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Source: *History of Religions*, Vol. 43, No. 1 (August 2003), pp. 18-49

Published by: [The University of Chicago Press](#)

Stable URL: <http://www.jstor.org/stable/10.1086/381321>

Accessed: 22/10/2014 14:46

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Valerie Stoker

DRAWING THE LINE:
HASIDIC JEWS, *ERUVIM*,
AND THE PUBLIC SPACE
OF OUTREMONT, QUEBEC

Fifteen feet above the intersection of avenues Lajoie and Durocher in the Outremont section of Montreal¹ a thin fishing line is stretched between two buildings. For the approximately five thousand Hasidic Jews who live in this genteel, predominantly francophone neighborhood, this barely perceptible wire represents part of an *eruv*, or a symbolic extension of the walls of a Jewish home into the public domain.² According to rabbinical law, an *eruv* relaxes certain stringent restrictions against carrying and pushing objects outside the home on the Sabbath and other holy days. The establishment of *eruvim* in Outremont enables the Hasidim there to attend synagogue and visit one another's homes pushing strollers and wheel-

I would like to thank all who agreed to be interviewed for this article; many were exceedingly generous with their time. This article also benefited from the comments of participants in the 2002 meetings of the Midwest Jewish Studies Association and the Association for Jewish Studies. Thanks also to Rhonda Sherwood for her assistance with French interviews and Rosane Rocher for her encouragement.

¹ During the period of the *eruv* dispute, October 1999 to June 2001, Outremont was an independent municipality, run by a nine-member City Council headed by Mayor Jérôme Unterberg. On January 1, 2002, Outremont was incorporated into the city of Montreal and is now an arrondissement, with a president who sits on the Montreal City Council.

² For a fuller description of the *eruv* concept in Jewish law, see *Encyclopedia Judaica* (Jerusalem, 1972), 6:849; and J. Metzger, "The *Eruv*: Can Government Constitutionally Permit Jews to Build a Fictional Wall without Breaking the Wall between Church and State?" *National Jewish Law Review* 4 (1989): 67–92.

chairs, carrying canes, keys, and food. Many of the Hasidim maintain that the *eruv* is essential for the observance of their religion and the preservation of their distinct way of life. They are therefore entitled to official permission, requested in October of 1999, to string the wires on a permanent basis across public property.

But for many of Outremont's non-Hasidic residents, the *eruv*'s symbolic designation of public space as Jewish, coupled with its permanent installation, renders it an offensive territorial marker that threatens to create a Hasidic ghetto within the bounds of francophone Outremont. These opponents maintain that official sanction of the *eruv*, actually required by Jewish law, violates the Canadian and Quebec Charters, which dictate that all levels of government remain religiously neutral. From their perspective, allowing the *eruv* unfairly privileges one group's claims on the public space and sets a dangerous precedent. If certain public areas of Outremont "belong" to the Hasidim, are the Hasidim entitled to impose their religious values on their non-Hasidic neighbors?

The notion that Hasidic religious values are incompatible with those of other Outremontais is not something that many Hasidim would dispute. Indeed, a central concern of Hasidic communities throughout North America is preventing assimilation into the larger societies of which they are reluctantly a part.³ Outremont Hasidim have stated publicly that many of their social practices are intended to create a wall between themselves and their non-Hasidic neighbors.⁴ For example, in keeping with the movement's historical origins, Hasidic men dress in the long black coats, black hats, and short britches of eighteenth-century Polish noblemen. With bearded faces flanked by side curls, or *payess*, they are a highly visible minority. The modest dress of Hasidic women, which consists of long-sleeved baggy shifts and head coverings of turbans, wigs, and scarves, intentionally distinguishes them from their non-Hasidic counterparts. Hasidic children attend independent schools where the curriculum, especially for boys, is predominantly religious and where even the secular subjects are carefully monitored to avoid contradicting fundamental tenets of the faith.⁵ The practice of keeping kosher precludes Hasidim from dining with many of their neighbors, and strict rules regarding male-female interaction

³ This includes assimilation into other Jewish communities that they consider to be less orthodox.

⁴ Garry Beitel, prod., *Bonjour! Shalom! A Videorecording* (Montreal: National Film Board of Canada, 1989); Coalition of Outremont Hasidic Organizations (COHO), *Survey of Hasidic and Ultra-Orthodox Communities in Outremont and Surrounding Areas* (Outremont: COHO, 1997), p. 2.

⁵ William Shaffir, "Boundaries and Self-Presentation among the Hasidim," in *New World Hasidim*, ed. J. S. Belcove-Shalin (Albany, N.Y.: SUNY Press, 1995), pp. 44–45 (hereafter cited as "Boundaries").

set limits on the extent to which Hasidim exchange pleasantries with outsiders. The community's isolation is further enhanced in Outremont by the fact that they communicate primarily in Yiddish and have a very low level of French proficiency.⁶

The *eruv*'s opponents regard the Hasidim's self-imposed segregation from the rest of Outremont society as a rejection of the fundamental democratic values of secularism, tolerance, and inclusivism. Thus, in the view of the *eruv*'s opponents, any gain for the Hasidim is at the expense of other Outremont residents whose cultural values are compromised. However, while defending the collective cultural values of Outremont is at the heart of the *eruv* debate, the definition of these values is far from clear. What exactly do the *eruv*'s opponents mean when they say that these fishing wires threaten Outremont's secularism, and how does this particular understanding of secularism relate to the issues of tolerance and inclusivism?

As the following analysis will show, many of the *eruv*'s opponents understand secularism as an inviolable end in itself, inextricably linked to the promotion of a common public culture of modern enlightened rationality. This culture is understood to contrast with the Hasidim's irrational, premodern religious beliefs, which therefore cannot be allowed to impinge either on policy making or the character of the public domain. Thus, *eruv* opposition in Outremont often amounted to privileging a specific cultural orientation as rightfully dominant, even as opponents argued that the *eruv* compromised Outremont's multiculturalism by granting one group a privileged claim on the public space.

This belief that the *eruv* gave the Hasidim an unfair claim on the public space that entitled them to impose their religious law on others not only misconstrued the intention of Hasidic social practices (which are aimed primarily at preventing apostasy), but also revealed a view of space that British legal scholar Davina Cooper has called "zero-sum."⁷ That is to say, the *eruv*'s opponents considered the presence of this religious symbol in the public domain to detract, deliberately and directly, from similar claims to that same space by other community members. Indeed, *eruv* objectors in Outremont tended to view Outremont's public image in the same terms as its physical territory, that is, as a substantive, material, and therefore finite entity whose "use" and/or "occupancy" had to be carefully monitored

⁶ According to the COHO Survey, only 9.8 percent of Outremont Hasidim speak French fluently. Roughly 33 percent claimed to be able to speak without being fluent, while another 26 percent said they could only speak simple sentences. Twenty-five percent responded that they could not speak French at all.

⁷ Davina Cooper, "Talmudic Territory? Space, Law and Modernist Discourse," *Journal of Law and Society* 23, no. 4 (1996): 529–48.

and apportioned.⁸ Outremont *eruv* opposition therefore tended to presume that the proper management of religious and cultural diversity occurs through the privatization of difference by minority members in the interests of protecting a dominant cultural community that is uniquely entitled to mark Outremont's landscape and shape its public image.⁹

Many of these arguments against the *eruv* and their underlying assumptions are not unique to the Outremont *eruv* case. Indeed, other *eruv* disputes in Europe and North America have focused on the perceived threat the *eruv* poses to the principle of state secularism and, by extension, the rights of other community members.¹⁰ For instance, in a recent court case in Tenafly, New Jersey, opponents argued that the *eruv* violated the U.S. Constitution's separation of church and state by permanently affixing religious symbols to public property (in this case, utility poles). Arguments at court emphasized the need to protect residents from the imposition of religious views onto the secular public domain as a critical intention of the First Amendment's establishment clause. The U.S. District Court of New Jersey sided with the city, citing the city's objection to "committing public property permanently for a religious purpose and the apparent entanglement with religion that might result."¹¹ However, this decision was overturned on appeal in the Third District federal appellate court on the grounds that bylaws regarding use of public property must be interpreted to accommodate basic religious freedoms.¹² In general, courts in the

⁸ *Eruv* opponents in Outremont assumed an exact correspondence between the occupancy and use of Outremont's physical territory and the generation of a certain "sense of place." This contributed to a substantive, materialistic understanding of Outremont's image. That is, in the same way that building a synagogue on a lot negates other uses of that land, *eruv* opponents maintained that the *eruv* negated other conceptions of Outremont's character and rendered Outremont a religious, Hasidic town. This understanding of the relationship between physical territory and sense of place is also evident in concerns about the Hasidim's increasing numbers; the Hasidim's proliferation means there is less physical room for other residents and that other residents have less of an impact on Outremont's character. For useful theoretical discussions of various understandings of the relationship between physical territory and sense of place, see John A. Agnew, *Place and Politics: The Geographical Mediation of State and Society* (Boston: Allen & Unwin, 1987); and Edward W. Soja, *Postmodern Geographies: The Reassertion of Space in Critical Social Theory* (London: Verso, 1989).

⁹ For a different interpretation of the Outremont *eruv* debate, see William Shaffir, "Outremont's Hasidim and Their Neighbours: An *Eruv* and Its Repercussions," *Jewish Journal of Sociology* 44, nos. 1–2 (2002): 56–71. While Shaffir acknowledges that the *eruv* dispute was only superficially about "essential freedoms of religion and expression" (p. 56), he stops short of analyzing how opponents and proponents conceptualized these essential freedoms in ways that were embedded in specific local histories and self-understandings.

¹⁰ For a thorough discussion of pre-1989 U.S. *eruv* court cases, see Metzger (n. 2 above).

