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Governing Religious Symbols in the State: Neutrality, Identity and Coercive Public Officials Under Quebec's Bill 21

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Abstract

This article analyzes the governance of religious diversity in public employment through the study of Quebec's Bill 21. It examines how the State uses neutrality to manage religious symbols, focusing on implications for pluralism and fundamental rights within democratic governance frameworks and diversity regulation in plural societies. It situates Bill 21 within Quebec's longer legal and political trajectory, marked by failed legislative attempts, recourse to the "notwithstanding clause," and deep social polarisation around the construction of a francophone, secular identity. Methodologically, the study combines doctrinal analysis of Canadian constitutional law with a detailed examination of European Court of Human Rights and Court of Justice of the European Union case law, as well as a critical discussion of the Bouchard–Taylor Commission's model of "open secularism" and later reinterpretations by Bouchard, Taylor and Maclure. The article finds that Quebec's lawmakers selectively invoke European jurisprudence and the language of neutrality to justify far-reaching restrictions on visible religious symbols, especially for officials with coercive powers such as judges, police and prison staff, in ways that go beyond typical European practice. It argues that equating impartiality with an appearance of strict neutrality reflects the cultural assumptions of the majority and produces discriminatory effects on religious minorities, limiting both freedom of religion and equal access to public employment. The conclusion contends that neutrality should be assessed primarily through officials' conduct rather than their appearance and that more inclusive models of secularism—grounded in open secularism and reasonable accommodation—offer better tools for reconciling State neutrality, pluralism and fundamental rights.

Keywords: religious symbols; public employees; secularism; laicism; religious pluralism; multiculturalism; human rights

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1. Introduction

Quebec has become one of the most controversial cases in the contemporary debate on secularism, following the adoption of legislation that has unleashed a genuine legal battle between provincial and federal authorities and deeply polarized public opinion. This so-called "law of secularism" not only restricts the use of visible religious symbols for a significant number of public employees but has also had disproportionately negative effects on citizens belonging to religious minorities, fuelling dynamics of stigmatization and social rejection. In this context, the Quebec government seems determined to shore up

a new Franco-Canadian identity grounded in language, culture and a very strict conception of secularism that tends to render religion invisible, even when this means pushing out of the public sphere those Quebecers who, while belonging to religious minorities, are nonetheless full members of the political community.

In addition to its constitutional and theoretical implications, Bill 21 has generated measurable social effects, particularly for religious minorities and, among them, Muslim women who wear visible religious symbols. Recent survey research conducted by the Association for Canadian Studies and Léger (Rukavina 2022) shows that, three years after the adoption of Bill 21, a majority of Muslims in Quebec report feeling less accepted, less safe and less hopeful, with 83 per cent of Muslim women indicating that their confidence in their children's future has worsened since the law came into force. At the same time, large-scale opinion polls reveal a divided public, with about half of Quebecers supporting a model of State neutrality that bans visible religious symbols, but far less consensus when specific restrictions—such as the prohibition of hijab for public school teachers—are considered in practice (Breton 2024). These empirical findings are not the primary focus of this article, but will be used to illustrate how appearance-based neutrality translates into lived experiences of exclusion and second-class citizenship for affected communities.

Beyond these doctrinal and empirical considerations, critical race and feminist scholarship has shown that contemporary secularism regimes often racialize and gender religious minorities, especially Muslim women who wear visible symbols such as the hijab or niqab. In the Quebec context, several analyses and feminist interventions suggest that Bill 21 constructs Muslim women as emblematic of a perceived threat to secularism and gender equality, while in practice reinforcing their structural disadvantage and narrowing their access to public-sector employment and full citizenship (Narain 2024).

This article sets out to examine critically this project of defensive secularism and its implications for equality and democratic citizenship. First, it offers a brief overview of the legal and political trajectory of Quebec's secularism law, with particular attention to the conflict of competences and the reactions it has provoked. Second, it analyses the main decisions in comparative European jurisprudence that are commonly invoked to justify the State's power to regulate the use of religious symbols in public space. The Section 3 focuses on the proposal of the Bouchard-Taylor commission, initially appealing because it preserved religious expressions in public space and confined restrictions to officials exercising coercive functions, but which was ultimately distorted into a model that extends prohibition to almost any religious manifestation, something Taylor himself has strongly criticised. The Section 4 presents a theoretical analysis, drawing on Maclure's work, of whether it is appropriate to ban public officials from wearing religious symbols in the name of a supposed appearance of neutrality. Finally, the article examines whether the mere presence of religious symbols on judges, police officers, and prison staff truly affects the impartial exercise of their functions, or rather exposes the deeper tensions between State neutrality and the cultural imposition of the majority.

Methodologically, the article combines doctrinal analysis of Canadian constitutional law and Quebec legislation (Bills 94, 60, 62, and 21, as well as the Canadian and Quebec Charters) with comparative jurisprudence drawn from key ECtHR and CJEU decisions on religious symbols in public and private employment. It further develops a critical-normative framework, informed by political philosophy and secularism theory, to assess whether appearance-based neutrality can be justified in light of freedom of religion, equality, and democratic inclusion. Beyond the brief reference to survey data in the preceding paragraph, the article remains primarily a legal-theoretical study, grounded in doctrinal and comparative analysis rather than in original empirical research.

2. Bill 21 on Secularism: Rights, Identity, and Public Authority

In 2019, the government of Quebec, headed by the Coalition avenir Québec (CAQ), a party led by the charismatic Prime Minister François Legault, achieved the approval of the controversial Bill 21 project, titled 'An Act respecting the Laicity of the State'[1]. The law is the first legal norm that, for the first time, in its Article 1, declares the Quebec region a "secular State." The approval of the law marked the culmination of the secularization project of Quebec society, thanks to the efforts of the last Quebec governments to implement the prohibition of the use of religious symbols by public workers with authority functions, among which are judges, prosecutors, police officers, and prison officials, but also schoolteachers. The implementation of Bill 21 reflects State governance oriented toward defending a secular identity, yet it creates tensions between centralized control and the need to recognize social pluralism. In this sense, Bill 21 elevates symbolic neutrality—the visible erasure of religious signs worn by public officials—to the core criterion of State impartiality, while largely presupposing that institutional and behavioural neutrality are already secured by existing constitutional and administrative safeguards.

As soon as it was passed, various associations[2] announced their intention to challenge it in court, claiming it was contrary to the principle of religious freedom enshrined in the Canadian Charter of Rights and Freedoms (Section 2.a), and had discriminatory impacts on religious minorities who wear visible religious symbols, such as Muslim women, Sikhs, and Orthodox Jewish communities. The evidence of Bill 21's constitutional issues was so clear that the Legault government invoked one of the unique features of Canadian constitutionalism—the so-called "notwithstanding clause" (Section 33). This clause allows regional governments to override certain provisions of the Charter, temporarily suspending the rights and freedoms it guarantees (specifically, Section 2 and Sections 7 to 15). However, the clause is only temporary: it must be renewed every five years by the body that invoked it (either the federal parliament or the provincial legislatures), so its continuation is judged anew in every electoral cycle. In May 2024, the National Assembly of Quebec voted to renew it for another five years, extending its effect until 2029. The renewal passed with 83 votes in favor from the pro-independence parties and 26 votes against.

Thanks to the invocation of the notwithstanding clause, Bill 21 has been able to operate almost in its entirety since its approval. The only significant exception was a partial suspension of certain provisions, prompted by legal challenges before various regional superior courts. Specifically, a judge from the Quebec Superior Court had struck down the application of Bill 21 to English school boards, on the grounds that the rights of official language minorities are constitutionally protected and beyond the reach of the government's notwithstanding clause[3]. Nevertheless, the law continued to be fully enforced in all other respects except for this particular exception.

