THE CHEAPEST POLICE: THE LIMITS OF RECOGNITION AND INTELLECTUAL FREEDOM IN CANADIAN LIBRARIES

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ABSTRACT

Current debates within librarianship around intellectual freedom echo debates in broader society around free speech, cancel culture, and "culture war". This thesis argues that, far from being a transcendental value or purely intellectual concept, intellectual freedom is deeply implicated in political struggles over class, race, gender, and sexuality. Taking two recent controversies over the exclusion of trans and Indigenous people from Canadian libraries, this thesis links library policy and practice with longstanding tendencies within Canadian politics itself, in particular the hegemonic use of a form of communitarianism known as the politics of recognition. Once a pragmatic strategy to manage Canadian cultural and political demands of marginalized groups, in the 1990s the politics of recognition became a sophisticated political theory, one which informs Canadian politics (including the politics of libraries) to the present day. Applying a conjunctural analysis of the media, moral panics, and hegemony drawn from the work of Stuart Hall, this thesis offers a critique of Canadian politics and libraries as political institutions that focuses on three main areas: liberal individualism, bourgeois hegemony, and the politics of recognition which liberalism developed to neutralize the threat of radical difference. These interlocking strands paint a picture of Canadian libraries not as politically neutral organizations fostering individual freedom and unconstrained intellectual development, but as playing a specific role in the construction and maintenance of liberal hegemony which demonizes particular Others - like trans and Indigenous peoples - as part of a broader political strategy: the maintenance and survival of the liberal Canadian state itself. The concept of intellectual freedom in librarianship, in particular, can then more clearly be seen as a pragmatic

tool in the service of the Canadian state's hegemonic strategy, rather than as a pure, timeless, apolitical concept.

DEDICATION

Dedicated to Richard Michael Davies and the memory of Gale Karolyn Popowich

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[Mr. Brotherton] contended that this Bill would provide the cheapest police that could possibly be established.

Hansard, Second Reading of William Ewart's Public Libraries and Museums Bill, March 13, 1850[1].

1. (HC Deb 13 March 1850, vol 109, col 841.)

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1 Introduction: Resurgence of the People

Introduction

Since first Contact between settlers and Indigenous peoples, the history of Canada has been marked by an uneasy hegemonic balance between coercion and consent, assimilation and recognition. The relations between French settlers and First Nations combined the missionary activity of the Jesuit *robes noires* with military adventurism throughout the 16th century (Eccles 1969, 2–3). The balance of coercion and consent is inscribed at the heart of Canadian politics, from the English conquest over the French at the Plains of Abraham in 1760 through the manufactured consent of the treaty system between the new federal government and Indigenous peoples beginning in 1871 (P. James 2011, 39, 55)[1], to the constitutional debates of the 1980s and 1990s and the "culture wars" of the present day. The residential school system, with its horrific combination of physical, mental, and emotional trauma on the one hand and the instillation of Western religious, political, and social values on the other, sees the combined application of consent and coercion reach its terrible apotheosis (Culleton 1983). By the same token, far from being a phenomenon of the distant past, Canadian colonialism, like Indigenous peoples themselves, remains an active and present force within Canadian politics (Vowel 2016; Simpson 2017).

This view of Canadian history as an unfolding dynamic of coercion and constraint draws on the political concept of *hegemony*. In the work of Antonio Gramsci and Stuart Hall, hege-

1. The treaty system was a fundamentally different approach to settler-Indigenous relations than, say, the American Indian Wars, which focused on coercion over consent.

mony developed out of a fairly straightforward notion of class-leadership (e.g. in Lenin) into a broader conception of political, ideological, and cultural dominance. In Gramsci, hegemony is connected with the idea of intellectuals as educators and communicators of a dominant world-view, designed to formalize and transmit an ideology that does not serve merely the interests of the ruling class, but can be articulated to represent (or appear to represent) many different class interests. Gramsci translator Joseph Buttigieg provided a useful gloss in his introduction to the first volume of Gramsci's *Prison Notebooks*, writing that hegemony can be understood as the product of an "intricate network of relations that bind political and economic power with cultural authority to produce a social order sustained in large measure by the legitimacy conferred upon it by the manufacture of consent, that is, by intellectuals" (Gramsci 1992, 21). But the manufacture of consent is not the only hegemonic tactic; it is always backed by the directly coercive power of the state. In a famous image, Gramsci adopts (from Machiavelli) the metaphor of the centaur, half-human and half-animal, as expressing the combination of consent with physical coercion and violence (Gramsci 1971, 169–170).

In this thesis, I argue that an important element in late 20th century liberal-bourgeois hegemony is resistance to or rejection of the idea of collective ideals that gained political significance in the "resurgence of the people"[2], the uprisings and new social movements of the 1960s. In the face of this resurgence, liberal-bourgeois states reaffirmed the primacy of the autonomous individual, the bearer of rights and freedoms with the capacity to own property and to make self-directed decisions. While contemporary political theory offers alternatives to the individualist subject that developed out of the social contract theory of the 17th century, that conception of the individual subject remains prominent both in common-sense political and social discourse and in government and library policymaking in North America.

2. "Resurgence of the people" - a phrase that will recur throughout this thesis - is the title of a painting by Cree artist Kent Monkman, depicting a crowded canoe full of marginalized peoples forging a new path for themselves independent of settler-colonial oppression. I use it here to describe the period of interlocking social movements in the 1960s: movements for civil rights, gay rights, women's rights, student and worker resistance, and national uprisings in Algeria, Vietnam, and elsewhere, rejecting constitutional niceties and forging their own political future, like the passengers in Monkman's canoe.

In the American regime, the idea of the autonomous individual is quite narrowly focused (i.e. it allows for very little acknowledgement that anything other than the individual counts, legally or morally), but in Canada it is qualified by an understanding of the importance of shared identity and collective difference, an understanding that arises out of the complicated history of coexisting ethnic, national, and cultural groups. One of the basic premises of this thesis is that a political regime founded on the (mythical) autonomous individual cannot abandon the concept of the individual even when it adopts a more communitarian politics: the sovereignty of such a regime is predicated (both materially and ideologically) on the supposed sovereignty of individuals within it. The politics of recognition in the Canadian regime can therefore be understood as a hegemonic strategy that attempts, but only in a limited way, to moderate the regime's foundational individualism when faced with the challenges posed by "the resurgence of the people", the better to exercise moral and intellectual leadership over more collectively-structured subaltern groups.

Thus, the Canadian regime has learned to "recognize" a certain set of acceptable deviations from the classical characteristics of the individual subject, but, as I will argue, only in order to better support and maintain that subject at the heart of Canadian politics. Canadian libraries, as institutions of the liberal state and liberal society, also participate in the demarcation of a zone of acceptable difference regulated by the politics of recognition. As part of the broader project to maintain hegemony in Canada, libraries tend to help make policing the boundary of the zone acceptable to Canadian society; how they do this is a major part of this thesis.

What this thesis seeks to do is to analyze and understand the role of the politics of recognition in Canadian culture. Because the politics of recognition takes on particular conjunctural forms from the 1990s to today, and because it is so deeply implicated in the Canadian understanding of multiculturailsm, liberalism, free speech/expression, and intellectual freedom, the genealogy of the politics of recognition is vital to understanding Canadian politics in its

conjunctural specificity. While they are not usually considered sites of political contestation, libraries turn out to be a useful illustration of the issues surrounding the politics of recognition, as they represent a particular social and politicial worldview for the Canadian public while insisting on their own neutrality, and leveraging this neutrality to hold on to a position of cultural and political trustworthiness, underlined by their vocal opposition to overarching state control of intellectual and cultural life in the form of censorship. Canadian libraries are unique in being instruments of state cultural policy while being seen as independent of state power; they thus make a very different contribution to Canadian liberal hegemony than other sites of cultural conflict (for example, the media, universities, or school curricula). Demonstrating how Canadian libraries illustrate the hegemonic role played by the politics of recognition is thus an important contribution to political theory.

Libraries and "Culture War"

Because of the role they play in the maintenance of hegemony and the social order in Canada, libraries are themselves sites of political contestation. In the current conjuncture, then, it is unsurprising that libraries are caught up in today's "culture war" around free speech, identity politics, and traditional or common-sense values.

In 2019, two controversial events erupted within Canadian librarianship: 1) a room rental by Toronto Public Library (TPL) to host a gender-critical speaker led to widespread criticism of library policy from a social justice perspective, culminating in a protest by trans people and allies; and 2) the implementation of "airport-style" security procedures at the main downtown branch of Winnipeg Public Library (WPL), which led to charges that the library was discriminating based on race and class. In the first case, library policy was defended by reference to the concept of intellectual freedom, while in the other case intellectual freedom

was notably absent from the debate.

In Toronto, a group called "Radical Feminists Unite" rented a room[3] in TPL's Palmerston branch for "A Discussion and Q & A with Canadian Feminist and Journalist Meghan Murphy". The stated purpose of the October 29 event was "to have an educational and open discussion on the concept of gender identity and its legislative ramifications on women in Canada" [4]. Murphy, a "gender critical feminist"[5] had spoken at Vancouver Public Library (VPL) in January, sparking protests among community members and leading to VPL being banned from Vancouver Pride in the summer (CBC News 2019c). Murphy herself had been banned from Twitter for repeatedly misgendering and deadnaming trans people[6].

On the evening of October 29, hundreds of protesters gathered outside the Palmerston branch in a wealthy neighbourhood of Toronto (CBC News 2019b). They protested peacefully, sometimes chanting slogans, at one point holding a seated "read-in" in front of the library doors[7]. Library staff reported "lots of police presence" at the branch, and email evidence suggests they were asked to be there by TPL[8], though the library maintains that police decided to attend on their own initiative[9]. At one point, some of the protesters entered the library,

3. The fact that this was a rental (i.e. an exchange of cash for a service) rather than a free booking is significant, as we will see below.

4. Pam Ryan, Director, Service Development & Innovation, Toronto Public Library, email message to various Toronto city and library managers, August 20, 2019.

5. "Gender Critical Feminism" is the name adopted by feminists critical of what they call "gender ideology" (i.e. a theory of gender that accepts trans people). The term "gender critical" seems to be more often used in the UK than in North America. The term "trans-exclusionary radical feminism" (TERF) is often applied to "gender critical feminists" though they see it as a term of abuse. Gender critical feminists/TERFs often criticize policies designed to protect trans rights and increase trans inclusion, such as the reformed UK Gender Recognition Act (2018), and the inclusion of gender identity as a protected category in Canadian law. For the UK context, see (Zanghellini 2020). For transphobia as a global phenomenon with links to the right, see (Butler 2021b). "Gender critical feminists" often see trans rights, particularly rights for trans women, as eroding the hard won gains of the feminist movement and an attack on the rights, safety, and security of "real" women.

6. Murphy sued Twitter, but the case was thrown out by the First District Appellate Court of California, who found that Twitter did not violate free-speech laws in banning Murphy (Murphy v. Twitter, Inc. [2021]).

7. Making exclusion explicit by reading *outside* a library is a tactic used in Winnipeg as well, where a drag queen storytime was held outside the library's security zone.

8. "TPL... will ensure appropriate security and/or police supports are in place" (TPL Third-Party Event FAQ, October 25, 2019); "We have worked with branch staff, event organizers, managers and directors, and Toronto Police to plan for the protest" (Vickery Bowles email to TPL staff, October 28, 2019).

9. Pam Ryan, email message to author, June 3, 2020

at which point the police or library staff locked the doors. Protesters were allowed to leave via a rear entrance, but this was not clearly communicated nor understood and protesters reported feeling trapped by police in the library (Joaquin 2019). At 8:30 when the library officially closed, the crowd left peacefully. In the days leading up to and following the protest, the library defended its policy decision by referring to intellectual freedom and freedom of expression (see below).

Also in 2019, the Winnipeg Public Library implemented "airport style" security gates and strict bag-checking policies at its main ("Millennium") branch. This disproportionately penalized Indigenous Winnipeggers whose life and livelihood were often entirely contained within their bags and backpacks (CBC News 2019a). The search procedures at the gates were also invasive and punitive which ought to have triggered an intellectual freedom debate within the profession. Despite claiming to be upholding the safety and security of library users and staff, the library was criticized for race- and class-based discrimination, and with making the library safe for middle-class Winnipeggers at the expense of the poor in the midst of housing and other crises in the city's downtown. It came out that the library had not consulted with any community, Indigenous, or anti-poverty groups before deciding on the new security procedures. The only public organization they consulted with were the Winnipeg Police Service (Selman et al. 2019).

A year of sustained community-led pressure followed the new security implementation, including testimony at City Hall, read-ins, drag queen storytimes outside the library, and the presentation of a report on the effects of increased policing on the library as well as alternative policy recommendations (Selman et al. 2019). This report "outline[d] ways to pursue real safety at the library through a combination of de-escalation, harm-reduction, mental health care, and access to basic needs - not enhanced securitization measures that target the most vulnerable" (Toews, Stadnyk, and Joo 2021)[10]. Amid the backlash, the library consulted with community

10. In 2018, the Canadian Centre for Policy Alternatives put forward an alternative Winnipeg budget which recommended reducing the police buget and increasing funding to social and educational services, including the library (Canadian Centre for Policy Alternatives 2018). Post-2020 we can contexualize all of this as part of a

members and, in October 2020, when COVID cases in the city fell sufficiently to allow branches to reopen, the security gates remained down (Bettens 2020). The library decided instead to fund a Community Resource Space rather than rely on security and policing (Pursaga 2021).

However, when in December 2022, two major violent incidents occurred - the most significant being the stabbing to death of a young man inside the library (Bernhardt and News · 2022) - the library reverted to its reliance on police. Having been closed for a number of weeks to allow staff time to receive support and to deal with union concerns and public opinion, Millennium Library reopened with metal-detecting security gates restored and an increased police presence within the building (CBC News 2023) while a review and risk assessment was commissioned from private security firm GardaWorld (Turner 2023). Once again, community groups were not consulted and no alternative to law-and-order and increased policing were considered. The Community Resource Space, for example, which had never been properly funded, remains permanently closed as of July 2023 (News 2023). It remains to be seen what the long-term plans are for Millennium Library, but it seems clear that the library issues cannot be addressed in isolation: poverty, housing, mental and physical health, and social services need to be confronted throughout downtown and the city at large with the participation of community and Indigenous groups.

The question that prompted my PhD research was this: when these controversies in Canadian librarianship broke out in 2019, why did the concept of intellectual freedom inform library policy in one case, but not in the other, when in both cases intellectual freedom seemed to be at issue? I began to think about the ways intellectual freedom, far from being a timeless, eternal, metaphyical "core value" of libraries, was in fact a specific political concept that could be pragmatically deployed or withheld to support particular political projects. The question then became: what project were Canadian libraries engaged in supporting?

broader police defunding/abolition and anti-carceral movement across North America (Wilt and Hume 2020).

This is not an obvious question. Why should libraries be involved in any political project at all? Librarianship has long prided itself on its "neutrality" and presented its values as the natural, common sense, and obviously correct values of liberal-democracy itself (Wenzler 2019; Kranich 2020). But in recent years, libraries have become major sites of contention in the contemporary "culture wars", and this has exposed - from one side or another - the spuriousness of library neutrality. Debates around censorship, "cancel culture", representation, values, democracy, and freedom have been argued around such things as collection development (banned, challenged, or withdrawn books) (Logan 2023; Beaudry 2023), drag-queen storytimes (Shebahkeget 2023), platforming and deplatforming speakers (Loriggio 2019), and the presence of police and security forces in library spaces (Prentiss 2019). These issues intersect with broader political topics today, such as the police-defunding and anti-carceral movements, LGBTQ+ rights (particularly trans rights), and the ability to control the representations that children and adults are exposed to. Library collection development, for example, is linked to broader struggles around primary, secondary, and post-secondary school curricula (particularly with the rise of the "parents' rights" movement (Gowriluk 2023)), as well as to issues surrounding monuments and memorials and how we engage with and confront political pasts.

Like newspapers and universities, libraries maintain a long-standing commitment to liberal values like free speech/free expression. As a result, they are caught in the crossfire of the so-called culture war. In a *New York Times* op-ed published in February 2022, for example, Stanley Kurtz derided the rise of "woke librarians" who place social justice above the traditional rights and values of liberal politics. Kurtz defends the "neutrality" of libraries while fundamentally reaffirming the common sense view of liberal values as transcending politics. Kurtz writes:

> It is true, in a sense, that the librarians' apparent neutrality has a political grounding. By means of neutrality, librarians affirm their respect for individual liberty while

> demonstrating the tolerance for diverging conceptions of the good upon which our constitutional system rests. In a broad sense, classical liberalism is a "political" stance. At the same time, it offers far more scope for varied ways of life and faith than competing political arrangements. (Kurtz 2022)

This notion conforms to the liberal philosophy of Isaiah Berlin, John Rawls, and others. But the expanded scope Kurtz mentions is only possible for those who are what Sylvia Wynter has called the "generic human", who don't belong to any identifiable excluded groups (trans people or people of colour, say) but are identified with the white, middle-class, property-owning subject that is at the centre of liberalism's social ontology[11]. The problem with liberal universalism, as Wynter points out, is that its supposed universality is limited to the "overrepresented... generic, ostensibly supracultural human" with subjugated Others relegated to an entirely different "genre of human" (Wynter 2003, 288). Kurtz' curious description of a "neutral affirmation" of individual liberty suggests that there is more to librarianship's political outlook than meets the eye, an underlying tension between libraries' neutral, democracy-supporting self-image and the active role that I argue they play in maintaining liberal hegemony in capitalist society. Fundamentally, by implicitly subscribing to the notion of a "generic human" which librarianship's values, concepts, discourse, and policies helps to construct and maintain, libraries are able to present active, positive commitments to liberalism as neutral, common sense, or objective procedures. In this thesis I will explore the relationship between library values (such as intellectual freedom) and liberal hegemony, subjecting librarianship itself to political and ideological critique - demonstrating the materialist foundations of its self-image, views, and concepts - with a view to restoring intellectual freedom to a worldly and materialist political

11. Kurtz' "diverging conceptions" are private, relegated to "non-political" practices of thought and speech, as they are for Rawls (Rawls 1993, 10). Divergent considerations are only acceptable so long as they are kept private. In "Deviance, Politics, and the Media", Hall notes that "When new political movements come into existence, it is a matter of critical importance whether they are legitimized publicly within the 'political' category, or de-legitimized by being assigned to the 'deviant' category". 'Deviant' groups and individuals, Hall points out, are never seen as exploited, but only as sick, corrupted, led astray, etc. As a result, they can be "fixed" within the terms of the existing structure of power, "but they cannot organize or dissent" (Hall 1993a, 66). The fact that someone does not need to wholly identify *themselves* with this identity, but can be thus socially helps to explain how one can benefit, say, from white supremacy while being against white supremacy.

context.

The 1960s and the Resurgence of the People

To that end, I will connect the politics of Canadian libraries with a "resurgence of the people" that arose in the late 1960s. According to one perspective, the Civil Rights movement, gay and women's liberation, anti-colonial uprisings across the globe, and workers and students revolted against the social homogeneity and conformity that had been necessary for postwar reconstruction, the welfare state, and the "long boom" (Harvey 2005, 75). Wynter writes that in the 1960s, the rise of new social movements, in particular non-white activists, feminists, and "gay liberationists" presented multiple challenges to the normative image of the generic human, "calling into question the systemic nature of their negative markings as nongeneric or abnormal Others to a series of positively marked generic norms" (Wynter 2003, 327). These events and transitions drove changes in the politics, ideologies, and self-image of liberal states and their institutions, including libraries.

The resurgence of the people appeared to the establishment as a revolt against the prosperity of the postwar boom itself, understood since the 1950s in terms of homogeneous bourgeois wealth and finding its clearest expression in the faceless suburbia of the United States (Jameson 1991, 19). If individuals felt their own needs, desires, and potentials stifled by liberal prosperity, so too did collective groups who were denied that prosperity, excluded from white middle-class life because of class, race, gender, sexuality, or a number of other shared characteristics (Harvey 2005, 41). In order to pay for this white, middle-class prosperity as well as new social services like the National Health Service in the UK, the welfare state had to take and redistribute a share of capitalist profits, a process known as the postwar settlement or the postwar compromise between labour and capital (15). Social homogeneity, the repression of

individual desire, and social peace were civil society's share in the cost of the welfare state, in exchange for social services paid for by capital and supported by cheap labour imported from imperial dominions.

By the late 1960s, this uneasy balance began to fall apart. Capital began to experience a profitability crisis just as the resurgence of the people began to demand more acceptance and tolerance of difference. The new social movements thus coincided with a move to restructure the economy, renege on the postwar compromise, and restore both profitability and governability of workers. In economic terms, this was the implementation of a new "regime of accumulation" (Harvey 1990, 127–129) by cutting social services, welfare, and labour protections; in political terms, this shift required a wholesale ideological project in order to win consent for the new socio-economic model: neoliberalism. Neoliberalism promised individuals that they could achieve desires and self-fulfilment which had been blocked under the old system by arguing that the neoliberal state would get out of the way of entrepreneurial (individual) pursuit of self-interest. As David Harvey notes in his *Brief History of Neoliberalism*:

> Neoliberalism is in the first instance a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade. The role of the state is to create and preserve an institutional framework appropriate to such practices. (Harvey 2005, 2)

Neoliberal politics and ideologies overcame the old welfare-state sense of solidarity, sacrifice, and the repression of individual desire, and reiterated its commitment to individualism by going on the offensive against any expression of collectivity, whether by trade unions, immigrant groups, or any other "minority" identity. This political position was summed up in Thatcher's famous line that "There are individual men and women... there is no such thing as society" (Thatcher 1987). This process fits countries like England and the United States fairly

well, but Canada is an anomalous case, with a different historical trajectory partly due to its federated, multinational, and multicultural character.

While the Canadian government and the media attempted a similar anti-collective response in the late 1960s, it was forced to back away from a strict commitment to (neo)liberal individualism by pressure from some of the collective groups which form a part of the Canadian "patchwork quilt", namely Indigenous First Nations (who roundly rejected an assimilationist government policy in 1969) and Quebecois nationalists (whose activity forced the government to trigger martial law in the October Crisis of 1970). Since that time, Canada has tried to thread the needle between liberal or neoliberal individualism and collective rights. It adopted, throughout the 1970s and 1980s, a communitarian "politics of recognition" which mitigated its commitment to individualism (to placate collective groups) but only to a limited extent (to reassure the "silent majority" of liberal Canadians)[12]. As a result, Canadian political history from the late 1960s on has been a process of constantly maintaining a fragile balance between protecting Canada's fundamental liberalism - and the unity of the nation state *as liberal* - against demands and activism that are seen to threaten the confederation and Canadian sovereignty. While all capitalist societies need to balance similar demands, the Canadian situation is unique in that its main components are the two settler-colonial powers (one dominant, the other subordinate) and the network of Indigenous peoples and nations that pre-date confederation.

Central to the Canadian hegemonic project is the individualism derived ultimately from social contract theories. The Canadian state is only seen as legitimate in so far as it protects and supports the rights (mainly of autonomy and property ownership) of atomic, autarkic, free individuals. Commitment to and respect for individualism, individual rights, and individual property is one of the most significant legitimators of the sovereignty and power of the Canadian

12. I use the term "liberal" here in the sense of a political philosophy, ideology, and worldview, not in terms of specific political parties. In Canada, all three major parties are liberal in this sense: the Liberal Party is centrist (and often considered "Canada's natural governing party"), while the Conservative party is right-wing and the New Democratic Party is left-wing, all within the narrow limits of an overarching liberal consensus.

state[13]. What makes Canada's polyethnicity, multiculturalism, and multinationalism so problematic is that it forces the state either to assimilate difference, or to recognize it while still remaining explicitly committed to universal individual equality. The Canadian government's rhetorical commitment to shared and collective national self-determination is (I will argue in Chapter 3) limited by its underlying (and prior) commitment to individualism. This problem remains central to Canadian political life. As a result, any critique of (or challenge to) individualism is also a critique of Canadian sovereignty and the hegemonic project that supports it. Despite paying lip service to collective identity in the politics of recognition, Canada's survival as a liberal state is predicated on its commitment to individualism. Far from being "neutral" knowledge institutions, libraries play a significant role in the survival of the Canadian liberal state.

Proceduralism, Communitarianism, Recognition

Since this thesis is grounded in the genealogical study of politics and political theory, particularly the communitarian "politics of recognition" formalized in the 1990s, throughout this thesis I will engage directly with the relevant literature in political theory, including Charles Taylor's "Multiculturalism and the 'Politics of Recognition'" (1992) and James Tully's *Strange Multiplicity: Constitutionalism in a Age of Cultural Diversity* (1995), criticizing recognition from the perspective of Marxist social construction. Opposition to the politics of recognition tends to fall into two camps: the broadly liberal (either procedural liberals who insist on the primacy of individual rights over collective goals) and those who Taylor calls "neo-Nietzcheans" (leftists and postmodernists) who turn "the entire issue into one of power and counterpower" (C. Taylor

13. Such individualism should not be taken for granted in a natural or common-sense way. Skinner (1993) argues that while social contract individualism deriving from Hobbes' *Leviathan* did indeed achieve hegemonic standing within liberal political thought, it was challenged at the time, for example in James Harrington's 1656 crtique of Hobbes. Skinner wrote that "Harrington's objection to Hobbes is essentially that his views of political authority and citizenship are derived from the wrong model, the gothic model of the social contract" (Skinner 1993, 404) and that a triumph for the social contract would be a triumph for barbarism.

1994, 70). My own critique falls into the second category. In this section, I will touch briefly on the literature of recognition from these perspectives before turning to the literature of the politics of libraries and librarianship in the next section.

The politics of recognition arose out of the liberal-communitarian debate in the 1980s, which was a controversy between "procedural" and "communitarian" liberals. Procedural liberals tended to rely on a notion of the "unencumbered" self (Sandel 1984) derived from social contract and state of nature theories. While the origins of the debate reach back further into the history of political theory, Ronald Dworkin's 1978 paper simply titled "Liberalism" marks the beginning of the actual controversy. Dworkin drew on Isaiah Berlin's "negative liberty" (Berlin 1969), to support an individualist view of equality in which states remain agnostic toward any particular conception of the good (what Rawls called having a "thin theory of the good" (Rawls 1999, 347–348)) and which would guarantee individual rights through the equal application of neutral or objective procedures which ignore shared identity or collective allegiances. A second form of equality, which Dworkin rejects, but which forms the basis of Taylor's politics of recognition, sees states commit to some collective goals or goods and implement policies to achieve or extend them. For Dworkin, as for Berlin, such a "positive" concept of liberty was anathema to liberalism, and was unconducive to the just democracy liberalism supposedly engendered (see (Berlin 2002, 190–191)).

Michael Sandel traces the "liberal" tendency described by Dworkin back through Rawls to Kant, arguing that Rawls' theory of justice tried to create a Kantian ethical politics based not on Kant's transcendental subject but on an isolated, disengaged individualism "prior to and independent of purposes and ends" (Sandel 1984, 86). Any state composed of such individuals must, as in Dworkin, be itself independent of purposes and ends, leaving the unencumbered selves as "author[s] of the only moral meanings there are... free to choose [their] purposes and ends unbound by" a pre-existing order of values, which include "custom, tradition, or inherited status" (87). Sandel criticizes this form of liberalism for two reasons. Firstly, such a funda-

mentally free and unencumbered individual would not in fact be fully human: "to imagine a person incapable of constitutive attachments [i.e. social relations] is not to conceive an ideally free and rational agent, but to imagine a person wholly without character, without moral depth" (Sandel 1984, 90). Secondly, the kind of politics such an individualism would constitute is what Sandel calls the "procedural republic", arguing that if liberty in the early American republic was "a function of democratic institutions and dispersed power", in the procedural republic composed of unencumbered selves, liberty would be in opposition to democracy, would be "an individual's guarantee against what the majority might will" (94). The procedural republic, in other words, would not really be liberal, but libertarian in Robert Nozick's sense (Nozick 1974).

Sandel's critique of the Dworkin-Rawls form of liberalism was part of the communitarian tendency that also included Michael Walzer, Charles Taylor, and James Tully. Walzer (1990) argues that communitarianism describes ways of understanding liberalism. First, liberalism describes a free but fundamentally fractured society in which "liberal practices seem to have no history... members of liberal society share no political or religious traditions [and] can tell only one story about themselves... the story of *ex nihilo* creation, which begins in the state of nature or the original position" (Walzer 1990, 8). Second, liberalism ignores very real and politically important aspects of people's lives: "men and women cut loose from all social ties, literally unencumbered, each one the one and only inventor of his or her own life, with no criteria, no common standards, to guide the invention - these are mythical figures" (10). Walzer contends that the first view sees liberalism as *accurately* representing a fragmented society, while the second sees it as misrepresenting real life. Walzer problematizes both of these communitarian critiques, but ultimately comes to the conclusion that "liberalism is a self-subverting doctrine; for that reason, it really does require communitarian correction" (15). Walzer argues that "communitarianism is antithetical to transgression [of liberalism]", only seeking to "fix and stabilize" it in order to "end the endlessness of liberal liberation" (14). But communitarians can only do this by recognizing "there is no one out there but separated, rights-bearing, voluntarily

associating, freely speaking, liberal selves", though it would be "a good thing... if we could teach those selves to see themselves as social beings" (Walzer 1990, 15).

The politics of recognition sought to combine just these two elements, to support and reinforce the idea that even liberal selves are social beings, while grounding politics on a hard core of separated, rights-bearing, selves. Alisdair MacIntyre's *After Virtue* (1984) and Taylor's *Sources of the Self* (1989) both try to find communual grounds for liberal politics, MacIntyre in a return to an Aristotelian virtue ethics and Taylor by showing how the idea of the unencumbered self came about in the history of philosophy.

One prominent form of communitarianism, the politics of recognition, was philosophically explored in Taylor's "Multiculturalism and 'The Politics of Recognition' (1992), James Tully's *Strange Multiplicity* (1995), and Axel Honneth's *Struggle for Recognition* (1995). Honneth argues that the figure of the free individual first makes its political appearance in Machiavelli (Honneth 1995, 8) and it was Hegel who first began to rigorously challenge the individualism of the social contract and liberal thought. Honneth describes Hegel's "intersubjective innovation" (11) as developing out of a re-engagement with pre-modern political thinking. It was only with the advent of capitalism in a few Italian city-states in the fourteenth-century that the process of dissolving corporate or communal feudal relationships and replacing them with individualized relationships (primarily of buyer and seller) began. Until then, political thought had understood individual subjectivity as formed by the social order and social relationships. Modern political thought, however, began to see society not in terms of communal relationships but as a situation in which political power/sovereignty lay in being able to limit and constrain a Hobbesian individualistic "war of all against all" for self-preservation (8–10). The state and civil society are, on this view, a necessary evil, setting limits to or constraints on individual freedom for the preservation of society. Subsequent political ideologies have been defined around whether such limits are legitimate and how far a compromise with individual freedom is acceptable. Even today, liberal states are judged on how well they foster and defend individual

freedoms, that is how "minimal" the interference of the state actually is. The most liberal state is, in this view, the one that remains most aloof from any values or collective goals of its own.

As Walzer noted, this view finds philosophical justification in Kant, who described Enlightenment as "man's emergence from his self-incurred immaturity" which is "the inability to use one's own understanding without the guidance of another" (Kant 1991, 54). Kant ascribes the inability and unwillingness to think for oneself (i.e. to exercise one's reason/intellectual freedom) to a cowardice and laziness that allows others to think for one[14], both of which make it hard for any individual to free themselves from the state of intellectual immaturity without public support:

> It is difficult for each separate individual to work his way out of the immaturity which has become almost second nature. [...] There is more chance of an entire public enlightening itself. This is indeed almost inevitable, if only the public concerned is left in freedom. [...] For enlightenment of this kind, all that is needed is *freedom*. And the freedom in question is the most innocuous form of all - freedom to make *public use* of one's reason in all matters. [...] The *public* use of man's reason must always be free, and it alone can bring about enlightenment among men. (54–55)[15]

Already we can begin to see the tension between individual freedom and the social context necessary for it, a tension made explicit by the communitarians. Honneth and Taylor both turned to Hegel to provide an alternative to procedural liberalism's fundamentally individualist politics. Honneth describes the young Hegel questioning "the individual presuppositions of Kant's moral theory" then dominant, a questioning which eventually developed into "the conviction that, for the foundation of a philosophical science of society, it would first be necessary to break the grip that atomistic preconceptions had on the whole tradition of modern natural law" (Honneth 1995, 11). Taylor connects Hegel's intersubjective position with the rise of a

14. Gadamer remarks that Kant "totally excluded the concept of *sensus communis* from moral philosophy" and that the categorical imperative "totally excludes any comparative reflection about others" (Gadamer 2013, 30).

15. Kant's vision of self-directed intellectual improvement provides the basis for the "Enlightenment thesis" of libraries we will look at in the next chapter.

particular concept of human dignity, which takes as "fundamental that we can flourish only to the extent that we are recognized" (C. Taylor 1994, 5)[16]. In all these views, however, the free liberal subject remains in place. All that is added is a recognition that social relations are important for free, true individuals to flourish. By contrast, Gadamer prefigured the "neo-Nietzchean" critics of communitarianism, summing up the Hegelian model of intersubjective individuality in terms very different from Kant's *sapere aude*:

> Every single individual who raises himself out of his natural being to the spiritual finds in the language, customs, and institutions of his people a pre-given body of material which, as in learning to speak, he has to make his own. Thus every individual is always engaged in the process of Bildung and in getting beyond his naturalness, inasmuch as the world into which he is growing is one that is humanly constituted through language and custom. (Gadamer 2013, 13)

Hegel, for Gadamer, is still beholden to an idea of naturalness, a pre-social individuality, though he goes further than Kant in recognizing that the process of intersubjective Bildung is unavoidable and inseparable from what we think of as individuality.

As we will see in Chapter 4, Taylor and Tully's communitarianism, including the politics of recognition, cannot adopt a socially-constructed understanding of individual subjectivity, since it is bound by liberalism's fundamental individualism[17]. As a result, the Canadian context could modify but never entirely leave behind the image of an individualist, egalitarian, non-"tribal" Canada. As much as Taylor insists that the atomic individual cannot proceed from a pre-social state of nature, the individual is still in some sense a quasi-natural foundation for liberal social ontology, even in Taylor[18]. For Taylor, then, state *can* adopt or construct *some*

16. Bhambra and Holmwood (2021) however argue that Hegel's theory of recognition not only applied solely to a European subject insulated from actually-existing slavery, but that it was in fact used to justify slavery in colonized areas (Bhambra and Holmwood 2021, 46–50).

17. This is not to say that you could not have a fully socially constructed view of the individual self and still be committed to the primacy of moral individualism, but it would mean recognizing that "moral individualism" is a social product, and this is the step Taylor, for example, does not take. For Taylor, moral individualism still pre-exists intersubjective relations, and this places a limit on how much difference from a specific (liberal) kind of individualism his politics can tolerate.

18. In other words, once something has historically (contingently) occurred, it becomes for Taylor, a historical

shared values and collective goals, as long as it remains committed to an unquestionable set of individual rights (C. Taylor 1994).

In fact, recognition specifically allows for the registering of difference while maintaining what Judith Butler calls the "ontological integrity of the subject before the law". Butler describes social contract individualism as "the performative invocation of a nonhistorical 'before' [that] becomes the foundational premise that guarantees a presocial ontology of persons who freely consent to be governed and, thereby, constitute the legitimacy of the social contract" (Butler 1990, 4). I read Taylor's view of intersubjectivity as saying that it doesn't matter what the *before* was like (state of nature or primitive communism, say), but that *now* we must take the "ontological integrity of the subject before the law" (4) as a quasi-natural fact. Far from being a struggle over power, the practice of politics, for someone like Taylor, then becomes purely a descriptive rather than a normative practice, seeking to more accurately understand and conform to the "natural facts" of human social organization. As in proceduralism, communitarian politics ends up becoming an optimization problem.

The politics of recognition has been criticized both from within and outside communitarianism itself. From within communitarianism, Habermas and Walzer's critiques in particular are important. Habermas's response to Taylor's essay on recognition notes that "modern constitutions owe their existence to a conception found in modern natural law according to which citizens came together voluntarily to form a legal community of free and equal consociates" and asks whether "a theory of rights that is so individualistically constructed can deal adequately with struggles for recognition in which it is the articulation and assertion of collective

necessity, it takes the *form* of a natural fact, necessary and unchangeable. This probably requires some explanation. As much as Taylor agrees with Hegel's intersubjective view of subject-formation, and sees liberal societies as the best ones to bring them about, he still sees liberal societies and individualism as having come about contingently rather than deterministically. It is this contingency that makes individuals and nation-states appear (and to all intents and purposes, actually *be*) natural. Rorty gets at this form of contingency when he writes of Orwell's *1984* that "he is not saying that the nature of man or power or history insures that the boot will grind down forever, but rather that it just *happens* that it will. He is saying that it just so happens that this is how things came out, and that it just so happens that the scenario can no longer be changed. As a matter of sheer contingent fact - as contingent as a comet or a virus - that is what the future is going to be" (R. Rorty 1989, 183).

identities that seems to be at stake?" (Habermas 1994, 107). Habermas sees Taylor's theory as allowing cultural, ethnic, and other differences to be recognized only as long as they do not disrupt the regularity and order of liberal society (134–135). However, while Taylor thinks that a departure from pure individualism can be justified without becoming illiberal, Habermas conceives of a liberal society as one ordered by universally equal citizenship before the (neutral, procedural) law, but in which "universality" becomes more nuanced and context-sensitive (via communicative reason) in order to account for difference (116).

Walzer, on the other hand, argues that if we conceive of the politics of recognition as a model for a communitarian liberal politics, a politics which decides on its own collective goals and idea of the good, then *that* politics would likely choose to adopt procedural liberalism as the best way of achieving those goals, thus reconciling the liberal and communitarian positions within a single unified political framework (C. Taylor 1994, 99–103).

Critics from the left, post-structuralist, and feminist perspectives, however, take a different approach, based on the unequal distribution of power and material resources, and questioning the surviving centrality of the liberal individual subject.

The critique of recognition from the perspective of power and redistribution is exemplified by the work of Nancy Fraser, Glen Sean Coulthard, and Patchen Markell. Fraser (1999), for example, notes a distinction between redistributive claims and claims for recognition, and argues that in the 1990s "the demise of communism, the surge of free-market ideology [and] the rise of 'identity politics'" made recognition predominate over (decenter or even extinguish) calls for egalitarian redistribution (N. Fraser 1999, 25). However, Fraser argues that redistribution (associated with class politics) and recognition (associated with identity politics) are a false antithesis, which on the one hand separates struggles for economic justice from struggles in identity politics, and on the other hand subsumes a multitude of recognition-claims under a single, universal claim (for recognition of identity-based difference). What Fraser wants to do

is to overcome this false antithesis and treat both redistribution and recognition as "dimensions of justice that can cut across all social movements" (N. Fraser 1999, 27).

Similarly to Fraser, Coulthard (2014) argues that the communitarian politics of recognition does not go far enough to overturn the settler-colonial politics of dispossession and oppression in Canada, leaving intact both the presumption that settler-colonial sovereignty over Indigenous peoples is legitimate, and the appropriateness of the state itself as form of governance (Coulthard 2014, 36). Neither economic redistribution nor destabilizing the settler-colonial state was ever a goal of the politics of recognition. While communitarian forms of the politics of recognition like Taylor's and Walzer's leave the basic structure of liberal-capitalist society untouched *while* recognizing community, collective goals, etc, Fraser's recognition is deeply integrated with economic redistribution and Coulthard's with the material requirements of decolonization. These make for a much more radical critique of recognition than those posed from within communitarianism itself.

Along the same lines, Markell (2009) argues that recognition may not only "misunderstand deep-seated structures of inequality and relations of power" but might also "actually help to create or reinforce them" (Markell 2009, 4) by mistaking "the irreducible conditions of social and political life" for "pathologies that might some day be overcome" (4). Markell focuses less on the question of subject formation than on the idea that injustice and oppression are not "systemic failures by some people to recognize others' identities" but rather are "ways of patterning and arranging the world that allows some people and groups to enjoy a semblance of sovereign agency at others' expense" (5). Markell's view of recognition as an "equivocal instrument of emancipation" helps explain why Taylor and Tully's politics of recognition, while developed with real progessive intentions, in the end played into the hegemonic requirements of the Canadian state in the 1990s (see Chapter 4).

Critics who challenge the politics of recognition's conception of subject formation argue

that while such a politics may recognize communal and collective belonging, it remains indebted to a bourgeois, liberal idea of individual subjectivity. Lois McNay, for example, critiques recognition from the perspective of the social construction of identity, arguing that despite its Hegelian intersubjectivity, the politics of recognition still relies on a "simplified understanding of subject formation, identity and agency in the context of social hierarchies" (McNay 2008, 2). Each proponent of recognition ends up naturalizing and universalizing their own account of individual subjectivity and agency. As a result, the politics of recognition does not support a dialogical (i.e. Hegelian) account of subjectivity, but rather ends up "invoking relatively abstract and disembodied conceptions that are closer than they might care to acknowledge to the monological [i.e. liberal, Kantian] concepts they oppose" (2). Despite their progressive intentions, then, communitarians like Taylor and Tully end up remaining deeply connected to orthodox liberal social and political theory.

McNay observes that much of the communitarian response was a way to try to accommodate some of the post-structuralist critiques of liberal individualism while not succumbing to post-structural relativism. The Hegelian, dialogical perspective on subject-formation allows communitarians like Taylor to take communal and social relations seriously without admitting that some aspects of subjectivity are not only harmfully influenced through misrecognition, but are actually mis-created through unjust and oppressive structures of power. McNay writes that Taylor's conception of an essentialist, authentic life as a "coherent narrative structure rests on a... normative view of language as basically an untrammelled medium of self-expression" (75)[19].

Mark Wenman identifies a similar tension between dialogic subject formation and identity as somehow antecedent to social relations in both Taylor and Tully (Wenman 2011, 142). The politics of recognition is only communitarian up to a certain point, after which it relies on

19. In his work on representation, Hall challenges this "intentional" view of language, with speech as autonomous self-expression, adopting a more poststructuralist view of language as both socially constructed and socially constructing (Hall 2013, 10–11).

standard liberal conceptions of consent among self-determining individuals to ground politics (Wenman 2011, 143). Recognition, indeed communitarianism as a whole, is only a politically useful or socially just addition once the requirements of procedural liberalism are met. This leads Tully, in Wenman's view, to a position in which "some background assumptions *must* always be held firm whilst others are put into question [...] At best, Tully presents a limited conception of revolution, understood as a particularly acute form of augmentation" (179)[20]. This "limited conception of revolution" conceived as incremental reform, constrained by "background assumptions" are what, in this thesis, I call the limits of recognition bounded by, for example, the background assumption of a (partially modified) liberal individualism.

Question of power and social construction sometimes combine within a single critique, as in Amy Allen's (2010) claim that the individualistic limit to dialogism makes it hard for recognition theorists like Taylor, Tully, and Honneth to fully comprehend the notion of social reproduction over time (even when dealing with the "continuity" of cultural groups) and the ways social and cultural orders *produce* rather than simply modify individual selves. Drawing on the work of Judith Butler and Lois McNay, Allen points out the ways in which social norms and values are passed along to children through families, including norms and values of subordination or subjection. Again, the tension between dialogic and independent notions of subject formation arises, this time in the context of feminist concerns around social reproduction. Allen notes that "subordinating norms, practices, and modes of identity can be - and, in the case of gender norms, often are - passed along from parent to child with little to no struggle" a fact "crucial for understanding the maintenance, reproduction, and stubborn persistence" of injustice and oppression over time (Allen 2010, 28).

Michael Walzer's comment about the politics of recognition being antithetical to transgression ties in to Kelly Oliver's view of the tension that exists between "recognizing the familiar

20. The idea that there must remain *some* stable background assumptions is, as Wenman points out, derived from Wittgenstein, and became a core element of later analytic philosophy, for example in (Quine 1951) and (Sellars 1997).

in order to confirm what we already know" and "listening for the unfamiliar that disrupts what we already know" (Oliver 2001, 2). Oliver expands on this idea to argue that one of the things we "already know" is the subject/object division inherent in the recognition relationship:

> To see oneself as a subject and to see other people as *the other* or objects not only alienates one from those around him or her but also enables the dehumanization inherent in oppression and domination [...] To see other people as objects or the other denies them the sovereignty and agency of subjectivity [...] as unable to govern themselves as subjects. (3).

Oliver argues that Honneth, Taylor, and other proponents of the politics of recognition don't clearly see the consequences of a dialogic account of subjectivity, in which a self is not (fully) a self until it is recognized by another, i.e. does not have its own agency as a self. Oliver rejects the objectification inherent in the model of recognition drawn from Hegel.

Among communitarian proponents of the politics of recognition, then, the "dialogic self" is constrasted with the "unencumbered" or "disengaged" self of procedural liberalism, but does not go as far as a socially constructed view of the self. This prevents recognition theorists from fully comprehending the reproduction of a social order *through* the construction of a self already imbued with norms and values, and it allows them to prioritize (morally, if not ontologically) the autonomous liberal individual. This explains the limits of the politics of recognition, whether those appear as communitarianism correcting (but not rejecting) liberalism (Walzer), requiring a hard-core of liberal rights before communitarianism can be adopted (Taylor), allowing for limited, incremental change rather than wholesale revolution (Tully) or choosing procdural liberalism from a communitarian sense of political agency (Walzer again).

My own position draws on a particular conception of language and social construction. The question of language and communication is central to many accounts of the politics of recognition. For Tully, recognition is a matter of *audi alteram partem*, hearing the other's part (Tully 1995, 35), while Habermas integrated recognition into his theory of communicative

action (Habermas 1994) (Allen 2010, 21–22). This view, however, tends to see speech, language, and communication in general from a liberal perspective, as the self-expression of a pre-existing subject (whether dialogically formed or not). The notion that language acts as a *structuring* process, rather than as a tool to be used by an internal, pre-linguistic agent, is a hallmark of the kind of social construction perspectives I will explore, in particular Stuart Hall's in Chapter 2. This alternative view of language helps support a socially constructed view of subjectivity from which I will critique Taylor and Tully's politics of recognition as well as the concept of intellectual freedom in librarianship. Like many of Taylor's "neo-Nietzcheans" I also include an analysis of power relations in my account of Canadian liberalism and the politics of libraries. My concern with power puts me at odds with the liberal-Enlightenment view of libraries we will look at next, which tends to ignore power and does not engage in any kind of power analysis. Indeed, power is often absent from any conception of libraries that sees society as made up of primordially free individuals, whose rationality appears to transcend questions of power, thereby erasing them. One major concern of this thesis is to establish a sense of worldliness and power within such a disengaged or unencumbered librarianship.

Two Theories of Librarianship: An Overview

The dual nature of the modern library - state-funded institutions that are nevertheless morally and rhetorically, but not legally or organizationally, independent from state control[21] - installs a deep ambiguity, if not an outright contradiction, at the heart of libraries themselves. This ambiguity can be seen in the coexistence of an "Enlightenment thesis" and a "social control thesis", each offering a different explanation of the role libraries play in modern society.

21. Public libraries are created by legislation, such as the British Public Libraries Act of 1850, and are organizationally departments of their parent municipalities. Fully independent libraries like the London Library are rare exceptions. Academic libraries are legally and organizationally state institutions insofar as universities are legislated and state-run (i.e. the norm in Canadian higher education).

The so-called "Enlightenment Thesis" is the predominant ideology of librarianship. Wayne Bivens-Tatum, in *Libraries and the Enlightenment* argues that

> The Enlightenment gave us a belief in the value of using scientific investigation of nature and society in order to improve the lot of humanity, as well as a belief in the value of individual human freedom within a republican political system. [...] The desire for self-education, and later the belief in the necessity for self-education among citizens of a democratic republic, led to the creation of public, or at least social libraries, both from below and from above. (Bivens-Tatum 2012, 94)

The Enlightenment thesis continues to dominate librarianship's self-image, rhetoric, and policies, despite challenges to it from left and right throughout the 20th century and into the 21st. What is important here is the idea of individualism and the attendant idea of self-education which meet in the concept of intellectual freedom. From there, the notion of individual and social progress taking place *through* intellectual freedom is inculcated by state-funded institutions like libraries. Bivens-Tatum claims that "despite later twentieth-century controversies about the purpose of public libraries, in the United States they were almost always founded as a means of spreading education and enlightenment necessary to the citizens of a democratic republic" (93–94). We will see in Chapter 5 how the idea of education and individual enlightenment were deeply connected to the notion of the democratic American republic among its founders, in particular James Madison and Thomas Jefferson.

The "social control thesis" directly challenges the Enlightenment view, seeing the founding of public libraries as instruments of political and social power vital to the victorious capitalist class after 1848. The social control thesis argues that libraries served a very different purpose than that of individual intellectual development, the cultivation of personal taste, neutral or objective (self-)education, and democratic participation. Rather, libraries developed alongside public schools and other late 19th century institutions to maintain the bourgeois social order in the face of the decline of the power of the church and the rising fear of working-class radicalism (Black 1998). The role of the library was to instil middle-class values and to consolidate

domination over the working class through the imposition of silence, propriety, standards of hygiene, and respect for private property and exchange relations. From the 1970s on, the work of "revisionist" library historians like Dee Garrison's "The Tender Technicians" (1972), Michael Harris' "State, Class and Cultural Reproduction" (1986), and Alistair Black's *New History of the English Public Library* (1998) explored the contradictions between the Enlightenment self-image of libraries and the ramifications of the social control thesis.

Despite the presence of such critical work in the field, more recent scholars like Christine Pawley have noted the continued absence of class analysis in Library and Information Studies (LIS)[22] curricula, in contrast to other disciplines, its place taken by theories of neoliberal managerialism. In "Hegemony's Handmaid?" (1998), Pawley asks whether this absence is reflective of the insularity of the field or whether it is "more than an oversight, perhaps even a willingness to comply with a dominant, but unstated, value that favors the maintenance of inequality" (Pawley 1998, 124). Pawley's class-centred view of the hegemonic role played by libraries was part of a longstanding critical undercurrent in LIS, but as the reference to hegemony shows, it also exemplified a new engagement with Gramsci in the 1990s, for example in John Doherty's "The Academic Librarian and the Hegemony of the Canon" (Doherty 1998). This engagement with Gramsci continues into the present with work such as Bales and Engle's The "Counterhegemonic Academic Librarian: A Call to Action" (Bales and Engle 2012). In his 2015 monograph, *The Dialectic of Academic Librarianship: A Critical Approach*, Stephen Bales calls for counterhegemonic praxis in library work and notes that while core professional values like intellectual freedom are "simplistic abstractions", librarians are often unaware of "how material reality may run contrary" to such values, as well as "how contradictions within this reality obviate attempts at achieving [libraries'] abstracted goals" (Bales 2015, 29).

22. In many ways, the library profession and LIS are two solitudes. Library workers are concerned directly the maintenance of hegemony and social control in practice, while LIS is an academic discipline performing a similar but distinct role at the intellectual level. Throughout this thesis I will use "librarianship" to refer to the combination of the practice of library work and LIS, treating them separately where necessary.

However, in the discourse of intellectual freedom, Gramsci is co-opted to Mill's utilitarianism, becoming a defender of individual rights and freedoms, with class society merely an expression of Mill's individual-society conflict. For example, Douglas Raber often claims that Gramsci reiterates Mill's argument, arguing for example, that "personal liberty must be privileged over social authority... the formal protection of individual rights may be problematic if society is dominated by an historic bloc" and that "society can exercise its own mandates without using the coercive apparatus of the state" are views shared by both Mill and Gramsci (Raber 2014, 126). Nowhere does Gramsci suggest that class society is ever not dominated by a historic bloc, or that hegemony does not require both consent *and* coercion. The lack of a real power analysis in liberal thought allows Raber to imagine a mythical "undominated" society in which consent is not backed up by coercion. Similarly, when Raber concludes that "Mill and Gramsci both agree that the power they observe is subtle, representing a cultural assault on individuality" (126) he appears to understand - as Taylor and Tully do - that collective rights are important and that the social affects individual subjectivity, while ignoring Gramsci's Marxist view that the social and cultural order *produces* individuals and that coercion is not the only means by which hegemony is produced and maintained.

Raber ignores two important considerations. The first is the element of coercion present in the libraries policies towards users: late fees and other fines as well as security procedures are *materially* coercive practices, not merely matters of consent. The second is that Raber unconsciously draws a distinction between professionals and workers. By ignoring the fact that librarians are *workers* (i.e. drawing on the 19th century image of librarians as gentlemen), he can ignore the *internal* coercive pressures that prevent counter-hegemonic practice (for example, in the way that internal policies permitting transphobic room rentals silence trans members of library staff, or the way the library hierarchy centred on the Chief Librarian allows for top-down decision making and representational practices, but not bottom-up ones). Because he can take professional autonomy more-or-less for granted (with librarians as organic

intellectuals) and because his view of counter-hegemonic practice is focused *outward* into the effects of library policy and practice on broader society, Raber misses how consent/coercion are both actively in play within the library itself. Librarians may be organic intellectuals, but they are certainly library workers, subject to the coercion and discipline that capital metes out on all workers[23].

A proper Gramscian analysis of librarianship would begin with the fact that the early tax-funded libraries were creations of the newly-victorious bourgeoisie after 1848, and the first librarians were the organic intellectuals of that class. As the class nature of library work has changed, librarians have been thoroughly proletarianized through what Marx called the expanding process of subsumption of labour under capital (Popowich 2024), with the result that librarianship has taken up a place alongside the traditional intellectuals, *appearing* to be autonomous and independent of class domination, while in reality fully participating in it, organizing it, and working to maintain it.

Habermas' work on the bourgeois public sphere has also played an important role in library debates over Enlightenment and social control. John Buschman, for example, relies on Habermas to criticize what he sees as departures from the proper (Enlightenment) role of libraries in liberal society (Buschman 2003, 2014). However, in Buschman, Habermas' critical view of the rise of liberal society (e.g. the bourgeois public sphere) is typically replaced by a fully liberalized theory of communicative action, in which libraries serve to enable the intersubjective speech acts of individuals. In this view, the public sphere - far from being a realm of class self-recognition, consciousness formation, and the growth of political power, as it is for Habermas - becomes merely a sphere of consensus and progress, with libraries playing the role of coffehouse, salon, or newspaper. This is Habermas' theory of the public sphere interpreted by liberal librarians who see themselves as free and independent agents,

23. Precarity within the profession has been a topic of research in the last number of years, see for example (Henninger et al. 2019).

the beneficiaries of the bourgeois public sphere, rather than as subaltern, marginalized or oppressed people. The identification of both library staff and library users with the liberal autonomous individual of the 18th century public sphere, deliberately ignoring class, gender, and racial realities, is one of the ways in which liberal philosophy is hegemonically encoded within the profession, and one of the means by which those who fall outside the sphere of bourgeois life can be identified and either assimilated or excluded.

Buschman writes that

> In Habermas' high-theory terms, he has articulated the concept of libraries as democratic public spheres, holding out the possibility of communicative reason, truth verification, rational argumentation, and the providing of alternatives and alternative public spaces - all essential to a democratic culture. [...] The democratic possibility of rational communication also gives a way out of the radical pessimism that the critique of positivism and instrumental rationality has sometimes engendered in librarianship. (Buschman 2003, 179)[24]

Despite the liberalism of Habermas' own views, and the fact that his work is primarily used to defend rather than critique the Enlightenment thesis, he still retains some of the perspectives of Marxist Critical Theory, as when he writes that "the political task of the bourgeois public sphere was the regulation of civil society" (Habermas 1989, 52). Accordingly, Habermas should more properly be read as supporting the idea that libraries, like other public sphere institutions are institutions not of Enlightenment but of social control entangled with the hegemonic project of liberalism itself. Buschman ignores this critical edge and sees social inequality as accidental (and therefore easily ameliorable) rather than structural (c.f. Markell's critique of recognition above). In this view, the library can be understood - at least aspirationally - as serving a single, homogeneous group of individual (universally equal) citizens rather than as mediating the relations between the liberal-capital state/society and subaltern classes, races, sexualities, and other identities.

24. By "radical pessimism", Buschman means versions of the social control thesis.

By far the most sustained engagement with intellectual freedom issues has been Toni Samek's, in particular her *Intellectual Freedom in American Libraries, 1967-1973* (Samek 2001). In that work, Samek analyzes the controversies around intellectual freedom that arose at the end of the 1960s, showing that they were part of a wider interest in American society for alternative media, in the context of anti-Vietnam War protest and the Civil Rights movement. Samek's linking of library-centric debates with wider conjunctural analysis provides an example of the extended connection between library history and political change that informs this thesis. Samek, however, does not radically challenge the profession's liberal political theory and values. In *Librarianship and Human Rights* (2007), she reiterates the liberal understanding of democratic human rights and the necessity of liberal institutions and values to support and protect those rights. In a recent edited collection, Samek and her co-editor Patricia Demers write that "libraries and archives, at once public institutions providing both communal and private havens of discovery, are being repurposed and transformed in intercultural contexts. Only by keeping pace with users' changing needs can they secure the regard as the richest resources of an informed citizenry" (Samek and Demers 2019, 3). Taking their cue from Habermas, Samek and Demers take the position that "libraries and archives embody the expanding scope of the public, and the emancipatory potential of public deliberation" (3). While I agree with much of Samek's work on intellectual freedom, I depart from her account in contending that "users' changing needs" do not freely arise in individuals but are socially constructed by institutions like libraries, which has real political consequences for "the emancipatory potential of public deliberation".

In the 1980s and 1990s, labour activism, queer activism, and opposition to the Gulf War provided the context for "progressive librarianship" (Lewis 2008). While rejecting neutrality as such, the Progressive Librarians Guild (founded in 1990), maintained a commitment to a Habermasian public sphere and American republican democracy that sought to resist the privatization, commercialization, and commodification of cultural and intellectual life:

> A progressive librarianship demands the recognition of the idea that libraries for the people has been one of the principal anchors of an extended free public sphere which makes an independent democratic civil society possible, something which must be defended and extended. This is partisanship, not neutrality. [...] Members of PLG do not accept the sterile notion of the neutrality of librarianship, and we strongly oppose the commodification of information which turns the 'information commons' into privatized, commercialized zones. We will help to dissect the implications of these powerful trends, and fight their anti-democratic tendencies. (Progressive Librarians Guild 2022).

In this thesis, I take a different approach, in which neither liberal values nor institutions are beyond critique, and in which libraries do not demonstrate the expanding scope of popular will and participation, but rather often support political hegemony within societies structured by settler-colonial cispatriarchal capitalist power and the systems of domination and oppression such societies require.

The influence of Progressive Librarianship has waned somewhat in recent years, possibly because of its focus on more traditional labour activism which is now seen as out of step with contemporary social justice concerns. Other currents have sprung up however, in the form of radical or critical librarianship. Critical Librarianship takes its cue from the *ideologiekritik* and emancipatory focus of critical theory. As Nicholson and Seale remark in their introduction to the edited collection *The Politics of Theory and the Practice of Critical Librarianship*, in the face of a hegemonic library ideology that "acts to reproduce patriarchy, neoliberal ideology, neutrality, and white supremacy... librarians have increasingly looked to critical theory as a means to critique, destabilize, and change normative practices and discourses within LIS, generally with the aim of enacting social justice" (Nicholson and Seale 2018a, 5). Concrete examples of library activism on this front include grassroots agitation to change offensive Library of Congress Subject Headings (e.g. "illegal aliens") (Lo 2019) and to cut ties with the American Central Intelligence Agency by protesting its recruitment booth at an American Library Association conference (Parrott 2019), both of which have been informed by critical librarianship theorizing.

