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CIVIC SENSIBILITIES AND CIVIL RIGHTS IN A COMPARATIVE PERSPECTIVE: DEMANDS OF RESPECT, CONSIDERATENESS AND RECOGNITION

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ABSTRACT:

This article develops the concept of civic sensibility to discuss the idea of citizen equality with a focus on Brazil, but looking at Quebec as a counterpoint. Referring to demands for respect and consideratness or recognition, the text proposes that citizen equality, wherever it takes place, is always modulated by the relation between rights, status and dignity, shaping local civic sensibilities, characterized by a certain sense of dignified treatment, which does not make the interlocutor inferior in his or her dignity.

KEY WORDS:

Conceptions of Equality, Dignity, Civic World, Comparison, Brazil, Quebec.

RESUMEN:

Este artículo desarrolla el concepto de 'sensibilidad cívica' para discutir la idea de la igualdad ciudadana partiendo del ejemplo de Brasil y comparándolo con Quebec. Refiriéndose a las exigencias de respeto y consideración o reconocimiento, el texto propone que la igualdad de los ciudadanos se encuentre siempre articulada por la relación entre derechos, estatus y dignidad, configurando las sensibilidades cívicas locales caracterizadas por un cierto sentido de trato digno, de modo que impida el deterioro de la dignidad del interlocutor.

PALABRAS CLAVE:

Igualdad, dignidad, mundo cívico, comparación, Brasil, Quebec.

INTRODUCTION

The notion of citizenship and the rights that go together with it are perhaps the main symbols of democracy in Western societies, and the ones that best represent the idea of equality as a value in these societies. If the definition of the basic rights of citizenship (civic, political and social) suggests clear-cut and uniform procedures regarding their institutionalization, strengthening of demands for recognition in the last 40 years or so has made the relationship between rights, equality and citizenship a lot more complex. If the recognition of the singularity of specific social groups becomes a condition for respecting citizenship rights of the respective groups, how can we characterize the idea of equal treatment among citizens?

Besides that, demands for recognition bring to the fore one dimension of rights that has very little visibility when we look at social interactions within what we could describe as the civic world.[1] I am talking about rights that are greatly dependent on the quality of the relationship taken up by the parties in interaction, and which is connected to perceptions of dignity, making it imperative to articulate the ideas of equal rights and equal status in the civic world, in order to satisfy legitimate demands of respect and considerateness or recognition. As such articulation comes to life in diverse forms in different polities, I propose that the ideal of citizens' equality, wherever it is a value, will always be modulated by the articulation between rights, status and dignity, conforming local civic sensibilities, which always characterize a determinate sense of treatment with equal dignity.[2]

In these terms, Marshall's contribution defining the indissociable connection between rights and status characterizing the ideal of equality in the realm of citizenship,[3] and d'Iribarne's observation on the difference between rights and dignity in the ideal of equality among citizens in France,[4] suggest the need to complexify the notion of equal treatment as proposed by Honneth[5] to characterize the core of democracy and citizenship in the West. This is because the ethnographic variation between conceptions of equality and citizenship demands a more dynamic analytic framework, like the one that I am proposing here with the notion of civic sensibility.

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1 The civic world encompasses the universe of relationships that take place out of the domestic or intimate space where the status or condition of citizenship must have precedence, and equal treatment, usually taken as uniform treatment, is the rule.

2 The notion of civic sensibility is clearly inspired by C. Geertz's (1983, 167-234) formulation about the existence of different legal sensibilities, which are associated with specific senses of justice. I must also remind the reader that the notion of citizenship, and the respective ideal of equal status is contemporaneous with the transformation of the notion of honor into dignity in the passage of the ancient regime to modern society (C. Taylor 1994, 25-73).

