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Massimo Leone
University of Torino, Italy

Citizens of a Lesser God - Religious Minorities and the Legal Discourse of Multi-Cultural Democracies: the Case of Canada¹

Abstract: Global migration flows are changing the socio-cultural fabric of European cities. New issues in the management of public and particularly urban space arise. Countries where cultural diversity is a relatively new phenomenon should learn from countries where it is a long-debated issue. Know-how and good policies should be exported and adapted. Canada is one of the most culturally diverse countries in the world. In the last thirty years, the legal and planning system of Canada has sought to adapt to the needs of new ethno-religious communities. Islamic communities in the Great Toronto Area and in other Canadian metropolises have recurrently faced problems in their attempts of 'making Muslim space'. Major contentious areas are parking and traffic standards, planning compatibility, aesthetic impact, and fiscal regulations. The semiotic analysis of legal controversies about the establishment of new minority (and particularly Islamic) places of worship in Canada reveals socio-cultural tensions concerning the sense of belonging of both majority and minorities. The Canadian legal and planning system is not perfect but is still a model of rationality in comparison with the way in which the issue of minority places of worship is hijacked by media and politics in most 'Western' countries.

Keywords: migration; ethno-religious diversity; minority places of worship; urban planning; law; policy making; Canada; Great Toronto Area; semiotics

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1. Global socio-cultural changes and management of public space: reasons for a comparison

As new migration flows increasingly diversify the socio-cultural demography of Europe, new minority religious communities are taking shape in European cities. Both new and old minority religious communities are constantly evolving. Their presence and development in the socio-cultural fabric of European cities are bringing about new issues in the management of public space.² How can the space of multi-confessional European cities be handled in order to respect the right to religious freedom of all citizens without jeopardizing the general harmony of urban life? Which new theoretical frameworks, empirical investigations, and urban policies are required in order to make sure that all citizens feel that their religious identity (or their lack of religious identity) fits into the socio-cultural fabric of European cities? How can a lasting equilibrium between expressions of particular religious identities and common societal belonging be reached in European legal, planning, and socio-cultural systems?

In order to answer these questions in the last years I have undertaken a comparative study of legal and planning systems concerning religious minorities in old and new multicultural and multi-confessional societies, focusing in particular on Australia, Canada, Europe, and the USA.³ The hypothesis behind this comparison is that

réal, with Richard Arteau and Dominique Fortier de la Ville de Montréal, with Richard Smith, Stuart Poyntz, and Gary McCarron at the School of Communication of Simon Fraser University, Vancouver, with W. Wesley Pue at the Faculty of Law and Renisa Mawani at the Department of Sociology of the University of British Columbia. A first version of the paper was presented on September 5, 2010 at the 9th International Roundtable for the Semiotics of Law at the University of Poznań, Poland. A second version of it was presented on September 12, 2010 in Sozopol, Bulgaria, at the Doctoral Summer School in Socio-Semiotics of the New Bulgarian University. I thank the abovementioned colleagues and those who attended the first presentations of the paper for their critiques, comments, and suggestions

² Massimo Leone, "Legal controversies about the establishment of new places of worship in multicultural cities: a semiogeographic analysis," in: Anne Wagner, and Jan Broekman (eds), *Prospects in Legal Semiotics*, Berlin and New York: Springer Verlag, 2010, pp. 217–237.

³ Massimo Leone, "Architectures of transcendence – A trans-cultural analysis of legal processes for the construction, modification, and restoration of places of wor-

societies in which an increasing diversity of religious demography is a relatively new phenomenon might learn from both achievements and failures of societies in which, on the contrary, such diversity has long been a constitutive element and has been addressed through various experiments in the elaboration of legal and planning systems, policies, standards, laws, and bylaws.

2. Focus, method, and purposes of the analysis

The present paper is a study of the ways in which religious minorities in Canada, and specifically in the Great Toronto Area, interact with the Canadian society, as well as with its planning, legal, administrative, and bureaucratic systems in order to exert an impact upon the management of public and particularly urban space, mainly through the establishment of new places of worship.⁴ The paper fo-

ship," in: *Trans(l)egalité*, proceedings of the Conference of the Law and Literature Association of Australia, Griffith University in Brisbane, 2-5 December 2009, available in CD-Rom; idem, "Sustainable religions in contemporary cities - A semiotic approach," *International Journal of Environmental, Cultural, Economic, and Social Sustainability* 2009, vol. 5, no. 3, pp. 47-59, Melbourne: Common Ground Publisher; Urbana (IL); idem, "Legal controversies about the establishment of new places of worship in multicultural cities: a semiogeographic analysis," op. cit.; idem, "Invisible frontiers in contemporary cities - An ethno-semiotic approach," *The International Journal of Interdisciplinary Social Sciences* 2010, vol. 4, no. 11, pp. 59-74; idem, "Hearing and Belonging - On Sounds, Faiths, and Laws," in: Vijay K. Bhatia, Anne Wagner, Christoph Haffner, and Lindsay Miller (eds), *Perspectives in Legal Communication*, (Law, Language, and Communication Series), Farnham (Surrey): Ashgate, 2012, pp. 183-198; idem, "The reasonable audience of religious hatred: the semiotic ideology of anti-vilification laws in Australia," in: Nadir Hosen, and Richard Mohr (eds), *Law and Religion in Public Life: The Contemporary Debate*, New York and Oxford: Routledge, 2011, pp. 112-134.

