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**BETWEEN JUSTICE AND SOLIDARITY:  
The Dilemma of Citizenship Rights  
in Brazil and the USA**

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Ever since the publication of Marshall's classic work (1976), citizenship has been systematically examined by means of the notion of rights, be they civil, political or social. In spite of the fact that the notion of rights is a relational category —that is, a category whose applicability demands the existence of a situation of interaction involving at least two parties and a specific context (see Geertz 1983; Cardoso de Oliveira 1989)<sup>2</sup>— in the West there has been a tendency to see this notion as an absolute; one often hears about the rights of citizenship as if they were intrinsic to the person of the citizen or individual. In addition, and along with the articulation of the concept of citizenship with the notion of Nation-State, the Western democracies have also shown a concern with the universalization of the rights of citizenship among their citizens, even if that concern is often merely formal. In fact, if we look at the attention given to the theme of human rights in the last few decades as well as to the world-wide impact that organizations such as Amnesty International have had, perhaps nowadays one could talk about a core of rights that could be associated to the idea of a planetary citizenship (Cardoso de Oliveira, 1996a).

In this regard, comparisons with the experiences that take place within the realm of so-called 'real socialism', today in decline, usually call attention to the Western emphasis on an idea of justice that underlies individual rights. This is in contradistinction to the focus on the principle of solidarity that characterizes the political and rhetorical situation within socialist regimes. This principle of solidarity is often associated, in an almost exclusive manner, to the so-called social rights of citizenship (e.g., social security), and is usually treated in an exceedingly formal manner (e.g., as a determining factor of public policies, which is also present in the welfare states of Western Europe), similar to the treatment given to the principle of justice through the system of law typical of Western democracies.

These factors suggest that it is fruitful to examine another dimension of the notion of citizenship, a dimension or condition of citizenship whose importance has not been duly recognized in the literature. I am talking about the substantive dimension of solidarity, inseparable from the sphere of the lived experience or from the cultural representations that

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1. A preliminary version of this paper was presented in the panel "Citizenship in post-socialism: theoretical and philosophical aspects", during the XVII Annual Meetings of ANPOCS, in October 1993, in Caxambú, Brazil.

2. Recently, I have called attention to the fact that this link between interaction and context imposes two characteristics on the relational character of the category "rights". First, the category points to a focus on social relations or on relations of interests. Second, it demands that the interactions under analysis be scrutinised in connection to the values that give them meaning (Cardoso de Oliveira 1996c:152).

render them meaningful. This aspect of solidarity is constitutive of the identity of any person or citizen. Elsewhere, inspired by the articulation of the propositions of discourse ethics with Mauss' notion of *reciprocity*, and thinking about the relevancy of Habermas' perception regarding the unsurmountable character of the relation of complementarity between the principles of justice and solidarity in the constitution of moral experience (1986), I proposed a radicalization of the perspective that relativizes the separation between questions pertaining to the normative and the valorative orders in the assessment of moral-ethical problems, as well as in the understanding of specific ethical lives or *Sittlichkeiten* (Cardoso de Oliveira 1996c; 1996b). Although this effort towards relativization had already been outlined in the most recent papers of the founders of discourse ethics (Habermas 1986; Apel 1990), as I indicated then, this effort seemed to be still timid and insufficient.

Making a bridge between these questions and some of the main problems which must be faced in the process of understanding the dilemma of citizenship and of the citizen's condition today, I will argue in this essay that any experience of citizenship which aims at satisfying the respect of the usual rights of citizenship, even if just at a basic level, will have to strike a balance between the principles of justice and solidarity in order to achieve it. That is, in spite of believing in the possibility of visualizing a plurality of alternative situations where the condition of the citizen may be equally well presented, and where the rights of citizenship are satisfactorily respected, I also believe that the characteristic attitude held by citizens in their interactions will be always marked by an adequate balance between the perspectives of justice and solidarity. I would like to submit that whenever the balance between these two principles is inadequate one may speak of a deficit of citizenship. I would also like to point out yet that, in spite of the fact that the balance that I am proposing here has a few points in common with the one put forward by F. Reis (1993; namely the articulation of the notions of political market and State), it distances itself from Reis by its focus on the cultural orientations that characterize the performance of the actors in their face-to-face interactions. Not only is my focus on the lived experience of the actors, in which rights are actually or virtually thematized, but I also believe that this way of looking at the problem is important for the understanding of rights in the whole spectrum of social life. In other words, the "solidarity element", to use a notion taken up by Reis in contradistinction to what he calls the "realistic element" (with reference to the field where statements about individual interests are manifested) would be far from representing exclusively the social dimension of citizenship and/or the mechanisms for correcting the distortions inherent in the working pattern of the political market.

In this endeavor, I will initially characterize the two principles at a theoretical level in order to discuss two empirical cases in which the inadequacy of the balance between the above mentioned principles has had, as consequence, the creation of deficits of citizenship that take opposite directions.

## I. Justice, Solidarity And The Condition Of Citizenship

The notions of *justice* and *solidarity*, specially when associated to the concept of *citizenship*, point to two parallel but interconnected debates. Within the philosophical universe these notions have performed an important role in demarcating the discussions relating to moral theory, in which the preference for the ideals of justice or of solidarity have defined a dividing line between, respectively, the theories of moral duty (identified with the social-contract tradition from Rousseau to Rawls) and the theories more concerned with the values of the “good life” (linked to Aristotelean perspectives of all sorts). Nowadays, the confrontation of the divergences between the proponents of discourse ethics and the “communitarianists” represent one of the most promising strands of this debate.<sup>3</sup>

In the sociological literature, the notions of justice and solidarity play a role in the articulation of individual and collective interests in the discussion on citizenship and democracy (see F. Reis 1993 & E. Reis 1993:163-175). On the other hand, this literature also brings to the fore the correlation between an emphasis on the role of the citizen as an autonomous being and as a bearer of rights, and a concern with the duties of citizenship associated to a communitarian identity, in which citizens are seen as belonging to a social totality (Bellah *et al.* 1985; F. Reis 1993; Kelly 1979).

There is no need or space here for a detailed discussion of the two debates. However, I must indicate what seems to me to be the core of the problem, whose implications are particularly important to the development of my argument. In this connection, because the main contribution to the two debates is dedicated to the rescuing of the valorative plane of the notions of citizenship and ethical life, especially if we keep in mind my concerns here, I will limit myself to a brief presentation of discourse ethics, not only as my point of departure but also to bring to the fore the substantive dimension of solidarity that I would like to examine.