¹¹ *Tenafly Eruv Association, Inc., v. the Borough of Tenafly*, 155 F. Supp. 2d 142, 189 (D.N.J., judgment, August 10, 2002), p. 43.

¹² The central legal issue in the Tenafly case was whether the utility poles constituted a forum for the free exercise of religion. It was found that, since the borough of Tenafly allowed

United States and Britain have found that allowing *eruv* wires does not promote or endorse a specific religion at the cost of others' rights.

In other locations, people have objected to *eruvim* on aesthetic grounds, claiming that they violate zoning laws. This aesthetic argument has been a key component of the ongoing *eruv* dispute in Barnet, England, where the suburban landscape requires not only the addition of wires but of poles from which to string them. Davina Cooper has argued that this style of opposition has deliberately sought to avoid the religion versus secularism question, in part so as not to make the campaign appear anti-Semitic.¹³ However, Cooper's analysis effectively demonstrates that the real dispute is not about the aesthetics of wires and poles but conflicting understandings of a community's self-image and which subgroups within the community should be allowed to shape that image.

Indeed, the *eruv* disputes in both Tenaflly and Barnet crystallized tensions between Reform and unobservant Jews on the one hand and Orthodox Jews on the other. In Tenaflly, many Jewish residents felt that allowing the *eruv* would encourage more Orthodox to move into the area, upsetting a delicate balance of diversity¹⁴ and increasing Orthodox Jews' sense of entitlement to impose their religious mores on non-Orthodox residents. Several objectors cited examples of Orthodox Jews harassing non-Orthodox residents for perceived Sabbath violations.¹⁵ While similar

other private postings on the poles (e.g., advertisements for lost pets, house numbers, etc.), singling out the *eruv* on religious grounds was discriminatory to religious expression. Furthermore, such religious expression did not constitute official endorsement of Judaism or negatively affect other residents: "Because the *eruv* is maintained solely with private funds, and because allowing the *lechis* [plastic strips designating the *eruv*] to remain in place would represent neutral rather than preferential treatment of religiously motivated conduct, no reasonable, informed observer would believe the Borough is 'affirmatively sponsoring' an Orthodox Jewish practice." *Tenaflly Eruv Association, Inc. v. the Borough of Tenaflly*, No. 01-3301 (3d Cir., appeal, October 24, 2002), p. 28.

¹³ In an interesting contrast to the Outremont case, the pool of Barnet opponents consisted of a mixture of non-Jews, secular Jews, and Hasidic (or "ultra-Orthodox") Jews. Cooper's analysis shows that many non-Jewish objectors in Barnet were uncomfortable contesting the *eruv*'s religious connotations and therefore adhered closely to the aesthetic argument. Secular Jews raised a greater variety of objections, which are discussed above. The Hasidim offered a completely religious objection to the *eruv*: installing the *eruv* would lessen the stringency of the original Sabbath prohibitions against work. In Outremont, as I discuss in detail below, the majority of opponents were French-Canadian, although there was one very local opponent who was a nonpracticing, francophone Jew.

¹⁴ According to *Tenaflly Eruv Association, Inc. v. the Borough of Tenaflly* (appeal [see n. 12 above], p. 11), one speaker at the Tenaflly Borough Council Work Session of July 8, 1999, said the following: "[Tenaflly] is a small town and the beauty of it is the diversity and the richness and that's what I think we're all about. I would worry that by our giving this [the *eruv*], we're saying that [Orthodox Jews] have a right to have a community in our community."

¹⁵ Another speaker at the same meeting said the following: "It's become a change in every community where an ultra-Orthodox group has come in. They've willed the change. They've

concerns were also voiced in Barnet, Jewish opposition to the *eruv* there focused more on the negative message about Jews that the *eruv* conveyed to non-Jewish residents. Against the backdrop of normative British discretion in religious matters, some Barnet Jews felt the *eruv* worked against Jewish efforts at assimilation.¹⁶ In addition, by creating “Jewish ghettos,” the *eruv* harkened back to the era of Nazi Germany.¹⁷

Thus, while *eruv* disputes typically have an official focus on legal and/or aesthetic issues, these issues are often a smoke screen for deeper community conflict. This explains why many requests for *eruvim*—including several on the island of Montreal—have been granted with no controversy. *Eruv* requests are contested in locations already marked by ethnic, religious, cultural, and other tensions and where an established and therefore “correct” community image is felt to be undermined by the *eruv*’s presence.

This was certainly the case in Outremont, where the *eruv* debate cannot be understood apart from the particular religious, ethnic, and linguistic tensions that have existed in the area for several years and that were brought to a head by the *eruv* request. It would be an oversimplification to characterize Outremont as French-Canadian and Hasidic¹⁸ or to say that the

willed a change in the state of Israel. They’ve willed it so much that they’ve stoned cars that drive down the streets on the Sabbath.” According to court testimony (Tenaflly Eruv Association, Inc. v. the Borough of Tenaflly [n. 11 above], p. 14), during a conversation with *eruv* proponent Rabbi Goldin, Mayor Ann Moscovitz related “a story about how Orthodox Jews had thrown stones at her daughter while her daughter was horseback riding on the Sabbath.”

¹⁶ For a discussion of this issue, see Carla Power, “Birds and Trees, Poles and String,” *Newsweek International* (September 16, 2002), p. 18: “the proposed *eruv* seems to challenge a hallowed English tradition of religious quietude. . . . And Britain’s nearly 300,000 Jews have traditionally tended toward assimilation rather than toward overt displays of Jewishness.”

¹⁷ “A widely circulated letter from an elderly Jewish couple whose family perished at Auschwitz says in part, ‘If the posts and wires as proposed are erected, every time we look out of our living room or bedroom window or leave the house, we will be faced with this reminder of concentration camp posts and wire.’” (John Darnton, “In London, a Jewish Ritual Is Becoming a Thorn Bush,” *New York Times* [February 22, 1993], p. A5).

¹⁸ According to a summary of the 1996 federal census printed and analyzed in *L’express d’Outremont* (“Profil de la population d’Outremont,” August 27, 1999), the French-Canadian population of Outremont was somewhere between 50 and 67 percent. The lower figure reflects those respondents who explicitly identified their ethnicity as *française*. However, the questions regarding ethnicity were unclear, and it was possible to confound this category with national or regional origin. This may have artificially deflated the French-Canadian statistic. The higher figure of 67 percent reflects the number of people who listed French as their “maternal”—as opposed to their main spoken—language. Those who identified themselves as Jewish were the next largest “ethnic” group; however, the census did not distinguish between Hasidim and other Jews. The COHO Survey (n. 4 above) provides a more accurate estimate of the Hasidic population as constituting approximately 20 percent, or roughly 4,500 people. The next largest groups were those who listed their ethnicity as English, Irish, or Scottish. Finally, small numbers of Outremont residents self-identified as Middle-Eastern and/or Asian (900) and African (435).

eruv dispute broke down entirely along these lines. Indeed, some members of the Hasidic community were opposed to the *eruv*,¹⁹ and many French Canadians spoke out in support of it. However, those Hasidim who opposed it did not do so publicly, indicating a desire to present a united front against non-Hasidic opponents. Furthermore, the majority of vocal opponents were French-Canadian, and it was an undeniable though often sublimated feature of their rhetoric that Outremont—both its physical territory and its public image—properly belongs to its French-Canadian residents.²⁰

Not only did the local media present the *eruv* debate as a “turf war,” but many participants in the debate saw it as such. This “war” was waged in several arenas, including the media, open-microphone City Council meetings, and ultimately in Quebec Superior Court, which decided in favor of the Hasidim’s request for the *eruv* in June of 2001. Each of these venues elicited slightly different styles of discourse and lines of argumentation, some of which were competing. For example, the filing of the court case on the part of five Hasidic community members against the city of Outremont for severing the *eruv* wires in October 2000 necessitated that the *eruv*’s opponents articulate a rational and legalistic argument. It was this line of argument that emphasized preserving Outremont’s multiculturalism and the equal rights and freedoms of all community members. However, these arguments continued to be driven by territorial assumptions about who rightfully owns Outremont. In turn, these assumptions were driven by emotional factors such as fear of organized religion and linguistic and ethnic pride that inform much of Franco-Outremontais identity. Finally, negative feelings toward the *eruv* were deeply entangled with negative feelings toward the Hasidim whose insularity, lack of French knowledge, and blatant religiosity were understood to differentiate them from other, more integrated minorities, and to conflict with more rightful conceptions of Outremont’s public character.

Yet while the Outremont *eruv* debate must be understood in light of Quebec’s linguistic nationalism, its resultant uneasiness with multiculturalism, and the Catholic Church’s historic role there, it is also arguable that the Hasidim’s starkly unassimilated lifestyle poses a particularly cogent challenge to traditional conceptions of religious and cultural pluralism. While I argue here that the zero-sum view of public space advocated

¹⁹ *Eruv* supporter, interview with author, Outremont, August 6, 2001. Again, the reasons why some Hasidim oppose *eruvim* is because the concept of lessening the stringency of the Sabbath laws prohibiting work does not conform to ultra-Orthodox Jewish legal standards.

²⁰ Again, *eruv* objectors in Outremont tended to view Outremont’s public image in the same terms as its physical territory, that is, as a substantive, material, and therefore limited reality whose “use” and/or “occupancy” had to be carefully monitored and apportioned (see n. 8 above).

by Outremont *eruv* opponents sought to privilege a specific cultural community as rightfully dominant, opponents saw the Hasidim's insularity as not only contributing to but generating this zero-sum perspective. For many of the *eruv*'s opponents, the fact that the Hasidim want only minimal contact with their neighbors raises the specter of a Quebec peopled by completely disjointed communities with few common values, goals, or even a common language. The Hasidim's *eruv* request therefore was seen to harbinger an unhealthily fragmented, ghettoized society in which cultural differences become insurmountable barriers to communication and consensus. Indeed, several *eruv* opponents I spoke with pointed out that Hasidim in other areas, such as Barnet, had objected to *eruvim* on religious grounds. Thus, the Hasidim's request for an *eruv* in Outremont must be an explicit rejection of living harmoniously with their neighbors, rather than a sincere request for religious accommodation.