However, the Legault government decided to appeal the Superior Court's ruling to the Court of Appeal, which in November 2022 agreed to hear the arguments of the concerned parties. Finally, in February 2024, the Court of Appeal upheld the entirety of Bill 21, overturning the exemption granted to the English school boards. Since then, the system of secularism established by Bill 21 is in full force. The legal battle in Quebec has ended in victory for the proponents of the law, though a new judicial phase is expected at the federal level.

The legal trajectory of secularism in Quebec is a prime example of institutional persistence by provincial governments in their pursuit to consolidate a secular identity, even within an increasingly diverse society. This trajectory also reveals a distinct mode of governance, in which the provincial State manages religious diversity through increasingly detailed legal control over public officials and institutions. The most recent chapter of this process began shortly after the Bouchard-Taylor Commission concluded its work. A

significant portion of Quebec's social majority did not fully embrace the recommendations of the celebrated report (Bouchard and Taylor 2008), and after several years of intense debate and social tension, it was Jean Charest himself—the very leader who established the commission—who decided to introduce Bill 94 (2010)[4]. This initiative sought to address and correct elements of the 'open secularism' proposed by the commission, which had not been accepted by many political stakeholders or large sections of Quebec society, where social tensions were palpable, and confrontations had arisen over the public display of religious symbols. Charest's proposal, therefore, aimed to resolve such issues by introducing the requirement to uncover one's face to access or provide public services, justified on the grounds of gender equality and State neutrality, as provided in the Quebec Charter of Human Rights and Freedoms. Nevertheless, the measure was soon criticized for discriminating against Muslim women (Mamlok 2023; Laxer et al. 2023) and was ultimately abandoned amid political and social tensions, particularly acute during a time of economic crisis.

The debate resurfaced in 2013 with Bill 60[5], introduced by the Parti Québécois under the government of Pauline Marois. Known as the 'Charter of Secularism or Charter of Quebec Values', it sought to prohibit visible religious symbols within the public administration. Inspired by the French model, the proposal argued that not only should State neutrality be upheld, but so too should its outward appearance. This rigid interpretation of secularism clashed with parliamentary opposition and broad sectors of civil society, who considered the measure discriminatory. The absence of an absolute majority prevented its adoption, and the subsequent elections brought an end to the Parti Québécois government.

In 2015, under the Liberal government of Philippe Couillard, Quebec introduced Bill 62[6], which revived the spirit of the failed Bill 94 and sought to reinforce the religious neutrality of the State. The main provision was to require that both those providing and those receiving public services do so with their faces uncovered, applying to everyday situations such as using transportation, attending hospitals, schools, or courts. Although the law allowed for religious accommodations under certain conditions, from its approval in October 2017, it was widely challenged in court, especially by groups like the National Council of Canadian Muslims and the Canadian Civil Liberties Association, who argued that the rule violated the Canadian Charter of Rights and Freedoms.

The Quebec Superior Court suspended the central provision of the law for not clearly establishing procedures for requesting accommodations, and the suspension remained after a second review in 2018. Thus, the journey of Bill 62 ended abruptly. However, this legislative failure triggered a political shift: in the following elections, the Coalition Avenir Québec, led by François Legault, won a decisive victory on the promise of stricter secularism. Just a few months later, the new parliamentary majority introduced Bill 21, which deepens the principle of secularism and sets the current course for Quebec's policy regarding religion and the public sphere.

The implementation of strict secularism has been a long legal and social journey for Quebec. Since the Quiet Revolution, Quebec society has undergone ongoing and intense transformation, with its identity increasingly defined by making secularism the guarantor of francophone identity (Peker 2024). This process is primarily driven by two factors (Mégret 2022): first, the province's ongoing need to defend its unique identity against the Anglophone majority in the rest of Canada. In this sense, Quebec's strategy is no longer limited to language distinction; for years now, its defensive stance has included a determination to adopt a different approach to secularism than that of the rest of Canada (Taillon 2022). Second, there is a persistent sense of identity loss, brought on by increasing internal diversity. This has led to recurring social tensions between anglophone minorities and the francophone majority in Quebec and has further complicated divides along

urban/rural lines, as well as differences among institutions (universities, hospitals, schools) and political authorities.

3. Religious Symbols in Public Service: The Juridical Debate and Comparative Margin of Appreciation

Given the complexity of the political and social debate, and with the memory of past legal and legislative battles over the very definition of secularism, the promoters of Bill 21—as well as those advocating for a strict notion of secularism as a cultural safeguard—have invested considerable effort in developing a robust set of arguments drawing on international human rights law as both a legal and political comparative framework. On numerous occasions, references to the case law of the European Court of Human Rights (ECtHR) have served, often implicitly, as a reference point—especially, as is relevant here, to support the prohibition of public employees displaying religious symbols (Mégret 2020). Much of this case law implicitly prioritizes symbolic neutrality—the visible appearance of State agents—as a proxy for impartiality, rather than focusing primarily on behavioural neutrality and the absence of coercion or proselytism in officials' conduct. In doing so, Quebec's political authorities are not only justifying legal restrictions but also reshaping the governance of religious diversity through selective borrowing from European case law.

They have sought to show, therefore, that the regulation of religious symbols by public employees is hardly foreign to international norms, and that Quebec's model of secularism is part of the evolving trajectory of modern secularism more broadly. As we will see, certain rulings from European courts have permitted limitations on religious symbols in both private and public workplaces, granting employers significant discretion in their regulation. This has provided Quebec with a reference for constructing its own distinctive brand of secularism, rooted above all in the French model of strict secularism (Palermo and Woelk 2010), and has served to justify limiting the use of religious symbols by public employees while performing their duties. From an analytical perspective, much of this case law implicitly prioritizes symbolic neutrality—the appearance of distance from religion—over a primary focus on behavioural neutrality and the absence of proselytism or coercion in officials' conduct.

France has, as is well known (Amiraux and Gaudreault-Desbiens 2016), one of the most restrictive laws on religious freedom, which—alongside other countries—has been upheld by various ECtHR decisions (Sobczyk 2021), including in Belgium[7], France[8], Italy[9], and the United Kingdom[10], as well as in Switzerland[11] and Turkey[12]. It is therefore a fact that in most instances where religious freedom has been restricted, the ECtHR has upheld the majority. Other European laws have also limited religious symbols in certain public spaces, as seen in the French Constitutional Council's confirmation of the law banning face coverings in public (Labaca Zabala 2010), the Netherlands' partial ban in hospitals, educational institutions, public transport, and government buildings[13]; and the Geneva secularism law, which prohibits cantonal officials from revealing religious affiliation through words or signs[14].

In addition to ECtHR rulings and various measures adopted across Europe (Ooijen 2012), Quebec legislators have drawn on a number of CJEU decisions to reinforce their strict secularism agenda (Taillon and Stefanini 2020). Until recently, the CJEU had not directly addressed the regulation of religious symbols for public officials; instead, its rationale for restricting such symbols in the public sector developed through case law on religious symbols in private employment. Two landmark rulings—Achbita v. G4S and Bougnaoui v. Micropole, both decided on 14 March 2017—established the foundational framework[15]. Both cases involved Muslim women employed in private-sector companies and alleged discrimination under the Employment Equality Directive (2000/78/EC)[16]. However, they

differed significantly in their factual circumstances and outcomes. In Achbita, the claimant worked as a receptionist in direct contact with clients at a Belgian company. She was hired without wearing a headscarf, but subsequently decided to wear one. Her employer then invoked a corporate neutrality policy—notably introduced only after she began wearing the headscarf—to require its removal. In Bougnaoui, by contrast, the claimant was hired as an engineer while already wearing a headscarf. The employer's demand that she remove it came only after client complaints, without any pre-existing neutrality policy. The CJEU's reasoning diverged sharply between the two cases. In Bougnaoui, the Court found direct discrimination: the employer's requirement was not grounded in a genuine, pre-established neutrality policy, and the claimant had been hired with knowledge of her religious practice. The Court held that client preference—a mere business consideration—cannot constitute an essential and determinative occupational requirement. Conversely, in Achbita, the Court did not find direct discrimination. The crucial distinction was that Achbita had not worn the headscarf when hired, and a formal neutrality policy had been systematically applied. The Court thus established that employers may impose restrictions on visible religious symbols, provided three cumulative conditions are met: the neutrality policy must be genuine, consistent, and non-discriminatory in application; it must target only employees in direct contact with clients; and it must be strictly necessary and not motivated by animus toward any particular belief system (Howard 2017).

