

IN THE COURT OF SHAKESPEARE

BETWEEN:

THE FAMILY OF X, a minor

Applicant

-and-

WILLIAM SHAKESPEARE HIGH

Respondent

FACTUM OF THE RESPONDENT

Group 6

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I. FACTS

1. The Quebec government recently passed a law prohibiting in all public schools the wearing of “symbols or dress by which students conspicuously manifest a religious affiliation.”
2. Sahar X, a minor, in accordance with her family’s wishes, wears a full *niqab* in public at all times as an expression of her faith and her submission to the will of God.
3. In accordance with the government’s policy, William Shakespeare High refused Miss X’s application for admission.
4. The X family has on several occasions appealed to the school, the Board, and the Quebec Minister of Education, but their appeal on all levels has been denied.
5. The family of X now refers the judgment of these governing bodies to the Court of Shakespeare, and seeks an order of mandamus admitting Miss X to William Shakespeare High.

II. ISSUES

1. Does the Law of Shakespeare permit the Quebec law banning the public display of religious symbols in public schools?
2. Do the State’s obligations to the well-being of children take precedence over parental religious beliefs?

III. ARGUMENTS:

- I. **The law of Shakespeare does not prevent the Quebec law against religious display in public schools.**
- A. **The Quebec statute must be interpreted in accordance with the inherently performative nature of the law of Shakespeare.**

In the beginning, there was the Word and the Word was Play(ed). All things came into becoming through the Play and Without the Play not one thing came into becoming.

—The Gospel According to Shakespeare

1. **The fundamentally performative world of Shakespeare is a transformative, secularizing process.**

1.1 The law of Shakespeare is fundamentally performative. Our constitution is a body of drama, and our cases hypothetical, our judges professors, and our attorneys enterprising young students. The plays of Shakespeare are self-consciously theatrical; actors playing actors perform plays within plays. In two of this Court's legal texts, characters don disguises so effective they fool observers even in the most intimate situations. Gender, age, and rank remain perpetually vulnerable to the fluid Shakespearean masquerade. Yet, this performativity in no way undermines the potency of the text or the judgments of this court. The First Player of *Hamlet* shows us that "a fiction" or "a dream of passion" can "force his soul so to his whole conceit." If performance can summon passion from the depths of the human soul, how can it possibly be artificial? In a world saturated with theatre, performance is compulsory and powerful. Indeed, Hermione's pain assumes greater resonance by virtue of its theatricality. Accused unjustly by her husband Leontes, Hermione can only conceive of her grief in performative terms:

I am now unhappy, which is more

Than history can pattern, though devised
 And played to take spectators.

Hermoine claims that the gravity of her pain becomes more pronounced precisely because it is performed. Theatre, far from frivolous fancy, creates and fortifies meaning. The play, as Hamlet reminds us, *is* the thing.

Hamlet, 2.2.540-1, 593
Winter's Tale, 3.2.34-6

1.2 Theatre is a transformative process. Theatre “is the revelation, the bringing forth, the exteriorization of a depth of latent cruelty by means of which all the perverse possibilities of the mind, whether of an individual or a people, are localized.” This transformative, incarnative power exists specifically in Shakespeare, where “the theatre taps the nexus of ideas and powerful feeling...for its own purposes.” The stage, like this Court and the classroom, localizes and renovates competing voices into a protean, dynamic identity.

Antonin Artaud, *The Theatre and Its Double*. 30.
 Anthony Dawson. “Shakespeare and Secular Performance.”

