Check for updates

Article

T·R·E

Theory and Research in Education
2015, Vol. 13(3) 249–266
© The Author(s) 2015
Reprints and permissions:
sagepub.co.uk/journalsPermissions.nav
DOI: 10.1177/1477878515598054
tre.sagepub.com
SAGE

Teachers, the state and religious symbols: A question of professional ethics

Kevin McDonough
McGill University, Canada

Bruce Maxwell
Université du Québec à Trois-Rivières, Canada

David Waddington
Concordia University, Canada

Abstract

This article considers the question of whether policies that propose to forbid public officials, most notably teachers, from wearing religious clothing in the classroom can be justified by political principles of secularism – specifically, the principle of state neutrality and the principle of state autonomy from religious influence. Two prominent arguments on behalf of an affirmative answer to this question are identified and evaluated, ultimately casting doubt on the cogency of prohibitionist arguments. The claim is then advanced that secular principles are most compellingly understood in educational contexts as principles of professional ethics – that is, as grounds for teacher reflection. To support this claim, we conclude by presenting two scenarios in which teachers face difficult decisions about whether to wear or remove an otherwise obligatory religious symbol. In this discussion, the importance of balance considerations of religious conscience with the value of public trust is emphasized.

Keywords

Neutrality, professional ethics, religion, secularism, teachers

Introduction

In 2013, the Canadian province of Québec proposed a controversial legal framework, the Charter of Quebecois Values,[1] which would have made it illegal for public sector employees, including public school teachers, to wear 'ostentatious' religious symbols in the

Corresponding author:
Kevin McDonough, McGill University, 3700 McTavish Street, Montréal, QC H3A 1Y2, Canada.
Email: kevin.mcdonough@mcgill.ca

workplace. Predictably, a spirited public discussion ensued, mirroring 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[2] and the Netherlands.[3] The proponents of the religious clothing ban claimed that the public school is a haven from religious influence and suggested that teachers and administrators should refrain from wearing religious symbols in order to maintain and promote the state's secular values. Opponents, meanwhile, claimed that the proposed ban would violate the rights and freedoms of teachers who might choose or feel compelled, for religious reasons, to wear a religious symbol at work and, furthermore, that it is based on a gross overestimation of the influence and authority teachers have over young people.

This article addresses two questions arising from the controversy over religious symbols in the public sphere. The first question is, 'Do the principles of state secularism warrant legislation that would forbid religious clothing for public employees, including teachers?' In other words, do proponents of prohibitionist state policies have a compelling case? The second question looks at the problem from the point of view of teacher professional ethics and asks: Even if restrictive legislation is not warranted, under what circumstances might teachers have good reasons to refrain from wearing a religious symbol in the name of secularism? By addressing the latter question in particular, we aim to work out a principled and systematic response, which, we hope, will be useful for teachers confronted with the professional choice of whether to wear a religious symbol in the classroom and for professional bodies seeking to establish guidelines around religious symbols in school.[4]

The article is divided into two major parts, which correspond to the two main questions guiding this inquiry. The first part of the article focuses on an analysis of secular principles as normative foundations for state policy. After presenting and assessing what we consider to be two of the strongest arguments in favour of a ban – which we refer to as the neutrality argument and the autonomy argument, respectively – we conclude that, at least as far as the political principles that should underwrite policies of the secular state go, the arguments in favour of prohibitions on religious symbols worn by state employees in the workplace are unconvincing.[5] If anything, we advance, such principles better support a more permissive stance on the part of the secular state. The second part of the article focuses on how secular principles might serve as useful conceptual tools for expanding and enriching the discourse of professional ethics in teaching. In this section of the article, we focus on state school teachers as a particular subset of public sector workers, in order to answer the following question: what guidelines or choices does secularism entail when understood as a professional value in teaching? Here we examine how the secular principles critically analysed in the first part of the article – that is, those of state neutrality and autonomy – might operate as principles of teacher professionalism rather than as guidelines for state policy. With respect to this issue, we argue that wearing a religious symbol at work becomes a question of teachers' professional ethics in cases where teachers' decision to wear or abstain from wearing a religious symbol has implications for building or restoring public trust in secular institutions. We then test this argument by examining two contexts in which religious symbolism is directly relevant to a topic a teacher has been asked to teach.

Two principles of state secularism

We begin our analysis by identifying and reconstructing what seem to us to be the two most *prima facie* compelling secularism-based arguments in support of the view that the state can legitimately legislate against the wearing of religious symbols by civil servants. We do this for the sake of disentangling from among many often confused and sometimes patently irrelevant and mean-spirited claims and counterclaims that are made in public debates,[6] those secularist arguments that seem to provide the strongest *pro tanto* case on behalf of state prohibitions. The article addresses only those arguments. Since these are arguments that have tended to dominate debates about the implications of secularism for state policy in Québec and France, our analysis has the further aim of adding clarity to disputes over state policies that would prohibit of religious clothing.