⁴ Literature on this topic is extensive. As specifically regards Canada, on Montréal cf. Annick Germain, and Bernadette Blanc, "La vie de quartier dans le Montréal multiethnique," *Revue européenne de migrations internationales* 1998, vol. 14, no. 1, pp. 141-158, monographic issue on "La ville destabilisée? Faits et representations" (on neighborhood life in multi-ethnic Montréal with several insights on the role of places of worship); Richard Arteau, *Orientations en matière d'encadrement urbanistique des lieux de culte à Montréal - Implantations de plein droit et dérogations*, Montréal: Ville de Montréal, 2000, Service du développement économique et urbain (a sort of how-to guide for urban planners concerning places of worship in Montréal) and idem, "Les

dieux dans la ville – Diversité religieuse et multiplication des lieux de culte à Montréal – Les défis posés à l'aménagement urbain," paper presented at the Forum Urbain – Centre Canadien d'Architecture on March 20, 2000; Julie Elizabeth Gagnon, and Annick Germain, "Espace urbain et religion: esquisse d'une géographie des lieux de culte minoritaires de la région de Montréal," *Cahiers de géographie du Québec* 2002, vol. 46, no. 128, pp. 143–163 (an overview of the geography of minority places of worship in Montréal); Julie Elizabeth Gagnon, "Cohabitation interculturelle, pratique religieuse et espace urbain: quelques réflexions à partir du cas des communautés hassidiques juives d'Outremont/Mile-End," *Les Cahiers du Gres* 2002, vol. 3, no. 1, pp. 39–53 (on the Hassidic community of Outremont/Mile-End); Annick Germain, "Capital social et vie de quartier en contexte multiethnique," paper presented at the symposium "Les possibilités et les défis de la diversité : un rôle pour le capital social" (séance plénière 4: *Le Capital social dans le contexte de l'immigration et de la diversité : Communautés*), Montréal, November 24–25, 2003 (on the heuristic efficacy of the concept of "social capital" to explain socio-cultural dynamics concerning minority places of worship); Annick Germain *et al.*, *Les Pratiques municipales de gestion de la diversité à Montréal*. Montréal: Institut National de la Recherche Scientifique – Urbanisation, culture et société, 2003 (a survey on the management of diversity, including ethno-religious diversity, in the city of Montréal); Annick Germain, and Julie Elizabeth Gagnon, "Minority places of worship and zoning dilemmas in Montréal," *Planning Theory & Practice* 2003, vol. 4, no. 3, pp. 295–318 (English updated version of A. Gagnon and J.E. Germain, *op. cit.*); Amélie Billette, "Pratiques municipales de gestion de la diversité ethnoreligieuse à Montréal : le cas des piscines publiques," étude exploratoire sous la direction d'Annick Germain, Institut national de la recherche scientifique Urbanisation, Culture et Société, 2005 (on the issue of the multi-confessional management of swimming pools and other sport facilities in Montréal); Julie Elizabeth Gagnon, and Francine Danserau, "'Ethnic' dilemmas?: Religion, diversity, and multicultural planning in Montréal, Canada," *Canadian Ethnic Studies Journal* 2004, vol. 36, no. 2, pp. 51–75; Julie Elizabeth Gagnon, "L'Aménagement des lieux de culte minoritaires dans la région montréalaise : transactions sociales et enjeux urbains," thèse de doctorat en Études Urbaines, Institut National de la Recherche Scientifique à Montréal – Urbanisation, Culture et Société, under the direction of Annick Germain, soutenue le 24 mars 2005 (with a rich biblio-graphy at pp. 291–314); several interesting articles on the topic are also in the collection Bernard Jouve, and Julie Elizabeth Gagnon (eds), *Les Métropoles et la question de la diversité culturelle : nouveaux enjeux, nouveaux défis*, Grenoble: Presses universitaires de Grenoble, 2006; *Cohabitation urbaine et usages de lieux de culte minoritaires: dynamisme social dans la gestion municipale*, Montréal: Conseil Interculturel de Montréal, 2009 (a sort of 'handbook' prepared by a team of la Ville de Montréal); cf. as well the monographic issue of *Nos diverses cités* devoted to Québec (Annick Germain, ed., "Immigration et diversité: au Carrefour des cultures et au Coeur du développement économique," special issue of *Nos diverses cités* 2010, 7). As regards Toronto, one of the first contributions on the topic is Engin F. Isin, and Myer Siemiatycki, "Fate and faith: claiming urban citizenship in immigrant To-

