

# The Law and Harry Potter

Edited by

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# Harry Potter Goes to Law School

Lenora Ledwon

*"It is our choices, Harry, that show us what we truly are, far more than our abilities."*

—Professor Dumbledore<sup>1</sup>

Law students read Harry Potter.<sup>2</sup> They read about him in between reading cases, statutes, codes, and other texts filled with magical words. (Sometimes they read about him *instead* of reading cases, statutes and codes.) Hogwarts School of Witchcraft and Wizardry looks very much like a Harvard Law School for wizards, a school where students learn the secrets of magic words of power. Both types of schools offer explicit and implicit lessons about power, its acquisition, and its uses. Education offers student wizards and student lawyers alike the tools to become forces for evil or good in the world.

Like all great novels of development, the Harry Potter stories ask one central question, "How shall I live in the world, for good or for ill?" This is an often unspoken question in law school, where concerns about grades, jobs and salaries can all too easily take precedence. Yet, it is one law students must face. What kind of practitioner will I become? Where will I seek the kind of "fierce joy" that Harry finds in his Seeker role? And, most importantly, what will I choose to do with this power I am acquiring?

This chapter explores the implications of the similarities between law school and wizard school by focusing on the topics of: (1) students; (2) professors; (3) studying and exams; and (4) academic culture. I conclude that the series of Harry Potter books can be read collectively as one overarching bildungsroman (or novel of development) and that this process of development is very simi-

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1. *Chamber of Secrets* 333.

2. *The Chronicle of Higher Education*, in its periodic surveys of the top ten books being read on college campuses, consistently lists Harry Potter books. My own informal polls of students in my *Law and Literature* courses confirm that Rowling's books are quite popular among law students.

lar to the process law students follow in learning to “think like a lawyer” during their three years of law school.<sup>3</sup> Knowledge is power in the most literal sense in the world of Hogwarts, and in the world of law school, as well. Students at Hogwarts are selected for an elite education (although the acceptance letter arrives by owl, rather than ordinary mail). They face a tough curriculum, grueling examinations, and terrifying and/or boring teachers. (Snape is the frighteningly cruel Socratic teacher who lives to humiliate students. Professor McGonagall is that favorite teacher who is firm but fair.) Harry and his friends must negotiate the process of becoming more and more powerful at the same time they are feeling powerless as “lowly” students within the hierarchy of the educational institution. For law students in particular, there is a profound resonance to the Harry Potter stories.

## Student Lawyers and Student Wizards

### *Sorting Out Ordinary and Extraordinary*

#### *Students—Am I Supposed to Be Here?*

Rowling’s books follow in the popular literary tradition of the 19th-century British school story.<sup>4</sup> (Traditionally, such stories follow the social, educational, and moral progress of a young boy at a British “public” boarding school.) But there is another, more recent type of school story which also is pertinent to understanding the Harry Potter series: the law school story. Whether it is told as a novel (John Jay Osborn, Jr.’s *The Paper Chase*) or as a memoir (Scott Turrow’s *One L*), the law school story explores law student life and the challenges of legal education.<sup>5</sup> In law school stories, just as in the British public school story,

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3. A bildungsroman is a novel of development, a story tracing the formation of a hero or heroine through childhood to adolescence to young adulthood. Famous examples include Goethe’s *Wilhelm Meister* and Dickens’ *David Copperfield*. CHRIS BALDICK, OXFORD CONCISE DICTIONARY OF LITERARY TERMS 27 (2004). See generally JEROME BUCKLEY, SEASON OF YOUTH: THE BILDUNGSROMAN FROM DICKENS TO GOLDING (1974).

4. The most famous example is Thomas Hughes’ 1857 novel, *Tom Brown’s Schooldays*. See generally BEVERLY LYON CLARK, REGENERATING THE SCHOOL STORY: SASSY SISSIES AND TATTLING TOMBOYS (1996); ISABEL QUIGLY, THE HEIRS OF TOM BROWN (1982). For an excellent discussion of how the Harry Potter stories fit into the school story genre, see Karen Manners Smith, *Harry Potter’s Schooldays: J.K. Rowling and the British Boarding School Novel*, in READING HARRY POTTER: CRITICAL ESSAYS 69 (Giselle Liza Anatol ed., 2003).

