students with disabilities, under Professor Dumbledore's leadership, students with disabilities such as Neville Longbottom and Luna Lovegood participated equally in every aspect of their educational community with their able-bodied peers. For example, Neville and Luna were able to partake in extra-curricular activities such as, the D.A., trips to Hogsmede, and the Yule Ball, along with attending classes with their able-bodied peers.

In contrast with her fictional peers, Emily Eaton would have been required to attain her education in a self-contained classroom due to her having lost the right to be educated in a mainstreamed educational setting. However, the Eaton's transferred Emily to a local Catholic school where she continued to receive her education in an integrated

setting (Pothier 127). If the Eaton's had been unable to enrol Emily in a Catholic school based on the ruling of the Canadian Supreme Court, she would most likely have been excluded from participation in school events with able-bodied students. This is because students in self-contained special education classrooms are segregated in most cases from their able-bodied peers.

Even though I do not have any information regarding how Emily Eaton's exclusion from an integrated classroom would have impacted the instruction that she would have received. I have experienced educational exclusion, due to having been denied access to integrated education. This is because, if I had continued attending my local public school, my first grade teacher would have required me to sit in the back of the classroom even though I am visually impaired. Therefore, I attended the residential W. Ross MacDonald School for the Blind in Brantford Ontario from 1991-2002. In many ways, my experience was similar to that of Jeffrey Moore, who attended a special education school. Doing so however, could have limited his ability to develop relationships with able-bodied students due, to the segregated nature of his education. Attending Hogwarts for Muggle-born students in the Wizarding world is a similar experience to that of students with disabilities who attend residential special education schools. This is because the students are separated from their friends, siblings, and parents during the school year due to, both the perceived and actual ability based differences that exist between Wizarding and Muggle children as well as, between children with and without disabilities. As a result, this separation creates barriers between the students and their able-bodied friends and families. For example, one can hypothesize

that Hermione had friends before she attended Hogwarts, however, she would have needed to end these relationships due to the Statute of Secrecy.

The inverse of this is also the case, because of the Wizarding world's treatment of Squibs who are sent to Muggle schools (DH 155). For members of the Squib community, attending Muggle schools is similar to being placed in a special education classroom, due to their having been segregated from their magically able-bodied peers. Furthermore, there is no legislation in the Wizarding world that protects the rights of Squibs. With this being the case, Squibs are frequently discriminated against by their able-bodied peers without having the ability to challenge the exclusion and discrimination that they experience in court. Additionally, the legalised oppression encountered by Squibs also applies to characters with lycanthropy, half-giants and other minority populations who also have their educational equality rights denied by the Ministry of Magic.

#### Future Research

When I began planning this project in December of 2014, I had initially desired to develop an exploration of the employment and education rights of persons with disabilities in Canada, the United States, and the United Kingdom in comparison with those of characters with disabilities in the *Harry Potter Series*. However, due to the extensive nature of the content that I located during my literature review, I chose to focus this paper by conducting a comparative legal analysis of Canadian special education law and the Canadian Supreme Court special education decisions in *Eaton* (1997) and *Moore* (2012). Each of which, I have compared with the education statutes that exist in J. K.

Rowling's Wizarding world as they have been applied to characters with disabilities..

With this being the case, a comparative legal analysis of disability based employment law in Canada, the United States, and the United Kingdom with those that exist in the *Harry Potter Series* would be important future contributions to the law and literature movement. Secondly, scholarly examinations of the educational rights of children with disabilities in the United States, and the United Kingdom alongside the educational rights of students with impairments in J. K. Rowling's Wizarding society would also be vital additions to the comparative law and literature scholarship.

### Conclusions

I have argued that providing opportunities for children with and without disabilities to interact with one another in classrooms will increase the social acceptance of people with disabilities in society. This educational integration could lead to the wider acceptance of these individuals as adults in the workforce. By offering educational equality, schools will be participating in the vital task of removing the social stigma that society has historically had towards people with disabilities. The result of which will enable students with disabilities to demonstrate the educational abilities of people with impairments. As such, schools should enact equality principles in line with those held by Professor Dumbledore whose efforts would lead to the wider acceptance of social others in the Wizarding world.