cuses on legal controversies as the epiphenomena of socio-cultural tensions triggered by two seemingly opposite tendencies: on the one hand, the tendency of new religious minorities to increase their pragmatic and symbolic agency in the management of public space through the establishment, enlargement, and/or renovation of places

ronto," Toronto: Joint Centre of Excellence for Research on Immigration and Settlement, 1999, working paper n. 8 (followed by Myer Siemiatycki, and Engin F. Isin, "Making Space for Mosques: Struggles for Urban Citizenship in Diasporic Toronto," in: Sherene Razack, ed., *Race, Space and the Law: Unmapping a White Settler Society*, Ottawa: Between the Lines Press, 2002, pp. 185-209); seminal papers on multicultural and multi-confessional urban planning with a specific focus on Toronto are Mohammad Qadeer, "Urban planning and multiculturalism in Ontario, Canada," in: Thomas Huw, and Krishnarajan Vijay (eds), *Race, Equality, and Planning - Policies and Procedures*, Aldershot, Hants (UK), Brookfield (VT): Avebury, 1994, pp. 187-200; idem, "Pluralistic planning for multicultural cities," *Journal of the American Planning Association* 1997, vol. 63, no. 4, pp. 481-494; idem and Maghfoor Chaudry, "The planning system and the development of mosques in the Great Toronto area," *Plan Canada* 2000, vol. 40, no. 2, pp. 17-21; for a survey of the legal controversies concerning minority places of worship in Ontario cf. Lilith Finkler, "Stressing Sacred Space" (2002), available at www.stason.org [last access September 21, 2010]; cf. also Sandeep Kumar Agrawal, "New ethnic places of worship and planning challenges," *Plan Canada* 2008, vol. 48, Special Edition, pp. 64-67 (on planning issues concerning minority places of worship in the Great Toronto Area) and idem, "Faith-based ethnic residential communities and neighbourliness in Canada," *Planning Practice and Research* 2008, vol. 23, no. 1, pp. 41-56; idem, "Faith-based ethnic residential communities and neighbourliness," CERIS (The Ontario Metropolis Centre), 2008, working paper n. 63; Mohammad Qadeer, Sandeep Kumar Agrawal, and Alexander Lovell, "Evolution of Ethnic Enclaves in the Toronto Metropolitan Area, 2001-2006," *Journal of International Migration and Integration* 2010, vol. 11, no. 3, pp. 315-339 (on the role of religion in shaping neighborhoods in suburban Toronto). Literature on minority places of worship in Vancouver is less developed, but cf. David Ley, "The immigrant church as an urban service hub," *Urban Studies* 2008, vol. 45, no. 10, pp. 2057-2074, and other papers by the same author. On planning and ethno-religious diversity in Canada cf. as well Heidi Hoernig, "Lessons from recent immigrant, minority place of worship development for urban planning amidst cultural diversity" [no date], available at www.canada.metropolis.net [last access September 20, 2010] and the special issue of *Plan Canada* devoted to the topic "Welcoming communities: planning for diverse populations" (Agrawal Sandeep Kumar, Caroline Andrew, and John Biles, *Plan Canada*, special issue on "Welcoming communities: planning for diverse populations," 2009). An extremely important source of information about urban studies in Canada is the *Metropolis* network: <http://ceris.metropolis.net/> (as regards Ontario, with links to analogous research clusters in other major Canadian cities).

of worship; on the other hand, the apparently contradictory tendency of old religious majorities (including the case of majorities composed of non-believers) to oppose such projects, considering them capable of decreasing their own pragmatic and symbolic agency in relation to the same space.

Semiotics, that is, the discipline that studies patterns of meaning and communication, is adopted as an epistemological, methodological, and analytical framework for the observation, description, and analysis of two communication processes: on the one hand, the way in which new places of worship are conceived, established, and received as spatial and architectural 'statements' concerning the relation between a religious minority and the territory; on the other hand, the way in which religious majorities, or at least some of their members, seek to counter such 'statements' by producing other communication processes: public demonstrations, media messages, and especially legal arguments.⁵

In other words, the paper aims at studying the spatial, architectural, and symbolic projects through which new religious minorities seek to 'make their own space', as well as the way in which religious majorities react to these projects.⁶

The purpose of such study is twofold. First, a theoretical purpose: social tensions arising from the establishment of new places of worship by religious minorities are an effective vantage point in order to understand that which is increasingly becoming a central element of contemporary societies: the complex interplay between cultural difference and cultural identity, which manifests itself mainly through

