

Family of X, a minor v William Shakespeare High

Matter No. 05/2007

The Quebec government recently passed a law modeled closely on the French legislature's secularizing regulation of that nation's schools. The Quebec law states in part that "in all public schools in Quebec, wearing symbols or dress by which students conspicuously manifest a religious affiliation is prohibited."

Sahar X is sixteen years old, and comes from an extremely devout Muslim family, which arrived in Montreal from Algeria when she was ten. Her father, Rachid X, was a professor of comparative literature in Algiers and an outspoken member of a radical Islamic organization there before a pattern of allegedly government-sponsored violence, and legal repression, forced him to seek refuge with Rachid's wife's family in Canada in 2000. Since then he has worked as a janitor in the Montreal region.

In accordance with her family's wishes, Sahar X wears a full *nigab* in public at all times as an expression of her faith and submission to God. At the beginning of this semester, after complaints from some of the other children and teachers, and in accordance with the government's policy, she was twice refused admission to William Shakespeare High School in NDG (school motto: *Small Latin and Less Greek*), where she is officially enrolled.

In a media interview on the question, Dr Arnold, the Headmaster of William Shakespeare High, quoted with approval the Final Report of the French Presidential Commission chaired by Bernard Stasi and issued in 2003. The prohibition of public displays of religious identity is there seen as a bulwark of secular society: "Demanding state neutrality does not seem very comparable with the display of an aggressive proselytism, particularly within the schools. Being willing to adapt the public expression of one's religious particularities and to set limits to the affirmation of one's identity allows everyone to meet in the public space."

The X family has on several occasions appealed to the school, the Board, and the Quebec Minister of Education, but their appeal at all levels has been denied. In a recent meeting between the school and the family, however, Rachid X and Dr Arnold engineered a compromise on the basis of an interest they both share. It was agreed to refer the matter to the Court of Shakespeare.

In the case of Family of X, a minor v. William Shakespeare High School the applicants seek an order of mandamus admitting Sahar to the School. The family has made it clear,

moreover, that they are not interested in an argument based on so-called 'free speech'. Instead they argue—

- (a) that the Quebec law prohibiting the wearing of symbols or dress by which students in public schools conspicuously manifest a religious affiliation is against the law of Shakespeare
- (b) that parents are responsible for the spiritual well-being of their children, even and especially where that spiritual well-being is in conflict with concerns of this world
- (c) that the revealed truth of God is not subject to any secular jurisdiction

The respondents argue—

- (d) that the law of Shakespeare does not prevent the Quebec law against religious display in public schools
- (e) that the state's obligations to the well-being of children take precedence over parental religious beliefs
- (f) that all expressions of religious faith are subject to the State's proper control of peace, order, and good government

In a pre-trial hearing, the Court has instructed both parties to focus their attention on the following:

- § *The Winter's Tale*
- § *Hamlet*
- § *Measure for Measure*
- § *All's Well That Ends Well*
- § Precedents of the Court of Shakespeare

Ordered this day 1 January 2007
Registrar of the Court of Shakespeare