Like all moral theories inspired by Kant with, therefore, strong cognitivist and universalist claims, discourse ethics makes a radical distinction between normative and valorative questions in which only the former would initially belong to the realm of morality in the strict sense. Although this exclusion of the valorative dimension had been later relativised, as I mentioned above, discourse ethics keeps itself linked to a deontological tradition and has good reasons to maintain its focus on the normative dimension of moral and ethical life (see Cardoso de Oliveira 1996b), to the extent that the discussion of the morality of the norms and/or of the procedures that characterize moral argumentation is centered on the analysis of the relationships between persons, groups and interests, as well as referring to the manner in which these relationships are lived and/or experienced by the actors. This allows for a closer look at particular empirical contexts and permits a better grip on the validity questions that mark the cognitivist perspective emblematic of this approach.<sup>4</sup> In this regard, and in contradistinction to other approaches

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3. In a recent article, Sheyla Benhabib (1991) makes an interesting assessment of this debate, indicating the points of articulation within the discussion that she sees as being potentially most fertile. See also Rasmussen (1990), which puts together a few of the main contributions to this debate.

4. This does not mean that discourse ethics is actually concerned with the detailed analysis of empirical problems

which are situated in the same tradition, discourse ethics does not need to use artificial situations (like the ideas of ‘original situation’ in Rawls and of ‘ideal role taking’ in Mead) to ground its validity claims. Still, it does maintain its connection to the formalism that is characteristic of the universalistic theories.

Nevertheless, even if concern with the respect towards the equality of rights among individuals or citizens and the attention towards the protection of the identity of the person as a member of a community sharing intersubjectively constructed networks of mutual recognition are shared on the same level, such that the principles of justice and solidarity are equally constitutive of the moral universe (Habermas 1986:21; Cardoso de Oliveira 1996c and 1996b), Habermas ends up taking a much-too-timid position *vis-à-vis* the incorporation of the valorative dimension of ethical life in his propositions dealing with morality problems. In this context, he ends up reducing the interests of discourse ethics to “those structural aspects of the good life that can be distinguished from the concrete totality of specific forms of life” (Idem:24). Even if it is a positive contribution, one must recognize that this step maintains an excessively formal attitude towards values whose importance cannot be properly assessed when one is not allowed to take up a systematic discussion about the substantive content of these values, not only as regards the role of values as a source of motivation towards the engagement of people in social actions or practices but also in connection to the understanding of the relations between the rights and/or interests eventually focused upon in the study of the normative dimension of ethical life.

It was exactly this dissatisfaction with the articulation between norms and rights on the one hand, and values on the other, that stimulated me to devise a way to overcome the constraints of that position by taking up Mauss’ notion of reciprocity (Cardoso de Oliveira 1996c). Trying to rescue the substantive dimension of solidarity, I called attention to the fact that the notion of reciprocity grants a decisive importance to values in the assessment of the rights involved in the exchange relations analyzed by Mauss. In this regard, besides indicating the emphasis given by Mauss on the relational character of rights, shown in the notion of reciprocity through the obligation to give, to receive, and to give back (characteristic of *total social prestations*), I argued that the realization of the exchanges and/or the institutionalization of the relationship between the parties demands not only the assertion of the rights and duties which condition the interaction but “the mutual recognition of those involved as persons deserving of the special/individualized treatment reciprocated throughout the different moments which mark the transaction” (Idem: 153) — that is, the idea that the implementation and/or the recognition of the rights at issue depend, to a certain extent, on the mutual consideration of the *dignity* of the parties as legitimate members of the community, with which they identify themselves through the communion of values and shared world views.

In a recent essay, Taylor (1992) calls attention to the importance of the notion of *dignity* in the recognition of the citizenship of social actors. In contrast to the idea of *honor*, which presupposes the existence of social hierarchies (*à la ancien régime*) and holds a differentiating and elitist character, the notion of *dignity* is connected to the ideals of equality found in the modern democracies and can be shared by all. Despite focusing on

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or that it satisfactorily articulates its theoretical propositions with empirical questions.

the dilemma of citizenship in places where the situation (or condition) of multiculturalism is lived and perceived as a problem by the actors, Taylor's essay brings to the fore questions that are central to my endeavor, to the extent that it indicates the need for recognition demanded by certain socio-cultural specificities (or characteristics) so that significant segments of the citizens of a nation may have their *dignity* duly recognized. And he emphasizes that such recognition may not result in the creation of a situation of inequity in relation to other citizens (or segments) who do not share the socio-cultural characteristics that are eventually recognized.<sup>5</sup> As we shall see, the rescuing of the substantive dimension of solidarity demands the recognition of specificities or of particular identities that are socially and culturally constituted.

At any rate, from a perspective concerned with the ethnography of relationships, this articulation between rights and values allows for an interesting approximation to the problems associated with the substantive dimension of the solidarity component of citizenship. As I will make clear in the later discussion of the two empirical cases comparing the experiences of citizenship in Brazil and the United States, the balance between the principles of justice and solidarity is centered on the relationship between the respect for the rights of the individual and the consideration to the person of the social actors — the recognition of their *dignity*, in other words.

### **III. The Rights Of The Individual And The Consideration Towards The Person In Brazil And In The United States**

The dialectic between the notions of individual and person has inspired interesting comparisons between Brazil and the USA, including even a few works on the meaning of citizenship in the two countries (DaMatta 1979; 1991). I believe that the main comparative work in this direction, which focuses on the cultural dimension of the problem, has been done by Roberto DaMatta, and I will draw on his contributions in order to put my own endeavor in perspective.<sup>6</sup>

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5. The main example discussed by Taylor, as an illustration of his point of view, is Quebec's demand to be considered as a "distinct society".

6. I am aware of the fact that it is nearly impossible to address the complexity of issues of rights and citizenship in countries like Brazil and the USA, without touching upon problems of social class and ethnicity. However, I decided to focus exclusively on the broad categories of individual and person within these societies to bring out the problems related to the substantive dimension of solidarity that, I believe, permeates all kinds of relationships in these societies.

## 2.1 Solidarity and inequity in Brazil

In DaMatta's interpretation Brazil is defined as a 'relational society,' in contradistinction to the clearly individualistic character of American society. In this regard, the modern and universalist logic of the individual, which predominates in the USA, would exist in Brazil side by side with a traditional logic that gives priority to relationships and emphasizes the preeminence of the whole over its parts. This therefore underlines the great importance attributed to hierarchy in the Brazilian context. According to DaMatta, while universalist logic would be linked to the public space of the street ("*rua*"), to the laws and to impersonal relations, traditional logic would have as its reference the private space of the house ("*casa*"), the family and personalized relationships. In the first case, one identifies the logic of the individual-citizen with its levelling character, whose essence would be found in the ideas or values of autonomy, independence and equality; traditional logic, on the other hand, would place a higher value on contrasts, gradations, and complementarities.