1.3 The transformative nature of performance is necessarily secular; it is alchemy. Consider Hamlet’s recollection of the ghost’s commandment “Remember Me.” “Remember thee?” says Hamlet. “Ay, thou poor ghost, while memory holds a seat / In this distracted globe.” Hamlet is surely referring to his mind, but the reference to “seat” and “globe” would strike a second resonance with Elizabethan spectators in the Globe Theatre of Lord Chamberlain’s Men. It is this nugget of memory that Hamlet transforms from the “globe” of his skull to the Globe of theatre. His ghostly father, who, whether he comes from purgatory or from wicked fires, carries a residual sacrality and also evokes the classical Jacobean revenge plot. Hamlet, however, perpetually struggles against the possible sacrality of his father’s charge

and the bloodthirsty revenge the Jacobean template demands. Through performance—the prince’s is-he-or-isn’t-he mad ravings, the Mousetrap, and a theatrical sword-fight finish—Hamlet transforms the memory of his father into a public display of justice. Hamlet’s narrative thus sheds its sacred and classical flavour and decontextualizes his father’s memory and the pedigree of High Modern tragedy to produce a new secular narrative of justice that we, the audience, can experience just fine from our seats in the Globe. The theatre thus aspires to new expressions of shared meaning by pushing the boundaries of what is familiar.

All’s Well, 1.2.49-51, 53-55ff
Hamlet, 1.5.95-7

2. In the law of Shakespeare, performance is central both to personal revelation and to creating shared meaning.

2.1 In Shakespeare, the performance of the characters is itself a transformative process. The transformative possibilities of the performance depend on the characters willingness to commit to revealing or disclosing themselves to others and, consequently, to acting in a manner that allows for shared meaning. “The players cannot keep counsel,” Hamlet assures Ophelia. “They’ll tell all.” The law of Shakespeare thus reveals human experience in a shared and mutually constructed performance.

Hamlet, 3.2.131-2

2.2 Accordingly, justice and order in Shakespeare are also fundamentally performative, dialogic, and public. Justice and order arise through the webbed interactions among characters, and are not imposed, revealed or orchestrated by divine will. Hamlet must make public Claudius’s crime. *Measure for Measure* elicits justice through Isabella’s commitment to participate in the Duke’s performance, and *All’s Well* achieves the same result when

Bertram's lies and philandering are made public through Helen's masquerade. Order is similarly restored in *Winter's Tale* through Leontes's public engagement with Hermione as statue. In offering their commitment, the characters through performance open themselves to a new world of possibilities—a world that the conspicuously manifest denies.

3. The classroom finds its double in the theatre.

3.1 The classroom is a site of public performance. It is a transformative space where the teacher performs her role and in doing so alters both her class and herself. Education is instructive, but it is foremost a space of growth and development for those involved. Moreover, like the audience inspires and changes the actors on stage, so too do the students motivate and encourage the teacher. The classroom, like Shakespeare's stage, is intersubjective, theatrical and dynamic. It is itself a narrative of becoming even as it shapes the narratives of its players. It leads out into a world of possibilities and provides a space where our identities as narratives of becoming are safeguarded.

3.2 Conspicuous expressions, like those of Miss X, resist the performance that the law of Shakespeare asks of her. The wearing of the *niqab* remains a dumb show in the midst of a theatre of unfathomable depth. The stage and hence the classroom would welcome Miss X's contribution, but she must be prepared to accept the classroom's alchemical impulse and the inevitable transformation and secularization of her religious narrative into public discourse. This transformation into public discourse requires that she be committed to disclosing her unmediated self to others and to acting in a manner that allows for shared meaning. The appellants, however, are unwilling to make this accommodation, as they have rejected any argument based on the freedom of expression—the freedom to express oneself as one is. Accordingly, they have rejected the very commitments of performance: faith in the

interpersonal; authority as a public authorship; and transcendence through the disclosure of the self to the sublimity and creativity of the public space.

B. “Narratives of Being” are destructive of the transformative possibilities of performance.

How unsearchable are his judgments and how inscrutable his ways!

—*From the Epistles of Shakespeare*

1. In *Re Attorney General for Canada v. Pete Pears et al.*, this Court acknowledged its role in preserving “narratives of becoming” as opposed to “narratives of Being.” Identities defined by transcendent and fixed norms constitute “narratives of Being.” Anchoring one’s identity in this way prevents the commitment of revealing or disclosing the self to another—the foundation for building community. Instead, narratives of Being purpose to produce the winning argument, or to affirm the “conspicuously manifest.” In this pre-formance, action becomes restricted by adversarial limits, and thus actually forecloses any transcendent possibility, or any ability to reveal something that lasts beyond the action itself. For action to be revealing (performance), it must be bonded to the memory and must be welcoming of difference. As this Court held in *Heinrich*, “the fulfillment of identity depends on the return of memory.” Narratives of Being reject the invocation to memory. These narratives thus have within them the seeds of violence towards others: they render the other an object to be used for achieving one’s purpose rather than a subject with whom meaning can be mutually constructed. The law of Shakespeare demands through performance commiseration with one’s fellow citizens as subjects—“narratives of becoming”—not objects.