At the same time, however, it was clearly irksome to some *eruv* opponents that the Hasidim's request for the *eruv* indicated a certain degree of assimilation and a corresponding sense of entitlement to recognition of their rights and freedoms as Canadians and even as Quebecois.²¹ In fact, it may be ironic that the Hasidim's case for the *eruv* falls in line with more contemporary, postmodern understandings of religious pluralism and minority rights. By presenting the *eruv* as a "partnership" with their non-Jewish neighbors and by arguing that the *eruv* enabled all members of the ultra-Orthodox community—from women with young children to the elderly and handicapped—to participate in Sabbath-day activities, Hasidic proponents stressed the *eruv*'s tolerance and inclusivism. Furthermore, by emphasizing that the *eruv* is a symbol for religious Jews only, Hasidim argued in favor of a multivalent view of Outremont's public space in which different, subjective perspectives could coexist.²² Finally, the Hasidim's request for the *eruv* revealed a much less essentialized view of Outremont whose significance as a neighborhood for the Hasidim is entirely predicated upon their ability to observe certain social and religious practices there.²³

²¹ One example of this awareness of Hasidic assimilation and use of North American democratic principles to their own ends can be seen in the following statement: "After the *eruv* what will these theocrats, who fear democracy like a plague but skillfully manipulate it to their own ends, dictate to Mayor Unterberg next?" (Pierre Lacerte, "La pêche à l'érouv," *Le devoir* [July 27, 2001]).

²² Here, I am using John MacQuarrie's enumeration of postmodernist thought's distinctive features, which include a privileging of subjectivity over objectivity, fragmentation over unity, and pluralism over uniformity. See John MacQuarrie, "Postmodernism in Philosophy of Religion and Theology," *International Journal for Philosophy of Religion* 50 (2001): 9–27.

²³ Cooper also points out (n. 7 above, p. 546, n. 47) that *eruv* users in Barnet tended to have a less "sacralized" view of the neighborhood.

Using interviews with various *eruv* opponents, speeches at city hall, items in local newspapers, and court documents, this article analyzes the various latent and overt features of pro- and anti-*eruv* rhetoric to see how they are related to local understandings of the democratic values of secularism, religious tolerance, and multiculturalism. While my work here emphasizes the anti-*eruv* viewpoint, it also considers how the Hasidim's request for the *eruv* indicates a certain degree of assimilation. I argue that the conflicting understandings of the proper management of religious and cultural diversity as well as the purpose of state secularism articulated in the Outremont *eruv* debate are unique because of the distinct historic trajectories of the neighborhood's communities. At the same time, however, my analysis reveals a set of common majoritarian assumptions about the extent to which religious difference can and should be tolerated within an ostensibly secular society.

HISTORIC BACKGROUND

Even for someone who cannot appreciate the zero-sum view of public space that dominated the Outremont *eruv* debate, it is easy to understand why this neighborhood might be contested territory. Located on the other side of Mount Royal from Montreal's business district, Outremont serves as a leafy, sedate haven for its typically affluent residents. The western part of Outremont runs up the back of Mount Royal, and its shady streets and spacious mansions have sheltered the likes of Pierre Trudeau and former Quebec premier Robert Bourassa. The eastern edge of Outremont, which abuts the ethnically diverse Montreal neighborhood of Mile End, is decidedly more urban. Its tony commercial thoroughfares intersect maple-lined streets of more modest three-story apartment buildings and open out at regular intervals onto parks and playgrounds, fountains and greens. The Outremont public schools are good, and city services include such amenities as swimming pools and clay tennis courts. There is a municipally run Théâtre Outremont that features local artists; the three biweekly Outremont newspapers are devoted to neighborhood events, local politics, and real estate values and attest to the considerable civic pride of many Outremontais.

The most recent census (1996) data indicate that Outremont's population is between 50 and 67 percent French-Canadian,²⁴ and many of these inhabitants are well-off professionals—lawyers, journalists, doctors, and politicians—whose urbane and francophilic lifestyle leaves a distinct imprint on Outremont's public culture.²⁵ The commercial thoroughfares of Outre-

²⁴ For a discussion of the census, see n. 18 above.

²⁵ I myself am subscribing here to the understanding that there is a relationship between the use of physical territory and the creation of a "sense of place," an assumption that is the starting point for city planning and its various local, regional, and even nationalist agendas. The

mont are dominated by bistros, cafes, parfumeries, and boutiques, and fleur-de-lis flags hang from many homes and apartments. Outremont's public schools and city services are French-medium, as are Outremont's newspapers and the theater. Thus, while consistently nonsecessionist, many Outremontais consider themselves both the proponents and beneficiaries of Quebec's language laws, and Outremont's public image is associated in many people's minds with the urbane francophone Quebecois elite that emerged during the 1960s Quiet Revolution.

This was not the case when the Hasidim began arriving in Quebec in the wake of World War II. Then, Outremont was overwhelmingly anglophone, and, while wealthy, its extreme eastern edge formed a corridor with the impoverished Montreal neighborhood of Mile End. After the war, this corridor was flooded with European immigrants, of whom the Hasidim were a minute, even if highly visible, proportion. In large part due to the confessional arrangement of Quebec's public school system, non-Catholic immigrants usually attended English-medium schools. Thus, the arrival of Jewish immigrants in Montreal tended to increase the anglophone presence. The fact that the majority of francophone Montrealais were blue-collar, unskilled laborers also bred tensions between themselves and recent immigrants who were competing for their jobs. The end result was that more immigrants (including Catholics) assimilated English than French and, as such, were able to move more quickly up the economic ladder.²⁶

In the 1970s, after social and economic changes in Montreal spawned the secular linguistic nationalism of Quebec's Quiet Revolution, many English speakers fled the province, while emerging French elites laid claim to the island's better neighborhoods. Since Outremont was geographically closer to the island's French-dominated eastern plateau, it gained a special significance. Meanwhile, many Outremont/Mile End Hasidim moved on to other nearby centers, especially New York. But those who stayed produced large families, and traditional marriage patterns, in which the groom

fact that this relationship exists is widely accepted among spatial theorists (Soja and Agnew [both cited in n. 8 above]), but the open question is how authorities and community members attempt to govern this relationship in order to include or exclude different constituencies and their various agendas.

²⁶ The relevance of this history (well documented in John Dickinson and Brian Young, *A Short History of Québec* [Toronto: Pitman, 1993]) for the Hasidim is unclear, since they often attempted to school their children apart from others and spoke Yiddish at home. The point here is that for much of their history in Outremont, the Hasidim's wider milieu was English-speaking, and the presence of Hasidic communities in other English-speaking locales such as New York and Toronto tended to make English the more likely second language of the community. According to the *COHO Survey* (n. 4 above), 84 percent of Outremont Hasidim claimed fluency in English, even though Yiddish was the mother tongue of 51 percent. These statistics support scholarship on the Hasidim (e.g., Shaffir, "Boundaries" [n. 5 above]) that indicates a selective assimilation to local environments. As mentioned above, less than 10 percent of Outremont Hasidim claim fluency in French.

relocates to live near the bride's family, continually encouraged the immigration of young male Hasidim to Outremont from other centers. By the 1970s, Outremont's Hasidim had established an infrastructure of schools, synagogues, and businesses that would not readily be abandoned or reproduced elsewhere. It is also arguable that external changes in the language and political climate of Quebec would not necessarily be that significant to a community so intent on remaining unassimilated.

All of these factors have meant that the Hasidic population of Outremont has been increasing at a rate of 5 percent a year, and the Hasidim now constitute 20 percent of Outremont's population.²⁷ The community's visibility is also directly related to its inner diversity; there are seven different Hasidic congregations living in Outremont (Belz, Bobov, Klausenburg, Munkacs, Satmar, Skver, and Vishnitz),²⁸ and each is associated with a specific charismatic *rebbe* and a distinct set of religious beliefs and practices. Thus, each community has sought to establish its own synagogue and, often, its own school. These facilities are not only highly visible but can require additional accommodation in the form of rezoned parking or temporary street closures. It is therefore undeniable that the proliferation not only of individual Hasidim but of Hasidic congregations in Outremont has altered the neighborhood's landscape. As *eruv* opponents would later maintain, this change in landscape has also altered its character.

It may not be surprising, then, that concerns about the Hasidim's presence and their increasing impact on both the physical territory and public image of Outremont had already been voiced prior to the *eruv* request. The first public airing of negative sentiment toward the Hasidim by other Outremontais occurred in 1988, when the Vishnitzer community purchased an empty lot on a residential street, St. Viateur, in hopes of building a synagogue. Sociologist William Shaffir has amply documented this case, which was dubbed "l'affaire Outremont" by local media.²⁹ City Council denied the Vishnitzer's request to change a lot's zoning from residential to commercial-institutional in a vote of six to three. Their main reason for doing so seems to have been a xenophobic fear of a Hasidic takeover of Outremont, a takeover that was understood to be occurring primarily in physical but also in cultural terms. As City Councilor Gérard Pelletier, leader of the opposition to the request, put it in an interview with the *Montreal Gazette*, "There's no question of giving a synagogue for every 75 families," and "we don't want Outremont to become a Hassidic town."

Shaffir's portrayal focuses on the blatantly anti-Semitic aspects of the outcry against the synagogue. In doing so, he highlights concerns about

²⁷ COHO (n. 4 above), p. 3. The authors note that the population doubles every fifteen years. According to the survey, there were approximately 4,500 Hasidim in Outremont in 1997.

