Equality, dignity and fairness: Brazilian citizenship in comparative perspective

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Abstract
Taking up a tension between two conceptions of equality in Brazil, the article argues that focusing on the idea of equality of treatment as the main parameter to assess the exercise of citizenship in Western Democracies may not be sufficient to elucidate the demands for respecting rights or the demonstrations of indignation prompted by the perception of insult when legitimate expectations of recognition and considerateness are not observed. It is further argued that demands of citizenship rights must be understood in the interplay between notions of equality, dignity and fairness, which are local categories, dependent on local civic sensibilities.

Keywords
Brazil, citizenship rights, civic world, dignity, equality, fairness, recognition

‘My daughter and I work hard. We duly pay our bills: energy and cable TV… The difference from the people on the street [at the middle-class neighborhoods surrounding the shantytown] is that we live high up on the mountain and the police do not respect our homes or our lives. We pay like everybody else, but we are treated like animals. Actually, not quite like animals, but like people of the worst kind, for everybody treats animals well.’ (An inhabitant of Pavãozinho, in Cardoso, 2010: 119)

‘We are humans too. Most people here work, get up early, pay their bills and want to be respected’ (Another inhabitant of Pavãozinho, in Cardoso, 2010: 224)

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Since the 1970s Brazil has experienced an explosion of demands for citizenship rights. Beginning with the struggle against the dictatorship (1964–1985) and what became known as new social movements, followed by the intense debates within a renewed and reconfigured democratic public sphere that led up to the promulgation of the new Constitution in 1988, and the exercise of citizenship in the democratic context ever since. However, claims to citizenship rights do not take the same shape or carry the same meaning everywhere. In what follows I will argue that such claims and meanings depend on the articulation between notions of equality, dignity and fairness in each specific polity. Furthermore, I will show that an important aspect of the Brazilian dilemma is the existence of a tension between two conceptions of equality, one of which does not conceive it as implying the same rights to all. As the quotations above suggest, the police is not only being charged for not providing equal treatment to the people who live in Pavaozainho, but for denying them dignity.

Accordingly, Honneth’s idea that equality of treatment is the main parameter to assess the exercise of citizenship in Western Democracies (Honneth, 2007: 115) may not perhaps be sufficient to elucidate demands for respecting rights, or demonstrations of indignation prompted by the perception of insult when legitimate expectations of recognition and considerateness are not observed. In this regard, Brazil seems to be a particularly interesting case, given the characteristics of the tension between two competing conceptions of equality that could be spelled out as follows: (1) a conception that defines equality as uniform treatment, which predominates in our new Constitution of 1988, well expressed in the principle of judicial isonomy; and, (2) a conception that defines equality as differentiated treatment, which predominates in our public institutions and within the public space shared by citizens, whose major symbol is a phrase by Rui Barbosa that says ‘... The rule of equality is to treat (give) unequally (to) the unequal to the extent that they are unequal’ (Barbosa, 1922/1999: 26). In the latter conception, achieving equality at the level of justice demands differences in the allocation of rights within the realm of citizenship (Cardoso de Oliveira, 2010). In other words, citizens may not have the same rights in all circumstances, depending on social standing and position.

This tension is not new and, perhaps, has been there throughout our republican history (since 1889). Often described as a difficulty to separate personal and impersonal attitudes in the public space, associated with a spirit of cordiality (Holanda, 1936/1997) or expressed in the difficulty to deny favors to friends (DaMatta, 1991, 1999) and in the ability to always find a way to help a friend (the famous Brazilian jeitinho), such orientation contrasts with the rules that predominate in the market and in State bureaucracy. However, as demands for uniform treatment have increased and amplified in the last 40 years or so, the tension has been aggravated, bringing to the fore questions of legitimacy for which State and society have not found adequate answers yet.