Re Attorney General for Canada v. Pete Pears, Ben Britten and Ors. [2004], Manderson J.
Re Attorney General for Canada; ex parte Heinrich [2003], Yachnin J.

2. Authority for one's performance cannot therefore be found in a private act of submission to the "conspicuously manifest." The Shakespearean world maintains a constant suspicion of that which is conspicuous, or that which is plainly evident to the eye. Leontes's false belief in Hermione's infidelity is founded on "a vision so apparent," that he states: "I am satisfied and need no more/ Than what I know." Leontes's authority is a rejection of community; this *blind* submission sews the seeds of misjudgment and violence to his family and the state. The violence of Leontes's submission is magnified by the trial, which is a failed attempt at a public performance. Leontes states: "for as she hath / been publicly accused, so shall she have / a just and open trial." He adds: "let us be cleared / of being tyrannous, since we so openly / proceed in justice." Leontes mistakes personal openness for the open air of his court. Consequently, Hermione is unjustly punished. Only through open *revelation* can the court deliver a just verdict. Hermione tells Leontes that he has forgotten her "past life" and, in so doing, Leontes "speaks a language that I understand not. / My life stands in the level of your dreams." By forsaking his memory, Leontes, blinded by jealousy, jeopardizes his performance potential and abandons any hope of revealing the truth. Hermione is not ready to be "play'd" in this manner before the spectators, and has forewarned Leontes: "how will this grieve you / When you shall come to clearer knowledge, that / you thus have published me!" Hermione has been "measured"—limited—by Leontes's narrative of Being.

Winter's Tale, 1.2.267, 2.1.189-90, 3.1.202-4, 3.1.4-6, 32, 78-9, 2.1.96-8

3. In *Measure for Measure*, Isabella's submission to the will of God—her adoption of a narrative of Being—leads her to reject acting within and for the community. She states in her initial response to Lucio: "make me not your story." That is, do not make me an actor of this unfolding narrative; and then, in resignation, "Alas! what poor ability's in me/ To do him good?" When

she finally decides to meet Angelo, she tries to persuade Angelo that her argument is superior by asking Angelo:

How would you be
If He, which is the top of judgment, should
But judge you as you are? O, think on that,
And mercy will breathe within your lips.

Angelo's fitting response is grounded in legal positivism: "It is the law, not I condemn your brother." With Isabella fixing her truth claims on the Word of God and Angelo on the Word of Law, they talk at cross purposes and an unbridgeable gap remains between them. Lucio thus urges Isabella to "Touch him"—that is, to empathize with Angelo and let herself become part of the narrative of becoming—the ongoing conversation between personal preference and social expectation. Isabella finally advises Angelo:

Go to your bosom,
Knock there, and ask your heart what it doth know
That's like my brother's fault.

Angelo is moved by this experience; however, his inability to return the empathetic gesture results in the objectification of Isabella: he requests that she give up her body to him. Similarly, Isabella objectifies Claudio when he requests that she consider the sin of giving up her body to save her brother's life, and she refuses to ask her heart what it doth know. "Mercy to thee would prove itself a bawd," Isabella claims at her most coldhearted. "'Tis best that thou diest quickly." Only once she commits to participating in the Duke's plan does Isabella move beyond a measure for measure approach and towards robust public performance.

