

Hasidic synagogues in Outremont and the Mile End

Assessment of current situation, needs and urban issues

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Preamble and Acknowledgements

What could be more difficult than adding my voice to a topic everyone is already talking about? Hasidic Jewish communities regularly appear on the front page of newspapers — this was the case during the pandemic — and almost everyone has an opinion about the incidents punctuating the news in Outremont. In this report, I have endeavoured to maintain a distance from two positions that are certainly simple, but which do not consider how complex reality can be. The first considers Hasidic Jews to be victims of a few, but very vocal, activists who are motivated by anti-Hasidic and perhaps even anti-Jewish sentiments. Conversely, the second position asserts that Hasidic communities are not interested in their fellow citizens and act only in their own interests, to the point that they take liberties with current municipal bylaws.

This research mandate was carried out between summer 2020 and spring 2021, in the middle of the COVID-19 pandemic. That situation affected both the proposed timetable and the planned activities, but in spite of that we were able to conduct all the interviews, whether on Zoom, by telephone or even in public parks.

Fieldwork was conducted with the help of several people, namely Pierre Lacerte, Steven Lapidus, Max Liebermann, Shraga Muller and Alain Picard. They provided access to Hasidic communities, and they shared documents and valuable information.

I also would like to thank synagogue representatives, Hasidic leaders, non-Hasidic residents, and Outremont and Plateau-Mont-Royal public officials who agreed to interviews with us.

Finally, I would like to acknowledge the involvement of Morad Bkhait, a doctoral student in the Religious Studies department. He conducted some of the interviews with synagogue representatives and Hasidic leaders, and participated in analyzing interviews.

Table of Contents

Preamble and Acknowledgements.....	1
Executive summary.....	4
Introduction: When Religious Needs of Some People Become a Public Issue for Others.....	7
Hasidic Presence in Montreal.....	9
The Hasidic Demographic in Outremont and Mile End.....	9
A Close Connection Between Synagogue Geography and Hasidic Demographics.....	12
Synagogues Identified in Outremont and Plateau-Mont-Royal.....	13
“No Synagogue, No Life”.....	17
The Synagogue: Key Establishment in “Institutional Completeness”.....	20
Synagogue Reconfigurations: Subjects of Controversy.....	21
“The Challenge Is Mostly Space”.....	22
Synagogues and the Regulatory Structure.....	24
One Reality, but Varied Nomenclature.....	24
Minority Places of Worship: A Challenge for Montreal.....	25
Perception of Religious Zoning by Hasidic Representatives and Leaders.....	29
Potential Solutions Envisioned by Representatives and Leaders for Their Synagogues.....	31
Having a Synagogue: Part of Freedom of Religion.....	34
Freedom of Conscience and of Religion: A Cornerstone.....	34
Court Decisions That Shed Light on Synagogue Matters.....	37
Freedom That Is Not Absolute.....	38
A Balancing Act Between Freedom of Religion and the Common Good.....	39
How Can We Assess the Legitimacy of Restricting Constitutional Rights?.....	41
Synagogues Which Impact Other Residents’ Daily Life.....	43
Nuisances and Neighbourliness.....	43

Nuisances Experienced by Residents.....	45
A Specific Perception of the Outremont Environment	48
Revealing What Is Usually Hidden.....	49
Appendix — Hasidic Synagogues in Outremont and Plateau-Mont-Royal: More than 30 Years of Controversy	51
References.....	55

Executive summary

A report based on interviews and a literature review – The report is based mainly on interviews that facilitated the compilation of numerous and diverse points of view. The following people were interviewed:

- About 10 representatives of Outremont and Mile End synagogues
- Six Hasidic community leaders¹
- About 15 residents of Outremont and Mile End
- Civil servants working in the Outremont (three people) and Plateau-Mont-Royal (one person) Urban Planning divisions

To these interviews we added an analysis of articles published in the main Montréal French-language daily newspapers (*Le Devoir*, *La Presse* and *Le Journal de Montréal*) from 1988 to the present, dealing with the presence of Hasidic communities and the issues surrounding synagogues in Outremont and Mile End. Furthermore, we felt it was essential to refer to recent court decisions that directly address the issue of “religious zoning” without, however, always involving Hasidic communities. Finally, the scientific literature (mainly on contemporary Hasidism and on the development of places of worship) was consulted when necessary.

The Hasidic presence in Outremont and Mile End – In a 2020 demographic study, Charles Shahar estimated that there are about 5,200 Hasidic Jews in Outremont Borough and just under 2,500 in Le Plateau-Mont-Royal Borough. They therefore represent about 22% of the total population of Outremont. Mr. Shahar highlights a general growth of Hasidic communities in Outremont and Mile End. Not surprisingly, the interviews reveal needs in several communities, either because existing synagogues are now too small, or because the numerically smaller Hasidic communities do not even have a place to pray.

In addition to demographic growth, there is also a form of institutional fragmentation, since the Hasidic world is divided into several dynasties. In Montréal, the two largest communities are the Belz (about 2,700 people) and the Satmar (about 2,500). In addition, there are smaller communities (Klauzenberg and Trisk, for example). In his demographic study, Mr. Shahar points out that some communities have grown especially substantially in recent years, such as the Vishnitz (from just under

¹ By this term we mean people who do not hold a particular religious office, but who are recognized as having standing or influence within the Hasidic communities.

300 in 2014, their number has more than tripled to a little less than 1,000 in 2019). The recent opening of two Vishnitz synagogues on Du Parc Avenue is evidence of this growth. One must therefore take into account both Hasidic demographic growth and institutional fragmentation to understand the geography of synagogues. We counted five in Outremont and 19 in Le Plateau-Mont-Royal.

The synagogue at the heart of “institutional completeness”² – Synagogues have the particular characteristic of being both geographically and socially central to Hasidic communities. The notion of “institutional completeness” refers to the capacity of a group to offer its members the most complete range of services possible, helping to preserve the group’s identity. From this point of view, the synagogues constitute the “cornerstone” of the socio-community organization of the various Hasidic communities. They are simultaneously places of prayer, study and socializing. The result is that, for the members of the communities, not having places of worship is not just an irritant, but more a major obstacle. Hence the expression heard in interviews: “No synagogue, no life!”

The place of worship, an unidentified object – Controversies related to synagogues, as well as certain by-law changes and interviews conducted with officials in the boroughs of Outremont and Le Plateau-Mont-Royal, show that it is difficult to define what a place of worship is and to distinguish it from other types of places, particularly community centres. This difficulty can be explained by a modern understanding—enshrined in the Christian tradition—of religious activity that could easily be distinguished from other areas. Under these circumstances, it is not surprising that Hasidic synagogues operate with certificates that are not always related to religious activities. The table (p. 13-15 in the report) shows that synagogues sometimes operate with certificates for “religious activities,” “social and community activities,” “meeting rooms,” or even “specialized schools.” Synagogues also sometimes operate without a licence.

It should be noted that this issue of identification is also found in other boroughs and concerns many minority religious groups whose vision of a place of worship does not necessarily correspond to that of public officials and elected representatives.

Suggesting possible solutions – In the interviews, the representatives of the synagogues and the leaders we met offered possible solutions: allow the right to establish synagogues on Du Parc Avenue between Bernard and Van Horne avenues; encourage the opening of prayer rooms in light of the

² Breton, R. (1964). Institutional Completeness of Ethnic Communities and the Personal Relations of Immigrants. *American Journal of Sociology*, 70(2), 193-205.

growth of the Hasidic population in Outremont; consider synagogues of different sizes so as to be able to open “prayer rooms” that fit as well as possible into the urban environment; facilitate expansion projects for existing synagogues; combine commercial functions on the second floor with religious functions on the upper floors of buildings; encourage the installation of synagogues when places of worship belonging to other religious groups are put up for sale.

Religious freedom and the search for the common good – The interviews and court decisions analyzed show that the controversies surrounding the opening of synagogues are marked by a fundamental tension between the freedom of religion demanded by Hasidic communities and the pursuit of the common good and public interest evoked by elected officials or non-Hasidic residents. Mentioning this tension is important because it will undoubtedly be at the heart of discussions in the coming years. While respect for the freedom of religion enshrined in both the 1982 Canadian Charter of Rights and Freedoms and Québec’s Charter of Human Rights and Freedoms is fundamental, several court decisions remind us that this right is not absolute and must always be analyzed in a specific context.

How synagogues affect the lives of non-Hasidic residents – While synagogues are primarily of interest to their users, they can also have an impact on the daily lives of non-Hasidic residents whose homes are located near a place of prayer. In the interviews, the residents mentioned a certain number of “nuisances” related to vehicle traffic and parking, noise, or waste management. It emerged from the interviews that a distinction must be made between “nuisances” directly related to religious and community activities and those that arise indirectly from these activities (e.g., vehicle traffic). Several residents expressed the wish to have a better knowledge and understanding of the religious practices of the Hasidic people, particularly the uses of places of worship. From this point of view, the “open house” operations were perceived positively.

Introduction: When Religious Needs of Some People Become a Public Issue for Others

I lived in Outremont between 2014 and 2017. Three years was enough to observe the extent to which the presence of Hasidic Jewish communities dominated local public life. Most of the time, public discussion took place in an adversarial way because of disputes which were mainly related to synagogues, which were actual crystallization sites for confrontations. From the sociology of religion, we learn that places of worship serve multiple functions, and these functions may be instrumental or symbolic (Willaime, 2007:40). While instrumental functions refer to religious groups using a facility, symbolic functions relate to what the buildings represent to both members and non-members. Thus, a place of worship in urban space signals the presence of a group of believers. It is the group's metonymic expression. Accordingly, in the case of Outremont and Plateau-Mont-Royal, speaking of synagogues equates to commenting more broadly on the ways Hasidic communities are integrated into urban space.

The goal of this report is to document the various functions and aspects of synagogues and to identify urban issues associated with them. In fact, these issues are as much religious as they are urban and political. The goal of the method we used was to show how complex these issues are and how they overlap.

On one level, synagogues are at the core of the Hasidic social-spatial system, so they should not be considered in isolation, but rather included as a group of facilities and institutions that shape the daily life of members and participate extensively in maintaining community identities over time (Shaffir, 1995). As this report will point out several times, synagogues are essential to Hasidic religious practice, and lack of space or comfort is a challenge for these communities. The growth of Hasidic communities and their geographical concentration in densely urbanized neighbourhoods are key concerns.

On a second level, boroughs are affected by synagogues because they are subject to an urban framework ("religious zoning") and therefore are at the centre of questions about the best ways to carry out land-use planning. Simply put, boroughs must walk a fine line as they develop, balancing the needs of Hasidic communities and the interests of the population as a whole.

Finally, on a third level, non-Hasidic citizens are not indifferent to synagogues, since these facilities become part of the urban landscape, and in some cases affect residents' daily life. Disputes that have punctuated recent history in Outremont and Plateau-Mont-Royal show that these consequences are largely experienced as nuisances.

For the purpose of examining as clearly as possible these three levels, several information sources and various types of data have been used:

1. A systematic analysis of articles which appeared in three French newspapers (*La Presse*, *Le Journal de Montréal* and *Le Devoir*) since 1988, the year of the "Outremont Dispute". This analysis work enabled us to draw a timeline of the events surrounding synagogues, which when viewed together, tell a story of the relationships between members of Hasidic communities and the rest of the population. Furthermore, this documentation reveals a surprising continuity in arguments that have been put forward.
2. An analysis of court judgments (Superior Court and Appeal Court of Québec, and Supreme Court of Canada) regarding places of worship for minority religious groups, particularly synagogues in Hasidic communities. While at first glance, insights gleaned from reading these legal sources seem to be very theoretical, these sources have very concrete implications and are likely to play a key role in the coming years.
3. Finally, interviews with four categories of stakeholders:
 - Synagogue representatives (9 interviews);
 - Leaders of Hasidic communities (6 interviews);
 - Non-Hasidic residents of Outremont and Mile End (16 interviews);
 - Public Officials (Development and Urban Planning) in the boroughs of Outremont and Plateau-Mont-Royal (one interview and a discussion group with 3 public officials).

The report is organized into four major sections. We begin by depicting the Hasidic presence in Outremont and Mile End, emphasizing the significance of synagogues in the daily life of individuals and analyzing community needs regarding places of worship. The second section relates to integrating synagogues into municipal bylaws, and describes solutions proposed by synagogue representatives and Hasidic leaders. The third section draws on several court decisions and legal matters, to show that discussion is shaped by tension between freedom of religion and pursuit of public interest. The final section addresses the ways in which synagogues affect the daily life of non-Hasidic residents.

Hasidic Presence in Montreal

The Hasidic Demographic in Outremont and Mile End

Non-specialists see Hasidic communities as a uniform world. Moreover, “the Hasidic community” is often mentioned in public discussions, which creates a homogenous category in discourse that does not in fact exist. The Hasidic universe is actually organized by “sects” (a term that must be understood here by its social meaning³), resulting from its centuries-long history that dates back to the 18th century in Central and Eastern Europe⁴. In fact, “since the fourth generation, we see there has been a crystallization of Hasidism in specific groups, adherents to dynasties which each had their own characteristics (...) Gradually, the name of the location where the rebbe⁵ and his successors lived came to be used to describe the group as a whole. Note that these locations were villages or small cities with, at the most, a few thousand inhabitants (...)” (Bauer, 1994, p. 37 [our translation]).

