

Negotiating Public Spaces: The Right to the Gendered City and the Right to Difference

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Negotiating public spaces has become part of everyday life in globalized urban spaces where individuals and communities of different ethnicities, races, cultural backgrounds, or religious orientations struggle for territorial control. The paper illustrates a conflict entailing the denial of the right to use of secular women living in Jerusalem of certain public spaces in the city in the name of the right to difference of the ultra-orthodox community living in Mea Shearim neighborhood in Jerusalem.¹

Negotiating public spaces has become part of the realities of everyday life in globalized urban spaces. It is connected to the politics of identity and consists of the struggles for territorial control between individuals and communities of different ethnicities, races, cultural backgrounds or religious orientations. Conflicts over the use of public spaces also occur between communities and institutions, which for their part sometimes assume the role of “negotiators”—with varying degrees of success. In recent decades, negotiations on the use of urban spaces have become even more discursive with the acknowledgment of the Lefebvrian notion of the right to the city side by side with its daily denial because of security considerations, feelings of fear (especially from what is termed “the other”), religious norms, cultural values, and economic interests. This results in a situation where globalized cities are less accessible to the “public” than they were before, and everyday negotiations on the use of public space are becoming part of the routine life of city inhabitants.

1 For an elaborated version of this paper, see Fenster 2005, Fenster (forthcoming).

This paper illustrates one particular case of urban conflict and everyday negotiations over the use of public spaces. In this particular case the urban conflict entails the denial of the right to use of secular women living in Jerusalem of certain public spaces in the city in the name of the right to difference of the ultra-orthodox community living in Mea Shearim neighborhood. Here the conflict focuses on gender and religious identities because the denial of the right to use is practiced against women since it entails codes of modesty and clothing. The conflict also involves the religious identity of the ultra-orthodox community, for whom the practice of the Lefèbvrian right to use of public spaces in their neighborhood contradicts their basic beliefs and norms of women's modesty. This situation illustrates the discourse around Lefèbvre's (1991a; 1991b) terminology of the right to the city and the right to difference and the conflicts between universal citizenship—expressed in the right of the city—and the group's right to difference (Young 1998). In addition, the paper discusses the role of institutionalized forms, in this case, the Jerusalem Municipality, which is the sovereign and has the responsibility for ensuring that the right to use public spaces of its citizens is maintained.

Despite the fact that this is a very unique and specific case, it reflects the nature of women's and men's everyday life realities and experiences in many cities around the globe when they have to negotiate their right in the city, a right which is denied in the name of religious or cultural norms, fear, security, or economic interests.

The individual right to the city

What is the Lefèbvrian notion of the “right to the city?” The right to the city (Lefèbvre 1991a; 1991b) asserts a normative rather than a juridical right based on inhabitance. Those who inhabit the city have a right to the city. It is earned by living in the city and it is shared between the urban dweller and the citizen. This concept of a right to the city evolves within itself two main rights (Purcell 2003): the right to appropriate urban space in the sense of the right to use, the right of inhabitants to “full and complete use” of urban space in their everyday lives. It is the right to live in, play in, work in, represent, characterize, and occupy urban space in a particular city—the right to be an author of urban space. It's a creative product of, and context for, the everyday life of its inhabitants. The second component of the right to the city is the right to participation. The rights of inhabitants to take a central role in decision-making surrounding the production of urban space at any scale, whether it is the state, capital, or any other entity that takes part in the production of urban space.

Many academic works have incorporated the notion of the right to the city in their analysis of urban everyday life (Kofman 1995; Kofman/Labas 1996;

Dikec 2001; Mitchell 2003; Purcell 2003; Yacobi 2003; Cuthbert 1995; Fenster 2004). This analysis is usually integrated in the discussion of new forms of citizenship that challenge the traditional, hegemonic, nation-state forms of this notion. These new forms of citizenship refer not only to the legal status of citizens provided them by the state but also to membership and belonging within a community and the tactics and practices to claim citizen rights. Citizenship is viewed as continuously negotiated through everyday practices (Secor 2004). These new forms of citizenship challenge capitalist power relations and their increased control over social life (Purcell 2003). They also challenge the static “top down” analysis of citizenship and present an approach to citizenship as spatial strategy, which includes certain definitions of belonging, identity, and rights (Secor 2004). As Purcell (2003) indicates, these processes entail rescaling, reterritorializing, and reorienting of both economy and forms of citizenships. In this context of political and economic restructuring, the Lefebvrian construction and meanings of “the right to the city” can be interpreted as a form of resistance to traditional structures of citizenship. It is a normative phrasing of citizenship and its resisting nature begins with the fact that the right to the city is based on inhabitation, that is, those who inhabit the city have the right to the city as opposed to other forms of membership that are determined by nation-state citizenship. The right to the city or the right to urban life, which is based on inhabitation, entails two main rights: “the right to appropriate” urban space or “the right to use” urban space and “the right to participate” in the production of urban space (Purcell 2003). As already mentioned, these normative rights encompass not only rights to resources but also the right to be the author of urban space, the right to belong in the city and to contribute to its creation.