⁵ Such semiotic approach elaborates on a trend of cultural and human geography of religion that has been already developed with promising results; cf. Lily Kong, "Geography and religion: trends and prospects," *Progress in Human Geography* 1990, vol. 14, no. 3, pp. 355-371; Julian Holloway, and Oliver Valins, "Editorial: Placing religion and spirituality in geography," *Social and Cultural Geography* 2002, vol. 3, no. 1, pp. 5-9; Leonie Sandercock, "Spirituality and the urban professions: the paradox at the heart of planning," *Planning Theory & Practice* 2006, vol. 7, no. 1, pp. 65-97.

⁶ From this point of view, the paper is deeply influenced by the concept of "spatial justice" as developed by Edward D. Soja, *Seeking Spacial Justice*, Minneapolis and London: University of Minnesota Press, 2010.

the dynamics of belonging.⁷ The work-hypothesis of this paper is that the ability of having an impact on the management of public space is an essential factor in determining the sense/feeling of belonging of a social group – especially in the case of a minority – in relation to the territory.

Second, a practical purpose: social tensions are not ineluctable. On the contrary, planning, legal, administrative, and bureaucratic policies can be conceived, engineered, and adopted in order to rationalize the management of public space also as regards its symbolic dimension.⁸

So as to achieve its theoretical goals, the paper relies on the existent literature on the topic as well as on new semiotic analyses of legal controversies in Canada. Research experience accumulated in other socio-cultural contexts, and in particular in Australia, Europe, and the USA, is also used to cast light on the dynamics of belonging in the present-day Canadian society.

3. Cultural diversity and urban planning in Canada

Canada is one of the most culturally diverse countries in the world. The last available census data indicate that Canada, and particularly the three major Canadian cities of Montréal, Toronto, and Vancouver, are characterized by a religious demography that is both extraordinary diverse and diversifying at extraordinary speed.⁹ In the last thirty years, and especially since Canada has officially embraced multiculturalism, Canadian planning and legal systems have been constantly adapted in order to suit the pragmatic and symbolic needs

⁷ Massimo Leone, "On my accent - Signs of belonging in present-day multicultural societies," in: idem (ed.) *Analisi delle culture - Culture dell'analisi, Analysis of Cultures - Cultures of Analysis*, monographic issue of *Lexia* 2010, 5-6, pp. 415-450; idem, "Sémiotique du sentiment d'appartenance", *Nouveaux Actes Sémiotiques* [online], February 21, 2012, available at revues.unilim.fr/nas/ [last access June 12, 2012].

⁸ Massimo Leone, "The Semiotic Therapy of Religious Law," *International Journal for the Semiotics of Law* 2009, vol. 24, no. 3, pp. 293-306.

⁹ Cf. www12.statcan.ca [last access September 21, 2010].

of new religious minorities while preserving the overall socio-cultural harmony of the urban fabric.

One of the pioneers in the field of urban planning research on religious minorities in Canada is Mohammad A. Qadeer. In 1994, Qadeer published a seminal article entitled "Urban planning and multiculturalism in Ontario, Canada",¹⁰ later expanded in the 1997 essay "Pluralistic planning for multicultural cities".¹¹ In a prophetic statement, Qadeer claimed that

Canada is an appropriate setting for studying these issues. It is an acknowledged multicultural society and is explicitly committed to sustaining the cultural heritage of minorities. Its experiences may hold lessons for other countries with large immigrant populations.¹²

While acknowledging that the post-1960s social consensus against racism had eliminated overt forms of discrimination in the Canadian management of public and particularly urban space, Qadeer also remarked, in his 1997 essay, that historical practices, public policies, administrative procedures, and regulatory standards prevailing in Canada in the late 1990s could be still considered as originating "from social patterns and cultural values of the dominant communities, namely, in Canada, the English or the French".¹³

4. 'Making Muslim space' in the Great Toronto Area

The last part of Qadeer's article, devoted to the pluralistic planning of "Institutions and services", deals with the question of the establishment of new mosques in Canada, triggered, especially from the early 1990s on, by new migratory fluxes from the Middle East, Eastern Europe, and South Asia. Socio-cultural tensions and legal controversies concerning the establishment of new places of worship in Canada do not concern only Islamic communities. However, for reasons that the present paper will seek to account for, no other religious

¹⁰ M. Qadeer, "Urban planning and multiculturalism in Ontario, Canada," *op. cit.*

¹¹ M. Qadeer, "Pluralistic planning for multicultural cities," *op. cit.*

¹² *Ibidem*, pp. 481-482.