Still following DaMatta, the articulation of the two logics in Brazil (given that traditional logic and the 'relational' perspective dominate) would have as a consequence a negative perception of the idea of citizenship, understood here as the category that mediates the duties and obligations towards the State. By the same token, laws would be also seen with distrust, being perceived as instruments for State control or for the manipulation of power, and would not represent a guaranty of freedom or of access to citizenship rights. Nevertheless, perhaps DaMatta's main contribution to the argument that I develop here is the idea that the notion of citizenship in Brazil engenders upwards and downwards deviances. That is, while the experience in the street world reflects a state of 'undercitizenship,' the experience of everyday life within the universe of the house and of the family reflects a condition of 'supercitizenship' (DaMatta 1991:100). Despite agreeing with Neves (1994: 262, 269-70) that the dichotomy 'undercitizen/overcitizen' is probably more appropriate regarding differential of access to privileges "within the street world", which would be almost totally restricted to the minority of *overintegrated* citizens in Brazilian society, DaMatta's formulation has the advantage of calling attention to the culturally-motivated preference towards the attainment of privileges, which would also be effective in the orientation of the practices of *underintegrated* citizens (in Neves' terminology).

As I observed elsewhere, such a picture indicates that, even if we do not disagree with Neves' considerations, "the subordination to duties, in one case, would be [symbolically] compensated by the access to privileges in the other" (Cardoso de Oliveira 1996a:96). I suggested that the articulation of 'street' logic with 'house' logic would have, as a consequence, a "...tendency to transform rights into privileges by way of a systematic orientation towards the privatization of public space", and a motivation to invert, whenever possible, the condition of undercitizenship — people feel threatened when exposed to the constraints of impersonal laws and thereby transform it into its opposite. I believe that this situation is a good example of the imbalance between the principles of justice and solidarity, in which the lack of respect for the rights of the common citizen or individual is contrasted with the willingness to favor those individuals who show themselves as being especially *dignified* or worthy of consideration — in other words, a situation in which there is simultaneously too little justice in access to rights and too much solidarity, even if it is excessively circumscribed and localized in the consideration of the person (of the citizen)

who is deserving of recognition. This suggests a conception of *dignity* that is strongly contaminated by the perspective of *honor*, in the terms used by Taylor.<sup>7</sup> Thus, the drama of the situation may be attributed not only to the “quantity” or importance, eventually excessive, of the attitude of solidarity or of the consideration towards the person of the actors, but to the difficulty of universalizing it; in other words, the difficulty lies with articulating it adequately alongside the assessment of rights and/or interests of the parties involved in the various situations of social interaction.

Despite the great perversity that characterizes such a situation as concerns the ideals of social justice — given that, in this case, the imbalance between the principles mentioned above implies the usurpation of the rights of the majority — it is noteworthy that the values that support the social practices that lead to inequity are widely shared amongst all social segments of Brazilian society. I do not mean that there is no opposition to the attempts at transforming rights into privileges or to the processes of privatization of public space. On the contrary; once these acts have been classified as examples of such attempts the demands that the appropriate measures be taken are immediate, even if it is rare that, as in the case of the frequent accusations of corruption or nepotism, the wrongdoers are effectively punished.<sup>8</sup> The problem is that a large part of the situations that might (and should) be identified as examples of such acts are sufficiently ambiguous to avoid a negative perception of their meaning.

In fact, the intensity of the popular outcry caused by such practices is only comparable to the extension of the social universe where they occur. Here, I am not making reference only to those practices of the privatization of public space or to the attempts at transforming rights into privileges whose content is clearly illegal, but also to all the acts or social practices in which the demand for privileges (attuned to the logic of *distinction*) prevails and harms the legitimate interests of others. That is, besides the crimes of corruption and nepotism, one cannot avoid recognizing something of the same phenomenon in the diverse (legal) practices of clientelism, in the undue influence of cartels in the Brazilian economy,<sup>9</sup> in union corporativism, or in the ill-justified concession of subsidies.

In the context of this orientation towards transforming rights into privileges, the excesses in the concession of indemnities or pensions to journalists allegedly fired or blacklisted during the years of dictatorship is only the most recent and outrageous case.<sup>10</sup>

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7. On the importance of the association between the categories of *honor* and *dignity*, and of its relations with the contamination of public space by the private in the Brazilian case, see the interesting paper by Teixeira (1995) about the CPI (Parliamentary Commission of Inquiry) of the Budget and the notion of “parliamentary decorum.” For a discussion about the relationship between the notions of *honor* and *dignity* in modern societies see the illuminating article by Berger (1983:172-181).

8. The impeachment of former president Collor de Mello must be seen as a radical exception that confirms the rule.

9. Which has reached even the job market, through the “regulating” of professions whose implementation does not bring benefits to the population but which has, above all, satisfied the private interests of the people in these professions (e.g., journalism).

10. See the report published by *Revista Veja*, in its edition of May 24, 1995 (pp.98-100), in which one of the candidates to the indemnity is introduced as a professional who started to work in 1980, therefore after the end of

Some aspects of the reintegration of once-excluded professors in Brazilian universities are nearly as excessive as the cases of the re-integrated journalists. By the same token, a few professors in the Federal Universities take advantage of the obligation to sign a new contract when they are promoted to full-professorships<sup>11</sup> and retire on the old contract, thereby obtaining the “right” or the privilege to receive two wages.<sup>12</sup> This manipulation, allowing for the transformation of promotion into a “new” position, is particularly interesting for the argument developed here, especially for Departments that have experienced this manipulation more than once within a brief period of time. Given the impossibility of hiding this strategy, such experiences seem to be intelligible only if we suppose the support, and possibly the stimulus, of this manipulative strategy by fellow faculty members. In other words, the manipulative strategy is positively sanctioned within the domestic universe of the Department!

The examples could be multiplied almost infinitely including even everyday practices without much consequence, such as the lack of respect for line-ups in general. But that is not my objective here. I just would like to pick out two characteristics of nepotism, and to mention one last example, in order to conclude my reflections about the consequences to the condition of citizenship of the imbalance between the principles of justice and solidarity in the case of Brazil.

### **2.1.1 Nepotism and the ‘parity system’**

In one of the few works about nepotism in which the author tries to unveil the internal logic of this practice by comparing it with similar practices that are positively sanctioned by society, Laraia (n.d.) calls attention to two important aspects of nepotism that are not usually taken into consideration. The first is connected to the logic of reciprocal relations, which takes place within the domestic or familial domain; it is also connected to the loyalty structure that follows from it and legitimizes the plea for favors from patrons/benefactors. Besides being grounded on the precepts characteristic of the ‘relational society’ (as defined by DaMatta), Laraia argues that such demands are often seen by relatives/clients as a return from their investments and a fulfillment of their expectations, that is, as a recognition of their contribution to the success of the political trajectory of the benefactor. In spite of the fact that Laraia did not make explicit references to similar

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the period of censorship, but who believes to have the right to the indemnity, with the support of the Union, because the paper in which he worked had to close its doors in 1986 due to the losses allegedly suffered as a consequence of the dictatorship.