One significant factor that often seems to disappear from view in debates about state secularism as a fundamental value is its social purpose. Accordingly, we suggest that state secularism is instrumentally valuable with respect to two crucial social goods: public trust in state institutions and fair and equal treatment of citizens at the hands of the state. Seen this way, state secularism is best regarded as having instrumental value because it is a doctrine designed to promote certain endogenous benefits where sociological conditions of religious diversity and the potential for inter-religious conflict create the threat of political instability and injustice. Thus, for example, a policy of state secularism makes little sense in a society in which religion has ceased to exist as a meaningful concept, since under those circumstances the benefits secular principles are designed to uphold and reinforce cannot arise in the first place.[7] By contrast, the benefits of state secularism in religiously plural societies are easily discerned in connection with two key social conditions: 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.[8] 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 even-handedly and fairly, and the obligation to *autonomy*, which requires government policy to be established and executed free from the influence of any religious authority.[9]

There are two main reasons in the present context for emphasizing the distinction between state neutrality and state autonomy. First, these two concepts form the principal axes of the debate about religious symbols in the public workplace, and the strongest arguments of the strict secularists who wish to ban religious symbols draw upon the notions of state neutrality with respect to religion and state autonomy from religion. If the arguments of the strict secularists are to be examined, we must therefore begin with an examination of neutrality and autonomy. Second, 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.

According to the conception of secular principles just outlined, state policies, norms or laws can run afoul of the ideal of secularism in two distinct ways, and therefore, the evaluation of a policy, norm or law in terms of its consistency with secular principles is a two-stage process: the policy or law in question must be examined in light of both the neutrality principle and the autonomy principle. The next two sections of this article are

devoted to the task of applying this two-step evaluation to the question of whether the state can legitimately impose a ban on the wearing of religious symbols in the civil service in the name of secularism.

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 sometimes make competing and irreconcilable claims about the collective political norms, the state must remain as neutral as possible between these diverse claims. Because diverse religious claims inevitably conflict in practice, the principle of state neutrality represents the secular state's commitment to equal respect for all citizens, regardless of citizens' particular religious affiliations. According to the principle of state neutrality, secularism provides a bulwark against political favouritism by the state and helps ensure fair treatment of citizens by protecting them against policies that discriminate on the basis of religious affiliation. 'The neutral state must not', Milot (2008) writes, 'directly or indirectly, promote any religion or put any religion at a disadvantage' (p. 98). Correspondingly, if the state confers advantages to particular religious groups – for instance, through laws exempting a Christian sect but not other religious groups from paying property tax on religious sites – it unfairly favours one religious group over others and abnegates neutrality.

One *prima facie* alluring argument in favour of banning religious symbols in the workplace is that allowing public servants to display religious symbols exemplifies precisely the sort of political favouritism that the principle of neutrality forbids.[10] On this view, policies that would permit civil servants to wear religious symbols in the workplace violate neutrality by affording special privileges to religious believers but not to non-believers. This argument equates the rights of religious believers in the secular state with the rights of civil servants who wish to wear signs that represent their political or ethical views. States do in fact routinely ban expressions of conscience (e.g. a pin bearing the slogan 'U.S.A. out of Afghanistan!' or 'Yes to an independent Québec!') and political affiliation (e.g. a UKIP lapel pin) in the 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 that are imposed on other expressions of conscience.

This argument applies directly to the case of teachers who wish to dress in accordance with religious requirements, beliefs or preferences. When the state permits teachers to wear religious symbols in the classroom, it appears to prioritize freedom of religion over freedom of conscience and thus endorses the legitimacy of religiosity over non-religiosity. A permissive state, according to this view, surrenders its commitment to fundamental secular political values in favour of manifestly pro-religious values endorsed by certain citizens – namely, teachers or other civil servants who wish to express their religious affiliation 'on the job'.

The principle of state neutrality undoubtedly has genuine *prima facie* moral appeal as grounds for restrictions on teachers' right to wear religious garb in the classroom. This

appeal is due primarily to legitimate concerns about a state that would accord certain privileges to religiously devout citizens that it withholds from non-religious citizens. However, *prima facie* appeal is not decisive since further inspection may reveal exigencies that undermine the initial attraction. Indeed, we argue that the prohibitionist 'neutrality' argument loses considerable force when one takes into account the religion-specific nature of secularism.