¹³ *Ibidem*, p. 482.

communities have faced the same level of hardship in 'making religious space'.¹⁴

According to Qadeer, the establishment of new mosques in Canadian metropolises typically developed through three phases:

In the beginning, someone's living room serves as the gathering place for weekly prayers, which leads to renting a hall or buying an unused church for congregational gatherings, and finally to the stage of building a new mosque.¹⁵

Each of these three phases entails an interaction between the Islamic minority and the planning, legal, administrative, and bureaucratic systems established by the majority, with the consequent need of obtaining public approvals and planning permissions. Yet, Qadeer points out that at least up to 1997 – when his essay was written and published –, such systems were modeled after the idea of the establishment of a new Christian church, so that obtaining approvals and permissions for the establishment of a different place of worship would imply a constant need for derogations. The typical example mentioned by Qadeer is the construction of minarets, a delicate issue in most predominantly non-Islamic 'Western' countries.¹⁶ In one famous case, an Islamic community was obliged to apply for the planning and the construction of a new "clock tower", the only planning category that in the Canadian administrative system could analogically apply to a minaret.

The process of adjustment through which planning, legal, administrative, and bureaucratic systems imbued with the socio-cultural identity of the majority are transformed through the impact and interaction with the needs of a new minority is, to a certain extent, physiologically impervious. However, in some cases such process can

¹⁴ Literature on social tensions and legal controversies triggered by the establishment of new Islamic places of worship is vast and growing. For an overview, M. Leone, "Architectures of transcendence – A trans-cultural analysis of legal processes for the construction, modification, and restoration of places of worship," *op. cit.*, and *idem*, "Legal controversies about the establishment of new places of worship in multicultural cities: a semiogeographic analysis," *op. cit.*

¹⁵ M. Qadeer, "Pluralistic planning for multicultural cities," *op. cit.*, p. 491.

¹⁶ For a survey of the literature on this subject, M. Leone, "Hearing and Belonging – On Sounds, Faiths, and Laws," *op. cit.*

be so slow as to give rise to countless opportunities for (at times violent) pathological socio-cultural tensions. The lack of appropriate laws, bylaws, and regulations, as well as the lack of predefined procedures to connect socio-cultural needs and regulatory systems brings about a gap of uncertainty, ambiguity, and discretionary decisions, which is often filled by discriminatory phenomena and media and political opportunism.

However, already in his 1997 essay, Qadeer underlined that significant progress in the ability of the Canadian system of public space management to accommodate the needs of new religious minorities, and in particular those of new Islamic minorities, had been made — thanks to the efforts of planners more than to those of their political referents — leading to the establishment of thirty new mosques in the Toronto area.

5. Planning places of worship in the GTA: current procedures and possibilities of improvement

Despite the generally optimistic tone characterizing Qadeer's 1997 essay, its conclusions emphasize a limit of the management of public space in pluralistic (and multi-confessional) Canada that is still a distinctive trait of even the most multicultural and 'superdiverse' 'Western' societies:¹⁷ the spatial needs of religious minorities are mostly accommodated as exceptions to the norm, and not considered as an essential element of the socio-cultural fabric to be preemptively taken into account. Solutions are mostly found *ad hoc*, under the form of derogations, whereas planning per se remains relatively impermeable to cultural and religious diversity. The essay therefore insists on the fact that multicultural planning requires a formulation of "policies, programs, and standards ... beyond simply advocacy for the disadvantaged",¹⁸ a requirement that, according to the author, can be fulfilled only through the representation of minorities in planning bodies.

¹⁷ Steven Vertovec, "Super-diversity and its implications," *Ethnic & Racial Studies* 2007, vol. 30, no. 6, pp. 1024-1054.

¹⁸ M. Qadeer, "Pluralistic planning for multicultural cities," *op. cit.*, p. 493.

As it will be pointed out in the present essay, the role that religious minorities can play in the management of public space, especially in multi-cultural cities, is directly proportional to their capacity to turn into an active political agent capable of influencing regulations and decisions not only according to a bottom-up logic (minorities manifest their needs, majorities seek to accommodate them) but according to a top-down logic (representatives of minorities seek to exert their socio-cultural sensibility already at the stage of planning, or even at the previous stage of elaboration of policies, programs, standards, and regulations).¹⁹

Each Canadian province adopts different legal and planning systems for the management of public space. As regards the city of Toronto and the Great Toronto Area, where the largest Canadian Islamic communities live, the administrative and political agencies involved are essentially the City Planning Division of Toronto [CPDT] (set up by district - Etobicoke, York, North York, Toronto & East York and Scarborough), municipal councils, municipal planning committees, interest groups and individual citizens, and the Ontario Municipal Board (the quasi-judicial appellate body).²⁰

The proposal to establish a new place of worship is first submitted to the CPDT, which reviews it on the basis of official plan policies and zoning criteria. The recommendations of the CPDT are presented to local municipal councils that, taking into account input from citizens and local interest groups, make the final deliberation, approving or rejecting policies and zoning amendments when required. In Ontario, decisions by local municipal councils can be subsequently appealed through the Ontario Municipal Board.

