

Does State Secularism Require Teachers to Abstain from Wearing Religious Symbols at School?

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In 2013, the Canadian province of Québec proposed a controversial legal framework, the Charter of Québécois Values,¹ which would forbid all public sector employees, from judges to teachers to health-care workers, from wearing “ostentatious” religious symbols in the workplace. Predictably, a spirited public discussion has ensued, which parallels past debates in France over the state’s right to impose legal restrictions of religious symbols in public life. Similar questions about the place of religious symbols in public space have also fuelled recent political controversies in Germany and the Netherlands.²

From an educational standpoint, one of the most interesting facets of the Québec debate concerns the rights and obligations of religiously committed teachers. The proponents of the clothing ban claim that the public school is a haven from religious influence and suggest that teachers and administrators should refrain from wearing religious symbols in order to better convey the state’s secular values. Opponents, meanwhile, claim that the ban violates the rights of religious believers and misconceives the nature of the authority that teachers have. Thus, within the larger battle over religious symbols in the public sphere, the following key question has emerged: does state secularism require teachers to abstain from wearing religious symbols at school? This question, which has ramifications that extend well beyond the specific context of Québec, is what we will examine in our account below.

Because the literature on this topic in English is virtually non-existent, the approach we adopt in this paper is largely reconstructive. We begin by addressing arguments from debates in Québec and France about state prohibition of religious clothing. From the many, often confused and sometimes patently irrelevant and mean-spirited, claims and counterclaims that are made in these debates, we identify and articulate two *prima facie* compelling secularism-based arguments in support of the view that the state can legitimately forbid public servants from wearing religious symbols. After presenting and assessing these arguments, which we call the neutrality argument and autonomy argument respectively, we show that each has significant weaknesses. We then extend this critique to show that debates over religious symbols in the public service highlight important ethical questions about wearing religious symbols in the classroom. Specifically, we argue that there are circumstances in which a public school teacher might reasonably judge it best to refrain

from wearing a religious symbol at school, and we elaborate three illustrations for this point.

TWO PRINCIPLES OF STATE SECULARISM

According to a common view, state secularism serves an important purpose in plural societies where at least two key conditions obtain: first, a significant number of citizens hold religiously inflected views about the good life and justice; second, citizens adhere to diverse and potentially conflicting religious doctrines.³ Under these conditions, state secularism comprises two distinct obligations on the part of the state: the obligation to *neutrality*, which requires the actions of the state to treat all religions impartially, and the obligation to *autonomy*, which requires government policy to be established and executed free from the influence of any religious authority.⁴

We have two main reasons for emphasizing the distinction between state neutrality and state autonomy. First, these two concepts are often conflated in public debates about religious symbols, and it is hoped that this analysis will help clear up some of this confusion. Second, and most importantly, these two concepts form the principal axes of the debate, and the strongest arguments of the strict secularists who wish to ban religious symbols draw upon these two concepts. If the arguments of the strict secularists are to be examined, we must begin with an examination of neutrality and autonomy.

DOES STATE NEUTRALITY REQUIRE A BAN ON RELIGIOUS DRESS FOR TEACHERS?

Perhaps the most common argument advanced for prohibitions on religious symbols in the public workplace appeals to the value of state neutrality. State secularism assumes that because different religious traditions make competing and irreconcilable claims about collective political norms, the state must remain as neutral as possible between these diverse claims. In light of inevitably conflicting religious claims, the principle of state neutrality represents the secular state's commitment to equal respect for all citizens, regardless of citizens' particular religious affiliations. Within the Anglo-American tradition, the origins of the principle of neutrality can be traced back in the philosophical literature to John Locke's *Letter Concerning Toleration*.⁵ In a historical context riven by religious strife, Locke argued that the state had neither a religious nor a democratic mandate to use force to promote one particular religion. Locke's argument was later taken up by key architects of the liberal democratic state, most notably Thomas Jefferson, who drew upon it to frame the First Amendment of the United States' Constitution. Contemporary liberal proponents of state bans on religious symbols also invoke this principle of state neutrality as an instrument for defending religious freedom and for maintaining state legitimacy in the eyes of religiously diverse citizens.

The principle of neutrality requires that state policies be impartial toward the different religious traditions to which its citizens subscribe. "The neutral state must not," Micheline Milot writes, "directly or indirectly, promote any religion or put any religion at a disadvantage."⁶ Accordingly, if the state confers advantages to particular religious groups — for instance, through laws exempting a Christian sect but no other religious group from paying property tax on religious sites — it unfairly favors one religious group over others and abnegates neutrality.