At least since the publication of Marshall’s classic essay on the theme (1976), the modern idea of citizenship has been characterized by the institution of an egalitarian status between citizens, who would share the same rights within what could be
called the *civic world*.\(^4\) Be it in the tradition of French republicanism with its emphasis on the indivisibility of the nation and of the respective citizenship rights (all members should be citizens and share the same rights), or in the tradition of Anglo-American liberalism, oriented towards the importance attributed to the universalization of rights among citizens. In spite of keeping important differences between them, these two strands of democracy share a common focus on individual rights and a radical vision about the equality of rights among citizens.\(^5\) By the same token, if citizens must share an equal status, I would argue that this does not mean necessarily the same rights, but the right to be treated with fairness and equal dignity.

In fact, contrasting these two traditions with the Brazilian case, Holston recently argued that while in France the principle of the indivisibility of rights was confronted in the last decade of the XVIII century by the debate over the exclusion/inclusion of Jews within the camp of citizenship, and in the USA the principle of the universalization of rights prevailed with restrictions, excluding blacks and Indians until the 1960s, citizenship in post-slavery Brazilian polity would have always been an inclusive status, without exclusions, even if the respective rights were distributed in different and unequal ways. Holston points out yet that this traditional, entrenched, conception of citizenship, supporting differences in the allocation of rights, is being challenged in the last decades by a modern conception that demands equal distribution of rights, which he characterizes as the sign of an insurgent citizenship (Holston, 2008: 39–81). Keeping this comparative stance in the background I will focus on the Brazilian case and will end the article with a short analysis of an ethnographic example involving housemaids, which gives a good sense of the Brazilian dilemmas in matters of equality and citizenship rights.

In a way, the two conceptions of citizenship characterized by Holston correspond to the two conceptions of equality discussed in my formulation, and are also in tension. However, as I see it, to achieve an adequate understanding of demands for rights as well as of the conditions for the exercise of citizenship in Brazil it is not enough to contrast the two conceptions. It is actually necessary to discuss how these conceptions interact and are played against each other. Associating the conception of equality as uniform treatment to the equality of rights, and the conception of equality as differentiated treatment to the justification of privileges, I have suggested that the Brazilian singularity would be in the arbitrariness of the definition of the domains and the scope of each of these conceptions (Cardoso de Oliveira, 2010). In other words, there are situations in which citizens get by claiming special treatment where uniform or same treatment is expected, as in DaMatta’s seminal essay (1999), ‘Do you know who you are talking to?!’ Moreover, while Holston emphasizes the connection between equality (sameness) of rights and (modern) citizenship according to universal parameters, I focus the analysis of citizenship on the relation between conceptions of equality, dignity and fairness, emphasizing that these are *local* categories, dependent on *local civic sensibilities* to borrow a well-known formulation crafted by Geertz (1983).
On the one hand, such lack of an adequate distinction between the exercise of rights and privileges has led me to point out the absence of a well-formed civic world in Brazil (Cardoso de Oliveira, 2010). On the other hand, I have called attention to the fact that whereas in societies with an adequately defined civic world the prevalence of uniform treatment within itself is clearer, this fact does not constitute, in and of itself, a guarantee to respecting rights or to a comprehensive and clear-cut exercise of citizenship either, as the analysis of Quebec’s demands for recognition reveals (Cardoso de Oliveira, 2002/2005; Taylor, 1994). Again, I believe that in order to advance in the understanding of the Brazilian dilemma or of demands for rights in general it is important to examine how, in each situation, these demands are articulated with notions of equality, dignity and fairness.

### Equality, dignity and fairness

Since the writing of my doctoral dissertation (Cardoso de Oliveira, 1989) I have been concerned with the relation between fairness and the equality of rights. In my first comparative efforts I called attention to the seamless connection between the idea of equality, as a value, and notions of fairness or equity in Western societies (Cardoso de Oliveira, 1991). In this regard, many authors have emphasized the importance of notions of equality as a core feature in the perception and in the ideals of justice (e.g. Boltanski, 1990; Boltanski and Thévenot, 1991; Rawls, 1971, 2001; Ricoeur, 2005). Even if this connection between justice and equality may be traced back to Aristotle, as Ricoeur points out, it gains special contours with the development of the individualist ideology in modernity (Dumont, 1986). Thus, equal status comes to be a strong symbol of equanimity in social relations, and an important parameter for the assessment of institutions of justice. Being inequality perceived, in the realm of citizenship, as a denial of dignity of those whose equal status is not recognized. However, as the development of citizenship and the power of ideals of equality have not eliminated the existence of privileges (special or differentiated treatment), even if contextually justified and situated out of the respective civic world, which does not have the same boundaries everywhere (when we move between different democratic polities), special or differentiated treatment does not always carry the same characteristics nor is it always taken as an affront to one’s dignity or citizenship.