As the present article will point out, several passages in this procedure are interesting from the perspective of the semiotics of law:

¹⁹ Cf. Myer Siemiatycki, "Urban citizenship for immigrant cities: One Resident, One Vote in municipal elections," in: Sandeep Kumar Agrawal, Caroline Andrew, and John Biles, *Plan Canada 2009*, special issue on "Welcoming communities: planning for diverse populations," pp. 75-78, on the "One Resident, One Vote" movement.

²⁰ For an excellent analysis of the efficacy of the Ontario Municipal Board cf. Sandeep Kumar Agrawal, "Urban design decision-making: a study of Ontario Municipal Board decisions in Toronto," *Canadian Journal of Urban Research* 2005, vol. 14, no. 2, pp. 209-237.

(a) the way in which the structure of the procedure as a whole as well as the internal organization of the CPDT and the official plan policies and zoning criteria signify a certain 'forma mentis', which is the epiphenomenon of the historical and socio-cultural context of Toronto; (b) the interplay between this 'planning system', the socio-cultural legacy it embodies, and bottom-up inputs from citizens and groups of interest. Such inputs constitute a sort of 'natural corpus' for any research on the semiotics of religious space planning, especially as they are embodied in media messages and records and transcripts of legal controversies; (c) the internal structure, formal procedures, and final deliberations of the Ontario Municipal Board.

The relation between Islamic communities in the GTA and the planning system of this territory has not always been idyllic. On the one hand, Islamic communities have often lacked the political agency required to be effective at the legal, administrative, and bureaucratic level in order to have a significant impact on the planning system of the GTA and its socio-cultural presuppositions.

On the other hand, this 'minority status' has frequently brought about a vicious circle where the hypersensitivity of Islamic communities in the GTA started to play a major role. Given that *some* negative feedback from the planning system was motivated by discriminatory rationales imbued with Islamophobic prejudices, *every* negative feedback from the same planning system was interpreted by the Islamic communities of the GTA as a further demonstration of the presence and role of such rationales.²¹

As the present article will point out, one of the major tasks planning policies will have to face in the future of Toronto as well as in that of other 'Western' metropolises around the world is to break the vicious circle of mistrust between religious minorities and the planning system. The planning system of the GTA has already rapidly

²¹ For a lucid study of this process in the Montréal area cf. Ali Daher, *La Construction de l'islamité et l'intégration sociale des musulmans selon la perspective des leaders musulmans au Québec* (1999), available at www.bibliotheque.uqac.quebec.ca [last access September 21, 2010]; cf. also Chantal Goyette, "L'établissement résidentiel des nouveaux immigrants arabes - Un processus de regroupement ethnique" (2000), mémoire présenté à la faculté des études supérieures en vue de l'obtention du grade de maître ès sciences (M.Sc.) en sociologie, under the direction of Jean Reneaud.

moved several steps forward in such direction. One of them is the way in which the semantic of religious space is conceived and 'lexicalised.' In 1988, Toronto City deleted the term "church" from planning regulation documents in favor of the term "place of worship." Analogously, the former City of Etobicoke in its 1990 Official Plan started to designate places of worship in its territory as "religious assembly with other related uses."

A neutralized 'religiously correct' planning lexicon is not per se a guarantee for a pluralistic, non-discriminatory planning system. It does not matter whether a planning system does not use the term "church" when deliberating on the establishment of a synagogue or a mosque, if agents involved in such deliberation (city planning officials, for instance) still conceive of a synagogue or a mosque as if it was a church. The cultural specificity of the space 'made' by different religions must be taken into account in order to achieve a substantially pluralistic planning. However, the neutralization of the lexicon of planning is also an important element in developing mutual trust between religious minorities and the planning system.

Planning regulations concerning places of worship vary considerably in the different municipalities of the GTA, although local conditions do not always change accordingly. Although plans for the establishment of new mosques in the GTA have been generally approved, most of them have implied presentations and negotiations with local Councils, few cases have required approval of the Ontario Municipal Board, and one case was contested up to the Ontario Court of Appeal.

6. Common contentious areas

The existent literature identifies four major areas of contention involved in the establishment of new mosques in the GTA: traffic and parking issues, compatibility with surrounding land uses, architectural design, and fiscal impact.

The first area recurs quite often around the world in socio-cultural tensions and legal controversies about the establishment of new places of worship by religious minorities, and especially by Islamic communities in predominantly non-Islamic 'Western' countries. Such area

apparently entails a mere matter of calculus and is of no interest from a semiotic perspective. However, this is far from being true. First of all, regulations that determine the traffic and parking conditions, which new places of worship must fulfill, are extremely various and, to a certain extent, quite arbitrary, even in a single territory such as the GTA.