Critical scholarly analysis identifies two fundamental deficiencies in these rulings: the conflation of corporate image protection with freedom of enterprise under Article 16 of the Charter of Fundamental Rights of the European Union ("freedom to conduct a business"), and the conceptual incoherence of applying "neutrality" as a genuinely neutral standard. Regarding the first issue, the Court accepted the justification that a prohibition on religious symbols serves legitimate business interests by protecting corporate image and projecting neutrality toward clients. However, this reasoning is problematic: it implicitly privileges client preferences—including those rooted in discomfort with certain religious expressions—over fundamental Charter protections. In doing so, the Court subordinated rights explicitly enumerated in the Charter itself, namely freedom of thought, conscience, and religion (Article 9), and the right to non-discrimination (Article 21), to a business consideration that is neither a Charter right nor neutrally defined. The decision thus transforms customer bias into a legitimate operational constraint, effectively outsourcing discrimination to market preferences.

The second deficiency concerns the incoherence of "neutrality" as applied. A corporate policy mandating the suppression of all visible religious, political, or philosophical symbols does not constitute genuine neutrality; rather, it embodies a particular cultural choice—one that privileges secular expression and reflects dominant cultural norms. The appearance of neutrality masks an implicit substantive preference: neutrality itself becomes the dominant expression, rendering invisible those whose beliefs require visible manifestation. This approach fails to acknowledge that the construction of "neutrality" is culturally contingent and inherently disadvantages religious minorities whose practices are expressed through visible, embodied markers. True neutrality would require accommodation of diverse forms of belief expression, not their suppression under the guise of equal treatment.

From this jurisprudential analysis, the treatment provided by the CJEU towards private employees raises serious concerns, as it places the freedom to conduct a business above the right to freedom of thought, conscience, and religion. In both cases, the CJEU did not find the existence of indirect discrimination based on the neutrality policies developed by the companies regarding religious or philosophical symbols as part of their image policy toward clients. It only contemplated the possibility of direct discrimination when the wearing of religious symbols is perceived to question the professionalism of the employee

(Bougnaoui v. Micropole), or when another position is offered to hide the employee from clients (Achbita v. G4S).

The CJEU's interpretation of the Achbita and Bougnaoui cases grants companies substantial discretion to restrict religious symbols in the workplace, particularly for employees with public-facing roles. This approach subordinates fundamental rights—freedom of thought, conscience, and religion (Article 9 ECHR), and non-discrimination (Article 21)—to the freedom of enterprise, justified by the pursuit of corporate neutrality. Notably, the ECtHR adopted a markedly different position in Eweida and Others v. The United Kingdom[17], ruling that freedom of religion takes precedence over corporate image concerns and significantly limiting employers' ability to restrict workers' religious expression (Chaib 2017).

The landscape shifted substantially with the CJEU's 2023 judgment in OP v Commune d'Ans[18], the Court's first definitive pronouncement on religious symbols worn by public officials. The case involved a municipal administrator in Belgium who, working with minimal public contact since 2016, requested permission to wear an Islamic headscarf. The municipality denied the request and subsequently amended its internal regulations to impose "exclusive neutrality"—prohibiting all employees from displaying any visible sign of religious or political conviction, regardless of their contact with the public.

The CJEU ruled that public administrations may impose such blanket neutrality policies without breaching anti-discrimination law, provided the restriction applies uniformly to all staff and remains strictly necessary. Crucially, the Court recognized that "strict neutrality" constitutes a "legitimate aim" and granted Member States and their public bodies a margin of discretion in defining the neutrality standard they wish to promote. However, the Court also acknowledged that alternative approaches—permitting religious symbols across the board, or restricting them only to public-facing roles—remain equally valid, provided any chosen policy is applied consistently and systematically.

The ECtHR has also had the opportunity to rule on the use of religious symbols in public spaces and by public employees. In fact, the prohibition of religious symbols in public spaces has been systematically upheld by the Court, especially in educational settings and with respect to both teachers and students in public education (Relaño Pastor and Garay 2006)[19]. This position was reaffirmed in Ebrahimian v. France[20], where the Court held that States may invoke the principles of secularism and neutrality to justify restrictions on the wearing of religious symbols by public employees, particularly teachers in public schools (Ruet 2016).

According to the Court, the key lies in the status of these individuals as "public agents," representing the State in the exercise of their public functions. This distinguishes them from ordinary citizens and allows the State to require a degree of discretion in the public expression of their religious beliefs. In Ebrahimian, the applicant worked in a public hospital where she attended patients while wearing a headscarf. The Court considered that she should refrain from displaying her religious beliefs in order to ensure equal treatment for all patients. In this sense, the neutrality of public hospital services is linked to the conduct of their employees and to the requirement that patients must not doubt their impartiality (Ebrahimian v. France, §64).

The Court therefore found that, by wearing the veil, the employee was openly displaying her religious convictions in a manner incompatible with the requirement of neutrality expected from public officials under Article 1 of the French Constitution. For the Court, upholding the secular character of the State serves to protect hospital patients from any risk of interference or partiality that could infringe upon their own freedom of conscience. Hence, the Court considered that there was a need to protect the rights and freedoms of others—namely, respect for the religion of all persons, not only one. Consequently, it

concluded that the national authorities had not exceeded their margin of appreciation in rejecting any possibility of reconciling the freedoms protected by Article 9 of the ECHR for both parties—the employee and the patients—and gave precedence to the State's requirement of neutrality and impartiality over the individual's right to manifest her religion.

It seems clear, therefore, that regarding the regulation of religious symbols worn by public employees, there is significant alignment between the CJEU and the ECtHR: both grant States a broad margin of appreciation to regulate the dress codes of their staff, particularly when those functions involve public-facing roles. For both courts, the only way to ensure neutrality in the delivery of public services is by upholding a neutral image among their representatives, justifying the imposition of a duty of neutrality on State officials as the means to guarantee that citizens receive impartial services.

However, a key distinction emerges between these jurisdictions (Relaño Pastor 2016). While the ECtHR allows restrictions provided they are proportionate and fall within a State's margin of appreciation, the CJEU emphasizes that the neutrality requirement is optional for public administrations, which may or may not choose to embed it in their internal regulations. In practice, both courts recognize that the neutrality demanded of employees while performing their duties may be absolute, but, under CJEU case law, the appearance of neutrality is only actionable if so stipulated internally, meaning that it is not contrary to Union law for any administration to permit religious symbols if its own regulations so provide.

Within this framework, Quebec's legislators—by drafting Bill 21, defending it in court, and renewing it via the notwithstanding clause—appear to have identified in European jurisprudence a useful repertoire of arguments to reinforce their secular model, especially concerning State neutrality and the management of religious symbols among certain public employees. Nevertheless, reference to European decisions outside their native context risks creating the illusion of a homogenous consensus, when in fact it reflects a strategic selection of those rulings which, taken individually, lend support to a stricter and more defensive version of secularism (Mégret 2020). This strategic use of external precedents illustrates how governance choices in Quebec rely on legal mimicry to consolidate a more defensive form of secularism.