This thesis, then, primarily focuses on Canadian politics and political theory, but is also intended as a contribution to the literature of critical librarianship, extending the Gramscian idea of hegemony through the work of Hall, and drawing upon the post-Gramscian theories of language, representation, and ideology with which Hall deeply engaged. Additionally, the focus in this thesis is less on practical library work than on the way the representations of library values in decision-making and policy maintain and reproduce hegemonic structures of 21st century capitalism. As Fredric Jameson has noted, "in this society, what look like ideas require vigilant demystification as the messages of so many institutional or bureaucratic infrastructures" (Jameson 1981, 39), including libraries and librarianship.

Against Library Neutrality

The espoused values of libraries - neutrality, liberal-democracy, intellectual freedom, etc., as enunciated in values statements, press releases, research articles, and histories of libraries - create a tension in the role libraries play in Canadian society: libraries position themselves as "neutral" facilitators, arbiters, nurturers, and defenders of individual rights and liberties but at the same time they are active proponents of a specifically liberal ideology, agenda, and socio-economic order - a commitment that often goes unrecognized and unquestioned within the profession. The characterization of library work as "neutral" gets at the heart of this apparent contradiction: the commitments that librarianship upholds and maintains are so taken for granted that they are considered a neutral, common sense - almost natural - ground for the profession and library policy. Anyone who has different commitments is characterized as naive, ignorant, or an almost totalitarian adherent to "wokeism". Throughout this thesis I will argue that what looks like a contradiction here is in fact part of a larger hegemonic strategy to win popular support to specific (i.e. non-neutral) political commitments, values, and ideas.

In this thesis, I argue that far from being neutral, public libraries are committed to a version of classical liberalism derived from the social contract theorists (e.g. Hobbes, Locke, and Rousseau), the intellectuals of the American Revolution (in particular Jefferson and Madison), and liberal philosophers like John Stuart Mill. Political theory more recent than the mid-19th century is accounted for in the library literature by the occasional reference to Habermas or Gramsci, but on the whole the dominant political theory at play is that of social contract liberalism[25]. This outlook assumes a social ontology in which white, property-owning, rights-bearing cisgendered and heterosexual subjects (originally only men) are born free and autonomous, only choosing to enter social relations through contract after the fact. Library doctrines (including but not limited to intellectual freedom) are firmly based on this mythical social ontology: individuals are primordially free, physically and intellectually, and social relations are first and foremost a limitation on that freedom. Librarianship's mission or calling is to "neutrally" defend these individualized freedoms.

In the American context, such individualism is fundamental, and the social ontology is binary: either you are assimilated to liberal autonomous subjectivity or you are excluded from the regime of civil rights (Du Bois 2014, 28; K.-Y. Taylor 2016, 34–36). In Canada, however, the resistance of collective groups in the 1960s and 1970s, as well as the expansion of immigration and multiculturalism, means that the distinction between inclusion and exclusion is not so black and white (H. Palmer 1976; Peach 2005). Increasingly, Canadian library users did not fit the "standard model" of library user: cisgendered, white, tax-paying, English speaking, bourgeois.

In this thesis, I will argue that as Canadian society changed, it eventually began to recognize a "zone of acceptable difference" around the original (white, cisgendered, male) subject, tolerating certain departures from the liberal norm for the sake of social peace. But

25. This is despite the fact that liberal political philosophy has itself developed beyond the classical tradition, for example into forms of communitarianism, which I will look at in due course. On the other hand, heterogeneous political theories only exist as oppositional, subaltern tendencies within the profession, with Marxism, Queer Theory, and Black thought subsumed under the heading "critical librarianship".

this means that, while in the United States libraries are secure in their commitment to liberal individualism, in Canada the process of policing the boundary of the zone is more complicated and nuanced. No single approach - such as invoking the individual right to intellectual freedom, for example - will suffice to stop debate, marshal social forces, or manufacture consent. Though, as at TPL, these invocations are deployed, in some cases they are insufficient to achieve the necessary disciplinary result, and libraries must therefore be pragmatic in the ways they choose to police the boundary between those who count as suitable and unsuitable types of library user. I will argue throughout this thesis that libraries adopt different mechanisms depending on who they are trying to exclude and on what kind of challenge to social tolerance those people represent.

In the Toronto and the Winnipeg cases the *ways* trans and Indigenous people were excluded differed in each case: in Toronto symbolic or discursive exclusion (what I see as the manufacturing of consent) was primary (backed up by the police) and in Winnipeg physical exclusion (i.e. the coercion of state power and private security) was primary, supported by a longstanding discursive animus towards Indigenous people. I will argue later that these different responses are the result of what Hall et al. have called the symbolic thresholds of social tolerance (Hall 2013, 221). Since trans people initially represent what bourgeois society sees as "permissiveness" (rather than illegality or violence)[26], and do not disrupt the working of the library as such, their exclusion is primarily symbolic or cultural. Indigenous people, on the other hand, are presumed to always potentially transgress the "extreme violence" threshold, impeding the functioning of the library itself, and are therefore subject to direct physical exclusion from library spaces. This is not to say that symbolic challenge is milder or less severe than violent threat, simply that they operate on different ends of the spectrum of consent and

26. Attempts to escalate the trans threat from permissiveness to illegality and violence is an ongoing tactic of the right, in the guise both of a fear of male violence against women in women's spaces (like bathrooms), and of the supposed violence done to children - particularly girls - through hormone therapy and surgery. Gender affirming practices are therefore assimilatable to challenges to all three thresholds of social tolerance.

coercion[27] and therefore invite different kinds of responses, according to which of the social thresholds they transgress.

Insofar as they both reflect the political struggles of wider society and participate in them, libraries respond to *and* deploy the kind of moral panics Hall analyzed in the 1970s through their own policies and representations. In the same way that, for Hall, popular consent is first constructed by the state and the media, and then turned around and consulted to support a hegemonic project, so library workers and leadership are part of the constructed audience of moral panics, who then reinforce the moral panic through policymaking.

What I will derive from this is that any citizen who does not fit even the expanded version of the bourgeois individualist mold (i.e. the zone of acceptable difference) can be made the objects of moral panics constructed by the media and the state. They must either fit themselves into that zone or be subject to policing by libraries and other state and cultural institutions. People *can* depart from the ideal of bourgeois liberal individuality in numerous ways, as long as those departures are kept strictly private and do not spill over into the political realm (i.e. as long as they do not cross any of the thresholds), or at least until their difference stops being ornamental or exotic (i.e. a lifestyle choice) and becomes a threat to the functioning of state institutions and the established social order[28]. When they do, the policing of the zone of acceptable difference takes place according to various strategies and mechanisms, all falling somewhere on the consent-coercion spectrum developed by Gramsci and later by Stuart Hall. Libraries respond to broader social concerns (i.e. they are not neutrally independent of a wider politics) but they also participate in the moral panic process, through the way they represent identity and difference, subjectivity, tolerance, rights, etc. in the service of a broader

27. Son Vivienne remarks in *Queering Safe Spaces* that "even when damage is 'only' imagined and threatening, harm is sustained" (Vivienne 2023, 7).

28. A good example of this is the way that hair and hairstyles often move from the ornamental to the politically significant. In Canada, Indigenous men's braided hair has traditionally been seen as a cultural marker, but took on political importance when Seth Cardinal Dodginghorse cut his braids off as a protest against the development of a highway across Indigenous land (Jefferys 2020).

hegemonic project.

Methodology

The central theoretical concept in this thesis is that of hegemony, as developed by Antonio Gramsci (Gramsci 1971, 12) and adopted by Stuart Hall. In *Policing the Crisis*, Hall et al. write that Gramsci saw the social or political order as an "order of cohesion" (Hall 2013, 200) achieved through the application of coercion and the manufacture of consent. Regarding coercion, Hall et al. write:

> In a system based on capitalist reproduction, labour has, if necessary, to be *disciplined* to labour; in bourgeois society, the propertyless have to be disciplined to the respect for private property; in a society of 'free individuals', men and women have to be disciplined to respect and obey the overarching framework of the nation-state itself. [However,] society clearly works better when men [sic] learn to discipline themselves; or where discipline appears to be the result of the spontaneous consent of each to a common necessary social and political order: or where, at least, the reserve exercise of coercion is put into effect with everyone's consent. (200)

The state for Gramsci and Hall plays a particular role in the education of society's members into the kind of internalized discipline just mentioned; state institutions - and here I include libraries - operate in the sphere not merely of "'domination' by force, but of the 'production of consent" (200). Hegemony is the combined application of discipline and coercion for the mobilization of this internal discipline inculcated into society through manufactured consent. Even though the state, society, and cultural institutions like libraries *have* a concept of social order that they work to maintain, this worldview may be taken as implicit "neutral" common sense, and the people who work in these areas are themselves subject to internal hegemonic discipline (if not outright coercion). Far from being "neutral", Gramsci writes that every state "is ethical in as much as one of its most important functions is to raise the great mass of the pop-

ulation to a particular cultural and moral level (or type)" (Gramsci 1971, 258) corresponding to the needs of capitalism. Commenting on this passage, Hall remarks that "the modern state exercises moral and educative leadership - it 'plans, urges, incites, solicits, punishes' [and] is where the bloc of social forces which dominate over it not only justifies and maintains its domination but wins by leadership and authority the active consent over whom it rules" (Hall 1996, 429). The most liberal capitalist state, in this view, always has at least one collective goal: its own survival *as* a liberal state.

Which social order and political theory (in Gramsci's terms, which cultural and moral level or type) is represented by the state and so by libraries/librarianship is a historical and conjunctural question - it differs, for example, between the US and Canada for reasons we will explore - and depends largely on the historical form taken by capital and the state and the contingent but sedimented ways in which hegemony is contested in a particular society. I take the view that a theory like the politics of recognition is itself a product of the material organization of society, reflecting its tensions, contradictions, and inequalities and serving a normative rather than simply a descriptive political purpose. In this sense, then, political theory - and therefore the representations produced by public libraries in accordance with specific theories - are "worldly" as the term is used by Edward Said: never immune from entanglements with material (social and economic) reality (Said 2004, 61). To me, this sense of worldliness also underpins Hall's Marxist, historically specific analyses of the media, the state, hegemony, and moral panics[29].

But the question of *who* is building and maintaining political legitimacy and leadership is crucial for Gramsci and Hall. For Gramsci, "the intellectuals are the dominant group's 'deputies' exercising the subaltern functions of social hegemony and political government". Librarians, like teachers, journalists, and other cultural and intellectual workers, are "functional" intellec-

29. Said's relationship with Marxism is complex. See, for example his engagement with Terry Eagleton and Fredric Jameson in *Nationalism, Colonialism, and Literature* (Eagleton, Jameson, and Said 1990) as well as (Howe 2007).

tuals in this way, and are therefore responsible for both "the 'spontaneous' consent given by the great masses of the population to the general direction imposed on social life" by the ruling class as well as by "the apparatus of state coercive power which 'legally' enforces discipline on those groups who do not 'consent' either actively or passively" (Gramsci 1971, 12). As "knowledge institutions", libraries tend to focus on the first function but are, as we will see, not independent of the second. I will argue throughout this thesis that those who fall outside of the "zone of acceptable difference" in essence passively dissent from liberal hegemony, and therefore can be safely excluded from social institutions and can form the basis of moral panics to support a project of political hegemony.

In *Policing the Crisis*, an account of law and order, the state, and hegemony in 1970s Britain, Hall et al. propose a model for understanding how discipline is maintained and social tolerance policed according to the particular kind of challenge posed by individuals or groups to postwar British capitalism and to "normal" British society. In this model, three "symbolic thresholds" are identified, the first a "permissiveness" threshold between a "standard" or "normal" civilized society (produced by the liberal/bourgeois capitalism of a given period) and a corrosive "permissiveness"; the next a threshold between permissiveness and illegality (the "legality threshold"), and the third a threshold between illegality and a violent threat to the social order itself (the "extreme violence" threshold) (Hall 2013, 223). In this thesis I will argue that trans life is considered in the first instance to constitute a "permissiveness" challenge (always subject to escalation) to the Canadian social order. In transgressing the permissiveness threshold, trans people do not challenge the functioning of libraries themselves, but only the hegemonic structure libraries help support and maintain. This means that libraries respond to the trans challenge in a different way than they do with the supposed threat posed by Indigenous people. The presumed or potential violence of poor and precariously housed Indigenous people is considered to cross the "violence threshold" and therefore has the capacity to disrupt not only the functioning of the library but of the Canadian state itself by undermining its

legitimate authority as a guarantor of white/bourgeois safety and social order represented by libraries. Policing both of these thresholds calls forth two different responses: in the first case, an insistence on the "civilized" value and right to individual intellectual freedom in the face of illiberal identity politics; in the second the deployment of law-and-order in the name of safety and security against Indigenous peoples' already presumed violent nature. The arena in which these thresholds are policed is the zone of acceptable difference marked out by the politics of recognition.

Drawing on Hall, I will critically interpret the Canadian political conjuncture from the late 1960s to the 1990s with a view to constructing a genealogical analysis of the politics of recognition in that period. I will use this analysis to support a critical picture of the political project in which Canadian libraries are engaged. The treatment of trans and Indigenous peoples by Canadian libraries today are exclusionary activities in and of themselves, but they also rely upon and reenact an exclusionary common sense *to* a watchful Canadian populace, the audience of the hegemonic project, in order to instill in them the appropriate values and worldviews represented by the very act of policing the limits of the zone of acceptable difference.

In this thesis I have taken a deliberately polemical approach to the politics of libraries. This is, in part, an attempt to moderate the overwhelming image of libraries solely as progressive institutions, as well as to create space for counter-hegemonic theory and practice within the field of librarianship. Recent edited collections exemplifying the Enlightenment or democratic approach includes (Samek and Demers 2019), while complementary counter-hegemonic tendencies can be found in (Nicholson and Seale 2018a) (see above) and Rose L. Chou and Annie Pho's *Pushing the Margins: Women and Intersectionality in LIS* (Chou and Pho 2018). By staking out a position against the Enlightenment or democratic view of libraries and library work, I recognize that I am deliberately setting out in opposition to the dominant trend of library theorizing and the library literature, and situating myself firmly within a long-standing critical tendency within the field. As a practicing librarian, such a theoretical approach

fits with my conception of praxis and practical proposals for change within the profession.

Chapter Outline

In Chapter 2, I will begin by synthesizing Stuart Hall's work on representation, ideology, and moral panics. Hall argues that the authoritarianism necessary for the maintenance of the liberal-capitalist social and political order calls up a veneer of popular support by constructing and reflecting back the views of "ordinary people" (itself a constructed category), presumed to be, as we saw in Bivens-Tatum above, self-determining natural individuals of the liberal social ontology. ("Ordinary people" do not see themselves in this way, of course, but rather as members of an objective economic middle-class with a certain set of quasi-natural or common sense values, norms, and expectations of material security and social order.) In addition to helping to construct the category of "ordinary people", libraries are caught up in the construction and demonization of select groups of non-ordinary Others. Libraries play an important structural role in what Hall calls authoritarian populism by representing these Others to the ordinary public and turning them into scapegoats for more widespread social, economic, and political crises. In both cases the audience of these hegemonic strategies is the constructed silent majority of right-thinking Canadians who do not see their attitudes towards trans and Indigenous people (among others) as anything but spontaneous and intellectually free (i.e. an objective or common-sense view of the world arrived at individually rather than being socially produced).

In Chapter 3 I will begin the analysis of Canadian politics from the 1970s to the 1990s. I will argue that the failure to deal with multicultural, multinational, and polyethnic challenges through assimilation during the 1960s "resurgence of the people" forced the Canadian government to moderate its universal-egalitarian, liberal-individualist outlook, and to adopt instead

a communitarian position (i.e. the practical politics of recognition) which would take collective identity, goals, and responsibilities seriously. This was only a strategic retreat, however, and the government has, ever since, tried to balance communitarianism with its fundamental commitment to liberal universal egalitarianism, with major consequences for Canadian constitutionalism and social policy. It is this political context, I argue, that informs the politics of Canadian libraries, including their policies and decisions around free expression and intellectual freedom.

In Chapter 4 I will show how the government's ability to properly balance communitarianism and individualism came under renewed threat in the 1990s, as Canadians rejected a communitarian set of constitutional amendments in the midst of renewed Indigenous activism and Quebecois separatism. To support the communitarian project, political philosophers turned what had been a practical strategy of recognition into a political philosophy which could help justify and support government policy. At the same time as "recognition" of difference became more rigorously defensible, the hard-core of liberalism became more in need of protection. As a result, state and cultural institutions constructed a zone of acceptable difference in order to defend liberal individualism while recognizing difference to a limited extent. The philosophical politics of recognition informed and grounded this zone and therefore had the effect of setting limits to recognition as such, which again informs the ways libraries choose to recognize, include, or exclude anyone who deviates from the liberal norm.

Chapter 5 looks at intellectual freedom from the perspective of this critical view of Canadian politics. I will show that intellectual freedom is "worldly", that is connected with questions of politics and power rather than the "neutral", timeless, unchanging value that librarianship insists it is. I argue that intellectual freedom has actually changed over time to accommodate or conform to political changes in broader society. The development of the politics of recognition from the 1970s to the 1990s therefore had its own effects on the politics of Canadian libraries, and in particular how they understand and support a particular concept of intellectual freedom.

Finally in Chapter 6, I will analyze the two controversial library events in Toronto and Winnipeg, arguing that trans people and Indigenous people fall outside the zone of acceptable difference in different ways. Trans people, I will argue, represent a threat to liberal hegemony because they are seen to be *unnatural* in an inhuman or posthuman sense by a bourgeois individualist and familial order; Indigenous people represent a threat because they are framed as all-too-natural, uncivilizable, and as challenging settler society at a more direct or material level (the level of the mode of production). I analyze the policing of the limits of recognition using Hall et al.'s model of symbolic thresholds. Because trans people represent a more symbolic or cultural challenge to the liberal social ontology, that challenge has primarily been seen as one of permissiveness, to be met with a process of consent-building[30]; Indigenous people, whose perceived threat crosses the "extreme violence" threshold, are met with the physical coercion of the police and private security.

Intersectionality plays a major role here, in that many trans people are also poor, racialized, or disabled. I would suggest that intersectionality plays a role in the escalation dynamic of Hall et al.'s thresholds of toleration, such that if a middle-class white trans person is seen as only a challenge to permissiveness, a racialized or poor trans person will be "escalated" to the threshold of illegality or even of violence. In this way, there can be overlap or crossover between the mainly symbolic panic around and exclusion of trans people and the settler-colonial fear of racialized violence which allows for different responses in particular cases. Differential responses also depend on who is deploying the moral panic and who the audience is. Critical Feminists Unite are a group of mainly white, middle-class women, the Palmerston branch of Toronto Public Library is in an affluent (white) neighbourhood, and Meghan Murphy's message is primarily aimed at middle-class white women from such neighhourhoods. In Winnipeg, on

30. Until recently, trans people were seen as transgressing the permissiveness threshold because of a confused linkage between being transgender and sexual gratification (e.g. trans women are really men who want to enter women's spaces for the purposes of sex); more recently, the moral panic around trans people has escalated to the illegality threshold with on organized conspiracy theory around "grooming" and the forced conversion of children (Benchetrit 2023; Hoye 2023).

the other hand, as we will see in Chapter 6, the moral panic around Indigenous violence is aimed at a broader settler community in the imagined context of an embattled colonial civilization surrounded by savagery, an ideological picture used to motivate and justify Indigenous repression in the city. While I focus on a single dominant factor of identity in each case, the way intersectionality works among various audiences to enable escalation across the different symbolic thresholds should be borne in mind.

I will conclude this thesis by recapitulating the argument, and proposing an alternative way forward for Canadian politics and for critical librarianship, one that rejects the exclusionary logics built into the politics of recognition. I gesture towards a non-liberal, non-individualist, democracy based on both the radical constituent power of the multitude and on a firm grounding in Indigenous social and political thought, particularly around good relations and the pre-existent sociality of all beings and the land. I will propose that the first step necessary for such a reorientation of Canadian politics is a materialist one: the return of the land to its Indigenous stewards.

Land Acknowledgement

I began this thesis in amiskwaciwâskahikan (Beaver Hills Lodge, also known as Edmonton, Alberta, Canada), on Treaty 6 territory, traditional home of the Cree, Saulteaux, Blackfoot, Métis, and Nakota Sioux. I finished it in winipīhk or Winnipeg, on Treaty 1, homeland of the Red River Métis. Winnipeg is the capital of Manitoba, a province born out of Métis resistance to the encroaching power of the new federal Canadian government in 1869. This resistance was led by Louis Riel and others, and testifies against the peaceful process of nation-building that is a central element of Canadian political ideology.

I grew up in the North End neighbourhood of Winnipeg, which has always been the

home of poor immigrants - including large numbers of Jews and Ukrainians - and has a long tradition of left-wing, working-class agitation. As more and more Indigenous people have come from reserves to the city in recent decades, many of them have settled in the North End. The movements and migrations of many peoples within Canada are a major source of political questions, but will only be a source of political solutions when the land question has been resolved. I want to take this opportunity to reiterate that there can be no justice on stolen land, and that social justice in Canada can only begin with giving the land back to the First Nations, Inuit, and Métis peoples.

2 Stuart Hall: Ideology, Hegemony, and Representation

> There is nothing more crucial... than Gramsci's recognition that every crisis is also a moment of reconstruction; that there is no destruction which is not, also, reconstruction; that historically nothing is dismantled without also attempting to put something new in its place; that every form of power not only excludes but produces something.
>
> Stuart Hall, "Gramsci and Us".

2.1 Introduction

In the Introduction, I outlined two library controversies and a way to understand them as policing the bounds of a zone of recognition or acceptable difference. The act of policing such a zone fits with Hall's analysis of the symbolic thresholds, folk devils and moral panics that were used by the British state to restore and maintain hegemony during the crisis that attended the shift to neoliberalism. Hall analyzed the Thatcherite project as a way of creating a new "common sense" via the construction of an individualist ideology supported by the deployment of more and more "law and order" as moral panics escalated across the three symbolic thresholds (permissiveness, illegality, and extreme violence). Hall's account of representation and ideology is central to this analysis. In this chapter, I will reconstruct important aspects of Hall's approach during a period of crisis in postwar Britain (the rise of new social movements, the crisis of profitability, and the dismantling of the postwar compromise). In his analysis of the cri-

sis, Hall focused on the cultural and ideological aspects of the restoration of "the prerogatives of ownership and profitability and the political conditions for capital to operate more effectively" (Hall 1988, 4). In this chapter, I will work through Hall's understanding of how this took place and what tactics and mechanisms were used to achieve it. Hall's work on this topic is scattered among a number of interventions from the late 1970s and early 1980s, so this chapter will primarily be a work of synthesis and a distillation of Hall's approach.

I will begin that account with the Marxist context of Hall's work before turning to Gramsci and the linguistic turn. Hall's account of hegemony was drawn primarily from Gramsci but it was given new resonance through engagement with post-Saussurean linguistic and representational theory, for example in the work of Roland Barthes, Michel Foucault, and Ernesto Laclau. In his textbook on *Representation* (1993), Hall draws on post-structuralist theories of language and signification to demonstrate the ways ideologies are encoded within representational practices. I will then discuss Hall's account of hegemony as the combination of consent and coercion, the way racism in particular was represented to the British public as part of a set of moral panics deployed by the government and the media. I will include the model of symbolic thresholds within this account, explaining the three distinct levels of societal tolerance, and how moral panics can be combined to escalate social threats from one threshold to another. Once I have reconstructed Hall's analysis of moral panics, representation, and symbolic thresholds, I will provide a deeper account of how Hall arrived at the conclusions he did.

2.2 Stuart Hall's Theoretical Engagements

To properly understand Hall's approach, it is important to understand his relation to changes going on within Marxist thinking throughout his career. Over the course of its history, Marxism has been marked by moments when its theoretical outlook appears undermined or challenged

by social or political reality[1]. Outside of the tradition, these moments (the achievement of revolution in "backward" Russia", the collapse of the Soviet Union, etc.) are enough to discredit Marxism entirely, while within the tradition two primary options are typically exercised: a doubling-down on some "orthodox" conception of Marxism (Marxism-Leninism or Maoism often stakes out this terrain (Moufawad-Paul 2016)), or an extension and reorientation of Marxism to accommodate new facts and new political experience[2]. Hall's encounter, first with the increased affluence of the working class after the war (contrary to orthodox Marxist expectations of workers' ever-increasing immiseration), then with the "resurgence of the people" of the mid-1960s, and with it the ideological and cultural dynamics of the shift to neoliberalism in the 1970s, caused him to rethink the relationships between class, identity, language, representation, and ideology in ways that appeared unjustified or anathema to more orthodox Marxists (see (Hall 1988, 2016)). While conjuncturally specific, however, Hall's discursively- and culturally-focused Marxism remains vitally important for the study of both Canadian politics and the politics of librarianship.

We can identify three transitional moments as crucial for the development of 20th century Marxist theory: the split in the Second International when, against all prediction, the German Social Democratic Workers' Party voted to supply the government with the funds to wage the First World War (which influenced Luxemburg, Lenin, and Trotsky); popular support for Fascism (which contributed to the development of Frankfurt School Critical Theory); and the rise of neoliberalism in the late-1960s which, in conjunction with the linguistic turn and the rise of structuralism and post-structuralism, led to the development of the structural Marxism of Althusser and, more broadly, to an openness to capital-t "Theory" on the part of the Italian autonomists, and individuals like Fredric Jameson and Stuart Hall.

1. This section is a synthesis of different accounts of the history of Marxism, for example: Paul Blackledge's *Reflections on the Marxist Theory of History* (Blackledge 2006), Martin Jay's *The Dialectical Imagination* (Jay 1973), Fredric Jameson's *Marxism and Form* (Jameson 1972), and Hall's *Cultural Studies, 1983* (Hall 2016).

2. From the perspective of orthodoxy, any Marxist who takes the second approach must be a "renegade and a turncoat", as Fredric Jameson described the reaction to his own engagement with postmodernism, which appeared to orthodox Marxists to be a shift into post-Marxism (Jameson 1991, 298).

For leftists of Hall's generation, the Soviet invasion of Hungary and the British and French invasion of Suez in 1956 marked a significant turning point: "they defined, for people of my generation, the boundaries and limits of the tolerable in politics" (Hall 2017a, 117). In the context of Hall's career, if the Invasion of Hungary was the occasion for a split between orthodoxy and the New Left, enough of the "traditional left" remained for pointed debates between orthodox and progressive Marxist positions to continue. E.P. Thompson's attack on what he called "the poverty of theory" (e.g. Althusserian Marxism) (Thompson 1978) can stand as an example of the orthodox (and empiricist) Marxist suspicion of the kind of theoretical abstraction Hall embraced. Hall notes that young leftists like him "were struggling with a difficult act of description, trying to find a language in which to map an emergent 'new world' and its cultural transformations, which defied analysis within the conventional terms of the left while at the same time deeply undermining them" (Hall 2017a, 121). Cultural studies as a discipline developed in the context of this need for redescription (Hall 2016)[3].

One key encounter for Hall in this search for a redescription was his reading of Antonio Gramsci, a selection of whose prison diaries was published in English in 1971. Hall's response to the problem of post-war class society owed much to this reading of Gramsci, not only in terms of specific concepts or methods, such as hegemony and conjunctural analysis, but in the very idea that Marxism was a dynamic, rather than a static, body of knowledge and political strategy. In the same series of 1983 lectures mentioned above, Hall notes that

> Gramsci's project was not that of offering another reading of Marxism or another set of abstract concepts which could define a materialist analysis. Rather, Gramsci understood that Marx's general framework had to be constantly developed theoretically, applied to new historical conditions, related to developments in society

3. Indeed, for Hall, the origins of cultural studies lay in one of the moments where Marxism did not appear to already have the answer. In a series of lectures he delivered in 1983, Hall remarked that "the problematic of Cultural Studies" was "a response to a very concrete *political* problem and question: What happened to the working class under conditions of economic affluence?" (Hall 2016, 5). In the same series of lectures, Hall defended theory against the historicist and culturalist positions of both Thompson and Raymond Williams. Throughout his career, Hall would face both attacks from orthodox Marxists as well as the criticism that, like Jameson, he could no longer really be considered a Marxist at all.

> which neither Marx nor Engels could have possibly foreseen, and expanded and refined by the addition of new concepts. (Hall 2016, 157)

Hall's engagement with Gramsci opened his Marxism up to new concepts, theories, and approaches, and was one of two major innovations in Hall's approach by which he dealt with the changing social and political situation during the postwar boom. The second was the lesson learned from the linguistic turn in continental philosophy following the posthumous publication of Saussure's *Cours de linguistic générale* in 1916[4]. The lesson of Saussure and of structuralism, for Hall, was the idea that there was never a *necessary* correspondence between material reality and the thoughts or words used to "represent" it. Saussure's insight that the connection between signifier and signified (and referent) are arbitrary decoupled the signifying system from material reality, made the signifying system (language) independent of the material world. Lévi-Strauss was the first to apply Saussure's linguistic theory to other areas of human culture, but the application of the structuralist approach was hugely productive for thinkers in many disciplines. However, for structuralists and post-structuralists, as Hall pointed out, there was a tendency to slip between thinking that the object of human culture they were investigating was *like* a language and thinking that it *was* a language. Hall was critical of this slippage, the postmodern "ungrounding" of any discursive formation from its material conditions, and retained an "old materialist" (Grossberg 1996, 146) insistence on the causal efficacy of the material world. At the same time Hall used the structuralist insight as a way to break from the vulgar determinism of orthodox Marxism.

Orthodox determinism, or economism, was a "reductionism downward", and purely discursive approaches, like that of Laclau and Mouffe, were a "reductionism upward" (146), Hall attempted to stake out a position between both reductionisms. Since "Nature can no longer stand as the ultimate guarantee of materialism", Hall argued, "we can't be materialists

4. Saussure's work is considered to mark the starting point of modern linguistics and in continental philosophy it lay the foundations of formalist literary theory, structuralism, and post-structuralism (see (Jameson 1972)). The continental "linguistic turn" is distinct from what was happening in analytic philosophy at around the same time (see (R. M. Rorty 1992)).

in [the orthodox] way any longer".

> But I do think we are still required to think about the way in which ideological/cultural/discursive practices continue to exist within the determining line of force of material relations... Material conditions are the necessary but not sufficient condition of all historical practice. (Grossberg 1996, 147).

Historical materialism, for Hall, had always been about "the way in which social and cultural structures overdetermined the natural ones", and the way Hall found to analyze the completion of "natural structures" through "social and cultural organization" was "to think material conditions in their determinate discursive form, not as a fixed absolute" (147). Hall therefore tries to strike a balance between materialism and the "fully discursive position" in which everything is language and language is all there is.

This balance in Hall's work was often misunderstood by the more orthodox left. For example, Jessop et al. criticized Hall's focus on the ideological, arguing that it came at the expense of a materialist analysis of Thatcherism (Bonnett et al. 1984), while Sivanandan's broadside against Hall's attempt to come to grips with "New Times" (what we would now call neoliberalism) (Hall 2017c) seems to miss the materialist underpinning of Hall's analysis completely. To be fair, Hall's approach to New Times focuses squarely on questions of culture, subjectivity, and ideology, but Sivanandan's view that Hall's account was "born in the throes of a political pragmatism under the sign of a cultural theory bereft of economic reasoning" (Sivanandan 1990, 4) is yet another example of orthodox Marxism decrying any move away from the "downward reductionism" of economic determinism.

In Sivanandan's critique, he identifies Hall with a "strand of intellectual marxism which provided theoretical confirmation that economic determinism and class reductionism were non-marxist and things of the past" (3). According to this new Marxism, Sivanandan writes, "the economic base did not determine, even 'in the last instance', the ideological and political

superstructure. They were all more or less 'autonomous instances', 'articulating' with each other, influencing and being influenced, in all sorts of 'conjunctures'" (Sivanandan 1990, 3). Sivanandan's critique, like Jessop's, misses the real cultural and sociological problem that a more "cultural" Marxism was trying to understand and explain, but his mention of "articulation" is important, as it was this idea that allowed Hall to understand how signs, representations, and consciousness could be connected, not in a mechanically determinist way, but in a flexible and contingent one. Hall adopted the idea of articulation from Ernesto Laclau, who described Plato's conception of knowledge as a dearticulation of concepts held together by tradition and *doxa* and their rearticulation by *episteme*, logic, or science (Laclau 1977, 8–9).

The insight that Marxism had to change along with historical developments, had to come to terms with events and realities that did not conform to orthodox prediction, lent credence to the structuralist insight that relations between signs and things are not *necessary*[5]. If the relationship between objective class positions in a mode of production and the values, ideas, and culture of the people in those positions was not necessary but in some sense contingent, then a way of making Marxist sense of the collapse of the Second International, the rise of Fascism, and postwar working-class culture, could be opened up. The theory and method most important to this way of thinking through "correspondences, non-correspondences, and contradictions" was *articulation* which by the mid-1990s, had become "one of the most generative concepts in contemporary cultural studies" (Slack 1996, 112).

In Slack's account of the genealogy of articulation, she writes that orthodox Marxism

> Could not account for the shape of a social formation if it was understood to be composed of relationships among several modes of production. It could not account for apparent disparities among the condition of one's existence, how one lived out those conditions, and what one believed about those conditions. It could

5. A "necessary" connection would support the kind of economic determinism supported by Jessop and Sivanandan, but made it difficult to explain how and why the working class supported the Thatcherite project and indeed neoliberal culture at large.

> not account for the non-revolutionary culture of the working class. And finally, it could not account for the way in which factors other than class (gender, race and subculture, for example) entered into what looked like far more complex relations of dominance and subordination. (Slack 1996, 116)

The concept of articulation, in Slack's view, was what developed to fill the theoretical gap. It was, in a sense, a placeholder for "what would explain these phenomena while avoiding reductionism". Over the course of the 1970s, especially in the work of Laclau and Hall, articulation gained specificity and explanatory power, gradually becoming understood as a way to describe how fragments, disjunctions, or independent phenomena could be - temporarily perhaps, and definitely not naturally or necessarily - welded together to form a unity. Slack notes that articulation grew out of Marx, Gramsci, and Althusser, and it is the role of articulation in Gramsci that is most important for an understanding of Hall's approach. For Gramsci, Slack writes, a class seeking to build or maintain hegemony articulates the interests of various heterogeneous social groups "such that those groups actively 'consent' to their subordinated status... Gramsci offers a way of understanding hegemony as the struggle to construct (articulate and re-articulate) common sense out of an ensemble of interests" (117).

The orthodox view of necessary connections between the economic and the cultural, class and class consciousness, could not explain why the two sides did not often correspond in a straightforward way. Saussurean linguistics and structuralism, with the idea that the relation between signifier and signified is arbitrary and conventional, prised apart the unities of base/superstructure and class/consciousness, making space for the theory and method of articulation to work. In this way, Hall's own articulation of Gramsci and structuralism made room for the further development of Marxist analysis.

Hall's willingness to engage with new currents of structuralist and post-structuralist theories of language, discourse, and signification marked him off from other Marxist thinkers working in Britain at the time. Thompson, for example, attacked not just Althusser and struc-

turalism, but - in Hall's view - the relevance of any theorizing about human experience at all. In *Cultural Studies, 1983*, Hall writes that both Thompson and Raymond Williams "argue that the work of abstraction diminishes the human lives you are trying to give an account of" (Hall 2016, 47). Thompson and Williams reject "any abstract conceptualization and... certain kinds of theorizing" on the humanist grounds that "people cannot, should not, be thought of in such thin terms, especially since it is the purpose of cultural analysis to reaffirm their experiences, to bring them forward again in their richness and complexity" (47). Hall sees Williams and Thompson as exemplifying a culturalist and historicist approach in which the facts of people's lives are in some sense speaking for themselves, requiring no theoretical abstraction to make sense of them [6].

Williams' and Thompson's suspicion of theory coincides to a certain extent with Bob Jessop's critique of Hall's analysis of Thatcherism. Jessop's orthodox, class-focused rejection of "ideologism" was replaced in Hall's theory with a Saussurean independence of class position and ideas. In response to Jessop et al.'s argument that "the formation and implementation of Thatcherite policy and its implications for hegemony are less concerned with popular mobilization than with the complex relations among the dominant classes and the structural crisis in the state" (Bonnett et al. 1984), Hall wrote: "Jessop et al. pose the 'hard' question of the relation of Thatcherism to specific class interests. But they fail to provide the non-class-reductionist articulation to class positions they call for" (Hall 1985). Hall's own approach was to "deliberately and self-consciously [foreground] the political-ideological dimension" of the specific conjuncture to help explain the complex, "multi-faceted historical phenomenon" that was Thatcherism, rather than as a universal or general explanation.

Hall's foregrounding of the political and ideological, his rejection of any one-to-one relationship between class and ideology, marks his departure from the orthodox Marxist view

6. Jameson addresses the question of abstraction in the face of a post-structuralist insistance on specificity in *The Political Unconscious* (Jameson 1981, 48–51).

that sees the adoption of ideas foreign to a given class as false consciousness or error, while also remaining distinct from any liberal-individualist conception of intellectual freedom in which consciousness is self-determined. This allowed Hall to develop his theory of encoding and decoding of ideology in cultural artefacts and a theory of hegemony that explained the way the right in the UK was able to exercise leadership over the working class (considered by orthodox Marxists to be "naturally" radical and socialist).

Among the important structuralist lessons for Marxism, Hall notes in particular the new understanding of language and the relationship of language to social life, writing that "there is a displacement from a notion of language as expressing or reflecting the meaning of the world into a notion of language as producing meaning, as enabling human societies to signify" (Hall 2016, 72). Under this new linguistic paradigm, "all social practices are made meaningful" in and through signification, all social practices are semiotic: "they do not exist outside of the meanings which different societies give to them. They can be described only in terms of their intelligibility, of their capacity to signify" (73). This does not lead to a completely unmoored anti-foundationalism, however, because as a Marxist, Hall insists on the social world's grounding of representation (representations are signs of real social and material practices) but he still insists that the relation of language to social reality is not one of direct reflection. In any event, the semiotic nature of social relations, our ability to know social reality only through representation, demands an interpretive, hermeneutic, response[7]. Facts, especially social facts, never speak for themselves, but are always interpreted, either unconsciously and ideologically, or consciously, subject to the demystifying work of critical theory itself.

7. Cf. Gadamer, *Truth and Method*, as well as Jameson, *The Political Unconscious*: "What Althusser's own insistence on history as an absent cause makes clear... is that he does not at all draw the fashionable conclusion that because history is a text, the 'referent' does not exist. We would therefore propose the following revised formulation: that history is *not* a text, not a narrative, master or otherwise, but that, as an absent cause, it is inaccessible to us except in textual form, and that our approach to it and to the Real itself necessarily passes through its prior textualization, its narrativization in the political unconscious" (Jameson 1981, 35).

2.3 Hall's Account of Representation and Ideology

What Hall recognized was that the orthodox Marxist binary opposition between "true" class-consciousness and ideology as false-consciousness was no longer adequate[8] to a mass-democratic mediatized society[9]. As a result, he saw that *any* set of ideas or values could be articulated with reference to any social class, *creating* people as social and political subjects who could support a particular policy line (though not without friction and an openness to mis-readings discussed below). Rather than (truly) *reflecting* or (falsely) obscuring a "real" class position, discourses served to produce people who subscribed to and agreed with certain views manufactured by cultural institutions (essentially, what Althusser calls the "Ideological State Apparatuses": schools, the media, libraries, etc.). This process of subject-formation and "interpellation" (again, Althusser's term) is never perfect, but even so it complicates the orthodox Marxist account of being able to rely on the working-class to hold particular views and to dismiss the holding of other views as delusion, false consciousness, or error. Hall remarked that the history of postwar Britain undermined the orthodox view: against Ralph Miliband's expectation that social changes would not prevent the working-class from developing proletarian consciousness and left-wing political commitments, Hall wrote that such an expectation would require "a much more careful and evidenced argument than the simple reiteration that, since this is what Marx said and we have thought, it is and will ever be so" (Hall 1988, 5). The argument would have to account for the fact that proletarian consciousness and radical left-wing commitments had *not* emerged as expected, which "must surely problematize for any materialist analysis the orthodox ways of thinking the relationship between what, for shorthand

8. This idea is repeated throughout much of Hall's work, including his direct engagement with poststructuralist thought in (Hall 1993b) as well as his scattered remarks on Laclau, but he engages with this idea in a sustained fashion in three articles dealing directly with Marxist theory: "Marx's Notes on Method: A 'Reading' of the '1857 Introduction'" (1974), "Rethinking the 'Base and Superstructure' Metaphor" (1977), and "The Problem of Ideology: Marxism without Guarantees" (1983).

9. As non-Marxists had maintained, this view had never really been adequate, but it had been a mainstay of orthodox Marxism into the 1960s, and remains a common perspective within Marxism-Leninism and Maoism.

purposes, we may call 'the economic', 'the political' and 'the ideological'" (Hall 1988, 5).

Hall's work on language, the media, and representation, and his engagement with Althusser, Foucault, and Laclau were precisely part of his attempt to deal adequately with this relationship. To understand Hall's account of language and discourse, it is helpful to remind ourselves of the similarity between Saussure's insight about the arbitrariness of signs and Hall's about the arbitrariness of class-consciousness. For Saussure, there is no necessary connection between the signifier (word), the signified (mental image to which the word refers), and the referent (the real-world object designated by both the signifier and the signified) (Hall 2013, 17), just as for Hall, there is no necessary connection between an "objective" class-position, an idea, and its representation (Hall 2016, 83–84). In "The Work of Representation", Hall writes that

> If the relationship between a signifier and its signified is the result of a system of social conventions specific to each society and to specific historical moments, then all meanings are produced within history and culture. They can never be finally fixed but are always subject to change, both from one cultural context and from one period to another. There is thus no single, unchanging, universal 'true meaning'. [...] However, if meaning changes, historically, and is never finally fixed, then it follows that 'taking the meaning' must involve an active process of interpretation. Meaning has to be actively 'read' or 'interpreted'. (Hall 2013, 17)

Saussure's view of the instability of signification and meaning posed a radical challenge to settled views of rational thought, language, social and political order, and the technological domination of the natural world. Following the advent of modern science and philosophy in Descartes, philosophers tended to understand the representation of reality - either in works of art or in scientific discourse - either in rationalist or empiricist terms. Representation was either a matter of 'clear and distinct' ideas about (but separate from) the world, or was a matter of simply reading off the material world using the senses, unmediated by thought or perceptual faculties. In both cases, the relationship between the idea or perception and the real world

was fixed and unchanging, ideas and perceptions - and therefore language - *reflected* the real world in a direct and transparent way[10]. The work of Saussure and the proto-structuralists inaugurated a "linguistic turn" which allowed the problem of representation - along with everything else - to be rethought in terms of language (Jameson 1972, vii) rather than the mind or the senses.

In the postwar period, along with the rejection of other rigid dogmas (including structuralism and the Hegelian dialectic), new social epistemologies of representation developed which departed from the individualism of both rationalism and empiricism, both of which were deeply linked with liberalism and the social contract. We have seen how Saussure's linguistics rejected the reflective view of representation, but by insisting upon the social and conventional nature of language Saussure also challenged the individualist, "intentional" theory. That view sees language use as arising from "the individual speaker or writer; that it is this speaking or writing subject who is the author or originator of meaning" (Hall 2013, 18)[11]. The constructionist, structural, or social view, on the other hand, sees language as arising from - constructed by - constantly shifting social relations, and thus rejects both the reflective and the intentional models of representation (10–11)[12]. Following the linguistic turn, social theorists began to use the model of language itself to construct other models of representation suitable to this new social understanding[13].

10. David Hume posed a skeptical challenge to both the rationalist and the empiricist possibilities of truly knowing the world, setting in motion a number of attempts to reconcile rationalist and empiricist epistemologies. Kant's transcendental idealism was seen as a successful rescue of knowledge about the world from Hume's skepticism, but it raised further questions about the relationship between the world and knowledge of the world, that is, of representation itself. The decoupling of world and representation can also be seen in Roy Bhaskar's rejection of both Humean and Kantian epistemologies. For Bhaskar, the world is made up of "intransitive" phenomena which are unaffected by our ideas about them or our social relationships. Science, however, only works on "transitive" phenomena, which are social and cultural. The transitive represent the intransitive - and therefore must be interpreted - but is not identical with it. See (Bhaskar 1975).

11. Noam Chomsky's linguistics is a form of this intentional theory which Paolo Virno has criticized from his own social/transindividual perspective on language. See (Virno 2015).

12. Cf. Wittgenstein's argument against private language in (Wittgenstein 1958, §243).

13. To take two examples from outside linguistics, in the 1950s and 1960s Erich Auerbach and Thomas Kuhn demonstrated the sociality of representations in Western literature and the natural sciences, respectively.

Language, then, like all representations, is socially produced and is therefore not only capable of interpretation, but requires it[14]. Indeed, it is the social nature of language that makes interpretation both possible and necessary[15]: precisely because discourses are social rather than directly connected to material reality in some unmediated way, they require interpretation, and our interpretations naturally differ according to the historically/culturally situated understanding of all participants in a given discourse. This necessary difference in interpretation and understanding lies at the heart of Hall's view of ideology and hegemonic construction.

Hall rejects both the reflective and intentional models of language in favour of a constructionist view: meaning is neither "out there" in the world nor in the speaker's individual mind, but is constructed by our social relations. According to the constructionist view, Hall writes, "we must not confuse the *material* world, where things and people exist, and the *symbolic* practices and processes through which representation, meaning and language operate" (Hall 2013, 11). Social actors learn the representational system of their society and culture and use it "to construct meaning, to make the world meaningful and to communicate about that world meaningfully to others"[16].

But if meaning is not *out there* in the world, neither is it hermetically sealed within representations that bear no relation to the world. For Hall, cultural representations encode the traces of their material production (i.e. political and social aspects of the economic base are encoded in artefacts of the cultural superstructure)[17] Hall's view is close to Edward Said's notion of the "worldliness" of cultural representations, the idea that "all texts and representations

14. This is not the case either for the reflective theory of language (which transparently reflects the true material world) or of intentionality (in which the individual's meaning is immediately transmitted through their speech). *Mistakes* may occur, but in neither case is *interpretation* a requirement for understanding meaning.

15. This idea can be found in the *scienza nuova* of Giambattista Vico. Edward Said describe's Vico's view as follows: "Understanding or interpreting history is therefore possible only because 'men made it', since we can only know what we have made... Knowledge of the past that comes to us in textual form, Vico says, can only be properly understood from the point of view of the maker of that past" (Said 2004, 90).

16. Curiously, this brings Hall's view very close to that of Richard Rorty's pragmatism, despite the fundamental differences in their politics.

17. While the idea of "base and superstructure" in Marxist thought is considered obsolete or at least outdated, Hall explores and rehabilitates it in "Rethinking the Base and Superstructure Metaphor" of 1977.

were *in* the world and subject to its numerous heterogeneous realities... assured contamination and involvement, since in all cases the history and presence of various other groups and individuals made it impossible for anyone to be free of the conditions of material existence" (Said 2004, 49)[18].

It is the social-linguistic structuring of individual subjectivity that lies at the heart of the left critique of individual freedom of speech[19]. "Individual" speakers - individuals who engage in *any* symbolic practice (readers, musicians, photographers, etc.) - never do so out of some pre-social individuality, but are always-already socialized *into* the structures of representation of their society[20]. In this view, no "freedom" of intellectual or expressive activity can be said to exist and this has grave consequences for liberal conceptions of free expression and intellectual freedom, since the self-directed individualized freedom of the social contract and liberalism can no longer ground our understanding of expression and intellectual activity.

A constructionist approach challenges not only the liberal conception of *freedom*, but the very notion of individuality itself. The "individuals" who have the capacity to express themselves only derive that capacity from the social order into which they are born and whose

18. Said goes on to quote Richard Poirier's *The Renewal of Literature* in what could stand as a good summation of Hall's view of cultural representation. Literature, Poirier writes, is "what can be made, what can be done with something shared by everyone, used by everyone in the daily conduct of life, and something, besides, which carries most subtly and yet measurably within itself, its vocabulary and syntax, the governing assumptions of society's social, political, and economic arrangement... literature depends for its principle or essential resource on materials that it must share in a gregarious way with the society at large and with its history" (quoted in (Said 2004, 59–60). Autonomist Marxist Paolo Virno echoes this view as well, describing the mother tongue as "belong[ing] to everyone and no one; it is a public and collective dimension. It shows with great clarity the preliminary sociality of the speaker" (Virno 2015, 65).

19. Such preliminary sociality means that, as Stanley Fish puts it, "there is no class of utterances separate from the world of conduct" and that the policing of speech is always a policing of a political boundary or zone (Fish 1994, 114). Gadamer's "universal linguisticality of man's relation to the world" (Gadamer 1976, 19) is different from the post-structuralist idea that the world itself is constituted by language; to equate the two is to commit Bhaskar's "epistemic fallacy", in which a proposition about our knowledge of the world is equated to a proposition about the world itself (Bhaskar 1975, 16). Hall commented that "I have tried carefully to demarcate the immensely fruitful things which I have learned from Ernesto Laclau's *Politics and Ideology in Marxist Theory* from the dissolution of everything into discourse which, I believe, mars the later volume, *Hegemony and Socialist Strategy*" (Hall 1988, 157).

20. Judith Butler strongly makes this point about gender (Butler 1990), but it applies to any intellectual engagement with literary, scientific, or cultural objects

representational codes they acquire through socialization, acculturation, and language acquisition. In the liberal view, an individual is primordially autonomous, unsullied by social relationships, culture, and history until they choose to enter into them, always maintaining their original self-sufficiency, distance, and objectivity (unless coerced or violated by one form of illiberalism or another): they always remain a proud and independent *self*, producing their own meaning irrespective of society or culture. The constructionist view, on the other hand, sees such "individuals" as products of society, history, and culture, only able to engage with culture, representation, and other people from inside, as part of the world[21] In this view, there is no foundational, external, or privileged position safe from "worldliness", no vantage point or position from which to "freely" engage (or not) with history and social being[22].

Ideology as a representational system encoded in cultural objects is socially constructed in the form of language(s), as a way of articulating actual social realities in particular practices or forms-of-life. Hall thus agrees with Althusser that, far from being false consciousness, ideologies are "true" in the sense that they are founded on (are interpretations of) complex and contradictory social realities that require symbolic, narrative articulation in order to "mean" anything, so that people can live in and through them. A population is constantly being produced and reproduced by representation, particularly representations of those who are excludable because they are a threat to the ideas and representations the public considers its own innate or inherent or traditional common sense. A population is both created by representations and, recursively, more and more receptive to the representations that "make sense", are legible or

21. Put in Marxist terms, the liberal conception of individualism only recognizes social relations as *external* ones between isolated, well-defined people who can withdraw from them at any time; the constructionist view sees these relationships as internal ones, all-encompassing and unavoidable. Even so, in his critique of libertarianism, Charles Taylor argues that even the most libertarian individualism requires a certain communitarian context in which to thrive (that context being the liberal-democratic polity based on individual rights) (C. Taylor 1985).

22. Fear of our embeddedness in the social world explains the seductive nature of fetishism and reification in the Marxist tradition. For example, Jameson describes Sartre's concept of the "practico-inert" as follows: "Matter which has been invested with human energy and which henceforth takes the place and functions like human action. The machine is of course the most basic symbol of this kind of structure, but it is really only a physical symbol of it, and in concrete daily life the practico-inert most frequently takes the form of social institutions... A heightened and intensified language goes into the evocation of these strange, parasitic, vampiristic objects, which draw their being from man and drain him of his own in return" (Jameson 1971, 244–245).

"grokkable"[23], within the context of their signifying system or internalized cultural map. Individualism, for liberal-capitalist societies, is one such representation and therefore plays a vital ideological/hegemonic role in maintaining sovereignty, entailing a vital interest in and commitment to a specific economic and political order. Any state formation whose sovereignty and authority is based on the social contract must rely on an ideology of atomistic individualism to legitimate itself and maintain its hegemonic dominance.

2.4 Two Hegemonic Tactics: Consent and Control

For Hall, the capacity of language and other representational systems not just to reflect but to construct social reality was generally important in all areas of politics, but played a particularly vital role in responding to the crisis of hegemony of the late 1960s, in which traditional sources of authority broke down[24]. Fears of an "ungovernable society" (Chamayou 2021) combined with a crisis of profitability led to the development of neoliberalism as an alternative to the welfare state. But this development was gradual, and relied on two complementary approaches: the economic restructuring necessary to restore profitability (including the erosion of labour rights and the protections of the social safety net) - i.e. coercion - and the manufacture of consent to a new (ideological and symbolic) social and political reality in order to buttress the disciplinary power of capital. The popular consent won (or manufactured) by this new order would give a sense of legitimacy to both the new economic system and (recursively) to the new political order itself through various mechanisms of representation[25].

In the introduction to *The Hard Road to Renewal* (1988), Hall addressed the critics who

23. By "grok" I want to suggest a deeper, more internalized notion of understanding or comprehending. A fully "grokked" ideology is unconsciously assented to. "Grok" in this sense was coined by Robert A. Heinlein in the novel *Stranger in a Strange Land* (1961).

24. This included the authority of orthodox Marxism, which was supplanted by the blooming of "many Marxisms" (Hall 2017a, 129).

25. The question of hegemonic or legitimacy crises was an important topic for political philosophers at the time. See, for example, Jurgen Habermas' *Legitimation Crisis*, published in German in 1973 and in English in 1975.

claimed he placed too much emphasis on ideology in his analysis of this crisis:

> Questions of ideology and culture play a key role in any analysis from the 'hegemonic' perspective and cannot be regarded as secondary or dependent factors. [...] Ideology has its own modality, its own ways of working and its own forms of struggle. These have real effects in society which cannot be reduced to, nor explained as, merely the secondary or reflexive effects of some factor which is primary or more determining. (Hall 1988, 9)

Of Gramsci's two tactics for achieving and maintaining hegemony[26] - consent and coercion - Hall was primarily interested in the former without ever losing sight of the latter. In the particular conjuncture of crisis that was Hall's object of analysis, these two tactics expressed themselves as a "movement towards a closure of control" in the form of the "law and order society" and "the construction of popular authoritarian ideologies" (Hall 2021a, 67), each reinforcing the other. The specific mechanism by which popular authoritarian ideologies were mobilized was the "moral panic"[27], framed as an existential threat to common sense, British values, and the traditional way-of-life. The linking of law and order and moral panic allows Hall to show how consent and coercion, far from being in opposition, are in fact two points on a continuum, reinforcing each other around a representational centre of gravity (i.e. whoever is portrayed as a "folk devil", a threat to the social order). In mobilizing both ideology and violence, moral panics are a useful tool for the construction of what Hall called authoritarian

26. My formulation here may require some explanation. Hegemony is often - sometimes even in Hall - equated with consent and opposed to coercion. Robert Cox describes hegemony/consent and coercion as the two elements that come together to form *power*: "To the extent that the consensual aspect of power is in the forefront, hegemony prevails. Coercion is always latent but is only applied in marginal, deviant cases" (Cox 1983, 164). However, Hall's analysis of the relationship of law-and-order to ideology and consent lead me to think of both consent and coercion as aspects of a hegemony that encompasses both. In this way, hegemony takes the place of power in Cox's formulation, underlining the necessity of coercion to hegemony and distinguishing hegemony from other forms of power. Gramsci saw hegemony as represented by Machiavelli's image of the half-human/half-animal centaur which Hall describes as "politics... understood here in terms of the different modalities of power (cultural, moral and intellectual, as well as economic and political)" (Hall 1988, 3).

27. The notion of moral panics, first elaborated by Stanley Cohen in *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* (Cohen 1972), is explored at length in the volume Hall co-wrote with Chas Critcher, Tony Jefferson, John Clarke, and Brian Roberts, on the ideological construction of mugging in the context of the state and the law and order society, *Policing the Crisis* (Hall et al. 2013).

populism[28] - the political result of the project to restore capitalist hegemony in the wake of the crisis of the late-1960s that necessitated wrapping a restored authoritarianism in the cloak of popular consent, or even manufacturing popular consent for a new set of repressive state tactics.

The moral panics Hall was particularly interested in centred around (or were "thematized" by) race, intersecting with other supposed threats to liberal authority and a British way of life (teenagers, welfare scroungers, trade unionists, etc.). These demonized Others were made out - in politics and the media - to embody challenges to liberal British common sense[29]: individualism (challenged by labour unions and collective - usually "ethnic" - identities), individual responsibility (welfare scroungers and immigrants), and private property (collectivists, welfare scroungers, *and* ethnic communities)[30] and all the cultural expressions of "Britishness" or "Englishness" that constituted an essential way of life[31].

With respect particularly to the use of racism in the reconstruction of liberal-capitalist authority, we can see the combination of consent and coercion in the fact that, as Hall writes, "the ideological construction of black people as a 'problem population' and the police practice of containment in the black communities mutually reinforce and support one another" (Hall 2021a, 102). Hall argued that in the management of the social and economic crisis, the socio-

28. Hall developed the idea of authoritarian populism out of his reading of Nikos Poulantzas, distinguishing between a "popular democratic" political regime which genuinely served the needs of the populace and an authoritarian populism which constructed popular support through ideological manipulation. Contemporary discourse's widespread use of the term "populism" obscures Hall's distinction.

29. "To a significant extent, Thatcherism is about the remaking of common sense: its aim is to become the 'common sense of the age'. Common sense shapes out [sic] ordinary, practical, everyday calculation and appears as natural as the air we breathe" (Hall 1988, 8).

30. For the deployment of trade unionists as a collectivist threat to the individualist petty-bourgeois discourse fostered by Thatcherism, see (Hall 2017b).

31. In 1964, just as the crisis in British culture and politics began to be felt, the novelist John Fowles tried to explain his feelings of "being English but not British". He argued that "the quintessence of Englishness... explains why we are admired in general and disliked in person by most other races" (Fowles 1998, 80). Fowles calls this quintessence "Green England" and argues that the English are "natural spreaders of justice... we see through law" (88) and all the other characteristic elements of Englishness follow from that. It was this sense of a singular, universal cultural identity (among "Englishmen") that was threatened by all the folk devils of the Thatcherite imagination

economic restructuring for capitalism to survive required a "reach for the Law", "the forging of a disciplinary common sense" in the face of "the feeling that the *only* remedy for a society which is declared to be 'ungovernable' is the imposition of order through a disciplinary use of the Law by the State" (Hall 2021a, 79). The feeling of ungovernability had been building since the mid-1960s resurgence of the people and exploded in 1968 (Hall 1988, 39), not least because of the work done by state representatives and the media to foment the threat of social disorder. But for Hall, the "drive for 'more Law and Order' is no short-term affair; nor is it a mere backlash against the 'permissive excesses' of the 1960s" (Hall 2021a, 78). Rather, it had to do with the structural problems of the British economy - the crisis of profitability due to the postwar settlement between labour and capital - and the augmented power (and expense) of the state in its postwar, social welfare form.