Second, as several studies have underlined, methods for the calculation of such requirements often stem from a specific *imaginaire* concerning the proxemics of religious space. For instance, the potential attendance of planned non-Christian places of worship in Canada has been sometimes estimated in relation to the number of seats, without taking into account that seats are a specific feature of the religious proxemics of Christian places of worship.

Third, as it has been emphasized by several scholars, it is sometimes difficult not to suspect that traffic and parking matters are used as an acceptable legal, administrative, and bureaucratic argument to thwart the establishment of religious minorities in a certain territory. However, discriminatory intents are not behind every parking and traffic regulation contention. Affirming it would be tantamount to reinforce the vicious circle of mistrust described above.

The semiotic analysis of legal controversies can give a precious contribution to uncover the discriminatory rationale potentially at work in administrative contentions. Some cases are so evident that they do not even need the intervention of a semiotic analyst. Consider, for instance, the case of the Islamic Foundation's mosque in Scarborough, where parking turned out to be a convenient planning argument after the plaintiff, a neighboring restaurateur, had "failed to convince the city that the mosque would 'adversely affect his liquor sales'."²²

Fourth, there is an aspect of this contentious area that has been rarely dealt with by the existent literature on the topic: the priority by which the logistics of traffic and parking is considered as more important than any other value (including the freedom of religion of a community) is never questioned. Nobody would like to be a resident of an urban area in which attendance to the local place of wor-

²² M. Qadeer, M. Chaudry, "The planning system and the development of mosques in the Great Toronto area," op. cit., p. 18.

ship regularly brings about massive traffic congestion and severe shortage of parking space. However, if the priority above was re-discussed, or at least, not considered as a dogma, urban planners would probably find that in many circumstances there would be room for a certain amount of negotiation and compromise: residents could perhaps be encouraged to accept a certain increase in traffic and decrease in parking space for the sake of creating a more equitable urban socio-cultural fabric.²³

The second contentious area is compatibility. This area too shows a great amount of disparity in terms of which zones are considered by the municipalities of the GTA as suitable in order to host new places of worship. The interest of this issue for a semiotics of planning resides not only in such apparently arbitrary variety of regulations, but also in the way in which such variety interacts with the religious *imaginaire* behind urban planning.²⁴ For instance, when plans for the establishments of new mosques are rejected – in Canada as well as elsewhere – because they seem to attract believers from different areas of a city, and therefore are not judged to comply with the traditional definition of “neighborhood institution”, planners are actually projecting the usual logistics of a church on that of a mosque.

Given the different ‘temporality of praying’ in Islam as compared with Christianity, most practicing believers are inclined to attend mosques which are close to where they work, and not to where they live. Furthermore, sometimes believers are ready to travel great distances from their places of residence in order to attend mosques where religious functions are held in their mother tongue, or where they can assemble with those belonging to the same Islamic denomination and/or ethnic background.

²³ Cf. Maurice Blanc, “La transaction, un processus de production et d’apprentissage du ‘vivre ensemble’,” in: Marie-France Freynet, Maurice Blanc, and Gaston Pineau (eds), *Les Transactions aux frontières du social – Formation, travail social, développement local*, Lyon: Éd. Chronique Sociale, 1998, pp. 219–237, on the concept of “social transaction” (which has inspired much Canadian scholarship on the management of minority places of worship).

²⁴ Cf. Massimo Leone, “Praying and planning – Advances in the semio-geography of the religious *imaginaire*,” presented at the Summer School of the New Bulgarian University on September 12, 2010; available at www.unito.academia.edu/MassimoLeone

The third area of contention is of distinctive semiotic concern: architectural design. In many cases, in Canada as well as in other 'Western' countries, plans for the establishment of new places of worship by minorities have been opposed and sometimes rejected because of 'aesthetic' reasons. This area too involves two dimensions: a properly aesthetic dimension and a 'political' one. As regards the first, a semiotics of planning should inquire into the way in which aesthetic projects in a territory interact with the patterns of feeling /sense of belonging characterizing a socio-cultural fabric: why do religious minorities care about building places of worship according to specific aesthetics, for instance, those 'recreating' the architectural flavor of a certain ethno-religious background and/or historical period? And why do these projects of architectural design, which are also projects of symbolic belonging, so often trigger the hostility of the 'aesthetic majority'? How are the concepts of 'character' and 'amenity', so frequent in legal controversies about these issues, involved in this contentious area?