The denial of the right to use certain urban spaces in Jerusalem and at the same time the spatial expression of the right to difference come from the fact that the ultra-orthodox community has determined or defined different conceptions of the boundaries between the “permitted” and the “forbidden,” conceptions which reflect their own religious beliefs. They have established what they term “modesty walls” expressed in large signs hung at the two main entrances to the neighborhood in the Mea Shearim Street and also in entrances to the small alleys and shops located within the neighborhood. These signs pose a clear request in Hebrew and English. Sometimes the message in Hebrew and English is similar, sometimes it is slightly different: Please do not pass our neighborhood in immodest clothes.

The signs also specify the exact meaning of modest clothing: Modest clothes include: closed blouse with long sleeves, long skirt, no trousers, no tight-fitting clothes.

These specifications do not leave any room for individual interpretations as to what the meaning of “modest” is, as it is culturally constructed. And

thus, there are very detailed specifications related to the appropriate ways to cover all parts of women's bodies.

Secular women living in Jerusalem find this restriction to be a denial of their right to use urban spaces and as a conduct that forces them to negotiate their use of public spaces with appropriate dress. In a study carried out in Jerusalem (Fenster 2004), women talked about this neighborhood as a public space in which they feel discomfort and where they need to prepare in advance in terms of their clothing when they want to cross this neighborhood. For secular women living in Jerusalem, no matter what their nationality, ethnicity, or religious identity, certain urban spaces represent conflict and thus a cause for discomfort because of their dress. Obviously, tensions within multi-religious communities exist in many other cities (Naylor/Ryan 1998), and sometimes these tensions have effects on women's movement in urban spaces (Secor 2002). However, this discourse represents a more complicated situation, which is becoming more and more significant in multicultural cities around the world, of constant negotiations of using public spaces when sacralization of space, in this case, denies individual rights of secular women to the city, but it reflects the group right to difference claimed by the ultra-orthodox.

The group right to difference

The group right to difference also has its spatial expression, as we have already mentioned, with the signs asking women not to cross the neighborhood with "immodest" clothing. But this expression of the right to difference has a historical background. Mea Shearim was already established in 1874 as a segregated neighborhood for ultra-orthodox people who wished to maintain their religious norms and beliefs—separated from the majority of the population (Ben Arie 1979). In the mid-19th century this neighborhood was indeed very isolated from the city center, which at that period consisted of the old city of Jerusalem, but as the city expanded and grew the neighborhood became part of the city and is now even located near the current city center, a fact that makes "the publicity" of the neighborhood more explicit and the use of its streets more frequent for the general public than before.

This practice of spatial segregation, which reflects their desire for difference, exists in many other ultra-orthodox Jewish neighborhoods in different cities around the world. Even today, ultra-orthodox communities usually choose distant sites as their preferred locations. For example, Kiryat Joel, a

Satmer² town in New York State, was established in the 1970s at a distance of 70 km from the city center, to protect the residents from “external influences” and to allow the children to grow up with no drug and crime influence (Mintz 1994).

It can be argued that the right to difference of the Mea Shearim residents is historical and had been a principle of their everyday life from its construction. The roots of this need and claim of sacredness or “difference” of their neighborhood is based on their belief of the sacredness of the Land of Israel as the promised Biblical land. This holiness necessitates practices of modesty and dress not only by ultra-orthodox women but also by secular women as well because women’s modesty is a very basic rule in the religious Jewish lifestyle (Shilav 2004). These practices can be seen as symbolic “border guards” that help to identify people as members or non-members of the community. Women’s dress is often one of the major signifiers of such border constructions (Yuval-Davis 2000). Women’s dress (Muslim or Jewish) indicates the body and its covering as expressions of dominant ideologies and representations either of “Muslim women” (Dwyer 1998) or “Jewish women” and also as sites of contested cultural representations.