The Development of Authoritarian Populism

While the postwar consensus required a certain amount of repression of individual desire and collective identity - repression which figures such as Timothy Leary and Herbert Marcuse decried in different ways - such repression was generally made palatable by the solidarity of postwar reconstruction and the gains of the welfare state itself (in terms of health care, education, affluence, and social mobility). Social peace was paid for by a share of capitalist profits, a situation capital would only accept for a limited time, largely on the back of colonial wealth that helped build the welfare state before decolonization put an end to the extractive relationship between the imperial centre and the colonies (Bhambra 2022). By 1968, the combined power of the new social movements on the one hand and workers emboldened and protected by the social safety net on the other provoked the social crisis that opened the door to capitalist restructuring, while at the same time prompting the state to deepen and extend coercive discipline in the name of maintaining social peace. A new authoritarianism was deemed nec-

essary by the political establishment to keep and maintain order in the face of the dismantling of social programmes under neoliberalism, an authoritarianism which both subscribed to and disseminated the neoliberal orthodoxy: individualism, individual responsibility, and free market fundamentalism. Under neoliberalism, David Harvey writes, "all forms of social solidarity were to be dissolved in favour of individualism, private property, personal responsibility, and family values" pushed through by a concerted "ideological assault" on the part of the state (Harvey 2005, 23). All of these ran, to a certain extent, counter to the culture of the welfare state (with the exception of reliance on family values), but appealed to the sense that individual freedom and desire had been obstructed by the requirements of postwar reconstruction and could now be reclaimed. The claim that the new social, political, and economic order was a step forward for individual freedom, desire, and self-expression after the austerity of the postwar period, was a key plank in the manufacture of consent for neoliberal restructuring. This was a complex process in which desire and individual freedom were coopted into the neoliberal project by way of the figure of the entrepreneur who was neither capitalist nor worker but was deemed able to participate in capitalism on their own (ethical, authentic, non-alienated) terms[32].

In Hall's view, the imposition of this new authoritarianism in the guise of populist democracy began as a dual movement: in the representation of a threat to British liberal values and way of life, and in an increased reliance on "law and order". Both cases required a scapegoat: enemies of the social order, British culture, traditional values and "common sense", who could engage in criminal activity at any moment, activity that would warrant a police response. For Hall, the "folk devils" of the rise of Thatcherism (the name given to the new hegemonic project in the UK) were all those who rejected (or could be characterized as rejecting) individual responsibility, who relied on collective (class or ethnic) identity and anyone who rejected capitalist notions of fairness (primarily fair exchange) and "hard work" by taking more from

32. Boltanski and Chiapello note how the term "manager" was replaced under neoliberalism by more inspirational names like "leaders", "catalysts", "visionaries", "coaches", "business athletes", and "midwives" (Boltanski and Chiarello 2005, 77–78).

society than they contributed. Immigrants - especially from the former colonies in the West Indies, Uganda, Pakistan, etc. - rebellious youth and "welfare scroungers" were, along with trade unions, the preferred targets of the 1970s moral panics.

Gramsci had seen the winning of consent as developing out of a threat to physical security, writing that "the more an individual is compelled to defend his own immediate physical existence, the more will he uphold and identify with the highest values of civilization and of humanity" (Gramsci 1971, 170). Hall on the other hand recognized that a threat to *cultural* existence, to a way of life, was just as effective in promoting a vision of what those "higher values" are and thereby in *constructing* an existential threat to the social order (and to material life, given the economic stagnation and crises of the 1970s). Only the Thatcherite wing of the Conservative party understood the crisis as one of popular legitimacy calling for a hegemonic (ideological) response; neither the traditional Conservatives nor the left were, in Hall's view, capable of understanding the crisis in this way. In the face of criticism of his own focus on ideology and politics, Hall wrote that the political analysis of the traditional left was inadequate for the new conjuncture:

> in both its orthodox Marxist and economistic variants, it tends to hold to a very reductionist conception of politics and ideology where, 'in the last instance' (whenever that is), both are are determined by, and so can be 'read off' against, some (often ill-defined) notion of 'economic' or 'class' determination. (Hall 1988, 3)

The inadequacy of the analysis led in Hall's view to disastrous strategic thinking. Hall noted that

> when the left talks about crisis, all we see is capitalism disintegrating, and us marching in and taking over. We don't understand that the disruption of the normal functioning of the old economic, social, cultural order provides the opportunity to reorganize it in new ways, to restructure and refashion, to modernize and move ahead. (165)

In the articles of this period, especially in "The Whites of Their Eyes: Racist Ideologies and the Media" (1981), Hall details the ways in which the media constructs particular narratives, sets particular questions as foundations of discourse ("Is immigration too high?" for example) that force the discussion - the representation of social reality - down particular avenues[33]. In an account of the way the news media equated the Anti-Nazi League with the National Front, Hall remarks that

> This is the classic logic of television, where the media identifies itself with the moderate, consensual, middle-road, Average viewer, and sets off, in contrast, extremism on both sides, which it then equates with each other. In this particular exercise in "balance," fascism and antifascism are represented as *the same* - both equally *bad*, because the Middle Way enshrines the Common Good. (Hall 2021g, 113)

The inability of the traditional left at the time to understand ideology and culture in anything but the reductive, class-bound base/superstructure terms of orthodox Marxism, meant that the left missed the chance to intervene and become active on the "cultural front"[34], to create a left-wing 'common sense' that might stand a chance against the right. As Hall noted in 1988, "the failure... of Labour, and of the left more generally, to comprehend what Thatcherism really represents - the decisive break with the postwar consensus - provides the measure of the left's historic incapacity so far to meet the challenge of Thatcherism on equal terms" (Hall 1988, 2). He took the opportunity to explore these issues and to try, himself, to come up with a Marxist account of representation, ideology, and discourse which would underpin not only an interpretation of specific conjunctural realities, but potentially form the basis for a left-wing

33. Hall's theory covers similar ground to Norman Fairclough's Critical Discourse Analysis. In *Language and Power* (first published in 1989), for example, Fairclough expresses "the view that conventions routinely drawn upon in discourse embody ideological assumptions which come to be taken as mere 'common sense', and which contribute to sustaining existing power relations" (Fairclough 2015, 101). Fairclough also emphasises consent over coercion in the exercise of power, since "in modern society, social control is increasingly practiced, where this is feasible, through consent" which is "often a matter of integrating people into apparatuses of control which they come to feel themselves to be part of" (67). Fairclough draws directly on Hall in "'Political Correctness': The Politics of Culture and Language" (Fairclough 2010).

34. Cf. (Fitzpatrick 1992). It may be that in the post-1956 period, any organized engagement by the left in cultural activity was seen as worryingly Soviet.

hegemonic project of its own.

2.5 Racism, Representation, and the Media

In "Race and 'Moral Panics' in Postwar Britain" (1978), Hall described Enoch Powell's anti-immigrant racism as a response to the crisis of hegemony brought about by the wider social crisis (the "resurgence of the people" and the crisis of profitability). Hall considered 1968 - the year of Powell's "Rivers of Blood" speech - as a turning-point in the social crisis that hinged specifically around race, but encompassed all other channels of social revolt. 1968, the year of the Beatles' "Revolution",

> inaugurated a period of profound political, social and cultural *polarization* - when the great consensus, which had uneasily united all classes and strata into the "politics of the centre," backed by an apparently unending boom, definitively came apart, to reveal the contradictions and antagonisms gathering beneath. (Hall 2021e, 62)

Powell was the most vocal opponent of what he took to be an existential threat to the common sense liberal order[35], which he associated particularly with nonwhite immigration. Powell decried "enemies within" British society, marking an exceptional moment in which Hall noted that "the very foundations of social consensus [has] been eroded" and "more than usual 'law and order'" is called upon to deal with" a 'more than usual' threat to the social order" (65). Powell was fearmongering, but the British establishment did see the resurgence of the people as a real and direct threat rather than just a fad for permissiveness or a set of limited demands for equal rights.

35. According to Bill Schwarz, Enoch Powell called this ill-defined threat simply "The Thing". Beginning with the student unrest in 1968, Powell was concerned with what he saw as "a wider and deeper disorder, evident in many different guises". "What had panicked Powell... was the amorphous nature of this subversion. These were acts which occurred within civil society more often than they did in political society, conventionally understood, and they were generally cultural or symbolic in form" (Schwarz 2011, 3).

Race, in Hall's view, became "the prism through which the crisis [was] perceived" in Britain; race "periodises and punctuates the crisis" of the welfare state and postwar capitalism, making "the abstract 'crisis of authority' real, concrete, and specific" (Hall 2021e, 65). The "silent majority" of Britons, constructed as an audience for government and media messaging in this period, became convinced that their common sense *doxa* - the representations through which they understood and engaged with the world - were being directly threatened. On the other side, as Hall pointed out, the media set the terms by which Britain's social problems could be debated in terms of race to the extent that "liberals, antiracists, indeed raging revolutionaries can contribute 'freely' to this debate... without breaking for a moment the chain of assumptions which holds the racist proposition in place" (Hall 2021g, 115)[36].

Hall notes that Powell himself understood that the problem was not race as such, but that

> Race was being used to mystify and confuse the people. The real problem was the great liberal conspiracy, inside government and the media, which held ordinary people up to ransom, making them fearful to speak the truth for fear of being called 'racialist,' and 'literally made to say that black is white'... Race [was] the 'secret weapon,' 'depriving them of their wits and convincing them that what they thought right was wrong'; in short, race [was] the conspiracy of silence and blackmail against the silent and long-suffering 'majority'. (Hall 2021e, 65–66)[37]

For Hall, while the crisis was primarily "thematized" through race, "it is the whole crisis - not race alone - which is the subject of law and order crusades" (63). But, following his view of language as neither reflective nor intentional, perspectives on the crisis - especially around

36. In 1979 Hall co-produced a controversial television programme, *It Ain't Half Racist, Mum*, in association with the Campaign Against Racism in the Media which analyzed these issues for a popular audience. The programme addressed the way the media defined the debate around racism in terms of numbers of nonwhite immigrants the solution to which was "repatriation". The treatment of the descendents of the Windrush generation in the UK in recent years, as well as the draconian anti-immigration policies under the Johnson, Truss, and Sunak governments, can be seen as an inevitable consequence of setting the terms of the debate in this way.

37. The same themes are active today in attempts to deal with the current crisis, from the "war on Christmas" to "having to call a woman a man", to liberal/media conspiracy theories, to the usual fears of Black or Indigenous uprising, all of which were sharpened during the Trump presidency, but are characteristic of the whole post-2008 crisis period.

race - neither unproblematically reflect social reality nor represent the spontaneous, individual opinions of the British public. When the public is "made to speak", Hall writes, "it 'speaks' with the unmistakable accent of a thoroughly homegrown racism" (Hall 2021e, 63).

Who is it that makes the public speak in those terms, and how do they do it? Hall here refers to "the ventriloquism of... public articulators", that is, the media, to whom he assigns the role of constructing and disseminating the discourse necessary to give the law-and-order response (and through it the whole package of neoliberal restructuring policies) a popular legitimacy.

The media as articulator of the social order seeking legitimacy by demonizing the "Others" who threaten it works at one end of a continuum between the manufacture of consent and coercive state power. Consent and coercion, in this view, are not two distinct operations, but rather shade into one another, an idea Hall traces back to Durkheim, noting that "if a society is to reproduce itself, it must also reproduce [its] collective representations and normative structures" (Hall 2016, 58). The most ideological representation is implicitly backed up by the threat of state violence, just as the purest use of police force has a cultural and ideological element. Hall's interest in the media lies in the concrete ways it reproduces such representations and structures. The media itself took on an expanded role with the development of mass society - including mass education - in the 1950s (Hall 1992, 11–12), which necessitated new strategies of winning over a more enlightened electorate and exercising cultural control as the threat of the direct use of force became less culturally and politically acceptable[38].

Rejecting any view of the media that, like the reflective theory of language, sees it as simply representing what is transparently *there*, Hall sees the media as in fact producing

38. The displacement of direct bodily control and the creation of new distanced (or, we might say, cultural) techniques of control and administration was Foucault's focus in *Discipline and Punish*, *The Birth of the Clinic* and elsewhere. Foucault notes that with the advent of mass society, the penalty of crime were "intended not to punish the offence, but to supervise the individual, to neutralize his dangerous state of mind, to alter his criminal tendencies, and to continue even when this change has been achieved" (Foucault 1995, 18).

"representations of the social world, images, descriptions and frames for understanding how the world is and why it works as it is said and shown to work" (Hall 2021g, 103–104). A television programme encodes a particular model of the world (set of values, ideology, etc.) not only in the programme's content but in the formal conditions of its production (Hall 2021b, 251–252). All those who work on the programme encode their conceptual maps and models as a message running alongside or beneath the surface content, which is then decoded by viewers who may or may not share the socio-cultural and political context of the producers. Hall argues that the encoding process allows discursive and symbolic rules to "intervene" in order to "transform and naturalize" specific historic contradictions with the goal of reconciling them and making history "grokkable" by an audience. The end-result of this reconciliation - when it is successful - is to "interpellate" viewers as ideological subjects, instilling a particular ideology and thus contributing to the maintenance of hegemony, disseminating particular social and political views as if they "spontaneously" belonged to the viewing public (who have "made up their own minds") (262). Hall's specific concern is with the creation and dissemination of racist discourses, where the media "help[s] to classify out the world in terms of the categories of race", that is to use race to thematize the crisis and to organize and order a refractory social reality.

The media (which, in the 1970s, was more monolithic than today) thus provided representations of crime, welfare scroungers, immigrants, and Black people as threats to a "common sense" individualist, self-interested, free-market social order. These representations in turn fed into a repertoire of discourses that "operated directly on popular elements in the traditional philosophies and practical ideologies of the dominant classes" (Hall 1988, 48–49). Contrary to the traditional left, however, Hall's constructionist view allowed him to see that *any* of these discourses could appeal to and interpellate a member of any class. No discursive or ideological position has an intrinsically reactionary or progressive content; any position can be

articulated in such a way as to manufacture the consent of whoever it speaks to[39]. Hall does not however follow the poststructuralist indeterminacy of subjectivity; people are more or less predisposed to accept certain kinds of common sense due to their intersectional experience of class, race, gender, etc. Hall's view falls between a fundamentally individualistic account in which people freely and consciously choose their own values and opinions (i.e. the view of intellectual freedom in libraries), and a unidirectional, class-determinist orthodox Marxist position.

Against traditional leftists, Hall insists that populist support for the establishment is not simply an error or "false consciousness". The right-wing ideology deployed by the media during the crisis of the 1970s was not just "a set of ideological con-tricks whose cover will be blown as soon as they are put to the stern test of material circumstances" (Hall 1988, 49). Having learned the lessons of Gramsci and Althusser, that ideology is not false consciousness but an intellectual orientation able to make sense of and live through the real contradictions of our social relations, Hall argued that the left "greatly underestimates both the rational core on which populist constructions are situated, and their real, not false, material basis" (49). Far from simply filling the working class with useful fictions or imaginary ideological narratives, Hall continued, the right-wing hegemonic project harnessed the very real experiences of "the popular classes" (49), experiences which could be counterintuitive or contradictory, reflecting the contradictory nature of capitalist society itself.

Understood in this way, a project of hegemonic renewal was not merely a response to economic crisis but to social crisis as well. Authoritarian populism offered a way forward for the disaffected groups that arose as the existing order became incapable of dealing with the crisis, so long as those groups conformed or assimilated to the new regime's necessary features. In the 1970s, these features included a radical individualism, commitment to the free-market,

39. This is not to say that there are no reactionary or progressive positions, which would commit Bhaskar's epistemic fallacy; rather, those positions can be articulated in almost any way necessary to achieve the hegemonic objective.

and rejection of the counterproductive paternalism and the social safety net of the welfare state. In order to take advantage of the personal freedom and achievement of desire that had been blocked by welfare state culture, subaltern groups had to align themselves with individual entrepreneurialism and the free-market. The hippies of the 1960s became the yuppies of the 1980s. Collective identity would only be recognized and tolerated if it remained solely cultural - a private, personal opinion or lifestyle choice - posing no threat to neoliberal prosperity and the return to profitability.

We can extend Hall's analysis in a conjuncturally specific manner, recognizing that at other places and times, and in different institutions, race and immigration may not be the primary theme of an ideologically produced panic. In recent years, for example, transgender people have become one of the main threats to "common sense" and the social order of traditional values (e.g. "natural" sex or gender, traditional gender roles and family structures, etc.)[40]. What matters here is not *which* Other is represented as a threat to liberal values, but that *some* difference can be found to demarcate, articulate, and represent an Other and easily define them within the conceptual model at work. Trans people provoke a particularly vehement response, today and thus are an excellent candidate for this kind of Othering, precisely because they challenge an ostensibly "natural" social and biological order.

However, it is important to understand that representations are never perfectly transmissible. In the same way that, for Marx, political economists tend to forget that the sale of a commodity cannot be taken for granted, resulting in an assymetricality between production and consumption, so "the codes of encoding and decoding may not be perfectly symmetrical" (Hall 2021b, 250). The encoding of signs in human societies, as we have seen, is arbitrary[41], contextual, always contested and never fixed. Learning the codes proper to their social en-

40. See, for example, Susan Stryker's remark that "access to transsexual medical services became deeply entangled with a socially conservative attempt to maintain traditional gender configurations" (Stryker 2008a, 118).

41. Arbitrary, that is, from any kind of objective or naturalist perspective; in fact the encodings are historically determined, as contingent moments of the past become necessary preconditions for the present.

vironment is the way "children learn, how they become not simply biological individuals but cultural subjects" (Hall 2013, 8)[42]. But as with the transmission of DNA from generation to generation, the reproduction of representations can contain "transcription errors".

The fact that a "correct" decoding is never guaranteed is part of Hall's decoupling of class or material reality from specific ideological positions. The disconnection between encoding and decoding is what makes ideology and discourse always contested, but it also makes space for subaltern ways of knowing that would not otherwise be represented within hegemonic cultural artefacts, as misreadings can signify "at the 'message' level, the structural conflicts, contradictions and negotiations of economic, political, and cultural life" (Hall 2021b, 261). This asymmetry is what allows for agency and resistance, and what necessitates political coordination, organization, and the forging of solidarity across ideological lines. As a result, for Hall, this mutually constructed vision of society challenges both the social contract and the liberal ideal of individual freedom[43], precisely because it is communal and not individual.

We have seen in this section how the media fits into Hall's account of representation, and in general the ways nonwhite immigration and race were used to centre the construction of a new hegemony in the 1970s. In the next section I want to look more closely at the phenomena of moral panics and how they operate.

42. Cf. Wittgenstein: "When a child learns language it learns at the same time what is to be investigated and what not" (Wittgenstein 1979, §472). Similarly, Judith Butler begins her account of how language injures rather than just offends with the question "could language injure us if we were not, in some sense, linguistic beings, beings who require language in order to be?" (Butler 2021a, 1).

43. However, the fact of societies differentiated along the lines of class, race, gender, sexuality, etc, means that semiotic assymetry is seen as a challenge to what should "rightly" be an ordered, stable society. Indeed, the struggle to "fix" meanings once and for all was a political imperative identified by social contract theorists like Hobbes, who "concluded that the solution to linguistic instability, and any disputes resulting from instability, could only be found in the determinations of the sovereign who could fix meaning and (therefore) morality" (Dickens 2006, 26). In many ways, the liberal/libertarian/communitarian controversy we will look at in Chapter 4 can be understood as a debate over the legitimate source of meaning within this broader Hobbesian context, a context Hall implicitly rejects.

2.6 Moral Panics

Hall's concern throughout the 1970s was with the media and communications. He therefore emphasized the media's ability to help win popular support over to law and order and a new, neoliberal common sense, via the construction of perceived threats to liberalism and the traditional British way of life. By demonizing immigrants, for example, it could valorize the "traditional" whiteness of the United Kingdom; by demonizing welfare scroungers, it could valorize paying-one's-way, setting up individual payment for social services as a better option than the social safety net of the welfare state, allowing people on welfare or the dole to be characterized as receiving without contributing, taking more than their "fair share". The media was caught up in a similar process, re-articulating (in Hall's sense, encoding) existential threats to capitalist profitability as threats to the British way of life, if only by concentrating on British traditions, values, and the idea of British greatness. Anything tainted by collectivism - the Labour party, the trade unions, etc. - were on the side of scroungers, which included anyone who didn't subscribe to (or could be shown as rejecting) the neoliberal values of individual responsibility, "fairness", and the common sense of technical efficiency, value for money, etc.

In the discourse of the time, welfare scroungers exemplified all these elements: they were out of work and therefore paradoxically associated with "lazy" unionized workers; they were taking from society more than they contributed; and they expected society to take care of them rather than taking personal responsibility for their lives. Criminality and race were additional vectors of this articulation: immigrants and Black Britons supposedly held allegiance to "non-British" values and ways-of-life; criminals (especially small-scale criminals, muggers, and hooligans) stole from society and threatened the livelihood of honest people who were just trying to get ahead.

By definition, all of these elements were anti-social from the perspective of a con-

structed image of traditional British life. These groups, properly demonized in the media, provided a necessary fulcrum between day-to-day threats to life, liberty, and property "on the streets" (to be dealt with by police) and the vast left-wing/collectivist conspiracy that provided a coherent if conspiratorial explanation for both the specific, day-to-day individual acts of violence the media did its best to exaggerate and the concerted "violence" of the trade unions. News stories and popular culture that vilified these anti-social elements simultaneously made viewers and readers identify with the middle ground, helping to construct a silent majority of right-thinking, responsible, law-abiding citizens who were the backbone of British society, and who could make a fair claim to being identical with "the nation", as opposed to immigrants, people of colour, communists, etc.

The creation of a set of demonized Others, particularly but not exclusively Black people, gave the "silent majority" someone to blame for both the economic crisis (immigrants stealing jobs, the unemployed claiming unearned benefits) and the crisis of authority (i.e. bringing their illiberal views and values to bear on British traditional freedoms). The deployment of police to deal with the criminal element showed the silent majority that the state was on their side and that something clear and unambiguous was being done to restore order and social standards.

While the 1970s crisis was oriented around race, crime, and youth, Hall wrote, these more abstract elements were "condensed" into particular criminal acts (such as mugging) in such a way that

> The society comes to perceive crime in general, and 'mugging' in particular, as an index of the disintegration of the social order, as a sign that the 'British way of life' is coming apart at the seams. [...] [T]he image of 'mugging'... serve[s] as the articulator of the crisis, as its ideological conductor. (Hall et al. 2013, 1–2)

Hall et al. suggest that acts such as mugging can be constructed or represented as different kinds of threats to "civilized society" (i.e. the "normal", common sense, ideological

self-image of a society). Such acts can then be placed in a hierarchy of societal tolerance divided by thresholds which symbolically define the limits of that tolerance: "The higher an event can be placed in the hierarchy of thresholds, the greater is the threat to the social order, and the tougher and more automatic is the coercive response" (Hall 2013, 221).

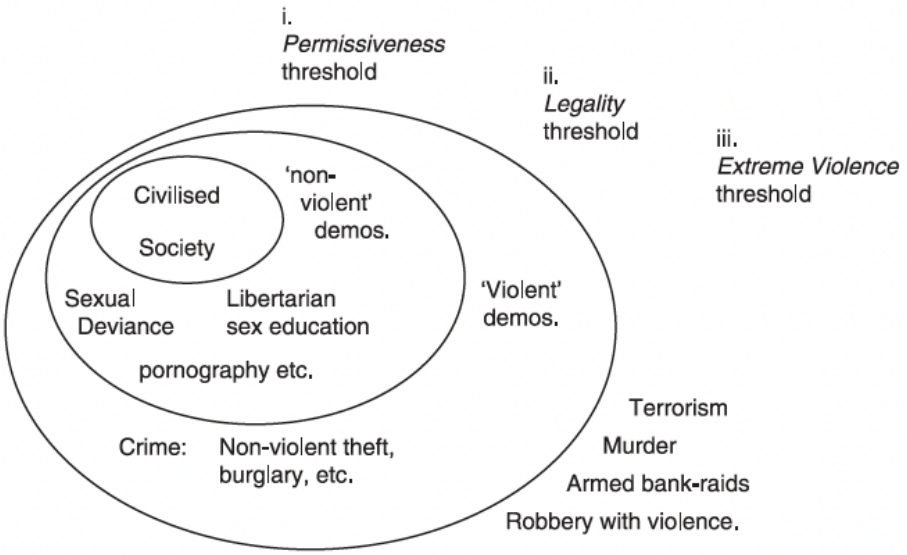

Figure 2.1: (Source: Hall and Jefferson (2006), *Resistance Through Rituals*, 63 [cf Hall et al. 2013, 223])

The theoretical model identifies three symbolic thresholds:

1. *Permissiveness*: events cross this threshold when they "contravene traditional moral norms" and "therefore mobilise moral sanctions and social disapproval" (222).

2. *Illegality*: "The law clarifies the blurred area of moral disapproval, and marks out the legally impermissible from the morally disapproved of" (222).

3. *Violence*: Violent acts pose a direct threat to the basis of social order and the state (in particular, the state's monopoly on violence)[44].

44. In this thesis I see moral disapproval of trans people as marking, in the first instance, the permissiveness threshold, while anti-trans bathroom bills are an attempt to escalating transphobic moral disapproval into the realm of the illegal. In Winnipeg, potential and actual violence in WPL led immediately to a disproportionately coercive response in the form of new security procedures and increased policing in the library space.

These symbolic thresholds are not merely descriptive markers of any given violation of civilized, common-sense norms, but are used by the state as representations which can construct common sense and can legitimate state discipline. As a result, these thresholds are tools or tactics of hegemony intersecting with the continuum of consent and coercion as *responses* to social transgression. Hall et al. speak of the ways these thresholds can be used to mark out escalations, both of the perceived threat to the socal order, and of the state's response to that threat:

> One kind of threat or challenge to society seems larger, more menacing, if it can be mapped together with other, apparently similar, phenomena - especially if, by connecting one relatively harmless activity with a more threatening one, the scale of the danger implicit is made to appear more widespread and diffused. Similarly, the threat to society can be escalated if a challenge occurring at the 'permissive' boundary can be resignified, or presented as leading inevitably to challenge at a 'higher' threshold. (Hall 2013, 222)

A concrete example right now of this kind of escalation is the connecting of trans women using women's washrooms (a "relatively harmless activity") with the threat of physical and sexual harassment or assault. The "permissiveness" threat of trans women in women's washrooms is thereby resignified as inevitably leading to (even enabling) trans threats at the illegality and violence thresholds. One reason the platforming of transphobic speakers in libraries is so pernicious is because these speakers leverage the authority and trustworthiness of libraries to represent trans people as at minimum permissive threats to civilized society, but then seek to escalate the trans challenge to the higher thresholds. We will look more closely at this in Chapter 6.

Hall's ideological explanation, then, shows that low-level crimes like mugging were not simply empirical transgressions, but symbols used to rally support for an "authoritarian consensus", "the slow build-up towards a 'soft' law-and-order society" (Hall et al. 2013, 2). In the "Reply to Jessop et al.", Hall wrote that the moral panics of the 1970s "served to win for the au-

thoritarian closure the gloss of popular consent" (Hall 1988, 151). But Hall and the co-authors of *Policing the Crisis* were careful to point out that the "ideological conductor" of authoritarian populism was not merely an illusion, a mistake, or false consciousness. They demonstrated instead what *real* social conditions were being articulated by race and crime, how material reality was concretely understood by the people who lived through it.

It was the veneer of popular support generated by the encoding of social reality for the creation of moral panics that made Thatcherism, in Hall's view, an authoritarian populist rather than a genuinely popular-democratic form of government (Hall 1980). As we have seen, the authoritarian-populist regime seeks to restore its own legitimacy/hegemony by recourse to two tactics: 1) the restoration of direct social control by the police and the construction of popular consent through moral panics and folk-devils; and 2) the complementary construction of an audience for these discourses. While the police remain the primary instrument of direct coercion, the responsibility for the support, maintenance, and reproduction of popular consent lies with cultural institutions like the media. As we will see later on, libraries play a similar encoding role, albeit one with an inflection appropriate to the democratic-Enlightenment discourse that surrounds them and gives them a veneer of trustworthiness and disinterested, apolitical neutrality.

Selection of Moral Panic Themes

One important question raised by Hall's work is what permits one characteristic (like race) to thematize the hegemonic crisis as a whole? Why did race become the prism through which the late-1960s/early-1970s crisis was perceived? I would argue there are two main factors determining which *specific* characteristics thematize the crisis or, put another way, which kinds of groups become targets for moral panics. These two factors are historically and conjuncturally

specific.

The first factor is identifying those people whose behaviours, actions, opinions, lifestyles or values can be presented as directly opposed to any of the primary ideological planks of the hegemonic project. For example, "race" was constructed as a category which threatened traditional values not just in general, but specifically in terms of cultures and behaviours brought to Britain from the colonies (Hall 2021e, 60–61), the idea of shared *minority* identity (which threatened to become the majority through what the right now calls "white replacement"), and the always-present potential for actual violence (ranging from mugging to riots (Hall 2013, 31)). In Thatcher's Britain, which sought to transition from welfare state solidarity to neoliberal hyper-individualism, all those who appeared to opt for collective lifestyles were portrayed as threats to traditional British values and common sense. The same applied to those who violated the new social contract based on fair exchange (i.e. who refused to take individual responsibility), like welfare scroungers. In all these cases, key ideological supports for neoliberal hegemony (individualism, fair exchange, responsibility) were reinforced by Othering and demonizing those who didn't conform. Race came to thematize the crisis most strongly because it overlapped more ideological elements than, say, trade unionism did.

The second factor involves those who, for various historical reasons, make up a subaltern section of society. Often (but not always) these are what we would now call "visible minorities" who are unable to conform to the majority population (sometimes prevented from fully assimilating, sometimes resisting assimilation) (Hall 2021e, 62). In the dominant ideological construction, they refuse to conform to "our values" or "our way of life", and remain subnational cultural enclaves within the larger dominant culture. (This connects up with Hall's work on subcultures (Hall and Jefferson 2006) but also ties into older dynamics of anti-semitism (S. Taylor 2022)[45]). In Thatcher's Britain these were the colonized populations who had immigrated to

45. Jon Stratton has criticized British cultural studies - and Hall in particular - for conflating "race" with "blackness" and eliding or ignoring the ambivalent position of Jews in the construction of race in British culture (Stratton 1998).

the imperial metropole and who were ghettoized or refused assimilation, holding on to many of their older cultural values and behaviours, or carving out new identities (Hall 2021d, 252)[46].

Obviously, these two ways of constructing candidates for Othering and moral panics, two ways of carving out specific themes for a given conjunctural crisis, often overlap. The refusal or inability to assimilate creates or reinforces subcultures which are themselves collective identities that violate the individualistic ideology. Similarly, those who don't take personal responsibility and refuse to abide by fair exchange are also refusing to live according to "our values" and carving themselves out as unassimilated subcultures (Hebdige 1979, 37–44)

In Canada, two groups that thematized the crisis of the late 1960s, the Quebecois and Indigenous peoples, fit both of these criteria. From the perspective of the dominant, liberal ideology, the Quebecois refuse to conform to the values of the rest of Canada, take more than they give back to confederation, expect special treatment, and trample over individual rights in the name of a collective goal (C. Taylor 1994, 54–55). Indigenous peoples refused assimilation in 1969 and have sought to maintain their "subcultural" identities and ways of life in the face of imperial Canadian hegemonic projects down to the present day (Tully 1995, 208). Often, Indigenous economic and ecological positions are also explicitly anti-capitalist (Shipley 2020, 298–299), putting them at odds with one of the major ideological planks of Canadian liberalism, which is the primacy of resource-extraction economics. Currently, the Quebecois do not play a major role in moral panics. Their place has been taken by trans people who, like welfare scroungers and trade unionists and unlike the Quebecois, do not form a *self-selected*, cohesive subculture of shared, collective identity, but rather have been collectively demonized (leading to solidarity-building which could end up reinforcing their collective otherness) (Hebdige 1979, 57, 114). One of the main challenges posed by trans people is that simply by existing they can be taken to threaten the individualism of liberal ideology by demonstrating that gender identity

46. British director Steve McQueen's 2020 *Small Axe* film anthology explores these subcultural groups and the racism they faced in the 1960s and 1970s

is not grounded in biological sex, and is performative and fluid rather than stable over time[47]. As we will see in Chapter 6, both Indigenous peoples and trans people are suitable candidates for "thematizing" today's moral panics in Canada.

2.7 Conclusion

In this chapter, I explored Stuart Hall's theory of how political hegemony is pursued (never completely successfully) through a combination of consent, constructed via the media and other systems of representation, and coercion, specifically in terms of the symbolic thresholds of societal tolerance. While the ongoing maintenance of hegemony occurs in times of social peace and stability, both consent and coercion are deepened and extended in periods of crisis, as capitalism shifts to a new conjuncture requiring new values, new ideas, new discourses. While it is vital to Hall's conjunctural hermeneutics that his analysis was specifically about the 1970s and early-80s, it is important to be able to extend and apply his analysis to the current moment and to a different social formation - that of contemporary Canada.

Hall's importance for the study of contemporary Canadian culture and politics lies in the way he analyzed the hegemonic tensions and struggles within a given conjuncture. While he was primarily concerned with the hegemonic reconstruction of British conservatism during and after the neoliberal turn in the 1970s and 1980s, the way in which cultural representations (primarily in the media) encode and transmit ideological constructions remains incredibly valuable. In Hall's view, cultural institutions - like the media or libraries - encode ideology in their representations, disseminate them in order to construct a particular political audience, and then use that audience's ostensibly spontaneous and autonomous beliefs, values, and opinions to "inform" policy, thus giving state power a veneer of popular legitimacy. Many of these

47. This is not the only ideological component trans people can be presented as a challenge to. "Family values" - as seen in the parents' rights movement beginning in 2022/2023 - is another.

representations gravitate around specific targets (folk devils) and coalesce in the form of moral panics which can then be used to justify (with popular support) the increased use of police and law-and-order tactics to dominate society. In this way, an "authoritarian populist" hegemony gains power and consolidates its position, the better to weather the storms of social, economic, and political crisis.

As opposed to the traditional left view Hall challenged, political and social life are not transparently present on the surface of cultural forms. Rather, they have to be interpreted, decoded, which entails an understanding of how political and social life are represented and encoded in the first place. Only by understanding the mechanisms by which representations are encoded in media can we take the specific ideological temperature of a given conjuncture. This kind of conjunctural hermeneutics does not just apply to popular media, fiction, narrative, etc, but also to supposedly disinterested or neutral cultural forms like political theory and institutional policy. The politics of recognition and the discourse around it is precisely one such cultural form/political theory, leading to specific representations in library policy and decision-making. The notion that, in the Canadian context, library policy and the politics of recognition can be interpreted for the political unconscious they represent form the heart of the analysis of this thesis. The politics of recognition, constructed on the basis of moral panics and folk devils, and policed by reference to the symbolic thresholds of societal toleration, creates and reinforces a zone of acceptable (liberal, bourgeois) difference, outside of which trans and Indigenous people are relegated, the better to construct a public that identifies with the zone as such, recognizing themselves as the kind of autonomous, self-directed, intellectually free subject that libraries (and Canadian society at large) include and value. In order to fully understand how this works we need a better understanding of the ebbs and flows of legitimation crises in Canadian politics and the political ideology that the politics of recognition and library discourse seek to represent. The crises of Canadian politics and the adoption of recognition as a practical political strategy are the subject of the next chapter.

3 The Crisis of Canadian Constitutionalism

> Many of the key themes of the radical right - law and order, the need for social discipline and authority in the face of a conspiracy by the enemies of the state, the onset of social anarchy, the 'enemy within', the dilution of British stock by alien black elements - are well articulated before the full dimensions of the recession are revealed. They emerge in relation to the radical movements and political polarisation of the 1960s, for which '1968' must stand as a convenient, though inadequate notation.
>
> Stuart Hall, "The Great Moving Right Show".

3.1 Introduction: 1968 and the Challenge to Canadian Unity

From the 1970s on, the Canadian government engaged in a number of symbolic moves intended to "recognize" particular kinds of difference while leaving the overarching structures of political and economic liberalism intact. These moves included legal recognition of Indigenous land claims (while continuing to exploit Indigenous land for resource extraction projects) as well as (in a limited way) Quebec's distinct status and the status of women and immigrants, enshrined in various pieces of legislation, such as the federal Status of Women agency (1976), the Multiculturalism Act (1985/1988), and indeed the Constitution itself (1982). In legislation, policies, press releases, and legal decisions, the government "represented" Canada to its citizens, ensuring that, despite the social, economic, and political changes that had occurred since the 1960s, Canadians did not lose faith in the leadership of the political class and its abil-

ity to protect individual rights and freedoms. As a result, the texts produced by the government have to be understood, in Hall's terms, as ideological articulations of particular problems, and as encodings of a particular overarching representational system, the limited communitarianism of Canadian politics. These texts constitute a discourse that "calls" Canadians to support government policy in the face of threats to the social order, threats which have traditionally included Indigenous peoples and the Quebecois.

So far, we have looked at Hall's analysis of hegemony and representation, including the construction of moral panics around specific Others in Chapter 2. The present chapter seeks to show how a practical politics of recognition worked as a way of articulating competing interests in order to forge popular support for the Canadian state's hegemonic project. Recognition works this way by constructing and then appealing to a popular "common sense" among the majority of the population, at the same time trying to accommodate cultural difference - if only symbolically - while resisting any real redistribution of wealth or power among marginalized populations. When possible, moral panics around Quebec and Indigenous peoples were used to cement a sense of Canadian national unity along the lines of liberal universalism. When necessary, however, the federal government has had to recognize a certain amount of "distinctness" - departures from universalism - in order to maintain hegemony. Sometimes the demands for recognition go too far - as in the failed constitutional amendment processes of 1987 and 1992 - and sometimes they are celebrated, as with the official policy of multiculturalism. Recognition is thus a *pragmatic* political strategy of the Canadian state for the maintenance of its hegemonic power: it has limits, and the centre of gravity of those limits is the bourgeois-liberal citizen/subject, property-owning, rights-bearing, and intellectually and materially free. Recognition draws a dividing line between all of these tactics of ideological construction, hegemonic support, and interpellation on the one hand, and moral panics and the demonization of folk devils on the other. The line of recognition is drawn according to the kind of challenge posed to liberal hegemony, as well as the nature of the threat (according

to Hall et al's thresholds of societal toleration). Recognition, we may say, structures the zone of civil society bounded by the first symbolic threshold, that of permissiveness. The more a societal threat is escalated, the less "recognizable" it is by Canadian society and political institutions, including libraries.

Building on the foregrounding of the ideological and the political that was Hall's strategy for helping to explain the way hegemony was reestablished after the crisis of the late 1960s, I will argue here that "recognition" in Canada was just such an ideological tactic. We can think of the politics of recognition as the kind of articulation that, in Hall's view, could be used to fuse together particular competing or even antagonistic interests in support of a hegemonic project. Despite the emphasis on ideology, politics, and culture, however, such articulations are, for Hall, still grounded in material and social life, and the tensions, dynamics, and questions posed by real politics. In this chapter, I will explore the development of a practical politics of recognition in Canada from this perspective.

I want to offer an account of the historical and conjunctural details of this development. In order to properly interpret the role of the politics of recognition as a specific *theoretical* intervention in the early 1990s (Chapter 4) and the role of intellectual freedom in libraries (Chapter 5) in the maintenance of a hegemonic image of the self-directed, autonomous liberal individual (Chapter 6), we need to understand the way the crisis of liberal-capitalist hegemony has played out differently in Canada than in the UK and the US, why it took a particularly conciliatory or mediating route between the collectivism of the welfare state and the radical individualism of neoliberal capitalism under Thatcher and Reagan. It is this communitarian Canadian difference that makes libraries in Canada function differently than in the more fundamentally individualistic United States, allowing them to play a more complex role in the maintenance of hegemony, and enabling them to represent trans and Indigenous people as excludable from the zone of recognition, because of the ostensible threat they pose to the "natural" liberal-egalitarian social order.

I will begin this chapter by looking at Canada's experience of 1968, connecting it with the rise of new social movements outlined in the Introduction. I will then discuss the liberal response to the challenges posed by the resurgence of the people before turning to the constitutional challenges posed by these issues in subsequent years. I will then focus on the kanehsatà:ke crisis of 1990 and the second Quebec referendum of 1995 which, I argue, marked the end of a *pragmatic* policy of recognition, or at least its destabilization, prompting political philosophers to give their support to recognition, which we will look at in the next chapter.

By a pragmatic policy or a pragmatic political strategy, I mean a policy or strategy that is not strongly supported by a particular philosophy or set of principles, and is therefore not bound to specific theoretical commitments. What the government is committed to is only what it does at a particular moment or in a particular situation. Before the theoretical work on recognition done in the 1990s, the politics of recognition in Canada was such an untheorized, practical response to specific political challenges. The government's response to these challenges was pragmatic in the sense that it used recognition to achieve specific, limited, local goals rather than adhering to a fully worked out philosophical position.

It is important to state at the outset that neoliberalism came late to Canada[1]. This means that the hegemonic crisis provoked by the resurgence of the people and the crisis of profitability in the late-1960s played out differently in Canada than in the US or the UK. Whereas in America and Britain neoliberal restructuring began in the early 1970s alongside a

1. My understanding of neoliberalism follows that of David Harvey (2000), Fredric Jameson (1991), and Stuart Hall (especially 2017d): a conjunctural phase of capitalism that reversed many of the developments of the Keynesian Welfare State in an attempt to liberate individual entrepreneurialism (Boltanski and Chiapello 2005), undermine post-war labour gains (including low unemployment and welfare services) (Chamayou 2021), and reduce or eliminate the costs of state or social services (i.e. what we now call austerity). Culturally, neoliberalism is marked by an emphasis on individualism different from the welfare state period, and a recognition of the importance of "difference" insofar as such difference was primarily individualistic rather than collective. Following Jameson, I see postmodernism as the "cultural logic" of neoliberalism. Following the Italian autonomists, I tend to see neoliberalism as a response to pressure "from below" rather than a free decision taken by capital "from above".

project to achieve neoliberal hegemony, in Canada a vestigial - or, to use Raymond Williams' expression, a residual (Williams 1976) - welfare state communitarianism has continued to exist up to the present day (McKeen and Porter 2003; Gutstein 2014). As a result, throughout the period analyzed here, the classical liberal individual was still the centre of Canadian political ontology in government policy and market regulation, as well as at the level of rhetoric and ideology, and had not yet been fully replaced by the image of the neoliberal entrepreneur. Even today, after the advent of nationwide neoliberal policies under Stephen Harper, Canada's residual communitarianism retains a strong cultural weight, moderating and softening liberal individualism without abandoning it[2].

In their account of neoliberal education policy in Canada, Davidson-Harden et al. note that "as compared with, England and the United States... the onset of neoliberal social policy in Canada may have come slightly later, but with no less force" (Davidson-Harden et al. 2008, 51). This difference in periodization means that Hall's work cannot be applied mechanically, but has to take account of conjunctural specificity in Canada and the uneven currents of political developments there. However, by understanding the political currents in this way, we can more easily see how liberal-capitalist hegemony in Canada is based on the construction of a zone of tolerable or acceptable difference which defines the limits of recognition as the limit of acceptable departure from social contract individualism.

3.2 Canada's 1968

In 1968, the year after the centenary of Canadian confederation, Canada was marked by internal tensions and fears for the future. A *Lethbridge Herald* editorial in June noted that in mid-1968 "rebellion, discontent, resentment of the status quo [has never] been so alarming".

2. Despite the rightward shift of the Conservative Party of Canada under Pierre Poilievre, and the arrival on the scene of right-wing populist parties like Maxime Bernier's People's Party, Canadian society has still not completely shifted towards a thoroughgoing libertarianism

"[A]pprehension, fears for future stability of domestic and world order haunt the minds and disturb the spirit of the so-called civilized world today" (Lethbridge Herald 1968, 4). The immediate cause of the editors' pessimism was the assassination of Robert F Kennedy on June 6 that dominated the newspapers, but the editors drew an explicit connection with the upheavals of 1848, a year in which "a ferment was going on which bears strange analogies to our time". For the editors, "the previous record of political turmoil was set then, when revolt against established authority was almost as widespread as it is today". But the *Lethbridge Herald* also identified the 1968 upheaval with events in the US, France, the Eastern Bloc countries, and the People's Republic of China. Canada, by omission, is singled out as a haven of order, though the newspaper notes that security around Prime Minister Pierre Trudeau had been increased in the wake of Kennedy's assassination.

By Christmas, however, Trudeau himself noted that 1968 had been a year of upheavals and violence in Canada itself. "We must learn to resolve the internal conflicts which have divided us" and to "enrich the lives of those among us who have been deprived or ignored" (Trudeau 1968b). According to Hawes, Holman, and Kirkey, while external disruptions (the student revolts in Europe, the expansion of the Vietnam War in the US) had their effect on the Canadian mood, it was internal change that threatened to destabilize the status quo and posed a risk for postwar liberal hegemony. Besides Trudeau's radical reorientation of politics after taking power in June (sparking "Trudeaumania" across the country), Hawes, Holman, and Kirkey note five major challenges in Canadian politics in 1968: the issue of Quebec, a "new" nationalism in English Canada, the status of women, multiculturalism[3], and Indigenous rights

3. As defined in the 1968 Thinker's Conference on Cultural Rights (which formed the basis for the 1971 multiculturalism policy), Canadian multiculturalism meant that "although there are two official languages, there is no official culture, nor does any ethnic group take precedence over any other", "cultural pluralism is the very essence of Canadian identity", and "every ethnic group has the right to preserve its own culture and values within the Canadian context" (quoted in (Temelini 2021, 119)). What is important here is not only the regime of cultural recognition this lays out, but the way the hegemonic settler/bourgeois/liberal culture is obscured and hidden ("there is no official culture"). The claim that no ethnic group takes precedence over any other has been heavily contested in Canada since 1968.

(Hawes, Holman, and Kirkey 2021, 4–5)[4].

Each of these issues involved identifiable subgroups of Canadian society, those who in Trudeau's words "have been deprived or ignored" (even Anglophone nationalism was born out of a sense of grievance at US domination of Canadian industry), and as such they challenge the idea of liberal homogeneity that marked Trudeau's vision for the country. As a result, the centralization and universality of liberal politics faced political demands around identity, and subsequent Canadian politics down to the present have been marked by the continued power of these tensions and conflicts. 1968 thus marks the end of a period of relative stability and cultural hegemony that had existed without much serious challenge since the pacification of the Métis after the Red River (1869-70) and North-West (1885) Resistance movements led by Louis Riel, Gabriel Dumont, Poundmaker, and others[5]. The end of these movements marked the victory of Confederation, which was only seriously threatened by the social and political changes of the 1960s[6].

In the face of the challenge posed by the new social movements in the late 1960s[7], and in particular the Quiet Revolution and Indigenous activism, 1968 prompted the creation of certain cultural institutions aimed at fostering a singular Canadian identity. Ira Wagman notes that around the centenary of confederation in 1967, as the federal government promoted a sense

4. These five areas tend to be taken together in discussions of Canadian multiculturalism, see for example (Légaré 1995; Mackey 1998; McRoberts 2001).

5. Other than the conscription crises during both World Wars and the labour unrest of 1919, Canadian crises before the 1960s were not primarily centred around identity, nationhood, or ways of life (i.e. the Depression and the two wars). Quebec's Quiet Revolution begins with Jean Lesage's election in 1960.

6. The Depression in Canada led to strikes, protests, and riots - often organized by the Communist Party - but this did not seriously threaten the Canadian state or social order (Manley 1984; Cruikshank and Kealey 1987). One significant development in this period was the formation of the socialist Canadian Commonwealth Federation (CCF), the precursor of the New Democratic Party (NDP) out of labour activism on the dust-bowl prairies in 1932, as a viable leftwing alternative to the two main political parties (Naylor 2016; McHenry 2022).

7. These challenges were part of a larger problem of "ungovernability" analyzed by Grégoire Chamayou, who notes that in the late 1960s/early 1970s, "the lateral pressure of social movements was met with increased government control" (Chamayou 2021, 149). David Harvey points out that from a political perspective, the social movements "appeared to point to a socialist alternative" to welfare state capitalism (Harvey 2005, 15). The United States in particular "entered a period of flux as the changing ideas and policies related to civil rights-era reforms explicitly questioned the assumptions people of the United States had long taken for granted" which ultimately "heralded the unraveling of the prosperous Keynesian-inspired regulatory welfare state" (McClure 2021, 2).

of Canadian unity, various disaffected and marginalized groups pushed back, arguing that "any attempts at national unification should come through a recognition of Canada's colonial past" (Wagman 2021, 176). The federal government made various attempts to "produce a unifying character at a time of fracture", with the Canadian Radio-Television Commission (CRTC) in particular representing an "institutional manifestation of those broader rapprochement efforts" (176). The CRTC sought to balance "traditional tastes with the 'new' voices of Indigenous peoples, activist students, Quebec nationalists, and 'ethnic' communities" (Hawes, Holman, and Kirkey 2021, 6). From 1962 on, the Canadian publishing giant McLelland and Stewart changed its focus to almost exclusively Canadian literature, publishing some of Canada's most prominent authors (particularly in the "New Canadian Library" imprint, founded in 1958). Universal medicare, launched in 1968, became one of the planks of Canadian identity, distinguishing Canada from the US. But Wright and Mullaly note that "it constitutes one of the great ironies in the contemporary history of Canada that a cardinal event of social justice - the implementation of medicare - was enabled only by the influx of thousands non-Canadian professionals" (Wright and Mullally 2021, 216) to work as doctors, nurses and other healthcare and associated workers, since they could not be found in Canada in sufficient numbers. As a result, medicare was bound up with 1960s immigration reform[8], and was therefore part of the competing forces of universal Canadian identity and the "threat" posed by immigrants[9].

Finally, 1968 was a "fork in the road" (G. Fraser 2021, 269) for Canadian language policy, marked by two competing visions: the bilingualism of the *Official Languages Act* (1969) and the unilingual protectionism of Quebec language laws. These two visions represent, in po-

8. Prior to 1960, immigration had primarily been from Great Britain, New Zealand, Australia, etc, followed by white immigrants from France. The 1962 Immigrations Regulations attempted to abolish the racial component of Canadian immigration policy, and making "skill" the main determinant. Racial motivation in immigration approval continued, however. In 1967, the "points system" was implemented in order to further "colour-blind" the immigration system. Immigration from non-European countries to Canada increased in the wake of these reforms, and changed the ethnic composition of the country throughout the 1970s and 1980s.

9. It is important to bear in mind that while the UK National Health Service was among the social institutions created in the immediate postwar period, universal medicare did not arrive in Canada until 20 years later. As I will show, Canadian political developments often lag behind the rest of the anglophone world.

litical theory, the distinction between procedural and communitarian liberalism described in the Introduction. These tensions and internal conflicts express a crisis of Canadian postwar liberalism, particularly around universal individual equality and sub-national collective belonging, as we will see below.

One important overarching aspect of the neoliberal turn that began to appear in the late 1960s was the conflict between welfare-state conceptions of social solidarity (which meant, according to the new social movements, assimilation) and a radical, thoroughgoing individualism. Assimilation had been the order of the day since confederation, and Coulthard quotes the Canadian Indian Affairs commissioner in 1890 as explicitly recognizing the individualist/capitalist goal of assimilation: "The policy of destroying the tribal or communist systems is assailed in every possible way and every effort [has been] made to implant a spirit of individual responsibility instead" (Coulthard 2014, 13). Harvey notes that "neoliberal concern for the individual trumps any social democratic concern for equality, democracy, and social solidarities" (Harvey 2005, 176). Thus, as we will see, the conception of universal equality the Canadian government had held through to the end of the end of the 1960s became seen as thoroughly assimilationist and roundly rejected by Indigenous peoples and the Quebecois, for whom collective identity could not be subsumed within the liberal vision of Canadian identity. Coulthard, for example, points out that assimilation meant, among other things, "indoctrinating Indigenous populations to the principles of private property, possessive individualism, and menial wage work" (Coulthard 2014, 12), i.e individualism was a necessary element of Canadian capitalism.

Under pressure from this Quebecois and Indigenous resurgence, Trudeau's liberal government at first sought to reinforce the universalism of liberal social policy, the notion that Canadian identity was individuated but universally shared, with no room for subnational groups, collective belonging, or shared identity. In his 1968 book, *Federalism and the French Canadians*, for example, Trudeau expressed a liberal orthodoxy when he wrote that "the state...

must seek the general welfare of all its citizens regardless of sex, colour, race, religious beliefs, or ethnic origin" (Trudeau 1968a, 4)[10].

In an article on the liberal attitude towards French language policy and the question of identity, Edward Andrew clearly identifies the social-contract origin of Trudeau's individualism. While for 19th century Romantic nationalists, freedom was equated with "individual and national identity defined in terms of language and religion" (Andrew 1982, 143), Andrew argues that Trudeau followed Rousseau in seeing language (and linguistic diversity) as more accident than essence:

> For Trudeau, it is not language that distinguishes man from other social animals. Following Rousseau, Trudeau asserts that it is free choice. Rousseau is clear that language is not natural to man; it is the product of some historical accident, such as an earthquake which created an island from the mainland and forces natural individualists into contact with one another. This bizarre account illustrates Rousseau's view that human nature is fundamentally pre-social and pre-linguistic. Language merely utters pre-verbal and personal experiences; it expresses the impressions of things upon the senses and the passionate response to them. Participation in a political community is neither for Rousseau nor Trudeau an outgrowth of what is unique to man, of the natural faculty of speech, but a means to the achievement of personal (and fundamentally pre-social and pre-linguistic) goals. (147)

This view of human nature as fundamentally pre-social, even to the extent that language is not a social practice, but merely a tool for expressing individual, internal experiences and ideas, lies at the heart of the Canadian liberal/individualist social ontology, and helps explain why subnational expressions of collective life remained anathema to orthodox Canadian liberalism.

10. Underhill notes that as late as the 1950s, "Canada... is still living mentally and spiritually in the nineteenth century. Our problems of liberalism and democracy are mostly nineteenth-century problems" (Underhill 1961, 230). Underhill goes on to argue that on the centenary of the publication of Mill's *On Liberty* in 1959, "it will not be in Britain or the United States that critics will most easily find cases to illustrate what was worrying Mill and Tocqueville. The typical community in which collective mediocrity and democratic uniformity reign supreme and unquestioned will be our own English-speaking Canada" (231).

In formulating the influential "Just Society" programme, Trudeau rejected any idea of according any group in a society a legal distinction which would mark them off as separate or different from the rest of the population. With respect to the Indigenous question, for example Trudeau was committed to removing the "legislated difference" between Indigenous and settler society (enshrined in the "Indian Act") under the assumption that this would solve the "Indian Problem" (Nickel 2019, 49–50)[11]. As we will, see, however, the governing Liberal Party could not maintain a strict commitment to a universal, individualized identity and was forced, instead, to opt for a politics of recognition as a way of accommodating, while domesticating, the oppositional claims of Indigenous activists and Quebecois nationalists.

The reality was that Canada was a never a homogeneous unified whole, but had always been a multicultural, multinational, and polyethnic society (Kymlicka 1996, 17), with subaltern tensions challenging anglo-Liberal hegemony. Post-Contact Canada was made up of French, English, and a variety of Indigenous cultures, and, increasingly, non-European immigrants. This situation was was not only the legacy of pre-Contact Indigenous political structures and British and French settler-colonialism, but also of increased non-white immigration from 1960 onwards. For specific historical reasons, mainly to do with protection of French-Canadian identity in Quebec and the treaty (and unceded land) structure of settler-Indigenous relationships, the "melting pot" model of American assimilationism was not feasible in the Canadian context[12].

While this conflict between individualism and collective belonging played out in Cana-

11. This was essentially the position, held by Bruno Bauer, that Marx critiqued in "On the Jewish Question" (1843).

12. Francophone nationalism gained in prominence after the War of 1812, leading to the Papineau Rebellion or Guerre des Patriotes in 1837-1838. The Durham Report into the rebellion recommended the creation of a single province of Canada (Act of Union, 1840) and to the granting of responsible government in 1848. Both the Act of Union and responsible government sought to make the Province of Canada more responsible to the populace, and thereby to end what Durham called "two nations warring in the bosom of a single state". My interpretation of the difference between the Canadian and American way of dealing with subaltern groups is that because the French were Europeans, the policy of genocidal extermination used by the Americans against Indigenous peoples there was not open to the Crown. The power of Quebecois nationalism has thus always been a complicating factor in Canadian politics. See (Wood 2009), (Underhill 1961, 200–201), and (Shipley 2020).

dian politics in new ways from the end of the 1960s, its origins lay in the immediate postwar period. In 1952, philosopher Charles Hendel wrote that "to talk of a *Canadian* philosophy may, in the present temper of the world, be misleading because one might suppose that there is a *national* philosophy of Canada, that is, a philosophy which is consciously national in character, and this would be contrary to fact" (Hendel 1952, 365). In 1961, historian Frank Underhill could still remark that while "Canada is caught up in [the] modern crisis of liberalism", Canada and Canadians had no identity of their own, but were still culturally defined as a colony of Great Britain, with a provincial lack of home-grown intellectual talent:

> We are still colonial. Our thinking is still derivative... For our intellectual capital we are still dependent upon a continuous flow of imports from London, New York, and Paris, not to mention Moscow and Rome. (Underhill 1961, 6)

For Underhill, the 1950s had been a period of "calm" or "stagnation", and he looked to a younger generation to stimulate and revitalize Canadian politics, writing in 1956 that "it is high time for our younger academic liberals to start something" (242). By the late 1950s, as the generation of Pierre Trudeau entered Canadian politics, the change Underhill expected began to occur in the midst of broader social and cultural transformation[13].

In 1949, thirty-year-old Trudeau became a leading figure in Quebec's "Quiet Revolution" against the Catholic Church, the Anglophone business elite, and the stagnant provincial political establishment. The conservative Union Nationale was in power from 1944 until the Liberal victory - under the slogan "maîtres chez nous" (masters in our own house) - in 1960. The 1950s was known among Quebec liberals as "le grand noirceur" ("the great darkness") under Premier Maurice Duplessis, in which a conservative image of cultural and religious purity held sway (e.g. "les Québécois pur-laine", "old stock" white, Catholic Quebecois who traced their ancestry back to France and who settled in North America prior to the conquest by the

13. Political philosopher Katherine Fierlbeck noted that Canadian "political theory... *began* to develop a nationalist dimension in the 1960s" (Fierlbeck 2006, 23).

British in 1760). The 1960 election was the sign of the kind of resurgent liberalism Underhill had expected.

Within Quebec, however, the sentiment of self-government did not stop at the overthrow of the Union Nationale and the victory of the Liberals, but developed into a full-blown separatist movement by 1963, expressed in publications like Cathelin and Gray's *La Révolution au Canada* (1963)(Lachapelle 2020, 131) and the nationalist Front de libération du Québec's (FLQ) first manifesto (also 1963) (50, n.6), and culminating in the October Crisis of 1970. Trudeau himself entered federal politics in 1965 under a programme of liberal universal egalitarianism[14], marking the advent of a new generation onto the national stage. By the mid-1960s, then, the stagnation of Canadian social and political life began to be shaken up, but only by exposing the tensions between liberal individualism and the shared identity of various sub-national regions and cultures which included issues of sovereignty and nationalism (Fierlbeck 2006, 135). The Trudeau administration came to power in 1968 with a universalist liberal vision of Canadian citizenship that was already cracking under the strain of multicultural, multinational, and polyethnic tensions.