²⁸ Ibid., p. 2.

²⁹ Shaffir, "Boundaries" (n. 5 above), pp. 54–56.

the Hasidim's strange social practices and increasing numbers. One of Montreal's major French language newspapers, *La presse*, ran an article on the debate with the headline "Outremont se découvre un 'problème juif'" (Outremont discovers its "Jewish Problem").³⁰ It presented the Hasidim as an odd community with a strange dress code and an unseemly penchant for reproduction. One fairly typical letter to the editor of *Le journal d'Outremont* (July 1988) also criticizes the Hasidim for their visible difference, their strange behaviors, and their proliferation as a community: "[The Hasidim are] disturbing, encroaching, bothersome and, what's more, they don't even look like us. . . . Very soon, Outremont won't belong to us anymore. It's the children of these Jews who will buy your houses within a few years. It's those Jews who have money."³¹

Along with these intolerant rants, there were also expressions of confusion over the Hasidim's social practices and hurt feelings about their refusal to interact with their neighbors at even the most rudimentary level. One letter to the editor printed in the same edition of *Le journal d'Outremont* considers the Hasidim's refusal to mix with their neighbors as a sign of their self-assessed superiority and a rejection of their neighbors' humanity: "I have done everything. I have attempted social contact with these indifferent people who circulate in my street, in my neighborhood, without any success. The adults, dressed all in black, ignore me, don't answer my discreet greetings, my smiles. I don't exist. They deny my presence. I feel I am completely invisible in their eyes. I give up. I've concluded that 'others' for these religious Jews are human beings of a completely different order and that they don't feel any need to cooperate with their neighbors. Isn't this racism?"³²

Still other statements in the press expressed the concern that the Hasidim's refusal to learn or speak French insensitively jeopardized French-Canadian efforts at cultural preservation, indicating again that Hasidic cultural practices were seen to detract directly from other residents' rights and entitlements. Speaking in an excellent documentary on the synagogue conflict (*Bonjour! Shalom!*), Outremont resident and *La presse* columnist Gérard LeBlanc said, "We are this little drop of French in this ocean of English. We look at [the Hasidim] and think, here is one more group who will never be for us."

While the Vishnitzers's contested synagogue request was not a pleasant experience for anyone involved, it did effect some positive outcome. The

³⁰ Roch Coté, "Outremont se découvre un 'problème Juif,'" *La presse* (September 13, 1988).

³¹ Translation follows Shaffir, "Boundaries" (n. 5 above), p. 54.

³² My translation. See Claude Jasmin, "Un racisme Juif?" *Le journal d'Outremont* (July 1988), p. 28.

local French-medium press modified their coverage of the Hasidic community by including several editorials that denounced the original coverage.³³ In subsequent years, Outremont newspapers featured several balanced articles on Hasidic religious festivals and the history of the various congregations.³⁴ Shaffir maintains that Outremont's Hasidim learned that more outreach was needed with the larger Outremont community; they attempted to show good faith to their neighbors by distributing flyers warning them about upcoming religious festivals and other possibly disruptive events. However, while "l'affaire Outremont" did effect some kind of tentative rapprochement between the Hasidim and their neighbors, the Hasidim remained uninterested in assimilating into mainstream Outremont society, and their outreach efforts were done primarily in order to protect their community boundaries. For those Outremont residents who consider these very boundaries to be the problem, there could be no resolution to the synagogue conflict. The concern that any territorial gain for the Hasidim came at the expense of other residents only resurfaced later in the *eruv* debate.

The Vishnitzers's denied request for the zoning change on St. Viateur in 1988 did not end the story of the synagogue, and it is arguable that their subsequent actions did much to exacerbate the later controversy over the *eruv*. In 1989, the Vishnitzers, who also go by the name Amour Pour Israël, purchased another property, allegedly at the encouragement of then-mayor Jérôme Choquette, who was one of the three City Council members to vote in favor of the zoning change for the original St. Viateur lot. This new property, at the corner of Lajoie and Durocher, was in a residential zone, but since it was the former site of a convenience store, the Vishnitzers inherited the right to use the space for commercial—but not institutional—purposes. According to one Amour Pour Israël congregant, Mayor Choquette told the congregation to apply for a permit to open a Kosher restaurant rather than a synagogue, thinking that such a request was less likely to encounter opposition; it would not require any zoning changes, and, theoretically, a restaurant might service all Outremont residents. The tacit understanding between Choquette and Amour Pour Israël leaders, however, was that the Vishnitzers would use the space as they saw fit and that Choquette would work behind the scenes to get the zoning changed.³⁵ Choquette never changed the zoning, and in 1990 left office. The Vishnitzers never opened the restaurant and proceeded to use the space as what

³³ For details, see Shaffir, "Boundaries" (n. 5 above), p. 56.

³⁴ See, e.g., "Les origines des fêtes Juives," in *L'express d'Outremont* (September 10, 1999).

³⁵ Alexander Werzberger, speaking in Nicolas Mesley, reporter, "Une synagogue illégale" (J.E. Television, September 10, 1999); *eruv* supporter, interview with author, Outremont, July 8, 2001.

congregant Jack Hartstein insists was “a social club where we pray”³⁶ and what other Outremont residents considered an illegal synagogue.

This situation may have continued indefinitely given that four of the five apartments on the upper floors of the building were rented to Hasidic families. However, in 1995, six years after the Vishnitzers purchased the property, a woman named Céline Forget moved into the top-story apartment of the building. Almost immediately, she began having problems with the Vishnitzers’s use of the space downstairs. According to Forget, the foot and vehicular traffic to and from the building was nonstop and very noisy. The sounds of the twice-daily prayer sessions, which involved a lot of physical movement, singing, and chanting, penetrated her apartment two flights up and always occurred at a time of day “when you want things to be quiet.”³⁷ Forget alleges that the area in front of the building was often littered, and that synagogue members would park their cars up on the sidewalk, blocking the building’s entrance. Large busloads of congregants from New York would pull up on a regular basis, running their motors for long periods of time, generating noise and air pollution.

Forget repeatedly complained to the police about all these violations, but she maintains that they did little, if anything. She says that they were instructed by the city to show “tolerance” for this religious community, even though the community did not have permission to operate a synagogue on the premises. Incensed that she could not get any assistance from local authorities, Forget began attending Outremont City Council meetings and writing letters to the local papers, demanding that the city take action against Amour Pour Israel’s illegal use of the building. Finally, in 1997, she took the congregation to court and won a judgment against them. In June of 1999, they vacated the premises with plans to construct a synagogue on the institutionally zoned street, Van Horne, at the opposite end of the block.³⁸

Forget’s crusade against the illegal synagogue, which was covered not only in the papers but in a ten-minute news piece on local television station TVA,³⁹ became a cause célèbre among certain Outremont residents and garnered a lot of support for Forget. In 1999, when the city councillor position in Forget’s district was vacated, she ran against another high-profile but less controversial resident and won by a margin of nearly

³⁶ Jack Hartstein, interview with author, Outremont, July 8, 2001. All subsequent quotes from Hartstein are from this interview, unless otherwise noted.

³⁷ Céline Forget, interview with author, Outremont, July 17, 2001. All subsequent quotes from Forget are from this interview, unless otherwise noted.

³⁸ Forget also sued the congregation for zoning violations on the Van Horne lot (Forget c. Ville d’Outremont et Congrégation Amour Pour Israel, No. 500-05-057436-006, May 4, 2001), claiming that they built the synagogue six feet over their neighbor’s property line. She lost this suit.

³⁹ Mesley (n. 35 above).

12 percent. While her platform did not mention the Hasidim or *Amour Pour Israel* explicitly, she pledged to apply the laws of Outremont equally to all residents. For many people, this meant an end to what they saw as the unfair privileging of the Hasidim by Outremont's politicians at the expense of other residents.

Forget's crusade against the illegal synagogue drew upon much of the earlier negative sentiment toward the Hasidim. But it also altered anti-Hasidic discourse to be less focused on their strangeness and increasing numbers and more on their infringement on Outremont's legal code and the rights of other residents. Forget denies accusations that she is an anti-Semite by maintaining that her opposition to the Hasidim has nothing to do with their being Jewish or with their unique social practices. It has to do with their privileging their religious laws above Outremont's civil code, often at direct cost to their non-Hasidic neighbors. She also objects to the city's refusal to hold Hasidim to the same legal standard as other Outremont residents, a practice she feels arises from political indebtedness to the Hasidim, who vote in large numbers and in a block. The illegal synagogue in her building was not the first time civic officials in Outremont looked the other way about Hasidic communities' violation of zoning and other bylaws, laws that are there to protect the rights of all residents. Indeed, Forget was also concerned with the city's informal policy of tolerating parking violations by Hasidim on the Sabbath and during lengthy holidays like Passover. Forget and her supporters consider this policy discriminatory to other residents who must pay for long-term exemptions when they go out of town on lengthy trips.

Thus, Forget sees her campaign to apply all bylaws equally as redirecting negative feelings toward the Hasidim away from xenophobia and toward legitimate complaints about their disregard for other residents' rights and the city's selective application of civic laws. "When people see that the city doesn't help them, they get angry. I was able to assemble all that energy and put it in a positive direction. I said let's focus on specific problems like parking, not the way they dress or not saying hello. It's that they don't follow the rules."

Forget claims to offer a more sensible way of handling multiethnicity through a kind of zero-tolerance, nonaccommodationist application of the civil code. Tolerance and accommodation of religious practices are dangerous because they undercut the basis of the civil code by opening it up to too many possible exceptions. As she put it, "I don't like these words 'tolerance,' 'accommodation.' They're too unclear. . . . [Mayor] Unterberg mishandles multi-ethnicity. You can't privilege one group. My way is more logical. If you put everyone on the same level, the relationship will be more honest and clear. It would be the same situation if someone else were privileged."