As we argued above, policies, norms or laws respect the neutrality principle when they refrain from discriminating against individual citizens on the basis of religious belief, practice or affiliation. The qualifier 'on the basis of religious belief' is essential since principles of state secularism, including the secular principle of neutrality, refer specifically to religion and thus simply do not apply in the same way to non-religious forms of expression as they do to religious expressions of conscience. The principle of state neutrality as we have outlined it focuses on the following question: 'How can the State adopt a non- discriminatory stance concerning personal expressions of *religiosity* in the workplace?' The prohibitionist argument responds by applying this principle to a different question: 'How can the State adopt a non-discriminatory stance concerning personal expressions of conscience *tout court* in the workplace?' In this light, the argument that adduces the principle of state neutrality in favour of prohibiting religious symbols in the public workplaces relies on a misleading conceptual sleight-of-hand.

In essence, the argument runs roughshod over the distinction between religious beliefs and matters of ethical and political conscience, assimilating one to the other. According to the reading of the neutrality principle presented above, however, this argumentative move amounts to illegitimately changing the subject. This is because, in the reading of secularism that we consider to be most plausible, secularism is a political doctrine that exists to set boundaries around what the state can and cannot do with regard to the regulation of religion and the expression of citizens' religious beliefs. The regulation of ethical and political beliefs and their expression is an important and complex issue for states as well, but this is a different matter which should not be seen as falling under the rubric of 'secularism'.

One observation that lends credence to this interpretation is the fact that, within the Anglo American tradition, the origins of the principle of neutrality can be traced back in the philosophical literature to Locke's (2002) *Letter Concerning Toleration*. 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 modern liberal democratic state, most notably Thomas Jefferson who, in the drafting of US constitutional documents, drew upon it to frame the First Amendment. 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.

To clarify the interpretation of secularism being advanced here, we are not saying that the state's obligations vis à vis 'neutrality' more broadly speaking[11] – in terms of the fair and impartial treatment of its citizens – apply only to citizens with regard to their religious affiliations and commitments. Nor are we denying that there may be occasions where the state must limit restrictions on the expression of matters of personal ethical

belief or conscience, or grant freedoms in this regard, in the name of neutrality. What we are saying, though, is that to characterize the general political concern over the regulation of freedom of conscience as an issue pertaining to 'secularism' is a *mis*characterization. Again, the reason for this is because state secularism, as Bilgrami (2014) puts it, 'is a stance to be taken about religions' (p. 25).[12]

In this section, we have presented and attempted to show the limitations of a recurring argument in public debates over restricting religious symbols in the civil service that draws on the neutrality strand of secularism. We suggested that the common practice of restricting expressions of ethical or political beliefs on the part of public sector employees while at the same time permitting the wearing of religious symbols does not constitute a violation of the principle of neutrality.[13] In the next section, keeping in mind our earlier point that evaluating secular arguments is a two-stage process, we reconstruct and evaluate a second, parallel argument adduced in favour of restrictive state policies – an argument that appeals to the aspect of secularism we have called the principle of state autonomy.

Does the principle of state autonomy require a prohibition on religious dress?

The principle of state autonomy, which in our view has substantially more philosophical bite than the neutrality argument, 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. Autonomy, as Milot (2008) defines it, emphasizes 'the State's independence from various religious groups and, reciprocally, the autonomy of religious organizations from political power' (p. 97). 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. In this way, through the principle of autonomy, state secularism exists as a safeguard of public trust towards the government. Just as an atheist would rightly doubt the legitimacy of a government under the control of a religious sect, so too would a member of a religious group understandably lose confidence in the legitimacy of a government controlled by another religious group.

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 which 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 – in which Anglicanism is the official state religion – departs from the autonomy principle while prioritizing neutrality. Nevertheless, UK citizens have extensive religious freedom, while successive governments have worked hard to minimize the influence of the Church in the state's treatment

of religious communities. Although the Church of England's influence on state policy is admittedly nominal in the United Kingdom, it is worth noting that, in the post-Reformation West, the influence of Roman Catholicism has posed the most significant threat to state autonomy from religious influence. Notably, where present-day debates about the legality of religious symbols in the classroom are currently intense (i.e. in places like France and Québec), concerns about political autonomy from the Church have historically been a pressing concern.

The principle of state autonomy from religious influence 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 Hume (1998), to 'season [the students'] minds with early piety' (p. 3). 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.

Policies, norms or laws that respect the autonomy principle, by contrast, are ones that keep in check not only the actual, institutionalized influence of religious groups on the process or execution of public policy but also maintain or reinforce the *appearance* of state independence from religious power. The reason why the appearance of state autonomy is important links back to secularism's basis as a political value: in liberal democratic societies characterized by religious pluralism, secularism acts as a guarantor of public trust that the state operates the *public* interest by inoculating itself from the influence of any religious authority. Indeed, there is no better issue to illustrate the political importance of the appearance of autonomy than the public controversy over religious symbols in the civil service. One of the key questions in the Québec debate is whether the act of wearing a religious symbol on the part of civil servants is sufficient to raise reasonable doubt that, in the case of conflict between state policy and the civil servants' religious beliefs or values, the civil servant will be able to prioritize state policy.