With this being the case, I can answer my first research question affirmatively since marginalized social groups are permitted to attend Hogwarts provided that they

have magical abilities. This is witnessed because witches and wizards with disabilities (with Squibs being a notable exception) are able to attend Hogwarts alongside witches and wizards from different social classes regardless of their family's economic situation. Diversity is also witnessed at Hogwarts due to the inclusion of students from different races<sup>105</sup>, blood statuses, and genders. I can also state that gender equality exists at Hogwarts<sup>106</sup>. Even though there is an absence of gender based anti-discrimination legislation in the Wizarding world, witches have functional equality with wizards without prejudice politically, educationally, and economically, which our society should adopt. However, the equality that I have documented has in most cases come in a legal environment where prejudice against Muggle-born witches and wizards, Squibs, characters with lycanthropy, half-giants, the economically disadvantaged and other minority population still remains a concern especially when legal protections against discrimination do not exist.

Without equality laws, the systematic ableism and racial supremacy held by the pure blood families is permitted to continue unchallenged. These legalized inequalities will be permitted to continue until the Ministry of Magic enacts legislation making discrimination against individuals based on their blood status, race, gender, class, disability, or sexual identity, a criminal offence. Until this occurs, the rights of minority populations in J.K. Rowling's fictional society will be limited or denied unnecessarily.

In response to my second question regarding the existence of equality laws within the Harry Potter novels, the fact that equality laws do not exist in the magical community

makes it every individual's choice how he or she will behave towards individuals who are different from them. As such, witches who are equal or nearly equal to wizards in population have equal status in the Wizarding world. In contrast, the discrimination experienced by Squibs, characters with lycanthropy, Muggle-born witches and wizards, half-giants, and other groups continues to occur in the Wizarding world. Dumbledore's equality principles provide marginalized individuals equality at Hogwarts even though this is not the norm in the Wizarding world.

In response to my third question, how can equality be achieved in the Wizarding World, I have argued that, by creating an environment where minority populations can freely interact equally with members of the majority population, prejudice and discrimination can be reduced. From a legislative standpoint, I have argued that the Ministry of Magic needs to establish rights based equality laws that prohibit discrimination based on race, gender, class, sexual orientation, blood-status, or disability. Part of this would also involve outlawing hate speech, and other forms of hate crime against members of minority populations. Once these laws have been enacted, the Department of Magical Law Enforcement needs to be responsible for their enforcement in order to ensure that the rights of minority populations are protected.

In response to my final question, even with its overt legal and social prejudices, I have located one significant idea that Muggle societies should adopt from the Wizarding world. I am referring to the egalitarian principles espoused by Albus Dumbledore, which I have discussed at length. Dumbledore's equality principles are significant because as

the psychologist Loris Vezzali and his colleagues noted reading the *Harry Potter Series* helps students at the elementary and secondary school levels develop more positive views regarding social others (115). Therefore, teachers and librarians should encourage students to read these narratives as a means of helping them to discover as Dumbledore thoughtfully stated near the end of *Goblet of Fire*,

I say to you all, once again–In light of Lord Voldemort’s return, we are only as strong as we are united, as weak as we are divided. Lord Voldemort’s gift for spreading discord and enmity is very great. We can fight it only by showing an equally strong bond of friendship and trust. Differences of habit and language are nothing at all if our aims are identical and our hearts are open (723).

Social prejudices are overcome, as Dumbledore has disclosed, by creating environments in which individuals can interact positively with one another on equal terms. It is for this reason that it is imperative for teachers to teach diverse groups of students in inclusive classroom settings as (Bunch and Valeo 61-76), and (Salend and Garrick-Duhaney 114-126) described not only because it can instill democratic values but they can also lead to the development of friendships between diverse groups of students. By creating classrooms in which students from different but equal races, genders, nationalities, socioeconomic statuses, religions, sexual identities, as well as physical and psychological abilities receive their educations alongside each other, the socially constructed prejudices that exist in wider society can be reduced.