11. The access to full-professorship in the Federal Universities is currently available only through the process of “*concurso público*”, a kind of public examination or competition to which any person who meets the formal requirements can apply. This kind of “fake” retirement is specially common among women professors who, according to the law, may retire when they reach 25 years of teaching.

12. As all candidates who apply for full-professorship and are already in the Faculty must be necessarily adjunct/associate professors, and as according to the so-called Unique Juridic Regime the people who retire receive a pension equivalent to the wage of the position immediately above theirs, professors who successfully obtain this privilege end up receiving two wages at the level of full-professorship.

situations in the private sphere, I believe that the demands coming from the relatives of politicians would not be much different or more “clientelistic” than the ones coming from the kin group of successful businessmen.<sup>13</sup> The second aspect mentioned by Laraia is related to the scope of nepotism, which should also include the practice of hiring friends within the same logic of reciprocities used by relatives. By the same token, the author also suggests a certain identity between this type of nepotism and the one that manifests itself within more parochial contexts, where the distribution of working positions would reproduce the same logic of loyalty and reciprocity mentioned above and whose primary objective would be the satisfaction of the community’s demands as concerns the access of individuals to what could be called the *political market* of jobs.<sup>14</sup>

Finally, the example that I would like to present before introducing the discussion about the dilemma of citizenship in the USA is the demand towards the institutionalization of a ‘parity system’ in the election of the Universities’ academic-administrative authorities, which is also expected to prevail in the boards and councils that have a deliberative function in the determination of the academic policies. In this context, I would like to point out only two or three characteristics that stress the radical nature of the example. In spite of its clearly *privatizing* consequences, and regardless of the confusion between the notions of rights and privileges that comes to the fore in the articulation of this demand, the logic that is cited in defense of such a system is presented as championing the ideals of democracy and social rights.<sup>15</sup> Basically, the major problem with the argument that defends the ‘parity system’ is its lack of attention to the specificity of the University within the larger society, its social function or its role. By mistakenly considering that the so-called “university community” represents a miniature of the society at large, the defenders of the ‘parity system’ demand that the processes of University decision-making allow for the same rights of political participation that are shared by all Brazilian citizens in the context of the larger society. However, instead of demanding the institutionalization of the universal vote (where each and every vote has the same value) for the members of the “community”, the pro-parity movement emphasizes the defence of the rights/interests of the segments represented within the “community”: faculty, students and administrative personnel.

As the University has a social function and offers services to the society at large (by producing knowledge and training competent professionals and/or technicians), It so

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13. It is clear that the satisfaction of these demands, in the case of the businessmen, does not conform to a situation of nepotism and, as far as it would not result in an aggression to other people’s rights, it does not provoke any social criticism.

14. In this regard, a few works by anthropologists about the strategies of vote definition and of political loyalty during elections in the interior of Brazil give substance to the words of Laraia, and call attention to the interesting characteristics of the discourse that justifies these practices (Palmeira & Heredia n.d.; Chaves 1994 and Abreu 1993).

15. The ‘parity system’ means that the three segments comprising the “university community” (Faculty, Students and Administrative Personnel) have the same weight in the administration of the University. Thus, in the election votes are computed in accordance to a formula in which the vote of each individual is equal to the percentage which he or she represents within the body of his or her segment. As the Faculty is the smaller segment, in a way the votes of its members, as individuals, have a greater value than the votes of the members of the other segments. For a detailed discussion about the problems of the ‘parity system’ from the perspective developed here, see Cardoso de Oliveira (1996a).

happens that academic policy must contemplate as effectively as possible the satisfaction of society's interests in the quality of the services offered by the institution. In this regard, any proposal for academic policy or for University management that is not within the scope of (or subordinated to) the above-mentioned goals of the University will ignore the interests of the majority. In fact, the proposal for the implementation of a 'parity system' reveals an inversion of priorities, to the extent that the interests of the segments are placed ahead of the interests of the general population that maintains the institution — clearly an attempt at privatizing public space. Moreover, the 'parity system' also characterizes a transformation of the status of the demands, which lose their meaning as rights and take the form of privileges. In order to avoid this situation, the proponents of parity would have to engage in a discussion of the basic issues, that is, the evaluation of the potential contribution of each segment of the "university community" to achieving the goals of the institution.

Beyond reinforcing the characterization of the tendency towards the privatization of public space, as well as the propensity to stimulate semantic confusions between the notions of rights and privileges in Brazil (derived from the existence of a large degree of overlap between the semantic fields of the public and the private spheres), the case of the 'parity system' emphasizes another important aspect of the problem that clearly contrasts with the dilemma of citizenship in the USA. I am talking about the facility with which actors identify with specific totalities, even if circumscribed. Such facility is typical of the power (and pervasiveness) of the principle of solidarity in the Brazilian context. Hence, actors perceive themselves as belonging to communities with values that are intersubjectively shared and with mutually-acknowledged social networks. It is noteworthy that this facility seems to correspond to a degree of difficulty as concerns the recognition of interlocutors belonging to more inclusive communities: here, the common identity would be considered as being, in principle, too abstract.<sup>16</sup> It is possible that the excessive importance attributed to the substantive dimension of solidarity in these cases necessarily implies the difficulty of recognizing the rights of citizenship (which are always meant to be universal or universalizable) of those who are not normally seen as sharing the same value system.

Be that as it may, it is interesting to observe at least two characteristics of social interaction in Brazil that seem to be implicated in actors' identification with totalizing relationships; they also express a communion of identities among interlocutors — in other words, the significance of what I have been calling the substantive dimension of solidarity. I am referring 1) to the valorization of empathy in face to face relations, indicating the existence of an actual "cult" of sociability, and 2) to the ambiguity of commitment

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16. I must say that the abstractness of this common identity works well in theory, where it is not all that difficult to encompass or to integrate people who are not usually perceived as belonging to the category of worthy citizens. The problem shows itself at the level of the everyday practices of Brazilian society as a whole. Here, in order to find recognition one must hold a specific or substantive and easily conveyed identity, whatever it may be — in Brazil, there are many circumstances in which there is nothing worse than being classified as the generic individual, or the plain faceless "citizen". In such circumstances, being merely 'somebody', like 'anybody', means in fact being a 'nobody', not only in terms of income and prestige (or social status) but, above all, in terms of lacking a substantive reference as a moral person. However, the interesting thing about Brazilian society is that anyone may be able to convey this substantive reference characteristic of moral or dignified persons, within a range of different potentialities, as long as one succeeds in establishing an empathetic rapport with one's interlocutor, which always remains as a possibility.

expressed by the actors in these relations. That is, even if the manifestation of empathy is genuinely cultivated during the interaction, this does not imply in and of itself the existence of any commitment between the parties or between the messages exchanged during the interaction.