In the case of teachers, however, we suggest that there is no special reason to doubt the capacity of public employees to serve secular values in their professional role. Aside from the fact that a policy prohibiting religious symbols necessarily would conflict with that other core liberal value mentioned earlier – religious freedom – there is another very important additional reason for doubting 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 religiously affiliated 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. This assumption is dubious. 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 those values are compatible with the political principles which 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 from our discussion of the principle of state autonomy is that, despite its significance as an ethical bulwark against religious influence in political affairs, this principle cannot warrant legislation that proscribes teachers' right to wear religious symbols in the classroom. Our argument focused on the fact that prohibitionist arguments from the autonomy principle falter because they unfairly single out religious teachers as being more likely to harbour 'illiberal' views and more likely to 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.

The central claim we have defended so far in this article is that neither the principle of autonomy nor the principle of neutrality provides solid grounding for prohibitionist state policies. This claim does not, however, entail that secular principles are worthless for thinking through the ethical complexities teachers face when their religious obligations, in the form of dress requirements, conflict (or appear to conflict) with their pedagogical obligations. Indeed, as we argue in the next section, the conclusion that cardinal principles of secularism fail to convincingly support state prohibitions on religious symbols also implies that decisions about whether to wear religious symbols in the classroom should fall largely in the domain of teachers' professional judgement. This raises a corresponding need to identify principles that could serve as useful deliberative guides about whether it is professionally appropriate to wear an otherwise obligatory religious symbol and, if so, under what circumstances. As a way of addressing this need, we argue in this section of the article that the principles of secularism discussed above serve socio-political purposes whose importance is clearly evident in the classroom and school context.

Religious symbols and teacher professional ethics

Debates surrounding teachers and religious symbols 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. The most difficult and interesting questions of public trust surround the autonomy principle rather than the neutrality principle, given that the latter is very straightforwardly dealt with in the classroom.[14] The autonomy principle, by contrast, seems to impose significant ethical demands on teachers in terms of the choice to wear religious symbols at work. Given the close social contact between teachers and pupils, and teachers' explicit public mandate to contribute to young people's upbringing, socialization and education, it is not surprising that some parents are concerned about an openly religious teacher's independence from religious authority. A parent might sensibly wonder: Will the teacher be able to prioritize her professional obligations over her religious obligations in cases where the two conflict? Yet as we have argued in the previous section of our article, such concerns are almost certainly not sufficient in themselves to justify a blanket prohibitionist policy on the wearing of religious symbols by state-sector teachers. Besides the conflict with another fundamental value in most liberal democratic societies – namely, respect for religious freedom – in the absence of some very compelling justification, conjectures about what a worker *might* do is a weak basis for labour policy.

Yet the fact that teachers cannot justifiably be legally forbidden from wearing religious symbols does not eliminate the problem of political autonomy that cases of this kind create. Religiously observant teachers, like all 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 either (a) *not* to wear a religious symbol or (b) to open a deliberate discussion about an obligatory religious symbol will strengthen and sustain trust in an important public institution, the public school system.

The reflections on teacher professional ethics we develop below thus focus on complexities that arise when values of public trust in legitimate state institutions, on the one hand, and the liberal principle of religious freedom, on the other hand, potentially clash in classroom practice. This potential for conflicting values or principles means that teachers will frequently face situations in which they will have to carefully weigh competing ethical considerations.

We now wish to draw attention briefly to two professional situations in which the question of the teacher's autonomy from the influence of a religious authority appears to be particularly delicate. These are situations, we maintain, where the autonomy principle seems to provide teachers with a basis for discerning salient ethical complexities related to the decision to wear (or not) a religious symbol at work.

Teaching about religions

Perhaps the most obvious circumstance in which a teacher's decision to wear a religious symbol carries highly charged ethical significance is in the context of teaching about religions themselves. Religious education in public schools is typically taught from a

so-called non-confessional perspective.[15] The aim of non-confessional religious education is to promote an understanding of religious beliefs, practices, symbols and other expressions of religiosity, not the acquisition of 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.[16] Whether taught as mandated state curriculum, as in the case of Québec's Ethics and Religious Culture curriculum (Ministe 're de l'E ´ducation du Loisir et du Sport (MELS), 2008), 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 refrain from promoting or denigrating the religious beliefs, practices or rituals they seek to explain. Understanding is the aim, not moral judgement.

One can see immediately how the decision to wear a religious symbol in class might compromise the teacher's perceived autonomy. 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 judgements. 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. Given these kinds of contradictory judgements, many of which lie closer to the heart of intense social and political disagreements than dietary requirements, a teacher who openly displays her religious affiliation potentially creates ethical concern in part because she could be seen as tacitly endorsing a biased evaluative stance about particular religious beliefs or practices. Such a biased stance, in the hands of a teacher, represents an illegitimate exercise of state authority; as such, the case illustrates how a teacher who wears a religious symbol in class could, in certain circumstances, compromise her own autonomy and, by extension, that of the state itself. By displaying the symbol, she risks distorting, intentionally or not, the very values upon which the secular state relies in order to secure the trust of its citizens.