3 T.H Marshall 1976.

4 P. d'Iribarne 2010, 35-79.

DEMANDS FOR RESPECT, CONSIDERATENESS AND RECOGNITION

Differences in the relation between rights and citizenship started to attract my attention in the early 90's, when contrasting the dilemmas of citizenship in Brazil and the USA. The American emphasis on individual rights, having the *unencumbered self* as a reference,[6] contrasted strongly with the Brazilian concern to express considerateness to the person of the citizen,[7] making it difficult for actors in the latter case to respect the rights of interlocutors who are not seen as possessing the moral substance of dignity.[8] Contrariwise, in the USA, drawing on the results of my research on Small Claims Courts in Massachusetts,[9] I have argued that the excessively impersonal attitudes of the parties and their absolute focus on their own rights made it difficult to respect rights whose observance demand expressions of deference and considerateness towards their interlocutors.[10] That is, I am referring to causes in which the lack of attention to the interlocutors position and point of view was experienced as an insult by the parties, who wanted to obtain reparation for the quality of the interaction that had been allegedly imposed on them, thus placing them in a condition of inferiority, unacceptable in the realm of citizenship.

Such a picture suggested that Brazil and the USA had deficits of citizenship in opposite directions, even if one could point out that Brazil had a greater deficit given its difficulty of respecting basic rights of citizenship. By the same token, the comparison also suggested that whatever may be the local configuration of citizenship, if equality is to be achieved, it is necessary to produce a balance between respecting individual rights and showing considerateness to the person of the citizen.

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5 A. Honneth 2007, 99-128. In fact, Honneth tries to address the necessary incorporation of the moral dimension of care towards others (*Fürsorge*) and of the place of asymmetric relationships in the moral point of view of modernity, usually circumscribed by the idea of equal treatment. However, by limiting the discussion to a dialogue with the philosophical tradition with a focus on relations of friendship, especially with the more recent work of Derrida, his proposal does not properly address the sociological and the ethnographic aspects that characterize the demands for equal treatment which actually take shape in the contexts analyzed here.

6 M. Sandel 1984, 81-96.

7 L.R. Cardoso de Oliveira 1996, 67-81.

8 L.R. Cardoso de Oliveira 2011a.

9 L.R. Cardoso de Oliveira 1989.

10 I am referring to what I would like to call *civic deference*, characterized by the expression of recognition of the interlocutor's dignity, with whom actors share the same status in the civic world.

Later on, in order to further reflect on these dilemmas, I incorporated the case of Quebec in the comparative picture. The province's demand for recognition as a *distinct society* within Canada made more complex the analysis of the relation between respect and considerateness in the contrast between Brazil and the USA, as it makes explicit the importance of having its contributions for the formation of the country appreciated by Canadian society at large, therefore, making it possible to rescue the dignity of its citizens who demand recognition. Here, the perception of equality, focusing on the dignity or status of citizenship demanded the affirmation of the value, or the singular worthiness of the group, so that its place in society would not be lived or experienced as a condition of inferiority.[11] Quebec's/Canada's case suggests that, besides the basic rights of citizenship, perhaps we should attribute the same importance to the basic dignity of citizens as a constitutive aspect of conceptions of equality and the respective conditions to legitimize democracy in the everyday life of the actors.

If the importance of the status or of the identity for the exercise of citizenship, and its connections to the moral substance of dignity,[12] is made ethnographically explicit in demands for considerateness and recognition, which illuminate respectively the cases of Brazil and Canada/Quebec, the case of French republicanism highlights an interesting aspect of the problem by situating dignity at the core of the dominant conception of equality in France.[13] According to d'Iribarne[14] the exercise of citizenship in France expresses a republican compromise between a political corpus (conceived as a sacred and spiritual space) and a social corpus (conceived as the space of everyday life). While the first one observes a radical condition of equality between citizens, the second one points to a series of contingent inequalities: e.g., professions that are more or less noble (*cadres* versus *non-cadres*) holding differentiated rights (of vacation, pension etc.). However, as long as these differences would preserve the same respect to all professions, the dignity of all citizens would be equally secure. In the same direction, d'Iribarne characterizes this perception

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[11] What C. Taylor (1994) characterizes as the need to have one's claims to an authentic identity recognized seems to me to be better formulated in terms of the moral substance of dignity (L.R. Cardoso de Oliveira 2011a). Whereas the idea of authenticity suggests a reference to specific contents, the notion of moral substance indicates greater flexibility in the definition of the contents that would give support to the respective claims and emphasizes the conventional aspect of the latter.