As I will argue in the following section, the imbalance between the principles of justice and solidarity in the USA seems to point towards a deficit of citizenship in the opposite direction: that is, to the difficulty of respecting certain rights whose recognition demands that the principle of solidarity play a more effective role in social interactions. This seems to be so even if we take into consideration the fact that the individualist ideology pervading the country, which is universalist and cherishes equality (i.e., equal access to the rights of the individual), stimulates the respect of the rights of the (generic) citizen and allows for the existence of a much lesser degree of real social inequality in comparison to Brazil.

## **2.2 Individualism and the reification of rights in the USA**

Compared to Brazil American individualism creates a striking impression to outside observers. Despite the fact that the dominant ideology places an excessive emphasis on the values of autonomy and independence (Bellah *et al.* 1985), understanding the problems of the exercise of citizenship that come from such an ideology demands a minimum of contextualization.

Above and beyond the existence of a much greater degree of formality in face-to-face relations in the USA, the existence of a large area of intersection between the public and the private domains in Brazil contrasts well with a radical separation between these two domains in the USA. Such a situation is stressed in American individualist ideology that, according to Bellah *et al.* (1985:27-51), has its origin in four traditions or strands of American culture: (1) the Biblical, (2) the republican [or civic], (3) the utilitarian, and (4) the expressive.<sup>17</sup> If it is true that the four traditions emphasize the importance of the individual in society, each one does it in a specific manner. Thus, the Biblical tradition stresses the idea of “moral liberty” within the context of an “ethical community”; the republican tradition insists on the principle of “political equality” in the universe of a democratic society; while the utilitarian tradition focuses on the idea that the individual should pursue his or her own material interests; and the expressive tradition stimulates the enrichment of the self and the cultivation of the deep identity of the individual. Although all four traditions were originally concerned with the integration of the individual in society and were committed to the constitution of a particular type of society, only the first two, in which this concern and/or commitment has always been stronger, have succeeded in keeping the articulation between individual and society in perspective. That is, the utilitarian and the expressive traditions have been internalized exclusively in relation to those aspects that praise the particular interests of the individual, having greatly contributed to the diffusion and consolidation of conceptions that have as their reference a

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17. In fact, according to the authors the last two traditions are part of a single cultural strand which they call “modern individualism” (Bellah *et al.* 1985:28).

decontextualized individual totally independent of social relations. In extreme versions of such conceptions the so-called *unencumbered self* (Idem:80) is seen as a being whose identity has been formed without socialization and outside of any kind of cultural setting.

Still following Bellah *et al.*, today the utilitarian (in the public sphere) and expressive (in the private sphere) traditions have become predominant. This has led to the development of a particularly acute difficulty for Americans as regards their ability to articulate a coherent discourse about social commitment — that is, difficulty in the development of a discourse that justifies their options in the moral order (which thematize the legitimacy of relationships and interactions) or that defends their identity with certain values as opposed to others, or, again, that allows for the linking of these values with agendas aiming at the satisfaction of social interests within a broader perspective.

Bellah and his collaborators provide examples from a broad variety of contexts and social strata within American society in order to characterize the scope of this discursive difficulty, which they attribute to the constraints of what they called the “first language” of American individualism, with its almost absolute emphasis on the idea of *self-reliance*. In spite of indicating the existence of “secondary languages”, to which most Americans also have recourse to allow for a better articulation of values and a more coherent vision of the place of the individual in society, the subordination of these languages to the widely-shared primary language of individualism inhibits the elaboration of a satisfactory discourse about those themes.

In this connection, the case of ‘Brian Palmer’ (one of the informants of Bellah *et al.*) is particularly interesting. Brian is an accomplished businessman whose concerns about being successful and making money led him to spend the first fifteen years of his career totally dedicated to his work, without giving much attention to his wife and children, for whom he apparently only fulfilled the role of a provider or breadwinner in the strict sense of the term. This continued until one day when, after getting back home from work and telling his wife that he had received an offer on his house, which was for sale, she warned him that: “...you should probably realize that once we sell this house we will live in different houses” (Bellah *et al.* 1985:4). Later he finds out that his wife had been having an affair but, at this point, he goes through a period of reflection upon his life in order to make sense of what was happening and to restructure his life. Brian remarries a woman of his own age who has a professional career and children from her first marriage. The opportunity to take care of his own children, who decided to live with him a little while after the separation, made him learn how to cultivate his relationships within the family and stimulated him into structuring his new marriage on a different basis. Now, Brian does not spend the same amount of time at his office; he shares his feelings with his wife, as well as their mutual goals and problems; he invests in sociability within the family and gives many indications that he feels much better with his new life style.

However, when prompted to justify the changes in his life style, Brian limits himself to identifying a change in his preferences that, in and of themselves, would not be better nor worse than the ones he held before. In this regard, the authors point out that despite the fact that Brian’s new life style seems to be morally much better structured, allowing him to engage in more profound and enriching relationships, he is not able to “objectively” defend it when he compares it with his previous life style:

...Morally, his life appears much more coherent than when he was dominated by careerism, but, to hear him talk, even his deepest impulses of attachment to others are without any more solid foundation than his momentary desires. He lacks a language to explain what seem to be the real commitments that define his life, and to that extent the commitments themselves are precarious. (Bellah *et al.* 1985:8)

It is important to keep in mind the final part of the quotation in which the authors indicate that, without being able to justify or to make explicit what would be the real commitments in his life and, therefore, without perceiving them adequately, Brian ends up weakening these very commitments that he cherishes so much. In a way, it is as though this weakening came about despite the objectives or intentions of the actor. The problem repeats itself in a variety of situations and social contexts, even including cases like the one of the political activist who, despite his dedication to the cause that mobilizes all his efforts, is not capable of articulating a convincing discourse about the projects that orient his engagement in the cause (Bellah *et al.* 1985: 17-20).

Bellah *et al.* give examples of citizens who achieve a more cogent articulation of their values and ethical-moral commitments, even if within the limits imposed by the predominance of the “first language of individualism,”<sup>18</sup> although Brian’s case shows very well the essence of the difficulty experienced by citizens and brings to the fore the heart of the American dilemma as it is described by the authors. As I would like to argue, however, the consequences of such a picture are not restricted to the weakening of the above-mentioned commitments but would also undermine the respect of those rights whose sanctioning demands an explicit recognition of the *dignity* of the citizen’s person, and/or the manifestation of the solidarity component of citizenship.

I will now make a brief presentation of mediation sessions within the context of Small Claims Court in the USA, where ignoring of the rights closely associated to the demand of recognition of the *dignity* of at least one of the parties is particularly apparent. With this, I shall conclude my comparative reflections on the dilemma of respecting citizens’ rights in Brazil and the USA.