Forget's opponents maintain that such a view fails to recognize that zoning and other bylaws are socially constructed and therefore ought to reflect and respond to perceived community needs.⁴⁰ Even in Outremont, zoning laws are constantly changing via an established democratic process. While Forget is correct both that zoning and parking regulations are there to protect the lifestyle and rights of individual residents and that, because different residents have different needs, there might be occasional conflict, her call for a nonaccommodationist, zero-tolerance application of the bylaws seems to offer an innately biased solution. Not only does such a perspective ignore the faulty premises of the original denied zoning change to the Amour Pour Israel congregation, but it also presumes that the Hasidim's religious needs can never be valid grounds for accommodation. Like many *eruv* opponents, Forget sees these religious needs as fundamentally at odds with the cultural orientation that is rightfully enshrined in Outremont's bylaws. Thus, the zero-sum view of Outremont's public character that came to dominate the *eruv* debate was already firmly in place prior to the *eruv* request. Moreover, it was inextricably linked to a legalistic argument about equal rights and fairness that attempted to protect the majority's exclusive entitlement to shape the character of the public domain.

THE *ERUV*: REQUEST OR DEMAND?

The *eruv* itself is not the problem. It is simply the last layer to which people are saying enough is enough. (MAYOR JEROME UNTERBERG)⁴¹

For Forget and her supporters, the Hasidim's request for the *eruv* in October 1999 was the most blatant example of their attempts to privilege their religious law above Outremont's civil code and to take away the rights, privileges, and space of Outremont's other residents. Indeed, many saw official sanction of the *eruv* and its permanent installation above city streets as not only antithetical to the principle of state secularism but as tantamount to ceding parts of Outremont to the Hasidic community and theoretically allowing them to impose their religious law there. Forget quickly alerted the Mouvement Laïque, a watchdog group aimed at promoting secularism in Quebec civil institutions and laws, of the Hasidim's plan to "create a religious territory in our public and secular streets."⁴² The Mouvement Laïque threatened to sue the city if it allowed the stringing of the wires, prompting Mayor Unterberg, who was not opposed to the

⁴⁰ *Eruv* supporter, interview with author, Outremont, August 6, 2001.

⁴¹ Ian Flett, reporter, CBC radio interview with Mayor Unterberg, July 20, 2001.

⁴² Céline Forget, "On a besoin de vous!" (flyer distributed to homes and posted on utility poles, May 2001).

eruvim but who felt he had to act to avoid the first threat of litigation, to sever the wires on the eve of Rosh Hashana 2000.

Hasidic community representatives made an effort to defuse the perception of the *eruv* as a colonizing gesture, even as they prepared to go to court to assert their right to it. In their presentation of the *eruv*'s significance in the media, at open-microphone City Council meetings, and, ultimately, in Quebec Superior Court, Hasidic spokesmen emphasized the *eruv*'s inclusive connotations: having an *eruv* enables all members of the Hasidic community from the elderly to the handicapped to women with young children to participate in Sabbath activities. Furthermore, the Hebrew word *eruv* literally means "partnership" and refers to the relationship established between Jews and their non-Jewish neighbors who agree to the stringing of the wires. The Hasidim maintained that the request for the *eruv* reflected the community's internal commitment to egalitarianism and their desire to live peaceably with their neighbors in a pluralistic context. The *eruv* was thus not a symbol of takeover and exclusion but of accommodation and consensus.

Opponents considered this presentation of the *eruv* disingenuous, not only in light of the Hasidim's well-guarded insularity and their decision to sue the city for the right to string the wires, but also because the Hasidim had been living in Outremont for more than fifty years and were only now making this request. Either the Hasidim had been living in Outremont all this time without *eruvim*, in which case they were not a religious necessity, or they had strung the wires without the permission of their neighbors, in clear violation of their own law requiring consent.

The reasons for the Hasidim's delayed request are complicated and reflect their unique history as an insular and often persecuted minority that has nevertheless assimilated certain North American democratic values. Alex Werzberger, a Satmar Hasid who is head of the Coalition of Outremont's Hasidic Organizations, or COHO, and a fifty-year resident of Outremont, maintains that when the Hasidim first arrived in Montreal, they were "dazed and exhausted and grateful simply to be alive."⁴³ They were also deeply distrustful of any governmental agencies and avoided enterprises that involved dealing with them. Instead, Outremont's Hasidim worked with other Jewish communities on the island of Montreal to establish and maintain larger *eruvim*, often using preexisting boundaries such as railway fences and highway dividers, a practice that is accepted by many rabbis. However, this proved to be problematic because the boundaries were often broken and because less orthodox communities included spaces within their *eruvim* that, for the Hasidim, resisted imaginary

⁴³ Alexander Werzberger, interview with author, Outremont, July 4, 2001. All subsequent Werzberger quotes are from this interview, unless otherwise noted.

enclosure inside the walls of a Jewish home (e.g., churches and graveyards). Of course, some Hasidim had always been opposed to *eruvim* on principle precisely because they lessen the stringency of the original Sabbath laws prohibiting work.⁴⁴

The *eruv*'s opponents were therefore correct that the Hasidim's determination to establish and maintain their own *eruvim* within Outremont was of recent origin. A long-time Hasid resident acknowledges this when saying that the older generations of Outremont Hasidim would never have made such a request. "It is the younger generations, those who have been born and raised in North America and who have grown up with the ethic that 'if you want something, you fight for it'"⁴⁵ who first talked about getting civic approval for the establishment of an *eruv* within Outremont. Thus, while the desire for smaller, locally managed *eruvim* may reflect an interest in allowing all community members equal access to participation in sabbath activities, it also attests to an emerging sense of belonging in Outremont and a corresponding entitlement not only to publicly manifest their religion but to get official recognition of their right to do so.⁴⁶

It was this entitlement aspect of the *eruv* request that was particularly distressing to many *eruv* opponents. By officially acknowledging the Hasidim's entitlement to mark public space with this religious symbol that designates shared public areas as "Jewish," the city government would be acknowledging the Hasidim's exclusive claim on the public space. Since many *eruv* opponents saw Hasidic religious practices as premodern, irrational, exclusivist, fundamentalist, and Yiddish-medium, they also understood these practices as antithetical to the way of life of the majority of Outremont residents, understood as modern, rational, secular, multicultural, and (yet) French-medium. They therefore could not conceptualize a recognition of the Hasidim's entitlement that did not detract from their own. The public space of Outremont could not be both Hasidic and non-Hasidic; it had to be one or the other. The Hasidim's request indicated not only that they failed to recognize the innate inferiority of their claim on public space but that they were actively seeking to alter Outremont's character.

⁴⁴ *Eruv* supporter, interview with author, Outremont, August 6, 2001. See also, Cooper's article (n. 7 above), which acknowledges that Barnet Hasidim publicly voiced opposition to orthodox Jewish groups who proposed the *eruv*.

⁴⁵ *Eruv* supporter, interview with author, Outremont, July 4, 2001.

⁴⁶ See Cooper (n. 7 above), p. 45, regarding the contemporary history of *eruvim*: "Although *eruvim* go back many hundreds of years, the modern movement gained force in the nineteen sixties. Interest in *eruvim* was linked to a growing orthodoxy amongst young people; the women's liberation movement, in particular, women's interest in participating more fully in religious life; and more recently to demands for disability rights. *Eruvin* also functioned as a sign of increasing Jewish confidence to assert visibility and entitlement."

THE LEGAL CONTEXT

The filing of the court case against the City of Outremont by five Hasidic community members on the grounds that disallowing the *eruv* had no basis in Outremont's bylaws and infringed on their right to freedom of religion put the city on the defensive. Concerned that under Unterberg's leadership the city would not do a thorough job defending itself, Forget encouraged the Mouvement Laïque to act as an intervener and to present their own arguments at court against the *eruv*.

Because Canada does not have an explicit statement regarding the separation of church and state built into its concept of religious neutrality, the *eruv*'s opponents had to do more than show that allowing the *eruv* entangled the city of Outremont with the religion of Judaism. Traditionally, Canadian jurisprudence has understood the principle of religious neutrality to mean that Canadian governments cannot be religious in nature. Governments may have ties with certain religious practices or organizations in order to facilitate religious freedoms, so long as these ties do not violate anyone's individual rights or privilege one religion above others. Furthermore, while there may be some "natural antagonism" between the principle of state secularism and freedom of religion when governments are asked to accommodate religious practices in ways that involve public property, Canadian jurisprudence has considered this accommodation to be central to the purpose of religious neutrality. Quebec Superior Court Judge Allan Hilton cited this history in his *eruv* decision upholding the notion that Canadian secularism is intended to allow the free and open practice of a variety of religions and is not intended to be an inviolable end in itself. Such an understanding, as the Hasidim's lawyer, Julius Grey, put it, "would be hostile to religion" and would detract from the protection of the basic Charter right.

This legal context for the *eruv* dispute meant that the opponents of the *eruv* had to do more than simply prove that allowing the *eruv* created a link between Orthodox Judaism and the city of Outremont; they had to show that such a link was unnecessary to safeguard the Hasidim's freedom of religion and that it had clear detrimental effects on the freedoms of others. In other words, the judge in the Outremont *eruv* case had to evaluate the extent to which the *eruv* compromised Outremont's religious neutrality only in terms of its potentially negative impact on other Outremont residents and then had to weigh that impact against the Hasidim's right to freedom of religion. As Judge Hilton wrote in his decision, "The case law shows that . . . where there is a conflict between the exercise of a Charter right and some perceived public interest or private concern, reasonable accommodation, meaning accommodation up to the point of undue hardship must be shown to facilitate the exercise of the Charter right.