Quebec Nationalism

Barely two years after Trudeau's election, the issue of Quebecois sovereignty came to a head. The FLQ had carried out a number of attacks between 1963 and 1970, including the bombing of the Montreal Stock Exchange in 1969 (G. Mann 2017). In October 1970, the group kidnapped British Trade Commissioner James Cross and subsequently kidnapped and killed Quebec labour minister Pierre Laporte (Lachapelle 2020). Trudeau saw the FLQ as a direct threat to Canadian sovereignty, and considered any negotiation with them a "negation of the

14. In arguing for liberal rather than nationalist reform within Quebec, Fierlbeck writes that Trudeau "argued in no ambivalent terms that cultural nationalism would simply mean more intense marginalization as a society and fewer opportunities for individuals within such a society" (Fierlbeck 2006, 144).

authority of the state" (Lachapelle 2020, 17). Debate over the correct line to take with the FLQ took place in Quebecois and Canadian newspapers. Following an interview with Trudeau, on Quebec television, Claude Ryan wrote in an editorial of November 5, 1970 that the Prime Minister was guilty of dangerously oversimplifying the Quebec situation, and remarked that "in a few years history will show who were the most effective allies of violence in this affair" (22)[15].

Trudeau's response to the October Crisis - triggering the War Measures Act and declaring martial law - was seen by the Quebecois as an attempt by the federal power not only to stem the tide of violence but to violate Quebec's democratic sovereignty and cultural values[16]. The October Crisis subsequently caused a shift in the Quebecois sovereigntist movement, as sovereigntists repudiated violence[17] and focused on legal measures to advance the nationalist cause, such as passing the Charter of the French Language Bill ("Bill 101") in 1977 [18] and initiating the first referendum on independence in 1980.

The referendum failed, but it underlined the importance of Quebecois recognition for the liberal project of national unity. The patriation of the constitution from Great Britain took place in 1982, amending the British North America Act and supplementing it with a Canadian Charter of Rights and Freedoms (modeled on the UN Declaration of 1948). This Charter followed the liberal principles to which Trudeau was committed, but the realities of Canadian politics (managed throughout the 1970s by the politics of recognition) required that Quebecois language and education rights be given some measure of constitutional protection in order

15. "Aussi longtemps que subsistera le droit d'avoir des idées et de les exprimer, il faudra dire à M. Trudeau qu'on n'est pas dupe de ses simplifications faciles. L'histoire dira, dans quelques années, où furent, dans cette affaire, les alliés les plus efficaces de la violence"

16. "La Loi sue les mesures de guerre a été une occasion pour le pouvoir fédérale de chercher a tuer dans l'oeuf la voix démocratique de René Lévesque et du Parti québecois et celle d'un Claude Ryan cherchant, à travers son nationalisme certes conservateur et catholique, de sauvegarder les valeurs de la société québecoises" (Lachapelle 2020, 20–21).

17. It is interesting to compare the Canadian experience with the Italian, where the "hot autumn" of 1969 led to the "years of lead" in the 1970s, until the assassination of Prime Minister Aldo Moro in 1978 forced the Italian state into a final repression of left-wing militant activity (Wright 2002).

18. Quebec's language laws have been and continue to be extremely unpopular in Anglophone Canada, not least among Quebec's Anglophone minority. See, for example, Mordecai Richler's 1992 *Oh Canada, Oh Quebec: Requiem for a Divided Country*.

to recognize, at least to a limited extent, Quebec's identity as a "distinct society"[19]. Other major sites of recognition were the Royal Commission on the Status of Women (1970), various Indigenous land claim cases (for example in the Calder decision of 1973), and the various multiculturalism policies (including the Multiculturalism Act of 1988).

Giving in to Quebecois demands, however, went against Canadian political orthodoxy. For liberals, "a bill of rights would fulfil one goal of the original Canadian constitution - to allow its citizens to 'consider the whole of Canada their country and field of endeavour'" (Weinrib 1998, 262), and recognition of a legal distinction between Quebec and the rest of Canada was anathema to this kind of universalism. One major concern over constitutionally-enshrined distinct society status for Quebec was the problem of "asymmetrical federalism" (Kymlicka 2005, 278), a problem that has plagued Canadian politics since Confederation. With respect to this problem, Will Kymlicka wrote

> Most English Canadians overwhelmingly reject the idea of "special status" for Quebec. To grant special rights to one province on the grounds that it is nationality-based, they argue, is somehow to denigrate the other provinces, and to create two classes of citizens. (279)

It is crucial to bear in mind however, that the Quebecois had themselves felt like second-class citizens since the British Conquest in 1760, for example in the conscription crises of 1917 and 1944 (Dawson 1961; D. Morton 2015). Hugh MacLennan summed up Canada's "two solitudes" in the foreword of his 1945 novel:

> No single word exists, within Canada itself, to designate with satisfaction to both races a native of the country. When those of the French language use the word *Canadien*, they nearly always refer to themselves. They know their English-speaking compatriots as *les Anglais*. English-speaking citizens act on the same principle. They call themselves Canadians; those of the French language French-Canadians. (MacLennan 1945, n.p)

19. We have seen above how the "distinct society" solution was not the preferred one for either Trudeau or Lévesque. The Constitutional process forced both men to accept the compromise

The Quiet Revolution, the 1960 Liberal victory, the nationalist struggle, and the 1980 referendum had succeeded in instilling a sense of Quebeckers as "maîtres chez nous", holding out the prospect of no longer being treated as second-class citizens. However, the post-1968 movements, Indigenous activism, feminism, and increased immigration/multiculturalism, demanded that Indigenous people, women, and immigrants no longer be treated as second-class citizens also[20]. But the federal government could not accommodate all these demands without risking its own economic and political legitimacy, though without some such accommodation, or at least legally enshrined recognition, the universal-egalitarian vision of a classless, unified nation, safe and open for business, could not be achieved. This is the fundamental contradiction that disrupts Canada's ideal vision of itself and its constitutional programmes.

Indigenous Sovereignty

Besides Quebecois sovereignty, Indigenous activism also received fresh impetus in the late 1960s. Historian Tyler Shipley writes that the mobilization of Indigenous resistance was "a consequence of growing Indigenous militancy in the face of colonialism" and that in the 1960s and 1970s "there were at least 300 major Indigenous political demonstrations... galvanized especially after Pierre Trudeau's government issued the 1969 White Paper" (Shipley 2020, 89) (I will return to the white paper below). Like the Quebecois sovereignty movement, Indigenous activists would not be satisfied with liberal reforms. For example, the Red Power movement, a set of Indigenous militant groups connected to the American Indian Movement in the US, was "explicitly communist and anti-colonial" (299).

In the US, the American Indian Movement (AIM) was founded in 1968 as part of a "new wave" of Indigenous activism (Nichols 2020, 3) which should be understood alongside

20. Among all these groups, concerns were largely around poverty and economic insecurity, with women, for example, seeking more financial independence from men, including more work outside the home; women also sought more legal protections from domestic violence (Noddings 2018).

Quebecois nationalism as part of the global struggle for autonomy and self-government such as the anti-colonial struggles in Asia and Africa in the 1950s and 60s. Shipley writes that Red Power in Canada "was inherently transnational... [they] understood their struggle to be global in nature, given the globalizing nature of capitalism and colonialism" (Shipley 2020, 299). Responses to Indigenous militancy differed between Canada and the US. Where the United States goverment waged "a violent and thorough campaign of repression against AIM", the Canadian government settled upon the politics of recognition as a way to "divide Indigenous people by offering extremely modest reforms to dull the radical edge of the masses and create the perception that the Red Power activists were 'fringe fanatics'" (299) (i.e. the same tactic used to divide and conquer during the kanehsatà:ke resistance, as we will see).

In her account of the "survival schools" and the formation of the AIM, Julie L. Davis asks "what brought so many Indian people to a community meeting on a July night in 1968, and what led AIM's organizers to call them together?", arguing that the confluence of local conditions and broader historical tendencies have to be understood together:

> AIM formed in part as a response to the conditions of postwar urban Indian life in the Twin Cities of Minneapolis and St. Paul. Socioeconomic disparities and anti-Indian prejudice, combined with the disorienting experience of cultural dissonance and the cross-generational impact of cultural loss, made life in the city a struggle for many Native people in the post-World War II period. Conflicts within the criminal justice, child welfare, and public school systems would become especially pressing concerns for Native Twin Citians by the late 1960s. (Davis 2013, 12)

As with the AIM, the National Indian Brotherhood (NIB) in Canada (formed 1969) was in the first instance a response to government educational policy (in particular the residential schools), and an attempt to exercise Indigenous control over Indigenous education. The AIM and the NIB represented a new sense of pan-Indigenous awareness in Canada and across North America. In the words of Verna J. Kirkness, an Indigenous educator from Manitoba, the NIB - with provincial and territorial position papers on education in hand - had, by 1972 "the

ammunition it needed to deal with the federal government's stand on Indian education. The Trudeau government was halted in its tracks. In the history of relations between the Indians and the Crown, this was the first concerted national effort issued by the Indians to challenge the government's direction" (Kirkness 2013, 74). Kirkness calls the resulting 1972 Indian Control of Indian Education policy, which transferred jurisdiction over Indigenous education from the federal government to local First Nations, "one of the greatest achievements of Aboriginal people in our history" (xiii).

The deployment of equality as a tool of assimilation (i.e. for everyone to be equal, they must be assimilated to the dominant liberal order) is most clearly apparent in the federal government's attitude towards Indigenous peoples. While Trudeau was intellectually committed to universal legal equality, he was prepared in some cases to accept a measure of cultural difference, as can be seen in his "Just Society" programme, in which he attempted to reinscribe legal, democratic uniformity in Canadian politics while committing to a politics of cultural recognition in the face of Quebecois nationalism[21]. But Trudeau did not abandon assimilationism entirely. A 1969 "White Paper" produced by then Minister of Indian Affairs Jean Chrétien proposed scrapping the Indian Act, eliminating "Indian Status" (i.e. Trudeau's "legislated difference") and fully assimilating Indigenous peoples into settler culture and society. However, Trudeau and Chrétien misunderstood "Indigenous realities and how liberal concepts of individualism, freedom, and equality ran counter to Indigenous peoples' history, collective rights, and self-identification" (Nickel 2019, 50)[22]. Because the Quebecois were white Europeans and

21. When asked to define a just society in 1968, Trudeau responded that, among other things, it meant "freeing an individual so he will be rid of his shackles and permitted to fulfil himself in society in the way which he judges best, without being bound up by standards of morality which have nothing to do with law and order but which have to do with prejudice and religious supersition" (English 2009, 20). John English notes that Trudeau's Just Society began to take "tangible form" in "new programs for regional economic development, special grants for youth and Aboriginals, recognition of the language rights of francophones throughout Canada, and the establishment of avenues through which francophones could more easily reach the pinnacle of the public service in Canada" (21).

22. Canadian individualism is thoroughly bourgeois. As Underhill remarks, in the early 1900s, "at last Canada was a nation, for there was so much prosperity to distribute that every section could be satisfied and every individual could become a capitalist" (Underhill 1961, 40). Indigenous peoples and Quebecois francophones were to a large extent excluded from this prosperity and came to be seen as a threat to it. By mid-century, the only path liberals like Trudeau could see was to assimilate such groups legally and economically into bourgeois

heirs of the Enlightenment, their demands could be "recognised" in a way Indigenous peoples' could not, as long as they remained within an acceptable liberal zone of tolerability. Only when faced with stiff Indigenous resistance to assimilation did the federal government adopt the tactic of recognition more broadly[23].

Indigenous peoples saw the White Paper policy as a form of "cultural genocide". When the term was used in 2015 to describe the residential school system in the final report of the Truth and Reconciliation Commission (TRC 2015, 1) it sparked enormous controversy, but it was first used in 1969 by Harold Cardinal to describe the effects of the White Paper policy. In his response to the federal position, *The Unjust Society*, Cardinal wrote that:

> The new Indian policy promulgated by Prime Minister Pierre Elliott Trudeau's government... is a thinly disguised programme of extermination through assimilation. For the Indian to survive, says the government in effect, he must become a good little brown white man. The Americans to the south of us used to have a saying: "the only good Indian is a dead Indian." The [White Paper] doctrine would amend this but slightly to "The only good Indian is a non-Indian". (Cardinal 1969, 1)

In Sarah Nickel's view, reaction to the White Paper in combination with Indigenous political action (including the formation of new associations and organizations like the NIB) created space for the introduction of Indigenous discourse to the Canadian political landscape (Nickel 2019, 52). According to Glen Coulthard, a resurgence of "Indigenous anticolonial activism" in the early 1970s forced the Canadian government to abandon its politics of assimilationist cultural genocide (e.g. the abolition of Indian status; residential schools would continue to exist until the mid-1990s) and adopt "a seemingly more conciliatory set of discourses and institutional practices that emphasize [Indigenous] recognition and accomodation" (Coulthard 2014,

notions of nationality, individuality, and productivity while recognizing their (economically and politically harmless) "lifestyle choices".

23. This resistance took the form of large-scale Indigenous organizations (including the newly-formed Indian National Brotherhood) and conferences across Canada rejecting the white paper and proposing alternatives. Such pan-Canadian organizing was a significant milestone in Indigenous-settler relations. Trudeau's government withdrew the white paper in 1970, with Trudeau declaring that "we'll keep them [Indigenous peoples] in the ghetto as long as they want" (D. B. MacDonald 2019, 179).

6). The politics of recognition became a central element of Canadian hegemony over minority subaltern groups, and was to play a major role in the constitutional arguments of the 1980s and 90s.

Multiculturalism

In a 1992 book of essays edited by Trudeau and Tom Axworthy, Jacques Hébert notes that with the adoption of the 1971 Multiculturalism Policy,

> We were renouncing the notion of a cultural monolith, of an American-style "melting pot". We were espousing the principle that a free and just society must accept pluralism and allow each citizen to make a personal choice of suitable lifestyle, customs, and culture, whether or not these flowed from his or her own ethnicity. (Axworthy and Trudeau 1992, 138)[24].

The recognition of difference was forced on the Canadian government, who reframed its challenge to universalism in terms of a defanged liberal pluralism.

The adoption of recognition moderated the liberal preference for assimilation and universal equality, and opened space for the hegemonic utility of multiculturalism itself. As David MacDonald remarks, "the state has long viewed multiculturalism as attractive, in part, because of its ability to maintain the dominance of white settlers, who continue to set default Canadian values, while imparting a veneer of toleration" (D. B. MacDonald 2019, 179–180). Augie Fleras, in *Racisms in a Multicultural Canada*, explains that "most [white Canadians] believe they simply live in a neutral space because whiteness is invisible to them regardless of the domain, from

24. Trudeau explicitly rejected the American "melting-pot" in a 1962 anti-separatist article entitled "Le nouveau trahison des clercs" (Trudeau 1991). The strict separation between the political and the non-political - culture, lifestyle, identiy - is enshrined in liberalism, for example in Rawls' *Political Liberalism*, where the "overlapping consensus" in the political conception of justice only concerns properly political elements; "non-political" elements being entirely contained within comprehensive moral conceptions, which have no place in the political order.

politics to policing, from education to entertainment. However compelling and reassuring, this belief is mistaken" (Fleras 2014, 86).

Indeed, Peter Li calls Canadian multicultural pluralism merely a "symbolic recognition of cultural diversity", which required no governmental financial support and explains "why no political demand was placed on key cultural, educational, and political institutions to make fundamental changes to incorporate multiculturalism" (Li 1999, 152). Li explains that there was a clear separation between public and private sectors, where cultural minorities would be encouraged to practice lifestyle diversity in private as long as they adhered to Canadian values and practices in public, particularly with respect to the two official languages (151-152). This ambivalent portrayal of multiculturalism had a hegemonic purpose, calculated to win the support of minorities by recognizing their cultural distinctness in civil life while reassuring Canadians that multiculturalism required no departure from individual freedoms or national unity in the public or political sphere (152). Li goes on to point out that the 1971 multiculturalism policy was a "symbolic compromise" between official language and other individual rights that "also promoted an ideological claim of cultural choice for all Canadians to counteract the demand of special status underlining Quebec's separatist sentiments" (152).

While Trudeau was firmly committed to liberal individualism, he was pragmatic enough to realize that he would get nowhere forcing Quebec into assimilation. For both Trudeau and the leader of Quebec, René Lévesque, the two possibilities for Quebec were either legal and political equality (leaving the choice of "lifestyle", "customs", and "culture" to each individual Quebecois) and the end of Quebec's *survivance* as a distinct culture and nation; or full, sovereign independence (Axworthy and Trudeau 1992, 348). What is important to remember here is that *cultural* belonging was deemed to be an individual choice, capable of being tolerated by liberal society so long as legal equality remained inviolate. This distinction - between cultural recognition and a foundation of individual legal equality - will become important in the next chapter as I will show that individualism sets strict limits on recognition with a goal of

protecting a particular conception of individual subjectivity.

The "patchwork quilt" model of Canadian multiculturalism, then, allowed for cultural recognition as long as it did not encroach upon legal equality. In other words, the Canadian government would recognize cultural difference, but would not enshrine difference between groups of people in legislation. From the perspective of marginalized or oppressed communities, the problem with this was that, lacking any kind of legal or legislated protection, "unofficial" assimilation would proceed apace[25].

Indigenous and Quebecois insistence on nationhood threatened this modus operandi and the model of the unitary nation-state that arose over the course of the 18th and 19th centuries, and which had only been achieved by conquest (direct conquest in the case of the French, conquest modulated through the treaty system in the case of Indigenous peoples). What Indigenous peoples threatened the Canadian political and economic establishment with was not a figment of settler imaginations, but a real clash between modes of production (settler and Indigenous) (Shipley 2020, Chapter 1) and political organization/authority. Quebec, on the other hand, despite the activity of a Marxist-leaning intelligentsia, was primarily concerned with throwing off the yoke of foreign and anglophone capitalists rather than abolishing capitalism altogether (Fierlbeck 2006, 129). The strategy adopted by the Canadian government - the politics of recognition - allowed certain cultural manifestations to continue (even to be celebrated, as in official multiculturalism) as long as fundamental differences in economic and political organization were stamped out in favour of capitalism, liberal-democracy, and a unified nation-state composed of universally equal citizens. Trudeau's policy for the entirety of his career was to attempt to thread the needle between recognizing demands for collective identity and autonomy and developing Canada's economy and political structures for the benefit of capital (i.e. individualistically). As Christo Aivalis notes, "liberalism was modified by

25. Indeed, the Canadian government itself recognized this effect with respect to American culture, which led to the defensive development of "CanCon" (rules for including a certain proportion of Canadian cultural content in radio, television, film, etc.) in the 1970s (see (Edwardson 2008)).

Trudeau to preserve faith in capitalism" (Aivalis 2018, xiv)[26]

Constitutional Amendments

But there were other problems with the idea of a distinct status for Quebec. Following the implementation of Quebec's language laws (seen as oppressive towards anglophone Quebeckers), women's groups, Indigenous groups, and other minority groups feared that a distinct status for Quebec could allow the province to disregard elements of the national Charter of Rights and Freedoms that protected them[27]. The very constitutional clause that would allow Quebec to protect its distinctness could be used to assimilate other cultural and ethnic groups to Quebecois culture.

Feltes and Coulthard (2022) note that not only was no provision for Indigenous land claims included in any plans for a Canadian constitution, but the Charter of Rights and Freedoms itself was seen by Indigenous peoples as a key instrument of recognition without redistribution:

> the liberal equality provisions [of the Charter], many worried, would have a kind of levelling effect, achieving the goals of the 1969 White Paper by effectively wiping away Indigenous peoples' collective rights and status. It was a tactic Canada had deployed repeatedly in the postwar period, weaponizing "equality" against Indigenous nationhood. (Feltes and Coulthard 2022, 15)

26. Aivalis challenges the view that Trudeau's policies were in any way socialist, recognizing that although "individual pursuits and expectations were central to Trudeau's ideal society, those motivations, when held by working-class Canadians, became threats to the ultimate viability of capitalism". Aivalis goes to note that labour and social rights were conspicuous by their absence from the Charter of Rights and Freedoms (Aivalis 2018, xiv).

27. Indeed, the "notwithstanding clause" of the Canadian Charter, which allows Parliament or provincial legislatures to override sections of the Charter, has often been used in this way. The Quebec language laws are the most famous example of the use of the notwithstanding clause, but it has also been used to enforce a ban on religious face-coverings (Coletta 2021). In Alberta, the province tried (unsuccessfully) to use the clause to limit compensation for victims of forced sterilization (1998) and to oppose same-sex marriage (2002) (Leavitt 2018). Most recently, the province of Saskatchewan used the notwithstanding clause to pass anti-trans "parents' rights" legislation, prompting the resignation of the province's own human rights commissioner (Simes 2023).

In 1987, only five years after the patriation of the constitution, a new round of constitutional discussions opened at Meech Lake in Quebec. In order to amend the Constitution and secure Quebec's agreement, each provincial legislature had to ratify the accords. In Manitoba, the accords were subject to emergency debate, which required unanimous agreement to pass. For twelve days, the Manitoba government requested unanimous consent, and each day Elijah Harper, Oji-Cree member of the Manitoba Legislative Assembly, holding an eagle feather, voted against the amendments due to the lack of Indigenous representation in the constitutional process. Harper himself, speaking to CBC Radio, framed his decision in terms of recognition:

> I was opposed to the Meech Lake Accord because we weren't included in the Constitution. We were to recognize Quebec as a distinct society, whereas we as Aboriginal peoples were completely left out. (...) These settler people and their governments didn't recognize us as a Nation, as a government and that is why we opposed the Meech Lake Accord. (*All Our Relations*, CBC Radio)

By the early 1990s, then, the practical strategy of recognition appeared to be failing. In the lead-up to the next attempt to amend the constitution, the 1992 Charlottetown Accords, the Canadian government implemented a PR campaign as way to promote a Canadian exceptionalism that balanced individual and collective rights within a framework of liberal universal egalitarianism:

> From its beginnings - in democracy, freedom and the rule of law - Canada has developed its own unique way of governing, its own special relationship between citizen and the state. Whether out of genius or necessity, the architects of Canada provided a framework which has allowed us to build a country on the basis of what appear increasingly to be universal values - freedom, equality, compassion and community - in a distinctly Canadian way. (Government of Canada 1991, 2)

Texts such as this maintain the ideological centrality of individualism to a Lockean vision of the legitimacy of the state (as a "special relationship between citizen and the state").

But such images of Canada erase generations of colonial oppression of Indigenous peoples, the treatment of Quebecois as second-class citizens[28], and the horrendous treatment of non-white/anglophone immigrants and Canadians of colour (for example, in the internment of Japanese-Canadians beginning in 1942 (McRae 2017)). The image presented by the Government is a *representation* of Canada designed to interpellate Canadians, inviting them to see themselves as participants in a uniquely enlightened and individualistically democratic nation-building exercise, and inducting them into a unified national ideology of liberal universalism in order to gain support for the constitutional accord. In other words, this representation is an element in a hegemonic strategy of the kind Hall described.

Indigenous peoples were explicitly recognized by the proposed accords: "Aboriginal Canadians are frustrated by a Constitution that does not fully recognize their special place in the Canadian society" (Government of Canada 1991, vi). The constitutional amendments sought to incorporate recognition of collective rights, always balanced or limited by liberalism's individual egalitarianism[29]:

> Being Canadian does not require that we all be alike. Around a core set of shared values, Canadian citizenship accommodates a respect of diversity that enriches us all... In the Canadian experience, it has not been enough to protect only universal individual rights. Here, the Constitution and ordinary laws also protect other rights accorded to individuals as members of certain communities. This accommodation of both types of rights makes our constitution unique and reflects the Canadian value of equality that accommodates difference. (1–3)

Published on the eve of constitutional reform requiring national agreement, it is impossible to miss the ideological and propaganda nature of the government's insistence on Canada's

28. It is crucial to bear in mind, however, that as seen above Quebec's position in these debates is ambiguous: while struggling for protection of their own way of life in the Canadian context, it tends to use legislation as a means to enforce Quebecois culture on other minorities, not just in terms of the official languages act, but also in the banning of (non-Christian) religious symbols, head- and face-coverings, primarily targeting Muslims, in the name of protecting Quebec's secular "nature" and commitment. As an anglophone from Montreal, Charles Taylor pays particular attention to the case of Quebec, as we will see in the next chapter, but does not dwell on this aspect of the problem.

29. As we will see in the next chapter, the politics of recognition was a way of drawing those very limits.

unique commitment to both equality and diversity, assimilation and difference. The Charlottetown Accords' "Canada Clause" enumerated eight "fundamental characteristics" of Canadian identity which sought to recognize various new elements of constitutional reality[30]:

> (a) Canada is a democracy committed to a parliamentary and federal system of government and to the rule of law;
>
> (b) the Aboriginal peoples of Canada, being the first peoples to govern this land, have the right to promote their language, cultures and traditions and to ensure the integrity of their societies, and their governments constitute one of the three orders of government in Canada;
>
> (c) Quebec constitutes within Canada a distinct society, which includes a French-speaking majority, a unique culture and a civil law tradition;
>
> (d) Canadians and their governments are committed to the vitality and development of official language minority communities throughout Canada;
>
> (e) Canadians are committed to racial and ethnic equality in a society that includes citizens from many lands who have contributed, and continue to contribute, to the building of a strong Canada that reflects its cultural and racial diversity;
>
> (f) Canadians are committed to a respect for individual and collective human rights and freedoms of all people;
>
> (g) Canadians are committed to the equality of female and male persons; and
>
> (h) Canadians confirm the principle of the equality of the provinces at the same time as recognizing their diverse characteristics.
>
> (Draft Legal Text of the Charlottetown Accord, October 9, 1992)

Critics of the new accord claimed that the accord had to fail because these "fundamental characteristics" were an incoherent mess (Cook 1994, 16, 130). Tully, however, argued that if the characteristics were heterogeneous, it was because Canada was itself heterogeneous, and that to the extent these characteristics *did* in fact constitute a "best effort" attempt to get at Canadian identity, they could at least provide the "middle ground" on which a better version of Canadian identity could be built through ongoing negotiation (Tully 1994) (I will look more closely at Tully's interpretation of the Charlottetown Accords in the next chapter). Be that as it

30. New accommodations for group and social rights were added to the *Charter* as well, but these too died in the 1992 referendum

may, the Canada Clause and the other diversity-based amendments were rejected in a nation-wide referendum, despite the Canadian government's attempt at winning hegemonic support for the new accords[31].

These documents make clear the hegemonic project the government was engaged in as it attempted to "recognize" diversity while not allowing diversity to threaten the liberal legal and political order or capitalist profitability (e.g. Indigenous land claims disrupting private resource extraction businesses). As Kymlicka noted in 1996, "underlying much liberal opposition to the demands of ethnic and national minorities is a very practical concern for the stability of liberal states" (Kymlicka 1996, 192) - for example, the Government of Canada's position attempts to recognize an Indigenous "order" of government but not Indigenous sovereignty.

This attempt at balancing equality and diversity was in some ways an extension of Trudeau's post-1968 policy, but was in other ways a departure from it, in that it extended recognition beyond the legal/constitutional framework of, say, land claims, into more properly cultural areas. The government expected this departure to resonate with a majority of Canadians, with the assistance of the kind of rhetorical interpellation we looked at above. That the Charlottetown Accords failed to pass in a national referendum indicates that the government's representation of "Canada" failed to convince the majority - a good reminder of Hall's point that hegemony is never completely successful, that encoding and decoding of ideological messages are often "asymmetrical".

It is arguable that the Accords failed precisely because they conceded too much to Indigenous peoples and Quebec, which could indicate that the hegemonic interpellation of Canadians to a single, unified citizenship and subjectivity worked *too* well, preventing the gov-

31. 54.97% voted against the accords. Opposition to the accords was widespread, even among parties with opposed view points. For example, the young Reform Party based in Western Canada thought the accord granted too much to Quebec, while separatists like Lucien Bouchard and Jacques Parizeau thought it granted too little. The accord covered so much ground that people of all political orientations could find *something* to disagree with in it, and some responsibility might also be due to the personal unpopularity of Prime Minister Brian Mulroney, who endorsed the accord(McRoberts and Monahan 1993).

ernment from achieving necessary constitutional consensus. One reason for this failure is that the image presented by the government belied the reality of discontent and resistance, indicating that the structural conditions were too antagonistic for a consensus to be reached in the way Canadian liberals hoped. In the early- to mid-1990s, two crises highlighted the continued dissatisfaction of Indigenous peoples and Quebec in ways that went beyond any possible recognition of difference in the Constitution, undermining the federal government's picture of Canada as a place of diversity, tolerance, and accommodation. What Indigenous peoples and Quebec wanted was not recognition, but redistribution (or at least sovereign power to redistribute), and that the constitution would not give them. Their demands further alienated them from "ordinary Canadians" who grew more and more reluctant to grant any special privileges to them. We will oook at these two crises in the next section.

3.3 kanehsatà:ke and the Second Quebec Referendum

Part of the traditional territories of the kanien'kéha:ka (Mohawk) nation, kanehsatà:ke in what is currently Quebec has been occupied by French settlers since the early 18th century and is the subject of a longstanding land claim against the Canadian government. In 1990, the town of Oka, which surrounds kanehsatà:ke, approved the expansion of a local golf course without consulting the kanien'kéha:ka, to whom that land is sacred. Despite formal protest, the plan went ahead until the kanien'kéha:ka erected a barrier to prevent further development[32]. After several injunctions and an attempt by the kanien'kéha:ka to gain a moratorium on development, the Quebec provincial police force, joined by members of the Canadian Army and the Montreal police, stormed the barricade, resulting in the death of a police officer and provoking a 78-day standoff. On September 26, 1990, the golf course expansion was halted and the kanien'kéha:ka surrendered. The Canadian government purchased the land, but it has not

32. Thus crossing the speech-action divide so important to liberal political thought.

yet been returned to the kanien'kéha:ka and the prior land claim is still unresolved (Coulthard 2014, 116).

Similarly to what Hall described in Britain, the Canadian government's and media's portrayal of the 1990 kanehsatà:ke crisis tended to focus on law-and-order and the way violence ran contrary to "traditional" Canadian values. However, for some Indigenous people, Mohawk resistance was framed as part of a long-standing resistance to assimilation, tying the crisis to the rejection of the 1969 White Paper and the long struggle for Indigenous sovereignty:

> My memories of that summer at Kanesatake are so different from the stories told by the media. Their attention was focused on the barricades. To most of them, this was just a cop story; the police & soldiers were there to 'restore law & order', to put things back the way they were. But most of the people behind the barricades were my family, friends, & relatives. And they didn't want things to go back to the way they were. They knew that would mean a certain steady ride down a one-way street to an oblivion called assimilation. (York and Pindera 1991, 12)

The media was deeply involved in the kanehsatà:ke resistance, both in terms of the army's PR offensive against the Mohawk Warriors and of the images from the reserve printed in newspapers and beamed to televisions across the country. One photograph in particular has come to represent the crisis. Freelance photographer Shaney Komulainen captured an image of a young Canadian solder, impassive, face bare, confronted by a protester wearing a bandanna, dark glasses, and a hat. The protester leans over the soldier in a threatening pose. Komulainen has said that she keeps returning to the photograph of the "baby-faced soldier" because of "the contrast with his uniform and his face and the scene" (Lazowski 2015). Sociologist Rima Wilkes, however, sees the image as part of a narrative constructed by the army, the government, and the media at the time, a narrative which framed the army as peacekeepers and the protestors as violent threats to Canadian values (Lazowski 2015)[33]. Recchia (1993)

33. Such moves can be seen as what Tuck and Yang have referred to as "settler moves to innocence" which "problematically attempt to reconcile settler guilt and complicity, and rescue settler futurity" (Tuck and Yang 2012, 3).

has demonstrated that the army went into kanehsatà:ke with a "PR Campaign" in mind, writing that

> As far as the government and military were concerned, the Oka crisis was an exercise in crisis management or public opinion manipulation. (...) The army followed a "script" when handling its public relations campaign. Prior to arriving at Oka, the army knew exactly what it wanted to happen. Press releases were distributed in advance in order to control everything throughout the crisis. (Recchia 1993, 67)

This PR campaign was part of a concerted effort to demonize the Indigenous land defenders and create a moral panic which would unify "right-thinking" Canadians against the perceived threat to the status quo. The government presented the Mohawk Warriors as outsiders who did not share the values of the kanehsatà:ke community, still less those of Canada at large. Government representative Yves Désilets remarked that the Mohawk Warriors weren't even from kanehsatà:ke, but had come from neighbouring reserves and held "different ideals and different objectives" than either kanehsatà:ke or the government (Ottawa Citizen, July 11, 1990). Indian Affairs minister Tom Siddon contrasted the actions of the Warriors, who "manned the barricades in Oka with AK-47 assault rifles" with those of "reasonable" Indigenous leaders "as well as all Canadians" who "respect the rule of law" (Montral Gazette, July 21, 1990). Harry Swain, deputy Indian Affairs minister, went further, claiming that legitimate protest had been hijacked by an "armed gang" of outsiders, "a criminal organization involved in smuggling and the possession of illegal weapons, one that mixes successful criminal enterprise with the devoutly held ideology that they are a separate nation" (Library of Parliament 1992, 3). Swain insisted that the Warriors had no support from the community:

> I am sure that the people who live at Oka are not calling the shots now and that blockaded territory is in the control of Warriors who are not blessed by the community, by the Longhouse, by the traditional government or by the Iroquois confederacy. (Globe and Mail, July 24, 1990)

Recchia counters that, in fact, "the Warriors had the full support of the Mohawks of [neighbouring community] Kahnawake and tacit support from the Mohawks of Kanesatake" (Recchia 1993, 69). Despite Siddon distancing himself from the views of his deputy, Swain's remarks were more widely reported. In an August 5 article in the *Globe and Mail*, Prime Minister Brian Mulroney framed the crisis as precisely one of liberal egalitarianism vs. special interests: "The government of Canada and its negotiators will never accept some of the bizarre requests that are coming from the Warriors. The Warriors will have to accept that the laws of Canada apply to us all irrespective of our station in life, irrespective of where we come from. We are not going to accede to requests from Warriors some of whom are not even Canadian citizens..." (Globe and Mail, August 5, 1990). In media editorials of the time in both Canada and the US, the Mohawk Warriors were portrayed as a mafia-like, highly armed gang or mob whose activity ranged from petty criminality to terrorism (New York Times, May 5, 1990; Washington Post, September 7, 1990) By contrast, the "real" Mohawk leaders were seen as intelligent, reasonable, and peace-loving, whose (tolerable) difference and demands could be safely recognized by the government (New York Times, July 14, 1990).

The army, government, and media's portrayal of the Mohawk Warriors as criminals who had taken over legitimate Indigenous leadership in the community was an attempt to stir up popular opinion (both settler and Indigenous) . against them. Christopher Cushing of the Canadian Institute for Strategic Studies remarked at the time that "the army is winning because they have mounted a brilliant public relations campaign" (Globe and Mail, September 22, 1990; also quoted in (98) and (Lackenbauer 2008, 42)). The army "took extraordinary steps to suppress the flow of news from the embattled warrior headquarters near Oka", giving them complete control over the narrative (Globe and Mail, September 17, 1990; *Montreal Gazette*, September 17, 1990).

The moral panic succeeded; the construction of the Mohawk Warriors as enemies of law-and-order and the Canadian way of life had the desired effect on settler Canadians. The

Montreal Gazette reported on July 14, 1990 that "hundreds of angry white residents" gathered outside the reserve "ready to attack anyone who looked like a native... One resident said, 'we can't go there, so they have no business coming here'... Hearing a rumour that two Mohawk women were inside the supermarket buying groceries to take back to the reserve - with police permission - the crowd moved in... One woman said 'Give [the Mohawks] a case of beer and they'll get out'" (Montreal Gazette, July 14, 1990). On August 28, a group of Mohawks trying to leave the reserve via the Mercier Bridge to Montreal were pelted with rocks. Kahsennenhawe Sky-Deer was in one of the vehicles, and described the attack in a 2020 interview: "you could see the people holding signs calling us 'savages'. I never really experienced or understood what racism was until the events of 1990" (Greig 2020).

In a letter to the *Calgary Herald* in October of 1990, one reader summed up the opinion of many Canadians outside Quebec:

> I have no love for the Quebec or federal government. But when people start carrying guns and threatening people, that is the time to stop pussyfooting around and call in whoever can do the job... They need to set an example that you do not run around with assault guns in Canada. I strongly support the army for what they did. That is the reason for the army - to support Canadians when we are threatened. (Calgary Herald, October 17, 1990)

The letter expresses a common theme in Canadian settler-Indigenous relations: the idea that Indigenous people are not also Canadians. The Mohawk Warriors, in this view, threatened Canadians like an external enemy, requiring the deployment of the army.

Similar perspectives operate in Canadian-Quebecois relations as well. There has always been a feeling in anglophone - particularly Western - Canada that Quebec is holding the confederation hostage, demanding special treatment at the expense (quite literally, in the form of equalization payments) of the other provinces (Simeon 1998; Boily and Epperson 2014). After the failed referendum on independence in 1980, Quebecois separatism continued to build

steam. Quebec engaged in the two rounds of constitutional discussions at Meech Lake and Charlottetown, but neither round successfully managed to satisfy Quebecois demands (because while the constitution could offer recognition, Quebec wanted actual redistribution of power and sovereignty) (Boismenu 1993; Johnston 1993; Nadeau and Bélanger 2012). By the mid-1990s, separatism was once again a powerful force in Quebecois politics. In a second referendum in 1995, the separatist side lost by the slimmest of margins (49.4% voted for sovereignty; 50.6% voted in favour of remaining in the confederation) (Clarke and Kornberg 1996, 679). This referendum provoked a good deal of soul-searching in Canada and Quebec, and while the separatist movement lost momentum after 1995, the problems of Quebec's distinctiveness remain important considerations in Canadian politics (House of Commons Library 2013).

While the PR campaign against the Mohawk Warriors took place at the federal level, anti-Quebecois sentiment was (and is) very much a provincial matter. Writing in the *Buffalo News* in 1990, Ray Hill wrote that the desecration of a Quebec flag in Brockville, Ontario became "a microcosm of the depth and breadth of [the constitutional] debate, a debate that unsheathed the basest of human feelings, baring for the world a smoldering bitterness between English and French Canada" (Buffalo News, June 17, 1990). Hill held high hopes that the Meech Lake accord would be approved and the problem finally resolved, but the collapse of the agreement on June 23 left tensions between the English and the French simmering. In 1995, the persecution of a Quebecois woman living in Owen Sound, Ontario, threatened to "spark outrage in Quebec reminiscent of the reaction to the trampling of a Quebec flag in Ontario in 1990" (Macleans, May 29, 1995).

The outrage in Quebec over the trampling of the flag was matched by the outrage not only by Canadians outside of Quebec, but by anglophones and ethnic minorities within the province over what they saw as a violation of anglophone minority rights under Quebec's language laws. Anglophone Quebecois novelist Mordecai Richler summed up the liberal egal-

itarian view of communal identity in an article on the 1995 referendum, arguing that collective goals or interests become illegitimate when they trample on the rights of others, e.g. when they infringe on the individual rights of anglophone Quebeckers[34]. Richler quoted journalist Don Macpherson to the effect that the Quebecois government

> has often advanced francophone interests at the expense of non-francophone ones. The most obvious example is the French Language Charter, also known as Bill 101 (...) [the Parti Quebecois] has treated non-francophones as scapegoats or a threat against which francophones must be protected. (Richler 1999, 328–329)[35]

For Richler himself, "the goodwill of the pure-of-heart separatists notwithstanding, their movement is essentially xenophobic, and an independent Quebec would not be a healthy environment for non-francophones" (329). Conforming to the tenets of settler liberalism (i.e. individualism) in Canada, Richler sees Canadian multiculturalism as a way to *escape* communitarianism. He also repeats the distinction between public politics and private identity or lifestyle:

> Immigrants to this country, whether Norman peasants, dispossessed Scots, Irish fleeing the potato famine, *shtetl* Jews, poor Ukrainians, Greeks, Italians, Chinese, Koreans, or Portuguese, came to these shores to escape tribalism and discrimination. Our grandparents or great-grandparents, wherever they came from, were mostly dirt poor. [...] Together we eventually forged a civil society where everybody was equal, at least in their democratic rights. (329–330)

Quebec's pursuit of a distinct society, which Richler saw as "tribal conflict", directly threatened the confederation: "to the amazement of people in less fortunate lands, this incom-

34. cf. Charles Taylor on libertarian Robert Nozick: "Nozick... seems to feel that he can start from our intuitions that people have certain rights to dispose, say, of what they own so long as they harm no one else in doing so." (C. Taylor 1985, 200).

35. Controversy surrounding recent Quebec legislation such as the bill prohibiting the wearing of religious symbols by public servants and the act changing the Canadian constitution to make French the *only* official language of Quebec indicate that these issues are still unresolved (Béland, Lecours, and Schmeiser 2021; Butler 2021b).

parably rich, still nearly empty country, everybody's second chance, may soon self-destruct" (Richler 1999, 330).

The dangers posed to confederation and resource extraction profits by Indigenous land-defence and Quebecois separatism, then, as well as the two rounds of failed Constitutional amendments, suggest that liberal hegemony in Canada had, by the 1990s, reached a breaking point. Polarization, internecine conflict, and intolerance, on top of real historical grievances placed Canadian federalism and the unity of the nation in jeopardy. It is significant, then, that at this point, when moral panics around Indigenous violence and Quebecois arrogance had reached a fever pitch, that the practical policy of recognition began to break down.

The kanehsatà:ke resistance is a prime example of the limits of recognition as a practical strategy. Despite legal recognition of Indigenous land claims, settler needs and demands often take priority, and it is those demands that are backed up by the force of the state. Since kanehsatà:ke, Indigenous land defence has recurred regularly in Canada (as in the US), but Indigenous land rights are only "recognized" up to the point where they inconvenience settlers or threaten profits, at which time the force of the state - usually the RCMP - is brought in to restore the normal Canadian order of things.

As with the October Crisis in 1970, Indigenous land defenders were willing to confront the power of the state, to meet the state's violence with violence, thus violating the principle of the state's monopoly on the use of force and jeopardizing the whole law-and-order regime of Canada's social peace. Even if they were crushed, they presented a symbolic threat to capitalist hegemony. In addition, Indigenous land rights threaten capitalist development in a country whose main economic sector is resource extraction. A golf course may not seem like much, but most Indigenous land defence in Canada is against the development of oil sands, deforestation, and the transport of oil through delicate ecosystems (McCreary and Turner 2018; J. J. Schmidt 2022). kanehsatà:ke showed that radical resistance to capitalist

economic development was possible.

The narrow defeat of the Quebec referendum showed the fragility of the Canadian federal project. The Canadian national motto - taught to schoolchildren - is *a mare usque ad mare* ("from sea to sea"), an ideological construct that the separation of Quebec would destroy. If Quebec withdrew from confederation, the Atlantic provinces would likely follow, indicating that the stability and unity of the Canadian project was directly threatened by the near-miss of Quebecois independence (Milne 2002).

3.4 The Late Arrival of Neoliberalism

These two threats to Canadian politics and economy on the plane of the real world constituted a crisis of hegemony on the plane of the cultural and the ideological. The Canadian constitutional crisis can be understood in similar terms to the crisis of the late-1960s and early-1970s in Britain and the US. And just as the American and British crisis paved the way for the neoliberal turn, so too did the Canadian crisis twenty years on[36]. While neoliberalism was partially and unevenly implemented by Mulroney's federal government (1984-1993) and some provincial governments in the late 1980s and 1990s, neoliberalism proper - Hall's "great moving right show" (Hall 2017b) - is generally understood to have been achieved under Stephen Harper's Conservative government between 2006-2015.

Due to Canada's decentralized federalism, neoliberalism only achieved national predominance under Harper. However, over the course of the 80s and 90s, neoliberalism and labour unrest became increasingly important parts of the Canadian landscape at the provincial level. In 1983, the "Operation Solidarity" protest movement was a response to the British

36. At the level of the economy and production, the crisis was around a fracturing of industrial nationalism - the separation of Quebec would mean the loss of one of Canada's major industrial centres, and likely also the loss of the Atlantic provinces' economy (Corbett 2019).

Columbia government's implementation of neoliberal policy under the influence of the Fraser Institute, a right-wing think tank. The labour stoppage approached the levels of a general strike (B. D. Palmer 2015). In 1995, Ontario Conservative Premier Mike Harris' implemented full neoliberal austerity in the guise of a "Common-Sense Revolution" (Clarkson 1999). Harris' attack on labour and social services triggered strikes, protests, and mass demonstrations known as "Days of Action" between 1995 and 1998 (Nesbitt 2018).

Canada's decentralized politics and economics coupled with its relatively centralized and regulated banking policies, contributed to the fact that the economic and financial crises that hit the UK and the US beginning in the early 1970s came later and were less severe in Canada. The crisis of 1973 was felt in a milder form in late 1974/early 1975, as was the crisis of 1979 (felt in Canada in January-June 1980). The Bank of Canada triggered its own "Volcker Shock" to counteract inflation in 1981, three years after Volcker's initial interest rate hike in the US in October 1979 (Crowell 2002, 52). While Canada had managed to more or less avoid the economic crises of the 1970s, the Bank of Canada's rise in interest rates triggered Canada's first major postwar recession, from June of 1981 to October of 1982 (i.e right at the moment the government was negotiating the patriation of the constitution) (Ley 1992). BC's neoliberal changes that provoked Operation Solidarity occurred in the aftermath of this recession (Carroll and Ratner 1989).

Another round of high inflation, high interest rates, and recession occurred in the early 1990s, corresponding with the Ontario NDP's partial shift to neoliberalism (1990-1995) and triggering Harris' "common-sense revolution" in the aftermath (Clarkson 1999). It was only in this period that the Canadian government began to bring its social, fiscal, and economic policies in line with American neoliberalism, beginning the process of implementing austerity, cutting social spending, etc. In part this was a consequence of the North American Free Trade Agreement (NAFTA) with the US and Mexico (signed 1989), which now required that Canadian business directly compete with American ones. NAFTA led to an abandonment of

"nationalism" in the Canadian economy (M. A. Schwartz 1998), increased privatization of the public sector (Walker 1997), and prompted a switch to an almost total reliance on resource extraction (lumber, oil, minerals, etc) (Fast 2014).

Because of the globalized nature of the economy, especially from the 1990s on, Canada was implicated in the larger neoliberal tendencies towards the erosion of labour rights, transition to the service economy, etc (Léger 2010). But the primary ideological focus of the Harper government was how to maintain hegemony while dealing with the various demands of Indigenous people, Quebecois, women, and immigrants. The late arrival of neoliberalism at the national level in Canada marked the replacement of recognition with "reconciliation" while continuing to foster moral panic (around Islam in particular) on the other[37]. The cynical pragmatism of the government's outlook under Harper can be seen in the fact that an insistence on neoliberal individualism did not prevent the government from promoting a singular set of "Canadian values" in an Islamophobic moral panic (Barber 2015). The classical liberal ideal of citizenship enshrined in the Canadian Charter of Rights was replaced in governmental and media discourse by the neoliberal entrepreneur. Writing in 2018, Harper explicitly criticized the stagnation of the welfare state and the postwar consensus before explicitly aligning himself with neoliberal orthodoxy: "Ronald Reagan and Margaret Thatcher were [its] most famous advocates, but the period pulled a whole generation along with it. That included me, then a twenty-two-year-old economics student" (Harper 2018, 29).

37. In Canadian politics, recognition has been mainly replaced by reconciliation, which appears in Canadian discourse to be a positive step forward, a way of finally resolving the vexed questions of Canadian multicultural, multinational, and polyethnic conflicts, especially between settlers and Indigenous peoples. But Coulthard notes that "in settler-colonial contexts - where there is no period marking a clear or formal transition from an authoritarian past to a democratic present - state-sanctioned approaches to reconciliation must ideologically manufacture such a transition by allocating the abuses of settler colonization to the dustbins of history, and/or purposely disentangle processes of reconciliation from questions of settler-coloniality as such [...] Reconciliation takes on a temporal character as the individual and collective process of overcoming the subsequent *legacy* of past abuse, not the colonial structure itself" (Coulthard 2014, 108–109). Reconciliation became enshrined in Canadian culture through the formation of the Truth and Reconciliation Commission in 2008. Reconciliation is a strategy developed by the Canadian government which claims to be designed to renew the Indigenous-state relationship on a new basis of respect, cooperation, and recognition of rights. See (TRC 2015, 16–22) for an exploration of the concept.

In many way's Harper's Conservatives sought to cut through the Gordian knot of Canadian politics - the debates over identity, status, and relative prosperity that, as we have seen, have plagued the country since the 1960s - by adopting the free-market fundamentalism of Hayek and Friedman (Gutstein 2018, 108). This project was supported by the media and right-wing think tanks like the Fraser Institute (100ff). A resource extraction economy unfettered by ecological regulation (McDonald 2013), enticing Indigenous peoples into assimilation through prosperity (F. MacDonald 2011), and the unification of a culture of "Canadian values" by scapegoating Muslims (Cader and Kassamali 2012; Chwalisz 2015), all sought to transform Canada from a culturally divided and economically weak country, to a unified nation and an economic powerhouse. Indeed, Donald Gutstein notes that

> Harper's unique approach to changing Canadian society works together with the think tanks' persistent and disciplined [neoliberal] messaging. Combining Harper's attempts to bring private-property rights to First Nations reserves with a think tank discourse that claims prosperity and economic development are possible only through such rights, constitutes a classic example of Harperism. (Gutstein 2015, 12)[38]

The crisis of hegemony Canada faced was less around labour indiscipline fostered by the social safety net and capitalist restructuring to restore profitability, and more to do with a perceived impediment to free trade posed by social justice groups. For example, the Conservative government created a moral panic around "radical environmentalists" to deflect ecological criticism of natural resource expansion projects (Gutstein 2015), and Ruth M Mann has argued that anti-feminism played a central role in this ideological project: "For the Harper government, as for the New Right as a whole, the enemy is not gender equality or feminism per se but rather the market-inhibiting commitment to social justice that feminism participates in and advances" (R. M. Mann 2016, 50). There is a fitting symmetry in the fact that the period

38. Coulthard addresses the way "formal legal equality was used by the state as a wrecking ball that threatened to undermine Aboriginal and treaty rights" specifically by "unilaterally enfranchising First Nations individuals as Canadian citizens" with respect to private land ownership. (Coulthard 2014, 95).

of "recognition" is bookended by the creation of Status of Women Canada in 1971 (a federal agency created in the wake of the 1970 Status of Women report) and its dismantling under Harper in 2006 (R. M. Mann 2016).

Islamophobia and staunch support for Israel along with an emphasis on "Canadian values" interpellated Canadians in the name of Enlightenment liberalism and individual rights to win their support for Harper's neoliberal restructuring. Aisha Ahmad writes that, when debating a proposed ban on Muslim women wearing the veil,

> Harper's unsubstantiated claim that these measures were based on security concerns led to a brief surge in the polls. This bump in support prompted two of Harper's far-right cabinet ministers, Kellie Leitch and Chris Alexander, to ramp up their xenophobic rhetoric. Adding to the anti-immigrant hysteria and hoping to appeal to their base, they vowed to create a "Barbaric Cultural Practices" tip line, so that Canadians could report their immigrant neighbours to the government. Given that all of the "barbaric practices" under the proposal were already illegal in Canada, critics quickly called out the move as a thinly veiled attempt to intimidate and humiliate immigrant Canadians. (Ahmad 2017, 261)

A large proportion of the Conservatives' electoral base, as Donald Gutstein notes, was made up of evangelical Christians committed to "unyielding pro-Zionism" (Gutstein 2015, 241). Support for Israel and Islamophobia are crucial elements of Canadian hegemony in this period. Canadian neoliberalism also attempted to undermine trade unions by implementing so-called "right-to-work" legislation, as in the United States (72), and to eliminate collective identity and decision-making among First Nations by granting individual Indigenous people private property rights, since "collective ownership is anathema to the market and must go" (73). Neoliberal economic restructuring (free market fundamentalism and the undermining of labour rights) went hand-in-hand with an ideological project to build popular consent (around Zionism (Seligman 2018), personal responsibility (Gecelovsky 2020), and individual entrepreneurialism), often based on moral panics (e.g. Islamophobia) (Cader and Kassamali 2012). The

final shift to neoliberalism in Canada thus followed the model Hall extracted from the British experience twenty years before.

Canada's unstable mix of nations, ethnicities, and cultures - particularly after 1968 - coupled with the need for the Canadian government to manage these interrelationships in the context of a developed, industrialized, liberal-capitalist democracy required that Canada find a balance between the radical individualism of the neoliberal transition and the communitarianism of recognition necessary to maintain social peace (and in a very real sense, keep the confederation together). In other words, the crisis of hegemony and its response took a less purely individualistic form in Canada than elsewhere; indeed, it was this communitarian approach (both in terms of cultural recognition and, at the level of the economy, the regulation of the financial industry) that had - until Harper - protected the Canadian economy and society from the worst ravages of post-war recession[39].

The Harper period put paid to recognition as a political strategy, but this led directly to a confrontation with Indigenous peoples in the Idle No More movement of 2012. Writing about the lessons learned from Idle No More, Coulthard writes:

> In the delicate balancing act of having to ensure that his social conservative contempt for First Nations does not overwhelm his neoconservative love of the market, Prime Minister Harper has erred by letting the racism and sexism of the former outstrip his belligerent commitment to the latter. This is a novice mistake that Liberals like Jean Chrétien and Paul Martin learned how to manage decades ago. As a result, the federal government has invigorated a struggle for Indigenous self-determination that must challenge the relationship between settler colonization and free-market fundamentalism in ways that refuse to be coopted by scraps of recognition, opportunistic apologies, and the cheap gift of political and economic inclusion. (Coulthard 2014, 173)

39. This was because Canada typically avoided complete deregulation and privatization of e.g. the banking and health-care sectors which therefore avoided the financial problems associated with neoliberal crisis as well as maintaining some level of social safety net throughout the 80s and 90s.

3.5 Conclusion

What I want to emphasize here is that, just as ideology is not a *false* view of the world, but a mental construction that emerges from and interprets the *real* contradictions at work in social, political, and economic life, so the threats to white, anglophone, patriarchal, cisgendered, property-owning dominance represented by Indigenous people, francophones, women, people of colour, transgender people, migrant workers, etc, are not imaginary. They are real (material, physical, existential) threats to the common-sense, rational, "traditional" ways of life necessary for the smooth functioning of liberal-democratic society and the capitalist state, but they are not the only threat. In conjunctures of capitalist restructuring, capital and the state themselves need to do away with traditional views and perspectives, values and way of life (hence Marx and Engels' characterization of the bourgeoisie as radically progressive in *The Communist Manifesto* (Marx and Engels 1967, 82–83)), but in order to win popular support (or a veneer of popular support) for this kind of radical political and economic restructuring, they need to give the base of their hegemonic power something else to fear, something else to hate, something else to blame for the changes society is undergoing. The challenge to capitalism of Indigenous' peoples non-capitalist mode of production is real[40]. As Coulthard argues,

> For the state, recognizing and accommodating 'the cultural' through the negotiation of land claims *would not* involve the recognition of alternative Indigenous economies and forms of political authority, as the mode of production/mode of life suggestions; instead the state insisted that any institutionalized accommodation of Indigenous cultural difference be reconcilable with *one* political formation - namely, colonial sovereignty - and *one* mode of production - namely, capitalism. (Coulthard 2014, 66).

Coulthard here states in economic terms what I want to emphasize in terms of social on-

40. Indeed, Coulthard sees the "extinguishment" of Indigenous land title as a means to "facilitate the 'incorporation' of Indigenous people and territories into the capitalist mode of production and to ensure that alternative 'socioeconomic visions' do not threaten the desired function of the market economy" (Coulthard 2014, 66).

tology: the limits of recognition are the boundaries of capitalism from Coulthard's perspective, and the boundaries of the bourgeois, individual, Enlightenment subject from my perspective. This is not to suggest that we are drawing the boundaries in different places. If the bourgeois Englightenment individual is the social subject proper to (and central to) the development of capitalism, then it becomes clear that I am expressing the same boundaries as Coulthard, only in terms more appropriate to the cultural and ideological focus I take in this thesis.

To win support for its own restructuring of capitalism, then, capital and the state had to construct an image of Indigenous peoples' to show that they undermine all the traditional common sense values of Canadian liberalism, including those of the mode of production, "thematized" in terms of a threat to individual rights, autonomy, and prosperity. Like the welfare scroungers in the UK in the 1970s, Indigenous peoples are useful Others to sit at the heart of Canadian moral panics. However, this betrays the fact that the Canadian state, far from being agnostic towards collective goals and particular conceptions of the good - as befits a "proper" liberal state - *does* have goals and values that it intends to protect and support. In order to do this it has been essential to ensure its own survival and hegemonic legitimacy *as* a liberal state. In other words, while the political theory of recognition which we will look at in the next chapter draws a distinction between truly liberal and communitarian states according to whether or not a state pursues a collective goal, in reality both kinds of states pursue collective goals. For the Quebecois state it is Quebec's survival as a distinct francophone culture, for the federal Canadian state it is its survival as an individualistic capitalist nation-state.

Having looked at how recognition operated in Canada as a pragmatic political strategy from the late 1960s to the 1990s, I will look in the next chapter at how this process entered into Canadian political theory in the period of the kanehsatà:ke resistance and the second Quebec referendum. In Chapter 6 I will connect libraries' conception of intellectual freedom (possessed by liberal individuals) and the construction of limits of recognition among demonized Others in Canadian society. This will set the stage for a demonstration of the ways intellectual freedom

can itself become a tactic in the disciplining and control of a society structured in dominance.

4 The Canadian Hegemony of the Politics of Recognition

> The hope of every ideology is to naturalize itself out of History into Nature.
> Stuart Hall, *The Hard Road to Renewal*

4.1 Introduction

In the Introduction to this thesis, I outlined some of the criticism leveled against the politics of recognition. One of the dominant areas of that critique - by Lois McNay and Mark Wenman, for example - was the limit set to recognition's progressive or emancipatory potential by its fundamental commitment to individualism. Despite bringing in a Hegelian intersubjectivity or dialogic conception of the self, the politics of recognition still saw the self as existing antecedently to those dialogic social relations. Misrecognition could *deform* what was already there, but there had to be already be a self in order to enter into relations in the first place. The politics of recognition could therefore never fully transcend the liberal ontology of primordially unencumbered or disengaged selves. At best, it could soften or "correct" (Walzer 1990) individualistic liberalism.

In the previous chapter I demonstrated the Canadian state's defense and support of liberal individualism in the face of challenges posed to it from the late 1960s on. As part of their respective sovereignty movements, Indigenous peoples and the Quebecois in particular

demanded a communitarian or even collective politics that ran counter to the dominant procedural liberalism of the federal government and Canadian society. The government tried to accommodate these demands to a limited extent, while shoring up the individualism that is one of the main ideological and ontological planks of Canadian hegemonic politics. Through the initial constitutional discussions and two failed rounds of constitutional amendments, the government attempted to appease Quebecois and Indigenous demands through a limited form of constitutional and cultural recognition. Their attempts failed, leaving Canada in an uneasy status quo that continues today.