Thus one interpretation of these signs is that they demonstrate the gated nature of the neighborhood with “modesty gates,” or as its residents phrase it: “modesty walls.” These “walls” construct the boundaries of the religious and cultural identities of its residents and transform its main streets into sacred spaces, which in fact exclude secular women who do not follow the strict rules of clothing and mixed-gendered groups who disobey practices of modesty and impurity. However, such signs can also be interpreted as part of the politics of identity of the community, which struggles against “intolerance of difference” in modernity (Kong 2001). In this regard, these signs express the “right to difference” of ultra-orthodox women themselves who feel more comfortable in such a “gated” space in which their own modest dress is a norm rather than an exception, as they feel in other secular public spaces in Jerusalem (Fenster 2004).

From the point of view of the right to difference, these signs serve as a defense against “inappropriate” dress and lifestyle which contradict the group’s norms and standards of behavior. Such a construction of public spaces as sacred is contested in any case (Kong 2001), mainly because sacred is a “contested category,” as it represents “hierarchical power relations of domination and subordination, inclusion and exclusion, appropriation and dispossession”

2 Satmar is one of the ultra-orthodox Hasidic Jewish groups that live in Orange County, near New York. Hasidim are the followers of an 18th-century pietistic movement. The major Hasidic groups include: Belz, Bobov, Ger, Lubavitch, and Satmar. Their names typically derive from their town of origin. Each group is led by a religious leader (a *rebbe*) (cf. Valins 2003; Mintz 1994).

(Chidester/Linenthal 1995: 17; Kong 2001). A sacred place is constructed by appropriation of property, politics of exclusion, maintaining boundaries, and distancing the inside from the outside (Kong 2001). As Sibley (1995; 1999) mentions, forms and norms of exclusion are not only the practices of the majority against the minority but also the practices of the minority against the majority—as the case of Mea Shearim indicates.

Moving the discussion to group identity and rights, can we discuss the right to difference of the ultra orthodox as a group right and the practices of “modesty walls” as its expressions? In other words, is the “group” unit, rather than the individual, a valid component in the discussion of the right to difference? Young (1998) asserts the political importance of the concept “social group” as the unit, which motivates and mobilizes social movements such as the women’s movement, the gay movement, or elder’s movements more than exclusively class or economic interests. However, she claims that group identity should be understood in relational terms, and, although social processes of affinity and separation define groups, they do not always give groups a substantive identity, because each of the group members possess multiple identities besides the “group identity”: “There is no common nature that members of a group have,” she argues (1998: 273). However, she argues that the inclusion and participation of everyone in social and political institutions sometimes requires the articulation of “special rights” that meet the needs of a group’s difference. Here she mainly refers to “oppressed groups,” such as women, gay communities, elderly people, or in general groups who suffer from exploitation, marginalization, powerlessness, cultural imperialism, and violence and harassment. Can such conditions be related to the position of the ultra orthodox in Jerusalem? Perhaps so in their eyes, but some would argue that these terminologies of group oppression better apply to secular women. Kymlicka’s (1998) definition of “religious sects” as groups that demand exemption from civil society because its norms contradict some of the groups’ religious practices, can be useful in this discussion. Sometimes, he argues, these demands for exemption are indeed a form of withdrawal from the larger society, but some of them show a desire for integration. For example, Kimlicka (1998) says, Orthodox Jews wanted to join the US military, but needed an exemption from the usual regulations so that they could wear their yarmulkes. This practice can be seen as an example of a group right to difference, which expresses a will to integrate in civil life and duties. Following this line of thinking, can we then interpret the “modesty walls” as an expression of the ultra-orthodox’s desire to integrate in the sense that these “walls” are more symbolic than physical, or is this a struggle against the intolerance of the modernized secular, with women’s modesty practices the price paid for this struggle?

The role of governance in negotiating urban conflicts

What is the role of local governance in negotiating or solving urban conflicts? In other words, how do municipalities act in their policies between the Lefèbvrrian standpoint of the right to the city and the group right to difference? In the former case municipalities should prohibit practices such as “modesty walls” in the city as they deny the “right to use” of women in the city. In the latter, municipalities could argue that this practice expresses the group’s identity in maintaining privatized public spaces as sacred that should be respected, especially in an era when the Lefèbvrrian right to the city is denied in the name of security, for example.

