

Introduction: Resurgence of the People

Recent years have seen a resurgence of “the people” after decades of neoliberal focus on individualism. Right-wing and white-supremacist populism, Brexit, refugee crisis, Indigenous activism, anti-Black police brutality, and the Black-LivesMatter movement all illustrate the problems associated with collective national, ethnic, or racial identities in the current historical moment. Another strand of the contemporary problems of “identity politics”¹ is that of transgender rights and “gender critical feminism”. It may seem odd to situate the library and librarianship² at the heart of these controversies, but this thesis seeks to connect librarianship’s liberal egalitarianism with just these questions of race, gender, and notions of “the people”.

The resurgence must be understood in terms of the energies released by the “cycle of struggle” of the 1960s³. After a long period of repression of individual desires in the name of postwar reconstruction, at the end of the 1960s revolutionary activism on a number of social and economic fronts provoked a serious crisis in postwar capitalism. This crisis had deep consequences for politics and economics (the beginning of the neoliberal transition), political theory (Rawls’ revitalisation of liberalism but also the development of extraparliamentary and anti-Soviet communisms), and Intellectual Freedom in librarianship. This period of crisis and response produced political problems which are still with us today.

In Canada, 2019 and 2020 have witnessed a continuation of Indigenous resistance in the form of both land-defense blockades to protest oil pipeline development (Gandbhir, 2020) and to take advantage of treaty rights in the formation of a Nova Scotia Indigenous lobster fishery (Palmater, 2020). Both forms of activism were met by settler-colonial violence by the Royal Canadian Mounted Police (Canada’s federal police force) (Palmater, 2019) and by settlers themselves. Settler-colonial violence, including questions regarding structural racism in the RCMP and the ongoing Murdered and Missing Indigenous Women and Girls (MMIWG) crisis, indicate the breadth of the problem settler-Indigenous relationships and Indigenous sovereignty pose to the Canadian federation.

Similarly, Quebec nationalism, which has simmered since the defeat of the French by the English on the Plains of Abraham in 1759, remains an unresolved element in Canadian politics. Quebec law to ban the wearing of religious symbols by public servants - focusing on the symbols of religious minorities - has raised yet again the vexed question of minority rights and Quebec’s distinct status within the Canadian federation (Turgeon et al., 2019). The ongoing is-

¹It is important to locate the origin of the term “identity politics” to the collective statement of the Black radical feminist Combahee River Collective in 1974. (Taylor, 2017, 8).

²Throughout this thesis I use “librarianship” to refer to the combination of the practice of library work and the academic discipline of Library and Information Studies (LIS).

³The concept of “cycles of struggle” between labour and capital is common in far-left political theory, such as the operaismo of Mario Tronti, the communisation theory of the Endnotes collective, or the post-workerist autonomism of Antonio Negri. See Dyer-Witheford (1999).

sues of Indigenous sovereignty and Quebec nationalism, among many others, demonstrate that Canadian politics has not found a solution to the questions of identity and difference within a liberal-democratic nation state.

In this thesis I want to offer a reading of contemporary political theory that explains why these problems continue, and to propose an alternative from the perspective of Antonio Negri's autonomist Marxist form of radical democracy⁴. To focus the critique of political theory, I will concentrate on the concept of Intellectual Freedom as it is deployed in policy decisions in Canadian libraries.

In this introduction, I will sketch out the intertwining development of Canadian constitutional politics and political theory since the late 1960s, specifically the "politics of recognition" developed by Charles Taylor and James Tully in the 1990s. I will then connect the development of Intellectual Freedom in libraries during the same period to both broader political developments and political theory, and I will suggest a "contrapuntal" methodology to enable the untangling of the various elements. Finally, I will outline the relevance of Negri's political theory as an alternative to the post-Rawlsian liberalism of Taylor and Tully.

First though, I want to quickly outline two objections to liberal egalitarianism in general and as it applied to Intellectual Freedom in Canadian libraries. In the first place, liberal egalitarianism both as a theory of justice and as a constitutional theory attempts to present itself as abstract, universal, and uniform. Tully calls this tendency an "empire of uniformity" (Tully, 1995, 83), arguing that political theory took uniformity and universalism as foundational in order to justify the universalizing and assimilating function of empire.

Similarly, Raymond Geuss, for whom historical specificity is one of the characteristics of "real politics", writes that "understanding politics means seeing that [detached general statements] have clear meaning at all only relative to their specific context, and this context is one of historically structured forms of action" (Geuss, 2008, 14). From a Marxist perspective, liberal attempts at universality and uniformity cover a particular social, political, and economic dynamic: the reduction of all labour and all social life to an average from which surplus value can be extracted. However, as this objection is well-understood, it need not detain us here, though I will return to this question in Chapter 2.

A second objection, more important for this thesis, is the fact that liberal egalitarianism derived from Rawls contains within it an ambiguity that allows his theory to be manipulated for opportunistic political ends. A host of characteristics which at first appear odd become clear when this ambiguity is understood. The ambiguity arises from the fact that Rawls' two principles of justice, the principle of equality of opportunity and the principle of difference, hide two different perspectives on equality and liberty, allowing for a variety of interpretations to arise. We will explore this idea in more depth below, but a simple example should suffice to give a sense of what I mean.

⁴Radical democracy is often equated with Chantal Mouffe's "agonistic" approach, but Negrian autonomism has been accepted as an alternative to Mouffe. See (Dahlberg and Siaper, 2007, 8), Dyer-Witheford (2007). However, political theorist Jakeet Singh has recently called for a decentring of both liberal and Marxist perspectives on radical democracy (Singh, 2018).

In the US, freedom of speech is enshrined in the First Amendment of the Constitution, dating from 1791. While some limited forms of speech have come to be excluded from the First Amendment (child pornography, for example), the default position on free speech in the US is an absolute one. This derives from an understanding of individual freedom in social contract terms as *original*, that is, pertaining or attached to individual subjects in a state of nature prior to their entry into social relations. The First Amendment is there to ensure universal and equal protection of the right to free speech, satisfying Rawls' principle of equality.