The contributions of Taylor (1994) and Berger (1983), with an emphasis on the implications of the transformation of the notion of honor into dignity in the passage from the ancient regime to modern society – for the establishment of citizenship as a symbol of equal status – do help to clarify the meaning of demands for rights that call for recognition and considerateness. These are demands in which the material aspects of the claim are not particularly important and the quality of the relationship between the parties comes first (Cardoso de Oliveira, 2002/2005, 2004a, 2008). By the same token, the works put together by Haroche and Vatin (1988) give support to the characterization of considerateness (and I would say the same for recognition) as a human right whose demand cannot be adequately
satisfied at the judicial level. Taylor’s work (1994) is particularly interesting for this discussion because of the distinction that he proposes between two types of liberalism, which, as I see it, suggests the co-existence of two conceptions of equality in Canada, even if none of them comes close to the second type that I have identified in Brazil, which allows for unequal distribution of rights.9

While the claims to distinctiveness, or the demands for distinct treatment in Quebec – associated with the recognition of the value or merit of the French culture that predominates within the province – aims at the affirmation of an equal status in relation to the Anglophone majority in the rest of Canada (regardless of the latter’s difficulties to look at it in the same way), the conception of equality that demands differentiated treatment in Brazil draws on the perception or identification of inequalities of status among citizens that have social currency.10

Actually, Taylor had already proposed elsewhere an interesting distinction between two conceptions of dignity, when comparing Canada and the United States. In the former the citizen’s dignity would be satisfactorily secured by his or her participation in the formation of the general will, while in the case of the latter the emphasis would be in the citizen’s condition as a holder of absolute rights permanently at his or her disposal, and which could ‘be seen as trumps, in Dworkin’s memorable image’ (Taylor, 1993: 92).

In a way, the French case is particularly interesting to deepen the contrast between the Anglo-American liberalism and Brazilian citizenship. According to d’Iribarne (2010: 35–79), France could be characterized by a republican compromise between a ‘political body’ (conceived as a sacred, spiritual space) and a ‘social body’ (conceived as the space of everyday life) within French society, where the conditions of radical equality instituted in the first (universal suffrage, for instance), would contrast with a series of contingent inequalities widespread in the second: e.g. professions seen as more or less noble (cadres vs. non-cadres) with differentiated rights (of vacation, pension, etc.), schools and degrees also classified as more or less noble.11 However, d’Iribarne (2010: 52) points out that as long as the hierarchy of professions does not imply a denial of the dignity of the most modest ones a certain situation of relative equality among citizens would be kept. Perhaps we could say, in this connection, that as long as citizens holding different statuses in the respective situations share the same perception of respect, the dignity of each is equally safeguarded. At any rate, as mentioned above, this is a compromise whose balance needs to be frequently renewed and which is always subject to new claims and issues, as the contemporaneous tensions about the social insertion of immigrants in France indicates (d’Iribarne, 2010: 57–79).

As in France, the ‘social body’ in Brazil is also impregnated with differences of status that have an impact on access to citizenship rights to an actually much greater extent than in France. However, differently from France there is no similar compromise in Brazil regarding the acknowledgement of social patterns in the allocation of rights and privileges. Therefore, their distribution sounds often (but not always) arbitrary and this is an important aspect in my indication of the lack of a well-formed civic world in Brazil. Among us, it is often not clear when current
forms of address or actual demands are perceived as appropriate, inadequate or even insulting. In other words, there are no sufficiently shared views about situations or circumstances where differences of treatment imply a devaluation or denial of the actor’s dignity. A great deal of empirical research is needed to map out these situations, and new forums of discussion among citizens must be articulated if a compromise on the exercise of citizenship and a well-formed civic world is to be achieved.