Pierre Anctil points out that “the Haredi constitute a very diverse population within which are found a number of subgroups that are quite distinct from each other historically, linguistically and culturally; this includes the Hasidim who themselves are divided into heterogenous factions” (Anctil, 2019, p. 20 [our translation]). The Hasidic presence in North America is closely tied to recent history in communities which after the Second World War made first the United States, then Canada, a favourable space for reconstructing the communities that were decimated during the Holocaust. This new phase of Hasidic history stands out geographically because “for the first time, most hassidim live cheek by jowl, rather than separated by significant distances, one court from the other” (Biale et al., 2018, p. 677). It is surprising that Hasidic Jews settled in New York (Brooklyn), although the Satmar Rebbe, Joel Teitelbaum who arrived in the United States in 1946, did emphasize the necessity of distancing — physical and social — between Hasidic Jews and the rest of American society. Nonetheless, continued contact with “Sin City” was an inspiration for Rebbe Teitelbaum, who readily cited the Rebbe of Belz: “If a city had no wicked Jews, it would be worthwhile to pay some wicked Jews

³ In the sociology of religion, the term “sect” was first used to refer to dissenting Christian movements which refused any form of accommodation or compromise with global society. By extension, the term has been applied to other religious traditions, for example, Judaism.

⁴ For a French synopsis of the history of Hasidism, see Bauer, Julien (1994), *Les juifs hassidiques*, Paris: Presses Universitaires de France. For further information, see Biale, David et al. (2018), *Hasidism: A New History*, Princeton: Princeton University Press.

⁵ The term “rabbi” must not be confused with “rebbe”. The first designates a person with a rabbinical degree while in Yiddish, “rebbe” designates the leader of a Hasidic group. “He is not chosen for his degrees, but for his charisma, his heredity, and the standing conferred on him by his followers as being a special communication channel with God” (Bauer, 1994, p. 25 [our translation]).

to come and live there so that the good Jews would have to separate from.” (cited in Biale et al., 2018, p. 678)

In Brooklyn, the various Hasidic communities do not carry equal weight demographically: Satmars represent two thirds of Hasidic Jews in the Williamsburg neighbourhood, and slightly less than 30% in the Borough Park neighbourhood (Wodziński, 2018). In Montreal, the two largest Hasidic communities are Belz and Satmar. Based on a study (with 2014 data) by Charles Shahar for the Federation CJA, in a chapter of a work published in 2019, Pierre Anctil puts forward the number of 2,226 Belz and 2,083 Satmar (Anctil, 2019). In third and fourth position are Skver (882 people) and Vizhnitz (277 people). These data can be compared to a 2020 demographic study, also carried out by Charles Shahar (see the two following charts).

	Number of Households	Number of People
Belz	454	2,675
Satmar	438	2,379
Skver	158	908
Vizhnitz	173	956

Figure 1: Main Hasidic Communities in Montreal in 2020 (Source: Charles Shabar, 2020)

	2003	2014	2019
Belz	243	401	454
Satmar	195	393	438
Skver	75	149	158

Figure 2: Evolution of the Number of Households Between 2003 and 2019 for the Three Largest Hasidic Communities in Montreal (Source: Charles Shabar, 2020)

Shahar emphasizes that the largest growth between 2003 and 2019 was in the Vizhnitz⁶ community and in other small communities that include only a few families in Montreal. Among these are the Trisk and Klauzenberg communities.

The topic that often comes to the forefront is the percentage of the total population represented by Hasidic communities in Montreal, and more specifically in the boroughs of Outremont and Plateau-Mont-Royal. In his 2020 study, Charles Shahar puts forward the number of 5,277 Hasidic Jews for the first borough and 2,424 for the second, making a total of 7,701 people.

In the *Profil sociodémographique (recensement de 2016)*⁷, *Montréal en statistiques* points out that in that year, Outremont had slightly fewer than 24,000 inhabitants. Hasidic Jews therefore accounted for approximately 22% of the total population of the borough, a lower figure than the 25% frequently attributed to them. It should also be noted that in the year 2000, their proportion was only about 15% of a total population of 23,000 people. In an article published in 1996, Professor Shauna van Praagh stated: “Most Chasidic Jews in Montreal, indeed 3 000 of the 4 000, live in Outremont. Comprising between 11% and 15% of the population of Outremont, the Chassidim belong primarily to the Satmar and Belz communities” (Van Praagh, 1996, p. 200). If we go back in time, Pierre Anctil estimated that at the time of the 1988 “Outremont Dispute”, less than 12% of Outremont’s population was made up of Hasidic Jews (Anctil, 1997, p. 160).⁸

The demographic analysis carried out by Charles Shahar suggests a representation of Hasidic communities by age group (see the following chart).

	Number of People	Percentage
0–14 years old	3,864	50.2
15–24 years old	1,423	18.5
25–44 years old	1,323	17.2

⁶ After the death of Rebbe Mordechai Hager in 2018, his eight sons took responsibility for various communities around the world. Thus, Rebbe Aharaon Ager became responsible for communities in Canada, and was based in Montreal.

⁷ Document available online: http://ville.montreal.qc.ca/pls/portal/docs/PAGE/MTL_STATS_FR/MEDIA/DOCUMENTS/PROFIL_SOCIOD%20C9MO_OUTREMONT%202016.PDF. Consulted 15 June 2021.

⁸ It is difficult to verify this figure because the author did not indicate his source.

45–64 years old	714	9.3
65 years or older	377	4.9

Figure 3: Distribution of Hasidic Population by Age Group (Outremont and Mile End)

(Source: Charles Shabar, 2020)

This chart indicates that the Hasidic population is very young: the number of youths in the group of 0–14 year-olds is directly connected to the number of children per household. At the other end of the spectrum, it seems that the group of people 65 years or older only represents 5% of the total Hasidic population. Nevertheless, during interviews, synagogue representatives and Hasidic leaders emphasized the increase in the number of elderly people who found it challenging to travel from their homes to the synagogue, especially in winter when sidewalks are slippery.

A Close Connection Between Synagogue Geography and Hasidic Demographics

While our research mandate does not specifically include Hasidic demographics in Montreal, this is a variable that must be taken into consideration to understand community needs: for example, the opening of two Vizhnitz synagogues on Park Avenue in the last few years conveys the strong growth of this community in urban space. However, while numerical growth is an explanatory variable, the fragmentation of the Hasidic world must also be taken into consideration. Basically, while in the beginning members of a community join synagogues that do not necessarily belong to their tradition, as soon as there are sufficient members, they strive to have their own synagogue. As one synagogue representative explained, “I feel much more comfortable in a place that goes with my customs, my way of praying than in another place.”⁹ He added that while it was possible for him to pray in a synagogue other than his own, he would not find the exact liturgical reference points he was used to.

We had the opportunity to conduct interviews with representatives of two small Hasidic communities. One of the ideas that emerged from these two interviews is what I have called in another research study a type of “spatial insecurity”, that is, a continual adaptation to restrictions over which the communities have little or no influence. The first community meets in a small yeshiva (a Talmudic

⁹ Interview in October 2020.

school for boys), while the second rents a meeting space on the Sabbath from a Greek community organization in Plateau-Mont-Royal.

Synagogues Identified in Outremont and Plateau-Mont-Royal

The following chart was produced from two sources: certificates of occupancy issued by the boroughs of Outremont and Plateau-Mont-Royal for religious activities, and information we obtained during fieldwork. These two sources only partially correspond: some synagogues are operating with a certificate that does not correspond to religious activities, and some facilities that do hold a certificate of occupancy for religious activities are not being used as synagogues. For example, *Ateres Faiga Hall* is a venue for family celebrations. We added to the chart two mikvahs restricted to women, that are located on Saint-Urbain Street on the outskirts of Hasidic “territory”; while one holds a certificate for religious activities, the other is operating with a certificate for social and community activities.

	Name	Address	Community
OUTREMONT			
	<i>Machzikei Torah of Montreal</i> congregation	1075 Bernard Avenue	Tob
	<i>Amour Pour Israël</i> congregation	1040 Van Horne Avenue	Vizhnitz-Monsey-Montreal
	<i>Toldos Yaakov Yosef of Skver</i> congregation	6019 Durocher Avenue	Skver
	<i>Minchas Eluzar of Munkacs</i>	1030 Saint-Viateur Avenue	Munkacs
	<i>Canadian Friends of Mifal Hasbas</i>	594 Champagneur Street	Non-denominational
		1050 Saint-Viateur Avenue ¹⁰	
PLATEAU-MONT-ROYAL			
	<i>Yetev Lev-Satmar</i> congregation	5843 Hutchison Street	Satmar

¹⁰ The addresses with a pale yellow background will be discussed further in this article.

		<i>Gate David of Bobov</i> congregation	5363 Hutchison Street Bobov
		<i>Belz uMachzikei Hadas</i> congregation	5336–5346 Jeanne-Mance Street Belz
		<i>Obel Chaim</i> congregation	384 Bernard Street West Satmar
		<i>Meor Hagolah</i> congregation	5815 Jeanne-Mance Street
		<i>Yetev Lev Satmar</i> congregation	5555 Hutchison Street Satmar (Zali)
		<i>First Mesifita Hutchison Branch</i>	5253 Hutchison Street Klausenburg
		Former Montreal Chinese Presbyterian Church	5560 Hutchison Street Belz
		<i>Belz Avreichim Community Center</i>	5293 Park Avenue Belz
		<i>Sheves Achim</i> congregation	5446 Park Avenue
			5658A ¹¹ Park Avenue
		<i>Belz Avreichim Community Center</i>	5680 Park Avenue Belz
		<i>Chareidim</i> congregation	5756 Park Avenue
		<i>Ateres Faiga Hall</i>	5801 Park Avenue This is a venue for parties and celebrations, but was issued a certificate of occupancy for religious activities.
		<i>Imrei Chaim Vishnitz</i>	5814 Park Avenue Vizhnitz (Bnei Brak — Mendel)
		<i>Yetev Lev Satmar</i> congregation	5870 Park Avenue Satmar (Aronim)
		<i>Trisk</i> congregation	5879 Park Avenue Trisk

¹¹ Located in the basement.

		<i>Belz Shtibel (le nom est Beth Jacob)</i>	5900–5902 Park Avenue	Belz
		<i>Klausenburg Yeshivah</i>	5914 Park Avenue	Klausenburg
		<i>Tzemach Tzaddik Vizhnitz</i> congregation	354 Van Horne Avenue (on the corner of Park Avenue)	Vizhnitz (Bnei Brak — Srul)
Mikvahs Restricted to Women				
		<i>Mikvah Taharath Hamishpacha</i>	5124 Saint-Urbain Street	Belz
		<i>Mikvah Mayen Congregation Yetev Lev</i>	5214 Saint-Urbain Street	Satmar

Type of Certificate of Occupancy:

	Religious Activities
	Social and Community Activities
	Meeting Room
	Specialized School
	No permit

Research conducted about the geography of minority religious groups in Montreal (Dejean, 2016; Gagnon and Germain, 2002; Germain and Dejean, 2013) has highlighted its shifting nature and rapid changes. Essentially, some groups settle temporarily in locations until they can move elsewhere, so mapping of minority places of worship must always take this fact into consideration.

We will not comment on every address, only on those which manifest recent trends:

- Several residents we interviewed stated that the house at 1050 Saint-Viateur Avenue is used as a synagogue. Outremont’s urban planning department employees acknowledged that they had doubts about actual uses of the building. Furthermore, they mentioned having received complaints about numerous comings and goings that seem to indicate something other than

residential use. Even though the borough department employees conducted a visit, they were unable to definitively determine the nature of the venue. In an interview, a city official explained it this way: “We understand that it is a building that does not indicate typical residential use. There is no large kitchen, the family room is very large, and there is a type of wall that has been erected in front of the windows with a sort of podium, which would give the impression that people may be invited and that there may be ceremonies inside the building. The layout is one aspect, but it is not strong enough that we could say positively that it is a place of worship.”¹² Such an example expresses the difficulty people who are not experts in Judaism have in deciphering interior fixtures and layouts.

- The former Montreal Chinese Presbyterian Church was recently purchased by the Belz community¹³ which previously had two addresses on Park Avenue (5293, then 5680). We included the building at 5293 Park Avenue on the chart because its certificate of occupancy for religious activities is still in force. This type of conversion of a place of worship is unique, and one of our Hasidic sources explained that they had to request special authorization from a Hasidic spiritual leader outside of Montreal to move forward with repurposing the church building.

The preceding chart repeatedly manifests a lack of correspondence between addresses for which certificates of occupancy for religious activities were issued and addresses of synagogues observed during fieldwork. This is connected in part to the fact that Hasidic communities do not really make a distinction between religious activities and community activities. Research studies on minority places of worship in Montreal (Dejean, 2016 and 2020a) have highlighted the fact that available regulatory instruments and nomenclature are no longer in line with recent developments in the religious landscape. In an interview¹⁴, a former employee of the borough of Plateau-Mont-Royal explained that around 2013, the borough called on the expertise of Professor Pierre Anctil for clarity about the difference between synagogues and community centres. The Ottawa professor mentioned that the borough would not succeed in making this distinction because worship and community are intertwined in the Hasidic lifestyle.

¹² Interview on December 8, 2020 [our translation].

¹³ It so happened that another Hasidic community had planned to buy the church. Moreover, action had been taken with the Superior Court of Québec (*Belz Avreichem Community Center c. Trustee Board of The Presbyterian Church in Canada*, 2019 QCCS 2019)

¹⁴ Interview on December 8, 2020.

