

Amid Bill 21, the dreams of Quebec's openly religious law school students hang in the balance

By [Robert Leckey](#) in [Opinion](#), [Politics](#) | September 3rd 2019



Quebec Premier Francois Legault seen during English language leaders debate in Montreal on September 17, 2018. Photo by Allen McInnis / MONTREAL GAZETTE/POOL)

As dean of a law school in Quebec, last week I welcomed the incoming class of new students. As I do each year, I told them it's a wonderful moment to take up a legal education.

While preparing this year's speech, though, I had a new challenge. I had to decide how to acknowledge a new Quebec law that could deny employment to our law graduates based on religious observance.

It was in June that Quebec adopted an act respecting the laicity of the State, better known as Bill 21. The law affirms the importance of separating the state from religions. It requires public servants, and members of the public giving and receiving public services, to keep their faces uncovered. It also prohibits a long list of categories of persons from wearing religious symbols in the exercise of their functions: teachers, government lawyers, police officers and lawyers in the private sector who go to court under a government contract.

In an effort to shield the law from legal attacks, the government invoked the notwithstanding clauses in the Canadian Charter of Rights and Freedoms and Quebec's Charter of Human Rights and Freedoms to the maximum extent possible. Legal challenges are nonetheless underway.

I'm used to telling new students that law school will be challenging, but that they should set their sights high and work to achieve their dreams. I'm not used to telling students that if their faith requires them to wear a hijab, turban or kippah, some dreams are not for them.

At the onset of my conversation with the new class, a female student wearing a religious garment asked me if a new law would prevent her from applying to be a student clerk at a Quebec court. (The answer is no.) But if it's still in force when the time comes, the law will prevent her from securing a job as a lawyer for the provincial government. Moreover, whatever the law's limits, it and the divisive legislative process it followed appear to have fostered a sharp increase in harassment directed at Muslim women.

What does one say to new students in such circumstances?

How do you persuade those wearing religious symbols that they have a place in the legal profession and the public life of the province?

As I believe that teachers should avoid partisanship, it's relevant that the two principal opposition parties opposed the law. In any event, I don't regard concern for the rule of law, for fundamental rights and freedoms, and for the protection of minorities as partisan.

So, when it came to address this year's new law students, I made three points around Bill 21. First, I said that our law faculty — the only one to teach the civil law of Quebec in English — has always had a sensitivity to the minority experience. It has long championed civil liberties and fundamental freedoms.

Second, I acknowledged that rage about a law foreclosing employment based on one's religion might be a factor motivating new students to study law, so they might learn the tools to attack such measures.

Third, I mentioned that graduates of my faculty are leading the charge in challenging the law.

Given my responsibility for maintaining conditions in which all our students can flourish, I wondered whether I needed to acknowledge the law's supporters. After all, Bill 21 is the product of a majority government that maintains high standing in the polls. But I decided to leave it for another day. Those views find constant validation in the mainstream French-language media. Moreover, whatever discomfort criticism of the law produces for its supporters pales beside the law's direct and indirect harms for Muslim women and others affected.

It's too soon to know whether Bill 21 will still be in effect when the female student who spoke to me enters the job market. In the meantime, I hope she and her peers will find support from the Muslim Law Students' Association, the Women of Colour Collective and the wider community.

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