RESPECTFUL RELIGIOUS PLURALISM IN THE WORKPLACE

Review of Douglas A. Hicks, *Religion and the Workplace: Pluralism, Spirituality, Leadership* (Cambridge: Cambridge University Press, 2003, 230 pp., £45.00 (hardback), £16.99 (paperback)).

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I.

For a long time, religious diversity has neither been an important nor a controversial issue in most Western societies. As they were mostly dominated by Christian traditions, religious diversity was typically limited to different denominations and Christian groups that existed within them, superposed by a broad consensus about Christian "values" or so-called "Occidental traditions." The situation dramatically changed with the influx of immigrants into many of the Western countries during the last three to four decades. As a result of this massive change, religious diversity is becoming a much wider issue: Today, nearly all relevant religions of the world, as well as a large number of small religious communities, are represented in our societies and do co-exist. In the European context, the Muslim community in particular has become the most relevant and visible religious group alongside Christianity—and this trend poses a number of problems regarding integration.

Although it is true that this process has started decades ago, only in the last few years have immigrants started exercising their religious beliefs in European societies with much more self-consciousness; and they are increasingly willing to claim their religious freedom with the help of the judicial system. Since individuals spend a considerable portion of their lifetime in the workplace, the new religious diversity affects the workplace more than ever and can cause complicated

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problems for both employers and employees. There are multiple signs of this continuing shift. A few examples will suffice in this context. The Muslim rule to pray five times a day can collide with their work schedule, and therefore raises the question of whether Muslim employees have the contractual right to interrupt their work for a few minutes in order to pray. Another predicament is that the working calendar in Western countries typically privileges Christian holidays and disadvantages members of non-Christian communities such as Muslims, Jews, or Hindus. This is also true with regard to the weekly work schedule in which Sunday is the day of rest, evidently disadvantaging Muslims, who see Friday as a day of rest or Jews, celebrating Sabbath on Saturday. In Europe, the cases that have come to the courts in recent years, essentially deal with the question of whether female Muslim employees are allowed to wear the Muslim headscarf at the workplace. These "headscarf cases" have caused heated and emotional public debates in many European countries. At first glance, these cases pose quite complex legal problems, such as the status of religious freedom in the workplace and—as far as employment relationships in the public sector are concerned—the implication of State neutrality vis-à-vis the different religious faiths that exist in society. But if one takes a closer look, there is much more at stake: The entire discussion on religious diversity and its effects is embedded within the much more fundamental controversy about the need of cultural homogeneity in modern society. Immigration and its most obvious consequences, particularly cultural and religious diversity, are considered (especially by Conservatives) as challenging the Christian and Occidental "dominant culture" that they consider to be threatened. Consequently, the religious and cultural dimension of a diverse society are inseparably tied. It is no exaggeration to consider such debate on cultural and religious identity, ongoing in many European countries, for which the Muslim headscarf is only a symbol, as a new "*Kulturkampf*," or "culture war."

II.

This public debate is very emotional and unfortunately focuses on a few "leading-cases" that have come before Court, such as the aforementioned Muslim headscarf controversy or the issue of whether prayers of Muslim employees during work time have to be allowed. What is still missing in the public argument is a broader view of the challenges associated with the question of religious diversity in Western societies, and a clear perception of the means that allow the

organization of a peaceful and respectful co-existence of different religious groups. Thus, the main question is the following: What are the guiding principles and norms that allow reconciliation between conflicting interests in these religious diversity cases? Therefore, it has to be welcomed that Douglas A. Hicks, Professor of Leadership Studies at the University of Richmond, Virginia, addresses these issues in his inspiring new book *Religion and the Workplace* and develops the concept of respectful pluralism as moral framework to grasp the problems arising from religious diversity in the workplace.

The book, and especially its first two parts, is loaded with amazing facts about the current realities regarding religious diversity in U.S. workplaces. But I will not deal with this rich material here, which is of tremendous use for anyone who is interested in the problems raised by religion in the workplace.