Relating to this discourse between the right to the city and the right to difference, Benvenisti (1998) argues that the claim for religious autonomy or the sacralization of space is justified only if it does not contradict fundamental norms and state legislation. As he argues, the formulation of such a “religious ghetto” is acceptable as long as it is based on cultural and religious preservation principles and heritage necessity. This is the case of the ultra-orthodox, Benvenisti argues, as much as the claims of the Aborigines in Australia and the First Nations in Canada and the Sami in Scandinavia to maintain their traditional life. The only problem Benvenisti sees is in the fact that such norms, which create exclusion, can harm women’s rights. The solution Benvenisti suggests is to allow such principles of autonomy of these communities to take place, but without offending the rights of the majority. Similar debates have been discussed elsewhere (Fenster 1999a; 1999b) regarding planning procedures for ethnic groups such as the Bedouin in the Negev. There the particularistic cultural-religious identity of the male Bedouin perpetuates women’s subordination by dictating norms of modesty and seclusion. Modernist-professional planning, which is intolerant to such identity-related issues, actually designs Bedouin towns in such a way that women cannot use public spaces because of the danger that their modesty may be abused in the eyes of the males. These principles enhance the chances of unwanted meetings between women and men of different tribes and threaten women’s modesty (Fenster 1999a; 1999b).

In other cities in Israel, such as Tel Aviv, certain neighborhoods are populated by ultra-orthodox communities, but with no explicit exclusionary signs. There are similar signs in the city of Benei Brak for example, a city with mostly religious³ residents, but these signs are less offensive and perhaps less exclusionary. Shilav (1997) analyzes the management of ultra-orthodox cities

3 As mentioned above, the ultra-orthodox, as well as other religious groups in Israel, are not homogeneous, and each represents a different degree of tolerance towards secular groups.

in Israel relating to the extent to which the ultra-orthodox communities themselves are flexible or tolerant to the “other”—mostly secular groups or people with less rigid religious practices living with them.

Practices of sacralization of public spaces are also not known in cities outside Israel where ultra-orthodox communities live, such as in the USA, Canada, and Britain. This is perhaps because they live in isolated areas anyway and do not need to protect themselves from outside “negative” influence (Valins 2003).

In Jerusalem the role of the municipality in negotiating urban conflict is different. In order to understand this, I talked to the Chief of the City Enforcement Department at the Jerusalem Municipality, a department which deals with enforcing municipal bylaws, including those concerning licensing for street signs and businesses. I asked him about the legality of the signs hung up in the streets of Mea Shearim. He stated that in general the municipality is very rigid in enforcing municipal bylaws by imposing licensing for street signs and businesses. But in Mea Shearim, he said, this is different. Although the signs there are illegal, as they were not approved and licensed by the municipality, the municipality’s workers cannot enforce the law. The Chief of the City Enforcement Department defined this area as “outside the law and outside enforcing the law” (interview, 20 July 2003). He explains that the difficulty in enforcing this bylaw in Mea Shearim is due to lack of enough labor power. He says: “Even if we take down these signs they will put them up again.” This, in fact, reflects the struggle of the ultra-orthodox group to establish its politics of identity and community by challenging the sovereignty of the municipality, and perhaps its “intolerance to difference.” It also expresses the fact that the Mea Shearim group does not recognize the sovereignty of the municipality. But this is probably also an expression of the municipality’s implicit politics of not interfering with these practices, probably because of local politics and power relations within the municipality’s council. The Chief of the City Enforcement Department admits that if such signs restricting movement had appeared in secular neighborhoods, the municipality would have reacted forcefully against this practice. Thus, in spite of their illegitimate status, these signs still hang in public spaces, transforming the neighborhood into a gated one.

Conclusions

This paper illustrates how everyday life in urban spaces today entails negotiations over the use of public space. It also highlights the frequent clashes between different sets of rights: the individual right to the city and the group right to difference in this case. The paper suggests that these apparent clashes

between identity rights are becoming part and parcel of everyday realities in globalized urban spaces.

The case of Mea Shearim represents an extreme example of an ultra-orthodox community, which, because of its desire to maintain “pure” and “sacred” ghettoized spaces, acts illegally by constructing symbolic gates at the entrances to the neighborhood, thus denying the right to use of secular women in Jerusalem.

The paper also illustrates the rather sensitive and complicated situations of local governance and municipalities, which sometimes find themselves as “negotiators” or even moderators of urban conflicts. The Jerusalem municipality does not take this standpoint, and its attitude reflects a dilemma between various sets of rights more than reflecting a clear-cut policy.

The paper does not suggest a solution but aims to expose the multiple implications of such situations. A feminist’s first reaction to such exclusionary practices in the city might be negative, but discussing such issues in depth reveals the different meanings and implications of such situations that forces one to deal with sometimes contradictory meanings of the right to the city and the contrast inherent between them, a situation which becomes more and more apparent in multi-ethnicized, multi-sacralized and multi-nationalized global urban spaces. Such dilemmas will be part of city governance’s daily occupation, as diversity becomes an increasingly important issue in new global spaces. One of the major challenges of city governance is how to respect both individual and group rights while maintaining women’s and other groups’ rights to freedom of movement in the city.

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