From the 1970s to the 1990s, the Canadian government's politics of recognition was a primarily pragmatic strategy. By this I mean a practical response to particular situations in which "recognition" was deployed but not clearly conceptualized or articulated. This undertheorized form of recognition (for example, "recognizing" Indigenous land claims in particular court cases or Quebec's distinct status in specific pieces of legislation) did not lead to any real change in the Canadian economy or politics in order to fundamentally deal with the "multiplicity" (Tully's term) that gave rise to social and political conflicts in the first place.

By the mid-1990s, the kanehsatà:ke crisis, the second Quebec referendum and the rejection of the communitarian Charlottetown Accords indicated that the pragmatic approach to recognition in Canada had reached its limit. It was in this context that Canadian political philosophers began to take the question of recognition seriously and to engage in public philosophy as a contribution to defending the legitimacy of Canadian liberalism. While Charles Taylor and James Tully conceived of their interventions as contributing to the good of Canadian society and a progressive accommodation of Indigenous, Quebecois, multicultural, and other subaltern demands, I will argue in this chapter that their formulations of the politics of recognition were too easily limited by individualism and therefore easily coopted to the hegemonic strategy of the Canadian state.

In this chapter I will deal with Taylor's and Tully's politics of recognition in turn. Bearing in mind the liberal-communitarian debate outlined in the Introduction, I will look at Taylor's insistence that a state oriented towards a limited set of collective goals is not necessarily illiberal and Tully's proposed new constitutionalism capable of dealing with the "strange multiplicities" of multicultural, multinational, and polyethnic states without becomeing "imperial". I will then turn to the way Taylor and Tully's politics of recognition remain committed to a fundamental individualism which in turn places limits on the progressive potential of their political philosophies. These limits are what allow the Canadian government and ideological institutions like the media and libraries to pay lip service to recognition while reaffirming and reinforcing Canadian society's individualism. Before we look at Taylor and Tully's accounts in detail, I want first to briefly explore the notion of the neutral state and communitarianism in the Canadian context. This will provide a ground for my exploration of Taylor's and Tully's politics of recognition in the rest of the chapter.

4.2 Neutrality, Collective Goals, and the Liberal State

Rawls' *Theory of Justice* was in part a response to the radically individualistic, consumerist culture that began to take hold in the late 1960s, and which was to develop throughout the 1970s - what Tom Wolfe called the "me decade" (Wolfe 1976) - as well as the collectivist or social-constructionist challenges of the various Marxisms, structuralism, and some of the theorizing of the new social movements (Forrester 2019, 40–44, 48). Like Hegel, Rawls saw that social relations play a positive constitutive role in individual flourishing, rather than just a negative, repressive one. In the neoliberal period, when a radical individualism was restored to politics and economics, it was logical to think of Rawls's idea of "justice as fairness [as] itself an egoistic theory" (Rawls 1999, 147). Rawls himself, however, argued that this was a misconception (127–128). Indeed, he notes that his two principles of justice should be seen

as a special case of a broader conception of justice which he formulates as: "all social values - liberty and opportunity, income and wealth, and the *social bases of self-respect* - are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone's advantage" (Rawls 1999, 54, emphasis added). It is the inclusion of "the social bases of self-respect" that opened the door first to the liberal-communitarian debates and then to the development of the politics of recognition in the 1990s (Forrester 2019, 252–258).

Will Kymlicka argued that the liberal-communitarian debate was primarily concerned with the question of whether (individual) autonomy or toleration was the primary value of liberalism writ large (Kymlicka 1996, 154). If sources of collective or group difference are subordinate to the demands of individual equality as guaranteed by law, communitarianism can then only come into play so long as all participants agree to the same set of liberal ground rules; difference becomes relegated to the cultural or private, as opposed to the political or public sphere. By the same token, a communitarian state can only be an extension of a properly liberal one, rather than a completely different form of government. Such a state, in liberal thought, must be neutral with respect to collective goals and any particular conception of the good. Communitarian elements of shared identity are relegated to the private sphere and should not be allowed to have any political significance, as Rawls notes in *Political Liberalism*:

> Since there is no reasonable religious, philosophical, or moral doctrine affirmed by all citizens, the conception of justice affirmed in a well-ordered democratic society must be a conception limited to what I call "the domain of the political" and its values. (Rawls 1993, 38)

From this perspective, we might understand communitarianism as trying to find a more accommodating demarcation line between matters of right and issues of the good, the political and non-political (or cultural), without resorting to theories of absolutely autonomous individualism. Indeed, Taylor describes other models of liberalism which would take difference seriously without threatening individual freedoms. These models, he writes,

> do call for the invariant defense of *certain* rights, of course. There would no question of cultural differences determining the application of *habeas corpus*, for example. But they distinguish these fundamental rights from the broad range of immunities and presumptions of uniform treatment that have sprung up in modern cultures of judicial review. (C. Taylor 1994, 61)

Taylor explicitly endorses *these* models of communitarian-liberal society, clearly enunciating the existence of individualist limits to the politics of difference (e.g. *habeas corpus*). We will look more closely at Taylor's politics of recognition below.

Canadian communitarianism should be understood as a moderation of liberal (procedural) individualism in a communal direction rather than an outright rejection of it. Since the federal government was staking out a similar position (as we saw in the previous chapter), communitarianism was well-placed to provide a philosophical justification for the politics of recognition. In *Multicultural Citizenship*, Will Kymlicka explained the practical political role played by liberal theory as having less to do with rights, individualism, or egalitarianism, but with order and stability: (Kymlicka 1996, 192). Recognition, then, can only be the accommodation of (some) difference within the constraints of liberal order founded on individualism. Indeed, while Kymlicka defends the liberal position against communitarianism, he notes that "many (but not all) of the demands of ethnic and national groups are consistent with liberal principles of individual freedom and social justice" (193).

By the time Taylor, Tully, and Kymlicka were writing about recognition and multiculturalism, however, Canadian politics had witnessed a resurgence of both Indigenous activism and Quebecois nationalism that threatened to destabilize the Canadian political order. The patriation of the constitution and the development of the Charter of Rights and Freedoms was intended to balance, recognize, and therefore defuse the tensions inherent in a polyethnic, multicultural, and multinational colonial federation. By the early 1990s it was clear that this was a false promise, and Indigenous social issues, Quebecois nationalism, and a host of other forms of inequality remained urgent problems of Canadian politics. When Kymlicka

wrote at the time that "it is increasingly accepted in many countries that some forms of cultural difference can only be accommodated through special legal or constitutional measures, above and beyond the common rights of citizenship" (Kymlicka 1996, 26), the unspoken goal of this accommodation was to shore up and stabilize the liberal political and social order against such challenges.

What links liberals like Kymlicka[1] with communitarians like Taylor and Tully, and divides all three from any truly radical politics, is exactly the search for a way in which Canadians might tolerate their neighbours' differences and learn not to resent what might appear as special treatment. And yet the liberal state must ensure its own survival as a liberal state (and even, in Kymlicka's view, seek to liberalize illiberal societies (94)), which places limits on the amount and kind of difference the liberal order can tolerate in order to maintain its own sovereignty and its liberal character. The basic unit of liberal proceduralism is the individual with equal rights and the agency to enter into contract[2]. All other differences can either be tolerated as harmless or violently erased. Either way, a universal, homogeneous universality remains at the heart of the communitarian critique of liberalism. In the next section, we will see how Taylor's critique of modern individualism does not go far enough to displace universal equality from its central position within liberal theory.

The politics of recognition arose in both its practical and theoretical forms, as we have seen, out of the need to take seriously the demands of collective identity and to balance them against individual rights. The "resurgence of the people" contained contradictory - sometimes paradoxical - expressions of individual self-definition and collective solidarity. There was an ambiguity, for example, in the 1960s marked on the one hand by the radical individualism

1. Kymlicka comes down on the side of individual autonomy, noting that "what distinguishes *liberal* tolerance is precisely its commitment to autonomy; that is, the idea that individuals should be free to assess and potentially revise their existing ends" (Kymlicka 1996, 158).

2. Allegra de Laurentiis translates a phrase in Hegel's *Philosophy of Right* as "person capable of property", making property ownership not just an activity but an intimate characteristic of liberal personhood (de Laurentiis 2005, 4).

of the counterculture and on the other hand by the communal solidarity movements around Civil Rights, Gay Rights, feminism, and anti-colonialism[3]. These contradictions became more pressing as neoliberalism deepened its commitment to pure individualism while stamping out individual difference in the name of automation, productivity, and the reduction of risk.

4.3 Taylor's Multiculturalism

Taylor's essay "The Politics of Recognition" first appeared in 1992[4], and was published as *Multiculturalism: Examining the Politics of Recognition* in 1994 along with commentary and responses from Jurgen Habermas, Michael Walzer, and others. The question Taylor set out to answer in the essay is why recognition had become such an important political concept in the early 1990s. He ascribed this trend to two broad social and political transformations that had taken place in European/North American society since the 18th century. On the one hand, there was the collapse of social hierarchies in a post-Revolutionary (i.e. bourgeois) world, and on the other hand, there was the rise of the idea of internal/inward personal identity that Taylor called the "disengaged self"[5]. In Taylor's view, this double tendency led individualized identity to hold moral worth in a way that an earlier "socially derived" identity did not (C. Taylor 1994, 31–32). Older hierarchical social structures which oriented people's sense of themselves gave way to a politics (exemplified by Rousseau) of individuals with universal rights coming together in the public or political sphere but remaining fundamentally autonomous. Such universally equal rights and dignity required that everyone have a singular *individual* identity, rather than a corporate, communal, or collective one. By the 1990s, however, what had begun as a noble, republican, democratic process had turned, in Taylor's view, into a culture of narcissism, self-

3. The figure of Bob Dylan might stand as the quintessential expression of this contradiction: a hyperindividualistic, anarchic Romantic poet who nevertheless became known for protest songs in the name of collective rights and social justice.

4. It was presented at Princeton University as the inaugural lecture of the University Centre for Human Values.

5. Taylor explored this development in detail in *Sources of the Self* (1989) and it had been the subject of his 1991 Massey Lectures published as *The Malaise of Modernity* (1991).

absorbtion, and dissolution of social bonds and relationships[6] which he ascribes both to the development of liberal proceduralism and to the rise of the postmodernist rejection of grand narratives (including social ones) in favour of radical individual difference.

By contrast with this modern corrosive individualism Taylor offers an account of the self that is intersubjective or dialogical, based primarily on Hegel's account of recognition in the *Phenomenology of Spirit* (1807). Taylor mentions. however, an earlier sense of recognition developed by Rousseau, which relies on the recognition of every citizen's individuality and autonomy, that cannot underwrite the communitarian state Taylor wants to defend. Rousseau's view of individual autonomy and universal equality is fundamental to the procedural, individualist politics that Taylor critiques, and is markedly different from Taylor's dialogic, Hegelian vision of selfhood, in which we are not recognized as citizens but as selves. One result of this distinction is that, while Rousseau was solely concerned with recognition in the political sphere, Taylor is equally concerned with recognition on an "intimate level" (C. Taylor 1994, 36).

According to Taylor's Hegelian view of selfhood, one's "original identity needs and is vulnerable to the recognition given or withheld by significant others" (36). These intimate relationships are the "crucibles of inwardly generated identity" (36) and thus do not contradict modern intuitions or discourses of individual selfhood. At the social or political level, recognition has become important because "identities are formed in open dialogue, unshaped by a predefined social script" (36). The combination of the private/intimate and public/social need for recognition is what made the politics of equal recognition so central to the political landscape of the 1990s:

> Equal recognition is not just the appropriate mode for a healthy democratic society. Its refusal can inflict damage on those who are denied it [...] The projection of

6. As usual with Taylor, he primarily sees these developments as movements of ideas alone. So the narcissitic "malaise of modernity" can be laid at the door of postmodernist heterogeneity rather than any real material changes in social, political, or economic life. In *Sources of the Self*, Taylor accepts that he is uninterested in such "diachronic-causal" explanations (C. Taylor 1989, 202–203).

> an inferior or demeaning image on another can actually distort and oppress, to the extent that the image is internalized. [...] [T]he understanding of identity and authenticity has introduced a new dimension into the politics of equal recognition, which now operates with something like its own notion of authenticity, at least so far as the denunciation of other-induced distortions is concerned. (C. Taylor 1994, 36–37)

Taylor uses Hegel to explain the rise of recognition but his use of Hegel here is descriptive and explanatory rather than normative. Taylor expresses more of a normative concern when he draws political conclusions from this Hegel-inspired politics of recognition. What Taylor is really concerned with in *Multiculturalism* is whether or not a polity based on the politics of equal recognition can remain liberal (in terms drawn from Berlin, Rawls, etc.). His argument turns on a notion that came to the fore in the Canadian constitutional discussions as to whether recognition of Quebec's cultural distinctness required abandoning the universal liberal individualism supposedly endorsed by the rest of Canada (52). In other words, did Quebec's demands for the recognition of Quebeckers' cultural identity challenge Canada's hegemonic liberalism? We will return to the question of the liberal state below.

There is an ambiguity in Taylor's conception of the self. At times, he seems to consider Hegelian intersubjectivity as *producing* a self (e.g. "we are all aware of how identity can be formed or malformed through the course of our contact with significant others" (36)), while at other times, there is an "original identity" that can only be influenced by contact with others ("our identity is *partly* shaped by recognition or its absence" (25, emphasis added). An individual, for Taylor, must exist antecedently to recognition in order to be the bearer of rights and an autonomous participant in public deliberation. In order for the liberal social order to be based on consent, individuals must be fundamentally autarkic (even if their identity can be infliuenced by others), and as we have already seen, a society remains liberal to the extent that it protects and defends individual rights and freedoms. Just as Taylor's communitarianism is always founded on individual autonomy, his "liberal" states are always in some sense

communitarian. The weakening of the procedural-communitarian distinction makes space for fundamental pre-social individualism to ground and limit Taylor's communitarianism and the politics of recognition.

The existence of an original identity means that for Taylor an individual approaches social and political life already being who they are[7]. For example, Taylor writes that:

> The demand for recognition... is given urgency by the supposed links between recognition and identity, where this latter term designates something like a person's understanding of who they are, of their fundamental defining characteristics as a human being. The thesis is that our identity is partly shaped by recognition or its absence, often by the misrecognition by others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves. Nonrecognition or misrecognition can inflict harm, can be a form of oppression imprisoning someone in a false, distorted, and reduced mode of being. (C. Taylor 1994, 25)

An individual, for Taylor, has "fundamental defining characteristics" which they must come to understand about themselves and which society must recognize. Identity is only partly formed by recognition, as opposed to the Hegelian view of the full social construction of identity. Taylor's challenge to atomism thus moderates, but does not discard, the originary individuality of the social contract and Kantian enlightenment.

The same criticism Butler makes of traditional feminism - that it imagines there to be a pre-social, natural category of "woman" that is simply misrecognized or misrepresented by patriarchy (Butler 1990, 27) - can be made of Taylor's social ontology: that there remains in his politics of recognition a pre-social, natural individual whose self is misrecognized. The political strategies entailed by both views is the same: to somehow "correct" representation or recognition in order for the natural, pre-social foundational subject to appear clearly and correctly. This is also Taylor's view of liberal-communitarian states: only by pursuing the collective

7. Again, this derives ultimately from the social contract idea of man in the state of nature

goal of fostering individual autonomy can people's pre-social self be respected and its rights guaranteed.

Taylor contrasts his intersubjective, or dialogical, view with the monological, atomistic political ontology that he argued arose over the course of the 18th and 19th centuries. The move toward inwardness and personal authenticity that Taylor ascribes to Rousseau and Herder made individuals the source of their own moral and social values, arising from their most authentic, independent, inward, and natural selves. Taylor claims that the dialogic or social nature of identity formation "has been rendered almost invisible by the overwhelminingly monological bent of mainstream modern philosophy" (C. Taylor 1994, 32)[8].

And yet, identity for Taylor remains something original which we need the courage (authenticity) to enact in the world, but this authentic self relies on our intersubjective relationships to become fully formed. Authenticity is then an intersubjective, social outcome that relies on the notion of an original "true" self, but which does not go as far as atomism and narcissism.

At various points, then, Taylor argues that this true self must be respected and allowed to flourish through the process of recognition. Original identity can only be made "fully human" through social contact with other people: "we become fully human agents, capable of understanding ourselves, and hence of defining our identity, through our acquisitions of rich human languages of expression" (32). Individual freedom (full human agency) comes out after the fact, through our intersubjective relationships and the acquisition of social languages that allow our pre-existing identity to be self-interpreted and expressible through our recognition

8. The term "mainstream" here automatically precludes Marxism, which is unfortunate, as not only has Hegel's social production of identity been a core concern of many Marxisms, but Taylor's choice of language as a synecdoche for the dialogic nature of identity was used by Marx in exactly the same sense in his critique of "Robinsonades" (Marx 1973, 84). Taylor is dismissive of Marxism, writing that "the trouble with vulgar Marxisms is that, when they don't neglect [individual motivation] altogether and rely on some incomprehensible 'structural' determination which bypasses motivation altogether, their implicit picture of human motivation is unbelievably one-dimensional" (C. Taylor 1989, 203). The reference to structural determination is aimed at Althusser, but Taylor also rejects the rich, dialogical, even Hegelian humanist tendencies within Marxism. This supports my claim that Taylor's ontology only slightly moderates liberalism's total atomism while continuing to reject Hegelian social determination.

by others. Taylor's does not necessarily see this, but in his politics of recognition, the distinction he tries to maintain between proceduralism and communitarian liberalism is drastically weakened. I would suggest that it is his refusal to offer a "diachronic-causal" story (C. Taylor 1989, 202–203) about liberal states, his unwillingness to see them as having a material history, that he idealistically sees them as the coming-together of autonomous individuals and sees their "goallessness" as a fundamental defining characteristic, even when his own philosophy sometimes undermines this position (for example in (C. Taylor 1985)).

Taylor's ostensibly communitarian philosophy begins with a quasi-natural pre-social individual and ends with classical liberal individual freedom. Along the way our natural subjectivity is moderated and influenced through recognition and contact with others, but the start and end points are purely liberal. In the end, Taylor protects the social contract view of individual identity and the liberal view of individual freedom while at the same time accommodating social relationships in the middle of the process.

Taylor's dialogic approach to identity has been so influential in Canada because it shares with classical and post-Rawlsian liberalism a presumption of individual identity, individual equality, and individual freedom while accommodating (or paying lip-service to) the communal perspectives of multicultural, multinational, polyethnic identity groups within a federal state. The politics of recognition thus plays an ideological role in legitimating and stabilizing Canadian politics against the destabilizing effects of "illiberal" groups such as Indigenous activists and Quebecois nationalists. Like Canadian politics itself, it "recognizes" Quebec's distinctness while offering only toleration rather than real change.

In order to link the two ideas of individual recognition and (il)liberal politics Taylor draws on Dworkin's conception of "procedural" liberalism in which we (society) commit to treating everyone fairly and equally, irrespective of their conception of the good or of "the ends of life" (Dworkin 1978). A liberal state, for Dworkin and Taylor "adopts no particular substantive view

about the ends of life" but is rather "united around a strong procedural commitment to treat people with equal respect" (C. Taylor 1994, 56)[9]. Such procedural liberalism, as we saw in the Introduction, is committed to a "view of the human agent as primarily a subject of self-determining or self-expressive choice" (57). One consequence of this is that for a state to be liberal, it must renounce any collective goals, because this would be selecting one or more goods or ends to be prioritized over all others, thus risking misrecognition or discrimination against people who subscribe to non-prioritized goods or ends.

An alternative model, Taylor argues, is provided by Quebec, which is deliberately and explicitly committed to the collective goal of the survival (*la survivance*) of French-Canadian culture and distinctness (58). This is not merely a question of cultural artefacts, activities, or lifestyle, but has been enshrined in law (most prominently Quebec's French language laws). Taylor writes that

> For a number of people in "English Canada", a political society's espousing certain collective goals threatens to run against [the] basic provisions of the Charter, or indeed any acceptable bill of rights.First, the collective goals may require restrictions on the behaviour of individuals that may violate their rights. [...] [S]econd, even if overriding individual rights were not possible, espousing collective goals on behalf of a national group can be thought of as inherently discriminatory. (54–55)

Taylor spends the rest of his essay arguing that Quebec's commitment to collective goals does not make it an illiberal polity. Society can be organized around such collective goals as cultural survival without that commitment becoming discriminatory against anyone who doesn't share those goals or that cultural identity. "Where the nature of the good requires that it be sought in common, this is the reason for its being a matter of public policy" (59), in which case the liberalism or illiberalism of a given society can be measured, not by whether or not it is committed to any collective goals, but by how it treats its minorities or dissidents,

9. Dworkin's proceduralism draws in turn from Berlin's conception of negative liberty (Berlin 1969) and Rawls' "thin theory of the good" (Rawls 1999, 396).

by the "rights it accords all of its members" (C. Taylor 1994, 59). It is here that Taylor draws a distinction between fundamental rights - those "that have been recognized as such from the very beginning of the liberal tradition" (59) - rights to life, liberty, due process, free speech, etc., and "privileges and immunities" like signage or schooling in the language of one's choice, "that can be revoked or restricted for reasons of public policy" (59). Taylor's argument rests on the idea that "a society with strong collective goals can be liberal... provided it is also capable of respecting diversity, especially when dealing with those who do not share its common goals, and provided it can offer adequate safeguards for fundamental rights" (59)[10].

Taylor's thinking around the politics of recognition developed through his contributions to governmental inquiries into multiculturalism and self-government. What was at stake were precisely these questions of recognition and collective goals. For the federal government "recognition" meant accommodating or even celebrating difference but never enshrining these differences in public law. In 1990, between the Meech Lake and Charlottetown constitutional meetings, the Lieutenant Governor of Quebec initiated a "Commission on the Political and Constitutional Future of Quebec" (the Bélanger-Campeau Commission) to examine the province's political and constitutional status and to make recommendations for changes. In testimony before the commission, Jean Chrétien[12] remarked that he "chose the 'Canada' route because it is the best way to ensure all citizens of linguistic and cultural security and, at the same time, economic and social progress" (Landry et al. 1991, 10). This remark gives a sense of the way the federal government saw itself as responsible for two distinct and separate spheres, the private sphere that included language and culture, and the public sphere of

10. Both Canadian liberals and communitarians saw no fundamental incompatibility between individual and communal rights, so long as some fundamental individual rights are sacrosanct. Kymlicka wrote that "group representation is not inherently illiberal or undemocratic. It is a plausible extension of our existing democratic traditions, and there may be some circumstances where it is the most appropriate way to ensure an adequate voice for minority interests and perspectives" (Kymlicka 1996, 51)[11]. For Kymlicka, such departures (i.e. group representation) must be the exception rather than the rule, and group representation must arise out of the foundation of universal individual egalitarianism. Diversity/toleration, in this view, must be backed or limited by individual equality/autonomy.

12. Chrétien had been the Indian Affairs minister responsible for the assimilationist White Paper in 1969 so roundly condemned by Indigenous peoples and was Prime Minister from 1993 to 2003.

politics and the economy[13].

In his testimony before the Bélanger-Campeau commission, Taylor argued for a federal solution to the problem of Quebec, one that ensured the survival of "la francophonie" in North America, but which protected Canada's distinct set of social programmes (against the pressure to bring them in line with those of the United States)[14] and ensured free trade and joint exploitation of natural resources with the rest of Canada. Taylor argued that the fact that these benefits of federalism had not been achieved was due "primarily because we [Quebec] were unable to obtain recognition as a distinct society" (Landry et al. 1991, 17):

> Therefore, we must talk not only about a federal structure in vague terms, but also about a federal structure that would constitute a break with the past, that has the key feature of recognizing Quebec as a distinct society, with all that this implies, including the possibility of asymmetrical federalism where Quebec does not have the same role as the other parts of the federation. (17)

Taylor admits that the idea of asymmetrical federalism would challenge the long-standing view of English Canada, which "has continued to cling to a certain number of images that have no relation to reality: images of the Canadian mosaic, an image of Canada where all provinces are absolutely equal and uniform, the image of a 'one-nation' Canada" (17). This was Pierre Trudeau's image, the image of liberal universal egalitarianism at the level of the nation-state. But this is also Richler's image (see Chapter 3), egalitarianism at the level of social ontology.

13. Cf. Gramsci: "What we can do, for the moment, is to fix two major superstructural 'levels': the one that can be called 'civil society', that is the ensemble of organisms commonly called 'private', and that of 'political society' or 'the State'. These two levels correspond on the one hand to the function of 'hegemony' which the dominant group exercises throughout society and on the other hand to that of 'direct domination' or command exercised through the State and 'juridical' government" (Gramsci 1971, 12). Here, Gramsci equates hegemony with consent, with coercion as conceived as outside of hegemony. Elsewhere (e.g. pp. 169-170), Gramsci will unify consent and coercion in a single unified concept of hegemony, represented by the half-human/half-animal centaur.

14. Only a united polity across the northern half of the continent could stand up to American expansionism. Shipley notes that in the lead-up to confederation in 1867, "given the aggressive expansion of the United States in the early 19th century... it was not unreasonable to think that the Americans might try to consolidate their hold over the northern plains" (Shipley 2020, 39–40). Over the course of the 20th century the shape of American expansion changed, but Canadian federalism was always seen as the only possible defence against it.

Taylor was concerned with communitarianism at both levels.

In the aftermath of the second Quebec referendum, Taylor linked the question of citizenship to the protection of democracy: "in democratic countries, citizenship is more important than cultural identity, precisely because it is an essential component in preserving democracy" (Taylor quoted in (Ancelovici and Dupuis-Déri 1998, 248)). Despite his communitarianism, Taylor sees democracy in procedural terms (as democratic process), remarking that "being citizens of the same country means we share something in common, that we are linked by a basic identity and are able to coexist and *form a democratic electorate*" (248 (emphasis added)).

Where I think Taylor goes wrong is in his presumption (shared by Berlin, Rawls, and Dworkin) that a procedural liberal society or state is one which does not support any collective goals or commitment to a particular good or end of life. If we take *la survivance* (survival as a way of life) as our starting point, we can see that a liberal society must be committed to its own cultural survival, even if at the most basic level this is because liberalism provides the strongest support to individual autonomy, self-expression, etc. A liberal (in the English Canada sense) commitment to fundamental rights are never *purely* procedural, as Dworkin would have it, but are in themselves a substantive commitment to an end of life considered good. Even the most individualistic, libertarian society must have its own survival as a collective goal, as long as it imagines that such a society is most conducive to individual libertarianism.

This is the argument Taylor makes in his critique of Robert Nozick's libertarianism. If the only society proper to an atomistic conception of freedom is an anarchist one, Taylor writes, that would be fair enough. But if even the most atomistic freedom "can only be assured under some form of representative government to which we all would have to give allegiance, then this is the society we ought to try to create and sustain and belong to" (C. Taylor 1985, 207). The crucial point, Taylor argues is that "since the freed individual can only maintain his

identity within a society/culture of a certain kind, he has to be concerned with the shape of this society/culture as a whole" and not just "with his individual choices and the associations formed from such choices" (C. Taylor 1985, 207).

Presaging his later formulation of the politics of recognition, Taylor notes that "freedom and individual diversity can only flourish in a society where there is a general recognition of their worth" (207). This general recognition requires collective deliberation and collective action: "if realizing our freedom partly depends on the society and culture in which we live, then we exercise a fuller freedom if we can help determine the shape of this society and culture" (208). Further, "men's deliberating together about what will be binding on all of them is an essential part of the exercise of freedom" (207).

Taking this position has real consequences for Taylor's argument in *Multiculturalism*. Firstly, it undermines the distinction between the liberalism obtaining in English Canada (which supposedly has no collective goals) and that obtaining in Quebec (which does). English Canada must have, at the very least, the collective goal of its survival as a (particular kind of) liberal society. Secondly, it calls into question the insistence that liberal societies have no collective goals, which now appear to be ideological rather than a statement of fact. What is it about the collective goals of, say, English Canada, that requires that they be obscured by an official proceduralism?

At the bottom of both these ideas is, I think, the question of power. As we saw in the Introduction, Patchen Markell criticized the politics of recognition for having an inadequate conception of power (Markell 2009), and we can see this in Taylor's idea that there are two kinds of liberal polity: one of which has no collective goals, but is a Rousseauian society of equal recognition along the lines of fundamental individual rights coalescing into an unconstrained general will, while the other *has* collective goals (reached by collective deliberation and consent). In Taylor's characterization of both kinds of society, individual freedom and common

consent are paramount, power and coercion are absent.

Indeed, the objection that English Canada has to Quebec's commitment to its own survival is due to the idea that Quebec's collective goals are (contra Taylor) pursued through the disregard for and violation of individual rights, and discrimination. Ideologically this is portrayed in a negative sense, portraying and interpellating Western Canadians as individually free and possessing untrammelled individual rights, while Quebec is portrayed as almost totalitarian, with this portrayal sometimes rising to the level of moral panic precisely *by* contrasting them with Quebecois values represented as threats to "traditional" Canadian values and ways of life.. In reality the collective goals of English Canada are pursued with just as much zeal as those of Quebec, but they have become invisible due to the success with which those goals have been accepted as neutral common sense or best-practices. These collective goals are, unsurprisingly, the ones around which moral panics become thematized: individualism (in the form of rights, agency, and private property), a natural/traditional/common sense adherence to capitalism, the nuclear family, and so on. It is the representation of the positive commitments and collective goals of liberal society as neutral, as an *absence* of collective goals that allows these commitments and goals to be naturalized and thereby become the focus of moral panics. The only real difference between Quebec and the rest of Canada is that Quebec makes its commitments explicit in a way that the rest of Canada does not; indeed, because Quebec's goals run counter to Canadian hegemonic liberalism, they will *always* stick out (appear illiberal) against the accepted, common-sense framework of Canadian liberalism. Taylor's aim in *Multiculturalism* was to try to show that Quebec's commitment to individual goals was not necessarily illiberal, but he accepted the liberal understanding of the rest of Canada, that the Canadian state did not *also* pursue collective goals. He thus retained the ideological distinction between proceduralist-liberal and communitarian kinds of states, while arguing that communitarian states could remain liberal ones.

The power imbalance between the Canadian state and any given identity group makes

it easy for the federal government to "recognize and accommodate a range of group-specific claims without having to abandon its commitment to a core set of fundamental rights" (Coulthard 2014, 29). Taylor's politics of recognition provides a "slot" for group-specific claims in between core liberal ideas of natural individuality and individual rights and freedoms. However, as Coulthard points out, asymmetrical power relations, ignored by liberal and social contract individualism, undermine the process of mutual recognition as such (40), as witness the violent state repression at kanehsatà:ke.

Given the unequal power relationships between the Canadian state and minority communities, Taylor's presumption of a regime of equality falls apart. Coulthard remarks that these power dynamics make recognition something that is "ultimately 'granted' or 'accorded' a subaltern group or identity by a dominant group or identity" (31, 38). Stuart Hall makes the same point about rights in general in liberal politics, writing that liberalism ascribes to rights "a timeless universality, speaks of them as if they were 'given' rather than *won* and as if they were given once and for all, rather than having to be constantly secured" (Hall 2021b, 84). The fundamental rights a society would have to uphold in order to remain liberal while subscribing to a substantive (or thick) idea of the good are, for Taylor, the traditional individualistic ones of possessive liberalism: "rights to life, liberty, due process, free speech, free practice of religion, and so on" (C. Taylor 1994, 57), but he speaks of them as being self-evident or natural rather than the result, as Hall points out, of ongoing subaltern struggle.

By moderating but not rejecting liberal individualism, Taylor's politics of recognition draws a distinction between what are (for him) properly political issues - rights and immunities which must be universally and equally applied - and what might be considered personal or cultural[15]. The first category of rights are sacrosanct, a defining feature of any liberal state; the second category (cultural rights) can be legitimately overridden in pursuit of a collective

15. We can think here of Trudeau's famous defense of the decriminalization of homosexuality in Canada in 1969: "there's no place for the state in the bedrooms of the nation".

goal without the state becoming illiberal.

Taylor's politics of recognition, then, protects the "fundamental defining characteristics" of settler-colonial capitalist society while allowing a safe, non-threatening measure of cultural difference to be recognized and tolerated. It is the perfect political philosophy for a polity that seeks to differentiate itself from American foundational individualism - offering what Justin Trudeau has called the "sunny ways" of Canadian tolerance and prosperity - while continuing to pursue its own projects of capitalist development and imperialism (see for example (Shipley 2018)). The limits of real progressive transformation are firmly drawn within the politics of recognition.

There is, fundamentally, an ambiguity at the heart of Taylor's communitarianism, including the politics of recognition. While he recognizes the atomism and lack of social cohesion inherent in any politics of the unencumbered self (whether these arise out of proceduralism or postmodernist relativism), he is also afraid of unleashing illiberal social forces by accepting that any and all cultural differences are worthy of recognition. While he insists that a liberal society has no collective goals, his liberal societies have at least the collective goal of their own survival as liberal societies. A contemporary commenter wrote that because communitarianism is "designed to secure the liberal goal, equal individual freedom, from what [communitarians] see as the corrosive threat posed to it by the individualist conceptions of it endemic in contemporary liberalism" they "back away from communitarianism whenever it threatens to legitimize all communities, even those that subject their members to unequal freedom" (Friedman 1997, 470). Taylor acknowledges this problem when he writes of the risk that fully embracing the politics of difference could lead to a situation in which "members of aboriginal bands will get certain rights and powers not enjoyed by other Canadians" or that "certain minorities will get the right to exclude others in order to preserve their cultural integrity, and so on" (C. Taylor 1994, 39–40)[16].

16. In addition to claims of discrimination made by anglophone Quebeckers like Mordecai Richler, Quebec has

It is in this way that individualism places an automatic, inherent limitation on the politics of recognition. The unacknowledged individualist/liberal limits to recognition allow recognition itself to play an ideological role in Canadian politics, shoring up and defending liberal universal egalitarianism while relegating difference to the non-political sphere of culture and lifestyle, and without requiring that recognition entail any form of redisribution, either in the form of material good or political power. It remains to be seen whether James Tully's politics of recognition participates in this same ambiguity.

4.4 Tully's Constitutional Intervention

Tully begins his exploration of the politics of recognition, *Strange Multiplicity* (1995), with a similar problem as Taylor, "can a modern (liberal) constitution recognise and accommodate cultural diversity?" (Tully 1995, 1), and calls the politics of cultural recognition "one of the most dangerous and pressing problems of the present age" (14). The constitutional focus means that Tully is not as interested in exploring Hegelian intersubjectivity or what Taylor referred to as the "intimate level" of subjectivity and subject-formation. Rather, he focuses on the political level, and the issue Dworkin and Taylor raised of whether a liberal society (in Tully's terms, a liberal constitution) can or should embrace explicit collective goals. Tully puts the options clearly: "a constitution can seek to impose one cultural practice, one way of rule following, or it can recognise a diversity of cultural ways of being a citizen" (6). So Tully begins by reinscribing the distinction between a society that espouses a collective goal (like Quebec) and one that is itself neutral but recognises a diversity of identities. While Taylor implies that the rest of Canada fits this latter procedural model, Tully (as we will see below) thinks that the rest of Canada has not fully accepted the need to recognize cultural diversity. Tully sees existing liberal society as unjust to the extent that "diverse cultural ways of the citizens are excluded

also been criticized for discriminating against non-Catholic religious freedom in its 2019 Laicity Act which banned the wearing of (some) religious symbols by public employees (Mager 2019).

or assimilated", and that this injustice arises out of "an alien form of rule and the aspiration [of subaltern groups] to self-rule in accord with one's own customs and ways"(Tully 1995, 6). Tully, then, starts at a higher level than Taylor (who was interested in the idea of individual subject-formation), but a more radical one as well, arguing that existing Canadian society is, at least to some extent, unjust.

A just constitution, for Tully, would be one that "can give equal recognition to the legitimate demands of the members of diverse cultures in a manner that renders everyone their due, so that all would freely consent to this form of constitutional association" (7). Tully implicitly acknowledges the problem of recognizing *every* culture (including illiberal or oppressive ones) by requiring that their demands be legitimate (according to some standard). A just constitution would flow out of a progressive political movement that Tully sees as made up of three main moments, organized around two forms of recognition: national self-determination and individual equality. Tully sees constitutional history as developing firstly out of national opposition to the Holy Roman Empire, and secondly out of anti-imperial movements from the American revolution to the fall of the Soviet Union. For Tully, the politics of recognition is a third moment in this anti-imperial process, initiated by "the peoples and cultures who have been excluded and suppressed by the first two movements of decolonization and constitutional state building" (16). What makes this third moment different from the first two is that, while the older language of anti-imperialism and liberation persists, the previously excluded or suppressed people

> do not seek to build independent nation states in order to gain independence and self government. Rather, they seek forms of cultural recognition and degrees of self rule on the culturally various common ground within and across existing nation states. (16)

Over the course of *Strange Multiplicity*, Tully traces the history of modern constitutionalism, before proposing his own "contemporary constitutionalism" based in the politics of

recognition. This constitution would be just because - like the Berlin/Rawls/Dworkin view of the liberal state that Taylor drew upon - it would be agnostic towards any particular good or goal of life, and would not try to impose any kind of uniformity over its culturally diverse citizens. In Tully's view, just constitutions in a country like Canada where cultural diversity persists and the federal government has given up on uniformity or assimilation in favor of the politics of recognition (as we saw in Chapter 3) should be "a multiplicity... based on the sovereignty of culturally diverse citizens here and now" (Tully 1995, 183)[17]. Under such a constitution, no comprehensive description or representation would hold sway, but would be maintained by "participation in a practical dialogue where limited and complementary stories are exchanged [and] where the post-imperial majesty of [*aude alteram parte*] always has her final say" (183). Like Taylor's account of individual subjectivity, Tully's contemporary constiututionalism is dialogic rather than monologic: "There is not one national narrative that gives the partnership its unity, but a diversity of criss-crossing and contested narratives through which citizens participate in and identify with their association" (183).

At the heart of Tully's progressive constitutionalism are three constitutional conventions of justice that he sees as vital: mutual recognition, consent, and continuity. "Contemporary constitutionalism is just" precisely because it "rests on the three venerable conventions" and because it "furthers the liberty of self rule", which Tully see as the greatest value of Western civilization (184). Despite these recommendations, Tully recognizes four objections to his form of constitutionalism, and these objections map on to the Quebec-vs-Rest-of-Canada conflict Taylor also discussed. From the perspective of hegemonic constitutionalism, Tully's politics of recognition conflicts (or at least risks conflict) with national integrity (in ethnic nationalist terms) and individual freedom/autonomy, risks protecting or accommodating illiberal or oppressive communities and fostering disunity in four ways, all of which have been important in Canadian

17. Despite the descriptive present-tense Tully uses in these pages it is important to read his account of contemporary constitutions as aspirational or normative. This is what contemporary constitutions *should be* even if they are not.

constitutional discussions: 1) by rejecting assimilation, Indigenous peoples and the Quebecois are supposed to conflict with a supposed ethnic national unity; 2) Quebec language laws are supposed to violate individual rights; 3) Indigenous social structures are supposedly inherently illiberal or oppressive; 4) Quebecois demands are supposed to have fractured Canadian political unity[18].

Tully addresses these four objections by arguing 1) that the supposed ethnic purity of nations, and the assimilationist policies that derive from them, have been "disastrous and abhorrent failures" (Tully 1995, 187); 2) we can reconceive individual freedom/autonomy as arising out of cultural belonging (and here Tully gestures towards Taylor's Hegelian intersubjectivity) (189–190); 3) enclaves would not be fully or absolutely sovereign, but only possess limited sovereignty, within the larger overlapping constitutional order (presumably of liberal individual rights, as in Taylor): "the normative problem of a despotic elite dissolves, for such an elite could not survive the application of the limits of sovereignty" (195); and 4) unity is best fostered by mutual recognition, consent, and participation. Tully writes that under such a just constitution,

> The mutual recognition of the cultures of citizens engenders allegiance [rather than disunity] for two reasons. Citizens have a sense of belonging to, and identification with, a constitutional association in so far as, first, they have a say in the formation and governing of the association and, second, they see their own cultural ways publicly acknowledged and affirmed in the basic institutions of their society. (197–198)

Tully's rebuttal of these four objections seeks, as Taylor does, to show that the contemporary constutionalism under discussion does not violate liberalism, as proceduralist liberalism thinks it must. It holds on to a hard-core of liberal individual rights and freedoms, it dismisses concerns about illiberal/oppressive enclaves; and it maintains the integrity of the

18. In my view, these are four core issues in Canadian moral panics.

liberal/bourgeois state. Where Taylor argues a strict dichotomy between proceduralist and communitarian liberal states, Tully sees no contradiction between the two: "it is also worth noting that the protection of cultural diversity is compatible with the principle of liberal neutrality" (Tully 1995, 191). Tully agrees with the point I made earlier that the supposed neutrality of liberal states actually obscures or hides real collective goals or commitments (in Tully's view, this commitment is to the dominance of "European male culture"), but his response to this is that a properly constitutional state should simply conform to the Berlin/Rawls/Dworkin view: "if a contemporary constitution is to be culturally neutral, it should not promote one culture at the expense of others, but mutually recognize and accommodate the cultures of all the citizens in an agreeable manner" (191). In conformity with broader liberal politics, Tully thinks that it is possible for a state (or constitution or society) to be neutral in this sense. Both Taylor and Tully, then, take for granted the reality of liberal states agnostic towards any conception of the good and having no collective goals, and see the communitarian state as merely a "more just" moderation of liberal governance[19]. From a progressive perspective, both Taylor and Tully were promoting tolerance of non-liberal forms of governance (both Quebecois and Indigenous), but the liberal foundations of their theories was easily coopted to the federal government's hegemonic project. Absent real redistribution, the politics of recognition led only to tolerance without change.

In later work, the two volumes of *Public Philosophy in a New Key* (2008), Tully takes a more radical stance than in *Strange Multiplicity*, seeming to move away from the question of recognition (mis-recognition or non-recognition) towards the question of oppression. He characterizes political theory as, in part, a form of reflection that calls into question "practices of governance... that are experienced as oppressive in some way and are called into question by those who are subject to them" (Tully 2008, 16). The centrality of oppression in Tully's later account appears to challenge at least one of the "constitutional conventions of justice" that was

19. Connections can be drawn between a departure from the "normal" form of liberal state in the name of justice and the departure from universal equality justified by Rawls' difference principle.

central to his politics of recognition, that of consent. This relative predominance of oppression over the concept of consent is linked with a broadening of the conception of governance. Where, in *Strange Multiplicity*, Tully's constitutionalism gave pride of place to the principle of *audi alteram partam*, hearing (recognizing) the voices/perspectives of others, which informed his view of consent, by 2008, Tully understood "relations of governance" to not always be consensual: "By a 'relationshop of governance', I refer not only to the official sense of the institutional government of states, but to the broad sense of any relationship of knowledge, power and subjection that governs the conduct of those subject to it" which include "the ways peoples and subalternised states are subject to global imperial relationships of inequality, dependency and exploitation" (Tully 2008, 3). This broadening out of the governance relationship to include un-consenting subaltern populations may be attributed to Tully's engagement with thinkers dismissed by Taylor as "neo-Nietzscheans", including Nietzsche himself, Horkheimer and Adorno, Foucault, and others (18).

The politics of recognition is not entirely absent from Tully's later work, however. Tully further describes governance relationships as including "the relationships of normativity, power and subjectivity in which humans find themselves constrained to recognise themselves and each other" (3). However, there remains a tension (implicit in *Strange Multiciplicity*) in Tully's account of "civic freedom" as including the negotiation of these relationships including standing "against the oppressive and unjust dimensions of them" (4). Tully's fundamental liberalism requires that people/citizens continue to be thought of as primordially free beings, so that even their "constrained" negotiation of oppression and injustice must be understood as free.

Tully's "public philosophy" involves a critical unmasking of "which forms of thought, conduct and subjectivity are taken for granted or given as necessary" (17) in order to be able to compare them with other practices and thus see them as contingent or "worldly" (in Said's sense). It is significant that neither Gramsci nor hegemony make an appearance in *Public Philosophy in a New Key*, since what Tully wants to do is to expose hegemonic theories and

practices for what they are, part of a "limited and contingent whole", and thereby to engage with concrete political struggles in order to determine, in common with subaltern, marginalized, or oppressed people, potential alternatives forms of (liberal) governance. Tully's specifically *philosophical* analyses therefore "stand in a reciprocal relation to the present; as a kind of permanent public critique of the relationships of meaning, power and subjectivity in which we think and act politically and the practices of freedom of thought and action by which we try to test and improve them" (Tully 2008, 17). While in some ways *Strange Multiplicity* was also trying to achieve this, I would argue that it was so tightly bound up with questions of public policy surrounding the politics of recognition, Quebec nationalism, and Indigenous sovereignty, that the earlier work was itself limited and contingent, in that it attempted to be a progressive work of political/constitutional theory, but also served to give philosophical support for the Canadian government's policies around sovereignty, multiculturalism, and diversity.

Tully and Taylor's politics of recognition complement each other in that both take the then-current dominance of "recognition" as the way of framing subaltern struggles as their starting point. Taylor is more interested in a "bottom up" justification of recognition, beginning with Hegelian intersubjectivity and then moving towards states with collective goals that nonetheless remain liberal. Focusing on constitutionalism, Tully prefers to deal with the recognition of cultural groups rather than individuals, though for both Taylor and Tully there is some pre-social/pre-constitutional essence that must be re-cognized by our significant others or the state. Cultural groups for Tully are stand-ins for the individual in Taylor. Tully's vision of the state departs from Taylor's, in that Tully conceives the liberal state as needing to remain neutral in the Berlin/Rawls/Dworkin sense (and that the politics of recognition is compatible with that neutrality). Neither Taylor nor Tully conceive of even the most liberal state as itself already committed to non-neutral collective goals, which at minimum include its own survival *qua* liberal state.

Like Taylor, Tully was engaged with concrete political work in the 1990s, when both

were working on their accounts of the politics of recognition. Taylor, as we have seen, testified before the Bélanger-Campeau commission on the future of Quebec. Tully, meanwhile, was special advisor to the Royal Commission on Aboriginal Peoples between 1991 and 1995, and one of his submissions to the Commission was published (as "Diversity's Gambit Declined") in a volume on the "constitutional predicament" after the failure of the Charlottetown Accords. There, Tully argues that the failure of constitutional agreement was an impasse but not a crisis (Tully 1994, 149). Among the reasons for this impasse, Tully mentions the complexity of the Charlottetown amendments, a complexity driven by the unresolved nature of self-government demands since the patriation of the Constitution a decade before. All of the demands Tully lists are bound up with the issue of recognition and difference within a unified confederation:

> Senate reform, primarily to address the grievances of the Western provinces; distinct society status for Quebec and a provincial say in appointments to the Supreme Court; a limit on the expansion of federal spending powers in provincial jurisdictions; changes in the amending formula for the territories; a social and economic proposal; recognition of the need to protect the environment; and, towering above all these in terms of change, the recognition of Aboriginal governments as one of the three coordinate orders of government in Canada after a century of suppression, the rebuilding of Métis governments and settlement of Métis land claims, and the establishment of a partial framework for the negotiated redress of the unjust taking of Aboriginal lands. (154).

Tully notes that the formulation of each of the Charlottetown amendments were "designed to respond to legitimate demands of specific members of the federation" while containing "safeguards" for the rest. For example, "the distinct society clause was limited by a clause protecting the anglophone minority in Quebec" (155). These limits were designed to ensure that the Charlottetown amendments did not "derogate" any other section of the Constitution or the Charter of Rights.

These limits were justified by reference to the "Canada clause" of the Charlottetown agreement, the set of "fundamental characteristics" which sought to define a unified Canadian

national political identity while enshrining diversity (provincial, ethnic, cultural) within the constitution (see Chapter 3). Tully argues that while these characteristics are *a* set of Canadian identity markers, they cannot be considered complete or exhaustive. The different perspectives Canadians had on these characteristics - drawing on their own individual and communal histories - determined their response to the Charlottetown agreement as a whole and led to its defeat in the referendum of 1992.

Tully's suggestion as to the way out of the impasse involves the possibility of finding a middle ground where the perspectives of all Canadians meet and overlap (Tully 1994, 162)[20], and he proposes "three interwoven aspects of Canadian constitutional history and social movements" which could allow the Charlottetown Accords to form such a ground. All three of these aspects involve sovereignty and, in my reading, seek to enshrine a dualism of individual and communal goals, rights, and identities while at the same time demonstrating the individualist limits on Canadian communitarianism.

The first aspect Tully identifies is the sovereignty of the various groups within confederation[21]: "Of course the people are sovereign - first in their provinces, territories and First Nations; then in the Canadian federation and the Assembly of First Nations as a whole" (162). Secondly, Canada itself is a sovereign unity, not merely an alliance of sovereign members: "The federal government democratically represents the citizens of Canada and governs them... as a single people or nation" (163). We can already see the beginnings of a universal-egalitarian limit to the recognition of diversity. Thirdly, Tully goes on, there is "an assortment of constitutionally recognized 'minorities' and 'individuals' that are not subordinate to federal and

20. Compare: "A society can be well-ordered by a political conception of justice so long as, first, citizens who affirm reasonable but opposing comprehensive doctrines belong to an overlapping consensus [...] and second, unreasonable comprehensive doctrines... do not gain enough currency to undermine society's essential justice" (Rawls 1993, 39).

21. Tully points out that this must not be understood in social contract terms as a sovereign people's coming together in a *sui generis* unified constitution, but rather as the long process of negotiation between pre-existing constitutional associations.

provincial governments but are sovereign in their own spheres" (163)[22]. These include official language minorities (and not just in Quebec), multicultural groups, disadvantaged groups, and women.Tully notes that the Charter did not *create* these groups, but "recognized... rights and freedoms which social movements have organized, struggled for, and envisioned as fundamental characteristics over the last one hundred years" (Tully 1994, 163).

These "minorities and individuals" recognized by the amendments are still the bearers of the individual rights enshrined in the Charter, but they are legally recognized for the first time according to their collective identities. Just as the 1982 constitution enshrined a dualism between national and provincial jurisdictions, so the Charlottetown amendments would have enshrined a dualism between individualism and communal rights. Tully concludes that what was at stake in the Charlottetown agreement was that all Canadians "not only have to recognize that there are competing visions of the federation that needed to be be accommodated along with their own - and this is difficult enough - but they also have been invited to recognize and affirm the diversity of the federation as a fundamental characteristic itself" (196)[23]. This vision of Canada was new - "no one spoke of Canada as a diversity of aspects or of diversity as a good until recently" (196) - and it was this "diversity gambit" that Canadians declined in 1992.

The presumption of universal individual equality before the law, as we saw in Coulthard's critique of Taylor, denies the reality of power imbalances in liberal society. The ostensible freedom and equality of every individual erases all questions of power and oppression, reducing inequality to procedural error easily fixed through technology or policy tweaking. Recognition on its own becomes an idealist substitute for a material reckoning with inequality and domi-

22. I take this to mean that minorities and individuals are *culturally* sovereign in any area that does not impinge on the political. In other words, as I have been arguing, difference is restricted to cultural or symbolic realms, tolerated there, so long as it does not try to influence politics, government, laws, or the state.

23. Compare Tully's and Taylor's use of the idea of "fundamental characteristics" which, to my mind, betray in both cases a quasi-natural essentialism.

nation, easily recuperated to the everyday politics of racial-capitalist domination[24], including Indigenous dispossession, racism, and sex- and gender-based oppression.

On the face of it, Tully's application of the politics of recognition to constitutional questions should at least make these questions of power explicit. And while Tully does admit that "the basic laws and institutions of modern societies, and their authoritative traditions of interpretation, are *unjust*" (Tully 1995, 5), he does not see them as dehumanizing or oppressive precisely because he sees constituent groups as primordially free and equal before entering into a consensual constitutional relationship (making injustice a procedurally tractable error rather than a structural feature of the relationship). He treats collectivities as a social contract theorist treats individuals, ignoring the fact that, as Hall put it in terms of UK race relations, such relations "are not... simply the relations of the immigrant community to the host community [but] are the mutual interrelations of both groups" (Hall 2021a, 41)[25]. Although it is part of the narrative of the treaty systems, post-contact Indigenous peoples are not considered free, independent social groups entering into constitutional discussions as equal partners: the colonialist legacy of oppression, dependency, and genocide cannot be ignored for the sake of constitutional purity. Consent is impossible in conditions of inequality, power imbalance, and ongoing oppression. While the treaties signed in the US, Canada, and New Zealand *appeared* as relations between consenting equal parties, Robert Nichols writes that "consent was legible only as assent to this system of self-extinguishment" (Nichols 2020, 50). Bhambra and Holmwood remark that "the consolidation of European rule over indigenous territories oc-

24. In *Black Marxism*, Cedric Robinson characterizes racial capitalism as follows: As "the development, organization, and expansion of capitalist society pursued essentially racial directions, so too did social ideology. As a material force, then, it could be expected that racialism would inevitably permeate the social structures emergent from capitalism" (Robinson 2000, 2). Racial capitalism is a central category in Owen Toews' *Stolen City: Racial Capitalism and the Making of Winnipeg* (2018).

25. Indeed, Tully makes the mistake Hall ascribes to some socialist critics of popular culture who posit an autonomous and authentic working-class popular culture whose participants are not taken in by capitalist commercial cultural production. Hall writes that the problem with his theory is "that it neglects the absolutely essential relations of cultural power - of domination and subordination - which is an intrinsic feature of cultural relations". Hall rather asserts "on the contrary that there is *no* whole, authentic, autonomous 'popular culture' which lies outside the field of force of the relations of cultural power and domination" (Hall 2019, 353).

curred through the making and breaking of treaties as much as through direct conquest and dispossession... the treaties that the United States made continued to be broken and remade" (Bhambra and Holmwood 2021, 67).

There is a curious ambiguity in the way Tully describes contemporary constitutionalism, made even more striking when we remember the context of failed constitutional reform and Indigenous and Quebecois activism. On the one hand, "the constitution, which should be the expression of popular sovereignty, is an imperial yoke, galling the necks of the culturally diverse citizenry, causing them to dissent and resist", but the solution to this problem lies in "requiring constitutional amendment before they can consent" (Tully 1995, 5). The procedure of constitutional reform, for Tully, takes priority over dissent from and active resistance to an imperial yoke.

The heart of the ambiguity lies in the limit placed around acceptable cultural recognition. Injustice, in Tully's view, arises solely from non- or misrecognition rather than, say, genocidal extermination. Justice can then only be accomplished through true (or corrected) recognition rather than real redress, redistribution, or transformation. This distinction maps onto the strict division between speech and action: speech, which is peaceful, is the only legitimate response to the violence of colonial occupation. All of this plays nicely into the hegemonic designs of Canadian liberal-capitalism.

In Tully's constitutional theory, the only avenue to social change is more speech, more discourse, more procedure. Tully thus explicitly avows what was only implicit in Taylor's politics of recognition. By calling for a "politics of *cultural* recognition", Tully makes cultural diversity, rather than real inequality, "a characteristic constitutional problem of our time" (2). Tully's focus on "intercultural demands" has the effect already noted of circumscribing legitimate targets of constitutional (or more broadly political) challenge and reform. Rather than dealing with questions of Indigenous land rights, Murdered and Missing Indigenous Women and Girls (MMIWG),

residential schools, Islamophobia, or the real material grievances of francophone Quebecois, Tully's politics would limit intercultural demands to

> schools and social services in one's first language, publicly supported TV, film and radio, affirmative action, and changes in the dominant curricula and national histories so that they respect and affirm other cultures, to the right to speak and act in culture-affirming ways in public institutions and spheres. (Tully 1995, 2).

All of these are important, but by limiting diversity and recognition to these areas and practices, real routes to justice, truth, and reconciliation are cut off. Because Tully, like Taylor, wants to protect certain sacrosanct elements of the modern liberal state and its constitution (because he doesn't see anything structurally wrong with them), he places out of bounds real questions of redistribution, power, equality, even survival. Legitimate demands cannot be political or economic but are limited to the sphere of culture, and so the demand for recognition becomes circumscribed and recuperated to the "peaceful" settler-capitalist status quo. In addition, as noted above, recognition itself becomes a performative or rhetorical smokescreen obscuring real intolerance and discrimination in Canadian society, not least against Indigenous peoples. When Tully writes that "the struggle of the Aboriginal peoples of the world, and especially those of the Americas, for cultural survival and recognition are a special example of the phenomenon of the politics of cultural recognition", the term "cultural survival" - while important - erases the issue of *real* survival in the face of genocidal government policies, racism, or sex- and gender-based violence.

In the previous chapter, I touched on the idea of "cultural genocide" as used by Harold Cardinal in his response to the assimilationist 1969 White Paper and used again in the Truth and Reconcilation Report of 2005. In the wake of the discovery of mass graves of Indigenous children on the sites of the former Marieval residential school and elsewhere in mid-2021 (Quon and Issa 2022), Indigenous people in Canada have called for an admission that the colonization of North America was not merely *cultural* genocide but genocide *tout court* (Qaqqaq

2021). In this context, Taylor and Tully's politics of (cultural) recognition appears less progressive than it perhaps did in the 1990s and more and more like a bromide for subaltern groups in Canada that defends the structures and traditions of white, settler-colonial power.

Read against the real course of Canadian political history, Tully's politics of recognition can be understood in terms of what Robert Nichols has called "recursive dispossession" (Nichols 2020, 117). This is the paradoxical effect of Western legal theory needing Indigenous peoples to have legitimate (i.e. Western legal) land title before they can be legally dispossessed of that land. Recursive dispossession grants Indigenous land title in colonial law at the moment that it strips that title away. I am arguing here that Tully's idealist prioritizing of recognition does on the theoretical level what Canadian politics was already doing on the concrete level: setting up and maintaining the recursive dispossession of self-determination by "recognizing" cultural difference at the same moment that inequality becomes institutionalized. For example, the Calder decision that acknowledged that Indigenous land claims pre-date colonial law did so precisely through recognition *by* colonial law. It thus recognized Indigenous sovereignty at the same moment that it subordinated that sovereignty to settler law.

Seeing recognition as part of the process of recursive dispossession allows us to understand how, when faced with "fierce material and ideological resistance beyond the narrow confines of staid academic debate" (110), the politics of recognition is able to place that resistance out of bounds, making it impossible to move from recognition to redistribution or to an actually anti-oppressive, liberationist politics. The politics of recognition does not just start with recognizing difference and diversity, it ends there as well.

Admittedly, Tully does see cultural recognition as only the first step towards dealing with other pressing social, political, and economic problems (Tully 1995, 6), but this has the effect of postponing these questions until such time as constitutional recognition has satisfactorily

occurred[26]. In 1974, Hall described the UK media's "liberal-consensus assumption that we are all proceeding, slowly but inevitably, towards a racially-integrated society" as "for blacks, a highly problematic question" (Hall 2021c, 53). The postponement of real social transformation until a perfect constitutional order is achieved reaffirms the priority of speech over action and places a hard limit on progressive politics. Additionally, the history of (failed) Canadian constitutional reform suggests that this perfect constitutional order is not in any sense imminent. Meanwhile, anti-trans and anti-Indigenous violence remain rampant in Canadian society.

It is clear that what Tully values above all is social peace. In the conclusion to *Strange Multiplicity*, he argues that the constitutionalism he proposes "offers a mediated peace":

> A mediated peace *is* a just peace: just because it is a constitutional settlement in accord with the three conventions of justice [mutual recognition, continuity, and consent] and peaceful because the constitution is accommodated to the diverse necks of those who agree to it. If this view of constitutionalism came to be accepted, the allegedly irreconcilable conflicts of the present would not have to be the tragic history of our future. (Tully 1995, 211).