“No Synagogue, No Life”¹⁵

At the beginning of the 21st century, Alexander Werzberger, a well-known figure in Hasidic Judaism in Montreal, participated by way of interview in a work about “cultural identity of Jewish Quebecers” (Châteauvert and Dupuis-Déri, 2004). His remarks serve as a useful introduction to the synagogue’s place in the daily life of Hasidic communities:

Specifically, we must go to the synagogue twice every day. This is another valid reason to live very close by! On normal days, each person goes once at the beginning of the day and once at the end of the day, but at varying times depending on personal obligations. Celebrations on normal days do not require the presence of a rabbi, and a gathering of ten men — what is called a *minyan* — is enough to celebrate the service that includes the day’s reading and ritual prayers. Each takes a turn providing the reading. Women are not obligated to come to the synagogue every day; they can decide on their synagogue attendance as they see fit. Most of the women attend celebrations on Sabbath Day and on Jewish holidays when the rabbi is teaching. (Châteauvert and Dupuis-Déri, 2004, p. 71 [our translation])

These statements emphasize that the life of Hasidic Jews centres around the synagogue, especially for men, as attendance sets the cadence for daily life. In interviews, various leaders pointed out that men go to the synagogue two or three times each day to pray and study. Authors who study the place of the synagogue in the lives of Orthodox Jews emphasize that it is the centre of a socio-spatial system and that it shapes the daily life of believers. Thus, “Orthodox life is defined through its relationship to the synagogue. More than any other single institution (with the possible exception of the educational system), the synagogue organizes patterns of residence and occupies the time and imaginations of residents.” (Tavory, 2016, p. 63) Indeed, the synagogue is almost continuously occupied: “It’s something that we use on a daily basis. It’s not something we use on Sunday for one hour, from 10 to 11. There’s life in this place every day for 18 hours a day, something you can see with your own eyes,”¹⁶ confided one representative.

¹⁵ Interview on May 20, 2021.

¹⁶ Interview on December 16, 2020.

The impact of the synagogue on the geography of Hasidic communities is directly connected to the prohibition of using electricity during the Sabbath, meaning cars cannot be used to go to the synagogue. The synagogue representatives and Hasidic leaders with whom we met all emphasized the geographic proximity between the synagogue and residences of members in various communities. Furthermore, they highlighted the fact that harsh Quebec winters make this proximity even more crucial. One representative explained: “Synagogues, I would say, are the main concern, because synagogues have to be located in the immediate area where you live, for several reasons. The main reason is because, as I said, we use it very frequently, on Saturdays, on Sabbath and on holidays we are not allowed to drive. So we have to walk. In Montreal during winter, you know, like the weather of today, for 4, 5 months during the year, we cannot walk too far.”¹⁷

In his publication entitled *Synagogue Life*, sociologist Samuel Heilman (1988) speaks of a “synagogue life” that not only includes purely religious activities, but more broadly involves social relationships between members of the community. He points out that the synagogue is certainly a place of prayer (morning and evening prayers during the week, on Sabbath Day, and for significant Jewish holidays), but it is also a place to gather and to study. These different uses vary depending on the day of the week and on the time of day. Statements by leaders we interviewed correspond with those of a Hasidic rabbi in Val-Morin: “Prayer is our oxygen. The synagogue is our second home, the place where we socialize. If the synagogue closed, we would be distraught.”¹⁸

The representatives we met with emphasized the various uses of the synagogue: it is simultaneously a place of prayer, study and socialization. It is a community space of utmost importance. One of them explained: “There must be at least ten of us for prayer. The synagogue is also a place to study the Torah. I do this at home as well, but that is completely different from studying it together, because we exchange information and discuss it. Sometimes the rabbi speaks and explains, for example, which rules need to be followed for the coming Jewish holidays.”¹⁹ Furthermore, the synagogue is a place for parties and celebrations where meals are shared and there is singing and dancing.

Having a synagogue available is therefore not a “bonus”, but a necessity which is difficult to understand in the context of a mainly secularized society. Thus, the leader of an Outremont synagogue

¹⁷ Interview on March 20, 2021.

¹⁸ “Sursis pour la communauté hassidique de Val-Morin”, Annie Mathieu, *La Presse*, August 1, 2008, edition, p. A9 [our translation].

¹⁹ Interview on May 20, 2021 [our translation].

explained, “Without the synagogue, I simply could not live”²⁰. Another leader added this apt description: “It’s like having two homes: there is the place I live and there is the synagogue”²¹. Another representative spoke along the same lines: “A synagogue is a second home for every single Hasidic Jew, who starts his morning in the synagogue and his afternoon, and night prayers and does maybe night studies every single day in a synagogue.”²² One representative added: “Hasidic synagogue in general is more like a community center, all our life revolves around it. It’s from birth to death. You know when a child is born, we celebrate there: it’s a central part of our life.”²³

While we are using the generic term “synagogue”, there are other terms such as the Yiddish word “*shul*” derived from the Greek word “*schule*” which means a school. This term highlights the fact that the synagogue is also a place of study and learning. In the 18th and 19th centuries, while Hasidic dynasties were being created in Central and Eastern Europe, other facilities were distinguished from traditional synagogues: these were “*shtiblek*” (“*shtiebl*” in the singular form). This term comes from the Yiddish word “*shtub*” which indicates a house or a room. In the early years of Hasidism, it served “not only as a place for prayer and religious events but also as a sort of ‘club’ where people became socialized into Hasidic culture and the faithful formed bonds with each other” (Biale et al., 2018, p. 247). In this way, the Hasidic prayer room looked like a study room²⁴ that was also used for social activities, separate from a synagogue that was used only for religious activities.

From the preceding information, it appears that the Hasidic “house of prayer”²⁵ certainly had a religious function, but also a social and community function. Thus, we can understand why the nomenclature used in “religious zoning” is not necessarily relevant. Similar to other minority religious groups in Montreal, a place of worship must not be reduced to its worship dimension, especially since religious activities only represent a limited number of hours. During the interviews, most of the representatives and leaders made this point: “What is a synagogue? It’s not about praying. It’s a place where we congregate, a place where we mingle. This is a coffee room.”²⁶ The representative of a synagogue in Plateau-Mont-Royal echoed that sentiment:

²⁰ Interview on May 20, 2021.

²¹ Interview on February 17, 2021.

²² Interview on December 16, 2020.

²³ Interview on December 12, 2020.

²⁴ In Hebrew, “*beth midrash*”.

²⁵ It should be noted that in some of his writings, Professor Pierre Ancil does not call it a synagogue, but a “house of prayer”.

²⁶ Interview on June 11, 2021.

The synagogue is not only for praying or for studying law, and Jewish law, we also have many, many ... organizations within the synagogue. We have a free loan society, we help many people with loans, for no charge. We do have some food banks, for people who come for holidays or come to ... like in a time of COVID, we do have help for the families that are hit hard by COVID. We help people to get involved in society for example, we help them, a lot of us, a lot of people who get married in the States, they come from the States to Montreal, so we help them with immigration, we help them with the French language, we help people get jobs.²⁷

While the synagogue is a place of prayer, study and socialization, it also houses the mikvah, a ritual bath used monthly by women and daily by men. According to Steven Lapidus and William Shaffir (2019), all of the synagogues located in the Outremont-Mile-End area, except for two, have a mikvah for men. This is of great importance, given its daily use. One leader confided, “Not everyone is as strict on this point, but as for me, I cannot go one day without the mikvah.”²⁸ Not having one available is a considerable drawback for the smallest communities: “So people from my community first go to a different synagogue to do that, to be in a mikvah and only then they come to the prayers, so of course. If we are able to make a mikvah in our synagogue, we will. That would be very convenient.” On this point, we must not overlook the limitations of the Quebec climate: while it may not normally be too difficult to go to the mikvah in one synagogue and then go to another for prayer, this could be especially burdensome in winter.

The Synagogue: Key Establishment in “Institutional Completeness”

Steven Lapidus and William Shaffir (2019) have studied the ability of Hasidic communities to preserve their identity and to cultivate both spatial proximity and social distance in relation to the rest of society. According to them, it is possible to understand this “profound enigma” (Ibid., p. 98 [our translation]) by introducing the idea of “institutional completeness”, an expression coined by sociologist Raymond Breton (1964). In regard to ethnic and immigrant communities, he proposed this idea that an ethnic group can better succeed at preserving identity and imparting it to members when it has institutional resources of its own from which its members can benefit: “Institutional completeness would be at its extreme whenever the ethnic community could perform all the services required by its members” (Ibid., p. 194). Lapidus and Shaffir explain that Hasidic communities have a series of educational, religious and economic institutions available to them, in such a way that that they epitomize examples of almost perfected “institutional completeness”. As places of prayer, study and community socialization, synagogues hold an essential position among these institutions. They must not therefore

²⁷ Interview on December 16, 2020.

²⁸ Interview on May 20, 2021 [our translation].

be treated in isolation, but repositioned in a “worship-life system” (Dejean, publication pending), an expression that indicates that religious institutions, which are exemplified by buildings, have full meaning once they are connected to other institutions and other buildings. When these buildings are associated with each other, they map out a community-based geography within a relatively limited space. Whereas for other religious groups, the place of worship is not always closely linked with the living space of members who attend weekly, in the case of Hasidic communities, all community life revolves around the synagogue. The “worship-life system” of Hasidic communities is quite distinctive, because the neighbourhood includes all necessary institutions (schools and synagogues) and shops (kosher food). Such a situation contrasts with the functioning of a modern city where a sharp distinction prevails between spaces and the functions they serve.

Synagogue Reconfigurations: Subjects of Controversy

Whether in Outremont or Plateau-Mont-Royal, the vast majority of synagogues result from converting existing buildings (former shops or residential buildings, for example). This means that the interior of these sites must be reconfigured and sometimes expanded so they can be used as synagogues. One typical case is the Belz community’s synagogue located on Jeanne-Mance Street between Fairmount and Saint-Viateur; while the street-facing facades were kept (thus preserving the continuity of the buildings), a structure was added in the back in order to increase the square footage of the building.

These interior reconfigurations or building expansions constitute prime opportunities for controversies to arise. For example, this was the case in 2008 when the leaders of the Gate David of Bobov synagogue wished to proceed with construction. During a visit to this synagogue, newspaper columnist Rima Eklouri wrote: “Mayer Feig told me that about thirty families attend the synagogue. It is impossible to hold any more, he pleaded. It needs to be more comfortable, for example to give elderly people access to restrooms on the main floor, or to have a foyer for boots and coats in winter.”²⁹ Ultimately, following a referendum in 2011, the synagogue did not receive authorization to proceed. The leaders did not want to submit a new expansion project, so they finally chose to do interior reconfiguration work, which has just recently been completed.

This event had repercussions on the attitude of Hasidic communities toward the referendum process. The leader of a synagogue located not far from the Gate David of Bobov synagogue confided that his

²⁹ “La synagogue de la controverse”, Rima Elkouri, *La Presse*, Saturday, June 18, 2011, edition, p. A22 [our translation].

own congregation would have liked to proceed with reconfiguration work, but they were wary after the events of 2008–2011.

“The Challenge Is Mostly Space”³⁰

In our interviews, representatives and leaders emphasized the lack of space and the need to have decent premises available for their community. The representative of an Outremont synagogue explained that his community includes about 810 men and is growing. The facility is now too crowded, which results in women from the community being only able to occasionally participate in religious activities. Moreover, in order to avoid feeling too uncomfortable, members of the community go to other synagogues in the neighbourhood for weekly prayers. However, this is not a viable long-term solution and the day will come when they must buy a new building.

This lack of space was mentioned by most of the representatives we met with, and one of them whose synagogue just welcomed six new families summed it up well: “The challenge is mostly space”³¹. Yet it seems that the lack of space does not manifest itself in the same way in every community. While the demographic study conducted by Charles Shahar shows global growth of the Hasidim, it points out that the pace of growth differs from one group to the other. For example, Vizhnitz growth over the last few years is quite considerable, which shows there are dissemination and circulation strategies within communities between the major Hasidic locations.

However, not all communities are experiencing such rapid growth: one community that only has one synagogue claimed ten years ago to have about 30 families. This number remained stable between 2011 and 2021. Another representative explained that in the next few years, many people from the New York community will move to Montreal.

Faced with the challenge of demographic growth in their community, synagogue representatives we questioned mentioned various strategies likely to be adopted in the future:

- Opening a new synagogue whose location must correspond to the location of members.
- Closing the current synagogue and moving into a larger facility that better meets the needs of the community. This is what the Belz community did recently in acquiring a church at the intersection of Hutchison Street and Saint-Viateur Avenue.

³⁰ Interview on October 21, 2020.

³¹ Interview on October 21, 2020.