The core difficulty for Quebec's lawmakers, when seeking to underpin their model with international human rights law and, more specifically, with relevant European jurisprudence, is that they overlook both the specificity of the European context and its inherent heterogeneity. The European notion of margin of appreciation is designed precisely to accommodate the social and cultural diversity of its member States, and for that reason, the scope of this margin cannot be replicated identically in Canada, and in Quebec in particular, where it is conditioned by Canadian case law on religious freedom and the regulation of external manifestations of belief in public spaces (Mégret 2022).

Thus, Quebec has sought international legitimacy for its approach to secularism by invoking the principles of margin of appreciation and proportionality recognized by the CJEU and ECtHR, yet in reality, it has reconfigured these standards to advance its own objectives. While Bill 21 presents itself as compatible with these benchmarks (Taillon and Stefanini 2020, p. 86), its level of precision—both in the reach of affected positions and in the definition of banned symbols—and the extent of its restrictions go beyond what is typical in European legislation, adapting to a unique political and cultural reality marked by the defense of francophone identity. The risk of such legal mimicry is that it fails to take into account the plurality and context that European courts are careful to preserve, while Quebec forges an identity-driven model of secularism that utilizes neutrality as a tool for safeguarding a specific national project. In this sense, the European margin of appreciation, crafted to manage diversity between States, cannot be transplanted wholesale into the

Quebecois model, which is constrained by Canadian jurisprudence and by the distinctive objectives of its political and cultural vision (Taillon 2022).

4. The Appearance of Neutrality Reconsidered: Public Employment in the Bouchard-Taylor Report

The Bouchard-Taylor report proposed an inclusive governance model, based on intercultural negotiation and citizen participation, to address challenges of religious diversity in public spaces. The aim was to develop an intercultural model capable of reconciling a common identity—rooted in the French language—with the fullest respect for both Quebec's internal minorities and the diversity introduced through immigration. The concern to foster social cohesion by promoting the value of cultural diversity and its respect could only be achieved by insisting on the construction of an engaged, participatory citizenship attentive to the proper functioning of an egalitarian society. The Commission determined that a concrete model of cohesion would require the establishment of a common integrative framework between immigrants and the host society, achieved through democratic institutions and respect for the principles contained in Canada's foundational Charters of Rights and Freedoms.

The model of coexistence envisioned for la Belle Province by the Commission was meant to rest on a form of secularism adapted to Quebec's singular social character. In pursuing this, the intention was to establish a regime of secularism consistent with international standards for religious liberty but tailored to the province's particular reality. Thus, the regime proposed by the Bouchard-Taylor Commission is anchored by four basic principles: the separation of church and State, State neutrality, the moral equality of citizens, and the protection of freedom of conscience and religion (Bouchard and Taylor 2008, p. 48). These four principles were articulated around two core axes: one institutional—composed of separation and neutrality—and one deontological—composed of the moral principles of freedom of conscience and equality[21]. From this perspective, the Bouchard–Taylor report implicitly outlines an alternative governance model, one that organizes relations between the State and religious diversity through openness, accommodation and intercultural dialogue rather than prohibition.

The deontological principles, namely freedom of conscience and equality, are those to which any regime of secularism should aspire if the protection of fundamental rights and liberties is the goal. Both serve as fundamental moral precepts for regulating not only individual behavior but also the action of the State. Freedom of conscience and religion, on the one hand, reminds us that the protection of religious liberty is encompassed within freedom of conscience, and that both belong to the right of citizens to have their convictions safeguarded, to review them or abandon them, whether those convictions are religious in nature or not (Toscano Méndez 2010, p. 100). Moral equality, on the other hand, is intended to guarantee the fundamental rights of all citizens equally and requires that the State grant equal consideration to all, irrespective of beliefs or convictions.

Turning to the principles of separation and neutrality, both are institutional and flow from the prior deontological principles. Their essence lies in the institutional configuration the State must adopt so as not to undermine either of those prior commitments. The principle of separation first ensures a strict divide between religion and the State, prohibiting any church from being granted official status. This is reinforced, secondly, by the principle of neutrality, which is intended to prevent the State from identifying with any specific worldview and to guarantee impartiality in the face of any particular vision of the good life or the world, so that it never privileges one comprehensive doctrine over the others.

This combined deontological and institutional foundation advocated by the Commission called for a more liberal interpretation of secularism, characterized by flexible attitudes

towards religion and distancing itself from the rigid readings promoted by republican models elsewhere. The open secularism model advanced by the Report sought to promote freedom of conscience and religion—most notably through the mechanisms of reasonable accommodation. In essence, open secularism does not seek to deny religious expression in the public sphere nor relegate it to private life. Rather, it aims, in the words of the commissioners, was to defend a more liberal than republican idea of secularism, prioritizing the protection of any religious expression rather than its concealment. Its objective was to serve and safeguard rights, not to impose a particular identity or constitutional imperative. For this reason, the institutional principles of separation and neutrality are not ends in themselves but means for achieving the moral equality of citizens and the principle of freedom of conscience (Elósegui Itxaso 2010, pp. 18, 19).

Finally, in pursuit of the Commission's ambitions for harmonious coexistence and the practical implementation of open secularism, the report's authors made a significant effort to define a set of norms or guidelines for religious accommodation in society, while acknowledging the pragmatic necessity of addressing each case individually. Among the report's main recommendations was the concept of State neutrality through its representatives, namely public officeholders and civil servants. Unlike the French model, which effectively relegates religious expression to the private sphere, the French-Canadian approach avoids a blanket prohibition of religious symbols in public spaces. The report maintained that a universal ban on religious expression—for general citizens as well as users of public services—would infringe on freedom of conscience and religion. In the open secularism model, the neutrality requirement is imposed on institutions, not individuals. That said, the report nonetheless recognized that protection of conscience and religion is not absolute; it may be qualified for certain public representatives. Generally, the report argued that the right to express religious convictions through symbols should be recognized for all civil servants, except for certain roles—police, judges, and the president of parliament—who, due to the unique nature of their functions, must meet heightened standards of neutrality in appearance. For the Commission, certain positions require stricter measures to ensure the so-called devoir de reserve (duty of reserve), and it justified possible rights limitations for officials holding these posts. The main rationale for restricting these rights is that such officials often embody the values of the State, so if social coexistence depends on neutrality, it is logical to demand that neutrality from those exercising public functions (Levrau and Loobuyck 2020). The logic of this restriction is that these representatives must maintain an appearance of neutrality at all times.

5. Neutrality and Authority: The Dilemma of Religious Symbols for Public Officials in Positions of Power

For the purposes of this article, neutrality operates on at least three analytically distinct levels. First, institutional neutrality refers to the structural separation of State and religion and to the commitment not to endorse or privilege any comprehensive doctrine through laws, public funding or formal symbols. Second, behavioural neutrality concerns the actual conduct of public officials in the exercise of their functions, that is, their duty to apply the law impartially and to refrain from proselytism or coercion, regardless of their personal convictions. Third, symbolic neutrality focuses on the visible appearance of State agents and the expectation that they should not display religious markers while performing their duties, so as to project an image of distance from all faiths. Bill 21 largely collapses institutional and behavioural neutrality into this third, symbolic dimension, equating impartiality with the erasure of visible religious difference; the article argues that such a shift is neither normatively required nor empirically justified. In what follows, I use this tripartite distinction to reassess the open secularism model proposed by the Bouchard–Taylor Commission

and its later reinterpretations in Quebec's legislative practice (Bouchard and Taylor 2008; Maclure and Taylor 2011; Laegaard 2011; Maclure 2016; Kinsinger 2020).