5. See, e.g., JOHN JAY OSBORN, JR., *THE PAPER CHASE* (1971); SCOTT TURROW, *ONE L* (1977). These two are the most well-known law school stories, but the genre continues.

the reader follows the development of the protagonist as he (and the protagonist typically has been a "he") encounters terrifyingly strict teachers, takes part in exhilarating school competitions, works through massive amounts of homework, and makes friends and foes among his classmates. Harry's epic story, spread across a course of intensive study lasting years, reflects many of the same fears, hardships and triumphs that law students face during their time in law school. Law school and wizard school alike are process-oriented. Students move through a process of early self-doubts and anxieties, to a growing knowledge that not all the answers are in books, and to a confidence not only in their abilities to think like lawyers/think like wizards but also a self-confidence in trusting themselves to make the right choices.

When Harry first learns that he has been accepted into Hogwarts, he worries, like many a new law student, that there has been a horrible mistake. "A wizard? Him? How could he possibly be?"<sup>6</sup> He also frequently wonders if the Sorting Hat put him in the correct house—should he be in Slytherin instead of Gryffindor? Similarly, many law students secretly worry that they will be uncovered as imposters—could they really be good enough to compete with all the other obviously bright and talented students?

While the Sorting Hat sorts students into one of four houses based on abilities (Gryffindor for the brave, Ravenclaw for the bright, Slytherin for the ambitious and Hufflepuff for the hard-working), law schools sort students in many ways. We sort our students before they are accepted into law school (on the basis of undergraduate grades, L.S.A.T. scores, applicant essays, etc.) and also once they are in law school (on the basis of course grades, class rank, membership in the Law Review, Moot Court competitions, and the like). Law school admissions committees sometimes can be philosophically more like Helga Hufflepuff (depending on the school's mission statement and commitment to hard work and diversity) or more like Rowena Ravenclaw (totally focused on grades and L.S.A.T. scores). The sorting process in law schools is not unproblematic, for grades are not perfect reflections of ability. Additionally, too much sorting and emphasis on grades can create a debilitating, cut-throat atmosphere on campus. The Sorting Hat warns of the divisive dangers of unbridled rivalry, in the song it sings in *The Order of the Phoenix* (which could be re-titled, "Lament of the Admissions Committee"):

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See, e.g., RICHARD KAHLENBERG, *BROKEN CONTRACT: A MEMOIR OF HARVARD LAW SCHOOL* (1992).

6. *Sorcerer's Stone* 57.

*Listen closely to my song:  
Though condemned I am to split you  
Still I worry that it's wrong.  
Though I must fulfill my duty  
And must quarter every year  
Still I wonder whether sorting  
May not bring the end I fear.<sup>7</sup>*

Law students are already a pretty competitive bunch, and the sorting process that starts with law school admissions and continues throughout all three years of law school can provoke as intense rivalries among students jostling for top positions as any of those we see between Gryffindor and Slytherin.

### *Of Gunners and Gut Courses*

Harry and Ron begin as rather average students. (Harry's growing skill in Defense Against the Dark Arts seems more innate than gained by studying, and Ron frequently relies on copying Hermione's notes.) Hermione, however, is clearly a gunner from day one. "Gunners," in law student parlance, are those partly despised and partly feared students who constantly raise their hands to every question the teacher asks and who have over-prepared for each and every class. (This is the kind of student who, in a Contracts class, asks, "Professor, in this 19th-century case about sheep-shearing cited in footnote 23, what effect did the exchange rate have on the breach of the wool delivery?")

Interestingly, Hermione seems to be the *only* gunner in the school. (She rarely has any competition in her classes, and she clearly is the most hard-working student.) This is quite different from law schools, where any given class might have any number of gunners shooting their hands up into the air at every opportunity. As a result of the prevalence of gunners, one popular game we used to play in law school was "Gunner Bingo." You would fill out a bingo card with the names of the gunners in your class, and each time one spoke you checked off his or her name. Then, you had to raise your own hand and work the word "bingo" into your answer to the professor. ("Professor, once you prove offer, acceptance, and consideration, then Bingo, you have an enforceable contract!") Gunner Bingo required a large class with a good number of gunners, but we never had a shortage. Hermione appears to be the solitary gunner at Hogwarts.

Hermione would do well in law school. Unlike Harry and Ron, she lives and breathes her studies. Hermione is completely focused on learning, and very

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7. *Order of the Phoenix* 206.

well-organized. She draws up strict study schedules and color codes her notes. (I remember being completely intimidated by seeing a friend's color-coded looseleaf binder of notes taken during our Civil Procedure class in law school. Her notes were almost as lengthy as our casebook.) We learn in *The Prisoner of Azkaban* that Hermione even studies on vacation. And to top it off, she takes "Muggle Studies" as a course, despite being Muggle-born, because she thinks it will be interesting to study Muggles from the wizarding point of view.