Thus, even if notions of equality, dignity and fairness are apparently present in all Western democracies, their meanings vary, as well as their articulation and the respective implications for the exercise of rights and citizenship. Obviously, the analysis of how these three dimensions of citizenship are articulated cannot be adequately achieved through the lenses of an external parameter, ethnocentrically imposed to evaluate any concrete situation, independently of the variability of senses or civic sensibilities and meanings in each particular case as suggested above. For instance, public servants in Brazil have a special retirement system that allows them to take home their full wage when they retire, while the rest of the workers have access to a much smaller pension that is bound to suffer further reductions as years go by. Is it fair? If the answer is yes, how could it be satisfactorily justified to appease the critics of the inequities between the two systems? If the answer is no, which way should we go? Should the current retirement system of public servants be universalized to all wage earners in the private sector, should it go the other way around, or should an entirely new system be put into place? At any rate, to what extent the option taken would preserve the ideal or the perception of equal dignity among citizens?

By the same token, is it fair that in civil cases dealing with claims for moral damages (danos morais) the courts are used to make decisions according to the parties’ social standing, awarding larger amounts of indemnity to people holding important positions? As in claims against Air Companies that are found liable for the loss of a passenger’s luggage and the award for moral damages given to a judge or to a banker, for instance, is significantly higher than the one given to a clerical worker. Analyzing decisions on claims for moral damages and other sorts of civil indemnities, Batista finds many instances in which judges systematically give smaller amounts in indemnities to low-income families, when compared to middle-class claimants, in cases of deaths ‘caused by third parties.’ Here we have a few justifications given in written decisions by judges and quoted by Batista (2012: 322), as they deny or reduce the claims filed by the poor: ‘the acquisition of perpetual tombs is not usual practice in the victims socio-economic environment’; ‘it is not their tradition’; ‘psychological therapy is not a habit in the social environment of the victim’; ‘the funeral could have been done for free’; ‘besides not being a common practice in the socio-economic environment of the victim, considering the financial condition, one cannot presume that they have actually spent such money or that they could have done it’; ‘the money for the perpetual tomb is not due, given that it is a low-income family, that probably would not have bought it in case of a natural death’.
Decisions such as these suggest that equal or fair treatment does not necessarily mean equal rights from the judges’ viewpoint. But, given the gap between the judges’ decisions and the party’s claims, is it not a sign that differences in access to rights here are being experienced as a denial of the claimant’s equal right to be treated with dignity? How do equality, dignity, and fairness articulate in the Brazilian democratic tradition? To make my argument clearer, I must elaborate a little further on the relation between rights and dignity.

The main reference for this elaboration is the essay on The Gift by Mauss (1925/1974), where the three obligations to give, to receive, and to reciprocate reveal important dimensions of the principles of justice and solidarity, combining the respect to rights and the recognition of dignity between partners exchanging gifts (Cardoso de Oliveira, 1996: 143–157; Karsenti, 1994: 32). Inspired by Mauss’s analyses, I have suggested that the engagement in relations of reciprocity or in the exchange of gifts implied not only the rights of the parties in each act of exchange, but also the mutual recognition of the partner’s dignity. Because, exchanging gifts would demand the recognition of the (interlocutor’s) partner’s value or merit, to the extent that the exchanged gift would take along the hau or the spirit of the giver, who would not trust it to a partner without dignity. I have also suggested that the acknowledgment of recognition would go together with the hau of the giver (Cardoso de Oliveira, 2004a: 124). Above and beyond that, Mauss’s formulation has a much broader scope and is radically universal, given that the exchange of gifts, with all of its implications, is also present in hierarchical societies or in hierarchical relations (e.g. potlatch), being virtually present in each and every society.

