The Secularist Utopia of Neutrality:
Repercussions for Christian Women in Europe

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Introduction
According to the Pew Research Center, in recent years, there are more countries with laws or policies that ban women from wearing religious attire in public places or limit their ability to do so in some circumstances than, by comparison, countries that require women to wear particular types of attire (such as headscarves or long dresses) for religious reasons.¹

Not surprisingly, in recent European court cases, there are strong secular stances against the wearing of religious symbols by persons and especially women. This has been mostly affecting women partly as a result of the intense focus on the wearing of the headscarf by Muslim women in public authority. In light of the intense focus and visibility of the headscarf, this paper seeks to understand the effect of the general ban on the display of religious symbols on Christian women specifically. This presentation aims to present these repercussions and focuses on the effects of secular and neutrality views on the right to religious freedom of Christian women. It is argued that some of the harsh approaches by secular states to the Muslim veil, will have restrictive and limiting consequences for religious symbols worn by Christian women.

Restricting the public display of religious symbols
A paper about religious symbols in European state institutions is most timeous in light of the fact that the European Union Parliament’s biggest group (the European People’s Party), has expressed support for a Europe-wide ban of the Muslim veil citing both cultural and security concerns.²

In recent and fairly recent court cases within the European Court of Human Rights, the European Court of Justice and elsewhere in Europe, there have been decisions against (and some supporting) the wearing of religious symbols by persons in the public. Some decisions have banned persons merely wearing a religious symbol in the public sphere in France (in their free time and not at their place of employment). Other decisions have banned and allowed persons wearing religious symbols while working for a private company but performing a duty in public or while working with clients or members of the public. A third group of cases involves those where the wearing of religious symbols of persons working for state organisations and in positions of public authority (at varying levels) was banned. Where states ban individual expressions of religion in the name of government neutrality, public servants are the first targets. The argument is that public servants are the persons who address the public and some of them are in a position to exercise power over members of the public, a role in which perceptions of impartiality (such as religious impartiality) can be crucial.

**Secular state neutrality and prohibiting religious symbols**

This article aims to discuss the principles of “secularism” and “neutrality” that several European countries (most evident France and also Belgium) use to organise and manage religious diversity and religious attire in the public sphere.

Secularism ranges in various countries from the complete removal of religion from the public sphere to the “softer” manifestation of secularism that encourages and supports religious

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3 In France, the wearing of religious symbols by persons in their free time, but in the public arena, has also been banned. In *SAS v France* (Grand Chamber (Application no. 43835/11), Strasbourg, 1 July 2014), the European Court of Human Rights upheld a ban on the full-face veil in public places introduced by law. A similar Law can be found in Belgium (Law no. 2010-1192 of 11 October 2010).

4 See for example the case of *Eweida and Others v. the United Kingdom*, (Applications nos. 48420/10, 59842/10, 51671/10 and 36516/10). On 14 March 2017 the European Court of Justice upheld that employment rules may bar religious dress in Belgium even if the employer is a private employer. In the case from Belgium, *Achbita v. G4S Secure Solutions NV* (CJEU, March 14, 2017) the European Court of Justice decided that the private company G4S did not discriminate against its employees by prohibiting them from wearing any visible signs of their political, philosophical or religious beliefs in the workplace. Also see *Bougnaoui v. Micropole SA* (CJEU, March 14, 2017). Also see, *Ebrahimian v. France*, Application no. 64846/11 and *Dahlab v Switzerland*, ECHR 2001 – V 449.


diversity in the public sphere as long as it is in line with secular interpretations of human rights.\(^8\)

It is the more extreme form of secularism arguing for the complete removal of religion from the public sphere, that is criticised in this paper. The broad and indiscriminate use of secularism conceals the political and historical facts that give shape to the varieties of secularism and that the form of secularism used in a state, the state itself and the laws of the state are not neutral.\(^9\) A simplified or narrow view of secularisation as “neutral” undermines the fact that secularism is not simple nor linear but rather uneven, complicated and ambiguous. It will always be difficult to completely separate religion from the cultural and political fabric of a society (even a secular society) and render a society completely neutral.\(^10\)

The religious and ideological heritage of the “secular” is clear and it is not a static concept with only one meaning. The word “secular” in itself is a Christian term finding its original meaning in the Christian context.\(^11\) Today, the “secular”, after Enlightenment, is a comprehensive view of life and world on its own and stands above it as something that needs to organise or “manage” this religious reality.\(^12\)

As a result, the concept of “secular state neutrality” remains controversial since the state is not an abstract concept but made up of individuals and organisations with specific religious and belief orientations.\(^13\) Furthermore, the concept of “secularism” in itself has certain presuppositions based (for example the separation between church and state) based on historical ideological and religious assumptions.