It is difficult to see how the constitution can realistically achieve this kind of mediated peace. Tully himself point out how the "presumed, culture-blind liberal constitutionalism" of the Charter of Rights and Freedoms "rather than uniting the citizens on a constitution that transcends cultural diversity... has fostered disunity. The province of Quebec, the Aboriginal peoples, women and the provinces resisted it at various times as the imperial imposition of a pan-Canadian culture over their distinct cultural ways" (7)[27]. What Tully does not seem to envision is a situation in which the constituents of the Canadian confederation do not want *any*

26. In *Confronting the Democratic Discourse of Librarianship*, I argue that a seemingly infinite number of lives and amount of time allow liberals to indefinitely postpone real social change. (Popowich 2019a, 293ff).

27. This despite the protestations of the government that it had no interest in imposing an "official" Canadian culture in the 1968 Thinkers' Conference (see previous chapter). While it may not be official in the sense that Quebec's culture is, there is definitely a *hegemonic* Canadian culture: a thoroughly bourgeois mix of American consumerism and individualism, British political institutions and social hierarchy, and a homegrown sense of what constitutes Canadian cultural history.

yoke, even if it is "accommodated to the diverse necks of those who agree to it". Indeed, the metaphor of the yoke calls into question the very possibility of agreement or consent.

Tully does not think we can do away with the yoke entirely; and presumes that at some point Indigenous peoples will consent to be bound by it. He does not consider the possibility that Indigenous peoples may reject the very idea of a constitutional yoke, and he thereby essentially repeats in constitutional terms the liberal view of capital-labour relations: that the legally free worker consents to sell their labour-power and is free to withhold it. Workers, of course, are *not* free to withhold the sale of their labour-power, separated as they are from the means of material subsistence. The same is true of the various cultural groups that make up the Canadian confederation. Is it possible, for example, within the limits of a peaceful/liberal constitutional process, for any of the various groups *not* to consent to the yoke? Indigenous people, for example, cannot secede without a battle over Indigenous land - the very opposite of Tully's mediated peace. Anyone who does not consent to the constitutional yoke must conform to it or emigrate. Only the persistent myth of the social contract allows Tully to think there can be consent to modern constitutionalism in any meaningful sense.

Mutual recognition implies a material equality, independence, and self-sufficiency that does not exist under settler-colonial, racial capitalism. Just as the worker is separated from the means of subsistence, Indigenous people are divided from their land and their ways of living. What Tully wants, what he sees as the *Spirit of Haida Gwaii*, is for politics to proceed peacefully in accord with liberal proceduralism and his three conventions of justice. Tully does not challenge the idea of centralized, unified sovereignty in the form of the chief: the passengers in Canadian confederation "vie and negotiate for recognition and power... they also never fail to heed what is said by the chief whose identity has remained a mystery until this moment. She or he is the mediator" (Tully 1995, 212).

Without real economic redistribution or social equality, the progressive edge of Tully's

constitutional theory is blunted, making it easily recuperable to the Canadian hegemonic proper and the broader Canadian liberalism of the 1990s. The recognition of "Indigeneity" - often reduced, as Nichols points out, to a "fixed, temporally frozen cultural substance" (Nichols 2020, 110) - or Quebecois distinctness, is profoundly limited in its attempts to address real historical suffering or contemporary oppression.

4.5 Establishing the Limits of Recognition

Rejecting the presumption of an equal society based on individual freedom requires us to see that colonized peoples (and other subaltern groups) can be discursively, symbolically, or legally *recognized* while leaving the underlying power structures unchanged. Intellectual freedom as an *individual* right allows libraries, for example, to recognize individual Indigenous or trans people, for example, while rejecting any notion of structural racism or the library's role in constructing an anti-Indigenous moral panic or participate in the oppression of trans people. Libraries thus participate in the politics of recognition and draw on the same ideological and philosophical currents, for the same purpose: to support the Canadian state's hegemonic project by *recognizing* social inequity while doing nothing to ameliorate it. Nancy Fraser's critique of recognition can be summed up in her pronouncement that "justice today requires *both* redistribution *and* recognition" (N. Fraser 1999, 26); libraries perform the politics of recognition but stop at that.

The performance of recognition - recognition as a representational act - deepens the psychological effects of colonialism on colonized subjects, patriarchy on women, transphobia on trans people, as "the terms of recognition tend to remain in the possession of those in power to bestow on their inferiors in ways they deem appropriate" (Coulthard 2014, 39)[28].

28. We will see an example of this in the next chapter in Toronto Public Library's response to a trans library worker concerned about the platforming of a transphobic speaker.

But in addition, recognition provides a mechanism by which these subaltern groups can be *represented* to the dominant society; the public act of recognition is always at the same time representation[29]. Hegemonic values and interpretations become encoded in these representations even when, as in Tully, the represented groups are theoretically able to speak for themselves. Indeed, a constructivist social ontology would support the idea that there is no such thing as "speaking for oneself", there is only more or less contesting the languages in which we have been born and raised or in which we find ourselves after a geographic and cultural shift. In Hall's discussion of the media's role in the construction of racist discourse in the UK in the 1970s, he points out that the *ways* recognition takes place constrains even those who are "speaking for themselves" to represent themselves and their views in terms set by the dominant society (Hall 2021g, 115).

The Canadian approach is only a partial deviation from the universality and equality of liberal individualism. Canada institutes - in theory - a regime of cultural accommodation, toleration, and the mutual recognition of equals, enshrined for example in the various Canadian Multiculturalism Acts. This is the political culture which produced both the Charter of Rights and Freedoms and the intellectual freedom regime specific to Canada; a culture that attempts to balance equality and difference *within* a stable overarching regime of liberal rights. At its most multicultural, Canada conforms to Taylor's conception of a communitarian state, in that its recognition of diversity and difference accepted as a collective goal but is limited by a hard core of unquestionable individual liberal rights. All that recognition does is slightly expand the notion of individualism at play in Canadian cultural communitarianism (i.e. it establishes a zone of acceptable difference).

Both Taylor and Tully emphasize identity and freedom as outcomes, but this only serves to obscure the fact that they retain a concept of originary, essentialist pre-social identity and

29. Recognition and representation are intimately bound together as part of a single process: "Lordship was something publicly represented... representation pretended to make something invisible visible through the public presence of the person of the lord." (Habermas 1989, 7).

freedom common to all forms of liberalism (deriving from social contract theory). In their view, individuals and constituent groups have "fundamental defining characteristics" which are uninfluenced by others and already self-understood prior to entering into social or constitutional relations. Society must correctly re-cognize what is already there in order to avoid imprisoning someone in misrecognition. Identity is only *partly* formed (more accurately, modified or deformed) by (mis-)recognition.

Literary theorist Andrew Low concisely outlined the limits of this conception of subjectivity, writing specifically of Taylor, that because he

> is unwilling, and philosophically unable... simply to wish away the last several centuries of Western history with their persistent emphasis on freedom and individualism, he attempts to show how even the most isolating concepts of individuality and freedom in fact imply a continued and ethically significant social embeddedness. (Low 1996, 112)

I am reading Low against the grain here. I think that Taylor is correct that even the most individualistic conception of freedom remains socially embedded (and the most liberal states have collective goals), but where Low is arguing that Taylor's communitarianism remains beholden to the individualist foundation of liberalism, I am arguing that Taylor does not go far enough towards the full social construction of subjectivity.

Taylor's and Tully's modification of liberal individualism, then, moderates but does not discard the originary individuality of social contract theory. The identity of individuals is always-already there, only requiring intersubjective recognition and the "acquisition of rich human languages of expression" to make people "full human agents, capable of understanding [themselves], and hence of defining [their] identity" (C. Taylor 1994, 32) . Mutatis mutandis, the same is true of Tully's cultural groups. Like a finishing school, intersubjective relationships help us *define* a pre-existing identity but do not create that identity[30].

30. For an analysis of Taylor's concept of authenticity that support my reading, see (Moureau and De Tavernier

While offering a critique of liberal individualism, then, Taylor and Tully remain bound by its most fundamental proposition, the social contract "natural man" (or essentialist, free, pre-social identity), ending up with an only slightly modified form of classical liberal freedom. Along the way, our natural identity is moderated and influenced through recognition and contact with others, but the start and end points are purely atomistic.

While the politics of recognition, then, *appears* to offer a way out of the atomism of liberal politics, providing a context in which all the subaltern groups in Canada can peacefully coexist, it ends up reinscribing orthodox liberalism in the form of individual identity and essentialism, thus allowing recognition to only *partly* accommodate a politics of difference while actively circumscribing difference and recuperating it to the liberal status quo [31]. Such a theoretical framework was precisely what the Canadian government needed to shore up the failing political strategy of recognition in the early 1990s. For example, the politics of recognition permits and even celebrates cultural expressions of Indigeneity to some extent, but - as we saw with all three rounds of constitutional negotiation - stops short of real inclusion in the political process (e.g. via lack of meaningful Indigenous consultations prior to decisions being taken). My argument is that the politics of recognition allows Canadians to *feel* they are participating in real inclusion - supporting the government's reconciliation efforts - while at the same time continuing to support anti-Indigenous policies in the name of a liberal common sense. This move can be seen clearly in the way that an official apology from the Harper government for residential school abuses was quickly followed by Harper's remark that "We [Canada] have no history of colonialism" (Coulthard 2014, 108) - performatively recognizing Indigenous grievances while at the same time playing to his base's conception of an enlightened liberal

2011).

31. Kymlicka notes Rawls' idea of why people should become strongly attached to a liberal society that has no goals. "As a culture is liberalized," Kynlicka writes, "the resulting cultural identity becomes both 'thinner' and less distinctive. That is, as a culture becomes more liberal, the members are less and less likely to share the same substantive conception of the good life, and more and more likely to share basic values with people in other liberal cultures" (Kymlicka 1996, 87). Kymlicka argues this is precisely what happened in Quebec during the Quiet Revolution, and this is why tolerance of illiberal subcultures should lead eventually to their liberalization (assuming individual autonomy in choosing ends).

state. In this sense, the apology itself is an indication of the state's enlightened attitude, and recognition serves the purpose of ideological closure.

While a challenge to individualism is not the only threat to the Canadian state that is policed in this way, in the cultural context I am discussing the line between coercion and consent is drawn along the metaphysical line of liberal universal individualism, and this individualism is encoded both into the moral panics and into the philosophical justification. Cultural expressions which threaten the universal application of individual rights are framed as a threat to law and order and are symbolically and physically repressed; cultural expressions which do not threaten individual rights are framed as lifestyle or identity choices and recognized [32]. The encoding of individualism is necessary for the maintenance of liberal hegemony precisely because individualism is *the* metaphysical foundation of liberal social and political theory. The philosophical justification of recognition could moderate universal individualism but it could not depart from it altogether.

Liberal hegemony is, from a Marxist perspective, never merely a theoretical or cultural phenomenon, but is based on and an expression of real material power (Hall 2021h). By limiting diversity and recognition to "cultural" areas and practices, liberalism cuts off real routes to material redistribution as well as to justice, truth, and reconciliation.

The distinction between recognition and redistribution can be seen in the government's unwillingness to give stolen land back to Indigenous peoples (Coulthard 2014, 52). By recognizing Indigenous land rights in courts of law, but violently repressing Indigenous land defenders, the government isolates Indigenous practices of land stewardship from the practice of Canadian politics. This is because traditional land relationships irreconcilably conflict with the capitalist methods of resource extraction upon which Canadian prosperity is built and indeed

32. Tully notes that demands for cultural recognition centre around these kinds of "non-political" issues: "schools and services in one's first language, publicly supported TV, film and radio, affirmative action, and changes in the dominant curricula and national histories so that they respect and affirm other cultures, to the right to speak and act in culture-affirming ways in public institutions and spheres" (Tully 1995, 2).

with the individualist approach to property ownership. According to the politics of recognition, "cultural" aspects of indigeneity can be safely recognized while land defense and other "non-cultural" expressions of Indigenous sovereignty must be violently repressed - as they were at kanehsatà:ke , and more recently, in Wet'suwet'en and elsewhere (Ruf 2023). By supporting cultural recognition (because it maintains a foundation in individualism), liberal Canadians expect Indigenous peoples to give up any claim to non-cultural social, political, or economic rights, and tacitly support the hegemony of liberal capitalism[33]. In the cities, issues of Indigenous cultural recognition run up against the moral panic threat to law and order and are deeply implicated with Canadian urban class structures, as well as those of race, as we will see in Chapter 6.

4.6 Conclusion

The moral panics fostered by the state and the media framing Indigenous peoples and Quebecois separatists as existential threats to Canada and Canadian values ran counter to attempts to enshrine diversity in the Constitution. According to the tenets of Canadian political liberalism which had used recognition as a tactic since the 1970s, private expressions of cultural difference were tolerable, but any active public expression of collective will, shared identity, or communal goals or demands - any irruption of difference into the realm of politics, law, and the economy - was a threat to the Canadian way of life, identified with Canadian liberal individualism itself (because such wills, identities and goals challenge the fundamental individualism of private property and the sacrosanct place of individual autonomy). In other words, liberal individualism becomes encoded - in Hall's sense - into the politics of recognition[34], providing it with

33. The rejection of the "diversity gambit" in 1992 can be seen as evidence of this, as can settler responses to more recent Indigenous resistance such as the Idle No More movement. Taylor and Tully, as we have seen, argue that a communitarian-liberal polity is consonant with liberal rights. Will Kymlicka, in *Multicultural Citizenship* (1995), for example, argues that even a truly liberal polity can accommodate group rights.

34. For example, with the increased recognition of chosen pronouns at the same time as official name-changes remain difficult to achieve: some aspects of the fluid nature of identity are recognized, but not to the extent that

a set of limits which must then be policed according to the dialectic of consent and coercion and the symbolic thresholds of societal toleration. The identification of consent or coercion as a dominant or primary tactic should not, however, suggest that it is ever one or the other. Since consent and coercion are on a continuum, both tactics play a role in every hegemonic struggle, but as Gramsci remarks, sometimes one, sometimes the other, plays a primary role. Gramsci calls the combination of consent and coercion a "dual perspective" which he thinks has been misunderstood, "reduced to... something trivial and banal, to nothing but two forms of 'immediacy' which succeed each other mechanically in time", when in reality "if often happens that the more the first 'perspective' is 'immediate' and elementary, the more the second has to be 'distant' (not in time, but as a dialectical relation)" (Gramsci 1971, 170–171). The rejection of the Charlottetown Accords marked the rejection of difference beyond the acceptable limits of recognition. From the perspective of "normal" Canadian society, it granted too much to Quebecois and Indigenous collective difference. Tully summed up the Charlottetown rejection due to the idea that:

> citizens who advance [collective/cultural] demands cannot identity with and give their allegiance to the Canadian federation until their cultural differences are recognized and affirmed in the constitution and legal and political structures of Canada. However, the demands cannot be accommodated within the vocabulary and institutions of political identity *standardly* associated with the modern constitutional nation state. (Tully 1994, 78).

I take the "standard political identity" here to be the bourgeois, liberal, individual subject. In this sense then, collective/cultural demands cannot be accommodated within a polity centred on the liberal individual. While Tully contends that "the inherited vocabulary and institutions that are standardly associated with the nation state would have to be revised in order to accommodate the various demands for recognition of cultural diversity" (78), my claim is that

they are allowed to disrupt a more official view of identity as static and unchanging encoded in policies and procedures required for the administration of capitalist society.

a polity which does not want or intend to revise its vocabulary, institutions, or social ontology may stil deploy the politics of recognition (i.e. the language of collective goals and cultural identity) to further its own hegemonic project in the existing vocabularies and with the existing institutions. This is what the Canadian state *tried* to do with the Charlottetown Accords, but the project ran into a Canadian electorate who themselves predominantly shared the social ontology and vocabulary of liberal individualism.

At stake in these debates is not whether autonomy or toleration is the primary value of liberalism, but what hegemonic strategies the communal or collective can be used to support. As we saw in the previous chapter, recognition drew a line between the political and economic - public-sphere - elements of nationhood or marginalized peoples' rights, and the cultural or "lifestyle" aspects of people's private lives. By way of the Constitution which explcitly sought to balance "personal and collective freedom" and "personal and collective responsibility" (Government of Canada 1991, 10), the government sought to come up with a sustainable *modus vivendi*: if the government stayed out of people's private lives then people would not expect their cultural identities to have an effect on actual political or economic structures but would settle for recognition of their cultural identity. Taylor and Tully offered a philosophical account of how this could work. Rawls distinguishes between such a *modus vivendi* which is a treaty drawn up as an "equilibrium point... in such a way that it is public knowledge that it is not advantageous for either state it" (Rawls 1993, 147) and which he contrasts with the "overlapping consensus" of "free and equal citizens" proper to political liberalism. In such an overlapping consensus issues pertaining to culture "are not, in general, to be introduced into political discussion of constitutional essentials" (16), while under a *modus vivendi*, each party will continue to struggle for issues not covered by the treaty if it is to their advantage. For example, for the federal government, recognition of Quebec's francophone identity should have been sufficient; Quebec's subsequent use of the notwithstanding clause to override the Charter of Rights and Freedoms as a way to institutionally protect the French language was seen by anglophone

Canadians as unwarranted overreach. For the Quebecois, it was simply an example of the idea that "the personal is political" and a legitimate pursuit of its collective goals.

Taylor and Tully's recognition, then, defends the "fundamental defining characteristics" of settler-colonial capitalist society while allowing a safe, non-threatening, measure of cultural difference to be recognized. Whatever Taylor and Tully's intentions, their theoretical projects lend themselves to cooption by a polity that seeks to defuse internal tensions (except where they can be harnessed to its own hegemonic project) and to differentiate itself from the United States. The politics of recognition allows Canada to put forward an image of multicultural harmony while it continues to pursue its own projects of capitalist development and imperialism abroad (Shipley 2018) and hegemonic repression at home (Shipley 2020).

While liberal pluralism likes to think that *all* voices, perspectives, and peoples can be tolerated and included, absolving liberals from having to take a side, recent events have shown that there are cases when "all sides" cannot be included. The organizers of PEN America's World Voices festival forced organizers to choose when the Ukrainian delegation threatened to boycott the festival if an (anti-war) Russian delegation was also included (Schuessler 2023). Similarly, North American liberal tolerance is faced with a grave challenge by the rejection of gay or trans rights on the part of protected religious minorities (Ali 2023). What defenders of free speech at the Toronto Public Library didn't realize is that the inclusion of anti-trans voices, ideas, and representations, makes the library unsafe and unwelcoming for trans people, and thereby excludes them. It is hard idea for liberals to accept because of the almost mythical power they ascribe to tolerance[35].

Before we can fully comprehend the confrontation between liberal hegemony and subaltern demands in Canadian libraries, we first have to connect liberal individualism and intel-

35. Karl Popper described what he called the "paradox of tolerance" in *The Open Society and Its Enemies* (1945). Raymond Geuss also challenges (Geuss 2005, 18–20) the liberal assumption that rational consensus is always possible

lectual freedom which stand in a privileged position with respect to the representation of the liberal-individualist subject as the heart of the zone of recognition and acceptable difference. While there are other concepts which help police the boundary of that zone, intellectual freedom is considered to be a "fundamental characteristic" of the social-contract natural man, and it is therefore one of the most powerful mechanisms by which libraries defend that notion of subjectivity and define who is included or excluded from library services and spaces. This will be the subject of the next chapter.

5 The Worldliness of Intellectual Freedom

> The starting-point of critical elaboration is the consciousness of what one really is, and is 'knowing thyself' as a product of the historical processes to date, which has deposited in you an infinity of traces, without leaving an inventory.
>
> Antonio Gramsci, *Prison Notebooks*

> These associations are not given for all time. But they are difficult to break because the ideological terrain of this particular social formation has been so powerfully structured in that way by its previous history. These historical connections define the ways in which the ideological terrain of a particular society has been mapped out. They are the 'traces' Gramsci mentioned...
>
> Stuart Hall, "The Problem of Ideology: Marxism without Guarantees"

5.1 Introduction

In the last chapter, I rejected Taylor's distinction between liberal states and communitarian states, arguing that both kinds of state pursue collective goals, if only their own survival *as* liberal states. I argued that the maintenance of a hard-core of individual rights in both kinds of states demonstrated that collective goals in both kinds of state entail commitment to specific liberal values, conceptions of the good, and an individualist social ontology. In this light, all that the politics of recognition achieves is to slightly moderate liberal individualism by creating a zone of acceptable difference from the "standard model" of the liberal subject (white, bourgeois, male). Nevertheless, even with this zone of recognition in effect, the characteristics of the bourgeois subject within liberal/communitarian society (owning propery, bearing

rights, pre-socially individuated, autonomous and self-determining) play a hegemonic role as metaphysical principles which serve to ground, orient, and discipline opinion, debate, and acceptable political positions. It also serves to interpellate Canadians *as* this kind of subject, with the zone of acceptable difference allowing a *certain* departure from strict identification among Canadian citizens (i.e. recognizing race, gender or other shared identities), while not allowing those departures to affect policy. Library professionals too are constructed, interpellated, disciplined by presumptions of liberal subjectivity, as when the Canadian Federation of Library Associations describes intellectual freedom as a "universal principle" (CFLA 2016) rather than a presumption grounded on a specifically liberal social ontology.

In this chapter, I want to explore how intellectual freedom became one of these unquestionable metaphysical characteristics of the liberal subject, sacrosanct and unchallengeable within the profession at large. In discussing the limitations of liberal political theory, Raymond Geuss, for example, points out that in societies structured in domination, "liberal ideals like individualism... seem either short-sightedly confused or mere covers for hegemonic designs" (Geuss 2005, 12) and in this chapter I will make the same criticism of the concept of intellectual freedom.

The intellectual autonomy of the isolated, state of nature individual (which makes its way into Kant's "What is Enlightenment?", for instance) is a vital component of the autarkic self. Even the communitarian politics of recognition is deeply marked, as Lois McNay puts it, by "the ontological primacy liberalism accords to the rational or prudentially self-interested individual" (McNay 2008, 4). Rationality, for Rawls as much as for Kant, means intellectual freedom from social influence or constraints. Librarianship, still committed as it is to the classical liberalism of Thomas Jefferson, James Madison, John Stuart Mill and others, inherits a one-sided and undercritiqued view of intellectual freedom from this tradition (see, for example, (Bivens-Tatum 2012; Alfino 2014; Raber 2014)). According to this view, intellectual freedom - like other individual freedoms - is a property of a subject that exists apart from social relationships and

influence. Intellectual freedom is just one of the freedoms that make up the kind of individual privileged in the social contract account, and thus already assumes that intellectual activity is autonomous, uninfluenced by non-individual interests or considerations, and that anything which impinges on this intellectual autonomy is a slippery-slope to tyranny.

Challenges to this view of intellectual freedom - from movements like Critical or Radical Librarianship, but also from Black and Queer librarians - are often dismissed as at best misunderstanding intellectual freedom and at worst exhibiting an illiberal "new puritan" (Girard 2023) or totalitarian tendency. The doctrine of intellectual freedom also plays a large role in political and cultural struggle in Canada and the US, particularly around political control of library collections (through, say, banning Queer books (Hoye 2023)) and primary and secondary curricula (e.g. through the war against Critical Race Theory in the US (Yorio 2021; ALSC Intellectual Freedom Committee 2021))[1].

As I mentioned at the end of Chapter 2, in order to deploy Hall's framework of representation, hegemony, moral panic, and law-and-order - and specifically in order to use the three thresholds of societal permissiveness - I need to provide the historical and political context of the phenomena I want to analyze. In Chapters 3 and 4 I looked at Canadian political history from the 1960s to the 1990s, as well as the philosophical formulation of the politics of recognition (seen as a movement *within* a broader Canadian cultural and political development). In this chapter I will flesh out the historical and theoretical developments of intellectual freedom so that in the final chapter I can apply Hall's work to the current conjuncture. I see this conjuncture as developing out the historical, political, cultural, and professional movements and debates analyzed here. Chapter 6 will focus on two recent examples from Canadian librarianship to help connect Hall's insight's to the larger political question.

In this chapter I will trace the development of intellectual freedom from its origins in

1. For more on recent right-wing attacks on libraries, see (Baptiste 2022; Higgins 2022; Drabinski 2023).

the 1930s, through the "resurgence of the people" in the 1960s (which prompted the articulation of a rival value, that of social responsibility), and into the 1990s, to provide context for the controversies to be interpreted in the next chapter. What I want to demonstrate is how, far from being an almost Platonic concept or value independent of material reality, intellectual freedom is structured and constituted by material reality and the struggles and contradictions within it. It is, to use Said's term, "worldly" (i.e. always-already entwined within material matters of power and privilege) rather than metaphysically pure or timeless. I will argue that the attempt at maintaining intellectual freedom as an unquestionable concept or value is part of the project of supporting the hegemony of worldly interests (capital and the liberal state). The zone of acceptable difference drawn around the liberal-individual subject is above all marked in Canadian librarianship by intellectual freedom. The library upholds a value of intellectual freedom as a universal characteristic, but it is only respected and upheld for those who are recognized as being within the zone of acceptable difference. *Their* capacity for intellectual freedom is upheld and supported by the library. But those who are excluded from the zone of acceptable difference, who depart too far from the tolerable norms of liberal individualism, lose the support of (and can be excluded from) the library. Intellectual freedom is protected for those who conform to the hegemony of liberal individualism (in the first instance; there are other cultural and social norms to which they must also conform), dispensible for those who do not. It is a "universal" value that in practice is only selectively recognized.

I will look at the development of intellectual freedom as a library doctrine. Intellectual freedom as a formalized concept did not arise until just before the Second World War, as political events and fears led to heightened debates over censorship which librarians felt called upon to resist. Only in the 1960s, however, did intellectual freedom become organizationally entrenched in the American Library Association (ALA) under pressure from a social justice movement inside the profession and the resurgence of the people outside it. I will look at this formalization and the simultaneous formulation of the "social responsibility" position at the end

of the 1960s. Finally, I will discuss how intellectual freedom and social responsibility in libraries are not antithetical but, like liberalism and communitarianism, two ways of thinking about social issues through the same liberal lens.

I will begin this chapter by looking at the early period of the tax-funded public library (from about 1848 to 1945), when no explicit doctrine of intellectual freedom was required. As outlined in the Introduction, two theses of public libraries have developed to theorize the library in this period. One one hand, there is an "Enlightenment thesis", which sees libraries as supporters and incubators of reason and self-education. On the other hand, there is a "social control thesis" which sees libraries as engaged in class domination and ideological and hegemonic construction. In the remainder of this chapter I will broadly adopt the social control thesis, in which public libraries are primarily instruments of class power, playing a hegemonic role in liberal-capitalist society. In my view, the social control thesis offers a better explanation for the selective defence of intellectual freedom, and a better way to understand libraries' relationship to the capitalist state, than the Enlightenment thesis. The Enlightenment thesis ignores questions of power and hierarchy by presuming an actually-existing democratic society of free and equal individuals that is hard to reconcile with the policies and decisions libraries actually make.

5.2 The Philosophy of Early Public Libraries

Tax-funded public libraries were created in England and America in 1848-50. The early years of these libraries were influenced by mid-19th-century Utilitarianism as well as by the socially-reforming tendencies of Chartism (Black 1998)[2]. In Europe, the working-class rebelliousness that reached its peak with the Revolutions of 1848 left their mark on the new libraries, as they

2. Black argues that English public library legislation was a direct result of Chartist agitation between 1836 and 1848.

were conceived as a means both of instilling middle-class values and deradicalizing the lower-classes, thus having a counter-revolutionary tendency. Thus, the early library can be seen as an institution of class rule and it is unsurprising that the historiography of librarianship in this period reflects class tensions (Harris 1974; Harris 1986; Black 1998). But the class-nature of early libraries is not universally recognized within the profession (Mosley, Tucker, and Winkle 2013, 95).

In library historiography, two theories of the early public library are prominent. On the one hand, there is an "Enlightenment" thesis (Bivens-Tatum 2012) which sees public libraries as institutions of progress and democracy, ignoring their worldly context of class domination and ideological hegemony. Alistair Black quotes Stanley Jast, president of the British Library Association in 1933, as remarking that "the main idea behind the promotion of the public libraries... was the enlightenment of the working class" (Black 2000, 50).

On the other hand there is a "social control" thesis (Black 1998, 220–224) which understands public libraries as concerned to promote and entrench bourgeois values and disseminate liberal ideology in order to defuse working-class agitation (R. James 2017). Indeed, the two views are connected, since a "sober, more industrious, and more prosperous" (85) working class could be conceived as both making them more enlightened (and thus contributing to democracy) and as more socially comforming and pliant, less radical. Indeed, the Standing Committee of the Boston Public Library remarked that

> We educate to restrain from vice, as much as to inculcate sentiments of virtue; we educate to enable men to resist the temptation to evil, as well as to encourage and strengthen the incentives to do good. (Harris and Spiegler 1974, 14)

On occasion, the social control thesis was made explicit by library-supporting politicians, as when a Liberal supporter of the English tax-funded Public Libraries Act in 1850 remarked that such libraries would constitute "the cheapest police that could possibly be es-

tablished" (Bailey 1978, 39).

As Harris puts it, "contemporary librarians and historians appear to have generally accepted the progressive historians' interpretation of the Boston Public Library's genesis and have proceeded from there to build their analysis of the public library's purpose on what now seems to be a mistaken assessment" (Harris and Spiegler 1974, 10). Indeed, despite the core place of "neutrality" in contemporary librarianship (on the same model as the agnostic liberal state [see Chapter 4]) it seems clear that libraries have always played a de-radicalizing and hegemonic role in liberal society, whether that hegemony is understood in liberal terms (as the furthering of democracy through enlightenment) or social control terms (as cultural repression, deradicalization, and assimilation of difference).

Significantly, in neither view of the early library does any explicit doctrine of intellectual freedom play a significant part in library discourse. Richard L. Darling notes that "the current [i.e. 1978] liberal position of the American Library Association, one of supporting intellectual freedom and opposing censorship, is well known to be of relatively recent origin", tracing its appearance to 1939 (Darling 1978, 315)[3]. The victory of the bourgeoisie in 1848 left it feeling relatively secure against all challenge, and so no explicit doctrine of intellectual freedom was required beyond staunch bourgeois common sense informed by the philosophy of liberals like John Stuart Mill.

In the United States, the new public libraries (in Boston and New York) were created not only as a means of fostering democratic participation through access to information and knowledge, but as a means by which the social elites could manufacture consent and exercise

3. Darling identifies an ambivalence in the federal US government itself with respect to free access to information. Thus the 1973 Comstock Act that allowed the postmaster general to seize objectionable material sent through the mail coexisted with low postal rates and the development of the depository library system (Darling 1978, 322). Darling writes that "in the United States it has been de facto public policy to provide access to information, even though that policy has not been explicitly enunciated" (323). Darling takes low postal rates, free distribution of government information, and government support for "all types of libraries" as evidence for this commitment.

hegemony out of a fear of social instability by the "dangerous classes" (Harris and Spiegler 1974, 15). Thus libraries have always been caught up in larger political and social questions. Until the 1930s, however, when the Depression and the shadow of war led to a new wave of social unrest, the culture and ideology of libraries was more or less homogeneous and monolithic, as represented in the library literature of the period, for example Sidney Ditzion's *Arsenals of a Democratic Culture* (1947) and Jesse Shera's *Foundations of the Public Library* (1949). A flavour of the outlook of mainstream library history can be found in Shera, who writes that the early library was informed by the conditions of the new republic and frontier life:

> [T]he public library was created because it was essential to the fullest expression of human life. [...] The hardships of the frontier had fostered a democracy that was nourished in subsequent generations - generations to whom the rigors of pioneer existence were remote indeed. In the preservation of that democracy the library was to play its part. [...] [The founders] held that an intelligent and educated electorate is essential to a democracy and in the great system of public education which they foresaw the public library was to be a true 'people's university'. (Shera 1949, 247)

This way of understanding libraries is grounded in 18th century liberal thought, and remains so in the rhetoric or representations of libraries from the 19th century to the present. Ditzion, for example, writes that

> The major ideological currents of this period were directed towards producing a unified nation based on the free informed choice of individuals rather than on measures of indoctrination in behalf of any particular group. As it happened there was a fairly close identity among the requirements of national prosperity, the needs of the new dominant middle class, and the tenets of flourishing individualistic philosophies. Divisive tendencies, having their origins in prejudices of race, section, nationality, creed, and class were present indeed. It was hoped that these could be eased, or perhaps erased, by establishing agencies of enlightenment for adult and youth alike. (Ditzion 1947, 75–76)[4]

4. Even critical, revisionist historians of librarianship like Michael Harris and Wayne Wiegand are not immune to the temptations of the Enlightenment these, as Douglas Raber notes: "Despite their tone, it seems clear that

Ditzion makes it clear that "the library had an Americanizing function", and it was a stabilizing and unifying tonic amid the disintegrating, corrosive effects of the new, individualist, liberal social order in Europe after 1848[5]. In the United States, labour activism developed rapidly in the 1830s and 1840s (Montgomery 1980; Dubofsky 1991), for example in the landmark 1842 Massachussetts *Commonwealth v. Hunt* case that confirmed the legality of labour unions. Fear of unruly, dangerous workers made the stabilizing function of a public library attractive to the Boston Brahmins (Harris and Spiegler 1974).

This stabilizing function, buttressed by the collection and dissemination of only "useful literature" (i.e. edifying non-fiction material) as well as particularly bourgeois policies around dress, cleanliness, and proper behaviour, lies at the heart of the social control thesis. But the need for institutions of social order was not limited to the 19th century, as we will see.

The main 19th century authorities for librarianship's conception of intellectual freedom are Thomas Jefferson, James Madison, and John Stuart Mill. Jefferson was a proponent of freedom of the press as the only safeguard against government tyranny. "The only security of all is in a free press," he wrote to Lafayette in 1823, "the force of public opinion cannot be resisted when permitted freely to be expressed" (LeMay 2021, 197). Madison, main architect of the US Bill of Rights, wrote to W.T. Barry in 1822 that "knowledge will forever govern ignorance; and a people who mean to be their own governors must arm themselves with the power which knowledge gives" (Madison 1997, 58). This view was enshrined in the First Amendment,

both Harris and Wiegand also imply the kind of political action that might at least counter the excesses of capitalist hegemony. Neither wants to give up on an institution that Jesse Shera and Sidney Ditzion identify as central to the discourse of democracy to America" (Raber 2003, 48).

5. Marx and Engels identified the corrosion of familiar feudal social relations as necessary to bourgeois/capitalist development as early as 1847. Similar fears were raised in Canada even earlier, after the 1837-1838 rebellions in what is now Quebec. The Durham Report (1839) looking into the uprisings recommended the abolition of the conservative "Family Compact", the establishment of liberalism, and the granting of responsible government. In his criticism of the Durham Report, Sir Francis Bond Head wrote that "the 'Family Compact' which [Lord Durham] deems it so advisable that the Queen should destroy, is nothing more nor less than the 'social fabric' which characterizes every civilized community in the world. The 'Family Compact' of Upper Canada (i.e. British Ontario) is composed of those members of its society who... have amassed wealth". Cited in Underhill (1961), 3-4.

introduced by Madison in 1789: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances" (LeMay 2021, 262). Habermas notes that even such basic rights as these, which are rhetorically framed in a collective way, are in fact concerned with "rational-critical debate" between and among politically prior individuals (Habermas 1989, 83). Public opinion, as Hall noted, is consulted as if it is purely the result of self-directed, free, individual, rational deliberation.

Within library history, one of the founders of the Boston Public Library, George Ticknor, was deeply influenced by a decade-long correspondence with Jefferson (Ditzion 1947, 15). Ditzion describes Ticknor's social views in the wake of the 1848 revolutions as follows: while "our universally educated people could see nothing in the proposals of the French agitators which was comparable to their own successful experience with popular government", lack of education and illiteracy explained "the attraction of the masses to [radical socialist and communist] movements" (16). Beneath Tickner's proposal for free schools and libraries "was a deep concern for the preservation of our republican institutions on the foundation of an intelligent populace" (16).

Philosophical support was given to these pragmatic expressions of intellectual freedom in John Stuart Mill's 1859 book *On Liberty*. Indeed, while Jefferson and Madison are frequently mentioned (for example in the ALA's periodical *Intellectual Freedom Handbook*) *On Liberty* is the primary touchstone for intellectual freedom in librarianship (Alfino 2014).

The connection between the dominant intellectual freedom positions and the social contract can perhaps best be seen in the ideas of individual freedom vs. the tyranny of state and society in Mill. Mill states the focus of *On Liberty* unambiguously. It is not "the so called Liberty of the Will", but "Civil or Social Liberty: the nature and limits of the power which can be

legitimately exercised by society over the individual" (Mill 1991, 23). For Mill, only one principle is

> entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used by physical force in the form of legal penalties, or the moral coercion of public opinion [and] that principle is that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. (30)[6]

The point here is that self-protection - the exercise of unconstrained individual power and agency for survival - is the only principle on which individual-social relations can be managed. The survival of society as a means for the survival of individuals is the only warrant for interfering in individual liberty, and the right to (individual) self-preservation is a natural right. All the rest of Mill's argument, including his arguments for free speech and the testing of ideas and opinions in an uncensored arena, flow from this notion that it is individuals (and their natural liberties) that come together in social relations, and only give up their agency and liberty to the minimal extent necessary for the survival of society. The suppression of opinion is, for Mill, a utilitarian principle; censorship is "to be obstructed in the enjoyment" of an opinion by its possessor, and the denial to posterity of the utility of eventual truth:

> The peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. if the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what

6. Mill here adopts precisely the political outlook that Honneth ascribes to Machiavelli and Hobbes in his account of the politics of recognition that we saw in the previous chapter: "both make subjects' struggle for self-preservation the point of reference of their theoretical analyses" and who "consider the ultimate purpose of political practice to be the attempt, over and over again, to bring a halt to [the] ever threatening [intersubjective] conflict" (Honneth 1995, 10). Mill's "single principle" is also known as the Principle of Liberty or the Harm Principle. It states that the only legitimate justification for interfering with an individual's liberty is to prevent harm *to others* (even harm to one's self is not sufficient reason for Mill) (Mill 1991, 30). This supports my contention that even the most liberal states have as their collective goal their own survival (in the form of preventing harm to those in the social body) limited by the maximal protection of individual freedoms (including freedom of speech and intellectual freedom).

> is almost as great a benefit, the clearer perception and livlier perception of truth produced by its collision with error. (Mill 1991, 37).

Again, what appears as a social benefit derives from individual intellectual freedom (to arrive at opinions themselves) which are *only then* tested in a social arena[7]. This grounds Mill's politics in an individualistic foundation for ideas and opinions that ignores the question of where those ideas come from in the first place, i.e. the role that the state and society (and institutions like libraries) play in inculcating individuals with particular ideas and opinions. As Hall demonstrated, the political strategy is first to build up a public, social common sense (portrayed as individually and freely arrived at), and then to turn around and consult that public opinion, to give a veneer of popular legitimacy to a particular hegemonic project.

Mill offers four grounds to support freedom of opinion and expression. First, "if any opinion is compelled to silence, that opinion may, for aught we can certainly know, be true"; we are not, after all omniscient nor infallible. Second, "though a silenced opinion be an error, it may, and commonly does, contain a portion of the truth" and only by "the collision of adverse opinions" can we find the truth out. Third, if it is not rigorously debated, even an entirely true opinion will only be held uncritically, "in the manner of a prejudice". The result of these three is Mill's fourth ground, that even true opinions and ideas become "dead dogma" if they are not continuously tested, becoming "a mere formal profession, inefficacious for good, but cumbering the ground, and preventing the growth of any real and heartfelt conviction, from reason or personal experience" (69).

From Mill's utilitarian perspective, if an opinion is wholly true, its utility to society is obvious and to suppress it would be harmful. If an opinion 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

7. Frederick Rosen, in an article on Mill's logic, argues against a widespread interpretation of Mill that "freedom of expression [is] other-regarding, while liberty generally is mainly concerned with self-regarding acts". If "freedom of thought is primarily self-regarding, but also... the driving force behind freedom of expression generally... there is no conflict or inconsistency" (Rosen 2006, 131).

chance of being supplied" (Mill 1991, 69). This view has been used to justify what has been called in librarianship an "absolutist" intellectual freedom stance (Gorman 2000, 89), the idea that no opinions and ideas ought ever to be suppressed. Mill's defense of having access to supposedly false ideas is grounded in a commitment to epistemic humility, i.e. it is a protection against the so-called "certainty trap", an argument often used to defend library neutrality (for example in (Dudley 2022)). Mill writes:

> the opinion which it is attempted to suppress by authority may possibly be true. Those who desire to suppress it, of course deny its truth; but they are not infallible. They have no authority to decide the question for all mankind, and exclude every other person from the means of judging. To refuse a hearing to an opinion, because they are sure that it is false, is to assume that their certainty is the same thing as absolute certainty. All silencing of discussion is an assumption of infallibility. Its condemnation may be allowed to rest on this common argument, not the worse for being common. (Mill 1991, 37)

I would argue, however, that this position in itself assumes (is certain of) the truth of a specific epistemic outlook. It assumes that there is an objective truth which is an accurate representation of reality (i.e. Mill assumes, like most 19th century empiricists, a correspondence theory of truth). If we dispense with the correspondence theory of truth, infallibility or certainty seem to become irrelevant to the question of "silencing". What is at question is not, from this perspective, trying to achieve a better or more accurate representation of empirical reality by "inspecting, repairing, and polishing the mirror" (R. Rorty 1979, 12) via freedom of expression, but to engage in discursive/political struggle over our interpretations[8]. In other words, Mill makes the rationalistic assumption that the truth or falsity of a proposition is the only thing that matters about that proposition. This prioritization of truth over any other signif-

8. Besides the correspondence theory of truth, two other aspects of Mill's thought have come to be challenged in the 20th and 21st centuries by poststructuralist, Marxists, neopragmatists and others. Mill's social contract ontology has been challenged by theories of the social construction of subjectivity (see (Virno 2015) for example) and the distinction between speech and action (Fish 1994). All three elements - correspondence theory of truth, self-generated individualism, and the speech-action divide - remain foundational to everyday, "common-sense" conceptions of orthodox liberalism.

icant feature of a proposition (tradition, emotional power, authority, ideological manipulation, etc) is fundamentally liberal and rational, and is therefore not up for debate from a liberal perspective. Challenging this idea, however, allows us to accept that we express or refrain from expression, assent to or deny propositions, for non-rational reasons all the time. By making truth/falsity the only grounds on which to judge a proposition, Mill makes it very difficult to talk about *other* reasons something might or might not be said (power, for example), or to talk about propositions - say, racist propositions - in another way, as Hall pointed out in his analysis of the ways the media quite literally set the terms of immigration and race debates in the UK (Hall 2021e).

Mill's conception of free expression, and his arguments defending it, have remained central to librarianship's understanding of intellectual freedom and neutrality. Mill's influence has remained strong throughout the advent of Library Bill of Rights in the 1930s, the social responsibility debates of the 1960s, the advent of progressive librarianship in the 1990s, and the defence of library orthodoxy today. The "marketplace of ideas" metaphor that remains central to many library debates around intellectual freedom (Tanner and Andersen 2018) owes its theoretical grounding to Mill's philosophy as developed in *On Liberty* as well. In the next section, we will look more closely at the rise of Millian intellectual freedom as a core value of librarianship.

5.3 The Advent of intellectual freedom and the Library Bill of Rights

The doctrine of intellectual freedom as such arose in response to calls for censorship in the politically turbulent 1930s. The central, but by no means the only, event leading to a formalization of intellectual freedom was the banning of John Steinbeck's *The Grapes of Wrath* in

various states in 1939. While Samek ascribes calls to ban the book to its supposed immorality and to Steinbeck's left-wing social views (Samek 2001, 7) it is important to remember that the exploitation of workers Steinbeck described did not take place in the distant past but was still going on California and elsewhere (Lingo 2003). The attempt to ban the book was not only an intellectual objection to Steinbeck's views but a concrete social and political intervention in support of exploitative labour practices (358–359).

The resistance to banning *The Grapes of Wrath* is presented in librarianship as a defense of intellectual freedom and the neutrality of libraries. But on the eve of the Second World War, and in the context of the virulent American anti-communism of the 1930s it is impossible to ignore that the defense of intellectual freedom was not a neutral position but a positive commitment to American individualism and negative liberty, both cornerstones of 20th century liberalism[9]. Far from being "neutral", intellectual freedom was from the beginning actively committed to the idea of individual choice against what Isaiah Berlin called in 1958 the "positive doctrine of liberation by reason" which lay "at the heart of many of the nationalist, communist, authoritarian, and totalitarian creeds of our day" (Berlin 2002, 190–191).

The postwar shift in global hegemony to the US contributed to the dominance of American library policy after 1945. The creation of the American Library Association (ALA) in 1876 gave American librarians an organizational unity that Canadian and British librarians lacked[10]. However, as opposed to the professional associations in law, medicine, or engineering, the ALA does not certify (and cannot then "disbar") librarians. Thus, while the ALA exercises a certain cultural hegemony across the profession, it does not hold legal or sanctioning power over libraries or librarians[11]. The central document of librarianship's hegemonic project when

9. Wiegand remarks that while American librarians espoused political neutrality at the beginning of the First World War, "as the European War dragged on into 1915 and 1916... librarians gradually, but privately, fell away from impartiality" (Wiegand 1983, 237).

10. The ALA is the profession's longest-standing association. It is also the accrediting body for library education in the US and Canada and thereby exercises considerable cultural and intellectual hegemony over librarians.

11. The Canadian Library Association (1946-2016) and subsequently the Canadian Federation of Library Associations (CFLA) are more-or-less the ALA equivalent in Canada. CFLA tends to take its lead from ALA or

it comes to intellectual freedom is the ALA's Library Bill of Rights. Because the United States has always dominated Anglo-American librarianship, the profession as it is practiced in the UK, Canada, the US, and other Commonwealth countries, the Bill of Rights is explicitly modeled on the US Constitution rather than on the constitutional regime of any of those countries.

Intellectual freedom in librarianship is thus directly connected to the first amendment and the ALA's Office of Intellectual Freedom (OIF), created in 1967, has always been an explicitly first-amendment body (LaRue and Diaz 2017).

The First Amendment underwrites the definition of intellectual freedom for the ALA. Judith Krug, the first director of the OIF, described the Library Bill of Rights as "the library profession's interpretation of the First Amendment... and our embodiment of the 'intellectual freedom' concept" (Krug 1972, 810), and argued that the Library Bill of Rights gave American librarianship its unique character. Krug made the connection explicit in 1972, writing that "in this country, the library is the only institution where the First Amendment is - or can be - fulfilled" (811).

However, American dominance and reliance on the concept of "free speech" enshrined in the First Amendment often overlooks the difference between free speech and free expression in other constitutional regimes such as Canada's. In Canada the juridical support for free expression comes from the Canadian Charter of Rights and Freedoms. The main difference between the American and Canadian contexts is that while free speech in the US is unlimited except for some very specific and explicitly listed exceptions (obscenity, child pornography, fighting words, etc.), the Canadian Charter begins with the "reasonable limits" clause[12]:

IFLA policy recommendations but has to navigate a different legal and cultural context. In the UK, the Chartered Institute of Library and Information Professionals (CILIP) plays a similar role, but in some respects had quite a different focus from both the ALA and CFLA. The ALA makes policy recommendations for the profession in North America at large.

12. A good illustration of the difference is the lack of broad hate speech legislation in the US, while Canada has written hate speech into §318, §319, and §320 of the Criminal Code.

> The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. (§1)

The reasonable limits clause helps situate the Canadian Charter of Rights and Freedoms in the communitarian rather than the procedural/liberal tradition. Rather than prescribing negative liberties (e.g. "congress shall make no law"), the Canadian Charter specifies positive rights; rather than specifying specific exceptions (for example, the exceptions listed in the First Amendment), the Charter establishes a blanket right of exception ("reasonable limits") that, while still "framed in the the rhetoric of liberal individualism", "simultaneously emphasizes communitarian... values" (Monahan 1987, 251).

The difference in culture and legislation meant that while American intellectual freedom based on the First Amendment required an explicit "correction" in the form of the social responsibility movement (see below), Canada already had a communitarian orientation when it came to freedom of expression. Canada's communitarian regime of rights contrasts with the liberal American regime, and the use of the term intellectual freedom to cover both contexts is not only misleading, but makes it very difficult to talk about intellectual freedom issues specifically in the Canadian context.

The primary authorities for the American definition of free speech, besides Mill, and the main references for the Library Bill of Rights, are Madison and Jefferson, as the Seventh Edition of the ALA's *intellectual freedom Manual* makes clear:

> Both Thomas Jefferson and James Madison felt strongly that an informed and educated citizenry is the best defense against a despotic or tyrannous government. They believed that freedom of inquiry and speech are essential to the search for truth. For truth to emerge, erroneous ideas must also be available for the people to examine and discuss. The marketplace of ideas must be free and unfettered and, most of all, not restricted by government action. The founders also believed that an educated citizenry is essential to the preservation of freedom and democracy.

(Office of Intellectual Freedom 2006, 7)[13]

The authors of the ALA manual go on to describe intellectual freedom as arising out of liberal individualism: "The Bill of Rights serves both to protect individual liberties... and to support an informed, educated citizenry with access to the open dialogue necessary for democracy" (7). Despite the fact that a consensus around truth and democracy are taken for granted by the ALA[14], the practical reality of librarianship has never been as unequivocal as this passage suggests. For example, the profession has always been able to support this form of intellectual freedom while being ineluctably marked by gender inequality (Garrison 1972) and white supremacy (Hathcock 2015; Schlesselman-Tarango 2017). The built-in liberal individualism of the ALA that underpins intellectual freedom, far from bringing every argument and opinion out into the open, has made it *more* difficult to address structural issues of gender, race, sexuality, and disability, precisely because questions of shared identity and experience are ruled *a priori* out of bounds (i.e. limited to the cultural and not the political sphere, as we saw in Chapter 4). A single, specific identity and experience (Wynter's "generic human") masquerades as a universal and excluding all others, for example in white dismissal or disciplining of Black librarians using the "Angry Black Woman" stereotype (Ettarh 2014) (i.e. not abiding by white liberal [bourgeois] discursive norms). As a result, the connection between the stated commitment to intellectual freedom and the actual practice of American librarianship is more tenuous than is typically presented.

Nonetheless, liberal-democratic commitments are part of the fabric of Anglo-American librarianship. As Samek points out, while the ALA tends to take the credit for institutionaliz-

13. Despite the prevalence of the "marketplace of ideas" in intellectual freedom debates, Milton's *Areopagitica* (1644) has played little role in the development of intellectual freedom. Nevertheless, Milton's view that "though all the windes of doctrin were let loose to play upon the earth, so Truth be in the field, we do injuriously by licensing and prohibiting to misdoubt her strength... who ever knew Truth put to the wors, in a free and open encounter?" (Milton 1999, 45) is identical to Mill's view.

14. What kind of thing "truth" is is far from uncontested. For example, A.C. Grayling identifies three main varieties of truth - the pragmatic, coherence, and correspondence theories - in his *Introduction to Philosophical Logic* (Grayling 1982, Chapter 5).

ing intellectual freedom, it was in fact grassroots librarians and activists who led the charge (Samek 2001, 7). The Library Bill of Rights, almost always seen as a product of the ALA (and centred on resistance to banning Steinbeck's *Grapes of Wrath*), was in fact first instituted in Des Moines, Iowa, in 1938, in response to a challenge to the inclusion of Hitler's *Mein Kampf*. James LaRue, former director of the Office of Intellectual Freedom argues that the Des Moines Bill of Rights "establish[ed] for the first time the library's endorsement of intellectual freedom" which he characterizes - typically but simplistically - as "the right to access even uncomfortable or offensive content" (LaRue 2018). Gone were the days when libraries were entirely committed to the diffusion of nothing but uplifting and useful literature, which had been the focus of the early years.

The Bill of Rights was adopted - in modified form - by the ALA a year later (1939) (Office of Intellectual Freedom 1996, 5–7). Both the Des Moines and ALA versions of the Bill of Rights contain two clauses relating to book selection and a clause related to room-booking. The book selection clauses enjoin librarians to collect material regardless of the views of the writer and representing "all sides" of a given issue "as far as material permits". The room-booking clause refers to making space available for public use.

However, the ALA version removes a clause pertaining to politically unorthodox material. The De Moines statement reads:

> 3. Official publications and/or propaganda of organized political, fraternal, class, or religious sects, societies, or similar groups, and of institutions controlled by such, are solicited as gifts and will be made available to library users without discrimination. This policy is made necessary because of the meagre funds available for the purchase of books and reading matter. It is obviously impossible to purchase the publications of all such groups and it would be unjust discrimination to purchase those of some and not others.

The removal of this clause can be explained by the ALA's political timidity. Even though

the Des Moines statement supports representing the views of ”all such groups”, the fact that ”organized political, fraternal, class or religious... groups” were likely to uphold a version of positive liberty made this position unacceptable to the ALA. The ALA reiterated its "democratic” neutrality by inserting a political statement into the room-booking clause. Where the Des Moines clause reads:

> 4. Library meeting rooms shall be available on equal terms to all organized non-profit groups for open meetings to which no admission fee is charged and from which no one is excluded.

the ALA version reads:

> 3. The library as an institution to educate for democratic living should especially welcome the user of its meeting rooms for socially useful and cultural activities and the discussion of current public questions. Library meeting rooms should be available on equal terms to all groups in the community regardless of their beliefs or affiliations.

We can see here the beginnings of the neutral proceduralism that will flourish with the Cold War and the military-industrial complex: despite the reference to "all groups", the ALA’s version of the bill specifies the reason for booking booking rooms ("socially useful and cultural activities and the discussion of current public questions"). What initially appeared as a content-neutral procedure, now includes positive content restrictions. Indeed, by 1948, a new and quite different version of the Bill of Rights was developed (Office of Intellectual Freedom 1996, 9–10). The "all sides" clause now includes a requirement for truth, aligning with the technical and scientific focus of the postwar period[15]: "books or other reading matter of sound

15. Norbert Wiener, the ”father of cybernetics” states that ”one of the few things gained from the great conflict was the rapid development of invention, under the stimulus of necessity and the unlimited employment of money; and above all, the new blood called in to industrial research” (Wiener 1954, 148). For the centrality of cybernetics to broader technological changes in global political economy see (Dyer-Witheford 2015, 39–48). Libraries were necessary to this development because of the increasing complexity of information management. They thus aligned themselves ideologically and politically with the new technocratic regime. See (Popowich 2019a, 219–220, 233–234).

factual authority should not be proscribed or removed from library shelves because of partisan or doctrinal approval"[16].

Most importantly, however, were two clauses added to the Bill of Rights which make reference to what the ALA considered the ethical exceptionalism of the United States.

> 3. Censorship of books, urged or practiced by volunteer arbiters of morals or political opinion or by organizations that would establish a coercive concept of Americanism, must be challenged by libraries in maintenance of their responsibility to provide public information and enlightenment through the printed word.
>
> 4. Libraries should enlist the cooperation of allied groups in the fields of science, of education, and of book publishing in resisting all abridgment of the free access to ideas and full freedom of expression that are the tradition and heritage of Americans.[17]

In addition to technological developments, political events determined the shape of the post-war doctrine of intellectual freedom. Eric Hobsbawm wrote that the period between 1947 and 1951 were "probably the most explosive period" of the Cold War, when "the American fear of social disintegration or revolution within the non-Soviet parts of Eurasia were not wholly fantastic" (Hobsbawm 1994, 229). If pre-war librarianship was committed to bourgeois values either in the Enlightenment or the social control sense, post-war librarianship hid its commitments beneath the veil of political "neutrality" (Samek 2001, 2) (Black 2003). In fact, post-war librarianship expressed a particular set of social and political perspectives just as much as the pre-war library: a valorization of negative liberty, individual freedom, the utility of scientifically tested knowledge, and anti-communism (Harris 1986), not to mention such "coercive concepts of Americanism" as whiteness, patriarchy, imperialism, wealth, etc. As such, intellectual freedom took a form consistent with the growing scientific, technical, and military power of the

16. It is important to note that, contrary to some intellectual freedom absolutists, this permits the removal of books from the collection if they are not of sound factual authority, for example, dangerously outdated medical textbooks.

17. In a 2021 article about the originator of the Library Bill of Rights, Forrest Spaulding, the OIF explicitly contrasts American anti-censorship in the 1930s with "totalitarian" book burning in Germany and the USSR (Eschete 2021).

US in the early years of the Cold War, itself hiding behind the cover of technological, scientific, and managerial objectivity (Day 2001, 38ff). As US power grew, American librarianship entered into a paradoxical relationship with it, on the one hand becoming more and more entrenched within the scientific-military-industrial complex (Conn 1990; Day 2001), while on the other hand defending individual access to information against government control, censorship, and secrecy.

The Bill of Rights underlined librarianship's commitment to liberal principles against their erosion by the American state while at the same time libraries began participating in increased social domination brought about by the transition to mass technological society. In 1964 Herbert Marcuse described this transition as the development of "technology as a form of social control and domination" (Marcuse 1991, 161). Ronald Day, in his account of "the modern invention of information" demonstrates in great detail how, over the course of the 20th century, and particularly in the aftermath of the Second World War,

> professional and authoritative texts about the social importance of information tried to use language (particularly through books) to construct a social, utopian value for information and helped to raise information and its connotations of factuality and quantitative measure to a privileged, even totalitarian, form of knowledge and discourse. (Day 2001, 2)

Cold War librarianship enjoyed the benefits of proximity to the military-industrial complex while continuing to repeat classical liberal values. The ambivalent positioning of North American libraries positioned them well both organizationally and ideologically for the transition to neoliberalism after 1968. They were able to claim to serve both the public and the private, the individual and the collective, the welfare state and the neoliberal state, through a neutral (techno-managerial) proceduralism which functioned by taking no notice of content, and only operating at the level of form.

5.4 The 1960s Challenge to Intellectual Freedom

When the liberal principles of the welfare state were challenged by the explosion of social movements in 1968, librarianship found it difficult to respond. Rather than forcing the profession to really enunciate its political perspectives, positions, and commitments, librarianship's adherence to neutrality and proceduralism meant that its liberalism took refuge behind the technical language of formal procedure and the legal justification of free speech. Librarianship's adherence to liberal proceduralism and its own technological valorization of process and rules[18] made the defence of intellectual freedom a technical or procedural position rather than a philosophical or ethical commitment, a policy rather than a political position taken in full awareness of its assumptions and consequences. This explains the incoherence already noted which calls a positive commitment to liberal/individualist values "neutrality". In her discussion of "the disparity between what we say and what we do", Baharak Yousefi identifies a number of examples where the content of library decisions contradict stated values as "illustrative of the disconnect between our professional values of democracy and social responsibility and our decisions and actions" (Yousefi 2017, 92). Amongst these examples are the fact that libraries "claim intellectual freedom as a core value, but silence professional dissent within our own ranks" (which happened to trans TPL staff members and WPL staff members who were against the new security policies) which Yousefi ascribes to the "influential and yet undeclared information about the profession, which resides in our protocols [and] routines" and serves to determine the form of library discourse while absolving libraries of our responsibility towards

18. It is conjuncturally appropriate that first edition of the "bible" of cataloguing and metadata librarians, the *Anglo-American Cataloguing Rules* was published in 1967, coinciding with expansion of technical/military power in Vietnam as well as with the "resurgence of the people". Not only was intellectual freedom organizationally enshrined within the ALA (in the form of the OIF) but "scientific" rigor in cataloguing and description was achieved through the formalization of rigid, centralized rules. The second edition of AACR was published in 1978, and has since been replaced by the "Resource Description and Access" framework, considered more appropriate to a high-tech, computerized, data-driven environment (but see (Coyle and Hillmann 2007) for a criticism of RDA's modernity). The dominant anglo-american cataloguing rules have always reflected the dominant scientific rationality of their time.

any particular content (Yousefi 2017, 93).