- Expanding the existing synagogue. A priori, this solution is the simplest, but it is not without difficulty as shown by the controversy around the expansion of the Bobov synagogue on Hutchison Street. Faced with a lack of space, a representative explained: “Right now, only if we’re gonna expand from the back. We would like to have a bigger place, but we would not like to move the place. We would like to expand the place.”³²

While synagogue size is an important factor, it is part of a larger concern for comfortable and decent facilities. Several leaders indicated that some of their members were more willing to attend synagogues that were not necessarily within their tradition, in order to be more comfortable. As highlighted previously, men go to the synagogue several times daily, so comfort is an issue that must not be overlooked. Also, “People need to get there comfortably and be comfortable there close to their house, you know.”³³

The expression “spatial insecurity” was used to characterize communities without sufficient resources to have their own synagogue, even though they yearn to have one. These communities must therefore find ways to gather at least on the Sabbath. This expression especially applies to two communities whose representatives we interviewed: the first schedules prayers at the end of the week in the yeshiva for which it holds a permit; the second rents a meeting room weekly from a community organization. However, the latter recently acquired a building not far from the current meeting place and will request a permit for it: this will not be a certificate for religious activities, because places of worship are not authorized in that sector.

³² Interview on November 2, 2020.

³³ Interview on December 23, 2020.

Synagogues and the Regulatory Structure

One Reality, but Varied Nomenclature

In the chart summarizing synagogues, we included the type of certificate of occupancy for each of them. Before moving into a building, religious groups — like any organization — must ensure that the zoning authorizes places of worship; they are responsible for requesting a certificate of occupancy for religious activities. Obtaining this certificate certifies that use as a “place of worship” is in conformity in a given zone of the borough. What stands out from this chart is that Park Avenue is currently the focal point of synagogues. This solidifies a trend that was already noticeable in 2013. At that time, the borough of Plateau-Mont-Royal had undertaken a “hunt for illegal synagogues”³⁴ by modifying its zoning bylaw. Among the highlights of the regular meeting of the borough council on June 3, 2013, was the mention of “withdrawing the community or sociocultural activity use in certain sectors”: “The council has adopted Bylaw 01-277-58 modifying the *Règlement d’urbanisme de l’arrondissement du Plateau-Mont-Royal* [Urban Planning Bylaw for the Borough of Plateau-Mont-Royal] (01–277) relating to withdrawal of the community or sociocultural activity use in certain commercial use categories, so as to restrict this use to the same sectors where places of worship are authorized.”³⁵ This withdrawal can be explained by a practice that is quite widespread in Montreal: since it is usually easier to obtain a certificate of occupancy for social and community activities, religious groups prefer it to a certificate for religious activities. This certificate also makes things much simpler for municipal officials, because it is not easy to clearly distinguish between what is cultural or worship-related, or between what is religious or community-related. In an interview, a person working at the borough of Plateau-Mont-Royal acknowledged that “for us, delineating between a community centre and a place of worship, honestly, is not easy. Especially if we are not familiar with their practices.”³⁶

The issues surrounding the varied nomenclature attest to the fact that the urban framework for religious groups belongs to a historical matrix whose context was essentially Christian. One official in an Urban Planning department emphasized: “Zoning was designed with the idea that places of worship are gathering places where people go once a week, maybe twice. We are transposing one type

³⁴ Caroline d’Astous, “Le Plateau Mont-Royal fait la chasse aux synagogues illégales”, La Presse, June 3, 2013 edition [our translation].

³⁵

http://ville.montreal.qc.ca/portal/page?_pageid=7297,75318432&_dad=portal&_schema=PORTAL&cid=6744&ret=/pls/portal/url/page/arrond_pmr_fr/rep_annonces/rep_actualites/coll_actualites. Page consulted on 8 June 2021 [our translation].

³⁶ Interview on September 15, 2020 [our translation].

of use on another place of worship that has different practices that we do not understand as well. It is certainly not perfect.”³⁷

Minority Places of Worship: A Challenge for Montreal

At the end of the 1990s, several challenging situations regarding places of worship for minority religious groups compelled the City of Montréal to examine its “religious zoning”. The expansion project of the synagogue on Jeanne-Mance in 1988 was an important event to consider in this reflection (see Appendix 1). Furthermore, it was around this time that a general workable framework for all religious groups was proposed: it stipulated that no special permission would be given in residential sectors, but that the establishment of places of worship in small to medium-intensity commercial zones would be encouraged. There was also a suggestion to open as-of-right zones in industrial sectors.³⁸ It was at that moment that the idea of treating places of worship as gathering places likely to generate nuisances — especially parking and vehicle traffic — took hold as a guiding principle. At the beginning of the 21st century, Annick Germain and her team stressed this fact: “The City of Montréal was going to declare an outright moratorium in 1999 on the issue of places of worship, waiting until a solution could be found by restructuring zoning. For example, one hypothesis that was put forward involved treating places of worship as *community or sociocultural activities*, in view of the activities they create or that take place there, and to authorize them in certain commercial activity sectors and in sectors authorizing all *communal and institutional facilities*.” (Germain and Dansereau, 2003, p. 93 [our translation]). This preference for commercial zones did not appear out of nowhere, since during the “Outremont Dispute” of 1988, the mayor at the time was already claiming that “the only legally valid solution was to be found in commercial sectors”.³⁹

Research conducted over the last few years (particularly Dejean 2016, 2020a; Germain and Dejean, 2013; Germain and Gagnon, 2003) show that factoring in religious diversity — especially through places of worship — is a widespread practice in the Montreal context. Therefore, we must look at the development of regulatory mechanisms in Outremont or Plateau-Mont-Royal in light of experiments related to religious zoning in other boroughs, since practices flow between boroughs. For example, a 2015 document published by the borough of Outremont entitled *Modifications réglementaires concernant les*

³⁷ Interview on December 8, 2020 [our translation].

³⁸ This information [our translation] comes from a 2013 interview with a City official who was involved in work on this file during the 1990s and the 2000s.

³⁹ Roch Côté, “Pas de passe-droit pour les congrégations juives”, La Presse, September 14, 1988, edition, p. A3 [our translation].

*lieux de culte*⁴⁰ [Regulatory Amendments for Places of Worship], specified that “for the purpose of deepening reflection about regulations for places of worship, the borough of Outremont looked at the approaches of some other Montreal boroughs” (p. 27 [our translation]). This demonstrates that the issue of places of worship on commercial thoroughfares is not solely connected to the presence of Hasidic communities, but rather falls within a broader reflection on the future of places of worship in Montreal.

Plateau-Mont-Royal

As mentioned previously, beginning in 2013, Plateau-Mont-Royal began making amendments to its zoning bylaw, capitalizing on the path established by Mercier-Hochelaga-Maisonneuve a few months before when it set about to clarify the vocabulary used, resulting in a distinction between community centres and places of worship. The synagogue chart (p. 13–15) shows that several synagogues are located on Park Avenue. In fact, places of worship have as-of-right authorization south of Bernard⁴¹. However, for the section ending on Van Horne Avenue, requests for places of worship are processed as special projects, as was the case for the synagogue located at 5866–5876 Van Horne Avenue (see the following photograph).



Figure 4: Synagogue at 5870 Park Avenue (Source: FD, August 2020)

⁴⁰ Document available online (in French):

[http://ville.montreal.qc.ca/pls/portal/docs/PAGE/ARROND_OUT_FR/MEDIA/DOCUMENTS/MODIFICATI
ON-REGLEMENT-LIEUX-CULTE-2015.PDF](http://ville.montreal.qc.ca/pls/portal/docs/PAGE/ARROND_OUT_FR/MEDIA/DOCUMENTS/MODIFICATI
ON-REGLEMENT-LIEUX-CULTE-2015.PDF)

⁴¹ Article 209 of the zoning bylaw [our translation] states: “In a sector where Category C-4 is authorized, the following uses are authorized at any level: ... worship facility, such as a place of worship or a convent”.

Documentation prepared for the public consultation meeting (May 27, 2014) specified that the basement would include a “space reserved for ceremonial baths, coatrooms, community kitchen, and a study room”. Worship spaces per se would occupy the second and third floors. While construction work was carried out, the front facade was not completed. During interviews, residents bemoaned the fact that the Hasidic community was taking so long to complete the work.

The 2014 document explains that, for the ground floor, “two commercial rental spaces are proposed. Steps have been taken in partnership with the *CDEC Centre-Sud/Plateau-Mont-Royal* to attract social economy enterprises.” The inclusion of shops aligns with the borough’s desire to “work on having an interface with the surroundings. We do not want an opaque element beside the sidewalk. We want there to be an interrelation. We want what happens inside to be connected to the street for security and activity purposes.”⁴²

The 5870 Park Avenue project is part of an “inclusive” approach and is in keeping with urban reflection that is presented as being intrinsically political. In an interview, a Plateau-Mont-Royal official explained that one of the difficulties is reconciling interests and needs of specific communities with facilities that play a role in overall service to all citizens: “We often get stuck on this point: lack of heritage preservation, unintegrated architecture. The entire relationship, better togetherness, that is not always emphasized in these projects because the communities have very specific needs.”⁴³ We should point out now that we will find similar tension in the following section that addresses balancing freedom of religion and public interest.

Outremont

As we emphasize in the section about the history of the controversies, “religious zoning” in Outremont is at the core of public discussions. In fall 2016, this culminated in a referendum approving a zoning bylaw modification (Gaddi, 2019). The provision that provoked the most discussion was one that prohibits the establishment of new places of worship on Bernard and Laurier. Another provision of this bylaw modification authorizes places of worship as-of-right on a small section of Van Horne. The information sheet *Modifications réglementaires concernant les lieux de culte* [Regulatory Amendments Regarding Places of Worship] mentions authorizing “use as a place of worship in Zone C-6, which

⁴² Interview on September 15, 2020 [our translation].

⁴³ Interview on September 15, 2020 [our translation].

could meet the needs of communities, as several established places of worship are in residential zones near Zone C-6” (p. 19 [our translation]).

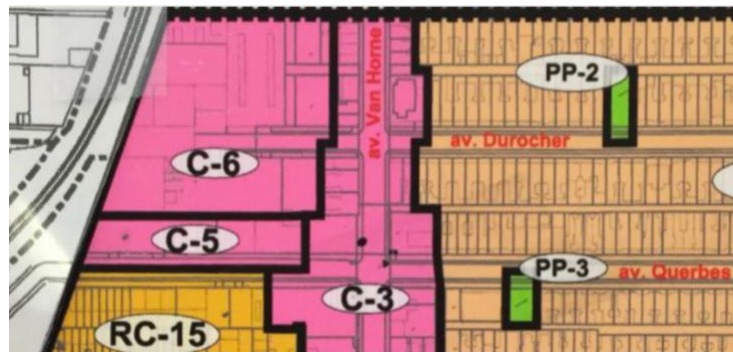


Figure 5: Zone C-6 on Van Horne Avenue (Source: Borough of Outremont, 2015)

Since November 2016, the zone marked C-6 is the only zone that can accommodate new places of worship as-of-right. Therefore, there is very limited opportunity for Hasidic communities to open new synagogues in the Outremont area. We should add that synagogues can also be established in buildings that previously had a religious function. In fact, this is currently the case with the repurposing of the Montreal Chinese Presbyterian Church. However, as one Hasidic leader pointed out in an interview, “We certainly don’t want places of worship in other religious traditions to have to close so that we can take their place!”⁴⁴

Outremont also stands out because of its approach to specific projects. The *Règlement sur les projets particuliers de construction, de modification ou d’occupation d’un immeuble*⁴⁵ [Bylaw concerning specific construction, alteration, or occupancy proposal for an immovable] that was adopted in September 2018 states:

Upon request and under conditions specified in this bylaw, the Council may authorize a specific project that contravenes one or more of the regulations prescribed in Chapter IV of Section 1 in the Act Respecting Land Use Planning and Development (CQLR, Chapter A-19.1). Notwithstanding the first paragraph, in local business sectors and on Bernard, Laurier and Van Horne Avenues marked on the map in Appendix B of this bylaw, a specific project shall not contravene the Zoning Bylaw (1177) so as to authorize an establishment connected to worship, including a religious institution. [our translation]

⁴⁴ Interview on May 6, 2021 [our translation].

⁴⁵ Available online (in French):

http://ville.montreal.qc.ca/pls/portal/docs/PAGE/ARROND_OUT_FR/MEDIA/DOCUMENTS/R_AO-400.PDF.

In this aspect, Outremont differs from boroughs such as Plateau-Mont-Royal where places of worship are eligible for specific project proceedings, which is a creative way to avoid making zoning amendments. According to one official, “it is also a way to show Hasidic communities that we understand their needs and are ready to support them if they have a project”.⁴⁶

Perception of Religious Zoning by Hasidic Representatives and Leaders

Our interviews revealed a great disparity between knowledge of Montreal’s regulatory framework and actual zoning: while some of the respondents were perfectly aware of the requirement for a certificate of occupancy for religious activities and of the way in which the municipal area is divided, others plainly said they were not privy to the nuances of the zoning bylaw. Incidentally, after finding out the research director’s field of expertise, several representatives took the opportunity to ask questions about how “religious zoning” works.

In contrast, leaders and representatives who generally understood how religious zoning works showed a lack of understanding related more to politics in regard to recent development of the regulations for places of worship, especially in Outremont. On that issue, the 2016 referendum that particularly prohibited opening new synagogues on Bernard and Laurier was a major source of confusion. While synagogue representatives and leaders did not deny the importance of preserving commercial vitality — some leaders themselves own businesses on these streets — they are puzzled about the negative impact of synagogues on shops. In 2015–2016, Hasidic representatives had requested several times that the borough provide compelling evidence regarding the negative impact of places of worship on businesses. Several of the respondents even put forward the idea that synagogues could in fact stimulate commercial activity in their immediate surroundings. To illustrate this point, they described the section of Park Avenue between Bernard and Van Horne where over the last few years, Hasidic Jews opened shops, while at the same time several synagogues were established. When we ultimately pointed out that these shops were only for Hasidic clients, they emphasized that in many cases, non-Hasidic people were perfectly welcome to patronize these businesses.