In contemporary controversies, some have sought to extend the historically non-interventionist spirit of state neutrality by arguing that the state should *forbid* explicit signs of religious affiliation among public servants.⁷ Although we later argue that this prohibitionist argument remains philosophically unconvincing, its intuitive appeal for contemporary debates is fairly obvious. Prohibitionist views of state neutrality claim that allowing public servants to display religious symbols exemplifies the sort of favoritism that the principle of neutrality forbids. This prohibitionist stance gains plausibility from the fact that states routinely ban expressions of conscience (e.g., a pin bearing the slogan “USA out of Afghanistan!” or “Yes to an independent Québec!”) and political affiliation (e.g., a lapel pin of the Tea Party) by those in public service. From this perspective, permissiveness with respect to religious symbols seems to imply an unfair double standard: the state exempts expressions of religious freedom from restrictions applied to other expressions of conscience.

This argument directly applies to the case of teachers who wish to dress in accordance with religious requirements. When the state permits teachers to wear religious symbols in the classroom, it prioritizes freedom of religion over freedom of conscience and endorses the legitimacy of religiosity over non-religiosity. A permissive state therefore surrenders its commitment to fundamental secular political values in favor of manifestly religious values endorsed by certain citizens — namely, teachers who wish to express their religious affiliation at work.

State neutrality provides one important source for arguments made in favor of prohibitions on teachers who wish to wear religious attire in the classroom. But notice that this kind of argument can gain plausibility only through a conceptually misleading sleight-of-hand. The principle of state neutrality begins with one question: “How can the State adopt a non-discriminatory stance concerning personal expressions of *religiosity* in the workplace?” The prohibitionist responds by answering a different question: “How can the State adopt a non-discriminatory stance concerning personal expressions of conscience *tout court* in the workplace?” In shifting from one question to another, the prohibitionist interpretation changes the discourse and makes it appear as though state neutrality is being violated.

The paramount goal of state neutrality is to establish guidelines about state conduct precisely with respect to *religious* belief and practice. The question of state conduct with respect to conflicts between freedom of conscience and religion is a separate matter. Underlying the historical basis of this interpretation, noted above, are its epistemic roots. Religion has an irreducibly non-rational element that liberalism has long recognized. Unlike matters of personal conscience, disagreements having to do with religious conscience cannot be adjudicated using a common secular or public language. Accordingly, state neutrality seems to assume that religious freedom warrants a distinct political status from more general issues of personal conscience.

Seen in this light, the neutrality principle implies a policy of permissiveness rather than a policy of prohibition. Broadly speaking, the neutrality principle seems to imply that all public servants, including public school teachers, have the right to materially express personal religious commitments, unless doing so conflicts with other imperatives such as upholding professional duties, personal safety of

students and school staff, or, as we discuss in the next section, the principle of state autonomy.

We have focused in this section on critically evaluating state neutrality as a basis for prohibitionist arguments, and have suggested that it is a poor one. Nevertheless, we acknowledge that genuine concerns remain about fairness in establishing rules around freedom of religion and freedom of conscience in the workplace. We also acknowledge that concerns about freedom of conscience raise difficult questions that need urgently to be addressed.

DOES THE PRINCIPLE OF STATE AUTONOMY REQUIRE A PROHIBITION ON RELIGIOUS DRESS?

So far, we have focused on a popular argument that arises from a questionable understanding of the nature of state neutrality. In this next section, we reconstruct and evaluate a second, parallel argument adduced in favor of restrictive state policies. This argument, which in our view has substantially more philosophical bite than the neutrality argument, appeals to the aspect of secularism we have called the principle of state autonomy. The principle of state autonomy requires the state to operate free from the influence or interference of religious authorities, and also to avoid interfering in the internal affairs of religious groups. The principle of autonomy, as Milot defines it, emphasizes “the State’s independence from various religious groups and, reciprocally, the autonomy of religious organizations from political power.”⁸⁸ This principle captures the ideal of the secular state as a *res publica*, within which processes for elaborating collective norms that promote and protect individual interests, rights, and the common good shall not be beholden to or unduly influenced by the prescriptions of any religious authority.