[12] L.R. Cardoso de Oliveira 2011a.

[13] F. Mota (2014, 185) also calls attention to the importance of the relationship between equality and dignity in France, in his interesting ethnography, comparing demands of rights and recognition in Brazil and France.

[14] P. d'Iribarne 2010, 35-79.

of equality at the level of dignity as the possibility to share participation in French *noblesse*.[15] Such participation would not necessarily express any association with nobility but would emphasize the condition or perception of sharing in the spirit, the reason, and the French order, as opposed to everything that corrupts, makes filthy, disorganizes, and pollutes society.

At any rate, however the demand for observing citizenship rights is articulated, through ideas of respect (USA), considerateness (Brazil) or recognition (Quebec), the respective conceptions of equality that give them significance depend on substantive meanings reflecting local civic sensibilities, which modulate the relation perceived as adequate between rights, status and dignity. If, in their empirical manifestations, each of these ideas intends to encompass the others in the definition of the local ideal of equality in the exercise of citizenship, at the conceptual level they indicate important dimensions of citizenship, and the phenomenologically indissociable character of the relationship between equality, dignity and equity in Western democracies.[16]

In the same direction, if the idea of *respect* that has currency in the USA is the one that characterizes best the emphasis on the equality of rights,[17] this is just one dimension of the civic sensibility that characterizes equality in the actual exercise of citizenship and the sense of equal treatment that concerns Honneth, as an index of the quality of democracy. In order to draw a clear picture of the importance of the notion of civic sensibility to improve the understanding of the dilemmas of citizenship with a focus on Brazil, in what follows I will (a) introduce the tension between two conceptions of equality that have currency in Brazil and its implications for citizenship, next, (b) I will contrast it with the Canadian dilemma to equate rights and status/identity in the formulation of a conception of equality respecting claims to equal citizenship, which could be broadly shared in Quebec and in the rest of Canada. Finally, (c) I will conclude the article with a brief discussion concerning, on the one hand, the distinction between transparency and lack of clarity in the actions and policies of the Brazilian State and, on the other hand, I will address the problematic separation among us between societal morality or democratic civility and communitarian morality. As it will be made clear, the Brazilian singularity would be in the confusion between rights and privileges, due to the tension between the two conceptions of equality, which prevents the definition of a well-formed civic world.

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15 P. D'Iribarne 2006, 53.

16 L.R. Cardoso de Oliveira 2013.

17 The idea of respect, whose core shows itself clearly in the USA, is also called for with vigor in the various Western traditions that approach the theme of citizenship in connection to rights: *Achtung* (Germany), *respect* (France), *respeto* in Spanish, *respeito* in Portuguese etc.

THE TENSION BETWEEN TWO CONCEPTIONS OF EQUALITY IN BRAZIL

After having called attention to the Brazilian difficulty in distinguishing social interests (broadly universalized) from interests put forward by unions (whose scope is always circumscribed), beside a certain disarticulation between public space and public sphere in Brazil,[18] I realized the existence of a tension between two conceptions of equality, leading to a significant confusion between notions of rights and of privileges, and regarding the lack of shared definitions about who would have access to one or the other category, and when, why, and how they would achieve such access.[19] If, on the one hand, the dominant conception of equality in our Constitution of 1988 emphasizes the equality of rights between citizens, well expressed in the idea of juridical isonomy, on the other hand, a second conception of equality also has currency in our public sphere and institutional practices. The latter is often articulated by all sorts of public authorities and is nicely captured in a phrase by Rui Barbosa: «. . . The rule of equality is to treat (give) unequally (to) the unequal to the extent that they are unequal.»[20]

Despite the fact that these two conceptions are frequently seen as aspects of the same worldview and plainly coherent between themselves, the second conception, expressed in Barbosa's phrase, presents a characteristic that is incompatible with the core of the idea of citizenship dominant in the West in any of its manifestations. For, if the idea of the equality of citizens always implies a balance between rights and status, according to local civic sensibilities, the rule proposed by Rui Barbosa suggests a form of «equal treatment» in which rights would be differentiated (or made unequal) based on the status of the citizen.[21] The best example of its application, and the one that is the most widely known in our normative structure is the institution of the special prison (before judgment and a judicial sentence) for people who hold a college degree, distinguishing rights according to the social status or condition of the citizen.[22] As we will see ahead,

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[18] Characterized respectively as the universe of interaction and the universe of interlocution or argumentation on the definition of rules, norms, projects and world views. While one would find in the latter a certain consensus about the equality of rights, demands for privileged treatment would be rampant in the former. See L.R. Cardoso de Oliveira 2011a, 129-171.