Instead, I would like to take a more detailed look at the core of Hicks' essay, which is the normative part ("constructing respectful pluralism") that outlines his own concept of respectful pluralism as a moral framework to transform workplaces that are characterized by religious diversity into workplaces governed by the spirit of respectful pluralism. Hicks is a moral theorist, interested in universal moral principles and norms, and tries to establish the grounding for a respectful coexistence of different faiths in the workplace. The author does not develop a utilitarian framework and therefore does not raise questions regarding the economic impact of respectful pluralism in factories and offices, neither does he talk about efficiency or profitability. Hicks' moral argument is in good part inspired by John Rawls' concept of public reason that he developed in *Political Liberalism*[1] more than a decade ago. However, Rawls makes the case that the use of public reason is limited to the political sphere. Hicks in turn argues that Rawls' liberal concept of public reason has to be extended into the workplace, since corporations as "major institutions of American public life" have "tremendous public power and the capacity to influence employees' lives."[2] According to Hicks, one has to understand the workplace as being part to the public sphere or at least a "quasi-public" entity, that may be measured in terms of public reason.

As a precondition of his moral argument, Hicks must appeal to substantive values such as the inviolability of human dignity and the

1. JOHN RAWLS, POLITICAL LIBERALISM. THE JOHN DEWEY ESSAYS IN PHILOSOPHY (1993).

2. DOUGLAS A. HICKS, RELIGION AND THE WORKPLACE: PLURALISM, SIPRITUALITY, LEADERSHIP 164 (2003).

equal respect that have to be accorded to every human being.[3] Hence, respectful pluralism is not only a procedural framework to settle conflicts arising from religious diversity in the workplace. Since religious commitments are a fundamental part of a person's identity, "that cannot be compartmentalized and should not be silenced from explicit expression during working hours,"[4] workplace organizations should allow employees, according to Hicks, to express their religious beliefs at work to the greatest possible extent. The guiding principle of his model is the presumption of inclusion. Consequently, the workplace shall not be a secular sphere. This principle of respectful pluralism is limited by several norms:[5] The "limiting norm" of non-degradation prohibits disrespect of coworkers or the employer caused by the expression of an employee's religious beliefs (e.g., by the use of disrespectful speech, posters, buttons, etc.). The second "limiting norm" that is restricting religious freedom in the workplace is non-coercion, which denotes that employers are not allowed to use their power to influence employees with regard to their religious belief and that employees must not use their position in order to impose their religion on their colleagues. The third "limiting norm" prohibits employers to establish or promote one particular religion in the factory or the office. Finally, Hicks acknowledges that the profit-seeking character of private sector companies must also be taken into consideration; however, he does not clarify under which conditions and circumstances the employer can limit the expression of his employees' religious beliefs during working time. As will be shown below, it is especially this limiting norm that poses a number of problems in practice.

So, how does respectful pluralism work in practice? Hicks only provides a few examples for "workplace scenarios" he has in mind.[6] The first deals with employees wearing religious garb in the workplace. Here, the principle of inclusion suggests that these employees can call "for a high level of understanding and flexibility on the part of the employer and the co-workers."[7] According to Hicks, this refers in particular to the Muslim headscarf: Only "in very rare cases, when genuine safety concerns cause danger for a person in loose-fitting clothing, holding a certain position, corporations would have a moral obligation beyond *de minimis* costs to find a suitable

3. *Id.* at 166.
4. *Id.* at 172.
5. *Id.* at 174.
6. *Id.* at 175.
7. *Id.* at 176.

alternative position for the employee."[8] Another example he mentions are employees who hang posters with religious content in their workplace area (e.g., posters with the inscription "Jesus Saves"). Finally, Hicks gives some cases violating the rule of non-establishment: Such an "undue institutional preference for a specific religious worldview" can occur when managers are inviting employees to a New Age ritual in the workplace, to Bible study classes, or to a yoga session.[9]

III.

Hicks sees his model of respectful pluralism as a moral framework that precedes and constrains the operation of the economic system:[10] "No relationship in the market sphere or in any other sphere of life can justifiably violate the equal respect owed to each person. The basic human dignity of both employees and employers, by virtue of their status of human persons, constrains the profit-seeking activities of firms." Indeed, every economic system is framed by a system of moral values and rules consented by the members of a society. I will come back to the need for a common moral ground in a plural society later. Nonetheless, one should not forget that the structure of the employment relationship is essentially characterized by the subordination of the employee under the employer's directions. The employers' social and economic power, to which the employee is typically exposed, is inherent to the legal concept of the employment contract. Hence, the realization of a respectful pluralism in religiously diverse workplaces *de facto* highly depends on the employers' will. However, there is a certain probability that they will follow Hicks' moral rules if respectful pluralism in the workplace is compatible with the profit-seeking character of firms and contributes to the firms' profitability—a question left open by Hicks.