Librarianship's approach to intellectual freedom changed as a result of the "resurgence of the people" in the late 1960s. In December 1967, in the midst of the various countercultural, anti-colonial, and social justice demands we have already noted, as well as the violence that accompanied them (for example, the assassination of Martin Luther King and Bobby Kennedy in 1968, bracketed by John Kennedy's assassination in 1963 and the Kent State massacre of 1970), the ALA consecrated its intellectual freedom doctrine in the OIF. Planning for the OIF had begun in 1965 and was explicitly positioned as a First Amendment activist group (LaRue and Diaz 2017)[19]. Over the previous decade, anti-war sentiment had been increasing along with American activity in Vietnam, and anti-war protest was a key site of First Amendment debates. More significant for the formation of the OIF, however, was the Civil Rights movement and the contradictions it exposed between librarianship's avowed democratic values and the reality of racism and segregated libraries (Graham 2001) in the American South.

To take one example, in 1959 segregationists in Alabama had challenged a children's book called *The Rabbits' Wedding* for depicting marriage between a black rabbit and a white rabbit. The Public Library Services Division, headed by Emily Wheelock Reed, came under attack by State legislators for promoting anti-segregationist material. Eventually, the stance against *The Rabbits' Wedding* proved unpopular and the legislators backed down, but Reed's defense of intellectual freedom and her collection policy made her personally a target of attacks. In a bid to have Reed removed from her position, the Segregation Screening Committee sought to change the qualifications to head the Public Library Services Division (dropping the requirement for an ALA-accredited library degree and requiring that the position be held by an

19. 1965 was a significant year for First Amendment challenges and decisions. In Freedman v. Maryland, the court struck down the "prior restraint" of motion picture production enshrined in Maryland's censorship legislation since 1916; the "Tinker v. Des Moines" case - of schoolchildren suspended for wearing anti-war armbands - occurred in 1965 though the case was not heard by the Supreme Court until 1969, when it upheld the students' First Amendment right to protest in a landmark decision. However, the court also upheld a First Amendment challenge to the Draft Card Mutilation Act of 1965, arguing that the burning of draft cards was not protected expression, and that its restraint was necessary for the good of the nation.

Alabama native, which Reed was not).

Public librarians in Alabama remained quiet in the controversy surrounding *The Rabbits' Wedding*. Graham writes that "Reed does not recall receiving any meaningful support from the librarians of the state during her controversial stand against the censorship" of the book (Graham 2001, p. 11). However, when the state was seen to be undermining the professional autonomy of librarianship, public librarians were moved to action - mainly through campaigns organized by the Alabama library association - and the Segregation Committee ended up approving a watered-down compromise bill. Nevertheless the damage was done and Reed resigned two months later. Throughout this process - and others across the South - "the ALA Intellectual Freedom Committee failed to support Reed during the censorship controversy", but such events "did help to shape the opinions of committee members on the issue of libraries and segregation" (Graham 2001, p. 13). In this period, intellectual freedom was far from being the primary ethical focus that it is today (largely through the efforts of the OIF over the past 50 years). At the time, rather, the attitudes of librarians reflected an attitude of apolitical aloofness that remains prevalent today in the debates over library neutrality[20].

> Most white librarians... were moderates and largely apolitical; they were neither fervent segregationists nor vocal supporters of civil rights. Their attitudes toward blacks were as varied and as difficult to explain as the complex relationships between white moderates and blacks in the general population. Their racial attitudes incorporated notions of paternalism but also of professional responsibility. The Civil Rights movement was a time of anxiety for them, but for some the fear of changing racial mores was acute. (Graham 2001, 24)

However, it is important to understand that structural features of American society and librarianship play just as large a role - if not larger - than individual attitudes. For example, "Black librarians were excluded from the decisionmaking process, and they could not exert

20. Curiously, librarianship's commitment to intellectual freedom has been intermixed with its commitment to neutrality (Larue 2018); it is hard to see how any explicit commitment can be in any sense neutral. This is yet another contradiction within librarianship's concept of intellectual freedom.

measurable influence on 'white' libraries" (Graham 2001, 24) irrespective of the individual feelings of white librarians. As Graham rightly states, "Professional ethics stood little chance against a tradition that overpowered white consciences, democratic values, and even Christian teachings. Most who believed segregation was wrong could not imagine actively opposing it" (24). It is not so much that librarians were inconsistent in their support for intellectual freedom that makes this case instructive, but that intellectual freedom was not any kind of privileged or core value of librarianship, taking its place amongs other values and concepts at play in a given political or social controversy. Rather than being some kind of inalienable right of individuals, this case demonstrates how intellectual freedom is not privileged in this way, but is a political concept to be deployed or withheld pragmatically in different instances, according to complex conjunctural forces.

Anti-war activism and the Civil Rights movement contributed to a heightened politicality among some librarians which ran counter to the dominant apolitical neutrality the profession espoused. This polarization has never been resolved, but something curious happened to intellectual freedom in the late 1960s. The ambiguity of its origins - on the one hand, individual librarians standing up against state censorship, on the other hand the ALA's Intellectual Freedom Committee's failure to support Reed in the *Rabbit's Wedding* case (13) - were reflected in the creation of the OIF in 1967. The formation of the office appeared to enshrine a highly political (and new) commitment to intellectual freedom within the ALA itself, while at the same time reinforcing the idea of neutrality and apolitical proceduralism.

For example, in 1974 the ALA endorsed the Equal Rights Amendment (ERA), and over the next few years passed motions to not hold its annual conferences in states where the ERA was not in effect. But even this positive and progressive commitment was held to violate the tenets of neutrality and Intellectual Freedom:

Opponents of the amendment and pro-ERA advocates of ALA neutrality, however,

> were quick to argue that library users have a right to expect the library to furnish them with uncensored information on both sides of this and all other issues. Adoptions of advocacy positions and participation in boycotts cannot help but strike a blow at the public's confidence in the fair-mindedness and even-handedness of librarians. (Office of Intellectual Freedom 2006, 38)

Librarianship became polarized between a neutrality perspective and an advocacy perspective. Despite librarianship's insistance that intellectual freedom and social responsibility - like "liberalism" and "communitarianism" - should be seen as two aspects of a single perspective, they are more often than not pitted against each other within the profession.

By linking neutrality with intellectual freedom, the ALA entrenched a (liberal) notion of intellectual freedom as agnostic towards any conception of the good, as procedural, as abjuring any particular political commitments. The concept of intellectual freedom became a transcendental concept by which social and political issues could be structured. It stood against censorship, but only formally, as censorship *qua* state censorship, without regard for any of the actual details or the content of any acts of speech or expression. This in turn opened up space on the left of the ALA for the formation of groups actively committed to particular notions of the good and to social justice. It was, in fact, the dialectical relations of social forces and the ALA's response to them that led to the development of "social responsibility" within the profession and the formation of the ALA's Social Responsibilities Round Table in 1969.

5.5 The Development of Social Responsiblity

By 1969, Intellectual freedom in libraries had become intimately bound up with the notion of neutrality. By following the liberal conception of the state, libraries were presumed to be neutral towards any users' conception of the good, and to further (and not constrain) each individual user's pursuit of their own goals. Since the library is concerned with intellectual activity, the

support of individual intellectual freedom is one (major) form the neutrality of libraries takes.

Social responsibility is the view either that neutrality does not exist or that neutrality is antithetical to other library core values (like democracy, or social justice, or community relations). The social responsibility position in libraries rejects neutrality in favour of explicit commitments to certain political positions, such as being anti-war, anti-racism, etc. The social responsibility movement began with two particular social/political issues in the library world in the late 1960s: opposition to the Vietnam War and the claim that library collections were neutral when they explicitly excluded certain politically sensitive material (such as publications of the anti-war and alternative presses) (Samek 2001).

Before the 1960s "resurgence of the people", the doctrine of intellectual freedom was so taken for granted that a distinct "socially responsible" position was unnecessary. Social responsibility and individual freedom were understood in a hegemonic, common-sense way as being identical. Indeed, the social responsibility of the early public libraries was little different from classical liberal individualism in its paternalistic form. Douglas Raber has traced the idea of "social responsibility" (though not the term) as far back as 1852 and the origins of the tax-funded public library. A report of the Boston Public Library enunciated two main social goals, Raber writes:

> One was to provide the means of equalizing and maximizing individual opportunity to participate in civic society while combating divisive cultural, social and political influences. The second was to provide the public with a means of developing a uniquely American culture, founded on a notion of engaged citizenship. (Raber 2007, 676)[21]

Up until the 1960s, individualism was socially responsible in that it combatted the communitarian "divisiveness" of a social life made up of very different ethnic, cultural, religious identities and disparate conceptions of the good, and focused on the civic responsibility of

21. But see the social control views of Boston Public Library's George Ticknor, above.

democratic participation, itself seen as a realm of individual free choice. Reinforcing the idea of individualism was seen as the proper response to the divisiveness of shared cultural identity. The common public sphere of the liberal welfare state could only be legitimate if it was composed of self-directed, self-regarding individuals (again, echoing social contract theories). Only when, in the 1960s, the hegemony of liberal individualism was challenged by oppressed and marginalized communities, not in terms of a universal public sphere but in terms of cultural specificity, did an alternative formulation - social responsibility - become necessary (Raber 2007, 677)[22].

In 1968, the ALA formed two committees in response to the "resurgence of the people": The Activities Committee on New Directions (ACONDA) and the Ad Hoc Activities Committee on New Directions (ANACONDA). The work of these two committees led to a formulation of "social responsibility" as it applied to libraries, a formulation which explicitly rejected the notion of library neutrality. The social responsibility of libraries was defined in terms of:

> (a) the contribution that librarianship can make in ameliorating or even solving the critical problems of society, (b) support for all efforts to help inform and educate the people of the United States on these problems and to encourage them to examine the many views on, and the facts regarding, each problem, and (c) the willingness of ALA to take a position on current critical issues, with the relationship to libraries and library service clearly set forth... (ACONDA Final Report, quoted in (Joyce 2008, 40))

In other words, social responsibility saw libraries as having a *positive* (perhaps communitarian) role to play in helping to address social problems, rather than only a negative or neutral role; an active rather than passive role to play in helping people to navigate social and political issues; and as having the ability to make connections between broader social/political issues and library work clear and explicit (when the concept of intellectual freedom would have ensured librarians ignored them).

22. The idea that cultural identity is the cause of social disorder and lack of cohesion remaings strong in librarianship, for example in the attack on identity politics in (Dudley 2023)

The Final ACONDA Report sparked debate and dissension within the profession over social responsibility and the (implicit or explicit) departure from the "traditional" value of neutrality (see (Raber 2007) for an account of the work of ACONDA and ANACONDA). The "redefinition" of social responsibility put forward by the two committees was felt by "many within the ALA power structure" to be "antithetical to the principles embodied in the Library Bill of Rights" and that "acceptance of one would, by definition, negate acceptance of the other" (Joyce 2008, 41).

Toni Samek notes that ACONDA identified two definitions of social responsibility current among ALA librarians. The first "reflected a traditional interpretation in which... the library housed and preserved information and kept, but did not promote, ideas". The second definition was that of more activist librarians and concerned "the relationships that librarians have to non-library problems that relate to... social welfare" (Samek 2001, 78). Samek writes that because ACONDA saw intellectual freedom and social responsibility as complementary rather than oppositional, "it opted to use the second definition to begin the process of improving library service to the disadvantaged" (78).

This new orientation posed important questions for librarianship and for the hitherto dominant concept of intellectual freedom:

> If librarianship's fundamental moral commitment is to the progress of democracy and democracy is threatened by social problems, including a war whose legitimacy is questionable, then does not librarianship have a moral responsibility to address these problems? (Raber 2007, 677)

The profession fundamentally split on this question, with social responsibility side answering yes, and the the intellectual freedom side answering no. David Berninghausen, who gave his name to a 1973 debate over library neutrality, went so far as to argue that the new social responsibility model "rejected the 'traditional, conservative' definition of intellectual free-

dom - a definition which [Berningnhausen] never fully articulated, but which, one can safely assume, focused on library neutrality" (Joyce 2008, 42). Like many right-wing commentators in librarianship today, Berninghausen saw social responsibilty as the result of infiltration into the profession by radical leftists and "subversive forces within ALA" who were encouraging librarians "to embrace a new form of advocacy or partisan librarianship" that renounced both neutrality and intellectual freedom and replaced them with censorship and tyranny[23].

The rise of social responsibility as a communitarian or social-justice response to intellectual freedom set off a series of recurring debates. The Berninghausen Debate in the early 1970s was the first open conflict between defenders of orthodox intellectual freedom and and advocates of the new social responsibility approach. The debate was over the question of neutrality in library collections and was summed up by Berninghausen's pronouncement that

> It is the social responsibility of librarians to select library materials from all producers, from the whole world of published media (not from any approved list), to build balanced collections representing all points of view on controversial issues, regardless of their personal convictions or moral beliefs. (Berninghausen and Wedgeworth 1993, 82).

Berninghausen saw the social responsibility movement as expressly challenging (even contravening) the Library Bill of Rights, which provoked the editors of Library Journal to dedicate a special issue to rebutting Berninghausen's argument (issue of January 1, 1973).

The neutrality perspective ignores structural, corporate, or non-governmental sources of bias or selectivity. As Sanford Berman, one of the main critics of neutrality in the 1970s, wrote in his preface to Samek's *Intellectual Freedom and American Librarianship*:

23. The right-wing of the profession has, as of 2022, tended to coalesce around the "Intellectual Dark Web" movement. One outlet of library-related writing that echoes Berninghhausens's concerns is the "Heterodoxy in the Stacks" substack. See for example "New Puritans in the World of Libraries" (Girard 2023) and "Against 'Radical Empathy' as a Core Professional Principle: An Open Letter to the ALA Working Group on Intellectual Freedom and Social Justice" (Stacks 2022).

> Becoming increasingly dominant within librarianship - albeit never recognized by the intellectual freedom junta - is what might be termed the Techno-Blockbuster philosophy, which views digital technology as the overriding fact of the future, making traditional formats like books, magazines, CDs, and videos ultimately superfluous, yet which emphasizes - for the time being - conglomerate published, Madison Avenue-hyped bestsellers, which may be bought in massive quantities to satisfy artificially created demand. And they aren't just acquired. They're prominently displayed and publicized by libraries as though there were some special, intrinsic, compelling worth to them. They are consciously pushed in ways that most midlist or small and alternative press materials are not, reflecting a bias in favour [of] bigness and big money. (Samek 2001, xv–xvi)

This kind of bias in collections and displays rarely if ever concerns intellectual freedom advocates, because they see the free market as a quasi-natural phenomenon that caters to "individual demand". To actively promote mass-market blockbuster entertainment according to the dictates of big business is not seen as contrary to library neutrality. Leaving the overrepresentation of corporate publishers in library collections aside, however, the recurring debates over intellectual freedom and social responsibility have often taken the form of debates over library neutrality within collections as well as over whether libraries or librarians should take principled positions with respect to broader social and political events. An anthology of articles drawn from a later round of debates in the 1990s is explicitly titled *Questioning Library Neutrality* (Lewis 2008).

More recently, the ”critical librarianship” movement within the profession has outright denied the possibility of neutrality and highlighted the role libraries continue to play in the reproduction of patriarchal and racial capitalism (see, for example (Nicholson and Seale 2018b)). In "What is Critical about Critical Librarianship", Emily Drabinski calls attention to libraries as "desiring machines that seek to collect everything for everyone for all time, making knowledge universally accessible through cataloging and classification schemes from which nothing escapes", arguing that "Critical librarianship acknowledges and then interrogates the structures that produce us as librarians, our spaces as libraries, our patrons as students, faculty, and the

public, whose interface with the sum of human knowledge is produced, in large part, by us" (Drabinski 2019, 49). Critical librarianship seeks to demystify, expose, *and transform* these structures, starting from a position of non-neutrality, and questioning the notion that libraries play a passive or uncommitted role within capitalist society. Drabinski goes on to write that,

> Libraries are about fixing things, in ideological structures and in time and space. This is a necessary practice. Can we imagine a library without cataloging and classification structures? Systems to order things? The library would simply be a neatly stacked pile of books, and retrieval would be at random. Libraries implement cataloging and classification schemes in order to facilitate access, creating spaces that are the opposite of random piles. Library shelves are, in the ideal if not always in practice, ordered, neat, and tidy. Technologies of control from the card catalog to the database to the algorithmic discovery layer collate like materials with like materials, facilitating serendipitous discovery. Our systems also structure material space as books are shelved according to an intellectually and ideologically informed order. In this way, libraries are structuring machines. (50)

Critical librarians like Drabinski, David James Hudson (2017), Fobazi Ettarh (2018), and others, contribute to challenging the ideological and hegemonic project of libraries by applying feminist, anti-racist, queer, and disabled perspectives to the way libraries consciously or unconsciously structure and discipline library users and library workers themselves.

While social responsibility is often still presented, as with Berninghausen, as completely antithetical to intellectual freedom, prioritizing social justice and identity politics over individual rights and liberties, I contend that it still relies on the individualist ontology of the social contract and classical liberalism. Far from being neutral, intellectual freedom is committed to a single, specific view of human agency and autonomy, and social responsibility doesn't dislodge that. Like communitarianism, it only seems to moderate or "correct" it. During a debate over intellectual freedom/social responsibility in the 1960s, Patricia Schuman (a librarian and editor of the *School Library Journal*) challenged David Berninghausen's contention that intellectual freedom and neutrality were paramount library values because (and here Berninghausen echoes the neoliberalism of Margaret Thatcher), there is no such thing as society,

there are only individuals. Confronting the idea that libraries are neutral because they are not aligned with supra-individual social forces, Schuman asked Berninghausen

> do you really believe that our society is controlled by individuals acting as individuals? That there are not 'special interest' groups like General Motors? The National Rifle Association? The American Library association? which attempt - and often do - influence the progress (and regression) of society? (quoted in (Samek 1996, 59))

I take it that adherents of social responsibility still see liberal society as correctly/naturally composed of "individuals acting as individuals", but that in the face of corporate influence over society, collective action had to be taken. Collective action, then, is a strategic response to social injustice overlaid on top of an individualist political theory, rather than itself a collective or anti-individualist political stance. Social responsibility thus maintains a commitment to liberal individualism, while arguing for strategic collective action as a response to corporate influence. This is similar to the way communitarianism and the politics of recognition maintained a commitment to individualism while arguing for tolerance of collective difference. The tensions in both cases are obscured by a presumption of *neutrality* - of the liberal state for communitarianism, and of libraries as state institutions for social responsibility.

For the later social responsibility position within the ALA then, as I see it, individuals still come first and enter into social relations after the fact (a premise necessary for the idea of popular consent, as in Rousseau), but the social relations available and the extent to which the subject voluntarily does or does not consent (for racialized or queer subjects, for example), both of which are absent from the strict intellectual freedom position, are of vital importance to social responsibility. Social structures, hierarchies, and power inequalities are key questions for social responsibility, though it tends not to go as far as the full social construction of subjectivity. In this, social responsibility mirrors the communitarian challenge to liberalism, as a kind of partial correction of its individualist excesses. But it only *seems* to take a more structuralist

perspective on power and exclusion, in the end falling back on the idea of the self-determining individual. For example, social responsibility adherents would imagine that allowing community members to help in the selection of library material (which would violate traditional intellectual freedom) would be a progressive move, on the assumption that community members are then choosing for themselves. Social construction would ask where those members' choices come from in the first place, and how do libraries (and corporations, and the media) themselves help *produce* the choices that individuals appear to arrive at freely and independently.

The supposed "neutrality" of libraries is integral to the democratic discourse, and while social responsibility rejects neutrality in order to challenge dominating or oppressive social and political policy decisions, it still adheres to the same liberal notions of individuality, freedom, and democracy[24]. Supporting and protecting the unique and unified "Jeffersonian" democracy of the US remains the goal of social responsibility. The two positions really differed in that intellectual freedom saw American democracy as actually-existing and just in need of support and protection while social responsibility saw American democracy as something that still needed to be achieved. They agree, however, in what American democracy is and stands for (e.g. Ditzion's "national prosperity, the needs of the new dominant middle class, and the tenets of flourishing individualistic philosophies"). Social responsibility is not, then, an alternative to intellectual freedom, as the ALA organizational structure would suggest, but merely a difference of emphasis within the larger liberal hegemonic project.

In his discussion of the value of communitarianism, Michael Walzer insists that "American communitarians have to recognize that there is no one out there but separated, rights-bearing, voluntarily associating, freely speaking, liberal selves" but that "it would be a good thing... if we could teach those selves to know themselves as social beings, the historical products of, and in part the embodiments of, liberal values" (Walzer 1990, 15). In many ways

24. I think it is important to call into question "freedom" and "democracy" as meaning liberal/individualist freedom and capitalist/bourgeois democracy. One of the effects of leaving "freedom" and "democracy" unqualified in liberal/library discourse is to raise both to a level of unquestionable metaphysical primacy.

all social responsibility seeks to do is clear the way for the emergence of such voluntarily-associating selves through the transformation of unequal social structures. The continuity between social responsibility and intellectual freedom consists in the idea that the pursuit of social responsibility should create a society conducive to (the liberal definition of) intellectual freedom. The two positions differ only in how they understand *current* society: whether the real liberal social order exists now or still needs to be brought about. Social responsibility is not generally a *radical* or liberationist political perspective.

If social responsibility is a correction of intellectual freedom (as, in Walzer's view, communitarianism is just a "correction" of liberalism), then it becomes clear why intellectual freedom in Canada already incorporates the social responsibility position: it has already "corrected" intellectual freedom from a communitarian standpoint compared to the US, where such a correction is resisted because it is seen as at best unnecessary and at worst dangerous to individualized freedom. However, the correction of intellectual freedom by an admixture of social responsibility just reiterates the hegemony of the liberal social ontology, perhaps making it more palatable to particular cultural sensibilities, but without resolving the conflict between individual and collective rights, let alone moving social justice forward in other ways. A really radical perspective, one which takes the social production of subjectivity seriously, would engage, similarly to Hall, with the ways libraries (and society at large) generates and determines ideas, concepts, opinions, values as part of a larger collective goal (the hegemonic survival of capitalist/liberal society). The "individual" would no longer be the seat of self-determining rationality; rationality and individual freedom would be produced *by* social relationships and structures. It would understand freedom as a social/collective rather than an individual phenomenon, and it would reject the distinction between the political and non-political enshrined in the work of Rawls' and others.

However, despite the presence of social responsibility and other movements within the profession, intellectual freedom remains dominant both as a concept/value and organization-

ally. For Samek, the fundamental question was this: "was intellectual freedom the profession's only ethic?" (Samek 1996, 52). In her analysis of Critical Race Theory and libraries, for instance, Celeste Bocchicchio-Chaudhri asks, "why is the Office of Intellectual Freedom privileged over the Office for Diversity, Inclusion, and Outreach services? Why does the field of LIS feel compelled to put intellectual freedom and racial justice on opposite sides of the debate" (Bocchicchio-Chaudhri 2019, 139). Regarding the Social Responsibilities Round Table (SRRT), she remarks that "SRRT has failed to convince the ALA as a whole that libraries should be agents for social change for over forty years" (140).

The issue with social responsibility, from the intellectual freedom perspective, is that it tries to bring politics into non-political neutral libraries and engage with issues external to libraries themselves[25]. For example, in 1992 *American Libraries* magazine ran a photo of the American Library Association's Gay and Lesbian Task Force as their cover story. The response to the cover was, according to Steven Joyce, "swift, virulent, and homophobic" (Joyce 2008, 33), but it also exposed the limits of professional receptivity to "non-library issues". One library professional wrote that, while they were a supporter of minority rights, they would "like to see the library profession cease its endless advocacy of social issues and return to the difficult issues of operating information agencies" (quoted in (34)). Social and political causes were considered outside the professional responsibilty of librarians and librarianship[26].

Remaining impartial or agnostic towards anything "outside" libraries is an important component of neutrality. An example of the commitment to neutrality on the part of the ALA is when it rejected a resolution against the invasion of Iraq in 1991 because it was not an aspect of running American libraries and would constitute "a betrayal of our traditions and our timeless

25. One of the limitations of social responsibility is that it often *only* engages with external social problems, without turning a critical lens on libraries themselves. This is one of the gaps radical and critical librarianship tries to fill.

26. Not only does this support my claim that libraries seek to demarcate the private and the public, the cultural and the democratic, but this idea also maps to Rawls' demarcation between a narrowly-defined political realm and the non-political.

professional values" like neutrality (Rosenzweig 2008, 5). This despite the fact that American participation in the Gulf War raised library-related questions around censorship and access to information. Alison Lewis asked "in the sixth year of the quagmire of the Iraq War", whether it was "humanly possible to present *all* points of view on the war" (Lewis 2008, 1) as neutrality and intellectual freedom seem to require libraries to do.

5.6 Conclusion

If we return to a Gramscian/Hall analysis of librarianship, one question that arises is whether librarians are a class of organic or traditional intellectuals. While nowadays drawn from many different class, race, and ethnic backgrounds, librarians maintain some connections with their organic roots, but it is the role of library schools and the profession itself to inculcate librarians with the correct and proper values, outlooks, and language-games of librarianship. As a result, librarians are explicitly made to feel autonomous from and independent of their formative social relations, particulary when acting in a professional capacity. They are expected to remain neutral, to conform to the liberal ideal of the state, ostensibly having no allegiance or commitment to any particular conception of the good or any set of collective goals. The actual collective goals and conceptions of the good the profession *does* adhere to, like those of the liberal state itself, are present as common-sense, apolitical procedures and best practices. Indeed, Gramsci's description of the corporate character of traditional intellectuals describes the function of library schools, professional organizations, etc, very well:

> Since these various categories of traditional intellectuals experience through an "*esprit de corps*" their uninterrupted historical continuity and their special qualification, they thus put themselves forward as autonomous and independent of the dominant social group. ... [The] social complex of intellectuals... can be defined as the expression of that social utopia by which the intellectuals think of themselves as "independent", autonomous, endowed with a character of their own, etc.

(Gramsci 1971, 7).

The self-image of librarians as traditional intellectuals leads them to see themselves as neutral and autonomous, and therefore to think that, while, society at large may be the site of hegemonic struggle, libraries themselves are able to be either neutral venues of unconstrained intellectual freedom fostering democratic participation, or at the most sites of occasional counter-hegemonic praxis. Libraries are somehow (magically or spiritually) immune to the social conflicts that obtain outside their walls, and so the Enlightenment thesis protects librarianship from having to recognize its own *internal* role in the manufacture and maintenance of consent, its place within capitalist, patriarchal, and racist hegemonic structures. Samek summed up this perspective when she described the traditional view of the social responsibility of libraries as "keeping but not promoting ideas". In the introduction to her book *Librarianship and Human Rights*, Samek notes that

> Although intellectual freedom is the first contemporary core value embraced by IFLA, the vast majority of library and information workers worldwide do not benefit from any protection afforded by freedom of workplace speech... A disturbing situation has evolved in which library and information workers advocate on behalf of their users for those very rights and freedoms they themselves have been denied. (Samek 2007, xxii)[27]

According to the dominant view, libraries don't need to concern themselves with internal dissent over, say material concerns such as labour, because they are by definition Enlightened, utopian, democratic, "third places" (Lawson 2004) from which power hierarchies and other vectors of injustice are magically absent[28].

27. This problem became especially clear in the aftermath of the murder in Winnipeg's Millennium Library and the re-establishment of police and private security. An anonymous Instagram account (@WinnipegLibraryFacts) was created for library staff to safely describe their experience and criticize the library and the city without fear of internal repercussions.

28. "Third place" is a sociological concept describing places between the home and workplace, the public and the private. The term was coined by Ray Oldenburg to describe "neutral ground", places which "serve to level

For Gramsci, consent is not something spontaneous, it has to be produced within governed subjects (as Hall showed with the media):

> Government by consent of the governed, but an organized consent, not the vague and generic kind which is declared at the time of elections: the state has and demands consent, but it also 'educates' this consent... (Gramsci 1992, Q1, §47)

The unacknowledged role of libraries not only as crude institutions of social control but as subtle organizers of consent is the material context into which both intellectual freedom and social responsibility exist. This adds a deeper resonance to the Office of Intellectual Freedom's insistence that "the public library is the only government agency with a core mission that encompasses both the private and public purposes of the Bill of Rights" (Office of Intellectual Freedom 2006, 6). The relationship between individual and society, coming out of the original social contract thesis and informing the liberal social ontology, is a vital aspect of the maintenance of liberal-capitalist hegemony. It is also far from given or settled, but depends on whether one subscribes to the Enlightenment thesis or the social control thesis, liberal individualism or some form of social construction.

These various philosophical strands reappear - implicitly or explicitly - in contemporary LIS literature on intellectual freedom. For example Alvin Schrader wrote in a blog post for the Ryerson Centre for Free Expression that intellectual freedom is the "institutional soul of the public library" grounding the "fundamental role and value" of the library in society (Schrader 2019). For Schrader, the public library "endures as the last remaining indoor (and digital) cultural space that is non-judgmental, unrestricted, freely, equally, and openly accessible to all members of the community regardless of personal characteristics and intersectionalities"

their guests to a condition of social equality" and in which "conversation is the primary activity and the major vehicle for the display and appreciation of human personality and individuality" (Oldenburg 1989, 42). The term has regularly been applied to libraries since the appearance of Oldenburg's book. From the perspective of this thesis, Oldenburg's third places only "level their guests to the level of social equality" by excluding those who do not conform.

(Schrader 2019) despite, as we have seen, the very real judgement it makes and the people it excludes. The library "offers" a "self-determining and informing community" of thinkers and "affirms autonomous, self-formative choices". In other words, Schrader takes for granted the library's hegemonic liberal individualism. Intellectual freedom is part of the library's "value proposition" because only in a regime of intellectual freedom do "public library users make their own choices" (Schrader 2019). A through-line connecting Schrader with Mill can best be seen in Schrader's view that the value of librarianship resides in a "faith that people have the ability to make personal decisions that are good for them" and a "belief in the ability of people to form their own opinions". Schrader writes in terms that echo Mill that:

> Free speech is about distrusting the 'wisdom' self-proclaimed by those who believe they should decide for you what you can say, and hear, view and read, play with, and have access to, and what you can't - however well-intentioned they might think they are being. Trust in collective self-governance requires the long view, for both the body politic and the public library. And the long view is fundamentally grounded in intellectual freedom. (Schrader 2019)

We can see here the strawman erected by defenders of the doctrine of intellectual freedom: no matter how well-intentioned, critics of intellectual freedom are fundamentally authoritarians if not outright crypto-fascists, because they challenge (and threaten) the supposed independence of self-determining, autarkic individuals and the neutrality libraries claim to support them. The "neutral", "common sense" assumption of individual freedom and intellectual autonomy portrays any criticism of that assumption as totalitarian, ignoring or denying the long tradition of social constructionism in Western political thought. For example, in a long article written to challenge an ALA resolution to replace "neutrality" with "radical empathy" (which would give professional weight to libraries' decisions to deplatform fascists) as a guiding principle of librarianship, Michael Dudley argues that

> it is not only inappropriate on a professional level for librarians to be seeking to implement or guide such rapid changes – having been granted no such warrant

> by society to do so – but is also fundamentally anti-democratic and illiberal. In a democracy such as the United States, dramatic political, economic, and social shifts – however badly they may be needed – may only be brought about through the consent of the governed, and through existing institutions, including the market. (Dudley 2022)

Dudley here ignores the fact that even "neutral" state institutions are always already making all kinds of social and political decisions for people despite "having been granted no warrant". And so the only reason to oppose the implementation of change (even rapid change) is out of a satisfaction with things as they stand - benefiting from the status quo - which is one of the main characteristics of traditional intellectuals in Gramsci's view[29].

Besides leading to a fatal passivity, the dominant position of neutrality and intellectual freedom ignores its own positive (i.e. non-neutral) commitment to a particular social and political theory and the collective good of liberal/bourgeois survival, as well as the long-standing, intellectually rigorous alternatives that exist. Briefly put, the social-contract individualism of intellectual freedom is not a self-evident truth about society, questioned only by dissembling totalitarians; rather, liberalism is but one political commitment among many alternatives, and assuming its self-evident superiority is an ideological decision taken in advance. The question this thesis explores is why so much energy goes into making the individualism of intellectual freedom appear to be unquestionable common sense.

We are now at the point where we can say that intellectual freedom constitutes one way of policing the limit of recognition and the zone of acceptable difference for librarianship, an activity necessay to support the hegemony of the capitalist state. Intellectual freedom draws the line between collective goals, obligations, aspirations, responsibilities, and identities that are acceptable to or can be accommodated within the liberal commitment to individualism and

29. In my view, neutrality and intellectual freedom have the same effect Raymond Geuss ascribes to Richard Rorty's conception of liberal irony. Geuss writes that, in his view, Rorty's motivation is "to detach us as much as possible from trying to approach politics theoretically and to denigrate political action in a very subtle and sophisticated way. Irony stands orthogonal to any form of active, practical engagement with the world. It is a luxury of people who do not pressingly have to act..." (Geuss 2005, 27)

those which cannot. In the previous chapter, we saw how the politics of recognition created a communitarian space around the bourgeois-liberal subject, allowing limited acceptance of cultural differences, and in the next chapter we will explore how this zone is policed with both law-and-order, periodically revitalized through moral panics, and the maintenance of consent centred around sacrosanct, inviolable individual rights, which *sometimes* includes intellectual freedom. Whether or not intellectual freedom is deployed in specific instances will be one of the major questions explored in the next chapter.

6 Policing the Limits of Recognition in Canadian Libraries

> This drift into a "Law and Order" society is no temporary affair. No doubt it is, in part, a response to the deepening economic recession, as well as to the political polarizations, social tensions and accumulating class antagonisms which are inevitably accompanying it. In difficult times, it is tempting to avert the gaze from problems whose remedy will require a profound reorganization of social and economic life and to fasten one's eyes, instead, on the promise that the continuity of things as they are can be somehow enforced by the imposition of social order and discipline "from above".
>
> Stuart Hall, "Drifting into a 'Law and Order' Society"

6.1 Introduction

In this chapter I will argue that the deployment of intellectual freedom in libraries is *selective*, and in the Canadian context is bound up with issues of egalitarianism, difference, and the hegemonic project of liberal-capitalism that I have looked at throughout this thesis. Both the Toronto and Winnipeg library controversies - renting space to host a transphobic speaker, and implementing "airport style" security policies - should have raised questions of intellectual freedom and free expression according to how those doctrines are understood in library literature and professional discourse. However, in one case the doctrine of intellectual freedom was indeed central to the debate, while in the other case it was markedly absent. I argue that intellectual freedom was well-suited to police and discipline the recognition of trans people in Toronto because they challenge the stable identity (sexual and gendered) of the bourgeois

subject, and so the policing response operates by manipulating consent by deploying a concept or value (intellectual freedom). By contrast, in Winnipeg the Indigenous challenge was more material (equated with violence) and so the response ignored values and concepts in favour of a more coercive approach, which the concept of intellectual freedom would not have supported.

The idea of an identity stable over time is deeply political. The question of (paternal) identity with respect to property rights (and the conferring or withholding of a stable name as an indicator of those rights) is an old problem (Brubaker 2012), but in modern times the fluidity of identity is problematic from the perspective of a regime of rights because changing identity seems to allow an illegitimate (permissive, illegal, or violent) rejection of old responsibilities and an arrogation of new rights (Sweeney 2004; Sharpe 2020). For example, a trans woman appears, from the perspective of the set of liberal-bourgeois rights and norms, to reject her responsibility to use the men's bathroom and to arrogate to herself the right to use the women's. This "problem" only exposes the limits of a bourgeois rights regime in which rights are subject to "artificial scarcity", whose "supply" is managed by and through state institutions, as well as the classificatory logic of capitalism Hope Olson has called "the power to name" (Olson 2002).

In Hall's work on Thatcherism, he identified moral panics around many different folk devils in the UK of the 1970s - immigrants, people of colour, welfare scroungers, trade unionists, socialists - essentially anyone who possessed collectivist or communitarian tendencies at odds with the restored individualism of neoliberal politics. In Canada today we must include Indigenous and trans people. If, as we will see below, Indigenous peoples represent a Nature opposed to settler-colonial civilization, trans people tend to represent an *unnatural* rejection of "common-sense" objective reality (like individuality, stable identity, biological sex, and the bourgeois nuclear family). One of the means by which Indigenous and trans people are constructed as demonized Others (subjects of moral panics) is through the deployment of the thresholds of societal tolerance, moving further and further away from a zone of acceptable difference, a

shared view of what civil life, society, and politics should actually be like, constructed in part by the politics of recognition.

In Hall et al's model of societal thresholds (Chapter 2), the first threshold is that of permissiveness (a violation of social and moral norms which are subject to censure but do not necessitate a stronger social response). The second threshold (illegality) and third (extreme violence) provoke a response not at the symbolic or discursive level of bringing transgressors back to the norm, but of direct physical confrontation with state power. The ostensible threat posed by Indigenous people is on the order of violence rather than permissiveness, more material than symbolic, violent rather than a transgression of norms (even if it is symbolically constructed, the fear is of real physical violence). The threat of "savage" violence as well as the insistence on an alternative mode of production (Shipley 2020) means that policing, rather than a reassertion of norms, is the "correct" societal response. In addition, the racist idea that Indigenous people are violent and savage supports the idea that the coercion of force is an appropriate tactic to use. Canadians who might balk at the open use of police violence against white, middle-class trans people in well-off neighbourhood libraries are often willing to accept police violence against poor and unhoused Indigenous communities as a necessary and legitimate state response. The three thresholds of societal tolerance are all equally useful for the state and state institutions to respond to challenges at the level of consent and coercion.

"Extreme violence" is the highest threshold of societal tolerance, "since violent acts can be seen as constituting a threat to the future existence of the state itself" (Hall et al. 2013, 222), thus directly challenging the collective goal of even the most liberal societies. For Hall and his co-authors, it is important to underline that this violence threshold does not have to be reached by actual violence, *potential* violence is sufficient: "every threat which can be signified as 'violent' must be an index of widespread social anarchy and disorder" (222). This suggests a reason why physical coercion is an immediate response when the state is faced with what it sees as Indigenous people always-already prone to violence: moral consent-building around

intellectual freedom is too soft a response in the face of the violence threshold. By the same token, protests - even peaceful protests - score high on the meter of "potential violence" from the perspective of the state, which explains why the police were present in TPL (to back up the moral consent-building when faced with an actual protest), but were not the *primary* mode of response.

In this chapter, I will explore how in both Toronto and Winnipeg a concept of nature and naturalness served as a means to structure the exclusion of Indigenous and trans people from the state-regulated "zone of recognition", the zone of acceptable difference which is indexed to the liberal individual subject (white, property-owning, rights-bearing, autonomous, intellectually free) in Canadian politics, but which tolerates a measure of departure from strict individualism according to certain aspects of collective identity: class, race, gender, ethnicity, etc., as long as these are restricted to non-political, lifestyle, or cultural areas of civil life. While in the American Bill of Rights regime, the liberal individual subject is narrowly defined, the Canadian regime of the Charter of Rights and Freedoms broadens the acceptable, tolerable deviations from the liberal individual norm. This requires, however, more strategies for policing the boundary of this zone, and it is these strategies that I will explore in this chapter.

The state takes a pragmatic, political approach to which tactics it decides to employ to maintain hegemony. Indeed, hegemony is able to use any and all tools at its disposal. We should not, therefore, understand consent and coercion as completely distinct or antithetical to each other. Rather, they are points on a continuum of political responses and policing the limits of recognition (as a hegemonic strategy) relies upon both hegemonic tactics, sometimes emphasizing consent, sometimes emphasizing coercion. In Toronto, I will argue below, the priority was on the maintenance of consent among library workers and the general public (with police coercion held in reserve until needed) while the Winnipeg controversy was in the first instance about discipline and policing, i.e. coercion, with the maintenance of consent a secondary feature.

6.2 Transphobia and Toronto Public Library

In October 2019, a group called "Radical Feminists Unite" rented a room in Toronto Public Library's Palmerston branch for "A Discussion and Q & A with Canadian Feminist and Journalist Meghan Murphy". The stated purpose of the October 29 event was "to have an educational and open discussion on the concept of gender identity and its legislative ramifications on women in Canada" [1]. Murphy, a "gender critical feminist" had spoken at Vancouver Public Library (VPL) in January of that year, sparking protests among community members and leading to VPL being banned from Vancouver Pride in the summer (CBC News 2019c). Murphy herself had been banned from Twitter for repeatedly misgendering and deadnaming trans people (see Introduction).

The announcement of the TPL room rental sparked protest in Toronto among trans people, allies, and LGBTQ+ activists. One point of contention was over the library's insistence that the topic of discussion would not violate TPL's own space-rental policy, a policy that had been strengthened in 2018 in the wake of protests against the library renting space to a group of white supremacists. In July 2017, a TPL room had been booked to hold a memorial for Barbara Kulaszka, a lawyer who had defended holocaust-denier Ernst Zundel, Marc Lemire (leader of the white supremacist Heritage Front), and others (Sienkiewicz 2017). Community members challenged TPL's rental of the room at the time on the grounds that it would legitimate far-right, anti-semitic, or white supremacist views (Shakeri 2017). Initial legal advice provided by the City of Toronto suggested that

> TPL does not have the grounds to deny the booking for the memorial service based on the *Canadian Charter of Rights and Freedom* [sic], the Library's *Rules of Conduct* or other policies. From the Library's perspective, values enshrined in the

1. Pam Ryan, Director, Service Development & Innovation, Toronto Public Library, email message to various Toronto city and library managers, August 20, 2019.

> Charter and in particular, the principles of freedom of expression, are core to the Library's mission and values. (Toronto Public Library 2017, 3).

This legal advice was clearly based on an American understanding of unfettered individual rights to free expression, which ignored the balancing clause included in §1 of the Charter (the "reasonable limits" clause). After further consultation and legal advice, TPL revised its Room Booking policy to balance the individual right to free expression with the "reasonable limits" prescribed in the Charter:

> the revisions have been set out to balance the interests of a welcoming supportive environment within the provisions of freedom of speech and expression. The revised language in TPL's Community and Event Space Rental Policy communicates to those wanting to book library spaces, library customers in general, and all stakeholders throughout Toronto that hate activity is not permitted on library premises. (4)

Specifically, the Denial of Use sections of the policy depart from librarianship's traditional neutrality stating that rentals will be denied or cancelled if TPL

> reasonably believes the purpose of the booking is likely to promote or would have the effect of promoting, discrimination, contempt or hatred of any group, hatred for any person on the basis of race, ethnic origin, place of origin, citizenship, colour, ancestry, language, creed (religion), age, sex, gender identity, gender expression, marital status, family status, sexual orientation, disability, political affiliation, membership in a union or staff association, receipt of public assistance, level of literacy or any other similar factor. (5)

This limitation runs counter to a strong defence of intellectual freedom rights within the American library tradition, as we saw the discussion of the Library Bill of Rights in Chapter 5. The new TPL acceptable use policy expressly contradicts the Library Bill of Rights[2]. Indeed,

2. The current version of the Library Bill of Rights reads: "IV. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use" (https://www.ala.org/advocacy/intfreedom/librarybill).

among various defenders of absolute intellectual freedom, director of the ALA's Office of intellectual freedom James LaRue wrote in support of TPL's original policy. In his letter, after quoting from the Library Bill of Rights and reiterating the democratic discourse of librarianship and the liberal intellectual freedom position derived from Madison, Jefferson, and Mill, LaRue wrote

> In both our countries, free speech is the brand of the public library. It's what we stand for. Sometimes it is our uncomfortable duty to remind communities that free speech means more than the right to say or believe what no one objects to. Even when the speech is false or egregious, the best defense is exposure, not suppression. (LaRue and Diaz 2017)

LaRue concludes by urging TPL to stick to its policy decision, which he considered integral to the proper operation of a library. Despite changes to the TPL police, continued to defend the traditional intellectual freedom position:

> Intellectual freedom is a core public library value, and one that I will never hesitate to stand up to defend. This conversation is an important one to be having. There are so many challenges to freedom of speech in today's world – in libraries, political and government forums, on university campuses – and it's imperative that we continue to have open discourse and listen to, respect and learn from each other's perspectives. (Bowles 2018)[3]

Two years later, TPL defended its decision to rent to "Radical Feminists Unite" by referring to its commitment to intellectual freedom as well as the constitutional right to free expression. For example, in an interview with CBC, City Librarian Vickery Bowles framed the issue in terms of democracy and libraries' neutral role in supporting it:

> We are a democratic institution and we are standing up for free speech. That's what I'm standing up for. I'm not getting into a discussion about the two sides

3. In an email to all library staff on October 18, Bowles again connected the Meghan Murphy room-rental to views of library history as one of progressiveness and social justice (Vickery Bowles email to TPL staff, October 18, 2023).

> of this issue, or the three sides of this issue, or the four sides of this issue. [...] Sometimes ... when you're defending free speech, you're in a very uncomfortable position where you're defending perspectives and ideas and viewpoints that many in the community, or a few in the community, whatever, find offensive. But it's at that time that it's most important to stand up for free speech. That is what makes Canada a democratic country, and that is what we need today more than ever. (CBC Radio 2019)

A regularly-scheduled TPL board meeting held on October 22 was seen as an opportunity to express opposition to the rental and many community members and library workers attended and spoke against it (J. Schmidt 2019). Despite weighty testimony from trans people to the violence they face in Toronto and the harmful effects of transphobic speech on their lives, the TPL board did not rescind the room rental (Edwards 2019).

That the TPL-LaRue interpretation is not the only possible one is demonstrated by a significant development that arose when Ottawa Public Library (OPL) rescinded a room rental to a member of the public who wanted to screen a white nationalist film in 2019. The library used its room rental policy as justification for its decision and the renter sued the library. The Ontario Superior Court ruled that the case did not even meet the standard for judicial review, since the library as *renter* was not subject to the public provisions of the Ontario *Public Library Act* (Weld v. Ottawa Public Library, 2019 ONSC 5358). The Superior Court noted that because OPL *rented* space and did not provide it for free, "the decision at issue was not made pursuant to the exercise of a statutory power" and "does not have a public character", concluding that therefore "the application of the Charter does not arise"[4]. This decision undermines TPL's argument that legally, as a public library, its hands were tied when it rented space to Radical Feminists Unite, since it was bound by the provisions of the Charter of Rights and Freedoms.

Referring to the Radical Feminists Unite controversy, Bowles commented that

4. "while the power to charge a fee derives from a statute, the decision to rent or not to rent space to a particular group or individual or for a specific purpose is not the exercise of a statutory power" (Weld v. Ottawa Public Library).

> People in the community, on social media, have been describing this as hate speech. It's not defined under the Canadian Charter of Rights and Freedoms ... as a hate speech. Otherwise, Meghan Murphy would not be allowed to speak about these things. She would be facing criminal charges. But she's not. [...] There is a very high bar for establishing what is hate speech in this country. It is established in the Criminal Code of Canada, and that bar is very high to allow free speech to flourish.

In an all-staff communication responding to the question about the high bar set for refusing a room rental, and whether "a speaker [would] have to be convicted of hate speech by the Supreme Court of Canada in order to have a third-party booking refused", TPL management responded that "any illegal behaviour, not just hate speech, would violate the policy" but that "the bar to be met are [sic] the legal definitions of [discrimination, contempt or hatred]" [5].

Before and after the event, a discursive struggle about intellectual freedom and free speech played out in Canadian librarianship and the media[6]. TPL solicited a blog post[7] supporting its position from James Turk, Director of the Centre for Free Expression at Ryerson University and a frequent commentator on intellectual freedom in libraries (Turk 2019). Blog posts, news stories, and scholarly articles staked out both sides of the debate, but often appeared to be speaking past each other rather than seriously engaging with each other, primarily due to the differences between underlying political conceptions (Turk 2019; Schrader 2019; Popowich 2019b). Commentators who (implicitly or unconsciously) subscribed to the liberal/individualist social ontology could not find common ground with those who took a more communitarian or social-constructionist approach. Each side misread the other's interventions through the lens of their own political philosophy, impeding the finding of common ground on which to hash out the debate.

5. Vickery Bowles all-staff communication, October 28, 2019. One criticism of this view that was made at the time was that there is no legal definition of "contempt", and so the determination of what might be contemptuous behaviour is left to the judgement of the library - undermining the library's move to outsource responsibility to the law.

6. Full disclosure: I participated in these debates, primarily through the *Red Librarian* blog.

7. Vickery Bowles, email to James Turk, October 13, 2019. Turk's blog post does not disclose that it was written at Bowles' request.

We might consider looking to library values statements as a way to find such common ground. However, in library value statements like Toronto's (Toronto Public Library 2023) or Vancouver's (Vancouver Public Library 2023) individualistic values like intellectual freedom are listed alongside more community-oriented ones.

1. **Equity**: Accessibility, respect and fairness
2. **Diversity**: Valuing individual needs, experiences and differences
3. **Intellectual Freedom**: Guaranteeing and facilitating free exchange of information and ideas in a democratic society, protecting intellectual freedom and respecting individuals' rights to privacy and choice
4. **Innovation**: Encouraging creativity, experimentation and the generation of ideas
5. **Inclusion**: Welcoming participating in decision making and service development by residents and communities
6. **Integrity**: Open, transparent and honest in all our dealings
7. **Accountability**: Taking responsibility for our actions and the services we provide
8. **Service Orientation**: Providing excellent, responsive services

(Toronto Public Library 2023)

As result, debates *over* values tends to be framed as a conflict *between* values, a conflict between say intellectual freedom and diversity. Such a conflict would in theory then be amenable to the liberal procedures of recognition, pluralism, and more discussion. The conflict is seen as arising out of a lack of sufficient knowledge, rather than incommensurable social and political perspectives and values, reflecting real material struggles in North American social and political relations (for example, between Canadian capitalism based on natural resource

extraction and an Indigenous mode of production based on land-stewardship). The values - which reflect different interpretations of material reality - cannot be reconciled through better reasoning (or more debate) alone.

The idea that the contradiction between individual freedoms and social justice can be overcome simply by better knowledge (on the part of critics) and by recognizing their larger affinities (see previous chapter) was made explicitly by Alvin Schrader, a longtime Canadian advocate for traditional intellectual freedom, in the context of the TPL controversy:

> What the library profession needs is better informed critics and advocates about the core values of intellectual freedom and social responsibility and their interconnectedness. We must start with the view that constitutionally protected expressive freedom is fundamental to social justice; they are not opposite, not binaries, and never achievable one at the expense of the other. (Schrader 2019)

The dominant intellectual freedom position in Canada, which includes social responsibility in a way the American version does not, encapsulates the communitarian view we looked at in Chapter 4: the communitarian politics of recognition is not just compatible with, but *requires* the individualistic conception of intellectual freedom.

Leaving aside for a moment the suggestion that critics of TPL and intellectual freedom are simply badly informed about what intellectual freedom *is*, Schrader's insistence that "constitutionally protected expressive freedom is fundamental to social justice" ignores the constitutional limits of that expressive freedom (i.e. the "reasonable limits" clause) as well as the complex political consequences of these constitutional protections, for example Quebec's overriding of the constitution using the Notwithstanding Clause in order to protect francophone expression within the province. Schrader takes for granted the idea that there is no fundamental, incommensurable, conflict between individual and collective rights, no conflict that cannot be resolved by better information and better knowledge.

What is at stake here is discursive struggle in the name of hegemony, made clear by Schrader's (and others') argument that critics of the dominant conception of intellectual freedom are badly informed. Schrader, Turk, Bowles, and others, take for granted the dominant intellectual freedom view discussed in the last chapter: the idea that libraries are neutral and (like liberal states) have no commitment to any collective goals or conception of the good[8], that intellectual freedom is an inalienable right of autarkic individuals, and that (following Mill) any and all opinions should be debated in the marketplace of ideas. In this view, there is no problem with librarianship, no conflict between intellectual freedom and social justice - if they *appear* to contradict each other, then they have been misunderstood. The arguments of critics are dismissed as ignorance, and this attitude forecloses the very possibility of critique of intellectual freedom and the possible amelioration of the library as a social institution. If the supposed contradictions between intellectual freedom and social justice can (and can only) be overcome with better knowledge and understanding *within the terms of existing liberal professional discourse*, then there is no way to take a new perspective on these issues, no way for librarianship to change[9].

Trans exclusion can be understood in terms of the tactical deployment of the concept of intellectual freedom by library leaders and administrators (like Vickery Bowles) and their supporters (like James Turk or Alvin Schrader) as a justification of library policy. Because trans challenges to the liberal status quo are considered to be an issue of permissiveness rather than illegality or violence[10], those challenges can be met most easily with symbolic and discursive responses, such as mobilizing the discourse of intellectual freedom and the other individual rights it assumes. Rather than direct exclusion, trans people are symbolically

8. As I argued in Chapter 4, this conception of the neutral state is presumed but undermined by the politics of recognition itself.

9. One corrolary of this in library discourse is that Critical or Radical Librarianship positions are often automatically ruled out of bounds.

10. Trans people do get escalated to the violence threshold via two specific fears: women's fear of men's violence (i.e. men entering women's spaces under false pretenses), and the fear of gender-affirming surgery as a violation of female (particularly girls') bodies (Bagagli, Chaves, and Zoppi Fontana 2021).

excluded, excluded through non- or mis-recognition, and made to feel at best unwelcome and at worst unsafe in library spaces which pride themselves on being "open to all".

But in what sense do trans people challenge, merely by existing, the regime of liberal individualism and white, middle-class feminism? To explore this idea, I will turn to an exploration of the ways trans people are represented as violating a sense of the natural order of gender and stable, unchanging individuality.

6.3 Nature and the Wild I: Trans Rights

In *Wild Things: The Disorder of Desire*, Gender and Queer Theorist Jack Halberstam traces the way wildness is often associated with queerness, and notes that

> The wild plays a part in most theories of sexuality, and sexuality plays its role in most theories of wildness... The natural condition of heterosexuality, doctors, lawyers, priests, and politicians have proposed, can be deduced from the mechanics of reproduction, the morphologies of sexed bodies and the social structures of family and work. And the unnatural condition of both homosexuality and transsexuality, some of the same sources aver, can be confirmed by the Bible, multiple court cases and legal trials, medical investigations and political animus. (Halberstam 2020, 6)

Crisis brings the threat of a world without nature or God - traditional values and sources of authority - to the fore, and so it makes sense that those most threatened by the disruption of the common sense, natural order should look to "folk devils" for scapegoats. The trans threat to the "naturalness" of cisgendered heterosexuality challenges the comfortable ("natural", common sense) certainties of bourgeois life. Citing Sylvia Wynter, Halberstam describes the way

> bourgeois humanism produced an imperial order of *man* dependent on a series of

> foundational hierarchies all organized around an exaggerated sense of the power of colonial masculinity. This power, furthermore, expressed itself through seemingly neutral formulations of power - order, law, social stability - while actually constituting entire groups of people as irrational, unstable, and violent. (Halberstam 2020, 7)[11]

Calls to support and maintain "intellectual freedom" and "safety and security" are examples of the kind of "seemingly neutral formulations of power" Halberstam describes. They protect democratic civilization from the wild, unruly passions of various antisocial (i.e. anti-individualist) groups. Safety and security does this by actively policing unruly or criminal behaviour, while intellectual freedom does this by maintaining a distinction between speech and action, protecting democratic civilization from threats of non-discursive force or power (use of which is a privilege of the state). Demonizable groups are always available to bourgeois society, held in reserve during times of social peace to be summoned as scapegoats in times of crisis.

It is important to bear in mind, however, that this "calling forth" in itself does violence to the lived experience of trans people. What appear to bourgeois society to be homogeneous groups are composed of real people with real diachronic existences, lifetimes, historical trajectories. Discrimination, stigma, harassment, assault, and the synchronic selection of trans people to play the role of folk devils in the bourgeois response to crisis cuts violently across their lives. What appear to be sudden, new challenges to the bourgeois "natural" order has a history - of queer and trans struggle for example - that is suppressed and erased when they are called upon to play the role of folk devils. This purposeful extinguishment of history is a crucial part of the crisis response, making anti-trans violence, say, a component of *current*

11. It is not just men who participate in the hierarchies of colonial power. For example, Stoler notes that, for Foucault, "imperial-wide discourses... cast white women as the bearers of a more racist imperial order and the custodians of their desire-driven, imperial men" (Stoler and Stoler 1995, 35). In librarianship, Gina Schlesselman-Tarango argues that white women librarians "not only performed the work of assimilating and Americanizing those of European ethnicities, but through [their] civilizing and educational work with children also functioned to sanction capitalism, enforce traditional gender roles, and encourage deference to authority" (Schlesselman-Tarango 2016, 676).

ideology rather than having a longer history. Not history in general, but the specific history of oppression that has brought the contemporary situation into being, as Hall recognized in his famous remark about British colonialism being present but invisible in every British cup of tea (Hall 2021e, 58).

Trans people are uniquely positioned as a folk devil in the 21st century because they disrupt one of the last naturalistic or essentialist myths of Western culture, and thereby one of the last supports of the idea of a natural, pre-social individual identity (i.e. stable identity over time, supported by an essentialist view of biological sex) (Butler 1990, xi, 93–94) and they connect in people's minds this kind of disruption with the notion of an unredeemable sexual permissiveness (inherited from homophobic discourse) (Nagoshi et al. 2008). It was the project of the early public libraries to construct, ensure, and reproduce the kind of individuality that underpins the bourgeois-Enlightenment subject - represented initially by the Victorian middle class - since their creation in the mid-19th century (see Chapter 5). Furthermore, to the more conservative-minded (for example, supporters of the "parents' rights" movement in Canada and the US (Mayo 2021)) trans people represent the threat of science, technology, and the supremacy of rationality to the natural order of gender and stable individual identity, a threat to the idealized image of the supposedly natural man in political theory and liberal ideology, as well as to the "traditional" bourgeois nuclear family. Once the last defence of this "natural man" is gone, then the social contract project and the illusion of consent must also disappear[12]. It is partly for this reason that transphobia has in recent years inspired such virulent responses in defence of the "objective truths" of biological and essentialized gender[13]. Trans people must either admit the ineluctable constraints of "nature", conform to its laws and not commit

12. This is not to say that trans people can't consent to the liberal order, but that consent under liberalism relies on the idea that each individual is free and self-directing, and so their consent is not only uncoerced but sui generis. If liberalism were to discard the notion of autarkic individuals who choose for themselves, then no independent individuals would be left capable of consenting (in the liberal sense).

13. One of the anti-trans lines of attack suggests that biological sex provides an essentialist foundation for gender identity, so that when trans people suggest that their identity is not linked to any notion of biological sex (i.e. that gender is fluid), then the essentialist notion of a stable identity itself comes under threat.

the heresy of trying to overcome it, or face exclusion and vilification. This requirement is in effect even as the politics of recognition allows liberal states to appear progressive and tolerant (without actually redistributing or giving up structural power), particularly with respect to imperial projects in, and moral condemnation of, ostensibly less progressive regions (Shipley 2018).

