At the end of May 2008, after conducting public consultations throughout Quebec, the Bouchard-Taylor Commission tabled its report on accommodation practices related to cultural differences. The Commission—and the events that led to its inception—aroused public passion as people grappled with the issue of reasonable accommodation and, more generally, the role of religion in public spaces. The debate focused initially on the religion of “others”—immigrants—but quickly encompassed the religions of ethno-religious minorities who had been here for many years. It also focused on the religions of the majority, since secularism and identity in Quebec eventually monopolized the debate (although the issue of immigrant integration was never far behind). The Bouchard-Taylor report discussed accommodation practices in health and education at length, but municipal issues, urban planning, and the allocation of urban space were barely mentioned. In fact, the report is virtually silent on places of worship. The Bouchard-Taylor report is nearly silent on places of worship. It discusses accommodation practices related to cultural differences, but municipal issues, urban planning, and the allocation of urban space are barely mentioned. In fact, the report is virtually silent on places of worship. The Bouchard-Taylor report discussed accommodation practices in health and education at length, but municipal issues, urban planning, and the allocation of urban space were barely mentioned. In fact, the report is virtually silent on places of worship. 

The recent debate on reasonable accommodation, which mobilized public opinion in Quebec, is the starting point for a reflection that distinguishes reasonable accommodation from standard arrangements and transactions in a diverse urban landscape. We will focus on the different meanings of public space that came up during these debates in order to clearly delineate the issues and, particularly, the opportunities for innovation in diversity management that are available to urban planners. 

A swimming pool issue was glossed over as a social mixing issue stemming from gender equality (yet, many Montreal-area swimming pools manage quite well with separate swimming sessions for men and for women).

The controversy over the erub, an aerial wire that ultra-Orthodox Jews install to extend the area within which certain activities are permitted on the Sabbath and on religious holidays, raised the profile of the Mouvement laique québécois (Quebec Secular Movement) (MLQ), a subject this article will touch on later. The erub situation is telling, as it illustrates some of the confusion underlying the positions of many opponents of reasonable accommodation—that of the notion of public space. There is further confusion about the exact nature of reasonable accommodation. Before we discuss the erub situation and its implications for land use planning, we will return for a moment to the notion of public space, and follow with a discussion of places of worship.

Minority rights and social transactions

Bouchard and Taylor often reiterated that reasonable accommodation is a legal concept that flows from the application of the Quebec Charter of Human Rights and Freedoms (adopted prior to the Canadian Charter). This sets out the basis against discrimination for which public institutions must negotiate specific arrangements on a case-by-case basis with people who are susceptible to being victims of universal standards. Generally speaking, these arrangements must be reasonable: that is to say, they must not inflict excessive constraints on the agencies responsible and they must be arrived at through compromise between both parties. This approach was first applied in the labour relations field in the areas of gender equality and physical disabilities, and was subsequently used for religious affiliation. The notion of reasonable accommodation takes us into the area of minority rights from an equity perspective.

Many of the cases that made headlines and prompted vigorous public reaction did not, strictly speaking, relate to reasonable accommodation but simply to arrangements agreed upon by individuals or by civil institutions (for example, the YMCA). Those arrangements, which are not always religious in nature, are common—particularly in metropolitan areas where residents have long been engaging in social transactions to resolve all kinds of differences and come up with compromises for co-existence. NIMBY (“not in my backyard”) is not the only reaction from residents who are faced with differing lifestyles. Some residents want to transcend their differences and find ways of sharing urban space—particularly if socio-economic differences are not in play. In our study on the controversies surrounding places of worship in a multi-ethnic environment, we outlined how residents, who appear at first glance to be separated by irreconcilable differences in values, undertook the negotiations.
downtown Montreal neighbourhood, residents who say that they have no religious affiliation came up with practical compromises in order to reach informal agreements with religious leaders for the expansion of a synagogue in their neighbourhood (for example, the installation of central air conditioning so that windows could be closed during ceremonies so as not to disturb the neighbourhood). A similar situation in a neighbouring area ended up in the courts as attempts were made to force the relocation of the synagogue instead of negotiating a solution. The parties in the first case focused on maintaining good relations in the neighbourhood; in the second, the focus was on values and principles.