This use of harsh arguments and claims to the neutrality of secularism have caused the emergence of political claims about secularism that are at odds with principles of religious inclusion and equality.\(^14\) This has been evident from the banning of the highly visible Muslim

\(^9\) Berger & Moon, 2.
\(^10\) Davies, 58-59.
\(^11\) Smith, 113. The secular is originally a religious concept – a product of traditional religious epistemological frameworks” (Smith, 114).
\(^12\) Smith, 129.
\(^13\) Berger & Moon, 5.
\(^14\) Berger & Moon, 2-3.
veil in the public sphere and as a consequence, other religious symbols, under the auspices of creating equality between men and women and also neutrality.

But is the secular ban on religious symbols by public authorities in line with principles of neutrality and equality? Furthermore, has it achieved its aims of women’s rights and equal rights? What has the effect of the secular ban on the Muslim headscarf been on Christian women?

**Repercussions for Christian women in European countries**

European countries, under the auspices of secularism have assumed that the allowance of the display of religious symbols, such as the headscarf, is a display and affirmation of discrimination against women. A mere ban on the headscarf for Muslim women, and the resulting religious symbols for other female religious adherents, in state institutions and elsewhere, maybe achieves a secular interpretation of what equality should be, but does not consider the meaning of equality and human dignity from the perspective of the religious woman (and there are various). But the consequences of secularism’s (and neutrality’s) intense focus on the headscarf and its insistence on enforcing its own ideas of equality on religious women have several consequences for Christian (and other religious women) as well.

The strict division between the public and private sphere is an extreme secular construct based on an incorrect assumption regarding secularism’s own neutrality. Religion is seen as best suited for the private sphere. The boundary between the public and the private sphere is policed by non-neutral secular reasonableness and rationality.

What is the effect of this for women who find that it is an inherent requirement of their religion to present themselves in public and private with a religious symbols, such as a headscarf or cross?

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15 For a discussion about the various reasons and views Muslim women have about the headscarf, see Adrien Katherine Wing & Monica Nigh Smith, “Critical Race Feminism Lifts the Veil?: Muslim Women, France, and the Headscarf Ban”, University of California Davis 39, 743-790.

16 See Wing & Smith, 743-790, for the views of Muslim women indicating that some of them view the headscarf as an integral part of their identity and conscience.

It is dangerous to separate the religious from the non-religious and asking the state to make a distinction between them and asking individuals to divide these two aspects within themselves. Persons view life as a whole and seek to live out their deeply held beliefs in their personal and collective lives. The intense emphasis on the headscarf in extreme secular countries has expected from Muslim women to divide themselves into an “acceptable” public persona and a separate “religious” persona. In the name of equality pertaining to religion, secularism will have to apply and expect this division from all religions and for religious women as well. If this is expected from Muslim women, the secular interpretation of equality and neutrality will compel the same expectations from Christian women.

In instances, where secularism is posed as neutral, a tolerance based on respect for choice easily becomes a reverse image of itself – intolerance for the actual choices made. Expecting religious women, and also Christian women, to be one person in a public institution aiming to represent a neutrality that does not exist, and another at home, is potentially marginalising and regressive for the equality of women and their equal opportunities in the public sector.

**Conclusion**

Secularism and neutrality creates hard dividing lines between that which is public and that which is private. These dividing lines have been affecting Muslim women especially because of the high visibility and political issues surround the headscarf – especially in Europe. Secularism and its resulting neutrality expect Muslim women to be one person in the private sphere and another in the public sphere. This may have excruciating consequences for the human dignity and conscience of a woman who is religious but also a member of the public. However, these bans do not extend only to Muslim women. The intense focus on the headscarf in Europe and secular attempts to conceal it in the public sphere, causes severe collateral damage for the religious rights of other women as well. The severe focus on religious symbols in the public sphere, partly caused by political positions against Muslim immigration into Europe, has caused and can cause severe damage for the presence of religious diversity in general and for Christian women in state institutions.

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18 Berger & Moon, 9.