In Canada, on the other hand, freedom of expression is enshrined in the Charter of Rights and Freedoms adopted alongside the new Canadian constitution in 1982. The Charter understands freedom as something fostered and supported by society, as an *outcome* rather than an origin, following Kant's definition of enlightenment as an individual's "emergence from self-incurred immaturity [which is] the ability to use one's own understanding without the guidance of another" (Kant, 1991). The role of the state is not, therefore, the protection of a primordial, pre-existing liberty, but rather making possible, fostering, and supporting such liberty⁵. The emphasis here is on Rawls' second principle of justice, the difference principle, and it explains, for example the explicit prohibition of hate speech in Canadian constitutional law.

This ambiguity, and the political differences to which it gives rise, is central to the argument of this thesis. The ambiguity, I will argue, reflects serious underlying contradictions in liberal-democratic society, contradictions which exploded in the 1960s, forcing a crisis on both liberal and radical political theory. Rather than resolving these contradictions, however, the ambiguity between the two principles of justice have allowed the neoliberal political project to opportunistically emphasize one or other of the principles to support the needs of a given political moment. The case studies looking at Intellectual Freedom in Canadian libraries offer concrete examples of this opportunism in action.

In order to follow Geuss' prescription to adhere to historical specificity to avoid overgeneralization, I want to turn now to the relationships between Canadian politics and political theory as these developed since the 1960s.

Canadian Politics and Political Theory since 1968

The year 1968 marked a watershed moment for questions of "the resurgence of the people" as various new social movements (the civil rights movement, gay liberation, and second-wave feminism, for example) alongside worker and student resistance and anti-colonial revolt demanded new conceptions of human rights, citizenship, and dignity that not only recognized difference and non-national feelings of belonging, but celebrated it. In Canada, expressions of collective belonging like the creation of the Indian National Brotherhood in 1970 and the October Crisis of the same year were both made possible by the

⁵This view of the state and society lies at the heart of Charles Taylor's critique of libertarianism, see Taylor (1985).

events of 1968.

In the wake of these events, the Canadian government moved away from policies of assimilation, adopting instead on what has come to be called the "politics of recognition". The politics of recognition was an attempt to justify and explain ways to accommodate multinational, multicultural, and polyethnic collectivities within the Canadian federal system. As a political theory, the politics of recognition developed out of the liberal-communitarian debate, itself a consequence of John Rawls' *Theory of Justice*, published in 1971. While Rawls' theory had been developed in the immediate post-war period, it took on special resonance in the aftermath of 1968 due, at least in part, to the way it tried to accommodate difference within a framework of liberal egalitarianism.

While the politics of recognition was formulated as an explicitly progressive orientation, it was criticized as idealistic (in both philosophical and common uses of the term) in that it substituted real social change for a discursive or even rhetorical "recognition". In Nancy Fraser's view, the politics of recognition prioritized a performative accommodation at the expense of a real redistribution of rights, goods, and life-chances (Fraser and Honneth, 2003). An example of the way this works in practice is that, while Mi'kmaw treaty rights were recognized in the 1999 Marshall Decision, as Mi'kmaq lawyer, scholar, and activist Pam Palmater has reported, "21 years later and successive federal and provincial governments in Mi'kma'ki (Atlantic Canada) have failed to fully respect or implement the right of Mi'kmaw peoples to earn a livelihood from our own lands and waters" (Palmater, 2020). Similarly rhetorical processes of recognition have occurred in Canadian librarianship. I will discuss these in the case studies.

While the energies released by the social movements of the 1960s were quickly recuperated by the neoliberal project, eventually resulting in the electoral victories of Thatcher (1979) and Reagan (1980s), the 1970s and 1980s witnessed attempts to come to grips with the ambiguity at the heart of Rawls' theory identified above. Rawls' two principles of justice - the equality principle and the difference principle - appeared to offer a way to combine classical liberal uniformity and equality with the ability to account for difference, to deviate from strict equality in the name of improved social and economic conditions for the worst off. This ambiguity, as we will see, inspired liberal, libertarian, and communitarian responses to Rawls' work. By the 1990s, amid a new round of Indigenous resistance and Quebecois separatism, the communitarian tendency had solidified into a politics of recognition that explicitly sought to deal with these long-standing problems of Canadian politics as well as the other questions of identity and difference raised in 1968.

Initially engaged on a politics of uniformity, strict equality, and assimilation, after 1970 the Canadian government under Pierre Trudeau adopted a policy of recognition and accommodation. This change, as Glen Coulthard has pointed out, was provoked by Indigenous resistance to the universalist tendencies of post-war liberalism (Coulthard, 2014, 6). Adopting a politics of recognition and accommodation challenged Trudeau's vision of a uniform Canadian society and identity - a uniformity critiqued by James Tully in his work on

modern constitutionalism - and especially for his plan to patriate a Canadian constitution from Great Britain in the early 1980s. While Trudeau's constitution was forced to recognize Quebec's distinct status within the federation in the wake of a referendum on Quebec separation in 1980, it ignored claims of Indigenous sovereignty and ran roughshod over the claims of the provinces to their own spheres of autonomy and influence.

Nevertheless, as part of the constitutional process, the Trudeau government also implemented the Canadian Charter of Rights and Freedoms, modeled after other liberal bills of rights, like the *Déclaration des droits de l'homme et de la citoyen* of 1789 and the *Universal Declaration of Human Rights* of 1948⁶. While the charter offered an egalitarian slate of rights to Canadian citizens, the problem of difference - Indigenous activism, Quebec sovereignty, provincial differences, and multiculturalism - raised problems for the new constitutional order. In 1990, the Kanehsatà:ke crisis raised once again the problem of Indigenous sovereignty, while by 1995 yet another referendum on Quebec separation failed by only the slightest of margins.

The politics of recognition was an attempt to reformulate moral philosophy and constitutional theory to deal with the challenges of identity and difference. Nancy Fraser Fraser (1997), Axel Honneth Honneth (1995), Charles Taylor and others weighed in on debates around the relative merits of "recognition" as a viable approach to political problems of difference. Taylor wove the question of recognition into his work on identity, society, and the self, while James Tully brought the politics of recognition into his critique of the dominant theory of constitutionalism. Seeing the politics of recognition as a response to particular concrete political problems allows us to see history, politics, and theory embedded in historical and material realities. They interact and influence each other in many different ways. This interaction has methodological implications to which we will return below.