Is it realistic to think that a religious teacher would give up wearing a religious symbol, which may have significant personal or collective meaning, for professional reasons? Can religious teachers be expected to prioritize a political value like secularism over their personal religious commitments and perceived obligations? Given the strong attachment that some individuals have for their religious symbols, this approach may seem unrealistic. However, there exists an interesting historical precedent, which indicates that the approach we are suggesting is not as far-fetched as it might seem at first sight. From the 1960s to the 1990s, Québec underwent a gradual process of reducing the control over the French-language public school system that had historically been enjoyed by the Catholic Church and even recognized in Canadian constitutional documents until it is a 1997 amendment. Starting in the 1960s, there was a strong political will in Québec, a will shared by politicians, the educational community and the public alike, to replace the Catholic-dominated public school system with a secular, non-denominational one. As one can imagine, at that time, nearly all teachers working in French-language public schools were nominally Catholic and a significant number of them were female members of one Catholic religious order or another. They were nuns required to wear distinctive

habits. Despite the secularization of the school system, many of these women agreed to continue to teach in the new secular schools because they believed in the importance of democratizing Québec's French-language public schools and making them welcoming places for the children of new immigrants to Québec who were not necessarily Christian much less Catholic. For all these teachers, working with the new secular curriculum meant making radical changes to what they taught. And for many of them, it meant removing the most visible symbol of their religious affiliation – namely, the habit including the veil. Crucially, the elimination of Catholic clothing from public schools was not achieved by the imposition of any law or local regulation but was done willingly and en masse by tens of thousands of men and women who put the value of secularism before their personal religious commitments. Indeed, the Québec sociologist Guy Rocher (2013) has gone so far as to say that 'it was through the repeated personal gestures of these Catholic teachers that the secularization of the public institutions of Québec's education system was achieved' (p. 4).

So far, we have focused on ethical problems that arise when a teacher's religious symbol creates the reasonable perception of bias, and compromises her ability to exercise the authority associated with her professional role in ways that are consistent with secular principles, and especially the principle of political autonomy. A closer look at this case, however, discloses certain circumstances in which secular principles might be well served by the opposite professional judgement – the teacher's decision to have a deliberate discussion of her religious attire and its significance rather than remove it.

This point comes into view more clearly when one examines a slightly modified and more specific version of the case described earlier. Suppose, that is, that the teacher involved is a member of a relatively small minority religious group, whose religion is subject to widespread negative stereotyping in the popular media. Suppose, further, that the student population of the school in which she teaches largely comprises students who identify as members of a socially dominant religious group. Finally, suppose that the prevailing ethos of the school itself and the surrounding community is one in which established modes of discourse and cultural patterns of interaction are shot through with, often unrecognized or implicit, religious influences. The salience of such cases should not be difficult to see in the contemporary context of Western, historically Christian liberal democracies who are in the process of confronting the difficult task of integrating and adapting to newly arrived religious minorities who are frequently treated with suspicion and fear. The point of spelling out such details in the case at hand is that it makes clear why a teacher's decision to display her religious affiliation in the classroom, while simultaneously initiating a deliberate discussion of it and what it means in the context of the teaching-about-religions classroom, could actually serve valuable educational ends in a secular society. This is particularly true when it comes to illuminating ethical dimensions that arise in connection with the principle of political autonomy.

In order to appreciate the possibility that a teacher may in some circumstances have solid ethical grounds to wear, rather than to remove, her religious symbol during a class about religions, it helps to focus on the fact that a nominally public school can embody a deeply entrenched ethos and culture that seriously corrupts its autonomy from religious influence.[17] While the school in question may remain scrupulously neutral with respect to diverse religions – for example, having recently altered the calendar to eliminate holidays

like 'Christmas' or 'Easter' in favour of more generic labels and by accommodating demands for excused absences that correspond with the calendar adopted many different religious faiths – there can easily remain a reasonable worry that the school's authority is strongly influenced by the values, attitudes and judgements associated with a particular, dominant religious group. In this case, teachers who would prefer to display religious symbols out of a sense of religious obligation may confront a different set of ethical considerations than those described in the previous situation, and it may make an important difference whether the teacher's religious symbol is different from the religion espoused by most members of the local community, including students and their families. Specifically, a teacher whose religious attire makes clear that she is affiliated with a minority religious group whose traditions and practices are poorly understood and often distorted in popular media, and whose members are perhaps subject to frequent discrimination or disdain in the wider community, may choose to display and discuss her religious allegiances in class precisely in order to call attention to and attempt to redress the often hidden and implicit ways in which the purportedly 'neutral' context of the school in fact masks subtle or not so subtle signs of political heteronomy in the form of unequal power. Such a case is especially relevant to our discussion if the teacher displays her religious symbols within a school whose culture is entangled with a majority religious culture whose moral authority is strongly embedded in the surrounding local community.[18]