## Appendix 1

Novel Title	Abbreviations
Book 1 Harry Potter and the Sorcerer's Stone	SS
Book 2 Harry Potter and the Chamber of Secrets	CS
Book 3 Harry Potter and the Prisoner of Azkaban	PA
Book 4 Harry Potter and the Goblet of Fire	GF
Book 5 Harry Potter and the Order of the Phoenix	OP
Book 6 Harry Potter and the Half-Blood Prince	HBP
Book 7 Harry Potter and the Deathly Hallows	DH
Fantastic Beasts and Where To Find Them	FB

Appendix 2

Educational Decree	Quotation	Book	Page Number
22	"in the event of the current Headmaster being unable to provide a candidate for a teaching post, the Ministry should select an appropriate person." (30th August)	<i>Harry Potter and the Order of the Phoenix</i>	306-308
23	"which create the new position of Hogwarts High Inquisitor." Whose responsibilities include, "The Inquisitor will have powers to inspect her fellow educators and make sure that they are coming up to scratch." (OP 307).	<i>Harry Potter and the Order of the Phoenix</i>	306-308
24	"No student organisations, societies, teams, groups and clubs may exist without the knowledge and approval of the high Inquisitor."	<i>Harry Potter and the Order of the Phoenix</i>	351-352
25	"the High Inquisitor will henceforth	<i>Harry</i>	416

	<p>have supreme authority over all          punishments, sanctions and          removal of privileges pertaining to          students of Hogwarts, and the          power to alter such punishments,          sanctions and removals of          privileges as may have been          ordered by other staff members."</p>	<p><i>Potter and          the Order          of the          Phoenix</i></p>	
26	<p>"Teachers are hereby banned from          giving students any information          that is not strictly related to the          subjects they are paid to teach."</p>	<p><i>Harry          Potter and          the Order          of the          Phoenix</i></p>	551
27	<p>"Any student found in possession          of the magazine <i>The Quibbler</i> will          be expelled."</p>	<p><i>Harry          Potter and          the Order          of the          Phoenix</i></p>	581
28	<p>"Dolores Jane Umbridge (High          Inquisitor) has replaced Albus          Dumbledore as Head of Hogwarts          School of Witchcraft and</p>	<p><i>Harry          Potter and          the Order          of the</i></p>	624

	Wizardry."	<i>Phoenix</i>	
29	"if I (Filch) could've strung you up by the ankles in my office, would they? But when Educational Decree number 29 comes in, Potter, I'll be allowed to do them things..."	<i>Harry Potter and the Order of the Phoenix</i>	628-629

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<sup>1</sup> On page three of the term paper that I wrote for Dr. Halifax's Health and Disability course in the winter semester of 2015 I wrote the following statement in regards to my intention not to pathologize the characters into medicalized categories, which I have reproduced below in order to make my perspective on this issue clear, when I wrote,

I am aware that identifying people (or in my case fictional characters) as having a disability can be stigmatizing to the individual who is being labelled. However, in order to make the argument that J.K. Rowling's *Harry Potter Series* contains numerous... (education based examples of equality of opportunity for characters with disabilities) I need to clearly identify characters within these narratives that have recognizable disabilities, injuries, and illnesses. By doing so, I am not endorsing the pathologizing of people or Rowling's characters with disabilities. Instead I am documenting these personal characteristics to illustrate the presence of disability within Rowling's fiction. As a person with a disability, my visual impairment is not stigmatizing but rather a personal characteristic that is part of my identity. Therefore my purpose for disclosing the impairments that numerous characters have within the *Harry Potter Series* should only be viewed as one aspect of their identities, instead of as a means to discriminate against them (Richmond 3).

<sup>2</sup> The Oxford English Dictionary defines equality of opportunity as, "equal chance and right to seek success in one's chosen sphere regardless of social factors such as class, race, religion, and sex"(OED).

<sup>3</sup> I will also refer to this document as the *Charter*.

<sup>4</sup> "Dr. Steven R. Smith is a professor in the philosophy department at The University of Wales where he teaches social and political philosophy as of this publication" (MRP-P 61).

<sup>5</sup> The information that I have provided for the majority of the scholars who I have cited was originally included in my MRP-P verbatim but this information is also widely available to the public by searching for each scholars name online.

<sup>6</sup>"Dr. Jessica Leigh Murakami is a practicing psychologist in Salem Oregon" (MRP-P 60).

<sup>7</sup> I have included a list of abbreviations that will use throughout this paper in relation to the novels in the *Harry Potter Series* in Appendix 1.

<sup>8</sup> "Nancy Reagan is a historian at Pace University" (MRP-P 60).

<sup>9</sup> "Dr. Gregory Bassham teaches philosophy at King's College in Pennsylvania" (MRP-P 60).

<sup>10</sup>"At the time of publication Jenn Sims was a doctoral candidate in sociology at the University of Wisconsin –Madison" (MRP-P 60).