If, as we have seen, Taylor identifies different notions of dignity that I associate to different conceptions of equality, the reciprocal exchanges analyzed by Mauss suggest that dignity is an important value also in hierarchical societies and in asymmetrical relationships, allowing for a wider discussion of validity claims in connection to rights and privileges within contemporaneous democracies in general and particularly in Brazil. In fact, as the analysis of d’Iribarne about the French case suggests, differences or inequalities of status in the public space, or in the domain of citizenship, are not always perceived as an affront to the citizen’s dignity.

In this connection, I would like to turn back our attention to the importance of inquiries on the implications of the tension between the two conceptions of equality that have social currency in Brazil, in order to articulate them with notions of dignity and fairness which are shared by actors: be it at the courts, in debates publicized through the media, or in all sorts of disputes in the public sphere. On the one hand, one must focus on discourses about rights, interests, and privileges that give support to the parties’ claims in the respective conflict situations, paying attention to their efforts at justification and the relation of these efforts to the actors’ conceptions of normative rightness, which are always associated with validity claims of fairness. That is, to what extent can the parties’ actions and demands, as well as their deliberations on the respective claims be redeemed as
correct or adequate? On the other hand, one must also look at situations of aggression to rights and/or demands-concessions of privileges experienced as an insult to the dignity of actors. As to the analysis of privileges or instances of differentiated (special) treatment one must be equally interested in understanding and distinguishing the criteria that, on the one hand, justify demands that find support or public (or discursive) acceptance and, on the other hand, those which prompt indignation (Cardoso de Oliveira, 2011).

Drawing on the two logics – the house’s and the street’s – proposed by DaMatta (1991, 1999), and on the idea of an existing Brazilian paradox between liberal-egalitarian constitutional principles and a hierarchical judicial system (that evaluates rights according to social position) proposed by Kant de Lima (2005, 2008), I proposed the existence of a disarticulation between public space and public sphere in Brazil. Indicating that the consequence of such disarticulation would be a difficulty to implement at the level of the former, where everyday interactions take place, the rights formally enacted and the dominant principles defined in the discursive universe of the public sphere (Cardoso de Oliveira, 2002: 12–14/2005: 7–9). This is particularly true in cases where the acts of disrespect to rights are motivated by the difficulty to identify on the injured citizen what I have defined as the moral substance of dignity. Although such difficulty should not be reified, for under certain circumstances any actor is able to negotiate a favorable identity and be treated with dignity, it has motivated frequent acts of civic discrimination, sometimes leading to incredible atrocities, like the Indian, Galdino, burned to death in Brasilia and the housemaid spanked at Barra da Tijuca, in Rio. The protagonists in both aggressions were teenagers of upper middle class who justified their actions with shocking statements, but very revealing of the Brazilian difficulty to respect rights of the generic individual-citizen: ‘we thought he was a bum’ (making reference to Galdino), and ‘we thought she was a whore’ (in the case of the housemaid). That is, from their point of view, if they had not miss-classified the Indian and the housemaid they would not have done anything wrong!

The concern with conceptions of equality is a follow-up of this discussion, and the tension between the two conceptions outlined above is spread-out in both the public space and the public sphere, actually reducing the degree of disarticulation between them. If the examples of the Indian, Galdino, and of the housemaid attacked in Rio mean a radical denial of their dignity, most acts of civic discrimination are less dramatic, and the miss-understandings about rights and privileges comprise different and divergent perspectives with some measure of social support, which are above and beyond the conflicts of interest built-in in nearly all disputes. In order to improve our understanding of these differences of perspective about the meaning of rights and privileges, as well as the patterns of action orientation implemented by actors in conflict situations, one needs to focus on the articulation between conceptions of equality, dignity and fairness in specific empirical contexts.