Laws or regulations that purport to limit the exercise of Charter rights on public property, such as on public utility poles and at airport concourses, must be interpreted in such a manner as to facilitate the Charter right if the proposed use of the Charter right is not unreasonable.”⁴⁷

A REAL RIGHT?

Given this legal background, attorneys for the City of Outremont and the Mouvement Laïque first attempted to show that the *eruv* was not a true religious necessity but a convenience. As such, attorneys argued, it was not protected by the Charter of Rights nor was the City of Outremont under any obligation to accommodate it, especially when its symbolism was so disturbing to other residents. To make this point, attorneys highlighted a statement in an affidavit submitted by the plaintiffs in which expert witness Rabbi David Merling described an *eruv* as a “tremendous convenience for orthodox Jews.”⁴⁸ Furthermore, attorneys pointed out that the Hasidim had been living in Outremont for more than fifty years without *eruvim*, meaning that they must not be necessary to their religious practice.⁴⁹

The perception of the *eruv* as a convenience rather than a necessity and one of only recent significance to the Hasidim was inextricably linked to the view that the *eruv* constituted a loophole in Jewish law. This perception of the *eruv* as an underhanded method for the Hasidim to escape the real rigors of their religion was, for many *eruv* opponents, evidence of the Hasidim’s lack of religious sincerity and their greater interest in aggressive confrontation with their neighbors. Citing the *eruv* entry in the *Dictionnaire encyclopédique de Judaïsme*, Céline Forget told me, “I see here that Judaism is a very nice religion. But I don’t think the Hasidim are following it properly. They have to accommodate their neighbors and need the agreement of those amongst whom they live.” The fact that the Hasidim were willing to go to court to assert a right that they were only lately interested in seemed to conflict with their presentation of the *eruv* as both a necessity and a symbol of partnership.

Others viewed the *eruv*’s presumed loophole status as evidence that Jewish law itself was internally inconsistent and even nonsensical. It therefore neither required nor was it entitled to “reasonable accommodation” and instead could and should alter itself to suit the needs of Outremont’s rational, secular civil code. Some *eruv* opponents proposed that the Hasidic rabbis verbally designate sections of Outremont *eruvim* without

⁴⁷ Rosenberg et al. c. Ville d’ Outremont, No. 500-05-060659-088 (Quebec Superior Court, District of Montreal, judgment), par. 24.

⁴⁸ Ibid., “Requête en intervention et contestation” (Art. 208 C.p.c.), par. 45.

⁴⁹ Ibid., par. 44.

needing to string wire: “Why can’t they make some other type of accommodation that doesn’t involve stringing wire? . . . Couldn’t a synagogue declare a certain area around it an *eruv* and say people are allowed to push and carry there?”⁵⁰ Even more radically, some opponents argued that if the rabbis could come up with the idea of an *eruv* in order to lessen the stringency of the original prohibitions against carrying and pushing, they could just get rid of the original rule altogether. As Daniel Baril, president of the intervening group, the Mouvement Laïque, wrote in an op-ed piece in *Le devoir*, “If, by means of the *eruv*, Hassidic Jews want to dispense with certain religious obligations that they consider too onerous—obligations that they have imposed on themselves—then all they have to do is reform their religion.”⁵¹

This aspect of anti-*eruv* rhetoric was interesting not only because it involved non-Jews attempting to engage with Jewish legal history, but also because this engagement presumed that Jewish law should be, under all circumstances and to all Outremont residents, subordinate to secular civil law. According to this perspective, because Jewish law is internally inconsistent and irrational, civil law is its exact opposite and therefore should not be forced to accommodate it. Furthermore, the *eruv*’s opponents saw civil law’s rationality and consistency as rooted in its secularism. This meant that secularism itself must be an inviolable principle of a democratic society and cannot be subjected to religious whims.

Judge Hilton disagreed both with the view of the *eruv* as a loophole and with the opposition’s understanding of religious neutrality. His decision dismissed as irrelevant the Hasidim’s historic use of *eruvim* (or lack thereof) because the onus in this case was on the city to defend its decision to sever the *eruv* wires. Furthermore, he was sympathetic to the presentation of the *eruv* as a religious necessity because it is only via the *eruv* that all community members can actively celebrate the Sabbath. The court found the argument that Jews ought to change their law to accommodate Outremont’s religious neutrality “unmeritorious,”⁵² for the *eruv* itself constituted an accepted, religiously sanctioned method of dealing with the prohibition against carrying and pushing and one that the city was being asked to tolerate. The court, by allowing the *eruv*, was not directly alleviating this burden or adjudicating Jewish law, as the Mouvement Laïque

⁵⁰ Forget, interview with author.

⁵¹ Daniel Baril, “Les préceptes religieux ne sont pas indiscutables,” *Le devoir* (October 20, 2000).

⁵² Rosenberg et al. c. Ville d’ Outremont (judgment, June 21, 2001), par. 8, p. 10: “As far as accommodation is concerned, it is apparent that an *eruv* is already an accommodation that is available to Orthodox Jews to deal with the prohibition of moving things from one domain to another. The suggestion that the Petitioners should therefore address their concerns to Orthodox Jewish religious authorities instead of the City of Outremont is unmeritorious.”

attorneys also maintained,⁵³ but tolerating the right for Jews to alleviate that burden on themselves in accordance with their established religious traditions. For Judge Hilton, such accommodation was part and parcel of the principle of religious neutrality that needs to tolerate the free and open practice of all religions, provided these practices do not inflict harm on others.

OPENING THE FLOODGATES

In terms of the city's and the Mouvement Laïque's attempts to show that the *eruv* did inflict harm on other Outremont residents, attorneys first argued against the wires on physical grounds, as dangerous, unsightly, and potentially interfering with vehicular traffic. Arguments on these matters were perfunctory and were dismissed out of hand by Judge Hilton, who cited the wires' near invisibility and weightlessness as well as the ease of regulating their placement.

More central to the cause of establishing the *eruv*'s harmful impact was the argument that allowing the *eruv* wires to be permanently installed across public streets was tantamount to ceding certain sections of Outremont to the Hasidim and creating religious enclaves. Thus, Mouvement Laïque and city attorneys raised the "floodgates" argument and the specter that granting the Hassidim the right to view public territory as private and Jewish in some way gave them a privileged claim on the public space. This privilege could easily be abused by these religious fundamentalists who might seek to impose their laws on others and usurp Outremont's civil code in the process.

Arguments at court on this point were also rather cursory, particularly since there was no evidence of such floodgates having been opened in other places with *eruvim*. However, this idea got a lot of play in the media and fueled popular conceptions of the *eruv* and final antipathy toward Judge Hilton's decision. One op-ed piece on the *eruv* reminded Outremont residents of an attempt on the part of certain Hasidim in 1987 to impose a dress code in Parc Outremont that would forbid sunbathing in swimsuits.⁵⁴ The piece warned readers that allowing the *eruv* would only lend legitimacy to such requests. On August 1, 2001, *Le devoir* featured a letter from Outremont resident A. Chélin, who claimed that a Hasidic woman had upbraided her for wearing a sleeveless blouse in front of a synagogue while talking to some friends. The letter ends on the ominous note: "Must we conclude that having been forced by Judge Hilton to live inside a ghetto—a state of affairs that we've neither desired nor chosen—

⁵³ Rosenberg et al. c. Ville d' Outremont, "Requête en intervention et contestation" (Art. 208 C.p.c.), par. 51.

⁵⁴ Michel Vais, "Erouvs et maillots de bain," *Le devoir* (July 27, 2001).

we will now have to follow a dress code that suits our colonizers?”⁵⁵ Journalist and anti-*eruv* activist Pierre Lacerte wrote in the July 27, 2001, edition of *Le devoir*:

After the *eruv*, what will these theocrats, who fear democracy like a plague but skillfully manipulate it to their own ends, dictate to Mayor Unterberg next? That he close the streets on the day of the sabbath? Then the cinemas and the Théâtre Outremont? Why not the cafés, too! Certainly, they will again agitate on behalf of banning bathing suits in the parks! *Science friction*, you say? With a population increase of five percent a year, the Hassidim are about to attain a critical mass. Already, amidst this ultra-lax atmosphere, Unterberg and others close their eyes to illegal synagogues that pop up in residential areas. And it gets even better! These delinquent places of worship are graciously exempted from paying taxes.⁵⁶

Finally, Daniel Baril, president of the Mouvement Laïque, argued in a *La presse* editorial that the *eruv* was unique among religious symbolism in its territorial connotations, and that this symbolism led inexorably to the usurpation of civil law by religious law: “Say what you will about [Christmas decorations, tax exemptions for religious organizations, and the recognition of the supremacy of God in the Canadian Constitution], one fact remains: none of these is an example of a permanent appropriation of public space by a religious or ethnic group that seeks to usurp civil laws with its precepts. This privileging of the religious over the civil, which has insidiously been called ‘reasonable accommodation’ is designated by the term ‘fundamentalism’ in the dictionary.”⁵⁷

The dress-code stories indicate that real conflicts can arise from the Hasidim’s choice to live in the city among others whose values and lifestyles clash with their own. However, the Hasidim’s attorney maintained—and Judge Hilton ultimately agreed—that the *eruv* was neither an example of nor an abetment to this type of confrontation. The judge’s response to the floodgates argument rested on a pragmatic cost-benefit analysis in light of his understanding of the Canadian legal tradition of reasonable accommodation. Having already ascertained the benefits of the *eruv* for the Hasidic community, Judge Hilton needed to assess the cost of the wires to other residents, and he found this cost to be unsubstantiated. Indeed, he called the floodgates argument “an unsuccessful one of last resort in Charter cases.”⁵⁸

⁵⁵ A. Chélin, “Mesdames, attention à votre tenue vestimentaire,” *Le devoir* (August 1, 2001).