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<sup>11</sup> Dr. David Baggett taught philosophy at Kings College in Pennsylvania and Shawn E. Klein was an undergraduate advisor for the philosophy department and a doctoral candidate at the time of this publication in 2004 (“Hogwarts Current Faculty” *Harry Potter and Philosophy: If Aristotle Ran Hogwarts* n. pag. 2004)

<sup>12</sup>“ Dr. Neil Mulholland is a psychologist who lived in Edmonton Alberta at the time of this publication (“Using Psychological Treatment with Harry” *The Psychology of Harry Potter: An Unauthorized Examination of the Boy who Lived*)

<sup>13</sup> “Dr. Bethany Barratt is an associate professor in the political science department at Roosevelt University” (MRP-P 60).

<sup>14</sup> “Dr. Karen A. Brown was a lecturer at Oxford University at the time of this publication” (MRP-P 60).

<sup>15</sup> “Benjamin Barton is an associate professor at the University Of Tennessee College Of Law” (MRP-P 60).

<sup>16</sup> “Todd A. Czubek and Janey Greenwald are both employed by Scranton State School for the Deaf in Pennsylvania”(MRP-P 60).

<sup>17</sup> Darby Dickerson was “Vice President and Dean, Stetson University College of Law”(Dickerson 269) at the time of this publication.

<sup>18</sup> “Dr. Amy Green is a literary scholar who teaches at the University of Nevada” (MRP-P 60).

<sup>19</sup>“Dr. Jackie Horne is an Independent scholar with a specialization in Children’s Literature” (MRP-P 60).

<sup>20</sup> “Dr. William P. MacNeil teaches Jurisprudence and Cultural Legal Studies at the Griffith University in Australia” (MRP-P 60).

<sup>21</sup> “ Dr. Tison Pugh and Dr. David L. Wallace are both professors of English at the University of Central Florida” (MRP-P 60).

<sup>22</sup> “Benjamin Barton is an associate professor at the University of Tennessee College of Law”(MRP-P 60).

<sup>23</sup> Dr. Mary Liston teaches at the Peter A. Allard School of Law at the University of British Columbia.

<sup>24</sup> “Susan Hall is a practicing lawyer and legal scholar who lives in Manchester England”(MRP-P 60) .

<sup>25</sup> Aaron Schebach is professor of Law at Thomas Jefferson Law School (MRP-P 60).

<sup>26</sup> Kenneth Schneyer is a professor of legal studies at Johnson & Wales University (MRP-P 60).

<sup>27</sup> At the time of this publication Jeffrey E. Thomas was “Vice Provost for Faculty Affairs, Associate Dean for Academic Affairs, and Professor of Law, University of Missouri-Kansas City School of Law (Hall et al 427).

<sup>28</sup> James Charles Smith was “John Byrd Martin Professor, University of Georgia School of Law”(IBID) at the time of this publication.

<sup>29</sup> Danaya Wright was “Professor of Law, University of Florida Levin College of Law, Gainesville, Florida” at the time of this publication (IBID).

<sup>30</sup> At the time of this publication Benjamin H. Barton was “Associate Professor of Law, University of Tennessee College of Law” (IBID).

<sup>31</sup> Aaron Schwabach was “Professor of Law, Thomas Jefferson School of Law” (IBID).

<sup>32</sup> Joel Fishman was “Assistant Director for Lawyer Services, Duquesne University Center for Legal Information/Allegheny County Law Library” at the time of this publication” (IBID).

<sup>33</sup> Austen Green was “Adjunct Instructor (economics), St. Francis College” (Hall et al 428).

<sup>34</sup> Timothy S. Hall was “Associate Professor of Law, Louis D. Brandeis School of Law at the University of Louisville (IBID).

<sup>35</sup> Andrew P. Morriss was “Galen J. Roush Professor of Business Law and Regulation and Director, Center for Business Law & Regulation, Case Western Reserve University School of Law” (IBID).

<sup>36</sup>For some of the cited literature in my paper I am using Kindle editions, some of which do not contain page numbers. When this is the case, I will cite the appropriate chapter from the text that I am citing from.

<sup>37</sup> “GISELLE LIZA ANATOL (capitals in original) is an assistant professor of English at the University of Kansas. She specializes in Caribbean, African-American, and children's literatures and has published on the works of Paule Marshall, Audre Lorde, and Jamaica Kincaid. In addition to Reading Harry Potter, she is

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currently working on a manuscript exploring representations of motherhood in Caribbean women's writing" (Anatol 215).