Theories of Intellectual Freedom

Intellectual Freedom (IF) is the term used within librarianship to refer to freedom of speech/expression in liberal legal and human rights discourse (Samek, 2007). While in the American model, intellectual freedom derives ultimately from the First Amendment to the Constitution, in European and Commonwealth contexts, it derives from Articles 18 and 19 of the UN Universal Declaration of Rights and Freedoms (1948) and through national charters, such as the Canadian Charter of Rights and Freedoms. While IF in the American context is often positioned as a defense against state censorship (i.e. emphasizing Rawls' principle of equality), in Canada IF is seen more as an instrument of social and cultural enrichment (emphasizing the principle of difference). These differences however are subtle and often obscured by the dominance of American culture - including library culture - over Canadian culture and thought.

⁶In Canada, Intellectual Freedom in libraries finds legislative support in the 1948 Declaration, while in the US it is legitimated by the First Amendment

The principle of IF developed in the 1930s as a response to social and political threats to the freedom to read. One of the events that led to the development of the first Library Bill of Rights by the American Library Association in 1939 was calls to censor John Steinbeck's *Grapes of Wrath* for its ostensibly communist sympathies (Samek, 2001, 33).

The Bill of Rights laid out three aspects of IF: 1) book selection should take place without regard for the "race or nationality or the political or religious views of the writers"; 2) library collections should represent "all sides" of "questions on which differences of opinion exist"; 3) the library as "an institution to educate for democratic living" should make meeting rooms equally available to all members of the community "regardless of their beliefs or opinions" (1939 version of the Bill of Rights quoted in (Samek, 2001, 148)). These three aspects, while representing liberal orthodoxy, have become controversial elements in contemporary political discourse, representing "post-racial colour-blindness", "both-sidesism", and deplatforming.

The development of the Bill of Rights was a pragmatic response to social and political changes in the 1930s and 1940s. Only later did theoretical justifications explicitly grounded in liberal political theory begin to appear. Indeed, one of the claims of this thesis is that political, cultural, and social changes in the 1960s forced librarianship to adopt philosophical defenses of positions which had hitherto been taken for granted. We will explore the history and development of IF in these terms in Chapter 2.

Most of the library literature on IF is uncritical, supporting the idea that IF is an unchallengeable and universal human right and a core element in the "democratic discourse of librarianship" (Popowich, 2019). From a political theory perspective, the lack of critical purchase is due to the hegemonic liberalism of capitalist society. As Katrina Forrester notes in her recent book on Rawls' *Theory of Justice*, since the book's publication, political philosophy has come to be synonymous with postwar American liberalism. Political philosopher Raymond Geuss makes the point more strongly in his essay "Liberalism and its Discontents", remarking that in the West, "we seem to have no realistic alternative to liberalism" (Geuss, 2005, 11). Despite a progressive tendency within librarianship that relies on various forms of critical theory ⁷, the dominant perspective of practicing librarians, library schools, and professional organizations is an unchallenged and often unacknowledged liberalism.

Within this broadly liberal framework, there are three main theoretical positions on IF: the utilitarian tradition, derived from Mill (in particular *On Liberty* [1859]) (Alfino, 2014, 19-25); the egalitarian tradition, derived from Rawls (Alfino, 2014, 26-32); and, standing in for a true critical alternative, either a public sphere theory based on the work of Habermas (Buschman, 2014) or a deradicalized Gramsci (Raber, 2014). Each of these three positions emphasizes a particular aspect of liberal social and political thought, but does not depart from liberalism as such.

⁷This tendency has been variously called progressive, radical, and critical librarianship. See Nicholson and Seale (2018).

Mill's utilitarian position adopts the individualism of social contract theory and argues, like Locke in the *Second Treatise of Government*, that the only limits on individual freedom should arise out of self-protection. On the intellectual front, Mill takes what has been called in librarianship an "absolutist" IF stance (Gorman, 2000, 89), arguing that opinions and ideas ought never to be suppressed. If an opinion is wholly true, its utility to society is obvious, and to suppress it would be harmful. If it is only partly true, or entirely false, it is only in the agonistic contestation of free debate that "the remainder of the truth has any chance of being supplied" (Mill, 1991, 69). Furthermore, in Mill's view, even an opinion that is wholly true, if it is *received* wisdom, will be taken as a prejudice if it is not subject to the same kind of agonistic debate.

Rawls' *Theory of Justice* is, at least in part, a critique of the utilitarianism dominant in the postwar period (the period, notably, when IF in librarianship was formalized). For Rawls' the guarantee of individual rights - including the right to intellectual freedom - is less a question of utility than of "justice as fairness". Rawls' reinvigoration of social contract theory required that for contractual assent to occur, the mutual recognition of individuals-with-rights had to take place. Rawls insists on the importance of status and self-respect in a just society, and argues that the basis for this self-respect is "the publicly affirmed distribution of fundamental rights and liberties. [...] This distribution being equal, everyone has a similar and secure status when they meet to conduct the common affairs of the wider society" (Rawls, 1999, 477).

Rather than being considered contradictory or even alternative approaches, Mark Alfino argues that utilitarianism and egalitarianism should be considered a "dual foundation" for IF (Alfino, 2014, 26). Indeed, as we will see, while Mill's utilitarianism informed the IF theories of the postwar period and Rawls' egalitarianism came to dominate the neoliberal period, references to Mill remain common in library discourse.

What passes for "critical" positions within librarianship is really only a minor tendency drawing on Habermas and Gramsci. A Gramscian position based on the library as an institution of class hegemony is present within the literature, for example in (Bales, 2015), but in the discourse of intellectual freedom, Gramsci is co-opted to Mill's utilitarianism. Gramsci becomes a defender of individual rights and freedoms, and class society merely an expression of Mill's individual-society conflict.