Actually, not all demands for respecting rights and for the recognition of the citizen’s dignity are phrased as a call for uniform treatment, as it is revealed, for instance, by the ethnography of Cardoso (2010) about the implementation of a
Police Presence for Special Areas (Grupo de Policiamento em Áreas Especiais – GPAE) in the ‘favelas’ (shantytowns) of Cantagalo and Pavão-Pavãozinho. The words of residents about what they think would be a respectful and adequate treatment by the police suggests that they do not demand exactly the same treatment given to the residents of Copacabana and Ipanema, the two middle-class neighborhoods that surround the shantytowns. Nevertheless, they want to be treated fairly, with (deserving) respect and dignity. Would that mean that there could be differences in the exercise or in the affirmation of the citizen’s dignity, encompassing differences of treatment without disrespecting rights in the eyes of actors? What would be their implications to citizenship? To what extent the elucidation of these differences could contribute to a better delimitation of the camps where rights and privileges operate, with social support, making it possible to improve the conformation of a civic world shared by citizens, and reducing the perception of arbitrariness in the distribution-allocation of rights?

Housemaids and citizenship

The presence of housemaids is still a common feature in the homes of the middle classes in Brazil, even if nowadays they do not usually sleep over and the servant’s quarters traditionally found in people’s apartments are being put to other uses. They may come 5 or 6 days a week, doing all sorts of services (cooking, cleaning, ironing, etc.), working as full-time nannies, or only a few days just for cleaning and/or ironing. Whatever is the actual situation of these workers, they belong within the horizon of every Brazilian citizen, and their place in society brings wholeheartedly into the fore our dilemmas in the allocation of rights and privileges, and give life to the tension between the two conceptions of equality that I mentioned above.

Now, I want to briefly discuss the recent debate over the widespread prohibition of access to social elevators by janitors and domestic servants of all kinds. Although this is a rule that has become highly ambiguous and which is not strictly observed in many condominiums, its mere existence is sufficiently meaningful to have motivated the presentation of the ‘Project of Law # 607/2011’ in the National Congress, proposed by the Deputy Roberto Lucena (PV-SP), aiming at ‘curbing the discrimination and the prejudice against domestic servants and other workers regarding their access to social elevators in edifications.’ It is interesting to note that in its own wording the project intends to provide a guarantee that ‘such an attack on the principle of equality among all is not perpetuated’ (equality as uniform treatment), but in the report that broadcasted the news about the project on TV a few interviewed citizens attempt to justify the restricted use of social elevators (equality as differentiated treatment):

‘Despite the law, it is difficult to please everybody. Some believe that... there should be separation. That is: if it is for services, it should be for servants; if it is social, it should be for residents only.’ (Comments by José Ferreira Rodrigues Jr., condominium manager <http://g1.globo.com/jornal-hoje/noticia/2011/03/projeto-discute-liberacao-do-uso-de-elevadores-sociais-para-empregados.html>).
Be it as it may, the polemic character of the project highlights not only the tension between the two conceptions of equality mentioned above, but also the changes in process regarding the social currency of rights and privileges within Brazilian society. Beyond the fact that legislative initiatives against this type of discrimination are relatively recent, I can still recall that during my infancy-adolescence throughout the 1960s in Rio’s South Zone the rule denying access to the usage of social elevators by domestic servants was strictly observed without much complaint or demonstration of dissatisfaction. Actually, when I was a graduate student at Harvard, in the early 1980s, I met two black American women at different moments during my stay who told me about nearly identical experiences of discrimination that they had suffered in Rio. In the two cases they were discriminated in apartment buildings whose respective janitors had directed them to the service entrance when visiting friends. This happened in Ipanema, an upper-middle-class neighborhood in the South Zone. If it is true that they had been classified as maids because of being black, characterizing a clear-cut act of racial discrimination, as I have pointed out elsewhere (Cardoso de Oliveira, 2004b: 82), the two incidents suggest that if they had been white Brazilian women and maids the direction to the service entrance-elevator would probably have not motivated any complaints, indicating the prevalence of a conception of equality that is foreign to the American women, and in which differences of status play a role in the assessment of rights.

Even if things are changing now, Brazilian women working as maids might not have taken, at this point, the denial of access to social elevators as an offense to their dignity, but as a matter of course, related to their status as servants. Actually, this might not have called the attention of passers-by either. While Brazilians are quite critical and sensitive to racial discrimination (if not always very successful in avoiding it), they are not as sensitive to ideals of equality as uniform treatment. However, for the American women the situation was experienced as an unacceptable denial of equal treatment and, therefore, of their dignity, associated with an act of racial discrimination.