### **2.2.1 The mediation of small claims**

One of the reasons why these mediation sessions are especially interesting for the discussion of the difficulty of recognizing certain rights in the USA is the fact that they allow for the explicitation of demands that do not find any room within the ambit of the court hearings. As I have shown in my ethnography on small claims in Cambridge, Massachusetts (Cardoso de Oliveira 1989:298-339), the court hearings are strongly characterized by “the judicial mode of assessing liability,” which imposes a process of

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18. In all of these cases the actors make use of “secondary languages”, which emphasize the identity with traditions and commitments associated to what the authors call “communities of memory” (Bellah *et al.* 1985:154). It is interesting to note that in all of those circumstances the authors are talking about universes which are locally circumscribed as, for instance, the ethnic and the religious communities.

narrowing down the claims to the point of inhibiting the manifestation of any arguments that are not directly associated with legally-recognized paradigms, that is, contractual or tort paradigms. Beyond that, the demand for the articulation of a logical-deductive reasoning in the narrative of the events that prompted the dispute and the obligation to present evidence constitute an extra difficulty for the parties in the verbalization of their claims (O'Barr & Conley 1985). In this connection, the problem with the mediation sessions is not in the limitations of the arguments and/or of the subjects that may be introduced within the negotiation process, but is the manner of conducting the discussion and of dealing with a certain type of question.

In spite of the fact that the mediation process is profoundly marked by a concern with questions of *fairness*, such a concern is dissociated from the idea of justice. As a consequence, the disclosure of the reasons or motives which have given rise to the conflict becomes secondary, making it difficult to buttress an objective difference between *fair* and *unfair* — that is, a difference that would not be exclusively based on the opinion of the parties at the end of mediation sessions. Thus, at the same time that the mediators — and to a certain extent the judges as well — believe that this procedure allows for a better understanding of certain disputes and for the definition of a more satisfactory outcome for the parties, they also reject the idea that the mediation sessions allow for a better assessment of the merits of the claims and of the rights involved. In other words, the mediation process privileges a prospective outlook, more directed towards the satisfaction of the litigants' interests in view of their present situation than towards an evaluation of the rights that are injured during the conflict or dispute.

This view is grounded in the arguments developed by Fisher & Ury in their bestseller, *Getting to Yes: Negotiating Agreement Without Giving In (GTY)*, which seems to have become an important reference work to the most diverse negotiating practices in the USA and that orients the work of mediators.<sup>19</sup> Just as in the case of the informants cited by Bellah and his collaborators, the authors of *GTY* and their followers (like the mediators) have a great deal of difficulty in justifying the rights and/or the values that support the interests discussed throughout the negotiating process. It is interesting to note that if, on the one hand, the mediators criticize the formal constraints that hamper the adequate presentation (and the respective understanding) of small claims in the context of the court hearings — recognized as the appropriate forum for the assessment of justice — on the other, once these mediators create space for the discussion of the contingencies and substantive specificities of the claims in the mediation sessions, they see themselves as being obligated to abandon the attempt to evaluate the rights of the parties or the normative rightness of their actions. The situation presented by Fisher & Ury in *GTY* as a paradigmatic example for the orientation of the assessment or negotiation of conflicts brings to the fore both the strength and the limitations of the perspective:

Consider the story of two men quarrelling in a library. One wants the window open and the other wants it closed. They bicker back and forth about how much to leave it open: a crack, halfway, three quarters of the

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19. Actually, the authors were (and still are) active members of the "Harvard Negotiation Project", to which most of the mediators who worked at the court were associated as students at the Harvard Law School.

way. No solution satisfies them both.

Enter the librarian. She asks one why he wants the window open: 'To get some fresh air.' She asks the other why he wants it closed: 'To avoid the draft.' After thinking a minute, she opens wide a window in the next room, bringing in fresh air without a draft. (1985:41)

Despite being undoubtedly simpler than most of the disputes mediated within the ambit of small claims court, the example is exceptionally clear in relation to the adopted procedures and to the objectives of the negotiation. At the outset, it calls attention to the advantages of giving priority to the "objective" interests of the parties and of achieving a negotiation oriented by principles, to the extent that the solution found by the librarian produces a more satisfactory solution to the parties than any other outcome negotiated with a focus on the positions and/or the "reasons" (rights) of the parties would or could; even if the two men in the library would have reached a solution on the basis of a compromise, in which they both would be willing to give in to the same degree (agreeing that the window would have been left halfway opened), they would still be subjected respectively to a certain amount of draft and (probably) to less fresh air than would be the case in the solution proposed by the librarian (exclusively based on the interests of the parties). However, the other side of the coin is the often rigid separation between rights and interests. As most of the disputes successfully mediated in the context of small claims suggests, the lack of means to deal with the assessment of rights may turn into a meaningful limitation for the achievement of equitable agreements, that is, agreements in which the parties feel and perceive themselves as being thoroughly satisfied in their demands for the redress/vindication of the rights eventually injured (Cardoso de Oliveira 1989:339-340 e 1996b:125-138).

In this regard, one of the main characteristics of many disputes that reach the Small Claims Courts is their resistance to the dissociation between the moral and the legal dimensions of the conflicts that had prompted the filing of the claims. Usually the parties not only demand a monetary indemnity, to which they have a legal right whenever they obtain a favorable judgment, but they also want the recognition of and the recrimination for the moral injury which they had suffered at the moment that the dispute erupted.<sup>20</sup> In a way, one could say that, beyond the concern with the definition of the money amount expressed in the judge's judgement or in the mediated agreement, the plaintiff would like to receive an expression of repentance from the defendant or an explicit moral reprehension of his acts, whenever the latter had been proven liable for the plaintiff's moral aggression. This very common pattern is particularly evident in cases in which the value of the indemnity demanded would not justify the filing of the claim in the first place, as in the disputes involving 30 or 40 dollars.

It so happens that this moral reparation cannot be adequately discussed or introduced if, during the hearing or mediation session, one does not go over the problems that motivated the dispute and does not weigh the rights and liabilities claimed by the

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20. In my experience as a "Paralegal Adviser", during a period of almost two years in the Small Claims Advisory Service at Cambridge, most of the people who sought advice, usually the plaintiffs, were not satisfied with the orientation given them but demanded an explicit expression of solidarity from the Advisers.

parties. On the contrary, if one avoids taking up these issues and looks at them as a contaminating threat to an “objective” evaluation of the interests of the parties, the discussion of the alleged aggression does not meet the required receptivity, and the demands for reparation cannot even be articulated. In spite of having emphasized above that the perspective taken up by the mediators insists on the separation between rights and interests and gives priority to the latter, in the practice of mediation this separation ends up being somewhat relativized, even if that relativizing effort is not strong enough to allow for a more frequent recognition of those rights that are directly associated to the *dignity* of the citizen.