John Buschman has written widely on the applicability of Habermas' public sphere theory to librarianship, mainly in the influential *Dismantling the Public Sphere* (Buschman, 2003), which argued that the neoliberal dismantling of the welfare state was a threat to the public values of libraries. Habermas' concept of communicative rationality and action are central to Buschman's claims; he argues that there are two main elements of Habermas' thought important for the defense of intellectual freedom.

In the first place, the public sphere is literate and discursive, and libraries' support of literacy and discussion make them vital elements in the maintenance of the public sphere itself. Secondly, free communication is necessary for a free society, and institutions such as libraries and schools are the best in-

stitutions for developing the habits and practices of free communication. In this view, intellectual freedom becomes a necessary support for communicative reason and the defense of the public sphere, but it also serves as a defense against the instrumental distortion of communication for the purposes of social control⁸

In all three positions - the utilitarian, the egalitarian, and the critical - theories of intellectual freedom are bound up with theories of reason and emancipation. They unquestioningly adopt Kant's view of enlightenment and the democratic discourse of librarianship. The Enlightenment view of Intellectual Freedom is taken to be the cognitive counterpart to Locke's "perfect Freedom" in which individuals "order their Actions, and dispose of their Possessions, and Persons as they think fit, within the bounds of the Law of Nature, without asking leave, or depending upon the Will of any other Man" (Locke, 2016, 4).

However, the philosophy of Intellectual Freedom proposed within librarianship sees philosophical development as a movement in thought only, unconnected with real historical and political dynamics (i.e. "free" from social structures or historical necessity). As a result, both the utilitarian and egalitarian tendencies - and even the critical tendency - are unable to see how philosophies of Intellectual Freedom are not just influenced but actively produced by transformations in social relations. Without such an understanding, adherence to any of the philosophical positions on offer is contingent or even arbitrary, reflecting the opportunism inherent in post-Rawlsian liberal political theory as such. Only by coming to terms with historical necessity, and by reading political philosophy against and through real historical developments, can we overcome the inherent idealism of such a philosophical approach.

Intellectual Freedom and Rawls' Principles of Justice

The uniform application of equal rights and opportunities was an orthodoxy of post-war liberalism. This uniformity - enshrined in Rawls' principle of equality of opportunity - lay behind the initial development of Intellectual Freedom in libraries beginning in 1939. Intellectual Freedom is a form of the right to free speech and free expression expressed in library terms. The social movements of the 1960s affected Intellectual Freedom as they had Canadian politics and political theory: they forced librarianship to engage with questions of social justice based on recognition and accommodation of differences. Absolutist intellectual freedom was supplemented in 1969 by a position known as "Social Responsibility", supported by the American Library Association's (ALA) Social Responsibility Round Table (SRRT) and providing an opposing point-of-view to absolute Intellectual Freedom, which remains dominant within the association and the profession to this day.

The split between Intellectual Freedom and Social Responsibility is indicative of the ambiguity within Rawls' theory of justice that has had such a major

⁸This view emphasizes Rawls' principle of equality for IF as a defense against tyranny. A Marxist alternative would propose that libraries and schools are themselves institutions of ideological reproduction (Althusser, 2014) and "factories of productivity" (Hardt and Negri, 2000).

effect on contemporary political thought. The concept of absolute Intellectual Freedom is based on the principle of equality of opportunity, the classic liberal idea of universal formal equality irrespective of difference. Social Responsibility, on the other hand, derives from the same social movements and desire for justice that informs Rawls' difference principle. As a result, debates and controversies around intellectual freedom - such as the Berninghausen Debate of the early 1970s and the debate over the Iraq War in the early 1990s - have tended to follow the same lines as the liberal-communitarian debate in political theory and debates around recognition and the constitution in Canadian politics.

The dichotomy between the principle of equality and the difference principle also allows us to understand the difference between Intellectual Freedom and Social Responsibility in Canadian librarianship (based on the Charter of Rights and Freedoms that includes the difference principle) and American librarianship (based on a Bill of Rights oriented around the principle of equality).⁹ The reliance on the principle of equality in American conceptions of IF produces the alternative conceptions of IF and Social Responsibility. In Canada, the reliance on the principle of difference means that IF and Social Responsibility are both subsumed under the rubric of Intellectual Freedom. This will have an impact in how we understand and analyze the events described in the two case studies.

These case studies - studying highly controversial events in Canadian librarianship - are marked by the ambiguity between Rawls' principles of justice, seen through the lens of Taylor's and Tully's politics of recognition. I will argue that the ambiguity in Rawls' position expressed in the politics of recognition is based on two alternative understandings of individual freedom. The first, as I mentioned above, is individual liberty as an *origin*. In the state of nature or the original position, individuals are autonomous and endowed with freedom to choose their own states of affairs. Any limitation on individual freedom becomes the result of a free choice based on self-interest. The principle of equality is predicated on this contractarian understanding of pre-existing liberty. The second, drawn from a Kantian theory of Enlightenment, sees individual liberty as an *outcome*, the result of an individual's emergence from intellectual immaturity. The difference principle is based on the idea that society ought to be conducive to this form of freedom as outcome.

For both Taylor and Tully, the politics of recognition is conducive to the enlightenment/emancipation of both individuals (Taylor) and sub- or non-national cultures (Tully) by providing the conditions for self-rule/free choice through an emphasis on the principle of difference rather than the principle of equality. But for both Taylor and Tully - as for Rawls - the principle of equality remains an unchallengeable foundation. The difference principle allows a deviation from the principle of equality, but not its wholesale overthrow.

⁹This difference is most apparent in the presence of hate speech in the Canadian context versus the limited constraints on free speech in the First Amendment. The difference is explained by the First Amendment's formulation in the period of classical liberalism and the Canadian Charter's post-Rawlsian character.

The principle of equality is always the default position. This ambiguity allows for an opportunism in policy-making, as we can see in the “double standard” in treatment by the RCMP of Indigenous land-defenders and violent settlers (Tress, 2020), and between the policy decisions made in each of the two librarianship case studies.