[19] L.R. Cardoso de Oliveira 2011b and 2013.

[20] R. Barbosa 1922/1999, 26.

[21] Even if it is not the best way to interpret Barbosa's proposal, my argument is that this is the interpretation that makes intelligible situations in which the phrase is stated in order to explain inequality of rights.

[22] See the essay by R. Teixeira Mendes 2005 on Brazilian equality. In fact, the access to special prison has been amplified lately, and now encompasses other social categories beyond the holders of a college degree. Although this is not the only example about the allocation of

such a conception makes a strong contrast with Quebec's demand to be constitutionally defined as a distinct society within Canada, given that here, the demand for differentiated rights is motivated by a claim to equal treatment at the level of status or dignity of citizenship. Quebec's demand aims at achieving for its citizens the same status or dignity enjoyed by other Canadians in the rest of Canada.

At any rate, an immediate impact of this tension between two conceptions of equality for the exercise of citizenship in Brazil is the entanglement between the semantic fields of rights and privileges in a wide universe of social practices and situations. If citizenship may be defined as a condition that articulates equal rights and status in the civic world, however these may be conceived, how could one accept differentiated rights with reference to unequal status in the domain of citizenship? If we define privilege as a special right, whenever its application or exercise is associated with the status of the actor, the practices or institutions that legitimize its existence must be situated out of the civic world, or out of the universe of interactions where the condition of citizenship must have precedence. A good example to characterize this point is the manifestation of the former King of Spain, Juan Carlos, before abdicating in favor of his son, when addressing the accusations against his son-in-law Iñakli Urdangarin –Duke of Palma de Mallorca– who was allegedly involved in acts of corruption and unlawful appropriation of public funds. According to the King, in that domain his son-in-law should have been judged as any other citizen.[23] That is, his privileges as member of the nobility should not apply to practices situated in the civic world.

In Brazil, moreover, there is no lack of instances in which the tension between the two conceptions of equality that have social currency produce confusion and conflict of expectations between actors, be it in asserting rules or laws that give access to rights; be it in the expected behavior of actors in interaction; or, in the treatment that one gets from our public institutions. In this connection, I have called attention to the debate over projects of law abolishing the widespread prohibition of access to *social elevators* by housemaids in residential condominiums in Brazilian cities.[24]

In cities like Rio de Janeiro, for instance, residential buildings have service and social entrances, the latter being for the exclusive usage of dwellers and their visitors. Housemaids and service workers are directed to the service entrance/elevator. I have argued that, until relatively recent times, such separation was not

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rights according to the social status of the citizen, it is the most widely known and the one that best expresses the problem.

[23] See the report «Rei da Espanha exalta em discurso que justiça é igual para todos» (King of Spain emphasizes in speech that justice is equal for all), published at Portal Terra, in December 24th, 2011. Available at https://goo.gl/y8ABK2. Access in September 25th, 2018.

[24] L.R. Cardoso de Oliveira 2013.

lived as an act of disrespect or inconsiderateness to the dignity of housemaids and service workers, who did not feel necessarily offended when told to observe this rule. Nevertheless, the arguments supporting the project of law, as well as those broadcast on TV reports on the theme, suggest that the privileged access to social entrances enjoyed by dwellers and their visitors has lost discursive justification, and is now lived as a symbol of exclusion from citizenship, leading to experiences of humiliation, even if the interviews presented on the respective reports show the controversial character of the theme, with discourses in favor and against the project.