Certainly, it would be unfair to confront Hicks' normative argument with a contradicting workplace reality, since one has to concede that a normative theory is independent vis-à-vis the social reality that it intends to influence. Nevertheless, one qualification should be expressed. The moral concept of respectful pluralism conflicts with a contractual relationship characterized by the employees' lack of social and economic power, and thus the

8. *Id*.
9. *Id.* at 179.
10. *Id.* at 169.

employees' dependence on the employers' good will. Therefore, a far-reaching legal framework protecting religious freedom in the workplace must complement the employer-employee contractual relationship. In industrial relation systems with institutionalized representation of workers, the workers' representatives can help protect religious freedom in the workplace and help avoid conflicts caused by religious diversity within the workforce.[11] Therefore, moral and legal frameworks must be considered as complementing interdependent normative structures.

IV.

Another difficult part of Hicks' argument in favor of respectful pluralism is the sparse attention he pays to the preconditions of a well working pluralism. As one can learn from the theory of pluralism,[12] every pluralistic system needs common (moral) ground that is accepted by almost all members of society. In other words, there has to be a consensus regarding a minimum standard of moral norms and values. Of course, the fundamental consensus of a pluralistic society should be based upon values that are justifiable by reasonable arguments. To put it in terms of John Rawls' *Political Liberalism*: Every "well-ordered democratic society" presupposes an "overlapping consensus of reasonable comprehensive doctrines" establishing and preserving the unity and stability of a pluralistic society.[13] These principles apply to religious pluralism as well. If a diverse society does not accept an attitude of a religious "anything goes," the members of this society must agree upon certain fundamental values that limit the exercise of religious freedom. The essential question is where the line should be drawn between religious beliefs and practices that are remaining within the frame of a reasonable pluralism of religious beliefs and those that do not share the "overlapping consensus" of the different "comprehensive doctrines" in society.

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11. For instance, according to Section 75, paragraph 1 of the German Works Constitution Act (*Betriebsverfassungsgesetz*), both the employer and the works council, who is elected by the workforce on plant level, have to ensure that the employees are treated according to the principles of law and equity, such as the obligation to avoid discriminations on the ground of religious belief. Of course, the legal provision does not guarantee that employees of different religious beliefs will be treated respectfully in their workplace by both their employer and their coworkers. However, it should be conceded that institutionalized forms of employee involvement can at least augment the chance of a respectful pluralism in the workplace.

12. *Cf.* Ernst Fraenkel, *Der Pluralismus als Strukturelement der freiheitlich-rechtsstaatlichen Demokratie*, *in* II VERHANDLUNGEN DES 45. DEUTSCHEN JURISTENTAGES B1, B8, B29 (1964)

13. RAWLS, *supra* note 1, at 133.

Hicks does not emphasize any limits of religious pluralism, although the question is crucial for his theoretical framework. As I have argued before, he only refers to the abstract principle of inviolable human dignity and equal respect, to which every human being is entitled. According to him, the interests of the coworkers are only protected by the "limiting norm" of non-degradation prohibiting disrespect of coworkers or the employer as well as by the principle of non-coercion. However, evoking these principles and norms is not enough to "deduce" solutions to very real and concrete conflicts in the workplace. Specifically, the limits of respectful pluralism in the workplace can be problematic in cases in which an employee denies certain fundamental values, such as the equality of the sexes by the exercise of his or her religious belief, but doing so without showing any (direct) disrespect vis-à-vis coworkers. Let's take an (extreme) example: A Muslim employee who regularly wears a *burka*, the symbol for the suppression of women, the question has to be raised, whether the employer or coworkers can reject it by arguing that such practices violate the principle of equality of the sexes, which is regarded as a fundamental principle of our society. What about religions that accept polygamy? Do employers or coworkers have to tolerate or even have to respect these religiously-grounded practices of their colleague in the workplace? What is the answer provided by Hicks' concept of respectful pluralism?

The only plausible answer is that respectful pluralism in the workplace has to be embedded in the moral consensus of the plural society as a whole. Therefore, the basis and particularly the limits of religious pluralism in the workplace are only conceivable with reference to a society's common moral ground regarding "reasonable" religious beliefs and practices. Hence the line between religious beliefs and practices that are situated within the "overlapping consensus" and those that are in conflict with it, is drawn by public reason.[14] It must therefore be concluded that employees' religious practices are beyond this consensus and cannot be part of a respectful pluralism in the workplace. The question where the line between the two is to be drawn is difficult and must be answered separately for every plural society.