But the same report broadcasted on TV shows a narrative by a resident of a condominium that describes a situation in which the denial of access to the social elevator causes a major distress to a domestic maid:

“She was carrying a package in her hands, and she was asked to get out of the elevator. She came out crying and arrived at the apartment very distressed, after being through this major unlawful constraint!” (Comments by Artur Benevides, system analyst).

Differently from the current pattern in the past, the denial of access to the social elevator and the difference of treatment in this narrative are perceived and experienced as a denial of the housemaid’s dignity, who resents what she understands as an act of humiliation and shows her indignation as she leaves the elevator. In other words, from the point of view of the housemaid this type of situation is now part of
the civic world, or of the core universe of citizenship, where differences of status do not legitimate differences of treatment or unequal distribution of rights: in the realm of citizenship any threat to the ideal of equal status or equal worth may be lived as an insult.\footnote{These include all sorts of demands, from basic civil, political and social rights to demands of recognition and minorities’ rights; or, from demands of union rights to programs of affirmative action.}

Obviously, projects of law such as this one and their eventual internalization by the Brazilian population are not enough to significantly advance changes towards the institutionalization of a well-structured civic world in Brazil. The lack of clarity about the social currency of rights and privileges within the public space at large, as well as the lack of transparency in the processing of judicial decisions in our courts, partially stimulated by the institutionalized style of \textit{contradictory argumentation} (Cardoso de Oliveira, 2011; Kant de Lima, 2010: 25–51), indicate that the difficulties to be overcome should not be underestimated. In this connection, our continuing research efforts intend to contribute to a better understanding of all circumstances in which rights and privileges get confused, as well as to unravel the situations in which notions of fairness get mixed up with diverse normative patterns, whose social currency is strictly local, but which give support to practices that benefit particular interests, even when these affront the rights of the overall population (Misse, 2007: 139–157). By the way, Misse’s observations about the range and scope of illegal exchanges and political commodities in Brazil, characterizing situations of great porosity between the legal and the illegal – or between the immoral and the morally acceptable – are constitutive dimensions of the problem at hand (2010: 89–107). Frequently, these are cases that, when publicized, are classified as corruption. In spite of the fact that such classification is not entirely inadequate, it hides more than it reveals, to the extent that it does not take into consideration the respective patterns of action orientation that find support in current discourses or local \textit{ethics} (Cardoso de Oliveira, 2010).

Finally, the current scenario of demands for citizenship rights in Brazil suggests, at the interpretive level, the need for a better understanding of the tension between the two conceptions of equality discussed above and its relation to local ideals of dignity and fairness. By the same token, better or improved forums for discussing the respective demands seem to be in need if a better articulation between rights and privileges from the citizens’ perspective is to be achieved.

\textbf{Notes}

1. These include all sorts of demands, from basic civil, political and social rights to demands of recognition and minorities’ rights; or, from demands of union rights to programs of affirmative action.
2. See also Teixeira Mendes (2005: 1–33).
3. DaMatta (1991, 1999) has described this Brazilian dilemma through the articulation of two logics — the street’s and the house’s — which he associates to egalitarian and hierarchical orientations, characterizing what he defines as a relational society.
4. I define the civic world as the universe where the status of citizenship should have precedence in all interactions among actors, and equal (usually uniform) treatment should be expected.
5. Discussing different visions of liberty between France, England and Germany, D'Iribarne actually suggests important differences in conceptions of equality as well: ‘... In each society one form of equality assembles men perceived as free: equality of rights in England, equality to participate in making common decisions in Germany, and shared participation in noblesse in France...’ (D'Iribarne, 2006: 53).

6. In this connection, the distinction between rights and privileges does not exhaust the universe of legitimate demands for rights in the camp of citizenship, given that in the case of the demands for recognition in Quebec, or in the case of those associated with multiculturalism in the USA, uniform treatment is perceived as a source of discrimination which negates the equality of status aimed at by the demanding citizens (Cardoso de Oliveira, 2002/2005).