Measure, 1.4.29, 74-5, 2.2.76-79, 81, 71, 138-40, 3.1.153-4

4. Similarly, Hamlet's belief that he must fix his identity to a Narrative of Being obstructs his ability to act, more specifically his ability to transform the secret commandment of the ghost into just action. Hamlet's initial response to the ghost's commandment is one of exculpating from his mind all that which had given him meaning before:

Yea, from the table of my memory
 I'll wipe away all trivial fond records,
 All saws of books, all forms, all pressures past,
 That youth and observation copied there,
 And thy commandment all alone shall live
 Within the book and volume of my brain,
 Unmixed with baser matter.

This act of forgetting is a rejection of Hamlet's own narrative of becoming. Hamlet is so fixed on finding a truth outside of himself—an external “commandment”—that the world itself becomes disenchanting. In other words, Hamlet is not disenchanted because he has lost God; it is precisely God and his fixation on something other than the world-as-becoming that contributes to his deep psychological and physical isolation. Hamlet must rediscover himself within this world in order for him to not “lose the name of action.” The question is not the existential dilemma of “to be or not to be;” for, the “native hue of resolution” requires “grounds / More relative than this.” Hamlet must prove justice to be public through his own performance.

Hamlet, 1.5.98-104, 3.1.57ff, 2.2.592-4

5. Miss X's insistence that she must wear the *niqab* as a symbol of her unrelenting faith in and submission to the will of God constitutes a narrative of Being. The Shakespearean performance demands that she remember her own personal narrative and not surrender it to something beyond the performance. Her failure to do so would be harmful to herself and to others.

C. Performance requires a commitment to “Narratives of Becoming.”

1. Performance requires a commitment to faith as interpersonal.

Then he said to Thomas, “Put your finger here and see my hands. Reach out your hand and put it in my side. Do not doubt but believe.”

—*The Gospel According to Shakespeare*

1.1 The court recognizes that faith stabilizes the law. It is “the rock that saves us when evidence cannot.” Faith in the court of Shakespeare, as Manderson J. reminds us, is not a religious decree imposed upon society; instead, our faith is grounded in one another. Isabella must put her faith in Vincentio’s frankly dubious scheme in order to save her brother: “I *trust* it will grow to a most prosperous perfection.” In order to restore his marriage, Leontes must put his faith—contrary to his senses—in Paulina and the statue of Hermoine:

It is required

You do awake your faith. Then all stand still—

Or those that think it is unlawful business

I am about, let them depart.

1.2 This faith is, as Leontes says, as “Lawful as eating.” That is, faith is as natural and as necessary to law as sustenance to life. Faith is before the law, not beyond the law. It permits the interpersonal commitment that gives law its authority.

Pears, Britten and Ors., Manderson J.

Measure, 3.1.261

Winter’s Tale, 5.3.94-7, 111

2. Performance requires a commitment to a communal understanding of authority.

“Render therefore unto the play that things that are the play’s; and unto God the things that are God’s.”

-Gospel According to Shakespeare

2.1 Shakespeare makes a distinction between the duke, a title held by Vincentio, and the Duke, the authority of Vienna. Vincentio is a weak-willed ruler who meddles after his own desires and manages only to repair the damage he himself caused. Authority, however, as Isabella reminds us, “skins the vice o’ the top.” As this Court has held, the authority of the law is found in “the fabric of the world and the human conscience.” It subsumes vice and virtue, and encompasses society. Authority is transferable, as Vincentio freely gives Angelo “all the organs / Of our own power.” This transferable skin, the true authority of Vienna, lies not in the law books, as Angelo mistakenly believes, nor in the strictures of chastity that Isabella first seeks. Authority does not lie in an outside power.

Measure, 2.2.138, 1.1.21-2

2.2 So where *is* the Duke? Tellingly, Vincentio himself poses this question: “Where is the Duke?” He asks. “’Tis he should hear me speak.” Escalus, the first word of *Measure* and recognized by the court as the scales of justice, best locates the site of power: “The Duke,” he answers, “is in *us*.” Authority is ethereal, and dispersive; it is “the old fantastical Duke of dark corners.” In Shakespeare, power is wielded from within a circulatory system, and actors are vessels for its potency. Consider Isabella’s interpretation of the Duke’s power:

O give me pardon

That I, your vassal, have employed and pained

Your unknown sovereignty.