14. *Id*.

V.

Furthermore, Hicks raises, more incidentally than intentionally, the very basic question of the relationship between morals and law. This is not the place for a more extensive discussion of this problem. Nevertheless, a few remarks on the problem are warranted. Hicks presents his moral principles and norms of respectful pluralism in the workplace as being more expansive than the legal minimum guaranteed by Title VII of the Civil Rights Act. In particular, his principle of inclusion would go further than the "standard *de minimis* interpretation" of the Civil Rights Act. This may be correct for the U.S. context, but it may not hold true for other legal orders. Legal norms do not necessarily fall behind Hicks' moral standard of respectful pluralism in the workplace.

Let's take the example of the German labor law. Here, it can be said that—at least in private sector companies—Hicks' moral postulates do not go far beyond existing labor law standards. This is due to the (indirect) horizontal effect of the constitutionally guaranteed fundamental rights in contract law leading to an "inclusion" of the religious beliefs of employees as far as possible.[15] As a result, the workplace in private sector companies cannot be a secular sphere in which the expression of employees' religious beliefs is generally banned. The horizontal effect of religious freedom poses the difficult problem of developing criteria that balance employees' religious freedom with the employers' legitimate operational interests, as well as the freedom of the coworkers. As of 2000, this constitutional framework is complemented by a Directive of the European Community "Establishing a General Framework for Equal Treatment in Employment and Occupation,"[16] which designs a general framework for combating discrimination on various grounds, i.e., the discrimination on the grounds of religion and belief (Article 1). The Directive not only bans direct, but also indirect, discrimination on the basis of an employee's religion and belief of the employee. Only if the Member State (e.g., Germany or France) provides that the unequal treatment on the ground of religion "shall not constitute a

15. According to the doctrine of the indirect horizontal effect, the constitutional rights express an "objective order" that is valid for all fields of the law, especially for civil law. The judge must consider indirectly the horizontal effect by interpreting the general clauses, such as good faith, in light of the constitutional rights (Section 242 of the civil Code). *Cf.* BVerfGE 81, 242 (254).

16. *Cf.* Council Directive 2000/78/EC, 2000 O.J. (L 303/16), *available at* http://europa.eu.int/eur-lex/en/index.html. The Directive had to be implemented by the Member States by December 2, 2003.

discrimination where, by reason of the nature of the particular occupational activities concerned or of the context in which they are carried out, such a characteristic constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate," the discrimination will be justified. The big question for the future will therefore be, whether "genuine and determining occupational requirements" are opposed to specific religious practices in the workplace such as the Muslim headscarf.

The extent to which the German constitution protects religious freedom in private sector workplaces can be illustrated by a well known 2002 decision of the German Federal Labor Court [*Bundesarbeitsgericht*] dealing with the right of a female employee to wear the Muslim headscarf during working time.[17] A saleswoman employed in a big department store in a small town, upon returning from her parental leave, informed the employer that she had changed her religious beliefs and that from now on she intended to wear a Muslim headscarf during the working hours. As the employer feared that his customers, the majority of whom hold "rural and conservative views," would not tolerate the headscarf, he dismissed the saleswoman. The resulting lawsuit forced the Federal Labor Court to balance the employee's constitutionally-guaranteed religious freedom and the employers' constitutional freedom of enterprise. What Hicks calls, without any further explanation, "the legitimate end of profit-seeking of companies" as a limiting norm for his principle of inclusion, became the major problem for the Court.[18] The judges argued that the employer is obliged to find out by trial whether the employee's wearing of a headscarf eventually causes the kind of problems with colleagues or with customers' preferences that the employer anticipated. Hence, the employer has the contractual obligation to observe the actual limits of customers' tolerance of religious diversity in the workplace; mere assertions of customers' preferences are insufficient. If customers indeed do not tolerate the saleswoman's headscarf, the employer must solve the problem in a way other than dismissal of the employee. The Court, consequently, tried to concede

17. Decision of October 10, 2002 – 2 AZR 472/01, *available at* http://www.bundesarbeitsgericht.de. For a more indepth analysis of this important "headscarf-decision" of the Federal Labor Court, see Achim Seifert, *Federal Labor Court Strengthens Religious Freedom at the Workplace*, 6 GERMAN L.J. 559, 4 (2003), *available at* http://www.germanlawjournal.de/article.php?id=280; Achim Seifert, *Germany—Federal Labour Court Decision of October 10, 2002—2 AZR 472/01*, *in* 23 INTERNATIONAL LABOUR LAW REPORTS 111 (Alan Gladstone ed., 2004).