In other words, equal rights in the access to social entrances becomes part of the civic world in the eyes of an expressive portion of the population, where equal treatment**,** usually seen as uniform treatment**,** is expected between actors. Thus, it is a good example of the intensification of the tension between the two conceptions of equality just indicated, and clearly shows the confusion between rights and privileges in the Brazilian public space, indicating the existence of an ill-formed (deficiently formed) civic world.

Beyond and above cases such as the project of law just mentioned, where the theme is taken up in normative argumentation, there is a broad universe of situations in which the tension between the conceptions of equality and the disarticulation between public sphere (field of argumentation) and public space (field of interaction) come to life completely entangled. From the classic act of disrespecting lines, passing through diverse situations of civic discrimination, up to the arbitrary assertion of laws and rules of behavior.

It has become more and more difficult to disrespect lines with impunity in public spaces, or claiming special treatment asserting the famous phrase «do you know who you are talking to?,»[25] because those who try it out are now questioned with vehemence. However, a few years ago, the abusive behavior when in a line by a Justice Minister from the Superior Court of Justice reached the headlines. Although he was not trying to overtake anybody's place in a line before the ATM machine within the premises of the court, he demanded that the Tribunal fire a young man hired in the trainee program of the court, because the latter was standing behind him in the line, and the Justice Minister did not want anybody behind him while he was finishing his transaction. Alleging privileges of his judicial position, he did not want to share the space with anybody else and addressed the trainee sharply: «Get out of here! I'm doing a banking transaction!»[26]

It is worth noting that the examples of unequal treatment in the civic world are neither limited to situations involving demands for privileges nor to actions oriented by rules that establish differentiated treatment according to the status or

[25] See the famous essay by Roberto DaMatta 1979 with the same title.
[26] Report on-line available at https://goo.gl/Loh1Zk. Accessed on August 29, 2018.

social condition of the citizen, but they can also be seen in practices of discrimination or denial of rights without any formal grounds, as, for instance, in the case reported by the newspaper *O Estado de São Paulo* on October 26th, 2007 in which a HIV positive 42 years old housemaid, named Sueli, was discriminated against in a grocery store, and ended up in jail. When she realized that she did not have enough money to pay for what she was taking home, she returned to reshelf part of her shopping. At that point, she was approached by a man from security, who accused her of shoplifting and pushed her, knocking her down to the ground, and forced her into a room where she was battered once again.

After this aggression, the housemaid was taken to two police precincts in sequence, until the accusation of shoplifting was accepted, and she was locked up. Her story reached the news only when a lawyer acting *pro bono* became interested in her case and was able to free her two years later! We should notice, however, that this is not the worst scenario! She was apparently condemned by a judge at a local court; however, about 40% of prisoners in Brazil are put in jail without ever having been judged.[27] In her research about provisional prison in Brazil, Barreto found a great many people in this condition,[28] all of them confined for a much longer period then the law allows for, and frequently accused of crimes that, in case of an actual condemnation, would have gotten sentences for much shorter periods of time or would be given alternative penalties, such as providing services to the community.

The situations in which the tension between the two conceptions of equality come to life are very numerous, as the scope of the universe where the problem is present is exceedingly broad. Besides the cases cited here, this tension encompasses a series of circumstances in which the actors allow themselves to behave according to particularistic ethics, in contradistinction to the pattern of universalist ethics that would be expected in the civic world. That is, the latter would be committed to giving priority to the public interest in public policy and State actions, or to the equality of rights and status between citizens.

Looking at actions and processes engaging public agents, I have proposed the existence of a continuum where political practices informed by particularistic ethics, more or less institutionalized, could be classified from the field of legality to absolutely unlawful, unacceptable practices. At the beginning of the continuum one could place the liberation of parliamentary amendments –to obtain funds– by the executive in exchange for votes.[29] In the middle of the con-

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27 R. Kant de Lima & G. Mouzinho 2016, 23.