The vessel and vassal Isabella, like Vincentio in monks' robes, and like the unwitting Lucio, channels a secular, public authority: an intangible "unknown sovereignty." We are all actors in the court of Shakespeare and we are all legislators collectively navigating the unknown. In effect, we are the authors of authority. Through artistic performance, a public, social authorship evokes and stabilizes power.

Measure, 5.1.297, 4.3.154-5, 5.1.386-8
Re The Bard de la Mer (Du Parcq v. Pedersen; Pedersen v. Vidaloca) [2005], Yachnin J.,
 Manderson J.

2.3 The Family of X would fix their faith, their source of justice beyond the law—a concept contrary to the law of Shakespeare. This concept of justice requires a tyrannical imposition of authority upon society and is always underwritten by violence. Angelo's edict on promiscuity must rely on the threat of capital punishment. Fundamentalism of all kinds is criticized in Shakespeare, and Miss X's adhesion to religious fundamentalism would impress an ultimate limit upon the court. In Shakespeare, the quality of justice is not strained. If the family of X wishes to bring their religious identity into the theatrical space of the classroom, the law of Shakespeare demands that they allow any truth claimed by their beliefs to be transformed through the public discourse. If faith is interpersonal, as it is in Shakespeare, it cannot be breached because there is no limit to be breached. Rather, the world of Shakespeare produces an economy of faith. The X Family's fixation to a limit foreign to our court threatens violence to themselves, to their daughter, and to society.

Measure

3. The performance requires a commitment to the transcendent achieved through a disclosure of the self.

The performance is witness of our inmost feelings, and a true observer of our hearts, and a bearer of our tongues.

—The Wisdom of Shakespeare

- 3.1 The performance necessarily brings to bear the multiple layers of revealing engaged by the “play” of veiling, illusion and disguise in which both the characters and audience participate. Through this “play,” the characters (and the audience) are invited to rethink their engagement with the world so that, literally, a new sense of the world, and a new foundation for judgment and action can be achieved. Such action requires a commitment to disclose oneself to others. Through this inherently aesthetic experience, shared meanings of justice in the Shakespearean world organically arise and are affirmed. In other words, justice is part and parcel of the relationships of revealing characters have with one another.
- 3.2 Marianna “acquaints” herself with Isabella by taking her place—both physically and emotionally. This literal changing of place—or putting oneself in another’s shoes—is the performative expression and source of empathy. Once the Duke proclaims Angelo’s death sentence, Marianna requests Isabella to reciprocate by asking her to “take my part!” Marianna thus publicly invites Isabella to remember her role as Marianna—in an explicitly theatrical fashion. The Duke responds to Marianna: “Against all sense you do importune her,” but through the intersubjectivity of her act, Isabella creates a new “sense.” Prior to Isabella’s response, we, the audience, are left to wonder whether Isabella has, in fact, come to sense the world differently by abandoning her Narrative of Being for one fully immersed in the world of becoming. In

remembering and empathizing with Marianna, mercy towards Angelo is borne. Mercy, then, is a particularly human expression that arises within the world of Shakespeare.

Measure, 4.1.48, 5.1.431

3.3 Hermione's inability to appeal to the conscience of Leontes leads her to stage her death. Leontes, Time tells us, is left suffering "the effects of his found jealousies so grieving / that he shuts up himself." He has sought the restoration of his mind through rituals of mourning. It is not enough, however, that Leontes has "performed / A saint-like sorrow." Without this public disclosure of the self, the performance would not be complete. His encounter with the statute initiates a return to himself and from this return to the self he harvests a deep love for his wife. Leontes's eyes must "see" deeper than the conspicuously manifest—upon which Leontes "piled his faith" that led to the accusation towards Hermione—in order to heal in a public act of revelation. The visual experience initiates an experience of transcendence firmly grounded in this world, as it reveals through the memory: "there's magic in thy majesty, which has / My evils conjured to remembrance." Memory here is "conjured," or transformed into the magic, or alchemy, of theatre. Paulina replies that she did not think "the sight of my poor image / Would thus have wrought you." Leontes responds with the performative cue "do not draw the curtain." This public disclosure of himself and revelation of his past has "a taste as sweet as sweet / as any cordial comfort." This "magic," Leontes swears, is a "lawful art." We are thus reminded of Florizel's musings on his love for Perdita:

The gods themselves,
Humbling their deities to love, have taken
The shapes of beasts upon them.