7. I have pointed out that England and Canada, which are not republics, keep privileges for the royal family, even if these are kept out of the respective civic worlds (Cardoso de Oliveira, 2010: 27). But France and the United States, for instance, recognize privileges in certain contexts of public interaction, as it is shown by d'Iribarne (1989: 21–127) in the case of France, through the social currency of the opposition noble/commoner, which still functions within many contexts of the public space in contemporaneous France.

8. Honneth (1996) is also an important interlocutor on this matter and the way he works with the Hegelian notion of Missachtung is very close to my formulation of the insult as a moral aggression.

9. In fact the right to special prison before judgment, for people holding a University degree, and the scope of the privileged judicial forum of politicians are just the most obvious examples of unequal distribution of rights in Brazil (Teixeira Mendes, 2005). Looking at interactions between citizens in the Brazilian public space, the place occupied by housemaids (or other domestic servants) and the pattern of treatment which they get are also good examples of differentiated-unequal distribution of rights, as can be seen in the interesting ethnography of Vidal (2007). As I have already mentioned, I will get back to it in the final section of this article.

10. Regarding Taylor’s two types of liberalism, while the dominant vision among Anglophones in Canada spouses a procedural liberalism, giving absolute precedence to the ideal of uniform treatment, without any room for official definitions of the good life, the current vision of liberalism in Quebec would articulate a strong commitment to respecting basic individual rights with the formulation of collective projects or ideals of the good life, as long as the State-Province is committed (or obliged) to respecting the different visions of its minorities (Taylor, 1994: 51–61).

11. Although the distinction between ‘political body’ and ‘social body’ proposed by d'Iribarne to understand France resembles my formulation about the differences between public sphere and public space, focusing on Brazil, while d'Iribarne aims at distinguishing areas of action or domains of interaction between citizens, my emphasis is on the disarticulation between the discursive universe where public policies are formulated or rights get political support, on the one hand, and the social field of actual everyday interactions on the other (Cardoso de Oliveira, 2002: 12–14/2005: 7–9).

12. These are usually caused by stray bullets exchanged by gangs disputing the control over a territory or in police raids in and around the many shantytowns within the City Rio de Janeiro, where her research was conducted.
13. A usual example of such disarticulation is the frequent disrespect to lines by people who, in the public sphere, systematically defend, showing conviction, equal-uniform treatment in the public space. As if the believed principle or right affirmed in the public sphere were put aside when the opportunity to take advantage of special treatment comes up.

14. The GPAE is the precursor of the current policy of settling UPPs (Pacifying Police Unities) in the Shanty towns of Rio.

15. Actually, the use of domestic servants is not restricted to the middle classes, and many working class households have maids or other kinds of servants.

16. Most apartment buildings in Brazil are condominiums and they have separate entrances and elevators for tenants and their visitors, identified as social, and another one for servants and services.

17. A similar Project (PL # 6,573/2006) by Deputy Reverend Reinaldo is being processed in the House of Representatives since 2006 and many states and municipalities have enacted laws with the same content since the mid 1990s.

18. Despite not being able to develop this point here, I would like to point out that in the case of the demands for recognition of Quebec, or its demands for differentiated treatment within the Canadian Federation, the experience of uniform treatment is lived in certain contexts of the civic world as a denial of equal status between Quebecers and other Canadians in the realm of citizenship. That is, the differentiated treatment called for is not perceived as a demand for privilege, but as an assertion of Quebec’s dignity and of the equal status held by its citizens within the federation.

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**Author biography**

**Luís R Cardoso de Oliveira** is a Professor at the University of Brasilia, with a PhD in Anthropology from Harvard University (1989). He was also the former president of the Brazilian Association of Anthropology (2006–2008). His main research interests are citizenship rights, conflicts, democracy, and the politics of recognition. He has done fieldwork in Brazil, the United States, Canada/Quebec and France. His last published book is *Droit légal et insulse morale*. Québec: Les Presses de l’Université Laval, 2005. His recent work include articles on citizenship, equality, anthropological theory.