28 F. Barreto 2007.

29 Even if the funds are invested in legitimate projects of the representative's constituency, these have no relation whatsoever with the executive's proposals being voted for in exchange.

tinuum one would find the practices connected to the usage of «box two» or secondary accounting in political campaigns, which are clearly illegal but count on significant, though circumscribed, social acceptance. Finally, in the opposite extreme of the continuum are located consensually execrable practices, as the ones that became known in the penal suit 470 at the Supreme Court (our Federal Supreme Tribunal), as *mensalão* (big monthly allowance), whatever has been its actual configuration.[30] The point being that the lack of clarity in the frontier between universalistic and particularistic ethics, on the one hand, and the continuum encompassing differences within the latter, on the other hand, make it often difficult to distinguish the lawful from the illegal or corrupt practices of public agents.

Above and beyond practices performed by public agents, or to public services, we may add the widespread practice of choosing to pay medical appointments without receipt,[31] or the equally popular practice of blinking the lights of our vehicles on highways to warn the drivers coming from the opposite direction that there is radar monitoring speed nearby, and that they should reduce the speed momentarily to avoid getting fines. If, in the first case, there is the acceptance of using a service without paying taxes (which should harm the general interest), in the other case a law that has been enacted to guarantee security on the highways in favor of the citizenship is relativized or disrespected to show solidarity to the other drivers passing at the moment, affirming the precedence of the localized interest of the respective drivers in lieu of the general interest of the society as a whole.

Besides accentuating the confusion between (universal) rights and (particular) privileges in the civic world, these last examples point out the disharmony between what we could call societal morality, or morality of democratic civility, on the one hand, and a communitarian morality on the other. I will return to this point ahead, when contrasting the ideas of transparency and clarity or neatness at the end of the paper. Before that, however, I will present Quebec's critique to the idea of equality as uniform treatment in order to emphasize the place of status in the composition of equal citizenship.

DEMANDS FOR RECOGNITION AND EQUAL STATUS IN QUEBEC

Since the patriation of Canada's Constitution from the United Kingdom and its amendment by the Canadian parliament in 1982, the country lives in a constitutional crisis prompted by Quebec's refusal to subscribe to the new Constitution

[30] L.R. Cardoso de Oliveira 2010, 19-33.

with the Charter of Rights and Freedoms then attached to it. A few years after Canada was taken over by the British, whose dominion was formalized in 1763, the enactment of the Quebec Act in 1774 allowed the province to keep its French civil code, the catholic religion and the French language as its official idiom. With the intensification of English migration and the division of the territory between Upper Canada (Ontario) and Lower Canada (Quebec), the rest of Canada became predominantly anglophone and protestant, besides being judicially under the Common Law. After a repressive period with the implementation of the Act of the Union regime from 1840 to 1867, during which the government made efforts to assimilate the population of French origin to anglophone traditions and practices, Quebec took back its cultural rights with the creation of the Dominium of Canada in 1867, which is also the date when the Constitution patriated in 1982 was enacted.

The compromise giving support for the agreement formalized in the Constitution of 1867 was not responsible for the fact that Quebec spent most of the 20th century without affirming its identity, and without undertaking any initiative to confront what was already perceived as a process of systematic devaluation, or even a veiled discrimination against the culture/identity of French Canadians. If the Constitution of 1867 had given back the province's rights to the catholic religion, the civil code, and the French language, which had been eliminated in 1840, subsequent history suggests that these legal rights had not been accompanied by a moral valuation expressing the worthiness of these traditions. Such a situation provoked, in the eyes of Quebecers, the perception that the end of the efforts towards explicit assimilation had been replaced by processes of implicit assimilation.

Only in 1960, with the election of Jean Lesage as prime minister of the province, the Silent Revolution got started, with the implementation of aggressive policies to modernize the Quebec State and to affirm the National Identity. According to the literature, until this moment the «narrow ideology of survival» prevailed, as a consequence of the defeat of the Patriots in 1839,[32] which led to the enactment of the Act of the Union mentioned above. Actually, this ideology is well expressed in the phrase that stamps the plates on all vehicles in Quebec: *Je me souviens* (I remember), which thematizes the glories of the past and the moments of suffering after British colonization. This remembrance was also reflected in discursive interlocutions with anglophones in Montreal on the eve of the referendum of 1995, when Quebecers who were favorable to the YES exclaimed: «*Nos ancêtres ont souffert ici!*» (»Our ancestors suffered here!).