Under the open secularism model proposed by the Commission, the appearance of neutrality required of public officials was grounded in the necessity for the State to demonstrate its commitment to neutrality through its representatives. The basic argument was that, if a public official were to display a religious symbol conspicuously, citizens seeking their services might harbor doubts about their commitment to the duties of their position and their loyalty to the State. Yet imposing limits on the visible expressions of religious beliefs by public officials had two immediate consequences (Maclure and Taylor 2011, p. 62): first, the restriction of their freedom of conscience and religion; and second, the limitation of their equal access to public services as employees. While it is true that in a democratic State governed by the rule of law, no right is absolute and restrictions may be applied when justified by reasonable grounds, the authors of the Rapport had serious reservations on this point. Ultimately, they were not in favor of an outright prohibition on public officials wearing religious symbols (Bouchard and Taylor 2008, pp. 49, 50).

The commissioners argued that public officials should be judged by their actions and by their proven impartiality in carrying out their duties and thus saw no justification for a blanket prohibition on the visible display of religious symbols by public employees. In their view, forbidding the use of religious signs out of fear that they might conflict with State neutrality would amount to prejudging these officials' conduct and professional capabilities. What truly matters, they asserted, is that civil servants provide evidence of impartiality in fulfilling their functions (Elósegui Itxaso 2012, p. 124), which they do by demonstrating through their daily work that their conduct is dictated not by faith or by a particular vision of the good life, but simply by the will and conviction to perform the tasks associated with their office. The Quebec model's commitment to open secularism, therefore, allowed for the displaying of religious symbols in public spaces, even by State agents, because the State placed confidence in the commitment and loyalty of its civil servants. A rigid interpretation of secularism, by contrast, would prematurely judge public officials' commitment, potentially exclude them from public service, and ultimately hinder their integration.

Nevertheless, the authors of the report acknowledged that there could be restrictions for certain public officials given the special responsibility of their roles. The Commission understood that some public functions, due to their significance, might entail an obligation of restraint. Thus, at the prompting of a memorandum submitted by the Bloc Québécois during the Commission's public hearings, the report ultimately recognized that there are some positions that "by their very nature embody the State and its need for neutrality" (Bouchard and Taylor 2008, p. 50). This would be the particular case of judges, Crown prosecutors, police officers, and the President of the National Assembly, who should be required to forgo showing their religious affiliation in order to preserve the appearance of impartiality essential to their functions.

Regarding this position on religious symbols for certain public officials, Charles Taylor was not entirely convinced, despite having co-signed the Commission's report. After the attack on the Quebec Islamic Cultural Centre (Schmitt 2017), Taylor began to voice concerns about certain aspects of the report publicly. In an op-ed published in La Presse (Taylor 2017), he expressed his unease about the rigid approach with which Quebec society seemed intent on implementing some of the report's recommendations—most notably, the one concerning the display of religious symbols by public officials. In recent years, Francophone Canadian society has seen a gradual rise in anti-Muslim rhetoric, and several media outlets identified surging Islamophobia as a principal cause of the Quebec Mosque attack[22]. For Taylor, the strict application of the recommendation restricting religious symbols among some public

officials was having the opposite effect to that intended by the report—it was undermining integration and the normalization of diversity.

Charles Taylor later acknowledged that he had been wrong to endorse the recommendation that public officials exercising coercive power should curtail their own religious freedom by refraining from wearing religious symbols. He clarified that his support had not stemmed from a genuine belief that such a measure was necessary to uphold the model of open secularism outlined in the Report, but from a sense that it suited Quebec's specific social climate at the time. In the midst of the crisis over reasonable accommodations, which had undermined the integrative and multicultural ethos of francophone Quebec, Taylor treated the restriction as a temporary concession—one that would become redundant as ethnic diversity gradually normalized. Yet this ostensibly provisional recommendation was ultimately incorporated into Quebec's Charter of Values, crystallizing the most rigid version of what had been conceived as an open model of laïcité.

For Taylor, the measure adopted in the report created a false dichotomy that would ultimately have negative social consequences for ethnic diversity—especially for Muslims and immigrants. The report drew a line between public officials with coercive functions—judges, police officers, and prison staff—and the rest of the State's employees, such as health workers, teachers, and administrators, but this distinction did not, in his view, achieve its intended goal; over time, the narrowly defined category of "coercive functions" was gradually supplanted by a vague notion of "authority" that came to include almost any public worker responsible for a group, such as teachers or educators. What truly concerned Taylor were the societal effects of this shift: after the Charter of Values was passed, Quebec experienced an increase in assaults against members of minority ethnic communities[23], which he linked to the way bans on religious symbols for some officials progressively stigmatized all visibly religious individuals—most notably Muslim women—by unleashing a previously latent hostility toward ethnic minorities in a society that prides itself on having pioneered multiculturalism.

Over time, both co-chairs of the Commission came to distance themselves from the way their recommendations were used to justify increasingly restrictive policies. Building on the framework they had already articulated in their work on open secularism (Maclure and Taylor 2011), they stressed that banning religious symbols for public employees disrupts the balance that a liberal, pluralistic State ought to maintain between broad protection of freedom of religion and the defence of equality, and risks stigmatizing members of minority communities. Taylor later went further and publicly repudiated even the limited restrictions envisaged for coercive officials, emphasizing their exclusionary impact in the context of Bill 21 (Maclure and Taylor 2011; Authier 2019). For his part, Bouchard criticized the extension of the ban to teachers and the use of the notwithstanding clause, acknowledging that such measures fuel mistrust and polarization rather than consolidating a shared, inclusive conception of secularism (Gervais 2017; Authier 2019).

Then, during the decade preceding the adoption of Bill 21 (2019), perceptions of cultural and religious diversity in Quebec, as well as the position of the Francophone majority regarding the visibility of religious symbols in public spaces, were marked by persistent social and political controversies. After the "reasonable accommodations" crisis, the Bouchard-Taylor Commission failed to close the political and social rift; consequently, Quebec moved toward the construction of a new Francophone identity in which the defense of secularism and religious neutrality became core elements of a substantive liberalism, notably different from the procedural liberalism prevailing in the rest of Canada. While this "substantive liberalism" in Quebec justified restrictions on the visible manifestation of religious beliefs by public employees in the name of gender equality and State neutrality, the Anglophone Canadian view favored the protection of individual rights and diversity.

This paradigm shift was reflected both in citizen attitudes and in the evolution of political and legal discourse, leading to greater willingness to restrict the expression of religious symbols in the public sphere—especially after the influence of the French model of laïcité and the sequence of local debates that unfolded from the early 21st century onwards. Nevertheless, studies show that, even well into that decade, Quebec did not necessarily display more restrictive attitudes than the rest of the country, and that these differences cannot be explained by greater prejudice, cultural insecurity, or lower religiosity, but mainly by the shifting interpretation of liberal values in Francophone society (Turgeon et al. 2019).

Since 2019, the trend has been toward a tightening of the secular framework, with new initiatives aiming to extend the ban even to all staff and students in educational centers, and the proposal of a new National Integration Law (Bill 84) currently under discussion[24], which has heightened feelings of exclusion and intensified the debate on "second-class citizenship" and a growing climate of hostility, especially toward Muslim women. Bill 21 has been analyzed as an emblematic case of the fragility of tolerance in diverse societies, where State neutrality can paradoxically serve to justify discriminatory practices in the name of universal liberal ideals such as equality and State impartiality (Mégret 2022).

From a legal perspective, the justification for the measure rests on the notion of secularism and State neutrality, but this clashes with the Canadian interpretation of religious neutrality as an obligation to neither favor nor disadvantage any faith, highlighting the tensions between federal, provincial, and international human rights frameworks, especially with the invocation of the "notwithstanding clause" to shield the law from constitutional challenges. Thus, the current situation in Quebec places the issue of religious symbols at the heart of not only a local but also a global dispute over the possibility and the risks of pluralizing rights and identities within modern democratic States.