<sup>38</sup> "Mimi Gladstein is a professor in both English and Theatre Arts at the University of Texas at El Paso" (MRP-P 60).

<sup>39</sup> "Dr. Janice Liedl is a historian at Laurentian University" (MRP-P 60)..

<sup>40</sup> "Meredith Railton was a graduate student at the University of Louisville Kentucky at the time of her chapter's publication" (MRP-P 60).

<sup>41</sup> The equality of female characters in the Harry Potter novels is contested by some feminists based on the assignment of traditional gender roles to women in the series as well as other arguments. Two examples of scholars who put forward this view are (Gallardo and Smith 191-206) and (Dresang 211-241).

<sup>42</sup> Daniel R. Smith was a doctoral student in Sociology at the University of Exeter at the time of this publication ("Hogwarts Department of Sociology").

<sup>43</sup> "Laura Loiacono is a graduate student in English" ("Hogwarts Faculty" 325) and "Grace Loiacono recently completed a graduate degree in Library Science at Pratt Institute" ("Hogwarts Faculty" 324).

<sup>44</sup> At the time of this publication Julia Park was "the editor of San Francisco's Alameda Sun" (About the Contributors" unpaginated).

<sup>45</sup> In her chapter "Wanagoballwitme Inter 'Racial' Dating at Hogwarts" Jenn Sims clarifies the Wizarding world's blood status system when she states,

The construction of magical race does not utilize phenotype like Muggle race, but it does (purport to) utilize biology/ genetics. Wizarding categorization is based on 'amount' of magical blood, i.e., a particular human feature that is assumed to signify an intrinsic essence that makes people different, and some considered better, than others. This indicates that magic has been racialized. In the wizarding world, there are three major magical 'races.' As Ron and Hagrid explained to Harry and Hermione following an incident, in which Draco called her 'Mudblood,' there are 'purebloods,' i.e., witches and wizards with no Muggle heritage; 'half-bloods,' i.e., witches and wizards with a mix of Muggle and magical heritage; and 'Muggle-borns,' i.e., witches and wizards like Hermione who come from non-magical families. If one includes Squibs and Muggles, there are five magical 'races' (Chapter 17).

<sup>46</sup> One example of which is the flying car incident (CS 75-83).

<sup>47</sup> Harry's second violation of the Reasonable Restriction of Underage Sorcery took place when he used magic to protect himself and Dudley when they were attacked by Dementors (OP 18-19). In this case, Harry was also formally charged with violating the "International Confederation of Wizards' Statute of Secrecy" at his hearing before the Wizengamot (the Wizarding Court). Harry's charges are described as,

The charges against the accused are as follows: That he did knowingly, deliberately, and in full awareness of the illegality of his actions, having received a previous written warning from the Ministry of Magic on a similar charge, produce a Patronus Charm in a Muggle—inhabited area, in the presence of a Muggle, on August the second at twenty-three minutes past nine which constitutes an offence under paragraph C of the Decree for the Reasonable Restriction of Underage Sorcery, 1875, and also under section thirteen of International Confederation of Wizards' Statute of Secrecy (OP 140).

<sup>48</sup> Even though Harry is warned about violating the International Confederation of Wizards' Statute of Secrecy when this event takes place Harry was underage. As such even though Dobby used magic in this case instead of Harry, since the Ministry of Magic warned Harry about breaching one piece of legislation they could have also warned him about violating the other regulation as well.

<sup>49</sup> "Dr. Birgit Wiedl teaches history at the University of Salzburg in Austria" (MRP-P 60).

<sup>50</sup> (DH 19, DH 562-567, and DH 715-716)

<sup>51</sup> One text that documents the confinement of people with psychiatric disabilities in Toronto Canada from 1870-1940 is Dr. Geoffrey Reaume's *Remembrance of Patients Past: Patient Life at the Toronto Hospital for the Insane, 1870–1940* Toronto: University of Toronto Press 2009. Kindle Edition.

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<sup>52</sup>Dr. “Michael Bérubé is the Edwin Erle Sparks Professor of Literature and Director of the Institute for the Arts and Humanities at Penn State University. In 2012, he served as the President of the Modern Language Association” (Bérubé 223).