While several synagogue representatives whose places of worship are considered “illegal” are aware of this situation, they rationalize it by explaining that they do not really have a choice, because they cannot find facilities in sectors that are open to places of worship as-of-right. This could cause some synagogues to remain “under the radar” or to request certificates for activities that are authorized in

⁴⁶ Interview on December 8, 2020 [our translation].

the desired sector. In that regard, one representative of a small community which recently acquired a building explained: “And the city decided to erase the zoning of community centres. That’s what it is. They talked about the zoning of community centres, and they erased it. So now there is no zoning for community centres, but there is zoning for, like, a school or a library, but nothing that could fit with what we do.”⁴⁷

Moreover, leaders lament the limited leeway available to even do interior work: “It’s not only the challenge of the growth, I would say, it’s the challenge of doing basic renovations, like to extend a little bit. Like we can’t, we’re so limited in everything that we do. For the basement, if I want to renovate the basement, legally I can’t, because legally the basement is not a synagogue, so I’m not even talking about an extension, I just want to renovate the basement, which makes us able to use it. Like we should have another room, now it’s only one room for the synagogue. So, if the rabbi wants to give a speech and other people want to be in the synagogue at the same time, we can’t.”⁴⁸

Non-compliance with regulations is not connected to a deliberate desire to circumvent the law — in this regard, all the people we interviewed mentioned the importance of complying with existing regulations — but must be interpreted as the feeling that the zoning bylaw does not at all consider the needs of Hasidic communities. Research studies on how needs of minority religious groups are taken into account, regarding places of worship, emphasize that often zoning that factors in religious issues is based on an antiquated idea of the religious landscape, and is out of touch with contemporary realities that are characterized by pluralism and the diverse phenomena it produces.

While the concept of recent development of zoning leaves Hasidic representatives and leaders confused, they do not all agree on how to interpret it. For some of them, regulations for places of worship demonstrates a lack of knowledge of the needs and realities experienced by communities in synagogues. They feel that this unawareness has two sources: a concept of religion copied from Christianity where places of worship serve fewer functions than they do within Hasidic Judaism; and the fact that Quebec is a secularized society within which religion now plays only a marginal role. In that respect, one leader explained: “In the past, in societies where religion was very active, it was easy to explain how important it was for us to have synagogues available. Now, we live in a society where even tolerant and progressive people have a hard time understanding what religion is, how it is not

⁴⁷ Interview on June 2, 2021.

⁴⁸ Interview on December 24, 2020.

only a spiritual need or a way of meditating, it's really our whole life. Just as it is impossible to explain colours to a blind person, it is difficult to explain religion to a distinctly secular society. So when we talk about places of worship, people do not understand why they are so important to us.”⁴⁹

Another interpretation finds that the current regulations contain strategies that directly target Hasidic communities. One of the respondents did not hesitate to say that the regulations were plainly motivated by hate and by the majority Francophone group's feeling that its space is being taken by Hasidic Jews. Another asserted tersely, “It is basically racism underneath the law.”⁵⁰

This perspective is well conveyed by a brief submitted to the *Commission sur le racisme et la discrimination systémiques* [Commission on Systemic Racism and Discrimination]. In that document, which we will return to later in this report, the authors express their feeling that religious zoning in Outremont is discriminatory.

Potential Solutions Envisioned by Representatives and Leaders for Their Synagogues

When asked about potential solutions they would like to share with elected and city officials, our respondents made suggestions that would make current zoning more open to places of worship in order to meet needs of Hasidic communities which, as was shown in the previous section, can be major when it comes to synagogues. There are numerous potential solutions:

- Realizing that Park Avenue is a central axis for the life of Hasidic communities, several representatives and leaders suggested that the borough of Plateau-Mont-Royal open commercial premises between Bernard and Van Horne to places of worship as-of-right. Several pointed out that this section of the Avenue is not very attractive anyway, and the establishment of synagogues would likely be readily accepted by the residents. We should emphasize that non-Hasidic residents in the neighbourhood also made a similar suggestion.
- In contrast, others believe that placing all synagogues on Park Avenue is not a viable long-term solution: “I think that they should go over the numbers, perhaps of people and see where the Jewish community is concentrated and try to maybe give them ... availability of small places of house of worship where they can legally go.”⁵¹ The important element is not so much the number of synagogues as their geographical distribution. As we have already pointed out,

⁴⁹ Interview on May 6, 2021 [our translation].

⁵⁰ Interview on May 20, 2021.

⁵¹ Interview on December 23, 2020.

our respondents emphasized the fact that a synagogue must be considered in conjunction with the life territory of those who attend it, so that new synagogues must correspond to changes in where Hasidic Jews settle. For example, one representative explained that instead of Querbes Avenue and Durocher Street which were traditionally occupied, families are now settling on Van Horne Avenue and on cross-streets. Yet, there is only one synagogue in this sector, at the intersection of Van Horne and Durocher.

- The quotation included in the previous point encourages us to not consider all synagogues according to the same model, but to consider different sizes based on the functions they serve. In light of the simple layout required for a “prayer room”, it would be feasible to open small venues to serve people living nearby. Also in the spirit of better serving members of various communities, leaders have initiated synagogues that were referred to in some interviews as “non-denominational”, because they are not connected a specific community. For some leaders, this type of synagogue represents a path worth exploring in the years to come, because it facilitates serving households that are not always able to go to their own community’s synagogue. It is with this mindset that the synagogue at the intersection of Bernard and Champagneur Streets will open.
- Some of our respondents feel that opening new synagogues is not as important as promoting expansion of existing ones. Also, one of them suggested that regulations authorize congregations occupying a building to add a storey and/or expand into the buildings directly adjacent to theirs. In this regard, one leader suggested that the zoning bylaw authorize buildings adjacent to places of worship to be connected to worship facilities.
- Another suggestion involves enhancing property by proposing a combination of synagogues and non-religious functions. For example, if there is outside parking, why not construct a building that incorporates ground-level parking with a synagogue above it? To preserve business continuity, the idea of authorizing places of worship on the second floor of commercial buildings was also put forward. This is, in fact, a widespread practice in other Montreal boroughs.
- An additional possibility would be converting places of worship, mainly Christian, into synagogues. Worship facilities could in effect be transferred as-of-right to other religious traditions that would purchase them. This is what will actually happen in a few months at the intersection of Saint-Viateur and Hutchison Streets, because a Protestant church was acquired

by a Hasidic congregation. A leader we interviewed lamented the fact that the *Clercs de Saint-Viateur* facility was purchased by a property developer to construct apartments even though the zoning would have allowed as-of-right establishment of a place of worship.

Having a Synagogue: Part of Freedom of Religion

Freedom of Conscience and of Religion: A Cornerstone

Throughout the controversies connected to synagogues, the principle of freedom of religion is a guiding principle and is often invoked by leaders of Hasidic communities or their legal representatives. Following the November 2016 referendum, attorney Julius Grey underscored this fact: “The decision of the majority is not necessarily democratic if it results in infringing on the rights of a minority.”⁵² In this context, a Hasidic leader pointed out: “We are in a democratic society. That must not be governing solely by majority. It is governing by majority, but with significant protection for all minorities.”⁵³ Also, one synagogue representative exclaimed: “We want the city to let us have as many places of worship as we need. They don’t have to take away something from somebody else. We need more places, now let us have it. Why should there be a law or a ban on that? I mean, that makes no sense!”⁵⁴

The interviews we conducted provided the opportunity to determine that the issue of freedom of religion is fundamental. Several times, our respondents mentioned that their communities had a right to have a place of prayer available, and for this reason, the borough had a responsibility to find appropriate premises for places of worship.

In fact, “freedom of conscience and of religion” is declared beginning in the second article of the 1982 Canadian Charter of Rights and Freedoms⁵⁵, as well as in the Quebec Charter of Human Rights and Freedoms in which Article 3 stipulates: “Every person is the possessor of the fundamental freedoms, including freedom of conscience, freedom of religion, freedom of opinion, freedom of expression, freedom of peaceful assembly and freedom of association.”⁵⁶

Charters are tools that can be used to prevent discrimination, which is defined as actions that unjustly put a person at a disadvantage and are based on discriminatory grounds.⁵⁷ Religion is one of the 14

⁵² Isabelle Paré, “Lieux de culte – L’issue du référendum est loin de tout régler”, *Le Devoir*, Tuesday, November 22, 2016 edition, p. A2 [our translation].

⁵³ Jeanne Corriveau, “Le maire d’Outremont nie avoir capitulé au sujet de la synagogue”, *Le Devoir*, February 6, 2016, edition, p. A2 [our translation].

⁵⁴ Interview on December 2, 2020.

⁵⁵ For an analysis of Article 2a) regarding freedom of religion, see the Department of Justice website: <https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/check/art2a.html>.

⁵⁶ <https://www.legisquebec.gouv.qc.ca/en/document/cs/C-12>.

⁵⁷ Source [our translation]: <https://www.cliquezjustice.ca/vos-droits/discrimination-au-canada#qu%20estce-que-la-discrimination>. Page consulted 31 May 2021.

personal characteristics listed that are prohibited grounds for discrimination.⁵⁸ Discrimination on religious grounds involves many types of settings (such as access to education, work or even housing). While it firstly involves individuals, it can also affect groups of people of the same religious denomination. Canadian law recognizes that freedom of religion includes both an individual and a collective aspect: measures that attack religious institutions while causing a restriction of freedom of religion of individuals, are infringements of freedom of religion.⁵⁹ It is mainly in this collective form that freedom of religion comes into play in the area of urban planning and development. With the growing religious diversity of European and North American societies, over the last few decades there has been a significant increase in research studies focusing specifically on discrimination regarding access to space for some minority religious groups, especially in research on Muslims (Allievi, 2009; Amiraux, 2012; Cesari, 2005; Valverde, 2012). The authors are particularly interested in the way zoning and planning regulations may be discriminatory, whether directly or indirectly,⁶⁰ and result in minority religious groups simply having no places of worship available.

In the American context, sociologist Brian J. Miller emphasizes that “with religion often intimately tied to race, ethnicity, and social class, some religious congregations and groups argue denying a new house of worship or significant changes to existing structures is a matter of discrimination” (Miller, 2020, p. 464). The idea that urban planning regulations could be discriminatory was unambiguously stated in a brief written on behalf of the Montreal Hasidic communities for the conference on system racism and discrimination held at OCPM (Office de consultation publique de Montréal)⁶¹. The authors of this brief wrote:

In the past, members of the Outremont borough council have shown a serious disregard for constitutional rights in the use of discretionary power. For example, the council has effectively managed to restrict religious practices related to the holidays of Sukkot, Purim, Passover (Burning of the Chametz), the Sabbath, as well as religious processions in

⁵⁸ See the website of the *Commission des droits de la personne et des droits de la jeunesse*: <https://www.cdpcj.qc.ca/en/your-obligations/prohibited-practices/discrimination>. Website consulted on 17 August 2023.

⁵⁹ “Recognizing the linkages between religious belief and its manifestation through ‘communal institutions and traditions’, the Court has found that ‘measures that undermine the character of lawful religious institutions and disrupt the vitality of religious communities represent a profound interference with religious freedom’ (Loyola High School, supra at paragraph 67; see also *Law Society of British Columbia v. Trinity Western University*, supra at paragraphs 64 and 99).” Source: <https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/check/art2a.html>.

⁶⁰ A discriminatory situation is called indirect when the discrimination results when “a seemingly neutral rule, standard, policy or practice is applied equally to all people, but significantly disadvantages one person (or group)” by imposing obligations, punishment or restrictive conditions that are not imposed on others. See the website of the *Commission des droits de la personne et des droits de la jeunesse*: <https://www.cdpcj.qc.ca/en/your-obligations/prohibited-practices/discrimination>. Website consulted on 17 August 2023.

⁶¹ <https://ocpm.qc.ca/fr/r%26ds>. Page consulted on 2 June 2021.

general. Zoning bylaws have been used in an attempt to close a synagogue. Zoning bylaws have been modified to restrict new places of worship on commercial streets. Recently, this resulted in the banning of new places of worship in the entire borough. **Although bylaws may be written in neutral terms, they affect the Hasidic community in a disproportionate manner.**⁶²

The guiding principle underlying these remarks is that Outremont zoning has been used for discriminatory purposes and that amendments made to bylaws over the past few years have placed an excessive burden on Hasidic communities in light of the intended objectives. This argument is likely a reference to what legal experts call the “Oakes test”, which enables them to assess legitimacy of rights guaranteed by the Charter (see the subsection “How Can We Assess the Legitimacy of Restricting Constitutional Rights?”). When religious groups point out discriminatory situations, lawmakers typically respond: “It is not race or ethnicity motivating their concerns: religious groups do not pay taxes like businesses do, the building or zoning request may not fit the character of the neighborhood, and neighbours may argue the religious building will contribute to or lead to increased traffic, noise, and lights.” (Miller, 2020, p. 465)

During the 2016 referendum in Outremont, the municipal team’s line of argument was specifically the conservation of the commercial nature of Bernard and Laurier Streets. Borough Councillor Céline Forget thus asserted: “In my opinion, I believe this is best and is in public interest. We want to promote active/working life on these streets and that requires some restrictions.”⁶³ In saying this, the elected official justified the bylaw project for the sake of “public interest” which transcends the interests of existing communities and groups, but is not likely to work well for everyone. This is an important point, because it is at the core of many situations where there is tension between respect of freedom of religion and considerations related to the common good.