6. Balancing Rights: The Struggle Between State Power and Freedom of Belief

Against this backdrop, the hoped-for shift in francophone Quebec society by the commissioners has not materialized, and the regulation of religious symbols has increasingly become a terrain where State power presses against freedom of belief. As Taylor observes, political actors and segments of the public gradually moved to extend what had begun as a narrowly framed restriction on officials with coercive functions to other areas of the public sector perceived as exercising authority. A measure initially conceived as a transitional instrument—intended to ease the normalization of visible diversity across all spheres—was thus transformed into a tool of resistance deployed by certain parties and social groups to defend a supposedly endangered francophone identity. This evolution enabled supporters of the ban on religious symbols for public officials to secure its entrenchment in Quebec's Charter of Values and to justify it on two main grounds (Maclure 2016, p. 17): first, by analogy with political neutrality, claiming that religious neutrality requirements are no different from the prohibition on expressing political preferences while on duty; and second, by redefining faith and belief as purely subjective experiences, so that their outward display would fall outside the core of religious freedom, turning the obligation to conceal visible religious affiliation into a supposedly "reasonable sacrifice."

In the first case, grounding a justification on the basis of analogy depends greatly on the similarities—or, indeed, the differences—between the two cases being compared. For those advancing this argument, the State is entitled to require its officials to refrain from expressing any political opinions while carrying out their duties, since public administration must remain neutral even in political matters. The public administration is entrusted with the continual functioning of the State and must apply the legal order impartially, regardless of changes in government or the introduction of new political ideas. Many issues managed

by the administration thus sustain their own momentum independent of political ideology, lacking any clear party allegiance.

Yet this separation of public administration from politics is far less straightforward than it might seem. Political change brings governmental change, which in turn shapes the political agenda for each term according to the winning party's platform. To that end, each government wields all the mechanisms of the public administration to implement its agenda, so that many civil servants are obliged to enforce norms or procedures with which they may not personally align. The administration, therefore, does not remain politically neutral when executing a government program; yet it can remain neutral with respect to religion.

A public servant's display of a religious symbol while on duty has no bearing on the proper execution of directives laid out in the government's political platform. Civil servants are bound to perform their duties in accordance with the law, regardless of ideological provenance, and their religious orientation does not affect that process. The neutrality of the State, therefore, is not called into question by the implementation of a particular political program, but it could be if government acted according to a religious affiliation. And civil servants do not lose their neutrality by applying a political program— no more than they would by wearing religious symbols—so long as their conduct complies with the law. In this respect, the exercise of religious freedom is limited only by the obligation to fulfill public functions professionally. Ultimately, it is acting in conformity with the law, irrespective of its political origins, that defines the neutrality that underpins their service.

The second justification is grounded in the way religious freedom should be exercised. Proponents maintain that any public official is free to express religious affiliation in private life or to participate as they see fit in civil society. Yet, in performing public functions, they are held to a duty of restraint, which obliges them to refrain from displaying any symbols that express their religious beliefs. According to Maclure, this "reasonable sacrifice" of faith for the sake of an appearance of neutrality is, in effect, rooted in a distinctly Christian tradition (Maclure 2016, p. 20). Much of secularism originated from the transformation of religion into a personal matter—an individualization closely tied to the evolution of modern societies toward liberal principles like autonomy of moral conscience, where individuals set their own ethical codes according to religious or personal convictions.

Yet not all members of an ethnically diverse society have experienced the same process of secularization, nor is it equally easy for everyone to separate religious belief from daily life. For many believers, being compelled to abandon certain religious symbols can feel like a real betrayal of faith; they are unwilling to face a choice between their convictions and a mere appearance of neutrality. Thus, what is labeled a "reasonable sacrifice" in favor of neutrality often amounts to the imposition of a particular model of religiosity, relegating all manifestations of belief to private life solely for reasons of social conformity. In the end, such a "reasonable sacrifice" becomes a demand for self-limitation that leaves no room but for self-discrimination for those unwilling to give up their core convictions.

All of these questions are difficult to answer and, in any event, depend on the particular relationship a given State maintains with religion. In a society that adopts a rigid understanding of laïcité, the State will seek to distance itself as far as possible from religious matters. By contrast, in a society that embraces an open conception of laïcité, the State understands neutrality in a positive and inclusive sense with respect to religion. In the latter scenario, the State may quite legitimately allow public officials to manifest their religious beliefs by wearing any kind of religious symbol, without thereby imputing to the State the convictions held by its employees.

Even within such a commitment to open laïcité, however, doubts persist about potential conflicts of rights affecting citizens who access public services. The delicate balance

between the State's appearance of neutrality and the right to religious freedom tends to crystallize around two specific concerns: on the one hand, the fear of proselytism, that is, the worry that a public official might use his or her position to influence the beliefs of other citizens while performing official duties; and, on the other hand, the functional problems that may arise from suspicions about the impartiality of an official who wears religious symbols.

In the face of this tension, the State can follow two basic approaches (Collis 2024). One is to insist on the total invisibility of religious symbols among its officials—and even more strictly among those who exercise coercive powers—by adopting a non-endorsement model, under which the State does not align itself with any religious position, not even atheism. The aim here is to secure absolute neutrality and to avoid any discrimination between religions, so that none is favoured or disfavoured by State actions, symbols, or messages. From this perspective, any manifestation of support—whether explicit or implicit—by the State or its officials may be regarded as incompatible with the principle of laïcité and neutrality.

The alternative is to apply the so-called coercion test, which focuses on whether there is any real compulsion or pressure exerted by the State or its representatives for citizens to participate in religious practices, adopt particular beliefs, or refrain from them. Under this test, a State intervention is only problematic if it results in actual, direct, or indirect coercion—for instance, through duties, sanctions, or benefits conditioned on adherence to a religion. In other words, the primary concern is not the appearance of endorsement but the existence of coercive mechanisms that push individuals toward religious behaviour. In these terms, the non-endorsement model entrenched by Bill 21 prioritizes symbolic neutrality—erasing visible signs of religion—over behavioural neutrality, whereas the coercion test advanced here treats the absence of coercive conduct as the relevant standard for assessing whether State officials respect religious freedom and equality.

The difficulty with the first approach, non-endorsement, is that it tends to produce unexpected, unreasonable, and exclusionary outcomes. Under this logic, any visible expression of religion by a public official (praying in public, wearing religious symbols, fasting, dressing in religious attire, and so on) can be read as "endorsement" of that faith by the State, regardless of the official's inner intention, and would therefore have to be prohibited in order to avoid a supposed breach of neutrality. This effectively excludes from public employment those who belong to religions that require outward expression of faith (Muslims, Jews, Sikhs, Christians, among others), while favouring those who do not display religious symbols or profess no religion at all. This is, broadly speaking, the route followed by the proponents of Quebec's Bill 21, which bans most public officials from wearing religious symbols and, in practice, prevents many believers from entering certain professions, thereby creating a society in which only those who do not display religion (or have none) can access public office.

By contrast, the coercion test is better suited to a legal framework that is genuinely sensitive to cultural and religious diversity. First, it allows public employees to continue expressing their religious identity without that fact alone being treated as a legal problem, unlike Bill 21, which removes from the public sphere those who cannot "render their faith invisible." Second, it provides a more manageable and administrable standard, since it requires proof of actual pressure—not merely a perceived endorsement—thus avoiding over-restrictive outcomes such as the blanket ban on religious symbols imposed by Bill 21. Third and finally, it protects freedom of religion and religious voluntariness more effectively, because it only constrains the State when its agents use public power to coerce, whereas Bill 21 ultimately imposes, in the name of neutrality, a kind of "civil religion without symbols" as a precondition for accessing public employment, distorting neutrality and generating

structural exclusion for many minorities. The model defended here thus measures State impartiality chiefly through behavioural neutrality and respect for fundamental rights, rather than through an expansive understanding of symbolic neutrality that requires the erasure of visible religious difference among public officials.