Hogwarts students consider Muggle Studies an easy course (a "gut" course), as compared to a difficult course such as Potions. Perhaps the law school equivalent of Muggle Studies would be a course on Harry Potter and the Law—at least, that is, until the students realized what they were getting into. Taxation might be the equivalent of Potions, as far as legendarily difficult courses go.

The first year students at Hogwarts don't have much choice in their courses, just as first year law students usually have to take a required schedule. While Hogwarts students will be taking such courses as Potions, Transfiguration, and Defense Against the Dark Arts, first year law students will be taking Contracts, Civil Procedure, Legal Writing, Torts, and the like. It is not until after their first year that law students get some choice in their courses, and even then they still have a number of required courses to take.

## *Friendships*

Law school education is a form of initiation (into the mysteries of the law), and a rite of passage (perilous and exhilarating). Strong bonds are forged under such conditions, not unlike the bond formed between Harry, Ron, and Hermione: "There are some things you can't share without ending up liking each other, and knocking out a twelve-foot mountain troll is one of them."<sup>8</sup> Similarly, law student friendships, formed in the camaraderie of late-night studying and tough classes, can be deep and long-lasting. Some friendships ripen into marriage, and some into that other close relationship, the law partnership.

## Professors

### *Socratic Teaching and Learning by Doing*

In a famous scene from the film version of *The Paper Chase*, the intimidating Professor Kingsfield (played by John Houseman) humiliates a law student

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8. *Sorcerer's Stone* 179.

by handing him a dime in front of the whole class and telling him "Call your mother. Tell her there is serious doubt about your becoming a lawyer."<sup>9</sup> Snape would give Kingsfield a run for his money in the "Humiliating Your Students Olympics." He frequently insults and embarrasses students in front of their peers. While some teachers are encouraging (Professor Sprout, for example, is happy to award points for good answers), Snape displays a sadistic delight in taking points away and in teaching through intimidation. Snape is perhaps the nightmare version of the Socratic professor. The Socratic Method is legendary as the traditional technique for law school teaching. Under this method, the professor (like Socrates) engages in a line of directed questioning with the students, hoping to encourage them to think through difficult problems analytically. In its worst form, it can be a tool for humiliation, where a teacher with a great deal of knowledge hides the ball from a student with lesser knowledge. Snape plays such a game with a vengeance. He constantly asks Harry questions to which Harry can't possibly know the answer. Snape abuses the Socratic Method. For example, he brings Neville near tears, criticizing his efforts at potion making: "Tell me, boy, does anything penetrate that thick skull of yours? Didn't you hear me say, quite clearly, that only one rat spleen was needed?"<sup>10</sup> Such behavior would clearly be beyond the pale in today's law school classroom, and would probably result in student protests to the dean.

But what teacher hasn't secretly wished at some time or another to behave as Professor Moody does in turning Draco into a ferret and bouncing him about (to punish him for attacking Harry when Harry's back was turned)? When Professor McGonagall asks Moody what exactly he is doing, Moody answers tersely, "Teaching."<sup>11</sup> It's not Socratic, but it is indeed a priceless teaching moment. (You can bet Malfoy will never forget it.)

Significantly, almost all of the teachers at Hogwarts use some form of practical application in their teaching. The one exception seems to be the History of Magic teacher, whose sole technique is the lecture. He is so boring and his routine is so set, he actually died but didn't notice, and his ghost simply got up to teach one day. Rowling's description of a typical History of Magic class must sound familiar to many a weary law student: "Professor Binns opened his notes and began to read in a flat drone like an old vacuum cleaner until nearly everyone in the class was in a deep stupor, occasionally coming to long enough to copy down a name or date, then falling asleep again."<sup>12</sup>

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9. *THE PAPER CHASE* (Twentieth Century Fox Film Corp. 1973).

10. *Prisoner of Azkaban* 125–26.

11. *Goblet of Fire* 206.

12. *Chamber of Secrets* 148.

Aside from Professor Binns, everyone else teaches by having the students actually put the lesson into practice. Thus, Professor Trelawney has the students interpret the patterns in tea leaves. Professor Lupin has the students put away their books and use their wands to face a boggart. Professor McGonagall has them transfigure objects (a beetle into a button, or a mouse into a snuffbox, for example).

The use of practical applications of knowledge is something law students do in clinical courses. Most law schools offer opportunities for second or third year law students to work in a legal clinic under the supervision of an attorney. (Examples of possible clinics might include a child advocacy clinic, a domestic violence clinic, an immigration clinic, a taxation or bankruptcy clinic, an environmental law clinic, a poverty law clinic, and the like.)

