

Public spaces and community standards

Ottawa *Citizen*, under the headline “‘Community standards’ are the problem,” 14 October 2010

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We should be respectful of community standards when we’re going about our business in public spaces, or so a recent *Citizen* editorial advises us (“Sharing the space,” 7 October). Yes, certainly, let’s create a desert and call it peace.

Well, if not community standards, then whose standards should prevail?

Let’s bring together some examples so that we can see what is at stake.

The *Citizen* editorial mentioned the case of a person who, while pushing her child in a stroller, saw a promotional poster featuring an S&M theme and a near-naked bottom. She found the poster ugly or what it depicts vile, and she ripped it down.

The editorial also mentioned the arrest of Carleton students who attempted to display pictures of aborted fetuses on campus. Had the university not intervened by having the police take the students away, members of the campus community would have seen images that might have disturbed or upset them, or at least made their walk less pleasant than they wanted it to be.

In Halifax last year, a judge required the municipal transit company to accept a bus ad from an atheist group, an ad the company had earlier rejected on the grounds that it might make the ride unpleasant for some passengers.

In Montreal, some members of an Hassidic community have long been complaining about having to see scantily clad bodies through the large windows of a local gym.

Decades ago, in Toronto, posters featuring same-sex couples kissing—kissing with a passion and sensuality Katy Perry can only imagine—screamed in block capitals “Queers are here. Get used to it.” Just a few years ago, in the same area of Toronto, posters featuring the *Jyllands-Posten* Mohammed cartoons appeared. Sun and rain had long turned the queers-are-here posters to dust when the fresh Mohammed cartoons were torn down and presented to the police.

The first problem with the community standards criterion, as these examples illustrate, is that our communities house many communities, and a lot of mere individuals, besides.

Taking down the S&M posters means that those who would enjoy seeing them or even just knowing that they are there lose out. Some members of an urban community value the presence of the edgy or outrageous on their streets, whatever the specific content might be.

Curtains on the windows of the gym mean that the patrons cannot enjoy looking out on the street as they exercise. And those who like the things a gym with large windows brings to their experience of the street will have to do without.

A bus ad is no more avoidable than a campus poster display. Those who like politics in their public spaces won in the Halifax bus ad decision, but they lost in the Carleton abortion display decision. Which decision was in line with community standards? The question makes

no sense. Our communities contain those who are happy to see controversy and confrontational politics in public spaces, and those who are not.

Even supposing we could reliably identify community standards, we shouldn't take what we find all that seriously. After all, if community standards eliminate from public space something that should be within it, then they themselves are faulty. That's the second problem. That the queers-are-here posters violated community standards would have been no reason to take them down. That posting the Mohammed cartoons would violate community standards is no reason not to post them.

In any case, talk of community standards is beside the point. Who's going to win in any particular contest for public space is a matter of who can best charm, cajole, or threaten whoever has the authority to order the posters down or the ads up or the curtains closed. Those engaged in the business of getting their way aren't even going to pretend to care about community standards. They are going to scream and plead and parade their hurt feelings.

So what should we do? Three things. First, let's make sure that as far as the law says, it's anything goes. Then let's leave it to the various authorities who are directly concerned with bits of public space to listen to arguments and exercise their best judgement.

The transit company erred in rejecting the ad, but that's their business, not the business of some court. Carleton University erred badly, stupendously badly, in requiring the students to display their posters off the beaten track, but that's their business. (I'm not holding my breath, but maybe the faculty at Carleton will force the president to resign over her mishandling of this affair.) If you want to post a degrading depiction of Mohammed on your property where passers-by can see it, then weigh the pros and cons that occur to you, and go ahead should the pros weigh more.

What's the third thing we should do? We need to refashion community standards. Let us take a page from the queers-are-here playbook. Put up posters featuring aborted fetuses, blasphemous drawings, Afghan prisons, Mapplethorpe photographs. It's not at all an uncivil thing to do. It's a tactic in the struggle to create a new and better civility.

The caption would read: "Confrontational politics on controversial matters in public spaces is here. Get used to it."