What ultimately matters, therefore, is the degree of influence a given public official may exercise and the particular significance of his or her functions, whose symbolic weight could be compromised by the display of religious symbols. A public employee who performs purely administrative tasks is not in the same position as someone who belongs to the highest levels of government. This has been the main argument used to justify maintaining, even within a regime of open laïcité, sector-specific bans for certain public officials who wield coercive authority, especially in light of the broader impact their decisions tend to have on society as a whole. The approach developed in this article evaluates State impartiality primarily through officials' conduct and behavioural neutrality, rather than through their outward appearance, and respect for fundamental rights, rather than through an expansive understanding of symbolic neutrality that requires the erasure of visible religious difference among public officials.

7. State Power and Coercive Functions: The Case of Judges, Police, and Prison Officials

In the debate over the preferred model of secularism, many existential questions underpin the arguments of those supporting one social model or another—and it is possible that most of them will ultimately prove irresolvable. All such debates intertwine issues of identity with the degree of secularism a particular society wishes to achieve. However, when examining the concrete case of public officials with positions of authority (Bosset 2013), the analysis should be limited strictly to whether State neutrality ought to extend to all such officials and to what operational challenges might arise if they are permitted to wear religious symbols while performing their duties.

For judges, the principal argument for maintaining the ban on religious symbols is that justice, embodied in the figure of the judge, must be impartial. All the symbolism surrounding judges and the courts alludes to this requirement: the figurative blindness of justice, the scales emblematic of equity, and the robes reflecting solemnity. Together, these symbols construct a collective ideal of judicial impartiality.

The question that arises, then, is to what extent the display of a religious symbol might damage this perception of impartiality. For a judge, it is not enough to be impartial; they must also appear impartial. This is a fundamental and indispensable requirement for a truly fair trial—that is, for proceedings endowed with every necessary safeguard.

Regarding the first issue, a judge must be impartial in order to maintain a neutral position that allows for abstraction from any subjective consideration and protection from bias in deciding the legal matter at hand. Judges are, in principle, presumed to be impartial, but all legal systems offer mechanisms to protect the interests of parties who doubt that impartiality. In any case, suspicion alone is not enough; there must be evidence of the judge's specific interest in the case.

It is, therefore, important to analyze each case individually and determine, in light of the facts, whether a judge's personal opinions may have influenced the proceedings. Yet none of this requires judges to lack personal opinions, or to abandon the beliefs and convictions that serve as their moral compass. The impartiality required of judges does not demand that they be neutral about all things; rather, it obliges them to judge facts by setting aside personal beliefs and convictions, and to apply the law alone. By the same token, they need not discard their personal life experiences. Indeed, those experiences

can help them approach a case more effectively and can even contribute to improving the quality of justice itself.

Therefore, there should be nothing suspicious about a judge adjudicating a given case while wearing a religious symbol. Judges are bound by an ethical oath to decide every case objectively and strictly within the limits of the law. The mere fact that a judge wears a religious symbol should not, by itself, constitute grounds for recusal—any more than it would be grounds if a female judge were to preside over a gender violence case or a Black judge were to rule in a racism case. In all such situations, the appearance of neutrality demanded of judges should be grounded in their conduct and the reasoning behind their decisions—not in mere personal appearance.

This brings us to the second concern of those who advocate for a strict, rigid secularism: that a judge must not only be neutral, but must also be seen as such. This conflict arises from the now-naturalized expectation that judges should not simply be impartial—they should be perceived as impartial by society as a whole. Yet, relying on a judge's appearance to bolster the image of neutrality is, in reality, a sign of society's lack of trust in the judiciary's commitment (Holtug 2012, p. 119). If the public lacks confidence in the professional conduct of judges because they display certain characteristics, this social mistrust merely reinforces the stereotypes that integrative measures—like allowing officials to wear religious symbols—are meant to dispel.

The only way to build confidence and break down stereotypes is through integrative measures that represent the ethnic and social diversity of the entire population. Once such diversity is normalized in public view, earning trust in judges' work becomes only a matter of time, provided it is repeatedly shown that they retain impartiality regardless of their appearance.

In the case of police officers, the debate over the appearance of neutrality becomes even more complex. Unlike judges, official dress codes for the police are much more strictly regulated. While not all police officers are required to wear a uniform—since many work in administrative roles or conduct their duties in a discreet manner—the general public nevertheless holds a very concrete image of what a police officer looks like. In this context, the appearance of police neutrality is highly codified, and any visible expression of ethnic identity requires an explicit exception to the standard.

The paradigmatic example is that of the Royal Canadian Mounted Police, which in 1990 permitted the wearing of turbans as part of the uniform after the Supreme Court of Canada ruled it discriminatory to prohibit Sikh officers from wearing them. Just last summer, further exceptions were introduced to allow the hijab for Muslim women officers who wish to wear it (Harris 2016). Although, so far, no officer had actually requested it, the measure aimed to facilitate the recruitment of more women into the federal police force.

All these exceptions to the rule are possible only due to the flexible attitude of societies like Canada's. However, once such measures are adopted as integrative policies, new concerns emerge regarding the risks of proselytism or functional capacity. Many citizens may feel uneasy about receiving instructions from a figure of authority displaying a religious symbol, fearing that such an official might allow their beliefs to influence their decisions. Nonetheless, such individuals cannot always claim a violation of their religious freedom simply because a police officer is visibly displaying a religious symbol.

On the one hand, although such items may have religious origins, any religious symbol incorporated as part of the dress code need not be considered strictly a religious symbol, but rather just another element of the uniform. On the other, no one's rights are infringed simply by the presence of a police officer wearing a religious symbol—unless the officer uses their position to impose or coerce others into particular beliefs or practices.

Nor should the functional capacity of police officers be called into question solely because they wear a religious symbol. Impartiality in policing does not depend on the public's perception of neutrality, but rather on the objective exercise of duties. There is simply no basis for assuming that public safety could be compromised if certain members of the police visibly display religious symbols, or that this would entail neglect of their responsibilities. On the contrary, the ethnic diversity of law enforcement agencies actually enhances their operational capacity, enabling them to address more effectively the range of challenges arising from greater social diversity.

Finally, in the case of prison officers, the issues raised are essentially the same as in the previous cases. On the one hand, some inmates may feel uncomfortable being supervised by staff members who display visible religious symbols. They might suspect that the directives or guidance of such personnel are shaped by their personal beliefs, which could be regarded as a form of proselytism and a violation of their own religious freedom. However, it cannot simply be inferred from a particular symbol that an officer's professional activity will be determined by their beliefs.

Although their authority over inmates is undeniable, it is necessary to evaluate the actual daily actions of prison staff and determine whether those actions comply with the standards set by law. That is, as long as their role is limited to supervision, adherence to procedures, and support for the inmates' eventual reintegration, the neutrality of their activity should not be in question. Likewise, the functional abilities of prison officers should not be called into doubt solely because they wear religious symbols. While some religious symbols may be striking for certain inmates, as in previous cases, the neutrality of official conduct should be assessed on professional criteria—potentially requiring a reasonable degree of discretion. Rather than banning the presence and visibility of such individuals, normalizing their presence within prisons can, in fact, foster greater respect for diversity.

8. Conclusions

Quebec's experience with Bill 21 highlights the challenges and opportunities of democratic governance in contexts of religious diversity. Regulating religious symbols demands balancing State control with inclusion, underscoring the value of open, participatory governance models for pluralistic coexistence. In recent years, this legislation has redefined the public space by restricting the visible expression of faith among certain public officials, and it has had a particularly profound impact on religious minorities, who often see their access to employment and full citizenship curtailed. These tensions expose not only fears about social cohesion but also a deeper unease about the transformation of identities and symbols that many still be regarded as foundational.