The infamous McCrate Report, published by the American Bar Association in 1992, heavily criticized law schools for placing too much emphasis on theory and too little on skills training.<sup>13</sup> (Undoubtedly, any course that focused on something like Harry Potter and the Law would be the first to go, under the Report.) In the world of Hogwarts, all the weights are on the McCrate side of the balance scale. That is, it is only evil teachers (such as the despicable Professor Umbridge) who want to focus on theory at the expense of practice. Indeed, the students are greatly outraged in *The Order of the Phoenix* when Umbridge writes her course aims on the board for Defense Against the Dark Arts, and the aims are purely theoretical.

Hogwarts students, just like law students, show a great enthusiasm for teachers who have been practitioners. There is nothing that beats the mystique of real life experience. Consider the following remarks in response to Harry's question about what Professor Moody is like as a teacher:

"Fred, George, and Lee exchanged looks full of meaning.

'Never had a lesson like it,' said Fred.

'He *knows*, man,' said Lee.

'Knows what?' said Ron, leaning forward.

'Knows what it's like to be out there *doing* it,' said George impressively.

'Doing what?' said Harry.

'Fighting the Dark Arts,' said Fred.

'He's seen it all,' said George."<sup>14</sup>

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13. AM. BAR ASS'N, SECTION ON LEGAL EDUC. AND ADMISSION TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM: REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (1992).

14. *Goblet of Fire* 208.

A very special type of practitioner is the celebrity lawyer. (Celebrity professors, alas, are far less common.) The celebrity lawyer is a type seen at many law schools. This is someone who typically comes in to teach a specialized seminar for a semester or two. The administration hopes to add a certain cachet to the school (and possibly give a bounce to the school's reputation). Celebrity lawyers are a mixed lot, but one thing they have in common—they will always assign their own books. Thus, Gilderoy Lockhart is no exception in assigning all seven of his books (everything from *Break with a Banshee* to *Year with the Yeti*) in *The Chamber of Secrets*.

Finally, one of the most interesting teachers Harry has is not even a human, but a centaur. Firenze seems to be a very postmodern teacher (and perhaps a bit of a Critical Legal Studies person at heart in his disavowal of any transcendent system of knowledge):

It was the most unusual lesson Harry had ever attended. They did indeed burn sage and mallowsweet there on the classroom floor, and Firenze told them to look for certain shapes and symbols in the pungent fumes, but he seemed perfectly unconcerned that not one of them could see any of the signs he described, telling them that humans were hardly ever good at this, that it took centaurs years and years to become competent, and finished by telling them that it was foolish to put too much faith in such things anyway, because even centaurs sometimes read them wrongly. He was nothing like any human teacher Harry had ever had. His priority did not seem to be to teach them what he knew, but rather to impress upon them that nothing, not even centaurs' knowledge, was foolproof.<sup>15</sup>

## Studying and Exams

### *Books and Other Sources of Knowledge*

Scott Turrow famously described the process of reading cases during law school studies as “like stirring concrete with my eyelashes.”<sup>16</sup> Grinding away at studies is one of the givens of law school education, and of a wizard's education, too. Trying to master the infamously difficult Rule Against Perpetuities (from Property class in law school) is on a par with mastering the fiendishly difficult recipe for Polyjuice Potion.

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15. *Order of the Phoenix* 603–04.

16. TURROW, *supra* note 5, at 31.

Books are sources of power, both in law school and in wizard school. But because they are powerful, books also can be dangerous. In *The Prisoner of Azkaban*, Harry's *The Monster Book of Monsters* actually bites him. Ron tells Harry just how dangerous books can be: "Some of the books the Ministry's confiscated—Dad's told me—there was one that burned your eyes out. And everyone who read *Sonnets of a Sorcerer* spoke in limericks for the rest of their lives. And some old witch in Bath had a book that you could *never stop reading!* You just had to wander around with your nose in it, trying to do everything one-handed."<sup>17</sup> Tom Riddle's diary, of course, proves especially dangerous, particularly to Ginny and Harry. Similarly, cases and statutes, too, can be used for good or ill.

Law students often prefer used textbooks, not only because they are cheaper than new ones, but because sometimes they are marked-up with good notations made by the previous student owner. Similarly, Harry enjoys his used (and very marked-up) copy of *Advanced Potion-Making* in *The Half-Blood Prince*, amazing Professor Slughorn with his skill in Potions.