Indeed, it seems quite likely that a skilled teacher might use her religious symbol in such circumstances as a device and opportunity to transform citizens' attitudes about a public institution (i.e. the school) in ways that more accurately reflect the secular values, such as autonomy from religious influence, that such institutions are supposed to stand for. Consider, once again, the fact that public schools typically adopt a 'non-confessional' approach to religious education as described above. In circumstances like the ones we have been considering, a teacher who wears a religious symbol may use this approach to create room for critical epistemic, aesthetic and moral reflection – precisely the sorts of skills needed to expose and challenge biased messages whether they come from popular culture, religious authorities, parents or, of course, the teacher herself. One noteworthy consequence of such an approach, in particular when it is employed by a teacher whose explicit display of her 'countercultural' religious identity is that it provides students with an important role model they may be unlikely to encounter anywhere else – that of a public official displaying exemplary secular civic virtues by prioritizing secular values over her personal religious beliefs.

Teaching about human sexuality

Sexuality education provides a second circumstance where contextual factors may provide teachers with reasons that lead to divergent conclusions about what is professionally appropriate from an ethical perspective. 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. Once again, considerations of teacher autonomy from religious influence are ethically salient. 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. She could also opt to retain the crucifix and hold a deliberate discussion of her own commitment to the state curriculum and her autonomy from the Church's position on sexual practices. Taking either of these actions in this situation could vividly illustrate the teacher's autonomy from religious influence, and could thus provide an important lesson for her students.

As we noted above in our discussion of teaching about religions, this kind of decision on the part of teachers can have a positive educational impact. Those who advocate the removal of religious symbols in the public workplace are often motivated by stereotypes and misconceptions to the effect that religious affiliation in general (or perhaps a particular religious tradition) is necessarily illiberal, and this tendency towards stereotyping of complex and multivariant religious traditions is likely strongest precisely in cases where matters of sexuality are at stake. In this light, consider, for example, a Muslim or Catholic teacher who helps her students better understand the mechanisms whereby many different religions, including the teacher's own, contribute to a heteronormative political and legal culture that discriminates against Lesbian Gay Bisexual Transgender Queer (LGBTQ) citizens. Under such circumstances, once again, it is quite conceivable that a conscientious and capable teacher might exploit her open religious identification to salutary educational effect, by providing an example of a religious citizen who is capable of rigorously examining the dangers of religious political influence for secular values.[19]

To this point, we have been concerned to examine cases in which secular principles disclose ethical complexities that can lead either in the direction of counselling conscientious teachers to voluntarily remove an otherwise obligatory religious symbol or to wear such a symbol as a way to promote secular educational ends. In both of the cases previously examined in this section, our concern was to illuminate ethical considerations that could enable teachers to reflect on the following possibility: that by occupying a position of authority in the school, they incur a responsibility to reflect on the effects for secular principles, and indirectly on the consequences for constructively or destructively influencing citizens' trust in secular public institutions, of their decision to wear a religious symbol.

Underlying our discussion has been a concern about the potential for abuse of state-sanctioned authority. Secular principles provide teachers with principles of professional ethics that sensitize them to both the dangers and the educational opportunities that arise when they face a decision to wear or remove a religious symbol in the classroom. More specifically, such principles can serve as a focal point for considering specific and localized

concerns that might otherwise lead teachers, consciously or not, to abuse their position of power to promote their religious beliefs.

As noted earlier, it is generally a bad idea to demand teachers to refrain from wearing unpopular or unfamiliar religious symbols. In some cases, as we have stressed, the decision to wear a religious symbol can positively serve secular educational aims. Ignoring these possibilities 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, we have also noted that there would seem to be at least some, probably rare, instances in which such concerns are worth taking seriously.

Conclusion

In this article, we have contended that a great deal of caution is required before we conclude that the state should adopt exclusionary policies in dealing with religiously committed teachers. In any case, secular principles do not provide the kind of justification required to justify prohibitionist state policy. At the same time, we have urged that secular principles provide an important mode of critical reflection for teachers who must decide whether their professional obligations are compatible with the dress requirements of their religious faith. In this respect, our discussion has been sensitive to the fact that 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 to wear or *not* to wear a religious symbol or article of clothing.

When applied to teachers, contemporary disputes about the public acceptability of religious symbols enable 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. In any event, these kinds of questions are not easily dealt with; the ethics of religious symbols and teachers is more complex than the dominant debate about 'bans' and 'permitting' suggests.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.