A document published by the borough of Outremont in 2015 (and revised in 2016) about “bylaw amendments related to places of worship”⁶⁴ states that: “revitalization of commercial thoroughfares represents data that must be taken into consideration when addressing this project. Like several other

⁶² Our emphasis.

⁶³ “En guerre contre Outremont”, Romain Schué, *Le journal de Montréal*, Sunday, June 5, 2016, edition, p. 14 [our translation].

⁶⁴ [Our translation.] The French document is available online:

http://ville.montreal.qc.ca/pls/portal/docs/PAGE/ARROND_OUT_FR/MEDIA/DOCUMENTS/MODIFICATION-REGLEMENT-LIEUX-CULTE-2015.PDF.

boroughs, Outremont is interested in creating optimal conditions to promote patronage of its three commercial thoroughfares: Laurier, Bernard and Van Horne Avenues” (p. 6).

Despite all of this, the practice of using zoning bylaws to restrict access to space by some religious groups has been documented in scientific literature (Chiodelli and Moroni, 2017; Saint-Blancat and Friedberg, 2005; Valverde, 2012). As an example directly concerning Judaism, in spring 2021, the Attorney General of the state of New Jersey (in the United States) initiated proceedings against the municipality of Jackson, claiming it had: “pursued a series of policy and enforcement strategies responsive to residents’ complaints and religious animus. These strategies have included the discriminatory enactment of zoning ordinances targeting Orthodox Jews, and the discriminatory enforcement of code provisions in ways that have targeted Orthodox Jews.”⁶⁵

While in that example, the Attorney General presented the discriminatory situation as fact, public discussion focused more specifically on the meaning that should be attributed to regulatory mechanisms. For example, this was the case in Outremont during the 2016 referendum, when two camps could easily be identified: the first felt the zoning bylaw amendment was a barely disguised method to prevent Hasidic communities from opening new synagogues; the second believed the project was a way to conserve the commercial vitality of two iconic thoroughfares in the borough. Basically, for one side, synagogues were at the core of the bylaw amendment, while for the other the issue was commercial vitality rather than places of worship. This discussion structure — which sometimes resembles polarized conflicts — is part of a larger legal discussion: restriction of constitutional rights, particularly freedom of religion, for the sake of a higher purpose.

[Court Decisions That Shed Light on Synagogue Matters](#)

Over the past few years, several disputes between minority religious groups and Quebec municipalities specifically question access to space and the establishment of places of worship. All of these are marked by tension between freedom of religion and spatial organization that serves public interest. They manifest issues that more broadly relate to what is commonly called “multicultural planning” (Dejean, 2010). Legal rulings resulting from these disputes have created case law that will likely be invoked in the years ahead.

⁶⁵ <https://www.nj.gov/oag/newsreleases21/Jackson-Complaint-Final-4.27.21.pdf>.

As for cases brought before the courts, the arguments put forward by religious groups commonly rely on an appeal to charters and constitutional rights related to them. For example, in a case between the City of Montréal and a Protestant Evangelical church, the appeal judgment emphasized: “The Church suggests that, since there is no facility on the market where it could carry out its religious activities, it has the right to continue to conduct them with complete impunity in its building on Lajeunesse Street despite the zoning bylaw, because these activities would be protected by the Canadian and Quebec Charters of Rights.”⁶⁶

There are, in fact, several cases that specifically concern Jewish communities. One was between the Municipality of Mont-Tremblant and a Lubavitch congregation that maintained that: “the prohibition in the zoning bylaw of the prosecution against establishing a place of worship in its building on Chemin Desmarais, as well as in any zone within a reasonable walking distance of the Station, constitutes an unjustified infringement of its freedom of religion and that of its members”⁶⁷ (par. 104). This case brings to mind another where the municipality of Val-Morin ordered a Hasidic Jewish community to cease using two chalets it owned as a school and synagogue.⁶⁸ The Superior Court of Québec mentioned in its judgment that “members of the defendant, who profess Orthodox Jewish religion, particularly emphasized that the zoning bylaw violates their freedom of religion, a right protected by the Canadian Charter of Rights and Freedoms” (par. 2).

Freedom That Is Not Absolute

Freedom of conscience and of religion represents a fundamental collective and individual asset. However, in several court decisions — for example, those mentioned in the preceding paragraph — it is noted that this freedom is not absolute and cannot be invoked to automatically secure a favourable ruling. In the case of the *Congregation of the Followers of the Rabbis of Belz to Strengthen Torah c. Val-Morin (Municipalité de)*⁶⁹ referred to in the previous paragraph, the appeal judgment questions if it is enough “to invoke freedom of religion to avoid application of a municipal bylaw that would otherwise be valid. The answer to this question is obviously negative, as the right to freedom of religion is not absolute” (par. 28). And the appeals court to which the case of *Syndicat Northcrest c. Amselem* was sent involved a co-ownership bylaw that opposed construction of a *sukkah* on the balcony of one of the

⁶⁶ *Église de Dieu Mont de Sion c. Montréal (Ville de)*, 2014 QCCA 295 (CanLII) [our translation].

⁶⁷ *Ville de Mont-Tremblant c. L'Organisation pour la jeunesse Chabad Lubavitch*, 2017 QCCM 26 (CanLII) [our translation].

⁶⁸ *Congregation of the Followers of the Rabbis of Belz to Strengthen Torah c. Val-Morin (Municipalité de)*, 2008 QCCA 577 (CanLII) [our translation].

⁶⁹ *Congregation of the Followers of the Rabbis of Belz to Strengthen Torah c. Val-Morin (Municipalité de) et al.*, [2008] QCCA 577 (C.A.) [our translation].

co-owners.⁷⁰ The Supreme Court of Canada wrote: “In this respect, it should be emphasized that not every action will become summarily unassailable and receive automatic protection under the banner of freedom of religion. No right, including freedom of religion, is absolute (...) This is so because we live in a society of individuals in which we must always take the rights of others into account.” (par. 61).

Similarly, in the case between the City of Montréal and the Protestant Evangelical Church *Mont de Sion*, the Superior Court judgment stressed that freedom of religion is to be enjoyed in a specific context and in connection with other freedoms, particularly the freedom belonging to others. It emphasizes that the existence of freedom of conscience and religion: “does not however mean that any infringement on this freedom of religion will trigger a declaration of invalidity or unenforceability of the regulatory mechanism in question. The practice of a religion does not operate in a vacuum, and it is not enough to invoke freedom of religion to avoid application of a municipal bylaw that would otherwise be valid”⁷¹ (par. 31). The appeal judgment concurs, because it mentions that: “freedom of religion is not immune from every kind of restriction. Case law recognizes the inherent limitations of this basic right, as is the case for all other freedoms. These limitations may also result from a justification established according to Article 1 of the Canadian Charter. In a word, basic freedoms are not absolute”⁷² (par. 39).

A Balancing Act Between Freedom of Religion and the Common Good

Why have we made this detour when our research mandate specifically involved synagogues? Simply because these cases are tools we can use to analyze the Outremont situation. The previous section showed that religious groups regularly invoke constitutional rights guaranteed by Charters to plead their case, while many court decisions point out that these rights — particularly freedom of religion — are not absolute and must be enjoyed in a specific context.

In the field of urban planning and development, regulations may be in tension with freedom of religion. Since zoning involves identifying parcels of land in which certain activities are authorized and others are prohibited, zoning is fundamentally characterized by discriminatory provisions (Charles, 1975). In that respect, the Supreme Court of Canada mentioned in 1964 that “any zoning by-law is

⁷⁰ For an enlightening socio-legal analysis of this case, see the work of Professor Shauna Van Praagh (especially her 2008 publication).

⁷¹ *Église de Dieu Mont de Sion c. Ville de Montréal*, 2011 QCCS 4281 [our translation].

⁷² *Église de Dieu Mont de Sion c. Ville de Montréal*, 2014 QCCA 295 [our translation].

discriminatory in the sense that it forbids the construction of certain types of buildings, or the carrying on of certain activities in a zoned area, and permits others.”⁷³ However, this is not arbitrary discrimination: it is motivated by a quest for harmonious and efficient development that serves the population as a whole.

We again refer to the example of the November 2016 referendum on the prohibition of new places of worship on Bernard and Laurier Streets. The justification for this zoning bylaw amendment, which is intended to protect commercial vitality on Bernard and Laurier Streets, is the idea of the common good. The implicit assumption is that the soundness of these thoroughfares is good for citizens overall, regardless of their community affiliation. Nevertheless, facts have shown that this bylaw amendment was not at all satisfactory for Hasidic communities. Moreover, in interviews, Hasidic representatives and leaders emphasized the numerous facilities (restaurants, theatres, shops...) that their members do not use. This was not in the least to question their existence, but rather to emphasize the fact that since they were willing to be supportive of facilities they do not use, non-Hasidics should also be supportive of synagogues.

Our intention is not to try to settle a particularly sensitive debate, but our more modest goal is to underscore two aspects:

- Within pluralistic societies where diverse worldviews compete with each other and may sometimes clash, ideas such as “common good” and “public interest” are not self-evident and must be questioned and discussed regularly.
- The very idea of “public interest” has the potential to be only a specific interest that does not name itself. As several authors who embrace “multicultural planning” point out, regulatory mechanisms that may be presented as neutral and non-partisan are apt to uphold unspoken values (Qadeer, 1997; Sandercock, 2000).

The two preceding remarks call attention to implicit tensions between freedom of religion and the defence of public interest or the common good. The issue of neighbourly relationships between Hasidic synagogues and non-Hasidic residents can be addressed through the lens of this tension. In 2000, during the dispute surrounding the expansion of the Belz synagogue on Jeanne-Mance (in

⁷³ *Cité de Sillery v. Sun Oil Co. and Royal Trust Co.*, 1964 SCR 552.

Plateau-Mont-Royal), an Outremont resident published an opinion piece in *La Presse*. She asserted: “the efforts of Hasidic Jews are solely oriented to their own wellbeing, with no consideration for other citizens... Unfortunately, we can no longer accept and tolerate this abuse. We can no longer let other places of worship be established for the benefit of a single community, therefore depriving the rest of the neighbourhood, which is mainly harmonious, of its quality of life.”⁷⁴ Our goal here is not to evaluate the truthfulness of such statements, but simply to stress that the resident justifies her position in the name of the common good that is not attached to one community or another.

How Can We Assess the Legitimacy of Restricting Constitutional Rights?

It has been mentioned that freedom of religion is not absolute — it is to be enjoyed in a certain context — and that religious groups must be willing to deal with some inherent restrictions to urban life. At the same time, regulatory mechanisms implemented by municipalities (or boroughs) must be able to be subjected to substantiation that does not unduly interfere with constitutional freedoms such as freedom of religion. The Canadian Charter of Rights and Freedoms “establishes that every Canadian is guaranteed the rights protected by the Charter while simultaneously providing for the possibility that these rights be limited by the government if such a limit could be demonstrably justified in a free and democratic society” (Ontario Justice Education Network, 2013, p. 1). The Supreme Court of Canada has proposed a two-step legal test — known as the “Oakes Test” — to be conducted when the court must rule on a possible violation of the Charter and determine if a law that infringes on a right guaranteed by the Charter can be justified within the meaning of Section 1 of the Charter. This test is described as follows:

1. There must a *pressing and substantial objective* for the law or government action.
2. The means chosen to achieve the objective must be *proportional* to the burden on the rights of the claimant.
 - a. The objective must be *rationaly connected* to the limit on the *Charter* right.
 - b. The limit must minimally impair the *Charter* right.
 - c. There should be an overall balance or *proportionality* between the benefits of the limit and its deleterious effects. (Ontario Justice Education Network, 2013, p. 3)

The minimal infringement covered by this test is echoed in the area of freedom of religion, in the idea of a restriction that is not negligible or insignificant, and that would result in the believer no longer

⁷⁴ Danielle Rossignol, “Mile End : l’intolérance tolérée”, *La Presse*, November 16, 2020 edition, p. A8 [our translation].

being able to act in accordance with his or her religious beliefs. In that respect, in 2009, the Supreme Court of Canada stated: “An infringement of s. 2(a) of the *Charter* will be made out where ... the impugned measure interferes with the claimant’s ability to act in accordance with his or her religious beliefs in a manner that is more than trivial or insubstantial (...) ‘Trivial or insubstantial’ interference is interference that does not threaten actual religious beliefs or conduct”⁷⁵ (par. 32).

How does that apply in the sphere of religious zoning? In the case between the City of Montréal and the *Mont de Sion* church, the Superior Court judgment stated that “the right protected by Charters to construct a place of worship, whether it be a synagogue, church or mosque, is not connected to a political territory, but rather to a territory whose scope will depend on practices or beliefs related to religion” (par. 47 [our translation]). In the Montreal context, this means that the borough’s territory is not necessarily the relevant scale of analysis, because most often the space occupied by citizens goes beyond the perimeter of a single borough. However, Judge Sansfâcon added an element that has a far-reaching impact for Hasidic communities: “Each case must be analyzed and represents a unique case. As for any analysis on this topic, the restriction must be analyzed based on practices and beliefs that are presented as evidence. For example, members of a religion whose tenets prohibit travelling otherwise than on foot during certain times of the week could possibly receive more extensive rights in that respect than members of a religion that does not stipulate such a restriction” (par. 47–48 [our translation]). As we emphasized in the first section, the proximity of a synagogue to the residences of those who attend it is a key element in understanding Montreal Hasidic geography.