In the final, revelatory act, Hermione has humbled and thus lawfully exposed Leontes by taking the shape of art. This is Shakespeare's art of justice.

Winter's Tale, 4.1.16-9, 5.1.1-2, 5.3.39-40, 57-9, 76-7, 4.4.25-7

3.4 Hamlet attempts to catch the conscience of the King through the play. Through theatre, Hamlet tells us, "guilty creatures...have by the very cunning of the scene / Been struck so to the soul that presently / They have proclaimed their malefactions." Hamlet elucidates that the role of performance is "to hold as 'twere, the mirror / up to nature : to show virtue her own feature, scorn her / own image, and the very age and body of the time his / form and pressure." Not only revelatory, this theatrical "mirror" alters its subject by virtue of its temper, tint, clarity and size. The final act of justice in the play, where Hamlet punishes Claudius— in public—not for the murder of King Hamlet, but for his poisoning of Gertrude, Laertes and the Prince, redeems Hamlet and transforms him into something greater than a hesitant, conflicted and possibly mad prince. He acts not as the archetypal Jacobean hero who roundly states "I, the son of a dear father murdered, / Prompted to revenge by heaven and hell," but the Hamlet, who upon hearing of Ophelia's death declares:

What is he whose grief
Bears such an emphasis, whose phrase of sorrow
Conjures the wand'ring stars, and makes them stand
Like wonder-wounded hearers? This is I,
Hamlet the Dane.

Hamlet has "conjured" the celestial connotations of his father's ghost into an act of secular and public citizenship—as "the Dane." From this sense of community, he is finally able to proclaim "I loved Ophelia." Upon his death, Hamlet asks that he be remembered as this public citizen. He asks Horatio that "in this harsh world draw thy breath in pain, to tell my story." Thus, the world Hamlet leaves behind is not the world that "is stale, flat, and unprofitable;" for such a

world would mean the end of art. And yet, Hamlet recognizes that for his action to have meaning it must move beyond himself into something that continues to have meaning for others long after his death. Hamlet wills his legacy to Horatio who will continue to interpret the sweet prince's story and create new social meanings. Horatio accepts his charge:

Give order that these bodies
High on a stage be placed to the view;
And let me speak to th' yet unknowing world
How these things came about.

Hamlet's performance concludes with his transformation into "a soldier" by bearing him to "the stage." Only then is Hamlet "proved most royally."

Stephen Greenblatt, "Remember Me."
Hamlet, 2.2.578-81, 5.4.349-51, 2.2. 572-3, 5.1.244-8, 5.2.330-3, 349-51

3.5 Miss X's classroom is the double of the stage's interactive space. As formative of society, educational spaces must mirror the intersubjective ideal of the world of Shakespeare.

II. The State's obligations to the well-being of children take precedence over parental religious beliefs.

Let the little children come to me; and do not stop them; for it is to such as these that the Kingdom of possibility belongs.

-The Gospel According to Shakespeare

1. Children in Shakespeare are the gatekeepers of innocence and possibility. Paulina believes that the natural innocence of the infant Perdita yields restorative powers: "The silence often of pure innocence / Persuades when speaking fails." What is innocence but the promise of possibility? For the Countess of Roussillon, youth is the site of passion, of freedom and desire that the old age of parenthood has relinquished:

If ever we are nature's, these are ours: this thorn
Doth to our rose of youth rightly belong.
Our blood to us, this to our blood is born;
It is the show and seal of nature's truth,
Where love's strong passion is impressed in youth.

Indeed, the Countess believes, with a touch of nostalgia, that the loving errors of youth should be encouraged, and in fact remain essential to a maturing narrative. Preserving this possibility is in the children's best interest and children should not, therefore, be subject to the oppressive will of a parent.