We noted earlier the tendency to conflate the principle of autonomy with the principle of neutrality. Two examples illustrate why these principles constitute two conceptually distinct dimensions of state secularism. Contemporary communist China can be cited as an example of a state that seems to adhere strongly to the autonomy principle, but that largely rejects the neutrality principle. Since the Communist takeover, China has successfully reduced the influence of religion on state policy through a variety of contested means. Yet China is renowned for politically motivated discriminatory policies against certain religious minorities in the north and east of the country and against followers of Falun Gong. By contrast, the United Kingdom is an example of a contemporary state that departs from the autonomy principle while prioritizing neutrality: Anglicanism is an official state religion, but citizens have extensive religious freedom, and successive governments have worked hard to ensure evenhandedness in the state’s treatment of religious communities. Although Anglicanism’s influence on state policy is admittedly nominal, it is telling that such endorsement of one religious sect by the federal government of the United States would be politically unthinkable. Making, say, the Church of Scientology the official state religion of the United States would lead many to reasonably suspect that it would gain a privileged influence on federal policy. This example illustrates why the principle of autonomy is essential to U.S. citizens’ confidence in their government and their sense of its legitimacy.

The principle of autonomy directly concerns teachers, who are in close contact with pupils over long periods of time and who have a public mandate to participate in young people's upbringing, socialization, and education. Teachers who display religious symbols within the school can generate two linked sets of autonomy-related concerns. First, religious signs convey particular values, and students may see them as a sign that teachers implicitly endorse values that contradict, and take priority over, those of the liberal state. Second, concerns about the abuse of state power may arise because public employees (teachers) could attempt to transmit their religious beliefs and values to their pupils. Generally speaking, then, the wearing of a religious symbol by public school teachers raises potential concerns about conflicts of interest between teachers' professional obligations and their religious obligations. The principle of autonomy is at stake in both cases because religious teachers are seen to be in a position, to borrow a phrase from David Hume, to "season [the students'] minds with early piety."⁹ Thus, in secular democratic societies, particularly ones like Québec in which religious influence has historically been strong, it is in the interest of public trust that the state school system be seen as autonomous from the influence of religious doctrine. For this reason, state policies that permit teachers to wear religious symbols risk appearing indifferent to potential violations of the principle of autonomy in the classroom.

However, in this case, we suggest that appearances are deceptive; in fact, a policy that prohibits religious symbols necessarily conflicts with that other core liberal value mentioned earlier — religious freedom. Furthermore, there is one very important additional reason to doubt the adequacy of autonomy-based arguments for prohibitionist policies: they rely on several questionable assumptions about the normative psychology of religious people. First, the fact that one wears a religious symbol does not imply that one assigns ethical priority in every context to the values that symbol represents. A parent who brings photographs of her family to work does not thereby impugn the importance of her role at work; similarly, a woman who wears the hijab need not thereby be committed to assigning priority in her work role to Islamic values over secular values. Second, all public sector employees, regardless of religiosity, potentially have normative commitments that are incompatible with the liberal democratic state they represent and, therefore, concerns about autonomy need not apply with heightened urgency to these workers. Third, the autonomy argument seems to assume that religious teachers whose value commitments conflict with those of the state are more likely to abuse their professional authority in the classroom than non-religious teachers are. Whether they are religious or not, many teachers may act upon their personal reservations about aspects of the state curriculum they are required to teach. Furthermore, anyone who works with student teachers, religious or non-religious, will likely have observed that they very commonly explain their career choice by referring to the valuable opportunity that teachers have to shape the values and even the personalities of the young people in their charge. Inevitably, the values they wish to promote are almost always *their personal values*, with little thought given to the extent to which their personal values are compatible with those they are mandated to promote. These

considerations suggest that the wearing of a religious symbol on the part of a public sector employee is, at best, an unreliable guide to whether or not a civil servant can be trusted to perform their duties impartially.

The conclusion we draw is that prohibitionist arguments from the principle of state autonomy unfairly single out religious teachers as being more likely to harbor “illiberal” views and abuse their position of authority. In other words, they seem to rest on exactly the kinds of prejudices and misinformation about religiosity that public school educators and policymakers should work to dispel, not reinforce.

RELIGIOUS SYMBOLS AND TEACHER PROFESSIONAL ETHICS

In this final section of this article, we shift our focus from disputes about state prohibitions on religious symbols to the following question of teacher professional ethics: under what circumstances might it be reasonable for teachers to choose not to wear an otherwise obligatory religious symbol? If the arguments we have presented in previous sections are persuasive, then the absence of convincing grounds for the exercise of state coercion implies that decisions about whether to wear religious symbols in the classroom should fall largely in the domain of professional judgment. As such, one important implication of our argument so far is that it becomes especially urgent to identify principles that could appropriately guide teachers’ professional ethical judgment.