⁷⁵ *Alberta v. Hutterian Brethren of Wilson Colony*, 2009, SCC 37

Synagogues Which Impact Other Residents' Daily Life

While the issue of synagogues primarily concerns members of Hasidic communities who use them, it also affects non-Hasidic residents whose quality of life is likely to be affected by activities related to the existence of places of worship. As part of reflection that relates to “living together” and neighbourly relationships between various communities, it seems important to take this aspect into consideration.

Nuisances and Neighbourliness

In December 2015, *Le Devoir* reported the remarks of Luc Ferrandez, who at that time was the mayor of the borough of Plateau-Mont-Royal: “There are a bunch of small nuisances and little annoyances that ruffle our neighbours’ feathers. That’s what needs to be managed, not the right of religious communities to settle in the region. We need to manage nuisances just like we would manage any other type of business.”⁷⁶ This declaration inspired us to articulate the following observations, which are really four ways of approaching relationships of synagogues (and the groups who occupy them) with non-Hasidic residents.

- (1) Hasidic places of worship — this is also applicable for other minority religious groups — are considered from the perspective of nuisances incurred by the use of these facilities. This means that places of worship are dealt with when a problematic situation arises. This reactive approach is characteristic of the supervisory mode of public forms of religious expression in western metropolitan centres. In the Montreal context, these nuisances are most often related to vehicle traffic, parking and noise (Dejean, 2020b). In Outremont and Mile End, the interviews with residents upon which this section is primarily based have revealed that waste around synagogues can also be experienced as a nuisance.
- (2) The mayor suggests addressing urban consequences that result from religious practices rather than religious practices themselves. Therefore, it is not religious freedom that needs to be discussed, but the most concrete aspect of religious practices, which would result in synagogues being comparable to other gathering places. In so doing, Luc Ferrandez mentions only what municipal law has to say.⁷⁷

⁷⁶ “Outremont, tensions autour des lieux de culte sur les artères commerciales”, Jeanne Corriveau, *Le Devoir*, December 5, 2015 edition, p. A 9 [our translation].

⁷⁷ “‘Religious zoning’ is not intended to regulate beliefs. Thus, various religions or religious practices are not targeted by the zoning bylaw, because, strictly speaking, religious activity as such is not land use. If a municipality tried to regulate the types of beliefs in a specific region, it would clearly be overstepping the authority delegated to it. Municipalities can only

- (3) Synagogues form part of a larger discussion about “neighbourly” relationships, which are characterized by the quest for the delicate balance between aspirations and lifestyles, which may sometimes seem irreconcilable. This idea of “neighbourliness” is related to the concept of “living together” that has been extensively mobilized by municipal stakeholders over the past few years. “Neighbourliness” has a normative dimension and means that people forming a neighbourhood have shared norms and values that guide their daily practices and the consequences these practices could have on other members. Furthermore, it implies a contractual dimension — most often implicit — because members are willing to reconsider their behaviours as long as they are assured that the others will also “play the game”. Neighbourhood conflicts arise when one or more members break the contract. Legal expert Shauna Van Praagh points out that “within our personal space, each of us can live as we see fit. However, this freedom is limited by the fact that we live near other people” (Van Praagh, 2010, p. 442 [our translation]).
- (4) The final comment deals with the “bunch of small nuisances” that trigger literal epidermic reactions (“ruffle our neighbours’ feathers”), namely reactions that do not result from a logical construction, but fall within the register of emotion and indignation. It is specifically these “small nuisances” that must be analyzed and understood, without being brushed aside and immediately trivialized. However, this does not mean they must be legitimized.⁷⁸ In fact, the ways in which individuals develop representations of people belonging to other groups are not determined by general or abstract ideas, but much more by concrete experiences, which seem to be insignificant but when associated with each other can have a lasting impact of intergroup perceptions.⁷⁹

zone the practice of religion, namely activities involved in religious celebration or even the type of construction authorized for this purpose. The foremost goal of religious zoning is to manage the consequences of exercising such use in a specific region and to take into consideration the consequences of the activities associated with such use (LeChasseur and LeChasseur, 2009: 197 [our translation]).

⁷⁸ As a reminder, social science distinguishes between understanding and legitimization. Understanding the actions and attitudes of individuals does not equate to agreeing with them.

⁷⁹ This idea is well explained by sociologists Valérie Amiraux and Javiera Araya Moreno (2014): “If we wish to develop a better understanding of how pluralism is actually experienced by citizens living in religiously plural contexts, we suggest suspending, at least momentarily, a reflection centred on large abstract principles and disembodied discourses and instead returning to the examination of local practices, taking these local interactions seriously as sites in which one can observe the production of meaning.”

The analysis of articles in the three daily French newspapers highlights the fact that synagogues became “public issues” during controversies that questioned relationships between Hasidic communities and the majority group of French Quebecers. During the 1988 “Outremont Dispute”, an Outremont resident spoke this way of Hasidic neighbours: “They are disruptive, intrusive, and annoying, and what’s more, they won’t even look at us... Outremont barely belongs to us, so if for a little while longer some still feel at home, so much the better! But soon Outremont will no longer belong to us!”⁸⁰ It is astonishing to see how the feeling of no longer being “at home” — as if others were not at home — is a recurring theme, as it was also expressed by some residents we interviewed.

Nuisances Experienced by Residents

The urban planning decision guide of the *Ministère des Affaires municipales et de l’Habitation* [Department of Municipal Affairs and Housing] stipulates:

The first characteristic of a nuisance is that it results in serious drawbacks or jeopardizes either public health or the general wellbeing of all or part of the community. The term “nuisance” can encompass a wide range of situations: smells, noises, dust, fumes, etc. ... Therefore, the nuisance bylaw must define nuisance as phenomena that are serious, not temporary. For example, not all noise is a nuisance. Overuse, frequency and repetition of noise at inconvenient times is what makes it a nuisance, because it is this type of noise that disrupts the peaceful character of the neighbourhood.⁸¹

This short commentary suggests that classifying something as a “nuisance” is not an exact science, and that each situation should be assessed in light of its unique factors. While some nuisances become established as being self-evident and are experienced as such by the overall population so there is no disagreement about them being nuisances (for example, airplanes flying at low altitude over a residential area), others are not perceived in the same way by the whole population, thus leading to controversy.

In the context of this research mandate, approximately fifteen residents located in various sections of Outremont and Mile End shared their viewpoints of the presence of Hasidic communities in general

⁸⁰ Roch Côté, “Outremont se découvre un problème juif”, *La Presse*, September 13, 1988, edition, p. A1 and A2 [our translation].

⁸¹ Source: <https://www.mamh.gouv.qc.ca/amenagement-du-territoire/guide-la-prise-de-decision-en-urbanisme/protection-de-lenvironnement/reglements-sur-lenvironnement-la-salubrite-la-securite-et-les-nuisances/>. Page consulted on 10 June 2021.

and of synagogues specifically. For some of them, places of worship create nuisances on a scale that is not adequately taken into consideration by boroughs.

Vehicle traffic and parking. Under a previous research mandate carried out for the diversity and social inclusion department of the City of Montréal, we emphasized that the issue of vehicle traffic, and consequently parking, was the primary source of nuisances that residents in Montreal were complaining about to their borough office. Also, the situation in Outremont and Mile End is no different than what can be observed elsewhere in Montreal. One resident, who had been living on Jeanne Mance Street for 40 years, mentioned that the expansion project of a synagogue on that street twenty years before had motivated the members of the *Comité des résidents de la rue Jeanne Mance*⁸² [Jeanne Mance Street Residents Committee] to mobilize. He explained: “We found there was a lot of traffic and double or triple parking was common. There were not yet any bike paths on Jeanne Mance. When I parked my car and left it in front of the house for 10 minutes, someone would quickly park in front of it. Then, I would go to the synagogue. Immediately, someone else would leave their house to move their car.”⁸³ In spite of all this, the resident recognized that issues related to vehicle use did not arise on the weekends, during Sabbath, because driving was prohibited during that time.

In 1999, at the time of the dispute surrounding the establishment of a synagogue on Durocher Street, at the Lajoie intersection, newspaper articles touched on similar issues. One article in *La Presse* reported, “Since 1989, several citizens have rolled up their sleeves to speak out against the constant coming and going and the noise caused by attendance at the synagogue that, according to them, was disrupting the tranquility of the sector.”⁸⁴

One Hutchison Street resident reported that part of the traffic connected to the synagogue, whose rear entrance was located near him, was affecting the alley in such a way that “the only problem is that when they double park, they end up blocking the alley, so you’d better not be in a hurry.”⁸⁵

Noise. When questioned about the impact of synagogues on daily life, one Durocher Street resident explained: “Honestly, that’s the reason I want to move. Because there is a lot of traffic and a lot of

⁸² We would like to point out that this committee was not created specifically at the time of the synagogue expansion project, but was launched at the end of the 1970s with the goal of alerting public authorities to the dangers related to vehicle traffic. A child had recently been struck by a car at the end of an alley.

⁸³ Interview on September 28, 2020 [our translation].

⁸⁴ Hugo Dumas, “La synagogue illégale d’Outremont déménagera un coin de rue plus loin”, August 20, 2020, edition, p. A7 [our translation].

⁸⁵ Interview on September 25, 2020 [our translation].

noise. When the men leave the synagogue some nights, they sing loudly even if it is 11:00 P.M. or midnight.”⁸⁶ For one Durocher Street resident, the noise issue is connected to the feast of *Sukkot*⁸⁷ that takes place in the fall: “Across two thirds of the width of the synagogue, they construct a *sukekah* that is open at the top. I estimate there could be between 50 and 80 people inside. These are happy men that feel they must shout out their love for God, and they do this at midnight. I don’t care if you have a celebration in the afternoon, but after 9:00 P.M., especially at midnight, it really freaks me out.”⁸⁸ One resident expressed feeling a lack of consideration toward those who are not involved in these celebrations: “We see all they are doing, but unfortunately they don’t take into consideration that we are not all obligated to celebrate. We might have to get up early. Sometimes I have to get up at 4:00 A.M. for my job. When the celebration continues until midnight or 1:00 A.M., that doesn’t work for me.”⁸⁹

While nuisances mentioned by residents are directly related to religious practices, it is important to differentiate them from nuisances that are indirectly connected to religious practices. For example, nuisances related to vehicle traffic are not directly connected to religious practices, but rather to use of facilities. Another example of an indirect nuisance was reported in an interview. A Mile End resident mentioned noise related to use of industrial air conditioners installed on the synagogue roof: “An industrial air-conditioning unit was installed in the back. It’s old and huge, and it took a crane to get it up there. At the back of the triplex, there was a very large yard with trees. They cut them down and constructed a half-storey. The roof of this space is at the height of my window. That’s where they installed this machine, and when two huge fans start up at 11:30 P.M. when you may have just fallen asleep, you wonder what in the world is going on.”⁹⁰

Waste management. Several residents mentioned the issue of garbage storage near synagogues. According to one of them: “Garbage, there is an awful lot of it. In the photo, you will see that garbage bins take up two thirds of the width of two triplexes. At the beginning, it was just a heap of bags placed on their property line. In summer when it was 30 degrees outside, with racoons and squirrels,

⁸⁶ Interview on September 18, 2020 [our translation].

⁸⁷ “This festival commemorates the life of the Hebrews when they left Egypt after being delivered by Moses from slavery. We should remember that they wandered in the desert for 40 years and living conditions were very poor. During the seven days of the festival, worshippers eat and sleep in a ‘hut’ whose roof is open to the sky.” (Ludwig, 2015, p. 64 [our translation]).

⁸⁸ Interview on September 25, 2020 [our translation].

⁸⁹ Interview on September 25, 2020 [our translation].

⁹⁰ Interview on September 20, 2020 [our translation].

you can only imagine... Finally, the cans arrived. But that is no longer enough, bags are placed directly on green bins that are already full.”⁹¹ For many residents, waste management around synagogues is even more difficult in the summer during heat waves: “Waste management is a catastrophe: it’s ridiculous. It’s always, always dirty. When there are a lot of people and a celebration, that creates garbage and the city does not necessarily take care of it. We constantly live surrounded by garbage. It becomes smelly and that attracts rodents... You cannot sit on your porch without smelling garbage. In summer, there are little white grubs.”⁹²

A Specific Perception of the Outremont Environment

Outremont residents we interviewed shared a specific perception of the quality of life in their borough. This is as much connected to the environment — buildings and landscaping — as it is to the quality of sociability in Outremont. In interviews, residents spoke of this environment as an integral part of the borough’s identity, and how they feel it is being eroded by the presence of Hasidic communities. In this regard, one resident who had been living on Durocher Street for approximately half a century explained this about the existence of synagogues: “Before, Outremont had, and I say had ... it was a place where trees were plentiful, old trees. There was a built heritage that was maintained. And then, as we saw these places crop up, there was a deterioration because people stopped caring about buildings, at least their exteriors. It’s the historic setting that is slowly disappearing.”⁹³ According to her, this situation is connected to some indifference by Hasidic communities to the outside of their buildings: “It’s the illegal establishment of places of prayer, it’s the disrespect of zoning rules, and work that is done without following zoning rules, without concern for our built heritage.”

