Contemporary political theory, to paraphrase Dostoyevsky, emerged from John Rawls’ overcoat. The publication in 1971 of his *Theory of Justice* revitalized a liberalism in crisis at the end of the 1960s. According to Katrina Forrester, following its publication political philosophy became synonymous with Rawlsian liberalism, and the dominant tendencies within political theory since then have grappled with its consequences. Rawls theory of justice was itself, however, a response to a social justice demand for *difference* that emerged in the 1960s. This demand was used by neoliberalism to further its political and economic project, and became the foundation for its “cultural logic”, postmodernism.

In terms of political theory, then, Rawls’ *Theory of Justice* can be understood as engaging with the question of equality and difference, individual freedom and social relationality, that had exploded onto the political stage in 1968. Rawls’ goal was to develop a version of social contract theory that maintained the primacy of individual rights while also accounting for the social justice demands of communities subject to inequality through difference (e.g. the civil rights movement, second wave feminism, gay liberation).

Fundamental to this goal are Rawls’ two principles of justice, the principle of equality of opportunity and the difference principle. In this thesis, I will argue that various debates within political theory arise from whether a theorist emphasizes the first or the second principle. For example, the liberal-communitarian debate can be interpreted as between the liberalism associated with Dworkin and the libertarianism associated with Nozick, both of whom emphasize Rawls’ principle of equality; and the communitarianism of, say, Charles Taylor, who emphasized the difference principle.

The fundamental difference of orientation between the two principles is whether “liberal egalitarianism” is seen as an origin or an outcome. As an origin, it fits with Rawls’ reinvigoration of the social contract theory, in which self-determining individuals come together to form a society (Rawls calls the state of nature of social contract theory “the original position”). As an outcome, it conforms instead to a Kantian conception of Enlightenment, with the self-determining individual as the end result of a particular kind of society.

The dualism within liberal egalitarianism has particular concrete political effects. Between 1968 and 1982, the Canadian government transitioned from an emphasis on the principle of equality (embodied in an assimilationist policy towards Indigenous peoples and the Quebecois) to an emphasis on the principle of difference (enshrined in Quebec’s “distinct society” clause of the Canadian constitution). The fact that the Canadian constitution contains hate speech provisions indicates, in this view, an emphasis on the difference principle, while the absence of such provisions in the American constitution expresses an emphasis on the principle of equality.

This hypothesis has grave implications for our understanding of intellectual freedom in libraries. In Canada, intellectual freedom is seen as a technique for achieving a particular outcome: the Kantian enlightenment of individual subjects necessary for democracy. In the US, however, intellectual freedom is seen as something belonging to individuals in a state of nature. The main focus in Canadian libraries is on *fostering* and *cultivating* intellectual freedom, while in the American context the focus is on defending intellectual freedom against censorship and tyranny.

Recent controversies in Canadian librarianship have challenged the profession’s understanding of intellectual freedom, often obscuring the very real differences between the Canadian and the American model. However, more than that, these controversies expose the limitations of liberalism itself, whether in its “egalitarian” or “differential” mode. Both social contract and Kantian Enlightenment prioritize the autonomous, self-directed individual which is the cornerstone of liberal social and political theory. As I mentioned above, social contract theory sees this individual as an origin, while Kantian Enlightenment sees it as an outcome. The problems of intellectual freedom in librarianship, however, cannot be overcome by adhering to the individualism of liberal theory.

The problem with the ambiguity or dualism in Rawls’ liberalism is that it allows room for unjust policy decisions to be made while claiming to conform to the justice principles. As I have already mentioned, the Canadian government shifted from emphasizing equality to emphasizing difference in the course of the 1970s. This was done in order to outmaneuver and defuse both Indigenous protest and Quebecois nationalism. The fact that these two problems of Canadian politics are still very much with us indicates that the Canadian government’s opportunism does not lead to a just resolution of political issues. In the two case studies related to Canadian librarianship, I will show how in one case the equality principle was emphasized, while in the other case the difference principle was emphasized, but in both cases, the language and theory of justice was used to further another political end.

This end, I will argue, is the maintenance and support of constituted power, the power of political institutions, procedures, and policies to constrain and discipline the unruly power of the multitude. The state – and state institutions like libraries – are opportunistic with respect to the two principles of justice, because their goal is not justice, but constituted power. Constituted power is not only fundamentally undemocratic but it is also unconducive to social justice. The question then becomes, what is the form of intellectual freedom proper to a regime of constituent power.

While the phenomena and concept of constituent power is well-known in constitutional theory, and goes back at least to the French Revolution, I want to focus on Antonio Negri’s formulation of it. Negri’s notion of constituent power goes back further than the French Revolution, to Renaissance humanism and the politics of Machiavelli and Spinoza. Negri’s encounter with Spinoza is important because it provided a model of subjectivity different from both social contract and Kantian notions of free, autonomous, individuality.

In this thesis, I will focus on the politics of recognition as a particular strong element in Canadian political thought. Arising in the material struggles of the 1970s, the politics of recognition was formalized first in philosophical terms by Taylor, and then in constitutional terms by Tully. The politics of recognition, it was argued, would solve the problems of identity, multiculturalism, polyethnicity, and multinationalism in Canadian politics. The politics of recognition emphasized the difference principle (while still upholding the fundamental principle of equality). Critics of the politics of recognition have pointed out its presumption of equality where there was none (for example, in settler-colonized relationships, as Glen Coulthard has exposed); its dismissal of material redistribution in favour of idealist transformations of language (“redescriptions” or “new voices”) (Fraser). To my knowledge, the politics of recognition has not been challenged on the basis of a non-social-contract constitutionalism or a non-Kantian/Hegelian theory of the individual subject.