Books, law books and magical books alike, are filled with secrets. Part of the process of education is learning how to decipher the words of power in books. Another part of the educational process is recognizing just exactly how far books will take you, and the extent of their limitations. Hermione, through several of the early Harry Potter stories, clearly believes that all the answers are in books. In *The Chamber of Secrets*, when Harry asks why Hermione has to go to the library, Ron replies, "Because that's what Hermione does," adding, "When in doubt, go to the library."<sup>18</sup> Hermione is clearly startled when Professor Trelawney tells them in Divination class, "Books can take you only so far in this field."<sup>19</sup> But by the time of the events of *The Order of the Phoenix*, she is ready to take the plunge and helps form Dumbledore's Army to practice Defense Against the Dark Arts by themselves. Hermione tells Ron, "No, I agree, we've gone past the stage where we can just learn things out of books...."<sup>20</sup> Law students, too, must face that challenging and difficult moment when they realize that there may be no clear-cut answer in the books.

### *Study Aids and Anti-Cheating Spells*

Law students have a wide variety of study aids available to them, based on how much money they are willing to spend and on the depth of their desper-

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17. *Chamber of Secrets* 230–31.

18. *Chamber of Secrets* 255.

19. *Prisoner of Azkaban* 103.

20. *Order of the Phoenix* 325.

ation as exams approach. Course outlines, flashcards, computer programs, tutors, all these and more tempt students to lay out hard-earned cash. Other chemical substances purporting to aid in concentration also may make the rounds. However, at least law students are not tempted by bottles of Baruffio's Brain Elixir, which Ron and Harry consider buying in *The Order of the Phoenix* until Hermione tells them the real ingredients (dried doxy droppings). And what hapless law student, pulling another all-nighter while studying for a final exam, wouldn't love to have a Time-Turner such as Hermione has? Every student needs more of that most precious commodity, time.

But before exams, Professor McGonagall sternly tells the students, "Now, I must warn you that the most stringent Anti-Cheating Charms have been applied to your examination papers. Auto-Answer Quills are banned from the examination hall, as are Remembralls, Detachable Cribbing Cuffs, and Self-Correcting Ink."<sup>21</sup> While law students undoubtedly are intrigued by the sound of some of these cheating tools, they are also fully aware that law schools use their own computer magic to ensure that students typing exams are unable to log on the Internet, or to access any files or notes.

## Examinations

Hogwarts exams often are a combination of written tests and practical tests. Students have to be prepared to write long essay answers explaining the history of the Goblin Rebellion, but also be able to make a pineapple tap dance across a table. (The incentive to study for the Potions test is especially high, when the professor threatens to poison one of the students to see if their antidotes work, as Snape does in *The Goblet of Fire*.)

Exams loom large for law students, too (although law school exams overwhelmingly consist of written essay questions rather than practical applications). First year exams are particularly stressful, with the grade for the entire course resting on one examination. The results of first year exams often become the basis for receiving an invitation to be on the editorial board of the school's law review (a very prestigious position). Many a law student has felt the same pressures Harry feels in his History of Magic exam: "Think, he told himself, his face in his hands, while all around him quills scratched out never-ending answers, and the sand trickled through the hourglass at the front..."<sup>22</sup>

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21. *Order of the Phoenix* 708–09.

22. *Order of the Phoenix* 726.

## *Grades and Future Careers*

There is an old saw about law school grades that goes something like this: "The 'A' students become the law professors; the 'B' students become the lawyers; and the 'C' students become the judges." The comforting idea behind this somewhat ironic saying is that the grade-obsessed gunners who truly "love the law" will find their niche in teaching. The solid students will become practitioners and make piles of money, and those with other skills (such as political skills) will be able to lord it over all as decision-makers in the judicial system. There seems to be some similarity here to the Hogwarts denizens. For example, Dumbledore was one of the smartest wizards of all time and yet he only wanted to be Headmaster. (He was offered the post of Minister of Magic, but was not interested.) Similarly, the equally brilliant Lord Voldemort was one of the brightest students Hogwarts had ever seen, and he wanted to be the Defense Against the Dark Arts teacher. The scholastically average Weasley twins, Fred and George, leave school early to make a mint of money in their Joke Shop. Mediocrities such as Fudge end up as Minister of Magic.

For most of the students, grades are integral to career paths. Thus, it is Book Five, where the students take their O.W.L. exams, that illustrates most clearly the stress and strain of exams. O.W.L.s are similar in importance to the Bar Exam for law students, for like the Bar, O.W.L.s are essential to proceed on with your career.