Intellectual Freedom - especially in the American context based on the First Amendment - understands freedom in contractarian terms, as an a priori property and inalienable right of individuals in a state of nature. It is the library’s role to protect and defend this prior liberty against tyranny and censorship (this is the central focus of the ALA’s regularly published *Intellectual Freedom Manual*). In the Canadian context, however, Intellectual Freedom includes within it the concept of Social Responsibility: the idea that intellectual freedom is something to be fostered and protected as an outcome, as a process of education, along with other elements of social justice and welfare. However, in both Canada and the US, IF policy is subject to the same opportunism as policy writ large: sometimes the principle of equality is adduced to support a policy decision (such as the decision to rent a room to transphobic speakers), sometimes the principle of difference is used to support a different decision (such as the implementation of airport-style security at Winnipeg Public Library). It is important to note that the policy decision comes first and theoretical justification, based on one or the other of the principles of justice, comes afterwards.

It is this opportunism that makes IF inadequate to deal with its challenges and makes the politics of recognition inadequate to the problems of identity, difference, and multinational constitutions. Just as the politics of recognition in the Canadian context looks to Taylor for a social ontology and Tully for a constitutional theory, any proposed alternative would also have to address these two areas. Antonio Negri’s political theory provides both a non-individualistic social ontology with a radically different conception of freedom, and a constitutional theory which also rejects any notion of freedom as either self-limited origin or fostered outcome. Negri’s politics also allows for the reinscription of material power - absent from Taylor and Tully’s idealist perspectives - into political thought.

Methodology: Contrapuntal Reading

Before turning to Negri’s political theory, I want to discuss the methodological implications of what I have said so far. Canadian politics, Intellectual Freedom, and political theory intersect and interrelate in diverse ways. Real political dynamics and events - the 1968 revolts, the October Crisis, or the Kanehsatà:ke resistance, for example - set problems for political theory to solve and thereby *produce* political theory as such. Political theory is constrained by historical necessity: even at its most imaginative it responds to political events that have actually taken place.

In this way, the “contrapuntal reading” proposed by Edward Said in *Culture and Imperialism* suggests an appropriate hermeneutics for this project. Said describes contrapuntal reading as reading “with a simultaneous awareness both

of the metropolitan history that is narrated and of those other histories against which (and together with which) the dominating discourse acts" (Said, 1993, 51). For Said, references to, for example, the West Indian plantations in Jane Austen's *Mansfield Park* are not contingent, not subject solely to the author's fancy, but historically necessary, produced by the reality of British colonial power. Similarly, despite the absence of concrete historical references in much political philosophy, we must read the development of theory *against* the real historical and political facts that produce them.

Said's contrapuntal reading offers a way to ground political theory in real historical and political developments, and as such it provides a corrective to the ahistorical tendencies of political philosophy.¹⁰ It also allows us to avoid the limitations of the positivism of purely historical work. For example, in Toni Samek's hugely important book *Intellectual Freedom and Social Responsibility in American Librarianship, 1967-1974* (2001), she advances the claim that IF debates were part of a struggle for hegemony within American librarianship. The history she recounts is vital to our understanding of these debates, but the Gramscian political theory sits uneasily alongside the positivist historiography. Political theory divorced from historical reality is just as partial and one-sided as history kept separate from theorization.

Applying the idea of a contrapuntal reading to political theory is not unprecedented. In "Political Theory as Historical Counterpoint", Jeanne Morefield suggests that "engaging in contrapuntal readings of key moments in the canonical history of political thought - moments that have become frozen around certain particular ideas and thinkers - can shake up the sleepiness of our received canon and, in the process, broaden our sense of what is possible in the now" (Morefield, 2016). Reading Taylor and Tully both in the context of particular Canadian political processes and through the lens of Negri's ontology and constitutional theory will, I hope, contribute to a shakeup of liberal theory and Canadian political thought. In addition, such a contrapuntal reading will help clarify and problematize the question of Intellectual Freedom in librarianship.

In a similar vein, Keally McBride has argued that "providing historical information is one way of asserting the political aspects of the production and reception of a theory, and by extension it brings a political awareness of interpreting of these texts" (McBride, 2016). The methodology described by Morefield and by McBride imposes on us a responsibility to ask just what were the historical and political dynamics that led to the "refoundation" of political theory in Rawls' *Theory of Justice* and to the development of Taylor and Tully's politics of recognition as a response to Rawls.

This kind of contrapuntal reading, one which recognizes the effects of already-produced material and historical reality on texts (including social texts) fits well with a generally historical-materialist approach. Contrapuntal reading allows for the reinscription of materialism and historical necessity into our understanding of political theory without resorting to any kind of crude de-

¹⁰Such abstractions are the subject of Raymond Geuss' critique in the name of "real politics", but see also the requirement for a historical and not just a philosophical approach to politics expressed in (Loughlin, 2003, 14-15).

terminism. The deployment of materialism and necessity is vital to Negri's work, as a combination of both Marxist and Spinozist (materialist) theoretical perspectives.

Antonio Negri's Spinozan Marxism

The energies released by the 1960s cycle of struggle forced, as we have seen, a transformation on liberal political theory represented by Rawls *Theory of Justice*. A similar crisis was also forced on Marxism and other left-wing political philosophies. The death of Stalin in 1953 and the invasion of Hungary in 1956 led to a re-evaluation of communist principles, strategies, and tactics. The development of the New Left was mirrored in Italy by the emergence first of anti-revisionist left-wing groups, and then a powerful extraparlimentary left after the "hot autumn" of 1969 (Wright, 2002). For Antonio Negri and others, the continuation of authoritarianism in the Soviet Union after the death of Stalin suggested an authoritarian tendency at the heart of the Hegelian-Marxist dialectic, with its teleological vision of closure and the end of history. The encounter with Spinoza in the 1960s, especially among French philosophers ¹¹, suggested a way to reformulate communist (even Marxist) philosophy to allow for an indeterminate open-endedness while still including a (non-Hegelian) theory of historical necessity (Negri, 2020).