On the other hand, it is important to note that the manner by which the demands of the parties connected to the recognition of these rights are most often excluded is by identifying them as an expression of *emotional* attitudes or behavior. For, without being able to articulate a substantive moral discourse or to ground the values which motivate the perception of moral aggression and the demand for reparation, the actors find themselves obliged to make use of a psychological category, that is, a category linked to the universe of feelings or sentiments, which has strong support in the expressive tradition. However, by situating itself within the boundaries of the private sphere, it does not allow for an adequate perception of one’s opponent’s disrespectful behavior as an injury to his or her rights.<sup>21</sup>

At this point I should mention the interesting discussion by Berger on the concept of *honor* (1983:172-181), in which the author shows that despite the undeniable democratizing and liberating benefits that followed from the transformation of the concept of *honor* into the notion of *dignity* in modern societies, it also brought with it incredible difficulty when dealing with moral insults. According to him, these are not actionable in American law since they are not recognized as a real injury (Idem:172). In fact, what Berger is saying is that in societies like the USA modern citizens ended up losing “sight of honor at the expense of dignity” (Ibidem:181). As a result, there are certain offenses to rights whose identification is not appropriately sanctioned, and one could say that it is for no other reason that they tend to be dealt with through the language of emotions.

By the same token, it is true that many times the category of *emotional* behavior is verbalized not only to avoid what the mediators consider an unproductive discussion but also to avoid what they see as a threat to creating unsurmountable problems that may produce a deadlock in the negotiations. Beyond the fact that these ‘emotional’ demands are usually verbalized when the level of tension is high and the parties are getting angry at each other, they usually take the form of a redress; that is, the demand for explanations put forward by the allegedly injured litigant takes the form of a new aggression — for example, the client of a cleaner who had five shirts lost within the store in the week that the business

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21. I must say that in the more formal Courts there is a category of acceptable demands which identifies itself, at least partially, with the need to provide reparation for aggressions to the sentiments of individuals. I am talking about the category of “pain and suffering”, which is often utilized by litigants who have suffered a major loss as a consequence of the bad faith or of the illegalities committed against them. However, these claims have two characteristics which make them different from the ones I am discussing here: (1) the category “pain and suffering” is always brought up as an aggravating factor to another injury which had been already legally grounded; and, (2) the characterization of this type of aggression to the sentiments of the actors demands the collaboration of expert witnesses who give a technical opinion on the extension of the alleged “pain and suffering.” Needless to say that such witnessing is unthinkable within the context of Small Claims Courts in view of the cost which it imposes.

was changing hands and had just started to be managed by the defendant, states that only someone irresponsible and without consideration towards the public could have acted like the defendant's nephew (and employee) when the latter told the plaintiff that his shirts might have been already delivered to him by the prior owner. Another example is the case of the former co-tenant who had a couple as roommates; the co-tenant gets mad at the man of the couple (the plaintiff) for having accused her of having acted in bad faith and that she had invented lies to justify her breaching of the agreement to stay in the apartment for one more month until the new co-tenant could move in. At these moments the mediators interrupted the session to caucus separately with one party at a time, in order to calm the litigants down and to seek new resources with which to resume negotiations focusing on the parties' interests, as opposed to discussing the assessment of the liabilities of the acts and attitudes exchanged throughout the dispute.

At any rate, one must observe that in all of these cases, even in those where the utilization of the category of emotional behavior or attitude is not prompted by the necessity of calming the parties — despite having the same consequences of inhibiting the discussion of certain demands — the rights that are excluded from the negotiations are exactly the ones that require an explicit manifestation of consideration towards the person of the allegedly injured individual or citizen in order to be recognized. That is, what is excluded is an acknowledgement of the citizen's *dignity* as member of an inclusive community/society with a minimum of solidarity, an acknowledgement in which the (content-bound) identity of the citizens is legitimated in such a way that they can be treated in a manner that is not merely an expression of the strictly formal or reifying characteristic of the bureaucratic mechanisms that manage the faceless members of contemporary mass societies. What is really behind the complaints of the client of the cleaner, the irritation of the former co-tenant, or even behind the accusations of the man who stayed in the apartment and sued his co-tenant is the difficulty that they all experienced in admitting that the disrespectful treatment they had received from their interlocutors was in fact reasonable. The parties really felt that their opponents had systematically acted in an unilateral manner. In this context, the most impressive example is the one of the plaintiff who gets to file a claim demanding the recognition of these rights but does it under the disguise of a strictly economic demand.<sup>22</sup> In spite of being able to make explicit the motivation at the core of his claim in terms of an unlawful lack of attention on the part of the defendant, he ends up admitting that, in fact, his grievance should be better understood as a product of emotional discomfort. As happened to 'Brian' (the informant of Bellah *et al.*) when he was not able to provide an articulated moral interpretation of the changes in his life-style, the plaintiff in this last claim also lacked the means to buttress his perception of the injury which he had allegedly suffered. In other words, to use Berger's terminology, the difficulty here was the inability of the plaintiff, and the lack of receptiveness of the system, to portray an insult as an injury.

As I have mentioned above, the major problem with this manner of dealing with negotiations is the lack of assessment of the rights eventually injured, which remain, therefore, without reparation. In the few examples of equitable agreements that I have

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22. The charge is put forward as a demand for interests on the total amount of the plaintiff's loss with the repairs of his damaged refrigerator, in order to compensate for the extra costs which he had allegedly incurred due to the lack of response/ attention of the defendant to the plaintiff's complaints.

noted in my research, when these rights are satisfactorily assessed, the respective demands are sanctioned in one way or the other by a common accord between the parties and the mediator that is created during the negotiation process.

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Finally, I would like to make three observations to close my argument. First, this lack of consideration towards the person or the *dignity* of the citizen and the respective disrespect of certain rights is not lived with pain and sorrow by Americans only within the universe of Small Claims Courts. It also happens in many situations that are part of everyday life experience, even if not with the same tension and distress. I would like to bring up here the category of *businesslike* behavior that, despite making reference to a practice that is positively sanctioned within the public sphere, is also utilized in a critical manner in certain circumstances, that is, in order to identify instances where a social actor feels him or herself as being injured by interlocutors who, by acting in a strictly formal manner, are not able to recognize in ego a subject with a specific identity deserving of consideration.<sup>23</sup> Therefore, such interlocutors cannot establish the necessary rapport with ego in order to allow for the development of sound interaction. In spite of the fact that one finds here the same difficulty of articulating the critique to the *businesslike* behavior with the need to protect the rights of the citizen, this category is especially relevant and illuminating because it identifies, in that type of behavior, a lack of sensibility which is perceived as being really damaging and genuinely inconsiderate towards the person of the citizen.