18. HICKS, *supra* note 2, at 175.

to the employee as much religious freedom in the workplace as possible.

Therefore, at least in legal systems that acknowledge a horizontal effect of constitutionally protected religious freedom, the legal protections of religious freedom do not differ fundamentally from Hicks' moral principle of respectful pluralism. It is not necessarily more expansive than the standard guaranteed by German labor law. At least in the German context, labor law does not conceive of the workplace as a secular sphere, but as a place where different religious beliefs can meet. Possible conflicts between the actors have to be balanced and reconciled in a proportional way.

VI.

Hicks limits his model of respectful pluralism to private sector companies. Consequently, he does not approach the highly controversial problems that respectful religious pluralism can pose in public sector workplaces. At least in several European countries, wearing the Muslim headscarf as public service employee, particularly as a teacher in a public school while teaching, has become *the* symbol for a new public debate about the relationship between State and religion. It is therefore regrettable that Hicks entirely excludes the analysis of public sector employment relationships. Only a few remarks from the European perspective on this very complex and still unsolved problem must suffice in this context.

The legal problems of religious diversity are configured differently in the public sector. Exercise of religious freedom in workplaces at State institutions is not only a question of reconciling the conflicting interests of the employee and the operational interests of the State. The neutrality of the State vis-à-vis the different religious beliefs that exist in society is at stake as well. Consequently, the law has to guarantee that the expression of employees' religious beliefs does not affect this neutrality with regard to faith. Of course, not every behavior of public sector employees or of civil servants that is religiously motivated immediately affects State neutrality. Moreover, a distinction has to be made between the different functions exercised by employees in the public sector. The Sikh turban or the chain with a Christian cross of a municipal garbage cleaner, for instance, has different impact on State neutrality than the Muslim headscarf of a teacher in a public school. It is evident that, in the latter case, State neutrality is much more in question.

The solution to this difficult question differs from society to society and relies upon national traditions and the perception of the relationship between State and religion. It is important to distinguish two different extreme models. One of them, the laic model, is characterized by the banning of all religious signs and demonstrations from the public arena. France is probably the most prominent example for this model; it has recently confirmed this path when the parliament adopted in March 2004 the new Article L 141-5-1 of the French education code [*code de l'éducation*][19] forbidding students at public schools to wear ostentatious religious signs and apparel at school; the same applies, of course, to their teachers. Consequently, the laic model does not leave any place for a respectful religious pluralism in Hicks' sense; rather, it substitutes the presumption of inclusion he postulates, by a rule of complete exclusion of religion in public sector workplaces. Individual religious freedom is sacrificed to the interests of State neutrality in a plural society. At first glance, all different religious beliefs are treated in the same way: All signs and symbols are excluded from the State sphere. Nonetheless, the laic model is not as neutral as its proponents suggest. The exclusion of all religious practices tends to disadvantage certain religious groups for whose members it is mandatory to wear specific religious symbols or signs such as, for example, Sikhs, who have to wear a turban. Banning these religious practices in the public sector can exclude these groups from public sector employment. Hence, the laic model risks causing indirect discriminations on the ground of religious beliefs. Moreover, it tends to go too far in order to achieve its object, since it does not ask whether a specific expression of religious belief in a specific workplace is capable of affecting the State's religious neutrality.

The other extreme model permits employees or civil career servants to exercise religious practices in the public sector and not to care about possible effects on State neutrality. One good example for this strategy of such a *laissez-faire, laissez-passer* is the United Kingdom where it is tolerated, for instance, that policewomen wear Muslim headscarves and judges a Sikh turban.[20] According to this tradition, individual religious freedom outweighs the State's interest for a neutral administration. This inclusion of the different religious beliefs in public sector workplaces is a solution that is in accordance with Hicks' respectful pluralism. The disadvantage of this model lies

19. Loi No. 2004-228 of 15 Mar. 2004 (Journal Officiel of 17 Mar. 2004).

20. *Cf. The War of the Headscarves*, THE ECONOMIST, Feb. 5, 2004, *available at* http://www.economist.com.

in the possible endangerment of the State's religious neutrality. As one can see, public schools are among the most sensible realms where State neutrality can be affected by such openness for different religious beliefs.