One common criticism made by Marxism against liberalism is that liberalism considers freedom as separate (or separable) from necessity (Menke, 2020, 4) (Shoikhedbrod, 2019, 157). This is due primarily to the "positive" or Aristotelian logic dominant in the West in general and capitalism in particular. Dialectical logic requires that we understand freedom and necessity not as binary opposites, but as internally related, as Engels described in his *Anti-Dühring* (1883) (Engels, 1969, 130-142). Marxism also offers a critique of both the individualism of social contract theory (which Marx dismissed as Robinson-Crusoe-like fables (Marx, 1973, 83)) and of the Kantian theory of Enlightenment. However, the dialectical insistence on eventual closure was inappropriate to the politics of the 1960s which, in the early years of postmodernism, emphasised openness and incompleteness (Negri, 2020, viii-ix).

The rediscovery of the philosophy of Spinoza led Negri to conceive of politics as less a question of capturing state power or even the creation of a constitution, and more the ongoing, neverending "absolute procedure" of constitutional self-creation by the multitude ¹². The only constraint on the power of the multitude was necessity, and it was necessity that provided the horizons of liberty for both individual and political association. As opposed to the liberal tradition, Negri (following Spinoza) saw freedom as only comprehensible against the horizon of necessity.

¹¹Negri cites Gueroult's two-volume *Spinoza* (1968), Matheron's *Individu et communauté chez Spinoza* (1969), Deleuze's *Spinoza et le problème de l'expression* (1968) and *Spinoza* (1970), as well as Macherey's late *Hegel ou Spinoza* (1977).

¹²Other forms of autonomism, such as that associated with Cornelius Castoriadis, arose in the same period from many of the same concerns. See Castoriadis (1998).

In this way, a Negrian politics - radically democratic and anarcho-communist - not only avoids the problems presented by the Hegelian dialectic, but also those that arise from Rawls' two principles of justice. Negri describes this as "asserting the *potenza* [power as strength] of singularities against the ethics of individualism and against the totalitarianism of commodities consubstantial with bourgeois culture" (Negri, 2020, viii). This theory recognizes the material forces that make opportunism necessary and provides a potential solution to the question of identity, difference, and constitutional uniformity.

This thesis will look at these issues from the perspective of concrete analyses of controversies around Intellectual Freedom in Canadian librarianship, but I want to end this introduction with an illustration of the kinds of alternative to the politics of difference that I am proposing.

Two Canoes

Two contrasting artworks illustrate the differences between the communitarian response to liberal egalitarianism and a radical one. In the communitarian variant of liberal political theory, a harmonious sovereignty unites a diverse patchwork of peoples and leads them all in the same direction. On the other hand, the radical democracy of a rowdy plurality of genders, races, and sexualities moves forward regardless of both leadership and sovereignty.

In 1995, amid Canadian debates around multiculturalism, Quebec nationalism, and Indigenous sovereignty, James Tully's book on "constitutionalism in an age of diversity", *Strange Multiplicity* (1995), drew inspiration from Haida artist Bill Reid's sculpture, *The Spirit of Haida Gwaii* (completed in 1991). The sculpture depicts a crew of diverse beings drawn from Haida culture and the European encounter paddling a canoe, "squabbling and vying for recognition" (Tully, 1995, 24). Tully makes Reid's crowded canoe a "symbol of the age of cultural diversity" and a metaphor for the multicultural and pluralistic society that Tully considers to be a "genuinely post-imperial age" (Tully, 1995, 17) following the collapse of the Soviet Union and the apparent triumph of liberal-democratic constitutionalism.

The passengers in Reid's canoe are gathered around a central figure, "holding the speaker's staff in his hand... the chief exemplar, whose identity... is uncertain" (Tully, 1995, 18). For Tully, the chief's position is one of mediation or reconciliation, adopting Locke's view of sovereignty as a question of tolerance and the peaceful mediation of competing interests.

However, in the twenty-five years since Tully's book was written, the pacific horizons of liberal constitutionalism have become increasingly fraught. The continuation of settler-colonial violence, not least in the Murdered and Missing Indigenous Women and Girls (MMIWG) crisis in Canada, as well as anti-Black racism, intolerance towards refugees and immigrants, and the return of open white-supremacy - all in the context of sharpening social and economic crisis - serve to challenge Tully's deployment of Reid's sculpture as a model of liberal social progress. In a world with Donald Trump, Boris Johnson, Jair Bolsonaro and others in power, it is hard for us now to take Tully's

description of the chief seriously: "listen[ing] attentively to each [passenger], hoping to guide them to reach an agreement, without imposing a metalanguage or allowing any speaker to set the terms of the discussion" (Tully, 1995, 24).

In the face of the ongoing crisis, it is tempting to reject Tully's liberal conception of sovereignty and opt instead for a Hobbesian model of intersubjective war limited only by the power of Leviathan¹³. But this choice is a false one, as Hardt and Negri suggest at the beginning of *Empire* (Hardt and Negri, 2000, 6-8), published five years after *Strange Multiplicity* in the wake of the 1999 anti-globalization protests. There is a third constitutional option, a radically democratic one that is often dismissed out of hand because, as we will see, it relies upon an immanent, unruly creativity, a self-directed action that not is beholden to the calm wisdom of a leader, and therefore poses a challenge not only to both the Lockean and Hobbesian constitutional orders, but to the Cartesian disciplining of the body by the mind that lies at the heart of what Negri has called the "bourgeois ideology" of modern philosophy.

This third option can be seen in a contemporary artwork that echoes and challenges *The Spirit of Haida Gwaii* in many ways. Kent Monkman is a two-spirit Cree artist born in Ontario and raised in Winnipeg, Manitoba. Monkman's paintings have struck a chord with their provocative "reconfigurations" of classical European forms, motifs, and images in the service of challenging the settler-colonial artistic heritage on which today's Canada relies (Elston, 2012). Echoing Tully's understanding of a "hidden constitutionalism" surviving within dominating, hegemonic institutions (like libraries), Monkman's work recognizes the continuation of Indigenous identity and politics within an artistic tradition that has tended to erase Indigeneity in favour of settler-colonial triumph and the universalizing aspirations of liberal philosophy.