<sup>53</sup> Werewolf Syndrome

<sup>54</sup> Werewolves are defined by Newt Scamander in (FB 41-42) as,

The werewolf is found worldwide, though it is believed to have originated in northern Europe. Humans turn into werewolves only when bitten. There is no known cure, though recent developments in potion-making have to a great extent alleviated the worst symptoms. Once a month, at the full moon, the otherwise sane and normal wizard or Muggle afflicted transforms into a murderous beast. Almost uniquely among fantastic creatures, the werewolf actively seeks humans in preference to any other kind of prey.

<sup>55</sup> As one reads the above definition, he or she is made aware of the ablest terms with which werewolves are described. This helps to create a medicalized understanding of individuals with lycanthropy thus leading to the further stigmatization of characters with this chronic impairment.

<sup>56</sup> I have placed a list of the Educational Decrees that are documented in the Harry Potter novels in Appendix 2

<sup>57</sup>“Alice Nuttall was a doctoral student in English at Oxford University at the time her chapter was published”(MRP-P 60).

<sup>58</sup> In this quotation I have changed the author’s acronyms in reference to the Harry Potter novels to conform to the ones that I have used throughout this paper to avoid confusing the reader. However, the page numbers are maintained as she used the same edition of the text that I have.

<sup>59</sup> Newt Scamander defines the classification of Being in his *Fantastic Beasts and Where to Find Them* when he wrote,

Not until 1811 were definitions found that most of the magical community found acceptable. Grogan Stump, the newly appointed Minister for Magic, decreed that a ‘being’ was ‘any creature that has sufficient intelligence to understand the laws of the magical community and to bear part of the responsibility in shaping those laws (FB XII).

<sup>60</sup> (Christie Chapter 5), (Sims Chapter 17), (Chappell Chapter 13), and (Fisher Chapter 14)

<sup>61</sup>“Katie Christie was a graduate student in social work at the time of her chapter’s publication in 2012” (MRP-P 61).

<sup>62</sup> Dr. Drew Chappell teaches Theatre Arts at California State University Fullerton University “Hogwarts Department of Sociology” *The Sociology of Harry Potter: 22 Enchanting Essays on the Wizarding World* n. pag. 2012.

<sup>63</sup> “At the time of publication Mya Fisher was a doctoral candidate in sociology at the University of Wisconsin –Madison”(MRP-P 61).

<sup>64</sup> See note 45.

<sup>65</sup> (OP 113, CS 147-148, HBP 103, HBP 179-180, SS 125, SS 139, PA 125-126, GF 209, GF 479)

<sup>66</sup> (SS 105-106, HBP 103, SS 53, HBP 70)

<sup>67</sup> A fictional newspaper.

<sup>68</sup>Luna is also bullied by her classmates for example when they steal her possessions (OP 862).

<sup>69</sup> “Dr. Ty Hayes is a researcher in the Sociology department at the University of Warwick”(MRP-P 60).For more information see Erving Goffman’s *Stigma: Notes on the Management of Spoiled Identity*. Toronto: Simon and Schuster, 2009. Kindle Edition.

<sup>71</sup> Dr. Tom Shakespeare is an ethicist and disability studies scholar at Norwich Medical School in the United Kingdom.

<sup>72</sup> In this context I am using the word Giant to describe individuals with in the Harry Potter novels who are genetically linked to the Giant community and not as a means of labeling or stigmatizing characters or individuals with this form of disablement.

<sup>73</sup> The Daily Prophet is a fictional newspaper.

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<sup>74</sup> Two other characters with impairments that also bond with animals as a coping mechanism in response to their disability based otherness are Mrs. Figg and Argus Filch who are both Squibs as well as being cat owners (SS 22), (OP 20), (SS 132-133) and (CS 142).

<sup>74</sup>“Dr. Anna Chilewska is a writing instructor at the University of Alberta” (MRP-P 60).

<sup>76</sup> Dumbledore’s sexual identity is discussed in Tamar Szabó Gendler’s chapter “Is Dumbledore Gay? Who’s to Say?” *The Ultimate Harry Potter and Philosophy Hogwarts For Muggles*. Ed. Gregory Bassham Hoboken: John Wiley and Sons, 2010: 143-156. Kindle Edition. as well as in Grainne O’Brien’s chapter “Voldemort As A Queer Child” *The Sociology of Harry Potter: 22 Enchanting Essays on the Wizarding World*. Ed. Jenn Sims Hamden: Zossima Press, 2012: n pag Chapter 19. Kindle Edition.