⁵⁶ Pierre Lacerte, “La pêche à l’érrouv,” *Le devoir* (July 27, 2001).

⁵⁷ Daniel Baril, “Se tenir debout . . . devant l’intégrisme,” *La presse* (July 30, 2001).

⁵⁸ Rosenberg et al. c. Ville d’ Outremont (n. 45 above), judgment, par. 48.

IN THE SHADOW OF THE STRINGS: SYMBOLS AS “STAINS”⁵⁹

In fact, the floodgates argument was just one of two ways in which *eruv* opponents argued that the wires caused harm to non-Hasidic residents. The second way was by claiming that the *eruv* cast a religious shadow on the public space, altering its character and psychologically alienating non-Hasidic residents from their homes. All four affidavits submitted by the Mouvement Laïque on behalf of local residents mentioned that these residents did not want to live in a territory that was “against [their] beliefs.”⁶⁰ This implied that the mere presence of the *eruv* imposed the Hasidic religion on non-Hasidic residents who were entitled to freedom from religion.⁶¹ In an interview, Céline Forget expanded on this idea: “The wire encloses an area, it’s a symbolic wall. . . . You feel excluded from that territory. Everyday I have to cross that wire. I have a ‘right of passage’ but still.” And as Daniel Baril put it, “The judge didn’t take into account how the *eruv* affects other people. . . . They no longer identify with living there.”⁶²

This view that the *eruv*’s presence had a contaminating impact on Outremont’s common areas once again highlights the underlying premise that Outremont’s character is a substantive, material, and therefore finite entity, whose “use” and “occupancy” must be carefully monitored and apportioned. To be fair, however, the lack of a clear statement separating church and state in Canada also forced *eruv* opponents to make this “staining space” argument because they could not object to the installation of a religious symbol on public property on principle alone. Thus, in an effort to demonstrate actual harm, they insisted that the *eruv*’s mere presence was enough to disturb other residents because its loaded symbolism effectively contaminated the air above the city streets.

In fact, *eruv* opponents are not alone in presuming that religious symbols exert some kind of ill-defined, but nevertheless significant, influence on their environment. It is this presumption that has lent legitimacy to American court cases questioning the extent to which the installation of religious symbolism on public property sends a message of state endorsement that detracts from the claims and rights of other community members.

⁵⁹ I am indebted to Davina Cooper’s work for this “staining” imagery.

⁶⁰ See, e.g., Danielle Rossignol (Rosenberg et al. c. Ville d’ Outremont [n. 45 above], affirmation solennelle, April 2001, par. 6).

⁶¹ “Against my wishes, because of the location of my home, I find myself residing in an area that is identified with a religion that I respect but that is not my own. I am physically included in a territory that simultaneously excludes me through its religious designation” (Céline Forget, Rosenberg et al. c. Ville d’ Outremont [n. 45 above], affirmation solennelle, April 2001, par. 8).

⁶² Daniel Baril, interview with author, Montreal, August 2001. All subsequent Baril quotes are from this interview, unless otherwise noted.

Even in Canada, the desire to avoid the appearance of state endorsement has informed official policy on the installation of religious symbolism in public buildings. Many *eruv* opponents were quick to point out that crosses are not allowed in Canadian courtrooms because it is understood that this sends an improper message endorsing Christianity. Similarly, opponents argued that the *eruv*, despite its near invisibility, symbolically encloses public areas and designates them Jewish with civic approval and thus could be said to send a message of endorsement that makes other residents uncomfortable. As Céline Forget put it, “A cross is just two pieces of wood but you cross them and it becomes a religious symbol. . . . This wire has the same symbolic value as two pieces of wood. If I asked to put up a cross in city hall and said ‘it’s only two pieces of wood,’ would they let me? No!”

Picking up on this theme, Pierre Lacerte writes in the above-cited *Le devoir* piece (July 27, 2001), “The *eruv* is a powerful symbol. And the fact that it is hardly visible doesn’t alter that reality. So far as I know, no one’s ever seen God (although some are still waiting!) and yet look at all that’s been done in His name throughout the ages!”

Furthermore, while it is arguable that there are many public manifestations of religious belief that are commonly tolerated by nonbelievers, such as the ringing of church bells or the holding of religious parades in the streets, the *eruv* is different because it permanently encloses other people’s property with the express permission of civic officials. Thus, while one can choose to go into a church or synagogue or may be temporarily inconvenienced by the routing of a religious parade, one cannot choose to avoid an *eruv* if one’s home is located permanently inside one.

From Judge Hilton’s perspective these arguments only presumed that the *eruv* tainted public space but failed to prove it. In his decision, he reminds the city and Mouvement Laïque attorneys of the need to establish actual harm inflicted by the *eruv* on non-Jewish residents by providing clear evidence that the *eruv* alters the quality of life within its boundaries. Evaluating the *eruv* in terms of the actual impact it had on the lives of Outremont residents, Judge Hilton did not see a great difference between the wires and other visible and public religious activities such as the ringing of church bells.⁶³ Furthermore, even if the *eruv* psychologically alienates some residents, this alienation has to be weighed against the

⁶³ Rosenberg et al. c. Ville d’ Outremont (n. 45 above), judgment, par. 25, p. 8: “[The City of Outremont] is being asked to tolerate the barely visible wires or lines traversing City streets. . . . In doing so, it is not being asked to associate itself with the Orthodox Jewish faith any more or less than it associates itself with Christianity when it allows Christmas decorations to be displayed on City property, including City Hall, or when it tolerates the ringing of church bells on Sunday morning to summon Christians to worship.”

Hasidim's right to freedom of religion, and Judge Hilton saw the latter as the greater claim. Indeed, the critical legal difference between stringing an *eruv* and allowing crosses in courtrooms is that the latter is not a religious necessity.

Finally, and most interestingly, Judge Hilton argued against the view that the *eruv* cast a religious shadow by calling for a multivalent view of public space. He writes in his decision that "the area within an *eruv* is a religious zone for those who believe it to be one. That belief is limited to the practitioners of Orthodox Judaism and not to residents who do not belong to that faith."⁶⁴ Thus, in Judge Hilton's estimation, the *eruv* does not require non-Jews to view the enclosed area as Jewish; it merely allows observant Jews to view it as such for the purposes of their religion, a critical distinction in the court's opinion.

Judge Hilton's opinion that public space is not only susceptible to but able to withstand a variety of possible perspectives grew out of his understanding of the legal principle of reasonable accommodation. However, it is also arguable that it coalesced with the Hasidim's presentation of the *eruv*'s symbolic significance. As mentioned previously, the Hasidim's presentation of the *eruv* both in court and in the media emphasized its inclusive connotations and its consensus component involving non-Jews. The *eruv* concept was thus not a territorial takeover but an arrangement with the municipal authorities to enable certain activity on religious holidays. Of course, since *eruv* opponents felt strongly that this presentation of the *eruv*'s significance was disingenuous and that the Hasidim would impose their religion on others if possible, they adhered to their zero-sum view of the quality of public space in which the *eruv*'s presence directly detracted from non-Hasidic claims on Outremont's symbolic territory.

DRAWING THE LINE: SECULARISM VERSUS RELIGIOUS PLURALISM

Many of the arguments presented against the *eruv*—from the belief that the *eruv* leaves a stain on public space to the idea that the principle of religious neutrality ought to be an inviolable end in itself—indicate a particular understanding of the way that religious pluralism and multiculturalism ought to be managed. This management occurs not only at the level of official policies toward minority groups but also in terms of the individual choices that minority members are expected to make regarding the public manifestation of their difference. While many *eruv* opponents would not say so explicitly, the underlying logic of their arguments was that religious difference ought to be privatized and that minority communities, religious and otherwise, owe some degree of integration into the

⁶⁴ Ibid., par. 44, p. 10.

dominant cultural framework. The Hasidim raise concerns precisely because they reject this integration, and their *eruv* request was seen as one more example of this rejection.

Thus, the *eruv*'s opponents presented the *eruv* as a tool of colonization and raised the specter of Hasidic law governing certain sections of Outremont. The *eruv*'s opponents saw themselves as safeguarding Outremont's multiethnicity by preventing one group from gaining a privileged claim on the public space through official sanction of the *eruv*. However, while such objectives were intended to sound inclusive, they often sat uneasily with other statements implying a strong identity of Outremont with Quebec's *francophonie* and linking the Hasidim's religion to their distinctive ethnic and linguistic affiliations. Indeed, preserving the public spaces of Outremont from non-French influence—both linguistic and ethnic—was a critical component of anti-*eruv* sentiment. As Outremont City Councilwoman Céline Forget put it, "The population of Montréal is thirty percent immigrant. This means that we have to decide what we will and won't accept. If the Hasidim want one thing, the Chinese will want something else. Where do we draw the line?" Other statements by individual Outremontais to the press, to this scholar, and at open-microphone city council meetings indicate that many view Outremont as essentially French-Canadian, that is, as belonging to those white, French-speaking, and Catholic descendents of Quebec's early French settlers. As one consistently vocal *eruv* opponent, Gisèle Lafortune, put it, "When I walk in Outremont between two *eruvs*, I'm on their territory. The majority religion here in Quebec is Catholicism."⁶⁵

Gisèle LaFortune's comment brings out a common assumption that the cultural preferences of the majority ought to dictate the character of public space, a perspective that was echoed in many opponents' calls for a referendum on the *eruv* issue and in concerns about the possibility that the *eruv*'s presence might encourage more Hasidim to move into the area, shifting the demographics in their favor. But her remark also highlights the strange juxtaposition within anti-*eruv* rhetoric of hostility toward religion and the identification of Quebec with Catholicism. This juxtaposition attests to the francophone community's unique religious history and to the strong ties of that history to Quebec's linguistic nationalism.