Notes

1. See Government of Québec (2013), http://www.nosvaleurs.gouv.qc.ca/fr#propositions
2. See Langenfeld and Mohsen (2005).
3. See Saharso (2007).
4. By shifting the focus to questions of professional ethics, we do not mean to suggest that ethical decision is solely a matter of individual decision-making. Our discussion seeks to

support efforts by scholars and education professionals to enhance and enrich efforts at collective reflection among teachers as well. For example, the American Academy of Religion (AAR) (Religion in the Schools Task Force, 2010) has developed a framework of guidelines for teachers to deal with ethical issues that arise in the teaching of religion in the classroom. Our article is very much in line with such efforts, but the focus is specifically on an area that the AAR guidelines do not address – the responsibilities and freedoms of teachers who wish to wear, while on the job, clothing that symbolizes their particular religious affiliation. Ultimately, the goal of the article is not to suggest that the purpose and goal of philosophical argument is to identify rules that should be imposed on teachers. Rather, it is to contribute to an ongoing collective discussion about the kinds of ethical difficulties that teachers face in certain typical teaching contexts, and to investigate how philosophical inquiry can illuminate some promising pathways addressing these challenges.

5. Although (or perhaps because) our ultimate aim is to show why secularist arguments for prohibition are unconvincing, we are concerned that some explanation may be required to defend our decision to begin by first outlining what we see as the most persuasive version of arguments commonly advanced *on behalf* of prohibitions on religious symbols in the public workplace. In public debates on this issue, those who oppose prohibitionist arguments often tend to quickly dismiss, if they consider at all, the possibility that secular principles might have at least some *prima facie* moral force on behalf of prohibitions. This seems to us to be a mistake, and it raises a couple of potentially serious problems. First, it obfuscates the nature of secularism itself. Second, it raises the danger of misunderstanding the reasons that can reasonably be adduced on behalf of the conclusions one seeks to defend. In any case, in the discussion that follows, we are concerned to argue that although secular principles have some initial *pro tanto* appeal as grounds for prohibiting public school teachers from wearing religious symbols, these arguments are unconvincing both when they are based on the principle of neutrality and when they are based on the principle of state autonomy.
6. For example, in an open letter published in one of the major daily newspapers in Québec, one group of supporters of the bill, purporting to represent the 'feminist' perspective, insinuated that allowing female public servants to wear religious symbols in the workplace constitutes a concession to men's historical male domination of women and that, if the bill were not adopted, it would be 'step backwards' for feminism and the feminist cause. See Le manifest des 'Janettes', Le devoir, 15 October 2013, retrieved on 8 September 2015 from http://www.ledevoir.com/politique/quebec/389956/aux-femmes-du-quebec.
7. Bilgrami (2014) puts the point well: 'Should we decide that there is no viability in any notion of religion, and should the notion pass out of conceptual currency, secularism too would lapse as a notion with a point and rationale' (p. 25).
8. The account of secularism presented in this section is especially indebted to Milot's (2008) account.
9. For a reading of secularism in English similar to Milot's, see MacLure and Taylor (2011).
10. The reconstructed argument in this section is based primarily on Baril (2011).
11. For example, the well-known account of state neutrality as an 'anti-perfectionist' principle of political liberalism (Rawls, 1993) is broader than the secular conception of state neutrality we outline here, since it holds that the state must remain neutral among competing 'comprehensive' conceptions of the good life (e.g. Quong, 2010). Because this alternative conception of state neutrality makes no distinction between religious or non-religious comprehensive conceptions, it differs from the account of the secular principle of neutrality we rely on in this article in at least one notably important respect – it does not provide any basis for clearly demarcating the state's responsibilities with respect to religious expression and other forms of expression.

12. Bilgrami (2014).
13. Now there certainly may be workplace policies that fall afoul of the principle of neutrality in the secularist sense we have been using it – a policy that disallows the Islamic headscarf is banned but permits the head covering traditionally worn by Catholic nuns would be one example – and other reasonable grounds may undoubtedly be found for imposing restrictions on religious garb or other symbols in the workplace – if a particular religious symbol can be thought to increase the risk of an accident or injury, for example, or impede communication.
14. With respect to the neutrality principle, it is difficult to imagine a situation in which the wearing of a religious symbol by a teacher could constitute a form of unfair discrimination on the basis of religion or contribute to discriminatory practices. The general professional responsibility entailed by the neutrality principle is that teachers not directly or indirectly confer on any student an unfair advantage or disadvantage on the basis of religious affiliation. From respect for neutrality, for instance, a teacher should be careful to ensure that any set of rules about absences for religious reasons does not favour or penalize students who belong to any particular religious group. What matters is how the teacher observably exercises professional authority. The main point here is that the teacher who openly displays her particular religious affiliation by wearing a religious symbol enacts her authority in a manner that demonstrates even-handedness to all her students, regardless of religious affiliation.
15. For authoritative statements of this approach, see Religion in the Schools Task Force (2010) and OSCE (2007).
16. The compatibility of the cultural approach to teaching about religions with the principle of religious freedom has been confirmed in legal briefings (see AAR, 2010 statement [Religion in the Schools Task Force, 2010]) and in at least one ruling of a superior court (S.L. v. Commission scolaire des Chênes, 2012 SCC 7, 2012) of which we are aware.
17. For an interesting account of several US public schools that fit this description well, see Feinberg and Layton (2014).
18. See Feinberg and Layton (2014: 90–95).
19. A parallel situation is one 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.