The principles of secularism discussed above serve important socio-political purposes even if they cannot ultimately support prohibitionist policies. In debates surrounding teachers’ wearing of religious symbols, values of state neutrality and autonomy animate robust public support for state secularism and provide an important vantage point for resisting a certain kind of liberal piety about the absolute priority of religious freedom over other values. These secular principles also highlight the educational significance of an important value that is all too readily dismissed in the contemporary Anglo-American political culture: that of (reasonably grounded) public trust towards the state. Principles of state neutrality toward, and autonomy from, religion remind us that teachers sometimes have compelling ethical and educational reasons to prioritize public trust over religious freedom. In their role as agents of the state, teachers sometimes face circumstances where they might reasonably believe that a decision *not* to wear an otherwise obligatory religious symbol will strengthen and sustain trust in an important public institution, the public school system.

Whereas principles of state neutrality and state autonomy fail to justify state prohibitions on teachers’ right to display religious symbols, in this section we argue that these same principles provide a useful heuristic for guiding teachers’ *ethical* judgments. In what follows, we address two related questions. First, in what circumstances might a teacher’s decision to wear a religious symbol undermine the *neutrality* of the public school system or its agents? Second, in what circumstances might a teacher’s decision to wear a religious symbol undermine public trust in the *autonomy* of the public schools system or its agents?

Three examples illustrate how these questions might bear on ethical issues related to teacher practice.

IN TEACHING ABOUT RELIGIONS

The most obvious circumstance in which the ethics of wearing a religious symbol might be questioned is in the context of teaching about religions themselves. Religious education in public schools is typically taught from a so-called “non-confessional” perspective.¹⁰ The aim of non-confessional religious education is to promote an understanding of religious beliefs, practices, symbols, and other expressions of religiosity, not to instill personal religious commitment. The broader social purpose of promoting such “religious literacy” is to promote mutual understanding between religious groups and between religious and non-religious people. Seen this way, religious education is an aspect of citizenship education.¹¹ Whether taught as mandated state curriculum, as in the case of Québec’s Ethics and Religious Culture curriculum,¹² or introduced as part of a social studies or cognate class (as may often be the case in the United States), non-confessional religious education specifies that teachers must refrain from promoting or denigrating the religious beliefs, practices, or rituals they seek to explain. The aim is understanding, not moral judgment. One can see immediately how religious symbols might compromise the teacher’s impartiality. Most students will know — especially, one hopes, those who have had the benefit of a non-confessional religious education — that various religious traditions embody incompatible and sometimes contradictory value judgments. To give a banal example, in the Jewish and Islamic traditions, eating pork is frowned upon, whereas in Christianity, eating pork is unobjectionable. Buddhists, for their part, commonly find eating any meat morally reprehensible. Openly displaying one’s religious affiliation by wearing a religious symbol in a religions class, then, could be seen as tacitly taking a biased evaluative stance on particular religious practices or beliefs. The applicable principle of secularism in these circumstances is neutrality. Presumably, the teacher is asked to adopt a standpoint of impartiality for a good reason. Teacher impartiality involves modeling attitudes towards religious traditions in which understanding comes before evaluative judgments. No matter how good the teacher’s intentions are, and no matter how open-minded she might be about other religious traditions, wearing a religious symbol in these circumstances risks undermining the teacher’s credibility as an impartial guide to learning about religions.

IN TEACHING ABOUT HUMAN SEXUALITY

Sexuality education provides a second circumstance in which teachers may have good educational and ethical reasons to remove outward signs of religious commitment. In contrast to the case of religious education, however, considerations of teacher autonomy from religious influence may predominate. Human sexuality is the area in which religious values are perhaps most likely to conflict with fundamental liberal values of individual freedom and equality, at least in everyday political life. A moment’s thought yields an impressive, but far from complete, list of controversies that will test and surpass the pedagogical capabilities of even the most competent and judicious teacher — debates about reproductive rights, sexual orientation, the rights of transgendered people, marriage and the family, the permissibility of pre-marital sexual activity, contraception, and more. Whereas one can quite easily imagine a teacher providing students with a decent understanding of major world religions

without having to address potential conflicts between liberal principles and religious values, the same is not true of sexuality education. Given the particular difficulties involved in addressing issues of human sexuality in religiously diverse societies, students may have an especially urgent need for teachers who can exemplify political reasoning that is free from the influence of illiberal religious values. An example might be when Catholic religious authorities take extreme and clearly illiberal public positions on matters of sexuality. In this case, a thoughtful teacher might wish to make a point of removing the crucifix that her students otherwise expect her to wear. Doing so in this circumstance could vividly illustrate the teacher's autonomy from religious influence, and could thus provide an important lesson for her students.