Monkman's 2019 painting *Resurgence of the People* depicts, as Reid's sculpture does, a crowded canoe; only in this instance, Monkman appears to reject the conciliation and mediation of the politics of recognition in favour of a self-affirmation of the multitude in all its diversity. In Monkman's canoe, while there is still a visually central figure, the "passengers" (the term seems inappropriate here) are not gathered around pressing their case for recognition. Rather, the canoe is filled with people of colour of various ages and genders, all looking after one another, not in a struggle for recognition, but in decentred mutual support and care, creating space for a conception of politics broader than the democratic sovereignty that is Tully's focus.

This alternative perspective, a rejection of both Hobbes' and Locke's conceptions of sovereignty and social contract, is made explicit by the central figure of Monkman's painting. Gone is the enigmatic chief who "must act like a mother in caring for the common good if s/he is to secure respect and authority" (Tully, 1995, 25). Respect and authority are remnants of the false choice, holdovers of the need for constitutional centralization and sovereign power. In

¹³Such a desire is illustrated by the "strong man" politics of Trump, Bolsonaro, Viktor Orbán, Alexander Lukashenko, and Vladimir Putin

Resurgence of the People, Reid's chief has been replaced by Monkman's wild and exuberant alter-ego, Miss Chief Eagle Testickle, "a time-traveling, shape shifting, supernatural being who reverses the colonial gaze to challenge received notions of history and Indigenous peoples" (Monkman, 2020).

While Reid's chief accords or grants recognition to the passengers in the canoe, indicating the accommodation of diverse identities within a hierarchical sovereign constitution, Miss Chief offers her own exuberant affirmation, overflowing the limits of the canoe and suggesting an irrepressible power that does not depend either on recognition, authority, or a constitution. Similarly, the others in the canoe are not looking to Miss Chief for recognition or leadership, but are living their lives, helping each other without concern for constitutional niceties, yet all fully aware that they are living in the same boat. While Tully quotes Reid's description of his canoe as "go[ing] on forever anchored in the same place" (Tully, 1995, 33), thus betraying the liberal desire of an orderly, predictable, and risk-free future, Monkman's canoe is thrusting powerfully forward through choppy and uncertain seas.

There is an unbridgeable gulf between the self-determining forward motion of Monkman's canoe and the static, rockbound impotence of settler-colonialism. The resurgence of the people is their unruly momentum, produced by the determined paddling of Indigenous men and women, unconstrained by the power of a constitution. It is this momentum that turns away from the white, patriarchal capitalist state in order to make its own way in the world.

Miss Chief does not need anyone's recognition; rather, it is the white men stuck on the rock with their weapons who clamour for recognition: of their authority, their power, their capacity for violence. The new politics of identity differs from older politics of recognition precisely in this insistence on self-affirmation that transcends a universal, egalitarian notion of rights and liberties, as well as any procedural, discursive conception of democratic process. It takes seriously the incommensurable, the irreconcilable, and the non-dialectical tensions, antagonisms, and contradictions of contemporary political life. This insistence goes further than Tully's "democratic constitutionalism" in challenging hegemonic ideas of the state, of democratic participation, of liberty, and of citizenship, all of which play out in current controversies and debates within Canadian society, including Canadian librarianship.



Kent Monkman, *Resurgence of the People* (2019)

Canadian librarianship differs from librarianship in the United States by an adoption of the conciliatory, mediating vision of state authority represented by *The Spirit of Haida Gwaii*. The constitutional history of the US, constantly guarding against tyranny, and with checks and balances against state overreach, differs from the “responsible government” of Canada, which sees the state as a paternal guide rather than a Hobbesian necessary evil ¹⁴ As a result, while the pure individualism of Rawlsian liberal egalitarianism tends to be dominant in the US, a communitarian liberalism formalized by Tully and Charles Taylor is dominant in Canada, each emphasizing one or other of Rawls’ principles of justice. Communitarianism informs Canadian librarianship generally, but as we will see it affects Intellectual Freedom in particular ways as well.

This thesis will address these issues, first in a contrapuntal reading of Canadian politics, Intellectual Freedom, and post-Rawlsian political theory. It will then proceed to dig deeper into the ambiguity between Rawls’ two principles of justice, and its consequences for Intellectual Freedom. Next it will look at Taylor and Tully’s political philosophy and the ways they determine Intellectual Freedom, before turning to the Negrian alternative derived from Spinoza and Marx. These theoretical chapters will inform the empirical analysis of the two case studies, and I will conclude by summarizing the lessons learned from the two studies.

¹⁴For an account of the difference between the American “separation of powers” drawn from Locke and Montesquieu, and the British colonial concept of “responsible government”, see Malcolmson et al. (2016).

Chapter Outline

1. Introduction: Resurgence of the People.
2. Intellectual Freedom, Political Theory, and the Canadian Constitution after 1968: A New Kind of Revolution.
Canadian Constitutionalism.
Liberalism after Rawls.
The emergence of autonomist Marxism and the engagement with Spinoza.
Intellectual Freedom and Social Responsibility.
3. Intellectual Freedom as Origin and Outcome.
Rawls' Two Principles of Justice.
Liberty as Origin: Social Contract Theory.
Liberty as Outcome: Kant's Enlightenment.
Intellectual Freedom under the First Amendment.
Intellectual Freedom under the Charter of Rights.
4. Intellectual Freedom as Individual Choice and Self Rule.
Wittgenstein.
Wittgenstein and the "prejudices of philosophers".
Taylor's communitarian social and political theory.
Tully's democratic constitutionalism.
Constituted Power and Opportunism.
5. The Dialectic of Freedom and Necessity.
Negri's productive ontology.
Negri's constitutional theory.
Negri and Canadian politics.
Negri and Political Theory.
Negri and Intellectual Freedom.
6. TPL Case Study
7. WPL Case Study
8. Conclusion.