The Winter's Tale, 2.2.40-41
All's Well, 1.3.129-33

2. In Shakespeare, parents who attempt to control their children's behaviour generally serve as barriers to the best interest of their children. The prohibitive edicts of stern guardians to star-crossed lovers and midsummer frolickers enjoy almost clichéd status in the Shakespearean canon. In *The Winter's Tale*, for example, Polixenes's shortsighted censure of his son Florizel's marriage to Perdita is roundly condemned by the moral direction of the play and by the audience. The family of Miss X seeks to erect an analogous barrier.

3. The barrier authoritative parents erect between their heirs and happiness becomes the more distinct the more closely these parents affix their decrees to a singular, unyielding belief. Leontes, obstinately convinced that his innocent wife is unfaithful, shames Hermione in front of Mamillius. The shock of Leontes's rash accusation results in Mamillius's death:

To see his nobleness
 Conceiving the dishonour of his mother!
 He straight declin'd, droop'd, took it deeply,
 Fasten'd and fix'd the same on't in himself,
 Threw off his spirit, his appetite, his sleep,
 and downright languish'd.

Mamillius's loss, unlike the false deaths of Hermione and Perdita, is never recovered or remedied in the play. Shakespeare sharply reminds us that unyielding parental authority—of a type with the restriction Miss X's family wishes to impose—can be violently harmful.

The Winter's Tale. 2.3.12-7

4. The true parental bond in Shakespeare is based on love, not authority, and this bond is often transferable. Florizel easily casts off his father's claim upon him and places love and affection in the forefront of the parental dynamic: "From my succession wipe me, father; I / Am heir to my affection." Prince Hamlet, who frequently refers to his father as "king" rather than a more familial euphemism, constructs an artificially elevated image of his father the King:

See what a grace was seated on this brow—
 Hyperion's curls, the front of Jove himself,
 An eye like Mars, to threaten or command,
 A station like the herald Mercury
 New lighted on a heaven-kissing hill;

Yet Hamlet appears to have a much closer bond to the deceased court jester Yorick, whose death elicits a much more natural, visceral reaction:

He hath borne me on his back a thousand times. And how abhorred in my
imagination it is! My gorge rises at it.

Indeed, the Countess of Roussillon “expresses” to Helen “a mother’s care” not because of blood, but love. In fact, Helen’s last line in the play solidifies the mother-daughter relationship by marriage, and by love: “O my dear mother, do I see you living?” Hence, Miss X’s relation to her parents does not subject her to their will and intention, but rather to their love and support.

Winter’s Tale, 4.4. 477-8

Hamlet, 3.4.56-60, 5.1.177-9

All’s Well, 1.3.148, 5.3.319

III. Conclusion

1. The law of Shakespeare is immersed in performance. What is law itself but the performance of memory? The respondents respectfully submit that the Quebec law regarding the banning of public displays of religious symbols be interpreted in accordance with the Shakespearean world of performance. Accordingly, in order for Miss X to be admitted to the public school, she must commit to transform her narrative of Being into the performance of a narrative of becoming. She must thus commit to the transformative possibilities of the public space. The issue, therefore, is not Miss X's wearing of the *niqab*, but the narrative of Being that compels her to do so.
2. In the law of Shakespeare, it is only through a commitment to the performance that we come to know ourselves and each other. In this manner, the law of Shakespeare becomes a work of art; it is not produced, but revealed.

IV. ORDERS SOUGHT

The respondents respectfully request that the Court of Shakespeare, McGill Appellate Moot Court Division, reject the applicant's request for an order of mandamus admitting Sahar to the school unless the conditions of Shakespeare's theatre are met.

Parul Shah
Attorney for the Respondent

Michael Stewart
Attorney for the Respondent

Montréal, 9 March 2007

V. AUTHORITIES

Re Attorney General for Canada; ex parte Heinrich (2003)

Re Attorney General for Canada v. Pete Pears, Ben Britten and Ors. (2004)

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