Perhaps the only thing more excruciating than taking exams is waiting for the results. In addition to final exams in courses, law students have to pass their state bar examination before they are qualified to practice law. The test is usually taken in July, and the results take several months. (Unfortunately, the results are not delivered by owl.) The bar examination score has both an essay component and a multiple choice component and the results are not always capable of being taken in at a glance. One of my friends, out of town on a document review when his letter arrived, had his mother open it for him. He asked her on the phone, "Did I pass?" There was a long, agonizing silence as she opened the letter and read it, and finally she said, "I just don't know!" (He had passed, as it turned out.) Similarly, Harry and his friends have to decipher a complicated grading system where "O" stands for "Outstanding," "E" means "Exceeds Expectations," "A" only means "Acceptable," and the failing grades are "P" for "Poor," "D" for "Dreadful," and of course, the appropriately named bottom grade, "T" for "Troll."<sup>23</sup>

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23. *Half-Blood Prince* 102.

However, career planning is perhaps more creative for Hogwarts students than for the typical law student. Our law school placement office rarely has such interesting pamphlets as, "Have You Got What It Takes To Train Security Trolls?" and "Make A Bang At The Department of Magical Accidents and Catastrophes."<sup>24</sup>

## Academic Culture

### *Rankings and School Competitions*

Hogwarts seems to be the Harvard of wizarding schools. In *The Goblet of Fire*, Harry first learns of the existence of other wizarding schools. The three largest European schools are Hogwarts, Beauxbatons and Durmstrang. (It's interesting to speculate what the law school equivalent of the other schools would be.) But Hermione tells Harry that Durmstrang's got a horrible reputation. She says, "According to *An Appraisal of Magical Education in Europe*, it puts a lot of emphasis on the Dark Arts."<sup>25</sup> This *Appraisal* seems to be the wizard's equivalent of the annual (and notorious) *U.S. News and World Report* ranking of law schools. (The rankings are notorious because law schools bitterly complain about the relevancy of the rankings, but spend an inordinate amount of time and energy hoping to move up in the rankings.)

The rivalry between schools in the Triwizard Tournament is fierce. Similarly, moot court competitions between teams representing different law schools can be very competitive.

### *Formalities of Dress and Address*

In the type of public boarding school setting of Rowling's novels, the academic culture is quite a bit more formal than at many law schools. For one thing, students and faculty at Hogwarts dress formally for classes. (They wear black robes over their regular clothes.) Law students, in contrast, no longer wear suits and ties to classes (unless they have an interview scheduled for right after class). I remember my grandmother being appalled when she saw me heading out to one of my law school classes in blue jeans and a t-shirt. She was even more shocked when I told her some of my professors also wore jeans.

As for forms of address, Hogwarts teachers address students by last names. In law school classes, this is pretty much a matter of teaching style for the pro-

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24. *Order of the Phoenix* 657.

25. *Goblet of Fire* 166.

fessor. Some law professors address students as “Mr. Smith” or “Ms. Jones,” while other professors use first names. (The choice is also influenced by class size—the larger the class, the more likely that the professor will go by last names.) However, in both Hogwarts and law school, teachers are addressed as “Professor.” (It is the rare law professor who feels secure enough to ask students to address her by her first name.)

### Setting

Hogwarts School of Witchcraft and Wizardry is a 1,000 year old institution housed in a medieval castle. Many law schools, even the more recently established ones, opt for the ancient medieval look in their buildings (particularly the library). Such a setting suggests a sacred place (a cathedral of learning), a place filled with power, a strong and entrenched institution. The majestic architecture of Hogwarts (and of many law schools) metonymically represents the power and privilege of the place.

## Book 7 or Is There Life after Law School?

The well-schooled Rowling begins the concluding book in her Harry Potter series with two epigraphs: a quote from Aeschylus’ ancient and bloody Greek tragedy, *The Libation Bearers*, and a quote from the Quaker William Penn’s *More Fruits of Solitude*. This is the only book out of the seven in which Rowling includes any prefatory quotes, and it is worth while considering her selection in some depth, particularly for their insights into the rule of law. “Bless the children, give them triumph now,” the Chorus prays in the quote from *The Libation Bearers* and Electra and Orestes dutifully plot matricide in their vengeance-based society. The selection from William Penn, on the other hand, offers consolation in the face of death: “For they must needs be present, that love and live in that which is omnipresent.” For Penn, love and friendship can never perish, being part of the divine. The two quotations, while dealing with death and love, could hardly be more apt for their resonances with the rule of law.