The Catholic Church has done much to preserve a distinctive francophone culture in Quebec and undoubtedly is an intimate aspect of the *francophonie*'s linguistic, ethnic, and cultural heritage. At the same time, many francophone Quebecois hold the church responsible for economically and socially oppressing the French community via a pervasive and undemocratic influence on Quebec governmental institutions. When new

⁶⁵ Quoted in Darren Becker, "Court Okays Jewish Ritual," *The Gazette* (June 22, 2001).

francophone elites began emerging in Quebec in the early 1960s as a result of broad economic and social changes, Quebec's linguistic nationalism turned away from the church's influence. These new elites sought to define a Quebec whose public culture would be French in language but secular in government, education, and lifestyle. For many French Canadians, Outremont is a bastion of this new Quebec: urbane, francophone, francophilic, and secular.⁶⁶

Because of this history, many Outremontais are disturbed by the Hasidim's visible religiosity on two levels. First, they impute to it an evil and oppressive intent, a fact that is evident in comparisons made between the Hasidim and the Taliban.⁶⁷ Second, they view the Hasidim's religiosity as an embarrassing throwback to pre-Quiet Revolution Quebec and as undermining Quebec's new secular image. Shauna van Praagh's legal research on the Outremont Hasidim has highlighted the fact that this community particularly rankles French Outremontais because it reminds them of their own religious history: "The large families of Chasidic communities, the controlling presence of God and religious rules and order, the established gender roles and the denial of secular education, literature and life/career options, may all remind Outremont residents of their own families, of the suffocating presence of the church at one time, of the collaboration of organized religion in their oppression by English Canada and Québec."⁶⁸

These feelings toward organized religion and its adherents undoubtedly affected some of the *eruv*'s opponents' understanding of state secularism as an inviolable end in itself. Even more interesting, however, this understanding of secularism remained linked to an agenda of promoting a particular cultural and linguistic community's dominance in Outremont. Daniel Baril, president of the Mouvement Laïque during the *eruv* debate, is explicit about the fact that the principle of state secularism ought not to be accommodationist but a positive value in its own right and one that government has a duty to promote. This secularism should be part of a common public culture into which all residents must integrate. As he put it, "Canadian secularism [as defined in Hilton's decision] is a non-republican position. A republican state is a state that respects the same rights for all and that is secular. It respects religious freedom but it doesn't do anything in the sphere of religion. And it's a state that promotes a common public culture."

When asked what this "common public culture" should be, Baril responds, "In Quebec, it means French as the language of communication.

⁶⁶ Beitel (n. 4 above).

⁶⁷ Several speakers made this comparison at a City Council meeting attended by the author on July 9, 2001.

⁶⁸ Shauna Van Praagh, "The Chutzpah of Chasidism," *Canadian Journal of Legal Studies* 11 (Fall 1996): 201–2.

But it also includes the rules of democracy, the principle of equality, whatever promotes social harmony. In Quebec there ought to be a common culture that everyone acknowledges despite their cultural differences.” For Baril, one of the main problems with the Hasidim is that they are not integrated into this common public culture, as is evident in their low rates of French proficiency, their blatant religiosity, and their continual requests for special accommodation of their religious laws.

Baril therefore sees the Canadian principle of multiculturalism and its sidekick, religious pluralism, as not only impractical, but unhealthy. He argues that, in reality, both Quebec and Canada have dominant public cultures that include, unfortunately, religious elements. Indeed, Baril is as staunchly opposed to the privileges enjoyed by the Catholic Church in Quebec as he is to the Hasidim’s *eruv*. Baril argues that by pursuing a more radical and pure secularism, as opposed to an accommodationist model, Canada and Quebec could promote secularism as a way of life or, at least, a positive component of official governmental culture. In the process, both states could identify and safeguard a shared set of values and, in the case of Quebec, a language, that all residents would adhere to, uphold, and integrate into their personhood.

Baril maintains that it is the rhetoric of multiculturalism that prevents these states from even acknowledging, let alone promoting, the existence of a common public culture. This denial requires Canadian and Quebecois governments and courts to make concessions to religious and ethnic minorities when what they should be doing is defining a common public culture that is secular, democratic, egalitarian, and, in the case of Quebec, French-medium: “Canada doesn’t believe in a common public culture; it believes in ‘multiculturalism’ but in fact, there is a de facto [dominant] Protestant Anglophone culture. In Canada, we try to treat all cultures as equal because Canada doesn’t officially recognize a common culture. . . . But it’s because Christianity is so prevalent [in the common Canadian culture] that the government feels the need to give other religions these special privileges.”

It should not be surprising that Baril sees Judge Hilton’s “reasonable accommodation” view of secularism as a slippery slope with great potential for the encroachment of religion onto civil laws. However, he also sees the public manifestation of religious belief as itself a problem because it compromises the collective secular culture that he believes ought to exist in Quebec: “If one accepts the equality of men and women, can we also accept the subjugation of women in Islam. Or corporal punishment in the name of religion? Where do we impose a limit? How do we define a victim? The taint of the *eruv* may not be great but it’s the principle. It sets a dangerous precedent. Muslims could demand to pray on the sidewalks. That’s the danger of reasonable accommodation.”

Baril is certainly correct that there can be genuine conflicts between certain religious practices and the “collective culture” of Canadian and Quebecois society enshrined in the legal code and the governmental institutions that are there to uphold it. However, these conflicts have to be individually evaluated in light of the right to freedom of religion. Baril’s image of Muslims praying on the sidewalk is telling: such a practice cannot be tolerated because it makes religion—and minority deviation from a presumed secular norm—too visible. Thus, while he maintains that his view of secularism would still enable the free practice of religion, it is clear that he would also set limits on that practice.

Baril’s comments also highlight the fact that concerns about the public manifestation of religious and cultural difference via a symbol like an *eruv* are almost inevitable in Quebec, where there has been so much debate about how to mark the landscape with the symbols of the French language in order to establish that language as the dominant mode of discourse. Quebec’s Charter of Language⁶⁹ dictates the number and size of non-French words that are allowed to appear on all signage—public, private, permanent, and temporary—and there is an acute awareness of the power of public symbols to shape an image of an area and to grant rights and entitlement to a particular linguistic or other community. It is therefore not surprising that there is an unwillingness to grant this power to other, non-French groups who are perceived as deviating radically from the cultural orientation of the *francophonie*, by being non-French, non-Catholic, or nonsecular.

During the *eruv* dispute, a cartoon in *Le devoir* (fig. 1) highlighted both the *francophonie*’s desire to mark Outremont’s public spaces with its own symbols and the fact that these symbols contain layered meanings. In the cartoon, two men are shown using the *eruv* wires to string fleur-de-lis flags in celebration of St. Jean Baptiste day, a French Catholic holiday that is now celebrated in Quebec as the Fête Nationale du Québec (Nation of Quebec Day). An onlooker comments, “Well, at least it makes it easier to decorate for St. Jean’s.” The cartoon reveals an awareness that the way in which the Franco-Quebecois claim public space is not merely linguistic but can take the more symbolic form of flags, which themselves can have multiple meanings—religious affiliation, linguistic, cultural and ethnic heritage, and even national identity.

CONCLUSION

The *eruv* too was seen as a similarly complex manifestation of religious, cultural, ethnic, and linguistic identity on the part of a minority group

⁶⁹ For the most recent version of the Charter, visit “Les lois et règlements,” online at www.gouv.qc.ca.



FIG. 1.—Cartoon by Garnotte (Michel Garneau), *Le devoir* (June 24, 2001), op-ed page.

whose allegiance to the prevailing Franco-Quebecois cultural agenda was suspect. As such, it could not be tolerated. Thus, while the *eruv*'s opponents appealed to the democratic notions of “multiculturalism” and “secularism,” their understanding of these concepts sought to privilege a particular cultural community as the rightly dominant one, with greater entitlement to project itself onto the neighborhood’s public space and to determine its bylaws, character, and image. Of course, definitions of the core characteristics of this rightfully dominant community sometimes diverged. In the view of some *eruv* opponents, Outremont should not only be linguistically French, but white and Catholic as well. For others, it was more important that Outremont be linguistically French and secular. In either case, however, the presumption was that minority groups were not entitled to publicly manifest their difference from these presumed norms and instead were obligated to integrate into a deliberately homogenized public culture.

The Hasidim’s way of life obviously presents a challenge to this view, but it also raises the question of what living in a multicultural society ought to mean. The fact that the Hasidim want only minimal contact with their neighbors is arguably problematic because it raises the specter of a North America peopled by completely disjointed communities with few

common values and goals or even a common language. At the same time, many Hasidim have argued that their lifestyle has no intentional or even observable negative impact on others and is directed only at preventing apostasy. Furthermore, those Hasidim involved in the *eruv* debate contend that the principle of state secularism and the Charter of Rights and Freedoms entitle them to live an unassimilated life. They are therefore only seeking to exercise their basic rights as Canadians and, even, as Quebecois. While it might be preferable if Outremont's Hasidim made more of an effort to learn French and interact with their neighbors, the very laws of Quebec dictate that they cannot be forced to do so. Forcing them would put Outremont on the very slippery slope, open the very same floodgates about which the *eruv*'s opponents were so deeply concerned.

What is perhaps most interesting is that some Hasidim see a basic similarity between their cultural preservation project and that of their French-Canadian neighbors. As Jack Hartstein, a member of the Amour Pour Israel congregation and a veteran of the media and courtroom battles over zoning changes, illegal synagogues, and *eruvim*, put it to me, "I have a problem understanding this [anti-*eruv*] mentality in a Quebecois nationalist. We're a minority, even a minority among Jewish people. We have to protect our culture. Who better than you to understand us?"

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