<sup>77</sup> Nagini was Lord Voldemort’s pet snake as well as the last Horcrux.

<sup>78</sup> Remus Lupin is the only exception to the exclusion of characters with lycanthropy recorded in the *Harry Potter Series* to the best of my knowledge.

<sup>79</sup> Dr. Loris Vezzali is a professor at the University of Modena and Reggio Emilia in Education and Human Services (Vezzali et al 105).

<sup>80</sup> Dr. Sofia Stathi teaches psychology at the University of Greenwich (Vezzali et al 105).

<sup>81</sup> Professor Dino Giovannini was teaching social psychology at the University of Modena and Reggio Emilia at the time of this publication (Vezzali et al 105).

<sup>82</sup> Professor Dora Capozza teaches in the psychology department at the University of Padova (Vezzali et al 105).

<sup>83</sup> Dr. Elena Trifiletti is an assistant professor of psychology at the University of Verona (Vezzali et al 105).

<sup>84</sup> Dr. Paul Axelrod is a Professor in the graduate program in Education at York University in Toronto.

<sup>85</sup> Ontario’s special education legislation did not come into effect until 1985 (Valeo 102).

<sup>86</sup>“Dr. Angela Valeo is an associate professor of Early Childhood Studies at Ryerson University”(MRP-P 62).

<sup>87</sup> The sections of the Act that address special education are 8 (3), 11, 13, 57, 57.1, and 170

<sup>88</sup> Education Act, R.S.O. 1990, c. E.2

<sup>89</sup> The regulations that address special education directly or indirectly are as follows, 181, 296, 298, 306, and 464 (IBID).

<sup>90</sup> (*Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982(UK)*, 1982, c 11. s 1).

<sup>91</sup> (*Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982(UK)*, 1982, c 11. s 15).

<sup>92</sup> I have been unable to locate additional information about these scholars.

<sup>93</sup>“Dr. Sonja Grover is a professor in the Faculty of Education at Lakehead University” (MRP-P 62).

<sup>94</sup> Dr. Dianne Pothier is a retired professor of law who formally taught at the Schulich School of Law at Dalhousie University.

<sup>95</sup>“Dr. Spencer Salend is a scholar in the field of education with research interests in special education and student assessment” (MRP-P 62).

<sup>96</sup> “Dr. Gary Bunch is professor emeritus at York University” (MRP-P 62).

<sup>97</sup> Dr. Mona Paré is an Associate Professor of Law at the University of Ottawa

<sup>98</sup> Robert E. Charney was a Toronto based lawyer at the time of this publication.

<sup>99</sup> Sarah Kraicer was a Toronto based lawyer at the time of this publication.

<sup>100</sup> “Gwen Brodsky is a practicing lawyer in British Columbia” (MRP-P 62).

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<sup>101</sup> In British Columbia, special education is not required under the *School Act*. Instead, sections 75, 85, and 88.1 permit the Minister of Education to create administrative orders that schools and school districts must comply with. The administrative order that led to special education services being created in British Columbia was Ministerial Order M150/89 which was last amended in 2007.

<sup>102</sup> Ministerial Order M150/89 as amended in 2007 states,

Interpretation 1 In this order "board" includes a francophone education authority; and "student with special needs" means a student who has a disability of an intellectual, physical, sensory, emotional or behavioural nature, has a learning disability or has exceptional gifts or talents.

(paragraph 2) Students with special needs 2 (1) A board must ensure that a principal, vice principal or director of instruction offers to consult with a parent of a student with special needs regarding the placement of that student in an educational program. (Paragraph 3)(2) A board must provide a student with special needs with an educational program in a classroom where that student is integrated with other students who do not have special needs, unless the educational needs of the student with special needs or other students indicate that the educational program for the student with special needs should be provided otherwise.

<sup>103</sup> For more information regarding the differences between Ontario and British Columbia's special education provisions see Donald Poirier and Léonard Goguen (231-244).

<sup>104</sup> In 1980, Ontario codified a new education Act which contained special education provisions, but these aspects of the Act did not come into effect until 1985 (Valeo 102).

<sup>105</sup> Angelina Johnson who is described as being "a tall black girl" (GF 261), Parvati and Padma Patil (SS 121 Sims Chapter 17), Dean Thomas (Sims 17), and Cho Chang (PA 259 Sims Chapter 17).

<sup>106</sup> (Gladstein 49-60), (Liedl 245-268), and (Railton Chapter 16).