*The Libation Bearers* is the second play in Aeschylus’ *Oresteia* trilogy, the story of a blood feud that destroys the ill-fated family of the House of Atreus.<sup>26</sup>

26. For an excellent version of the trilogy, see ROBERT FAGLES, *THE ORESTEIA: AGAMEMNON, THE LIBATION BEARERS & THE EUMENIDES* (1984).

The trilogy is often taught in "Law & Literature" courses, and broadly features a movement from a revenge society to a rule of law society. It is (among many other things) a study in jurisprudence. In the first play, Queen Clytemnestra kills her husband, Agamemnon, as revenge for his killing of their daughter, Iphigenia. (Agamemnon has sacrificed Iphigenia in order to get fair winds for his war ships heading to Troy.) In the second play, *The Libation Bearers*, the remaining children plot the death of Queen Clytemnestra and her new husband. Electra urges her brother, Orestes, to avenge their father's death by killing their mother. Orestes kills his mother, but then he is tormented by the Furies for his crime of matricide. The third play is the trial of Orestes. Does Orestes deserve continued torment by the Furies for killing his mother, when it was his duty to avenge the death of his father? A jury of Athenians hears the case, presided over by Athena as judge. Apollo acts as Orestes' attorney and the Furies appear on behalf of the murdered Clytemnestra. The result is a hung jury, with Athena casting the deciding vote for mercy. The spiral of vengeance comes to an end.

At first blush, there could hardly be a greater contrast than that between the violent, bloody story of the *Oresteia* and the gentle consolation of the William Penn excerpt. However, for students of legal history William Penn is far more than just the benevolent Quaker founder of Pennsylvania.<sup>27</sup> Penn studied law at Lincoln's Inn and drafted the legal framework for the government of Pennsylvania. But perhaps most significantly, Penn was responsible for protecting the early right to trial by jury in England. Penn, a defender of Quakerism, was accused of preaching in public in violation of an Act to suppress religious dissent. At Penn's trial, the judge directed the jury to come to a verdict without hearing any defense. As an additional outrage, the government refused to present an official indictment (probably over concern that the Act itself might be overturned). Despite enormous pressure from the judge, the jury returned a verdict of "not guilty." The judge then sent the jury to jail. Great political pressures were involved in the case; the Lord Mayor of London even became involved in trying to strong-arm the jury. However, the jury held fast and eventually won their freedom, protecting the right to trial by jury.

Both opening excerpts resonate with the idea of a systemic change, a breathtakingly different world view. The blood vengeance of *The Libation Bearers* must give way to a legal system of reason tempered by mercy. The dark human fear that death is a final end gives way to the divine light of Penn's vision of undy-

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27. For a good discussion of Penn's life and work, see HANS FANTEL, *WILLIAM PENN: APOSTLE OF DISSENT* (1974).

ing love. (And for legal history fans, Penn's most famous trial created a sea-change by truly democratizing the British jury system, and evidencing the truth that pacifism is not for sissies.)

So what do these two epigraphs have to do with Harry, Ron, and Hermione, or, for that matter, with law students? They are key to understanding the children's quest, and key to understanding the transformative goals as well as the limits of a formal law school education. A new world view, a transformation that comes from within, can change the very idea of "victory" for Harry as well as for young lawyers.

"If the Deathly Hallows really existed, and Dumbledore knew about them, knew that the person who possessed all three of them would be master of Death—Harry, why wouldn't he have told you? Why?" He had his answer ready.

"But you said it, Hermione! You've got to find out about them for yourself! It's a Quest!"<sup>28</sup>

There is a sea change at work in Book Seven. Of all seven books in the Harry Potter series, *The Deathly Hallows* is the only one not set at Hogwarts. The new setting itself marks a great seismic shift, presaging the coming transformation of world view. Harry, Ron, and Hermione have dropped out of school to fight against Voldemort. Like the children in *The Libation Bearers*, their goal is a death: essentially, they are on a mission to kill Voldemort. No longer for them are the familiar school-year rituals of the Hogwarts Express, school robes, Quidditch matches, House rivalries and final exams. All that is familiar and comforting, including Hogwarts itself (a place Harry views as home), is now dangerous and perverse. At Hogwarts, students practice torture skills on other students. (They use the Cruciatius Curse on those who've earned detention.<sup>29</sup>) Only pure blood witches and wizards are entitled to education. Death Eaters are teachers now. Education is literally upside down (consider the opening scene to the book, where the professor of Muggle Studies is hung upside down and tormented and killed by Voldemort). We are in Big Brother land, Nazi Germany, the place of our living nightmares. The perversion of education is that it can become indoctrination.