A large number of countries fall between these two extremes. One example is Germany. In its famous "headscarf-decision" of 2003,[21] a young teacher intended to wear the Muslim headscarf during her school lessons and therefore was rejected by the government of the State *Baden-Wurttemberg*, the German Federal Constitutional Court [*Bundesverfassungsgericht*] held, on the one hand, that the school administration was not authorized to forbid the headscarf since there was no legal basis in the State legislature to ban the Muslim headscarf out of the public school. But on the other hand, the judges clarified that the legislator is free to vote for a model and to forbid by law the wearing of religious garb by public teachers in school unless such a Neutrality Act discriminates one or several specific religious groups. Hence, the Federal Constitutional Court remitted the question to parliament, favoring a political solution of the problem. Briefly after this important decision of the Federal Constitutional Court, several States swiftly established so-called "Neutrality-Acts" that explicitly outlaw Muslim headscarves for teachers during school lessons [e.g. *Baden-Wurttemberg*][22] or even in the whole public sector [e.g. *Hessen*].[23] Other States have not adopted Neutrality Acts until now. Constitutionally, the existing Neutrality Acts are problematic since they refer explicitly to "Christian and occidental values" or to the "Christian occidental tradition." It is evident that the Federal Constitutional Court will have to decide in the near future whether these legal provisions violate the constitutional neutrality of State.

Although different models exist on State levels in Germany, one overarching tendency can be identified. With the exception of the Neutrality Act of the State of Hesse, which excludes religious garb from the whole public sector, the vast majority of the rules are trying

21. Decision of September 24, 2003 – 2 BvR 1436/02, *available at* http://www.bundesverfassungsgericht.de. *Cf.* the decision of the Federal Administrative Court [*Bundesverwaltungsgericht*] of November 23, 2000 – 3 C 40/99 in the same case, *available at* http://www.bverwg.de. The European Court for Human Rights had to decide a similar case coming up from Switzerland. *Cf.* 42393/98 Eur. Ct. H.R. (2001), *available at* http://www.echr.coe.int.

22. *Cf.* sect. 38, ¶ 2 Act on public schools of April 1, 2004 (Official Journal 2004, p. 178). According to a ruling of the Federal Administrative Court [*Bundesverwaltungsgericht*] of June 24, 2004 – 2 C 45.03, *available at* http://www.bverwg.de, this provision is constitutional; it will probably be attacked before the Federal Constitutional Court in the near future.

23. Cf. sect. 68, ¶ 2 of the State Act on public career servants [*Hessisches Beamtengesetz*] from Oct. 21, 2004 (Official Journal, Part I, p. 306).

to limit the restrictions of religious freedom of employees and civil servants to the cases in which State neutrality really can be affected such as the teaching in public schools. This "case-by-case model," which is probably compatible with Hicks' principle of inclusion, also corresponds with the previously-mentioned European Directive of 2000 "Establishing a General Framework for Equal Treatment in Employment and Occupation." As the Directive also applies to public sector employment relationships (Article 3, paragraph 1), all questions regarding the expression of religious beliefs at the workplace raised in the Member States now have to be reconsidered in the light of the Directive. Since the ban of the Muslim headscarf out of public schools or even out of the public sector puts Muslim employees at a particular disadvantage compared with Christian colleagues. These practices thereby constitute an indirect discrimination on the ground of religion. Hence, the most important question will be whether it is a "genuine and determining occupational requirement" for public sector employees not to wear symbols as an expression of their religious beliefs during working time. Certainly, the safeguard of State neutrality can be such a genuine and determining occupational requirement, but with one important restriction that probably will cause discussions in the future, the occupational requirement has to be proportionate. This may require a gradation of religious neutrality in the public sector. For instance, a much higher degree of religious neutrality can be demanded of public school teachers than municipal garbage collectors.

VII.

In summation, despite some arguable points that I have developed, Hicks' book is an important and excellent contribution to a still underdeveloped public debate on religious diversity in the workplace. Although his focus is on a moral theory of religious pluralism, it is highly recommended for legal scholars as well as those who are interested in the issue of religious diversity in the workplace.