The second dimension is political: as in the logistic area of traffic and parking, is it not the case that aesthetic arguments too become the legally, administratively, and bureaucratically acceptable alibi through which discriminatory logics take place in the management of public space? And if this is so, why is the acceptability of these arguments not even a matter of debate? Why is it not acceptable to claim in the courts of most 'Western' countries that, for instance, Muslims should not be present in a certain area, whereas it is acceptable to claim that, for instance, Islamic architecture should not be present in a certain area?

The fourth and last area of contention is rapidly becoming one of the most heated ones in Canada as well as in other countries with similar planning and legal systems: since places of worship usually benefit from the status of being totally or partially tax-exempt, permitting the establishment of a new place of worship implicitly entails a decrease of revenues for the municipality within which such establishment takes place.

This area concerns not only fiscal studies but also social studies, and particularly, a socio-semiotics of planning: either an urban community finds that all places of worship are advantageous for the so-

cio-cultural fabric as a whole and, therefore, the community itself is willing to face a cost for their establishment in the urban territory, or, on the contrary, the urban community considers that places of worship do not represent a benefit for the social fabric and, therefore, their establishment must not entail any relevant fiscal externalities.

In both cases, though, a management of both public space and fiscal revenues as equitable as possible is necessary. Allowing the status of partial or total tax-exemption to the places of worship of the majority, while denying the establishment of places of worship by minorities with the argument that they would reduce the revenues of a municipality, smells of covert discrimination.

Furthermore, as it was pointed out in relation to the contentious area of traffic/parking, there is no reason for which the priority fiscal needs are given over needs of symbolic belonging should not be re-discussed in order to encourage a more pluralistic and equitable management of public space. That places of worship are an anti-economic luxury implying nothing but fiscal externalities for an urban community is the contention of a narrowly materialistic point of view on society, which does not take into account, for instance, the extremely relevant role places of worship may play as social institutions mediating between new migrant communities and the established urban socio-cultural fabric.

7. Conclusions: the Canadian lesson

Given the limits of the present paper, only some aspects of the legal and planning systems of Canada and their interaction with the pragmatic and symbolic needs of religious minorities could be dealt with. The paper could not expand on differences existing between the legal and planning systems of Ontario and those of other provinces, and in particular on the remarkable divergences between predominantly Anglophone and predominantly Francophone Canada. Neither could the paper analyze in-depth all the achievements and failures of the way in which the legal and planning system of the GTA seeks to adapt to the needs of new religious minorities.

However, even such a sketchy inquiry into the legal and planning implications of the establishment of minority places of worship in Canada prompts some final observations. The legal and planning system of Canada is not perfect. Under several aspects, religious minorities, and especially new Islamic communities, are 'citizens of a lesser God', meaning that their 'projects of belonging', as well as their consequent impact on the management of public space, entails facing legal, administrative, and bureaucratic obstacles that are rarely confronted by the religious majority or by politically more established religious minorities.

On the other hand, probably no country more than Canada has been characterized by a constant effort to strike a balance between pragmatic and symbolic needs of religious minorities and preservation of an harmonious socio-cultural urban fabric. If one compares the way in which Canadian law and policy makers, urban planners, officials, and scholars have tackled these issues with the way in which the same problems have been dealt with not only in Europe, and especially in continental Europe, but also in multicultural societies such as Australia and Great Britain, not to speak of present-day USA, a difference is particularly striking. With few exceptions, mostly concerning the particular religious demography of Québec,²⁵ socio-cultural tensions and even controversies concerning religious minorities have not become a main issue in the agenda of mediatic and political opinion leaders. No *Lega* or *Tea Party* in Canada, at least thus far, seems to have been able to poison the rationality of legal and planning discourse concerning the establishment of new non-Christian places of worship.²⁶

The reasons for which Canada seems to be, at least to a certain extent, immune to the rampant xenophobia that distorts the perception of inter-confessional relations in both Europe and the USA have roots

²⁵ Cf. the recent "Soeur grises affaire," Phyllis Lambert, and Serge Joyal, "Couvent des soeurs grises de Montréal - Détournement de pouvoir inacceptable," *Le Dévoir*, July 13, 2010; available at www.ledevoir.com [last access September 22, 2010].

²⁶ For a critique of the discourse of the xenophobe Italian political party *Lega* about the establishment of new Islamic places of worship in Italy cf. M. Leone, "Architectures of transcendence - A trans-cultural analysis of legal processes for the construction, modification, and restoration of places of worship," *op. cit.*

in the history of Canada and cannot be investigated in-depth on this occasion. One lesson, though, can be drawn from this rapid survey of the planning and legal systems of Canada: issues concerning the relation between religious minorities and the management of public space should be protected as much as possible from the discretionary and at times discriminatory rhetoric of the media and political discourse and should be addressed from the point of view of a calm and lucid knowledge of the planning and legal systems of a country, their characteristics, their limits, and their possibilities of improvement.