In the second case, the debate ultimately revolved around the “neutrality of public space” and the belief that religious practice should be confined to private places (or spaces) of worship. This stemmed from an unyielding, although simplistic, stand on secularism (the separation of church and state, and the state’s neutrality). The argument focused on the neutrality of public space as being self-evident and as the only means by which cultures can co-exist peacefully in a multi-ethnic environment. The City of Montréal used a similar argument to ban the traditional Christmas tree and replace it with a tree of life. France was often cited as a model even though the French government intervenes much more often than government here does in the religious infrastructure and in the establishment of Muslim organizations, etc.

What exactly does public space mean? Is it the urban planner’s concept of tangible physical spaces or the concept defined by philosophers and political scientists— the realm of public debate, which inevitably becomes politicized? Can religious practice really be confined to private space? Is it commonly acknowledged that most religious practice some collective rituals that spill over the boundaries of private space, and that most places of worship define themselves as public spaces. Many religions do not conform to the functionalist view of urban life, which presupposes a clear spatial distinction between different spheres of activities—some private, some public. The neutrality of public space is often presented as a panacea for managing religious diversity when, in fact, the notion of public space is complex and encompasses many different meanings—as does the public-private debate. In their report, Bouchard and Taylor distinguish between two interpretations of public: the first “concerns society overall in contrast with what affects private citizens”; and the second refers to what is, or is not, accessible to all. Urban planners, however, recognize that certain spaces—Montréal’s inner city and shopping centres, for instance—combine both public access and private property. The situation is not, therefore, always clear-cut.

The erub controversy stems from a syllepsis—a figure of speech in which one word simultaneously modifies two or more other words such that the modification must be understood differently with respect to each modified word. This creates a semantic incongruity which is often humorous. In this case, the debate seemingly surrounds the physical concept of public space, where, in actual fact, the issue involves the realm of the politically abstract concept—or vice versa.

Public space and its many configurations

In the erub controversy, the Mouvement laïque québécois maintained that the municipality granted an encroachment of public space for religious reasons, thereby endorsing religious zoning by earmarking a portion of the public space for the use of a single group. This is what the group’s president had to say in a Montréal newspaper:

[Translation]

“Attributing a religious character to public places is contrary to the fundamental principles of our society, which stipulate that, regardless of religious beliefs, public spaces shall be available to everyone. Free access to public places is guaranteed in the Charter and includes the right to not be subjected to the permanent attribution of the religious character of a street or neighbourhood.”

(D. Baril, Le Devoir, July 9, 2001: A7)

In actual fact, the erub in no way impeded access to the streets, unless—as was pointed out at the hearings—you consider the kites that could become entangled in it. This example demonstrates the utility of distinguishing between public space in physical terms—a space that is accessible to all (in this case, the street); public space as designated by the political and civic realities of living in a community governed by a secular state; and the legal reality of the public domain (state ownership or jurisdiction, which are important components of zoning, since property rights are usually integral to the discussion). In this case, however, zoning was not an issue.

It is easy to understand how one concept can have different meanings—religious or otherwise—for different people. For some people, the suspended line is an erub, while, for others, it is simply a nylon fishing line. Surely, cultural pluralism begins with an acceptance of a plurality of meanings, as well as the recognition of cultural diversity?

Our understanding must also include an awareness of the symbols associated with physical public space and, therefore, the interplay between public space and the public sphere. Places of worship are lightning rods for this viewpoint. It is not happenstance that their visibility has become an urban and political issue. We now turn our attention to this issue, but not without acknowledging that a power struggle over real estate was at play in the erub controversy and the question of whether to dismantle the aerial wire. Groups of residents (including groups from the Hassidic Jewish community, and groups of native and immigrant Francophones) had disputes over the acquisition of residential property and, therefore, over the control of the neighbourhood, amidst a surge in the Hassidic population in the area. Erubs were installed in other neighbourhoods with no commotion whatsoever.

For most minorities, ethnic branding of space and the community’s visibility—or lack of visibility—is a primary concern. Some minorities prefer to remain inconspicuous (for example, by locating their place of worship in a vacant commercial plaza with no exterior signage); others, however, prefer to communicate the symbolic importance of their place of worship (with their buildings and their architecture) and to stake their place in the city. In any case, the question always raises strong opinions.

Places of worship where you least expect them...

The literature on places of worship in minority situations shows that, over time, ethno-religious groups tend to want to make their mark on their local
Minority Places of Worship and Zoning Dilemmas in Montréal

Planning Theory and Practice

References and Notes