References

Baril D (2011) La laïcité sera laïque ou ne sera pas. In: Baillargeon N and Piotte J-M (eds) *Le Québec en quête de laïcité*. Montreal, QC, Canada: Écosociété. pp. 43–56.

Bilgrami A (2014) Secularism: Its content and context. *Journal of Social Philosophy* 45(1): 25–48.

Feinberg W and Layton R (2014) *For the Civic Good: The Liberal Case for Teaching Religion in Public Schools*. Ann Arbor, MI: University of Michigan Press.

Government of Québec (2013) *La Charte des valeurs québécoises: Cinq propositions*. Québec City, QC, Canada: Government of Québec. Available at: http://www.nosvaleurs.gouv.qc.ca/fr#propositions

Hume D (1998) *Dialogues concerning Natural Religion* (ed. RH Popkin). Indianapolis, IN: Hackett.

Langenfeld C and Mohsen S (2005) Germany: The teacher headscarf case. *International Journal of Constitutional Law* 3(1): 86–94.

Locke J (2002) *The Second Treatise of Government and a Letter concerning Toleration*. London: Dover.

MacLure J and Taylor C (2011) *Secularism and Freedom of Conscience*. Cambridge, MA: Harvard University Press.

Milot M (2008) 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: McAndrew M, Milot M, Imbeault J-S, et al. (eds) *L'accommodement raisonnable et la diversité religieuse à l'école public* [Reasonable Accommodation and Religious Diversity in Public Schools]. Montreal, QC, Canada: Fidès.

Ministe 're de l'E ´ducation du Loisir et du Sport (MELS) (2008) *Que´bec Education Program: Ethics and Religious Culture*. Que´bec City, QC, Canada: Gouvernement du Que´bec.

OSCE (2007) *Toledo Guiding Principles about Religions and Beliefs in Public Schools*, Warsaw: Office for Democratic Institutions and Human Rights. Available at: http://www.osce.org/odihr/29154?download=true

Quong J (2010) *Liberalism without Perfection*. Oxford: Oxford University Press.

Rawls J (1993) *Political Liberalism*. New York: Columbia University Press.

Religion in the Schools Task Force (2010) Guidelines for teaching about religion in K-13 public schools in the United States. *American Academy of Religion*. Available at: https://www.aarweb.org/sites/default/files/pdfs/Publications/epublications/AARK-12CurriculumGuidelines.pdf

Rocher G (2013) Mémoire présenté à la Commission Parlementaire sur le projet de loi 60 [Brief Submitted to the Parliamentary Commission on Bill 60]. Quebec City, QC, Canada: Quebec National Assembly.

S.L. v. Commission scolaire des Chênes, 2012 SCC 7 (2012) 1 S.C.R. 235.

Saharso S (2007) Headscarves: A comparison of public thought and public policy in Germany and the Netherlands. *Critical Review of International Social and Political Philosophy* 10(4): 513–530.

Author biographies

Kevin McDonough is an Associate Professor of Philosophy of Education at McGill University, Canada. He is the author of many articles on issues of citizenship and schooling in diverse societies, and he is the co-editor (with Walter Feinberg) of *Citizenship and Education in Liberal-Democratic Societies: Teaching for Collective Identities and Cosmopolitan Values* (Oxford, 2003). Developing interests include examining the nature and significance of the concept of citizenship for evaluating and reforming policies of inclusive education for students with severe cognitive disabilities.

Bruce Maxwell is Associate Professor of Education at the University of Quebec at Trois-Rivières. His work, which has been recognized by awards from the Social Sciences and Humanities Research Council of Canada and the Association for Moral Education, deals with contemporary ethical issues in education and schooling, moral psychology as it intersects with ethical decision-making

in work settings and professional ethics in teaching. He has written a number of articles, chapters and books on these topics including, most recently, the co-authored *Issues in Canadian Education: An Introduction to Educational Studies* (Oxford University Press).

David Waddington is Associate Professor in the Department of Education at Concordia University. His ongoing research interests are located at the intersection between technology and citizenship. Current research foci include video games and citizenship, contemporary explorations of John Dewey's work on science and technology, and the concept of intercultural citizenship in Québec.