This is only one interpretation of the trans threat. In practice, transphobic concerns around trans women are more prominent than around trans men (Rudin et al. 2023), suggesting that the concept of womanhood is challenged in a different way than a broader trans challenge to stable liberal individualism. Trans women are seen in particular as a threat to bourgeois femininity and the gains of traditional feminism (especially in terms of spaces and fields in which women do not have to compete against or be confronted by men, in organizations, locker rooms, sports, etc.) - this is the basis of "trans exclusionary radical feminism" which Meghan Murphy - the speaker at the centre of the TPL controversy - espouses (Murphy 2019, 2023). Just after the TPL controversy, for example, Murphy wrote:

> I am incredibly concerned about the way that gender-identity legislation essentially nullifies women's rights. You can't have gender-identity legislation and sex-based rights. Either sex is an immutable thing, or it is determined through self-declaration and nothing more. Either women experience discrimination because they are female, or they experience discrimination because they identify too strongly with feminine stereotypes. (Murphy 2019)

The fear of sexual violence perpetrated by men against women participates in widespread "desegregating" fears, particularly with respect to segregated washrooms and prisons (Shreve 2022). Besides a broader threat to liberal individualism and stable identity, it is important to recognize that trans women in particular are particularly threatening to bourgeois (particularly white) concepts of femininity.

We must not lose sight of the racialized nature of these dynamics either. Vron Ware, in

her account of the ideological representation of white women, links whiteness and femininity to a particular image of the social order that is relevant to the discussion here. Ware notes that Enoch Powell began his 1968 anti-immigration "Rivers of Blood" speech by referring to the last remaining white woman on a street in Wolverhampton which had been "taken over" by people of colour. Powell's speech "gave new power to the image of the vulnerable, elderly, white woman, victimized and bullied by an alien people" (Ware 2015, 5).

For Ware, "the combination of old age and feminism works to convey the powerlessness and physical frailty of a white community threatened by the barbarism of the unwanted black 'immigrants' who neither understand nor have respect for the values of civilisation" (5). Feminism, Ware continues, "has tended to deal with the representation of white women in terms of gender, class and sexuality without also acknowledging the dynamics of race" (18). The Othering of trans people as a threat to womanhood, femininity, and the the social order is framed in a similar way: with white women represented as a natural biological category in need of protection from an Othered threat. This image of white femininity under attack continues to be the focus of anti-trans radical feminist rhetoric, for example when Meghan Murphy writes that "the trans ideology is a threat to womanhood" (Murphy 2019) or when Abigail Shrier writes that trans men "flee womanhood like a house on fire" (Shrier 2020, 22).

The objective, natural "truths" of liberalism - like social contract individualism or natural womanhood - are politically vital because they support the idea of democracy and the consent of the governed, by making every voter autonomous, capable, and solely responsible for their own uninfluenced choice (in theory: various groups, including women, have had to fight to show they are autonomous, capable, and responsible liberal citizens in this sense (Benhabib 1992)). We can take Schelling's as perhaps the clearest expression of liberal-individualist freedom: "Free is what acts only in accord with the laws of its own being and is determined by nothing else either in or outside itself" (Schelling 2006, 50).

As I argued in Chapter 4, the politics of recognition moderates liberal individualism but does not reject it, maintaining that collective relations must be taken seriously, fostered, and supported while at the same time remaining subordinate to individual rights and freedoms founded on a pre-social individual identity (i.e. the natural man in the state of nature). It is a truism of social contract theory that only such individuals who ontologically pre-exist social relations can consent to be bound by them. Rousseau, for example, writes:

> There is only one law which by its very nature requires unanimous consent. That is the social compact: since civil association is the most voluntary act in the world, every man having been born equal and master of himself, no-one can under any pretext whatsoever, make him a subject without his consent (*aveu*).[14] (Rousseau 1964, 440)

The limits of recognition defend the liberal notion of consent just as it does the liberal notion of freedom: if subjectivity were seen as fully socially constructed, then consent in its bourgeois sense becomes meaningless[15]. If an "absolutist" conception of individual freedom is rejected in favour of social construction, then Rousseau's claim that "from universal silence we must presume the consent of the people" (369) becomes untenable[16]. Judith Butler clearly identifies the importance of this pre-social naturalism or essentialism in her account of the

14. The word *aveu* is translated here as "consent", but a more accurate translation would be "avowal" describing the recognition of another's sovereigny.

15. This critique of consent has been an important focus of feminist scholarship, see (White and Niles 1990) and (McGuinness 1993).

16. Despite Sharon Krause's contention that "nobody believes that individuals are perfectly sovereign" (Krause 2015, 2), Nozick derives his libertarian conception of liberty from Locke's "perfect freedom" (Nozick 1974) and the idea of the "sovereign individual" (Davidson and Rees-Mogg 2020) has gained prominence in recent years in the development of "sovereign citizen" and "freemen-on-the-land" movements in the US and Canada. Krause argues that "the normative individualism inherent in the ideal of personal sovereignty is a fundamental precondition of liberal democracy, and it should never be abandoned. But the descriptive claim that agency consists in the capacity for personal control over one's action, that it is an internal property located in the individual will, and that it always takes the form of intentional choice is something that should make us skeptical" (Krause 2015, 3–4). Krause's conception of non-sovereign agency - "an emergent property of intersubjective exchanges" - shares much with Hegel's and Taylor's, and she also shares with them a project of trying to reconcile non-sovereign agency with liberal-capitalist society. In my view social construction is stronger than Hegel's, Taylor's, or Krause's intersubjective, non-sovereign agency and is incompatible with liberal-capitalism, which is why liberal-capitalism has to expend so much energy constantly maintaining its own hegemony.

"presocial ontology of persons who... constitute the legitimacy of the social contract" (Butler 1990, 5).

The threat of the destabilization of "natural" categories - a binary conception of sex, for example, as well as of a stable conception of individuality, including gender expression, fixed at birth (and therefore not subject to social, economic or political conditions) - then becomes clear: if liberal rights and freedoms, as well as the consent of the governed they enable, are built on a fundamental natural individualism, then any adherence to a shared or collective identity - especially an identity that rejects a pre-social, natural foundation, and one that can change over time - is anathema, destructive of the (properly liberal) social order[17]. Collective identity is marked by the shadow of collectivism, the communal/communist Other of liberal possessive individualism. Antifoundational theories of social construction challenge the naturalism of a pre-social state of nature.

In Canada transgender identity is rhetorically and ideologically framed as an at least permissive threat to the zone of recognition the liberal regime has created, which is why the policing of that zone so often means (symbolically) excluding trans people. They are not prevented from entering library spaces by the presence of metal detectors and bag searches, but they are made to feel unsafe and unwelcome by libraries' symbolic anti-trans views. They are officially "recognized" as possessors of rights and dignity[18], but it remains acceptable to openly denigrate them, as concerted anti-LGBTQ+ protests across Canada on September 20, 2023 showed. These protests were predominantly anti-trans, protesting the conspiracy theory that schools and school libraries were coordinating a trans agenda aimed at converting children ("Anti-LGBTQ protests planned across Canada as counterprotests combat 'hate-fuelled' mes-

17. Compare Foucault: "Do not ask who I am and do not ask me to remain the same: leave it to our bureaucrats and our police to see that our papers are in order" (Foucault 1972, 17).

18. for example in the Canadian Criminal Code and Human Rights Code. Gender identity and gender expression were added to the list of prohibited grounds for discrimination in the Canadian Human Rights Act and the Criminal Code in 2017. The amendment also added hate propaganda gender identity and expression to the Canadian definition of hate speech. These amendments sparked controversy in Canada, notably by University of Toronto psychology professor Jordan Peterson.

saging", *The Globe and Mail*, September 20, 2023). What the Toronto case shows is precisely the way that libraries "recognize" trans people while continuing to provide a platform that allows them to be represented as (mis-recognized as) disruptive and dangerous threats to the natural social order. The symbolic if not physical "excludability" of trans people from library spaces is an integral element in the demarcation and policing of the zone of acceptable difference[19]. By platforming anti-trans speakers and explicitly maintaining that transphobic views are acceptable opinions to be included in the marketplace of ideas, libraries - especially given the trust and disinterested authority they have in the public mind - make trans people feel unsafe and unwelcome in library spaces. It is easier to see how this is the case if we try to imagine a public library platforming an openly racist or anti-semitic speaker: notwithstanding the priority given to intellectual freedom in Canada, it would not be used to defend openly racist and anti-semitic views.

The dynamic of destabilization tends to provoke an attempt to develop a "correct" definition and to make it natural and common sense. This attempt at raising specific categories to a level of metaphysical purity (i.e. what constitutes a "real" feminist or a "real" man or woman) struggles against their worldliness, their implications in specific cultural struggles and power dynamics, their social-construction. For example, we have already seen how trans-exclusionary radical feminism constructs trans women as not "real" women, and trans men as "fleeing" but never fully escaping womanhood (and therefore never becoming "real" men). This process of narrowly delimiting and policing what counts as "real" - acceptable - womanhood has a long and fraught history in feminism. In her account of the feminist "sex wars", Gayle Rubin quotes Meryl Fingrude, one of the organizers of a 1986 conference on "Feminism, Sex-

19. Being "excludable" might be thought of along the same lines as Butler's "ungrievable". Populations, in Butler's view "are to some degree produced by their common exposure to injury and destruction, the differential ways they are regarded as grievable (and worth sustaining) and ungrievable (already lost and, hence, easy to destroy or to expose to forces of destruction)" (Butler 2020, 312). Government and police inaction with respect to Murdered and Missing Indigenous Girls and Women (MMIWG) and, more recently, a Winnipeg serial killer preying on Indigenous women, demonstrate how Indigenous people - particular women - are considered particularly ungrievable in Canadian society.

uality, and Power", about the narrow definitions of femininity acceptable to radical feminism at the time:

> Radical feminism, as it was presented at our conference, has a very narrow range of vision... it was at the level of intellectual and personal freedoms that these radical feminists threw me into despair... Above all, it was unnerving to see, with each successsive presentation, incredibly narrow and specific lines drawn around sexual practices that were permissible if one wanted to be a real feminist... any inquiry that proposes to raise questions about the content of these categories or even argue that these are dangerously limiting is labeled non-feminist, anti-feminist, or fascistic. (Rubin 2011, 34)

Looking back at her "Thinking Sex" article of 1984, Rubin notes that both sex work and "transsexuality" were "inconvenient facts" for the article, in that "they reveal the limitations of the theoretical model and conceptual distinctions" developed in it. Susan Stryker criticized the narrowness of the categories of "Thinking Sex" when it came to trans people, particularly for categorizing trans practices "as sexual or erotic acts rather than expressions of gender identity or sense of self" (Stryker 2008b, 130). For Stryker, the resurgent trans movement of the 1990s posed a challenge to queer theory similar to the challenge of sexuality to feminism described by Rubin. The transgender movement "asked whether the framework of queer sexuality could adequately account for transgender phenomena, or whether a new frame of analysis was required". Rubin accepts Stryker's critique, noting that a better way to have addressed trans issues in "Thinking Sex" would have been "to ground my argument in feminism's own core critiques of gender roles and anatomical determinism" (Rubin 2011, 36).

Despite the long history of trans activism (for example in the Compton's Cafeteria riot of 1966) and the availability of narratives of trans experience (such as Jan Morris' 1974 memoir *Conundrum*), Stryker notes that in the 1980s, vilification of trans people *increased*, often centred around nature and biological determinism. Stryker quotes a 1986 letter to the editor of a San Francisco lesbian newspaper arguing that "one cannot change one's gender... People

who break or deform their bodies [act] out the sick farce of a deluded, patriarchal approach to nature, alienated from true being" (Stryker 2008b, 110). Contemporary anti-trans rhetoric continues to repeat this notion of an essentialist "true being".

"True being" in this case means the essentially gendered nature of the body which "correctly" gendered people may try to "flee" but cannot escape. It is this true essence of the gendered subject that Murphy, for example, argues is under attack by "trans ideology" (Murphy 2019). The real, true, underlying essence of gender *must* in these narrow (and heavily policed) terms be reflected in an equally narrow outward anatomical expression. In this sense, gender is understood within trans-exclusionary radical feminism in a similar way as the reflective theory of language criticized by Hall and others. According to this view, both language and gender refer directly to an underlying natural, objective, physical reality. In this way, what is "natural" partakes of the true, essential nature of things, and then elides with what is only normative (but portrayed as natural) in hegemonic Canadian ideology. What is unnatural is by definition excluded (trans people), but by the same token whatever is so natural as to be uncivilized is equally intolerable (Indigenous people with their capacity for violence). The zone of acceptable, tolerable, recognizable difference circumscribes a narrow definition of reality, and in particular individualism, that appears to Canadians to be progressive and broad-minded but is still too little to challenge the hegemonic certainties of liberal-capitalism.

Butler has argued, for example in *Bodies that Matter*, that the idea of "nature" when it comes to both gender *and* sex are discursively constructed in such a way as to erect a zone in which "real humans" are culturally legible (in part, precisely because they are sexed and gendered). The idea of nature as pre-linguistic, pre-discursive, and pre-social underpins the discursive conception of sex and gender, so that the natural which was valueless (because empirical fact) "assumes its value at the same time that it assumes its social character, that is, at the same time that nature relinquishes itself as the natural" (Butler 2011, 5).

The distinctions between the natural, the civilized, and the unnatural involve a set of names which are "at once the setting of a boundary, and also the repeated inculcation of a norm" (Butler 2011, 8). For Butler, these names construct a discursive field "that orchestrates, delimits, and sustains that which qualifies as 'the human'"[20]. What I am arguing here is that Canadian politics performs this operation not only to delimit the more general category of "the human", but a more specific subjectivity as well: the Enlightenment-liberal-bourgeois subject. Trans people are represented as unnatural, other-than-human, and so they are excluded, refused the status and rights of the bourgeois subject inside the zone, but are also "refused the possibility of cultural articulation" (xvii) on their own terms. They are reliant on the terms set by those inside the zone: conservative parents, trans-excusionary radical feminists, and others, who narrowly delimit their conception of civilized men and women.

Butler argues that if one accepts a socially constructed theory of language, the category of biological sex itself must also be understood as cultural/constructed. In her discussion of Butler, Stryker writes that

> The way a gender system points to the body as a form of evidence that proves its truth is just a discourse, a story we tell about what the evidence of the body means. This discursive truth achieves its reality by being perpetually 'cited' (referred to over and over again in medicine, law, psychiatry, media, everyday conversation, and so forth) in ways that, taken all together, effectively make it real. (Stryker 2008b, 132)

In Stryker's view it is because of the new way of thinking about sex, gender, and reality opened up by the transgender movement that "new 'truths' of transgender experience, new ways of narrating the relationship between gendered sense of self, social role, and embodiment, could begin to be told" (Stryker 2008a, 132). But "new truths" are precisely the antithesis

20. Cf. Wynter: "In the wake of the West's second wave of political expansion... it was to be the peoples of Black African descent who would be constructed as the ultimate referent of the 'racially inferior' Human Other, with the range of other colonized dark-skinned peoples, all classfied as 'natives', now being assimilated to its category - all of these as the ostensible embodiment of of the non-involved backward Others - if to varying degrees and, as such, the negation of the generic 'normal humanness,' ostensibly expressed by and embodied in the peoples of the West" (Wynter 2003, 266).

of timeless, eternal metaphysics or "natural common sense" and by definition challenge settled ideology and hegemonic stability. Thus, simply *by existing*, trans people constitute a challenge to the liberal political and social order, an order based on the idea of natural and essentialist pre-social "true [human] being"[21].

The discursive references to nature and true essence are mechanisms by which the zone of acceptable difference is constructed and maintained. Butler notes that the

> Exclusionary matrix by which subjects are formed... requires the simultaneous production of a domain of abject beings, those who are not yet 'subjects,' but who form the constitutive outside to the domain of the subject. The abject designates here precisely those 'unlivable' and 'uninhabitable' zones of social life which are nevertheless densely populated by those who do not enjoy the status of the subject, but whose living under the sign of the 'unlivable' is required to circumscribe the domain of the subject. (Butler 2011, 3).

Thus while references to "nature" are not in and of themselves a problem, they become politically significant when, as with trans people, they become "the discursive means by which the heterosexual imperative enables certain sexed identifications and forecloses and/or disavows other identifications" (3) by excluding them from the zone of acceptable difference.

The alienation from the true or natural order of things presents, on the one hand, a real challenge to essentialism and determinism and, on the other hand, an opportunity to raise trans people to the level of an existential threat to liberal common sense and its form of life. Trans people thus become easy targets of demonization and moral panic for the purpose of effectively policing the boundary of the zone of recognition. The defence of transphobes' rights to intellectual freedom is just a *mechanism* by which this occurs, and the individualist conception of intellectual freedom underpins it, with both acting as tactics or tools of the hegemonic project. It is for this reason, for example, that between 2017 and 2021 the *only* position

21. As Butler puts it: "As a sedimented effect of a reiterative or ritual practice, sex acquires its naturalized effect, and, yet, it is also by virtue of this reiteration that gaps and fissured are opened up as the constitutive instabilities, as that which escapes or exceeds the norm (Butler 2011, 10)."

statements on intellectual freedom put out by the Canadian Federation of Library Associations (CFLA) - prepared by its Intellectual Freedom Committee - are those that "defend works or events that are critical of trans peoples' gender expression" (J. Schmidt 2021). In a similar vein, it is no accident that the Seattle Public Library (SPL) won *Library Journal's* Library of the Year Award in 2020, the same year SPL provoked community protest and a police response for renting library space to the anti-trans Women's Liberation Front (M. Schwartz 2020)[22].

Because trans people pose a challenge to liberal ideology and *cultural* hegemony, they present (in the first instance) a challenge of permissiveness rather than violence, and do not threaten the functioning of the library itself (as the imputed violence of Indigenous peoples does), they can be met with symbolic, cultural, ideological responses that focus on the manufacture and maintenance of consent rather than coercion, along the lines explored by Hall. For example, just as a television programme may encode its vision of frontier individualism in its portrayal of the American west (Hall 2021b), the ostensibly impartial and trustworthy library gives weight and legitimacy to transphobic representations when it hosts, platforms, or displays them, using its commitment to intellectual freedom to legitimate its decision and justify its impartiality and trustworthiness. It is for this reason that libraries bring intellectual freedom to defend the platforming of a transphobic speaker: to meet the challenge on the level of ideology and hegemonic maintenance. Because the controversy in Toronto centred on trans rights, the defence of intellectual freedom was a major component of the library's response.

What was different in the Winnipeg case was that Indigenous people in Canada have traditionally been equated with a violence, that threatens the material well-being of bourgeois Winnipeggers as well as the functioning of the library. By crossing the symbolic threshold

22. Despite the universalist rhetoric of intellectual freedom and library value statements, libraries are selective about which communities they recognize and serve. When SPL won the Library of the Year Award, the Executive Directory said that the award was "a well-deserved recognition of their commitment to involving community voices in programs, reducing barriers to access and actively pursuing key partnerships" (Seattle Public Library 2020), apparently not understanding how much the hosting of gender critical speakers alienated the trans community. *Library Journal* gives out annual "Mover & Shaker" awards to individual librarians, and in the wake of the SPL award, many of these librarians returned their own awards.

from permissiveness to violence, the Indigenous "threat" requires a different response from the library. The library can no longer act as neutral arbiter of social problems it has no stake in, and so the intellectual freedom justification is inadequate[23]. By reaching for law-and-order and focusing on new safety and security policies, the library could leave intellectual freedom out of the equation and focus more on policing, force, and coercion. Given the groundswell of support for TPL's intellectual freedom stance, it is surprising that the same intellectual freedom stalwarts - leaders of various libraries and library associations - remained silent when WPL implemented its security policy, a policy that *clearly* violated the traditional understanding of intellectual freedom. We will explore this dynamic in the next two sections.

6.4 Anti-Indigenous Racism and Winnipeg Public Library

If we were to accept the primacy of intellectual freedom over other library values, even in a "first among equals" sense, then it would certainly be surprising that the value was never raised in the context of "airport-style security" at Winnipeg Public Library (WPL). But when we consider that, far from being an eternal or metaphysical value, intellectual freedom is a mechanism best suited to police and guard *some* challenges to the liberal order and not others, then its absence from the WPL controversy makes sense. Because the WPL debates were around the *material* challenge posed to liberal hegemony and its zone of acceptable recognition (physical violence and the disruption of the functioning of the library), coercion and force were more important than the manufacture of consent and so intellectual freedom was not the best approach to take. In Winnipeg, safety and security - rather than the individualist conception of intellectual freedom - became the conceptual focus of the debate[24].

23. Not just inadequate, but contrary to the policing requirement. A strong argument can be made that the WPL security policies in themselves violate the doctrine of intellectual freedom in its own terms. No-one either on the library side or the critical side made this argument during the WPL controversy, both because it was insufficient in the face of state coercive power, and because it would have been counterproductive from the library perspective.

24. In *Security, Territory, Population*, Foucault describes the apparatus of security as requiring "a whole series of techniques for the surveillance of individuals, the diagnoses of what they are, the classification of their mental

The new security measures were prompted by a "huge increase" in aggressive incidents, according to Winnipeg Public Library services manager Ed Cuddy.

> We had a fight break out where one individual pulled out an axe, like a hatchet. We've had masked gang members come into the library in disguise, fanned out, stake out the building. (CBC News 2019a)

Once the new security measures were put in place, Cuddy remarked that library staff

> don't feel apprehensive about coming in. [...] These are people just trying to make a living who are passionate about libraries, and I think they deserve to be safe and feel safe in their workspace, as do the customers coming in. (CBC News 2019a)[25]

Commenters on the CBC News report were generally in favour of the added security, and continued to draw exclusionary lines around particular groups of people:

> There are good reasons for the beefed-up security at the library and the recent findings provide them. There are simply too many deadbeats infesting the downtown area, and if they're allowed to use the library or any other public space as a drop-in center, it's a guarantee that violent incidents will escalate. The authorities are doing the proper thing by taking stronger measures here, and those who don't like them should find other places to hang out because all it would take would be another violent incident or a murder and the security would have to be tightened even further.

Millennium library was itself characterized as a

structure, of their specific pathology, and so on; in short one has to appeal to a whole disciplinary series that proliferates under mechanisms of security and is necessary to make them work" (Foucault 2007, 22). It is in this sense that coercion and consent are on a continuum and the lines between the cultural and physical policing of the zone of recognition cannot be entirely clearly drawn.

25. The adoption of the word "customer" for library patrons or users has been widely debated within the profession, as it suggests a switch from a public service vision of libraries to a neoliberal, consumerist vision (Walton 2012).

> showcase money pit, in reality is a drop-in center for the indigent and street people of downtown Winnipeg. Hang out, pass out, and go shopping for unattended items. Dump more money in here while underfunding and shutting down community [= wealthy suburban] libraries.

The class nature of this demarcation is summed up concisely in the remark that "bums don't pay taxes", connecting library use with a particular image of liberal citizenship (in Canadian society, there is a persistent myth that Indigenous peoples don't pay taxes (Vowel 2016, 135–140)). In addition, in a reversal of the European model (e.g. Paris with its wealthy *centre-ville* and its racialized *banlieues*), prairie cities like Winnipeg tend to embrace suburban sprawl, with white settlers abandoning the inner-city for the safer (because wealthier, more isolated, and more homogeneous) outskirts[26].

The use of police force to repress the savagery of the "natural man" is a tried and true method of settler-colonial society. While Hall wrote about an imperial metropole confronted with large numbers of colonial subjects "at home", his account of the racialized response in conjunctures of crisis applies just as well to settler-colonial societies like Canada's:

> The legal harassment of the black colony populations, the overt racist homilies against the whole black population by judges in court, the imposition of tough policing and arrest "on suspicion" in the colony areas, the rising hysteria about black crime, the identification of black crime with "mugging", must be seen in the wider context of [the] decisive turn into "popular authoritarianism" (Hall 2021e, 64).

If we think of Winnipeg as one such "colony area" or outpost in the context of a Cana-

26. According to Owen Toews, this process was one of explicitly racialized dominance. Having been pushed out of the city centre, Winnipeg's Métis initially settled on the outskirts of the city, for example in Rooster Town, but as working-class consumption and social mobility both increased, white workers began to desire home-ownership in the only areas where there was space: the already-occupied outskirts. In a process Toews equates with the *terra nullius* doctrine, white Winnipeggers immiserated and then displaced Métis occupants of suburban areas (Toews 2018, 113–118). Toews remarks that "suburbanization established new racial structures of feeling... [in which] the victim-blaming way of seeing suburban Indigenous communities... updated and reinvigorated white pity and disdain for Native communities within city limits [and at the same time] established a new geographical division within the city's working class, encouraging suburban workers to view their urban counterparts as the source of their own misfortunes" (118).

dian liberalism centred on the "golden triangle" of Toronto, Ottawa, and Montreal, then it becomes clear how Hall's account of the treatment of colony populations applies equally to Indigenous peoples. As sites of the various interlocking crises - drugs crisis, housing crisis, employment crisis, etc.

> The colony areas [become] the incipient basis for an increasingly restless and alienated sector of the population... Practically they have to be *policed* - with increasing strictness. But, also, the crisis has to be explained - ideologically - and dealt with: contained, managed. Blacks become the bearers, the signifiers, of the crisis: racism is its "final solution". The class which is called upon to bear the brunt of the economic crisis is divided and segmented against, and within, itself - along racial lines. (Hall 2021e, 65)

This is precisely what has happened to Indigenous people living in poverty ("increasingly restless and alienated") in the broader context of poor and working-class people in the have-not city of Winnipeg[27]. It provides a clear context for the hegemonic role played by Winnipeg Public Library, allowing the library to leverage middle-class (suburban/taxpaying) moral panic around what they consider to be all-too-natural and irrational savagery, violence, and crime in order to reinforce the law-and-order line at the limit of recognition.

While social service funding cuts, a housing crisis, and endemic poverty provide the context for downtown Winnipeg's social problems, these are not new. The pre-COVID, pre-cost-of-living-crisis expansion of security in downtown Winnipeg was justified by a purported methamphetamine crisis (Annable 2019; Hoye 2019) but, following Hall, we must also be aware of how increased criminalization of marginalized people and heightened moral panics leading to calls for more law-and-order figure into increased funding and the militarization of police. The moral panic relies on the idea of a novel wave of criminality, but the dynamic

27. As noted earlier, Winnipeg is founded in colonial expansion twice over, first as an actual overseas colony founded and supplied by Lord Selkirk (Red River, founded 1811), then as an administrative centre of the colonial expansion of the new federal state in Ottawa in 1869 (which provoked the Métis Red River resistance led by Riel and prompted the formation of the province of Manitoba in 1871).

of the security response is anything but new. Historically, collaboration between racial capitalism[28], the city police, and fearful white settlers has been a mechanism of oppression and marginalization, further entrenching state power (Toews 2018). Dr. Bronwyn Dobchuk-Land, a researcher at University of Winnipeg specializing in settler-colonial violence and the carceral logic of liberal states, was one of the members of Millennium4All, a community group that arose in response to the WPL security measures. Dobchuk-Land connects security measures at the library with anti-poor and anti-Indigenous policies more broadly: "Being familiar with Millennium Library and the kind of space it is and who uses it, and being familiar with the way the police work in Winnipeg with public discourse and security you just know immediately who it's intending to keep out" (quoted in (Wilt 2019, 4)). The added security at WPL led to a large drop in usage and the exclusion and increased marginalization of already vulnerable populations for whom, in the face of drastic cuts to social services, the library was often the only public place they could go during the day (Selman et al. 2019).

While WPL did not name Indigenous peoples as the specific threat to safety and security, Winnipeggers recognize the coded ideological content (Dorries et al. 2019, 32, 110). For example, "gangs" in Winnipeg universally refers to organized gangs of Indigenous youths, part of the way "racialized policing can be said to constitute one of the colonial projects through which race is interpreted and given meaning and the means by which the settler colonial order of a society is reproduced" (179). The question raised by this kind of real and discursive exclusion is this: even if we accept, with WPL, that those who are excluded from the library somehow are undeserving of safety and security, surely the individual egalitarianism of librarianship's liberal orientation means that they have a right to intellectual freedom. We will look at this issue in the next section.

28. See Chapter 4. Rather than capitalism being, as it were, incidentally racist, a mode of economic production and a separate racialist social order, Robinson argues that race and racial difference are integrated within modern capitalism, with people of colour occupying not just a specific social niche, but an economic one. This is related to but distinct from settler-colonial capitalism, which is more concerned with the extinction of Indigenous populations as an economic and social force than with their exploitation *as* Indigenous workers.

6.5 Nature and the Wild II: Indigenous Peoples

It is tempting to think that the absence of intellectual freedom from the Winnipeg Public Library controversy was purely pragmatic. On that view, WPL did not raise intellectual freedom as a defence because it did not serve the underlying purpose: to increase the securitization of the library and the marginalization of Indigenous people in downtown Winnipeg. On this basis, it could be argued that intellectual freedom is simply a tool for allowing libraries to do what they want. Because WPL's leadership were aiming at increasing security and were willing to sacrifice the intellectual freedom of those people deemed to be a threat to that goal, arguments about intellectual freedom would only have been counterproductive.

There is something to this pragmatic view. I suspect that arguments around intellectual freedom simply appear irrelevant in certain instances, again supporting the idea that it is a political tool rather than an eternal value or principle of the profession. But, as I have been demonstrating throughout this thesis, the issues around intellectual freedom, recognition, and hegemony are more complex than a purely pragmatic or tactical response would suggest.

One of the legacies of settler-colonialism is fear of Indigenous peoples and their tribal, non-individualist forms of life. The pre-social individual ideal of the social contract was historically limited to white property-owning men. Women, slaves, and - in particular - colonized peoples, lacked the capacity for individuation and therefore the status and rights that come with it. They became "categories" rather than separate, identifiable people with rights and legal standing, and it is this perceived lack of individualism that allows Indigenous people to be represented as challenging the objective common sense of "Canadian" (i.e. settler) life, which is founded on such individualized identities (because capitalism itself is founded on such individualism, Indigenous peoples' insistence on a non-capitalist mode of production is tightly linked with this anti-individualist challenge). The reason the intellectual freedom rights of In-

digenous peoples were not at issue in Winnipeg is precisely due to the racist homogenizing of the mob common to the settler-colonial experience. Indigenous people in downtown Winnipeg do not qualify for individual rights because - to many people - they are not individuals. Rather, they are faceless (unrecognizable) members of a pre-individualized or non-individuated mob. In "Policing Racialized Spaces", Elizabeth Comack recounts Indigenous experiences of police harassment of people who "fit the description": "When interviewed, Indigenous men report being regularly stopped by the police and asked to account for themselves. When the men ask 'What did I do wrong?,' the typical response is 'You fit the description' because the police are looking for an Indigenous man as a suspect in a crime" (Comack 2019, 184)[29]. One interviewee recounted an exchange with a police officer:

> A cop got out [of his vehicle] and grabbed me without asking me, like, without even telling me what the hell is going on. Like, I asked him, 'What's going on?' He says, 'Quiet. You fit the description of somebody we're looking for.' 'Well, what's the description?' 'White t-shirt, blue jeans, long hair, ponytail.' I says, 'Don't forget where you are, man. You're in the North End. How many Native people in the North End have long hair and are wearing a white t-shirt?' (185)

"Fitting the description" becomes the coercive flipside of the politics of recognition.

It is a cornerstone of the settler-colonial outlook that colonizers introduced all the benefits of liberal society (Dorries et al. 2019, 11; TRC 2015, 46–47), including individualism and individual rights, to those "primitive" societies that had not progressed past the indistinguishable belonging of the collective or tribe[30].

The image of the faceless, savage horde surrounding embattled settler-colonial civilization is a common one. In "New Ethnicities", Hall describes the "necessary fiction" of racist

29. Compare this with the British police's use of the 1824 Vagrancy Act in order to stop, search, and arrest Black youth"on suspicion" (i.e. loitering with intent to commit a criminal offence). Complaints of overpolicing, and particularly the Mangrove Nine case in 1970, led to campaigns against the "sus laws" (Hall et al. 2013, xvi, 390).

30. See Ursula K. LeGuin's *Word for World is Forest* (1972), inspired by American attitudes towards the Vietnamese during the war, for an exploration of this idea.

society, "namely, either that all black people are good or indeed that all black people are *the same*", noting that it is one of the predicates of racism that 'you can't tell the difference because they all look the same'" (Hall 2021d, 249). In news media, Edward Said remarks in *Orientalism* (1979), "the Arab is always shown in large numbers. No individuality, no personal characteristics or experiences. Most of the pictures represent mass rage and misery..." (Said 2003, 287). If trans people represent a challenge to social contract individuals *as* stable and natural individuals, Indigenous and colonized people represent the facelessness of a state of nature that cannot even lead to the individuation necessary for a social contract or civilization.

That the threat posed by an undifferentiated, non-individuated Indigenous mob is an existential one is made clear in many cultural and political phenomena. For example, the faceless, mass lack of individuality in settler-colonial cultural production leads Stefano Harney and Fred Moten to discuss the concept of being "surrounded" by the folk devils of colonial mythology, citing Michael Parenti's analysis of Hollywood depictions: "in films like *Drums along the Mohawk* (1939) or *Shaka Zulu* (1987), the settler is portrayed as surrounded by 'natives', inverting, in Parenti's view, the role of aggressor so that colonialism is made to look like self-defense" (Harney and Moten 2013, 17)[31]. The specific challenge of Indigenous peoples is due to the fact that, since European Contact, they have represented not only a threat to the strict social, religious and perhaps especially sexual mores the settlers brought with them from Europe. Under the heading of "going native", Indigenous peoples also represent the wild beasts the settler thinks they will become if they fail in their civilizing mission (Shipley 2020, 29).

What is applied first and foremost to colonial subjects abroad can also be applied at home to repressed populations when the colonizing power has, as in the case of Canada and the US, been patriated. Marianna Torgovnick identifies how various underclasses in American society become reduced to facelessness: "These Others are processed, like primitives,

31. I.e. another example of Tuck and Yang's "settler move to innocence" (Tuck and Yang 2012).

through a variety of tropes which see them as a threatening horde, a faceless mass, promiscuous, breeding, inferior - at the farthest edge, exterminable" (Torgovnick 1991, 18). In 1993, Hall noted the way in which European high culture had always positioned itself "against the barbarians, against the people rattling the gates" (Hall 1993b, 104).

Despite the numeric preponderance of settlers over Indigenous people in Canada, the image of an embattled outpost remains a potent part of the settler imagination, not least in Winnipeg. Winnipeg began as a small settler colony, hundreds of kilometres beyond the Westernmost Canadian settlement, funded and supplied by the Scottish Lord Selkirk (W. Morton 1957). The early settlers relied on Indigenous peoples to survive and in 1869-70 found itself at the centre of the Red River Resistance, a large-scale Indigenous rejection of Canadian government authority led by Louis Riel, which constitutes the founding event of Métis nationhood and the founding of the province of Manitoba (Reid 2008). Today, Winnipeg has the largest urban Indigenous population in Canada (Nejad et al. 2019, 417) which, combined with being in a relatively poor province (Gregor 1997, 115), exacerbates questions of race, class, and settler power. Having been separated from their land and their livelihood (because neither could be accommodated to the needs of capitalism, particularly capitalism based on resource extraction), Indigenous people in Winnipeg and across the prairies have been largely reduced to a dependent, racialized population who are generally not seen by the settler population or the government as deserving or qualifying for social, political, or economic support, let alone full participation in prosperity or public life (Dorries et al. 2019). The racialized nature of the the Indigenous underclass in Winnipeg society implicitly underpins library decisionmaking and policy.

The image of the savage Indigenous population is not restricted to places like Winnipeg; it runs through Canadian history from the beginning, as the report of the *Canadian Truth and Reconciliation Commission* can attest. The purpose of the residential schools that were the focus of the TRC was to remove Indigenous children from their "savage" surroundings, the

better to imbue them with the values, habits, and beliefs of white civilization. In 1668 a French Ursuline nun complained that

> It is however a difficult thing, although not impossible, to francize or civilize [the children]. We have had more experience in this than any others, and we have remarked that out of a hundred that have passed through our hands scarcely have we civilized one. We find docility and intelligence in them, but when we are least expecting it they climb over our enclosure and go to run in the woods with their relatives, where they find more pleasure than in all the amenities of our French houses. Savage nature is made that way; they cannot be constrained... (Truth and Reconciliation Commission of Canada 2015, 45)

If a seventeenth-century nun still believed that the capacity of Indigenous children to be "civilized" was "not impossible", by 1883 Prime Minister John A. Macdonald considered it an impossibility, telling the House of Commons that

> When the school is on the reserve the child lives with its parents, who are savages; he is surrounded by savages, and though he may learn to read and write, his habits and training and mode of thought are Indian. He is simply a savage who can read and write. (164)

Here we find a clear expression of the essentialism of liberal thought: Indigenous peoples may acquire a veneer of civilization but they are always ready to escape back into the wild, to return again to surround and threaten the noble isolated outposts of capitalism and Christianity[32]. Just as trans men and women are not considered "real" men and women, unable to escape natural biological gender, so Indigenous peoples are not considered "really" civilized, unable to escape natural biological race.

It is this view that - perhaps subconsciously - informed the decision to implement more stringent security measures in downtown Winnipeg (not just in the library), and it is for this

32. Cf. Wynter: "In the wake of the West's reinvention of its True Christian Self in the transumed terms of the Rational Self of Man... it was to be the peoples of the militarily expropriated New World territories... as well as the enslaved peoples of Black Africa ... [that were] to be made into the physical reference of the idea of the irrational/subrational Human Other" (Wynter 2003, 266).

reason that the people most excluded by those measures did not qualify for the individual right of intellectual freedom: the mob was not composed of anyone who could be recognized as an individual. Stereotypical views of Indigenous people see them as "lazy, childlike, and animal-like" (Henry 2019, 242), on all three counts irrational and irresponsible. Such stereotypical constructions have "permitted and continue to permit settler colonial violence to be inflicted onto Indigenous bodies by deeming them to be 'worthless.' Violence can then be validated as a way to assault, dispose, and remove Indigenous peoples" (242). True (liberal, bourgeois) individuals are those with autonomy, status, and dignity who need to be protected from the violent but childlike mob (made up of "savage warriors" and "squaws") - who themselves need to be disciplined and managed for their own good. According to this narrative, Millennium Library becomes the site and instrument of both protection and discipline.

For Hall, racism works by creating "impassable symbolic boundaries between racially constituted categories", attempting to "fix and naturalize the difference between belonging and otherness" (Hall 2021d, 250). Such symbolic boundaries are a core part of the history of Winnipeg; WPL's new security policies simply made them visible and concrete. It is precisely these barriers - symbolic as well as real - that constitute the limits of recognition. Recognition only works from the inside, between and among those who are already seen as recognizable, or in Butler's words "culturally legible"[33]. In the preface to Harney and Moten's *Undercommons* Halberstam writes - echoing the many narratives critical of residential schools - that

> We cannot be satisfied with the recognition and acknowledgement generated by the very system that denies a) that anything was ever broken and b) that we deserved to be the broken part; so we refuse to ask for recognition and instead we want to take apart, dismantle, tear down the structure that, right now, limits our ability to find each other, to see beyond it and to access the places that we know lie outside its walls. (Harney and Moten 2013, 6)

33. Paolo Virno describes human beings as "the linguistic animal.. the species capable of not recognizing its own kind" (Virno 2008, 176).

The construction of the world "outside" settler-colonial civilization as wild and untamed - "broken" - must not be accepted uncritically. As Tully and others have noted, the concept of *terra nullius* had to be invented by European philosophers (like Locke) in order to construct a land empty of civilized individuals, ready for the implantation of capitalist civilization (Tully 1995, 74; Toews 2018, 113). The "outside" full of savage hordes ready to attack and demolish white civilization is a weighty ideological proposition. Where trans lives challenge the biological essentialism of the individual bourgeois subject, triggering an *ideological* response when that challenge crosses the permissiveness threshold, in Winnipeg Indigenous people are always-already at the violence threshold, and so the response prioritizes the disciplinary, the closure of control, the cementing of law and order and the coercive side of liberal hegemony. While social class also plays a role in animosity towards Indigenous peoples in Winnipeg, even Indigenous people who have become more bourgeois - like the leader of Manitoba's New Democratic Party, Wab Kinew - continue to be be portrayed as irredeemably and "naturally" violent (Mason 2023)[34].

Hall et al. conclude that the more socially intolerably acts can be linked together and portrayed as widespread (for example in ideas of a global "trans agenda" or the increasing rates of crime in a period of crisis), the easier it is to justify and legitimate both coercive and consent-building responses: "As issues and groups are projected across the thresholds, it becomes easier to mount legitimate campaigns of control against them. When this process becomes a regular and routine part of the way in which conflict is signified in society, it does indeed create its own momentum for measures of 'more than usual control'" (Hall 2013, 223). Both trans people and Indigenous people in Canada are part of longstanding ("regular and routine") ways of representing conflict to Canadians: transphobia has taken over from homophobia (itself a threat that was symbolically escalated from permissiveness to illegality to violence), while Indigenous people's "uncivilized" capacity for violence has long been a struc-

34. Kinew became the first First Nation Canadian premier when he won the Manitoba provincial election on October 3, 2023.

turing factor in the Canadian state's hegemonic project.

6.6 Conclusion

The concept of "nature" puts us in mind of the idea of "natural rights" so important for the social contract and liberalism. Hall makes an important point when he remarks that liberal rights, while originally based on the idea of natural rights, have come to be seen instead as granted by the liberal state. Hall writes that such rights "appear... as if descended from Heaven; bestowed on their grateful recipients through the goodwill and beneficence of their rulers" (Hall 2021f, 84). Even if we consider intellectual freedom to be a real right rather than an ideological tool of liberal hegemony, it still *appears* to have been the free gift of the liberal Canadian state to the people rather than the result of a long series of real, material struggle against oppression. Hall notes that to adopt this view of the granting of rights "is to collapse a bloody series of historical engagements into a Whig myth of inevitable progress" (84). The erased or obscured history of violent repression belies Canada's self-representation as a land of peaceful, liberal progress.

Both the TPL and WPL examples indicate a closer relationship between libraries and state power (in both its forms, consent and coercion) than conventional narratives of librarianship would suggest. When faced with problem irresolvable by liberal discursive means, libraries' response is to call for the police. Libraries - and library concepts like intellectual freedom - rely on an aura of transcendence above and beyond worldly considerations of power and distribution of wealth, etc, in order to discipline and police library workers and broader society. Libraries play a hegemonic role in the cultural policing of the limits of recognition, while relying on state violence to help them in a more directly physical policing of the limit (both TPL and WPL deployed the police, either as a "backstop" against peaceful pro-trans protestors,

or as the initial response to a perceived Indigenous threat of violence). TPL's absolutist adherence to intellectual freedom contributed to the support and reproduction of transphobia in a context of widespread anti-trans moral panic in Canada, while WPL's implementation of draconian security measures in an iniquitous settler-colonial context helped to reproduce the structures of racial-capitalist policing and state violence. In both cases, the outcome was the same: the ideological reproduction of a constructed demonized Other and the increased policing and repression of subaltern populations. This outcome was made possible and indeed was required by an overarching liberal universalism and individual egalitarianism mitigated only in very limited ways by the politics of recognition.

7 Conclusion

Cultural and discursive struggles within the Anglo-American world have become more pronounced and divisive in recent years. Debates around "cancel culture" and deplatforming, increased book challenges in public libraries and attempts to control collections in academic libraries indicate that controversies within librarianship are part of a broader set of political struggles around equity, diversity, and inclusion that must include attempted insurrection (the January 6th 2021 storming of the capital in the US and the 2022 "freedom convoy" in Canada), widespread transphobia, islamophobia and anti-semitism, anti-Asian racism in the wake of the COVID pandemic, and resistance to decolonization, reconciliation, and Indigenization movements in North America (including residential school denialism).

In this thesis I have reconstructed a particular view of Canadian history that demonstrates the practical ways in which the politics of recognition is deployed in Canadian politics, from the rise of Quebec and Indigenous activism in the 1960s (which rejected the Canadian government's assimilationist orientation), through the patriation of the Constitution (and the establishment of the Charter of Rights and Freedoms) and two rounds of failed constitutional discussions. This historical account shows how the Canadian state, supported by the media, placed a communitarian vision of society at the heart of Canadian politics. This vision took group and minority rights seriously, and thereby moderated the pure atomism of the social contract and classical liberalism, which differentiated contemporary Canadian from American politics, where pure individualism is enshrined in the constitution and in American culture more broadly. The particular form this communitarianism took from the 1970s on was the politics of recognition, but like all forms of liberalism - including communitarianism - the politics of

recognition had its limits.

Coming out of the social contract and classical liberal tradition, the autonomous, free, and independent bourgeois subject remains central to the Canadian social ontology, and therefore of Canadian politics and the hegemonic project to support the dominance of the Canadian political regime (and the survival of Canada as a liberal state). The challenge to liberal individualism posed during the resurgence of the people in the 1960s, including Indigenous and Quebecois resistance, prompted the Canadian state to deploy the communitarian recognition of group identity as a means of maintaining liberal hegemony within Canadian society, and to mitigate, if not resolve, the problems attendant upon Canada's polyethnicity, multiculturalism, and multinationalism. But without changing the fundamentally individualistic economic and political order (i.e. bourgeois capitalism), the Canadian state found itself faced with a new problem: how to safely recognize and tolerate difference while limiting it to the cultural sphere of individual choice and keeping it away from the political or economic sphere, the sphere of collective action. To try to solve this problem, Canadian society has developed a "zone of recognition" or a "zone of acceptable difference" which plays a key role in the support and maintenance of Canadian liberal hegemony.

In order to better understand how this zone was constructed and how it functions, I looked in Chapter 2 at Stuart Hall's analysis of the reconstruction of hegemony after the crisis of the late-1960s and early-1970s in the UK. Hall's focus was on the Thatcherite project to foster moral panics around particular demonized Others ("folk devils"), which had the dual effect of causing the populace to call for increased law-and-order (i.e. more policing) and of allowing the government to leverage this popular support by appearing to be acceding to the population's wishes. Hall and his colleagues constructed a model in which three symbolic thresholds served to demarcate both the kind of threat a particular folk devil posed as well as the kind of response the threat called for. The permissiveness, illegality, and violence thresholds not only provided a heuristic for understanding specific acts and the state's reaction

to those acts, but it provided a way of understanding how a set of activities and the responses to them can escalate the moral panic until the full deployment of state power is legitimized.

Hall's analysis of this process provides a useful framework for looking at a similar hegemonic project as it developed in Canada from the 1960s to the present. In Chapter 3, I argued that recognition became a practical political strategy with respect to Indigenous and Quebecois political movements, multiculturalism/immigration, women's rights, and gay rights, throughout the 1970s and 1980s. The politics of recognition was established and policed by the kind of moral panics Hall identified, such as the kanehsatà:ke resistance, for example, and the two Quebecois referenda on independence. However, in Chapter 4 I argued that by the 1990s, with no constitutional agreement in sight after a decade of negotiation, and in the face of renewed Indigenous and Quebecois activism, political philosophers Charles Taylor and James Tully sought to intervene in political debates, in order to help heal the rifts in Canadian society and provide philosophical justification for the politics of recognition. This helped transform recognition from a practical political strategy to a philosophically justified programme.

While Taylor and Tully upheld the orthodox view that the properly liberal state is agnostic towards any particular conception of the good and has no collective goals of its own, defining the communitarian state in contrast to this, I argue that the liberal state just as much as the communitarian has at the very least its own survival as a liberal state as a collective goal. Hegemony thus applies to both communitarian and properly liberal states.

Many social and governmental institutions played a role in the construction and maintenance of the liberal hegemonic project in Canada, in particular with delimiting and policing the zone of recognition. Libraries, as state agencies which position themselves *against* state control in the form of censorship, are discursively constructed as progressive institutions which support and protect individual rights and freedoms while themselves remaining apolitically neutral. As a result, they are well-positioned to police the dividing line between tolerating ac-

ceptable difference and rejecting, excluding, or marginalizing any form of difference which appears to threaten liberal individualism itself, while maintaining a reputation for trustworthiness and disinterested moral authority. In effect, through their policies, procedures, and representations, libraries show the public what kind of difference is tolerable and what kind it is safe to exclude.

One of the main mechanisms for policing the line of recognition/exclusion in Canadian libraries is the concept of intellectual freedom which differs from the purely individual form of the concept which holds in the United States in the same way that Canadian communitarianism differs from American politics. In Chapter 5 I explored these differences while outlining a genealogy of intellectual freedom in libraries, which sought to explain how intellectual freedom is not a timeless, universal core-value of libraries, but is itself politically contested, and is deployed in various ways in different contexts. This more "worldly" analysis makes it easier to see why intellectual freedom was *selectively* deployed in the TPL and WPL controversies, thereby supporting Canadian hegemony via the politics of recognition.

In Chapter 6 I returned to the two cases which prompted my research, the Toronto Public Library room rental and the Winnipeg Public Library security policies. In light of the preceding chapters, I proceeded to analyze the challenges posed by trans and Indigenous peoples to the Canadian hegemonic project, marking them out as "folk devils" around which moral panics can be constructed. Library policies helped spread such moral panics and police the zone of recognition, but the way this worked was different in both cases, due to the qualitative difference in the nature of the challenge posed (i.e. which symbolic threshold the challenge crossed). I looked at each set of events through the lens of social contract naturalism, arguing that while Indigenous people are condemned for being too-natural, uncivilized, and uncivilizable, trans people are condemned for the opposite reason: for being *unnatural* and participating in an anti-human or post-human rationality outside liberal-bourgeois "common sense".

Commitment to and respect for individualism, individual rights, and individual property is one of the most significant legitimators of the sovereignty and power of the Canadian state. The state is seen as legitimate only insofar as it protects individual rights and freedoms. This makes Canada's polyethnicity, multinationalism, and multiculturalism politically problematic, forcing the Canadian state to either assimilate subaltern groups or to recognize difference to some limited extent, all the while remaining publicly committed to universal individual equality.

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* *

Central to this project is a critique of three mutually supporting political phenomena: individualism, liberal hegemony, and recognition. I argue that Canadian politics (and the politics of librarianship) remains committed to a fundamentally individualist social ontology derived from social contract theory. Individualism in Canadian politics, as well as the rights and freedoms derived from it, are moderated but not discarded by the communitarian politics of recognition. Canadian liberal hegemony uses the politics of recognition as a strategy to maintain a hard-core of individualist orientations while absorbing and defusing collective criticisms of individualism itself.

Throughout this thesis, I critiqued individualism from the perspective of the social construction of subjectivity and liberal hegemony for the marginalization, exclusion, and oppression attendant on the creation and policing of the zone of recognition of acceptable difference. Recognition is the mechanism by which liberalism in Canada gains support for authoritarian-populist policies while continuing to *appear* progressive and communitarian. While I argue that a political ontology of social construction is necessary for a truly progressive politics, I recognize that it is not a sufficient condition. At the end of this conclusion I will suggest an orientation towards constituent power and agonistic democracy as a possible path towards a politics of social justice in Canada.

This thesis makes an original contribution to the study of Canadian politics/political theory as well as to the politics of librarianship. The interpretation of Canadian history as a dialectic of assimilation, recognition, and popular resistance (to federal sovereignty as well as to the hegemony of the liberal individual subject) which called forth the use of the politics of recognition as a hegemonic tactic, is a novel one. Despite the heavy criticism that recognition has suffered in recent years, connecting recognition to specific conjunctural features and demonstrating the "worldly" hegemonic role that recognition played in Canada helps to situate the politics of recognition as a particular historical occurrence rather than a timeless ahistorical category. Similarly, analyzing the concept of intellectual freedom by paying attention to the differences between the Canadian and American civil rights regimes is an important contribution to the literature and understanding of librarianship. This helps to restore intellectual freedom to worldliness and material life, rather than allowing it to remain abstract, transendental, and ahistorical.

The zone of recognition, established through moral panics over existential threats to the liberal order and circumscribing liberal individualism, is the sphere in which Canadian libraries - like all public institutions - operate. Libraries rely on the police *and* concepts like intellectual freedom to enforce the boundary of this zone, which is the line of demarcation between a civilized society centred on liberal individualism and those excluded from that society. Communitarian recognition of collective cultural identity creates a margin around individualism proper to Canadian culture and different from the American context. The enforcement of the limits of recognition is undertaken, in large part, by processes of representation, in particular the representation of "nature" vs. "civilization".

While not the only way to interpret the zone of recognition, Nature and naturalness play a sophisticated role in the policing of the limits of recognition. The boundary can sometimes can be understood as the embattled line between savagery and civilisation, while at other times relying on a notion of politics as having emerged from the state of nature (i.e. becoming

civilized) while still holding fast to eternal, natural categories like individualism, sex, or gender. As I have suggested throughout this thesis, this framing is thoroughly ideological and serves a particular hegemonic purpose.

What I want to emphasize here is that if we want to actually develop a concept of intellectual freedom that is not caught in the contradiction of liberal society dominated by class, race, and gender oppression, then we need to step outside the social ontology of social-contract, natural individualism and all that it underpins: the irreconcilability of individual and collective rights, identity and difference, the sanctity of private property, contract, exchange, etc. We need to step outside the metaphysics of intellectual freedom and social responsibility to open up space for a radically different - worldly - account of individual agency and political power. This is not to suggest that these contradictions can be reconciled by the adoption of social construction, but that social construction can help us to materially transform society so as to remove their concrete, material bases (e.g. class hierarchy, wealth and power inequality, etc.).

In the first place, it is likely that taking a socially-constructed view of individualism as the basis of a social and political ontology seriously would not necessarily solve the problems of difference in Canada. However, if such an ontology were combined with an agonistic democratic politics based on the ongoing constituent power of the multitude, then we might at least move away from not only the limiting factor of individual autonomy and self-directedness, but also from the notion that a peaceful unfolding of consensual politics was the only way to proceed. Tully's call for a "mediated peace" has the unfortunate effect of excluding dissensus and conflict from the field of normal politics, when in a society structured in racial, ethnic, and class dominance, dissensus and conflict are not only inescapable, but placing them outside the realm of normal politics privileges the kind of liberal hegemony I have described in this thesis, which has made little or no headway against Canadian political problems for the past forty years.

A radical democracy founded on constituent power which resists becoming constituted in institutions might also help us resist the temptation to settle on concepts like intellectual freedom that seek to halt argument, debate, dissensus, and constituent activity. But even this would not be enough without a third factor, which is the adoption of relational political concepts (as opposed to antagonistic ones grounded in liberal individualism). For example, the Cree (nêhiyaw) legal concepts of wâhkôhtowin (good relations grounded in kinship and the family), miyo-wîcêhtowin/wîtaskêwin (a broader conception of relationality, for example between different nations, and the relationality of living together on shared land) and pâstâhowin/ohcinêwin (transgressions against other people, animals, and the land) (Cardinal and Hildebrand 2000; Borrows 2010; Baker-Grenier 2021) could perhaps open up new spaces for progressive political developments. The communal relationality constructed by these interlocking concepts might go a long way in making an agonistic politics palatable to Canadians averse to the idea of dissensus and conflict. Nêhiyaw librarian Jesse Loyer has applied some of these concepts to librarianship, for example in 2018's "Indigenous Information Literacy: Nêhiyaw Kinship Enabling Self-Care in Research" (Loyer 2018).

If we understand human subjectivity not in the liberal sense, as individuals born independent and only entering into social relations after the fact, but rather in the sense of wâhkôhtowin, of being born into a preexisting network of good social and natural relationships, then social subjects' alienation from themselves - particularly under capitalism - can be understood as a violation either of relationality as such – separation from kin or from homeland – or a violation of the goodness of those relations. Human subjectivity can then best be understood as the product of pre-existing social relations, imbued in the biological individual through language, culture, environment, etc , thus making space for a subject to participate in relationality on good terms. We can understand alienation, then, not as violating a spurious individualist "freedom" nor as predicated upon an outdated, essentialist, notion of human nature, but as violations of the transindividual, relational creation of subjectivity out of the bonds of kinship.

We can also better understand alienation as something imposed by settler-colonial society on Indigenous social and legal orders. The social contract individualism that developed into liberalism – both classical and Rawlsian – was itself a product of the shifting social relations that accompanied the development of capitalism. For capitalism to function it required the privatization of all property, and the separation of those who owned property and those who owned nothing but their labour-power. This in turn required an absolute atomization, an absolute separation of society into individuals capable of owning and the destruction of previously significant kinship and feudal relationships. Workers had to be forcibly separated from the land, and all the internal relationships of loyalty, allegiance, responsibility and accountability were swept away before the new legal and economic structures of capitalism. As Marx and Engels put it in 1848, all that was solid melted into air.

The idea of the state of nature as the basis for the social contract was instituted – in the work of Hobbes, Locke, and Rousseau, for example – as a retroactive justification of the social atomization that took place with the development of capitalism (i.e. the destruction of "natural" forms of relationality under feudalism). In 1857, Marx described how Rousseau's "natural man" in the state of nature – and here Robinson Crusoe stands as a paradigmatic example – was seen as original when in fact it was the outcome of centuries of social disintegration, of the destruction of relationality of kinship and between humans and the land (Marx 1973, 84). To obscure the exploitation of the land through the violation of good relations (to require someone's permission in order to live), is a fundamental transgression of both pâstâhowin and ohcinêwin. To retrieve the good-relations of wâhkôhtowin and miyo-wîcêhtowin, kitimahkinawow and kitimahkisin, requires, therefore, that we overturn the legal and economic mode of production (racial capitalism) and its social and political way of being in creation (settler-colonialism). Concrete changes to the economy, the political system, and the law are urgently needed, especially given the exigencies of climate change. But a new conception of librarianship is also needed, a librarianship that rejects the rupturing of social and natural relations,

which refuses to condone the reduction of human beings, human activity, and the physical world to nothing but instruments and objects for human use. This is the emancipatory, liberatory role librarianship can and must play. But such a role can only be predicated on a real change to our social and natural relationships, can only be founded - in all senses of the word - on giving the land back.

8 Appendix: Publications

Elements of this research have appeared in the following peer-reviewed articles/chapters:

“The Problem of Neutrality and Intellectual Freedom: The Case of Libraries.” In *The Free Speech Wars*, edited by Charlotte Lydia Riley (Manchester: Manchester University Press, 2020).

“The Antinomies of Academic Freedom: Reason, Trans Rights, and Constituent Power.” *Canadian Journal of Academic Librarianship*, 2020.

“Canadian Librarianship and the Politics of Recognition.” *Partnership: The Canadian Journal of Library and Information Practice and Research*, 2021.

"Wittgenstein and Intellectual Freedom." *Journal of Radical Librarianship*, 2021.

"Compound Brain or General Intellect? Paolo Virno’s Transindividuality." *New Proposals: Journal of Marxism and Interdisciplinary Inquiry*, 2021.

"Linked Data and Transindividual Ethics: An Essay in the Politics of Technology". In *Ethics in Linked Data*, edited by Alexandra Provo, Kathleen Burlinghame, and B.M. Watson (Sacramento: Library Juice Press, 2023).

"The Proletarianization of Academic Librarianship." In *Academic Librarianship in Canada: Post-COVID Perspectives in a Neoliberal Era*, edited by Jessica Hanley, Harriet Sonne de Torrens, Joanna Szurmak, and Meghan Valant (Athabasca: Athabasca University Press, 2023).

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