As commercial buildings are purchased by members of Hasidic communities, many residents are sensitive about how the Hasidim make it difficult to fully understand what type of facilities they are. In this regard, one resident said: “A restaurant just closed. It was converted into dormitories or places of worship. The windows are opaque. It all comes back to the issue of lack of transparency.”⁹⁴ Another spoke in the same vein: “It’s also the placarding ... not far from us, facilities have been taken over for... I don’t know if they are schools, places of prayer, residences for students who were coming ...

⁹¹ Interview on October 12, 2020

⁹² Interview on September 25, 2020 [our translation].

⁹³ Interview on October 9, 2020 [our translation].

⁹⁴ Interview on October 2, 2020 [our translation].

but they cover the windows with posters.”⁹⁵ Similarly, residents emphasize the deterioration of housing and lack of care evident in some of the yards, explaining this situation primarily by the Hasidic identity of occupants, with no reference to the financial insecurity that some of the families are experiencing.

Non-Hasidic residents we met with during interviews stressed a type of urban sociability that involves a specific perception of how religion is expressed in public space. The complaint most often raised about Hasidic Jews is the lack of reciprocity in daily interactions, which for these residences seems to be the most obvious thing to expect: for example, responding to greetings or not walking down the middle of the sidewalk. This refusal to follow what are considered as basic rules of neighbourhood sociability is inseparable from another complaint: the fact that religious expressions are too visible even within public space. In a text about the controversy surrounding the *eruv* in Outremont, Valerie Stoker plainly summarizes what we heard during interviews: “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.” (Stoker, 2003, p. 20)

Revealing What Is Usually Hidden

Almost all residents we questioned emphasized the fact that Hasidic communities protect themselves from the rest of society and maintain social distance from non-Hasidics. Several expressed their regret that they did not know more about their Hasidic neighbours, although they acknowledged that in general Hasidics responded politely to questions they asked them. Curiosity particularly focused on synagogues, which appear to be paradoxical: they are both visible — in public space and in the media — and invisible, since the interior is hidden from the view of non-members.

In 2011, a few days before the referendum about the expansion project of the Gate David congregation’s synagogue was held, a type of “Open House” was organized, and residents were invited to visit the place of worship. Between 200 and 300 people came in response to the invitation of the congregation.⁹⁶ Such an invitation allowed neighbourhood residents find out about these facilities that raise numerous questions. As one resident emphasized, “Today a parallel and invisible world has been

⁹⁵ Interview on October 12, 2020.

⁹⁶ “Un projet d’agrandissement contesté”, Catherine Handfield, *La Presse*, Monday, June 6, 2011, edition, p. A4.

opened to us.”⁹⁷ In fact, it was in this context that the association called *Les amis de la rue Hutchison* [Hutchison Street Friends] was created. Since that time, this experiment has been repeated, without necessarily being connected to a controversy as was the case in 2011. Opening synagogues, showing how they are organized, answering questions: these are all ways of demystifying places that give rise to many questions.

In a broader sense, people are appreciative when something that is usually hidden is made visible. One resident explained it this way: “There were things that everyone suddenly enjoyed during COVID. During *Pesach*,⁹⁸ the entire street was transformed into a synagogue, and every morning between approximately 9:00 and 11:00, the men would come out with prayer shawls in hand to sing and dance for two hours. I have to say that I found this absolutely charming, and so did our neighbours. In that gloomy spring we were having, this brought a lot of warmth to our street.”⁹⁹ Several residents said that Hasidic children came and offered them pastries and candy as an apology on behalf of the communities for needing to pray outside.

⁹⁷ “Les portes s’ouvrent, les voisins compatissent”, Fabien Deglise, *Le Devoir*, Monday, June 6, 2011, edition, p. A5 [our translation].

⁹⁸ *Pesach* is the Jewish Passover and commemorates the Hebrew people’s departure from Egypt. Passover spans several days in the month of April.

⁹⁹ Interview on September 28, 2020 [our translation].

Appendix — Hasidic Synagogues in Outremont and Plateau-Mont-Royal: More than 30 Years of Controversy

Date	Controversy
1988	“Outremont Dispute” — Synagogue construction project on Saint-Viateur Street
1998	Relocation of the <i>Amour Pour Israël</i> synagogue
2000	Synagogue expansion project for the Belz community on Jeanne Mance
2008–2011	“Controversial Synagogue” — Gate David Synagogue expansion project
2009	Request to Superior Court to shut down the synagogue at 1030–1032 Saint-Viateur
2016	Referendum on zoning bylaw amendment in the borough of Outremont

Figure 6: Controversies Surrounding Synagogues (Outremont and Mile End) Since the End of the 1980s

A systematic search in the three French newspapers (*Le Devoir*, *La Presse*, *Le Journal de Montréal*) shows that the topic of synagogues returns to the spotlight on a regular basis. It is important to mention these different events and the media treatment they received, because they have common characteristics that represent recurring issues, and also because they make up the various sequences of a saga in which past events fuel present ones.

1988: The “Outremont Dispute”

On September 13, 1988, a *La Presse* headline read, “Outremont has a ‘Jewish problem’: The number of Hasidic Jews has doubled in twenty years” [our translation]. The article described the tensions between part of the Outremont population and Hasidic Jewish communities, originating from a request for a zoning amendment for the purpose of constructing a synagogue on Saint-Viateur Street. Remarks about Hasidic communities were not very kind:

“French Christian Outremont has become accustomed to this odd minority, to these “blanket-wearing” men dressed all in black like bogeymen, to these women and children dressed in layers like onions.” This article, along with others published around the same time, was the subject of a complaint to the Quebec Press Council.¹⁰⁰

1998: Relocation of the *Amour Pour Israël* synagogue

In September 1998, a member of the Outremont City Council tabled a notice of motion intended to amend zoning so that the *Amour Pour Israël* synagogue (6010 Durocher Street), which had been operating since 1989, would be officially recognized. Following this, Céline Forget, who at the time lived on the third floor of the building, filed a request with the Superior Court of Québec. Finally, at the end of May 1999, an occupancy and renovation permit was issued for a space in a building at the corner of Van Horne and Durocher. Mrs. Forget then began a second procedure with the courts to contest the City’s decision that would allow the *Amour Pour Israël* congregation to expand the existing building and set up a synagogue.¹⁰¹

2000: Expansion of the Belz Community’s synagogue on Jeanne-Mance

The synagogue expansion project of the Belz community aroused strong reactions in some residents. The *Comité des résidents de la rue Jeanne-Mance* [Jeanne-Mance Street Residents Committee] was worried about an increase in vehicle traffic. Also, the economic and urban planning department of the City of Montréal opposed the synagogue expansion “in light of complaints filed by residents (who were disturbed by noise and traffic) and the already delicate balance between residential and religious use of facilities in the neighbourhood”¹⁰². In spite of all this, the file was submitted to the *Commission de développement urbain* (CDU) [Urban Planning Commission], a City advisory body.

¹⁰⁰ <https://conseildepresse.qc.ca/decisions/d1989-02-009/> [our translation]. “Complaint Summary: *La Presse* has violated principles of equity and respect while covering events about the Jewish community, as evidenced by: the editorial ‘*Clark a bien parlé*’ (Mr. Guy Cormier, 12 March 1988); the article ‘Outremont se découvre un “problème juif” : Le nombre de juifs hassidiques a doublé en vingt ans’ (Mr. Roch Côté, 13 September 1988); the columns “Nos Juifs” (Mr. Gérard LeBlanc, 21 September 1988), “Les Juifs” (Mr. Pierre Foglia, 28 January 1989), and “Les Juifs, bis” (Mr. Pierre Foglia, 4 February 1989); a caricature (4 November 1988); and the text “Montréal retrouvera son âme lorsque nous aurons nous-mêmes retrouvé la nôtre” (5 January 1989), written by Mr. Victor Barbeau of the *Académie canadienne-française* in 1942.”

¹⁰¹ In a May 2001 judgment, the Superior Court of Québec rejected Mrs. Forget’s request: *Forget c. Outremont (Ville)* [2001] J.Q. no 2218.

¹⁰² “La cohabitation entre hassidims et non-hassidims”, Louise Leduc, *Le Devoir*, Wednesday, October 25, 2000, edition, p. A2 [our translation].

2008–2011: The “Controversial Synagogue”¹⁰³

In fall 2008, the borough of Plateau-Mont-Royal opened a registry to allow citizens who were opposed to the expansion of the Gate David of Bobov synagogue on Hutchison Street to request that a referendum be held. Since Hutchison Street marks the boundary between the boroughs of Outremont and Plateau-Mont-Royal, residents on the west side of the street (Outremont side) did not have the opportunity to sign the registry. It did not receive enough signatures to initiate a referendum. However, the permit was suspended by the Superior Court after an appeal by an Outremont citizen who lived on Hutchison Street.¹⁰⁴ In July 2009, the Superior Court of Québec ruled in favour of this citizen¹⁰⁵, which had the effect of restarting the consultation process.

2009: Request to the Superior Court to shut down the synagogue at 1030–1032 Saint-Viateur

In spring 2009, the City of Montréal submitted a request to the Superior Court to shut down the synagogue at 1030–1032 Saint-Viateur. “Litigation surrounding the purpose of the building goes back to 1982. The owner at that time had been fined for having converted the building at 1030–1032 Saint-Viateur Avenue in order to set up a ‘place of prayer’. The man contested the zoning bylaws of the former city of Outremont and was acquitted on appeal. Legal proceedings were then discontinued.”¹⁰⁶ In a judgment rendered in April 2013, the Superior Court finally ruled against the City of Montréal.

2016: The referendum

¹⁰³ This is an expression by Rima Elkouri [our translation]: “*La synagogue de la controverse*”, *La Presse*, Saturday, June 18, 2011, edition, p. A22.

¹⁰⁴ “Benoit Dupuis’ lawyer, Esquire Ricardo Hrtschan, believes that by excluding residents of the adjoining borough, Plateau-Mont-Royal and the City of Montréal have contravened the Land Use Planning and Development Act. He emphasized that the 2002 municipal mergers resulted in the boroughs of Outremont and the Plateau henceforth belonging to the same municipal territory, he emphasized. The lawyer asserted that residents living west of Hutchison Street, which marks the boundary between the two boroughs, will be directly affected by the synagogue expansion and should therefore have been consulted.” “The Court orders suspension of issuing of the permit”, Jeanne Corriveau, *Le Devoir*, December 2, 2008 edition, p. A 2 [our translation].

¹⁰⁵ *Dupuis c. Montréal (Ville de) 2009*, QCCS 3381.

¹⁰⁶ “Montreal wants to shut down an illegal synagogue”, Judith Lachapelle, *La Presse*, Saturday, May 9, 2009, edition, p. A7 [our translation].

In December 2015, all members of the City Council except one (Mindy Pollak) voted in favour of a bylaw to prohibit places of worship on Bernard and Laurier Streets and to authorize them in the sector of Hutchison and Van Horne Streets, not far from the marshalling yard. Since January 2016, Hasidic communities had made it known through their lawyer, Julius Grey, that they would contest the bylaw before the courts if it were adopted. Esquire Grey explained, “It’s almost prohibitive, and is especially inappropriate in the case of a community that is steadily growing”¹⁰⁷, thus contextualizing this bylaw project within the area of freedom of religion. We should note that this was not the first time such an approach was used in Montreal: for example, in spring 2015 the South-West borough had undertaken an urban planning bylaw amendment to restrict the existence of places of worship on Monk Boulevard. This amendment was motivated by a concern for economic and commercial development. In that regard, Borough Councillor Anne-Marie Sigouin explained that “multiplication of places of worship impedes the economic development of our commercial thoroughfares”¹⁰⁸.

Finally, a referendum was organized for November 20, 2016, and the “Yes” camp for the zoning bylaw amendment project prevailed. However, this did not end the controversy about the existence of synagogues on Bernard because one synagogue project request, which had been filed only a few hours before the notice of motion was tabled to amend the zoning bylaw, caused a dispute between the borough and the building owner at the corner of Bernard and Champagne Streets. In winter 2019, the borough decided it did not want to go to court, and therefore approved the expansion project.¹⁰⁹ This decision led to the filing of two requests contesting the agreement between the borough and the *Place Bernard* group which owned the building.

¹⁰⁷ “La communauté hassidique met en demeure Outremont”, Marie-Michèle Sioui, *Le Devoir*, January 6, 2016, edition, p. A16 [our translation].

¹⁰⁸ “South-West Borough will prohibit places of worship on commercial thoroughfares”, André Desroches, *Métro*, May 11, 2015, edition [our translation]. Available online (in French): <https://journalmetro.com/actualites/montreal/774286/le-sud-ouest-interdira-les-lieux-de-culte-sur-les-arteres-commerciales/>

¹⁰⁹ “Upon the recommendation of City lawyers, the borough approved a private agreement that will allow Michael Rosenberg, the owner of *Place Bernard*, to set up a synagogue at 1250–1270 Bernard Avenue, despite the bylaw prohibiting places of worship on this thoroughfare which was adopted in 2016 and approved by citizens by means of a referendum”. “Outremont mayor denies having conceded on the synagogue issue”, Jeanne Corriveau, *Le Devoir*, Wednesday, February 6, 2019 edition, p. A2 [our translation].

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