Harry as questing hero will himself be transformed by his journey, but only after great suffering. On his quest, Harry finds that one by one he is being stripped of his all sources of power and comfort. His wand is broken, his best

28. *The Deathly Hallows* 433.

29. *Deathly Hallows* 573.

friend Ron deserts him, and Harry's core belief in Dumbledore is severely shaken. Why couldn't Dumbledore have told him what to do? Why doesn't Harry just have a magical list of instructions to follow? Has his Hogwarts education failed him? Harry comes to understand that in order to make the greatest paradigm shift of all, the move from childhood to adulthood, "you've got to find out . . . for yourself!" Thinking for yourself, like "thinking like a lawyer," is a leap into a new world, a transformation into a newer self. "Why doesn't my law professor just give us the answers?" is a frequent complaint of first year law students. We want students to think for themselves, to be ready to face new factual situations. And sometimes, like Dumbledore, we don't have the answers—all we have is a good hunch concerning what we think the courts might do.

Harry has learned his lessons at Hogwarts, but Hogwarts cannot teach him everything. His most difficult lesson comes when he decides not to act. In not racing Voldemort to the Elder Wand,<sup>30</sup> Harry does something that is out of character for him—he sits still. As a Seeker in Quidditch, and as a very active hero in the first six books, Harry has been in near-constant motion. But outward physical activity is not always the right decision. Harry suffers through his own sea change when he makes the conscious decision to do nothing about retrieving the Elder Wand. Law students as well may come to the point where they reach the limits of wisdom from formal legal education. Often such moments are ethical dilemmas which arise during summer clerkships or first year jobs. At such points, the young lawyer's decisions shape the type of person, both professionally and personally, she becomes. She is not without power—her legal education will serve her in good stead. But the answer to a quest is not something to be learned in school, but rather something to be found within.

## Conclusion

Dumbledore makes it clear that with great power comes great responsibility. When he talks to the young Tom Riddle for the first time, Dumbledore says that at Hogwarts, "[W]e teach you not only to use magic, but to control it. . . . All new wizards must accept that, in entering our world, they abide by our laws."<sup>31</sup> One of the dangers of acquiring power is starting to believe you are better than those without power. This is Voldemort's mistake, but it also is a common mistake for anyone entering a specialized profession, including the

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30. *Deathly Hallows* 302.

31. *Half-Blood Prince* 273.

law. Hermione, speaking of elf rights and wizard prejudices, tells Lupin, "It all stems from this horrible thing wizards have of thinking they're superior to other creatures...."<sup>32</sup> Coming to terms with power, whether you are a lawyer or a wizard, means finding the right balance between pride in expertise and humility in good service. How you come to define "good" should be an integral part of the individual lifelong educational journey.

Of course, there is not just one ur-story of legal education, or of a magical education, for that matter. Feminists and Critical Race scholars, among others, have long noted that the structure of legal education still serves to reinforce a power and privilege that all too often is white, male, and not working class.<sup>33</sup> This is one of the reasons I so enjoy Hermione as a character (and why I secretly wish Rowling had made her the main character, despite Harry's charms). Perhaps Rowling will give us further adventures at Hogwarts, featuring Ron and Hermione's daughter, or other diverse wizard students.

At the end of *The Half-Blood Prince*, Harry determines not to return to Hogwarts. (He has to set out on a quest to find and destroy first the Horcruxes, and then Lord Voldemort himself.) After all, one can't stay in school forever (sad as that thought will be to Rowling's fans.) Harry leaves Hogwarts ready for this last quest because Hogwarts has taught Harry to "think like a wizard" the way that law schools teach students to "think like lawyers." This type of thinking means not simply memorizing rules (magical words of power), but also knowing how to apply old rules to new cases, and perhaps even envisioning a re-shaping of the law (or a re-shaping of the rules of magic) as it affects the material conditions of our lives. "There was a lot more to magic, as Harry quickly found out, than waving your wand and saying a few funny words."<sup>34</sup>

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32. *Order of the Phoenix* 171.

33. See, e.g., Lani Guinier et al., *Becoming Gentlewomen: Women's Experience at One Ivy League Law School*, 143 U. PA. L. REV. 1 (1994). For an example of some of the limits of trying to universalize the law student story, see Brian Owsley, *Black Ivy: An African-American Perspective on Law School*, 28 COLUM. HUM. RTS. L. REV. 501 (1997).

34. *Sorcerer's Stone* 133.