References

- Mark Alfino. Philosophies of intellectual freedom. In Mark Alfino and Laura Koltutsky, editors, *The Library Juice Press Handbook of Intellectual Freedom: Concepts, Cases, and Theories*, pages 9–40. Library Juice Press, 2014.
- Louis Althusser. *On the Reproduction of Capitalism: Ideology and Ideological State Apparatuses*. Verso, 2014.
- Stephen Bales. *The Dialectic of Academic Librarianship: A Critical Approach*. Library Juice Press, 2015.
- John Buschman. *Dismantling the Public Sphere: Situating and Sustaining Librarianship in the Age of the New Public Philosophy*. Libraries Unlimited, 2003.
- John Buschman. Habermas and intellectual freedom. In Mark Alfino and Laura Koltutsky, editors, *The Library Juice Press Handbook of Intellectual Freedom: Concepts, Cases, and Theories*, pages 71–89. Library Juice Press, 2014.
- Cornelius Castoriadis. *The Imaginary Institution of Society*. MIT Press, 1998.
- Glen Sean Coulthard. *Red Skin White Masks: Rejecting the Colonial Politics of Recognition*. University of Minnesota Press, 2014.
- Lincoln Dahlberg and Eugenia Siapera, editors. *Radical Democracy and the Internet: Interrogating Theory and Practice*. Palgrave Macmillan, 2007.
- Nick Dyer-Witheford. *Cyber-Marx: Cycles and Circuits of Struggle in High-Technology Capitalism*. University of Illinois Press, 1999.
- Nick Dyer-Witheford. Hegemony or multitude? two versions of radical democracy for the net. In Lincoln Dahlberg and Eugenia Siapera, editors, *Radical Democracy and the Internet: Interrogating Theory and Practice*, pages 191–206. Palgrave Macmillan, 2007.
- M. Melissa Elston. Subverting visual discourses of gender and geography: Kent monkman’s revised iconography of the american west. *Journal of American Culture*, 35(2):181–190, 2012.
- Frederick Engels. *Anti-Dühring*. Progress Publishers, 1969.
- Nancy Fraser. *Justice Interruptus: Critical Reflections on the “Postsocialist” Condition*. Routledge, 1997.
- Nancy Fraser and Axel Honneth. *Redistribution or Recognition? A Political-Philosophical Exchange*. Verso, 2003.
- Gauri Gandbhir. Canada: Wet’suwet’en defend land and sovereignty. *Green Left Review*, 2020.
- Raymond Geuss. Liberalism and its discontents. In *Outside Ethics*, pages 11–28. Princeton University Press, 2005.

- Raymond Geuss. *Philosophy and Real Politics*. Princeton University Press, 2008.
- Michael Gorman. *Our Enduring Values: Librarianship in the 21st Century*. ALA, 2000.
- Michael Hardt and Antonio Negri. *Empire*. Duke University Press, 2000.
- Axel Honneth. *The Struggle for Recognition: The Moral Grammar of Social Conflicts*. MIT Press, 1995.
- Immanuel Kant. An answer to the question 'what is enlightenment?'. In H.S. Reiss, editor, *Kant: Political Writings*. Cambridge University Press, 1991.
- John Locke. *Second Treatise of Government and A Letter Concerning Tolerations*. Oxford University Press, 2016.
- Martin Loughlin. *The Idea of Public Law*. Oxford University Press, 2003.
- Patrick Malcolmson, Richard Myers, Gerald Baier, and Thomas M.J. Bateman. *The Canadian Regime: An Introduction to Parliamentary Government in Canada*. University of Toronto Press, sixth edition, 2016.
- Karl Marx. *Grundrisse*. Penguin Books, 1973.
- Keally McBride. On relating history and political theory. *Theory & Event*, 19(1), 2016.
- Christoph Menke. *Critique of Rights*. Polity, 2020.
- J.S. Mill. *On Liberty: In Focus*. Routledge, 1991.
- Kent Monkman. Biography. *Kent Monkman Website*, 2020. URL <https://www.kentmonkman.com/biography>.
- Jeanne Morefield. Political theory as historical counterpoint: The case of schmitt and sovereignty. *Theory & Event*, 19(1), 2016.
- Antonio Negri. *Spinoza: Then and Now*. Polity, 2020.
- Karen P. Nicholson and Maura Seale, editors. *The Politics of Theory and the Practice of Critical Librarianship*. Library Juice Press, 2018.
- Pam Palmater. Rcmp invasion of wet'suwet'en nation territory breaches canada's 'rule of law'. *Canadian Dimension*, 2019.
- Pam Palmater. Mi'kmaw treaty rights, reconciliation and the 'rule of law'. *Canadian Dimension*, 2020.
- Sam Popowich. *Confronting the Democratic Discourse of Librarianship: A Marxist Approach*. Library Juice Press, 2019.

- Douglas Raber. Gramsci, hegemony, and intellectual freedom. In Mark Alfino and Laura Koltutsky, editors, *The Library Juice Press Handbook of Intellectual Freedom: Concepts, Cases, and Theories*, pages 41–70. Library Juice Press, 2014.
- John Rawls. *A Theory of Justice: Second Edition*. Belknap Press, 1999.
- Edward W. Said. *Culture and Imperialism*. Vintage Books, 1993.
- Toni Samek. *Intellectual Freedom and Social Responsibility in American Librarianship, 1967-1974*. McFarland, 2001.
- Toni Samek. *Librarianship and Human Rights: A Twenty-First Century Guide*. Chandos, 2007.
- Igor Shoikhedbrod. *Revisiting Marx's Critique of Liberalism: Rethinking Justice, Legality and Rights*. Palgrave Macmillan, 2019.
- Jakeet Singh. Decolonizing radical democracy. *Contemporary Political Theory*, 18(3):331–356, 2018.
- Charles Taylor. Atomism. In *Philosophical Papers, Volume 2: Philosophy and the Human Sciences*, pages 187–210. Cambridge University Press, 1985.
- Keeanga-Yamahtta Taylor. *How We Get Free: Black Feminism and the Combahee River Collective*. Haymarket, 2017.
- Robin Tress. Policing protest: A double standard. *Council of Canadians blog*, 2020.
- James Tully. *Strange Multiplicity: Constitutionalism in an Age of Diversity*. Cambridge University Press, 1995.
- Luc Turgeon, Antoine Bilodeau, Stephen E. White, and Ailsa Henderson. A tale of two liberalisms? attitudes toward minority religions symbols in quebec and canada. *Canadian Journal of Political Science*, 52:247–265, 2019.
- Steve Wright. *Storming Heaven: Class Composition and Struggle in Italian Autonomist Marxism*. Pluto Press, 2002.