The way Quebec has regulated public officials is especially telling because it is in their case that the demand for neutrality has been most forcefully asserted. Those who exercise coercive powers—police officers, judges, prosecutors, prison staff—have been placed at the centre of measures that seek an appearance of strict religious neutrality, as if their legitimacy depended primarily on what is visible. Yet the social reactions to these rules also reveal many of the anxieties of the majority culture, for which the loss of familiar references is perceived as a threat that must be managed through legal prohibitions rather than through democratic negotiation.

In order to justify these measures, Quebec's legislators have turned to comparative jurisprudence, invoking decisions by European courts to support their model of defensive secularism. The appeal to European case law is presented as technical and objective, but it often overlooks the historical and political specificities of each context, and the way in which certain solutions, acceptable in one setting, can generate new injustices in another. This use

of foreign precedents thus illustrates both the potential and the limits of comparative law when it is employed to legitimise restrictions on fundamental rights.

Ultimately, the core of the debate is theoretical but has very concrete consequences: is an appearance of neutrality really necessary to guarantee the impartiality of public officials, or does it end up imposing the values and aesthetic codes of the majority religion and culture on everyone else? The insistence on erasing visible difference can be read, in many cases, less as a genuine safeguard of impartiality than as an attempt to preserve a familiar image of the State and its institutions. Faced with this, it becomes essential to adopt a more dispassionate and pragmatic approach, one that recognises the continuous transformation of our societies and seeks forms of coexistence that do not confuse equality with homogeneity.

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Abbreviations

The following abbreviations are used in this manuscript:

ECtHR	European Court of Human Rights
CJEU	Court of Justice of the European Union
CAQ	Coalition avenir Québec
CCLA	Canadian Civil Liberties Association

Notes

1 Bill 21, An Act respecting the laicity of the State, 1st Sess, 42nd Leg, Quebec, 2019 (assented to 16 June 2019), SQ c 12. Available online: https://www.assnat.qc.ca/Media/Process.aspx?MediaId=ANQ.Vigie.Bll.DocumentGenerique_143925en&process=Default (accessed on 30 December 2025).

2 Of special note is the work of the Canadian Civil Liberties Association (CCLA), whose website provides access to challenges against various secularism bills in Quebec. https://ccla.org/major-cases-and-reports/bill-21/ (accessed on 30 December 2025).

3 «EMSB "elated" after Quebec Court Strikes down Parts of Bill 21», Montrealgazette, 2021. Available online: https://montrealgazette.com/news/local-news/emsb-elated-after-quebec-court-strikes-down-parts-of-bill-21 (accessed on 24 September 2024).

4 Bill 94, An Act to establish guidelines governing accommodation requests within the Administration and certain institutions, 1st Sess, 39th Leg, Quebec, 2010. Available online: https://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-94-39-1.html?appelant=MC (accessed on 30 December 2025).

5 Bill 60, Charter affirming the values of State secularism and religious neutrality and of equality between women and men, and providing a framework for accommodation requests, 1st Sess, 40th Leg, Quebec, 2013. Available online: https://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-60-40-1.html (accessed on 30 December 2025).

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[7] Belcacemi et Oussar c. Belgique, no 37798/13, 11 July 2017. Dakir c. Belgique, no 4619/12, 11 July 2017.

[8] Ebrahimian v. France, no. 64846/11, 26 November 2015. Gamaleddyn v. France (admissibility), no. 18527/08, 30 June 2009. Mann Singh v. France (admissibility), no. 24479/07, 13 November 2008. El Morsi v. France (admissibility), no. 15585/06, 4 March 2008. Aktas v. France (admissibility) no. 43563/08, 25 May 2010. Phull v. France (admissibility) no. 35753/03, 11 January 2005. Jasvir Singh v. France (admissibility), no. 25463/08, 30 June 2009. S.A.S. v. France [GC], no. 43835/11, 1 July 2014. Dogru v. France, no. 27058/05, 4 December 2008.

[9] Lausti v. Italy [GC], no. 30814/06, 18 March 2011.

[10] Eweida and Others v. the United Kingdom [GC], nos. 48420/10, 59842/10, 51671/10 and 36516/10, 15 January 2013. X v. the United Kingdom, no. 7215/75, 5 November 1981.

[11] Dahlab v. Switzerland (admissibility), no. 42393/98, 15 February 2001.

[12] Karaduman v. Turkey, no. 41296/04, 3 April 2007. Araç v. Turkey (admissibility) no. 9907/02, 19 September 2006, Köse and Others v. Turkey (admissibility), no. 26625/02, 24 January 2006. Kurtulmus v. Turkey (admissibility) no. 65500/01, 24 January 2006. Lyla Sahin v. Turkey [GC], no. 4774/98, 10 November 2005. Tig v. Turkey (admissibility) no. 8165/03, 24 May 2005. Karaduman v. Turkey, no. 16278/90, 3 May 1993.

[13] Wet gedeeltelijk verbod gezichtsbedekkende kleding, Law of 27 June 2018. Available online: https://www.rijksoverheid.nl/onderwerpen/gezichtsbedekkende-kleding-in-de-media-boerkaverbod/gezichtsbedekkende-kleding-gedeeltelijk-verbieden (accessed on 30 December 2025)

[14] Loi sur la laïcité de l'État, L11764, République et Canton de Genève, 26 avril 2018.

[15] Judgments of 14 March 2017, G4S Secure Solutions, C-157/15, EU:C:2017:203, and of 14 March 2017, Bougnaoui and ADDH, C-188/15, EU:C:2017:204.

[16] Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. https://eur-lex.europa.eu/eli/dir/2000/78/oj (accessed on 30 December 2025).

[17] Eweida and Others v. the United Kingdom [GC], nos. 48420/10, 59842/10, 51671/10 and 36516/10, 15 January 2013.

[18] Judgment of 28 November 2023, OP v Commune d'Ansde, C-148/22, EU:C:2023:924

[19] See Leyla Şahin v. Turkey, no. 44774/98, 10 November 2005.

[20] Ebrahimian v. France, no. 44774/98, 26 November 2015.

[21] The Québec Charter of Human Rights and Freedoms of 1975 and the Canadian Constitution Act of 1982, together with the Charter of the French Language and the integration policy defined in the Québecois "Each and Every One" (Action Plan for Cultural Communities) of 1981—which uses the term "cultural community"—and the "Énoncé de politique en matière d'immigration et d'intégration" adopted in 1990 that proposes a "moral contract" in a spirit of reciprocity between the host society and newcomers, all provide the foundational framework for Quebec's approaches to rights, language, and integration.

[22] In an article published by The Guardian on 31 January 2017 (Kassam 2017), it was argued that the attack on the Quebec Islamic Cultural Centre was preceded by numerous incidents of hostility toward the Francophone Muslim community, highlighting the rise of Islamophobia as the principal explanation for the attack. This interpretation is also shared by Safiah Chowdhury, a representative of the Canadian Muslim community, in an op-ed published on Aljazeera's website on 1 February 2017 (Chowdhury 2017)

[23] A notorious incident was recorded on a Montreal city bus, where a Muslim woman wearing a hijab was confronted and accused by another passenger of not integrating (CBC 2013). That was not the only such case reported during those days; various sources linked these incidents to the climate fostered by the debate and eventual passage of the Charter of Values.

[24] Bill 84, An Act respecting integration into the Québec nation, 1st Sess, 43rd Leg, Quebec, 2025. Available online: https://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-84-43-1.html (accessed on 30 December 2025).

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