If, on the one hand, the deficit of citizenship coming out of this kind of situation is relatively small when one compares it with the deficit originating from the difficulty in respecting the rights of the individual in Brazil, on the other hand such a picture suggests that the universalization of the rights of citizenship should not imply the institutionalization of the notion of the generic and identity-less individual (without culture and personal content), the so-called *unencumbered self*. Even if this notion represents more than an “ideology” and reflects the experience of actors, its actual social currency would mean the usurpation of the citizenship rights that are unmistakably linked to the need of recognizing the *dignity* of the citizen or to the importance of having the consideration towards his/her person actually manifested. By the same token, if the notion of rights is a relational category, the notion of *dignity* is a category whose actuality in social interactions demands a reciprocal recognition between the parties, or the existence of a situation of mutuality between them. To use yet another quotation from Berger, “it is in relations with others that both honor and dignity are attained, exchanged, preserved or threatened...” (1983:176).

At last, it is worth emphasizing that the imbalance between the principles of justice and solidarity, responsible for the respective deficits of citizenship in Brazil and the USA, is largely motivated by factors of a cultural order, indicating the necessity of a greater research effort in this area if one wants to promote a better understanding of the dilemma of citizenship and democracy.

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23. Although the *businesslike* category is mainly used to make reference to a formal and objective behavior, I believe that in certain cases it could be more accurately rendered as indicating a kind of instrumental behavior.

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## REFERENCES

ABREU, L.

- 1993 *A Lei, o Poder e a Lógica: estudo antropológico do universo político de Corte de Pedra, povoado do interior da Bahia*. Master thesis presented to the Department of Anthropology da USP.

APEL, K-O.

- 1990 "Is the Ethics of the Ideal Communication Community a Utopia? On the Relationship between Ethics, Utopia, and the Critique of Utopia", in S. Benhabib & F. Dallmayr (eds.) *The Communicative Ethics Controversy*, Cambridge, MA.: The MIT Press.

BELLAH, R., R. Madsen, W. Sullivan, A. Swidler & S. Tipton

- 1985 *Habits of the Heart*, Berkeley: University of California Press.

BENHABIB, S.

- 1991 "In the Shadow of Aristotle and Hegel: Communicative Ethics and Current Controversies in Practical Philosophy", in M. Kelly (org.) *Hermeneutics and Critical Theory in Ethics and Politics*, Cambridge: The MIT Press.

BERGER, P.

- 1983 "On the Obsolescence of the Concept of Honor", in S. Hauerwas & A. MacIntire (eds.) *Revisions: Changing Perspectives in Moral Philosophy*, Indiana: University of Notre Dame Press.

CARDOSO DE OLIVEIRA, L.

- 1989 *Fairness and Communication in Small Claims Courts*, (Ph.D dissertation, Harvard University), Ann Arbor: University Microfilms International (order # 8923299).
- 1996a "Direitos Humanos e Cidadania no Brasil: Algumas Reflexões Preliminares", em R. Cardoso de Oliveira & L. R. Cardoso de Oliveira *Ensaios Antropológicos Sobre Moral e Ética*. Rio de Janeiro: Tempo Brasileiro, pp. 93-104.
- 1996b "Da Moralidade à Eticidade Via Questões de Legitimidade e Equidade", em R. Cardoso de Oliveira & L. R. Cardoso de Oliveira *Ensaios Antropológicos Sobre Moral e Ética*. Rio de Janeiro: Tempo Brasileiro, pp. 105-142.

- 1996c "Justiça, Solidariedade e Reciprocidade: Habermas e a Antropologia", em R. Cardoso de Oliveira & L. R. Cardoso de Oliveira *Ensaaios Antropológicos Sobre Moral e Ética*. Rio de Janeiro: Tempo Brasileiro, pp. 143-157.
- CHAVES, C.
- 1994 "Eleições em Burity: um estudo da política e dos valores". Paper presented in the seminaire *Anthropology and Elections* in September of 1994 at Museu Nacional in Rio de Janeiro.
- DAMATTA, R.
- 1979 "Você Sabe com Quem Está Falando? Um Ensaio sobre a Distinção entre Indivíduo e Pessoa no Brasil", in R. DaMatta *Carnavais, Malandros e Heróis*, Rio de Janeiro: Zahar Editores.
- 1991 "Cidadania: A questão da cidadania num universo relacional", in R. DaMatta *A Casa & A Rua*, Rio de Janeiro: Guanabara/Koogan.
- FISHER, R. & W. Ury
- 1985 *Getting to Yes: Negotiating Agreement Without Giving In*. Harmondsworth, Inglaterra: Penguin Books.
- GEERTZ, C.
- 1983 "Local Knowledge: Fact and Law in Comparative Perspective", in C. Geertz *Local Knowledge*, New York: Basic Books, Inc., Publishers.
- HABERMAS, J.
- 1986 "Moralität und Sittlichkeit. Treffen Hegels Einwand gegen Kant auch auf die Diskursethik zu?" in W. Kuhlmann (org.) *Moralität, Sittlichkeit: Das Problem Hegels und die Diskursethik*, Frankfurt: Suhrkamp.
- KELLY, G.
- 1979 "Who Needs a Theory of Citizenship?", *Daedalus*, outono de 1979, pp. 37-54.
- LARAIA, R.
- n.d. "Repensando o Nepotismo", mimeo.
- MARSHALL, T.H.
- 1976 *Class, Citizenship and Social Development*. Connecticut: Greenwood Press.

- NEVES, M.  
 1994 "Entre Subintegração e Sobreintegração: A Cidadania Inexistente". *Dados*, vol. 37(2):253-275.
- O'BARR, W., & J. Conley  
 1985 "Litigant Satisfaction Versus Legal Adequacy in Small Claims Courts Narratives," 19 *Law & Society Review* 661.
- PALMEIRA, M. & B. Heredia  
 n.d. "La manifestation politique et les liens sociaux: Les meetings et la politique de factions." Mimeo.
- RASMUSSEN, D. (ed.)  
 1990 *Universalism vs. Communitarianism*, Cambridge, Massachusetts: MIT Press.
- REIS, F.  
 1993 "Cidadania, Mercado e Sociedade Civil". Paper presented in the panel "The Citizenship in the post-socialism: theoretical and philosophical aspects," during the *XVII Annual Meetings of ANPOCS*, in October 1993, in Caxambú, Brazil.
- REIS, E.  
 1993 "As transições do Leste e do Sul: o desafio teórico". *Estudos Históricos* 12, julho-dezembro 1993, pp. 163-175.
- TAYLOR, C.  
 1992 "The Politics of Recognition", in A. Gutmann (org.) *Multiculturalism and "The Politics of Recognition"*, New Jersey: Princeton University Press.
- TEIXEIRA, C.  
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