TO ASSUAGE CONCERNS ABOUT ABUSE OF POWER

A third situation in which religious teachers might identify principles of professional ethics that give them reason to refrain from openly wearing religious symbols is when there are specific and localized concerns that teachers might abuse their position of power to promote their religious beliefs. As noted earlier, it is generally a bad idea to ask teachers to refrain from wearing unpopular or unfamiliar religious symbols. Such a policy risks reinforcing ignorance and prejudice by reinforcing misguided assumptions that everyone who displays such symbols will seek to impose their views on unsuspecting students. Nevertheless, there would seem to be at least some, probably rare, instances in which such concerns could be worth taking seriously. One such situation is where the teacher does not belong to the religious group of all or most of his students, especially when the teacher's religious group is socially or historically dominant — for example, where a Christian teacher finds herself teaching in a school that serves a community in which recent immigrants of the Islamic faith are in the majority. Imagine further that the teacher knows that it is commonly believed by the adults in this community that Christians tend to hold a dim view of Islam and that the parents are seriously apprehensive about sending their children to public school. They are worried that what they will learn and experience there might not be compatible with their values. Here, it is the teacher's autonomy from her religious tradition that is in question. The teacher's choice not to wear a religious symbol in this case could be seen less as a concession to prejudice than as an important gesture of reassurance aimed at building trust towards the public school system in full consciousness that, in these particular circumstances, trust is fragile.

CONCLUSION

When applied to teachers, contemporary disputes about the public acceptability of religious symbols encourage us to think more deeply about the professional obligations of teachers in a secular society. A clearer understanding of these obligations, in turn, provides avenues for addressing conflicts between teachers' religious and professional obligations. We have suggested that a great deal of caution is required before we conclude that the state should adopt exclusionary policies to deal with religiously committed teachers. Teachers can and should be understood as complex agents who seek to balance competing religious and secular obligations, and we have offered up some preliminary suggestions according to which, in specific situations, teachers might use the ethics of their profession to justify a choice *not* to wear a

religious symbol or article of clothing. In any event, these kinds of questions are not easily dealt with; the ethics of the wearing or display of religious symbols by teachers is more complex than the dominant debate about “bans” and “permitting” suggests.

1. Québec, *La Charte des valeurs québécoises: Cinq propositions* (Québec City: Québec, 2013), <http://archive.is/TxNrI>.

2. Christine Langenfeld and Sarah Mohsen, “Germany: The Teacher Headscarf Case,” *International Journal of Constitutional Law* 3, no. 1 (2005): 86–94; and Sawitri Saharso, “Headscarves: A Comparison of Public Thought and Public Policy in Germany and the Netherlands,” *Critical Review of International Social and Political Philosophy* 10, no. 4 (2007): 513–530.

3. The account of secularism presented in this section is based primarily on Micheline Milot, “L’expression des appartenances religieuses à l’école public, compromet-elle la laïcité et l’intégration sociale? [Do Expressions of Religious Affiliation in Public Schools Compromise Secularism and Social Integration?],” in *L’accommodement raisonnable et la diversité religieuse à l’école public [Reasonable Accommodation and Religious Diversity in Public Schools]*, ed. Marie McAndrew, Micheline Milot, Jean-Sébastien Imbeault, and Paul Eid (Montreal: Fidès, 2008). For a similar reading of secularism in English see Jocelyn Maclure and Charles Taylor, *Secularism and Freedom of Conscience* (Cambridge, MA: Harvard University Press, 2011).

4. Maclure and Taylor, *Secularism and Freedom of Conscience*.

5. John Locke, *The Second Treatise of Government and A Letter Concerning Toleration* (London: Dover, 2002).

6. Milot, “L’expression des appartenances religieuses,” 98.

7. The reconstructed argument in this section is based primarily on Daniel Baril, “La laïcité sera laïque ou ne sera pas,” and Louise Mailloux, “Une laïcité menacée,” both published in Normand Baillargeon and Jean-Marc Pottie, *Le Québec en quête de laïcité* (Montreal: Écosociété, 2011).

8. Milot, “L’expression des appartenances religieuses,” 97.

9. David Hume, *Dialogues Concerning Natural Religion* (London: Penguin, 1990).

10. For authoritative statements of this approach, see American Academy of Religion’s Religion in the Schools Task Force, “Guidelines for Teaching about Religion in K–13 Public Schools in the United States” (American Academy of Religion, 2010); and OSCE, Office for Democratic Institutions and Human Rights, *Toledo Guiding Principles about Religions and Beliefs in Public Schools* (Warsaw, 2007).

11. The compatibility of the cultural approach to teaching about religions with religious freedom has been confirmed in legal briefings (see the American Academy of Religion statement on this) and in at least one ruling of a superior court (S.L. v. La commission scolaire des Chênes, SCC 2012) of which we are aware.