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[31] Allowing the physician to charge less for the appointment, given that he is not paying the respective taxes.

[32] G. Bibeau 1995.

Under the leadership of Jean Lesage, the various slogans popular at the time, –and taken up later during the campaign for the YES in the referendum over the sovereignty of Quebec in relation to the rest of Canada in October of 1995– suggest the confrontation or the explicit contestation of the process of assimilation to the anglophone world: «*Maîtres chez nous*» (»masters of ourselves»), «*On est capable*» (»we are capable») etc. This sentiment or perception was well portrayed already in the first decades of the last century with the publication of the book by Lionel Groulx, «*L'Appel de la race*» (»The Calling of the Race,» 1956), perhaps the nationalist novel with the greatest impact within the province. The novel tells the story of a Québécois man who returns to the province after having lived for years in Ottawa married to an anglophone woman and, as a successful lawyer, completely integrated into British Canada. The narrative describes the tensions concerning the process he goes through in taking up his Québécois identity.

This movement of identity affirmation, leading to the formulation of Quebec's demands for recognition as a *distinct society* within Canada, must be understood as a rejection of the condition of a social minority in its own province,[33] without autonomy to define its own projects, as the slogans above indicate. As I see it, such a demand is an affirmation of equal status, holding the same worthiness and dignity experienced in the rest of Canada (and/or by the anglophones) at the level of citizenship. Besides the fact that this view is well articulated by the dominant conception of the country within Quebec, which sees Canada as being formed by two founding peoples and two nations, the view also reflects many episodes in Canada's history that were lived in the province as attempts at implicit assimilation or of devaluation of French culture and traditions in the formation of the country.[34] Although one finds a different vision of the 1867 accord, which made possible the formation of the country and gives meaning to its identity in the rest of Canada, emphasizing equality between its provinces and its citizens, such a difference does not justify the lack of appreciation towards French-Canadians, as it is perceived in Quebec.

The military conscription imposed on French-Canadians during two World Wars, after the first minister at the time had guaranteed that this would not be made unilaterally, beside the limitations imposed on the usage of French as a language of teaching in the public schools of anglophone provinces, starting in 1871, as well as the generalized absence of health services in French in the rest

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[33] J. Legault 1992.

[34] As it is pointed out by G. Laforest 1995, this vision lost its original meaning after the negotiations leading to the Charlottetown accord in 1992, when the First Nations of Canada (Indians, Inuit and Metis) gained preeminence and their contribution to the formation of the country became explicitly recognized. Nevertheless, the idea that the British and the French, representing two nations, have equally contributed to the formation of the country, and that the accord of 1867 had guaranteed equal status to them still makes sense.

of Canada,[35] are good examples that serve to justify the perception of lack of appreciation mentioned above. However, the failure of the Real Commission on Bilingualism and Biculturalism under the leadership of Laurendeau in the 60's,[36] when the Trudeau government chose to define Canada as a multicultural country, seems to have impacted Quebec much more powerfully, especially when we look at the idea of citizens equality as encompassing rights and status in the civic world.[37]

As I argue in my analysis of the second referendum on the sovereignty of Quebec that took place in October 1995, although the supporters of YES tried to list a series of inequities having currency in the political-economic relations with Ottawa, representing the rest of Canada, the demand that attracted most support, and which effectively allowed for an impressive growth in the support for the YES in the final weeks of the campaign, besides counting on expressive sympathy of a significant number of Quebecers voting NO, was the one focusing on the critique of the disrespectful treatment and inconsiderateness that the province would be receiving from the rest of Canada, placing the Québécois in an unacceptable condition of inferiority at the level of citizenship.[38]

In this connection, the debate over the language law in Quebec is the one that expresses best the conflicting positions. I turn now to a quick presentation of its main aspects to characterize how questions of identity, status or worthiness gain preeminence in grounding the critique in the discriminatory dimension of the conception of equality as uniform treatment in Canada.

The defeat in the debate over the demand to define Canada as a bicultural country, and the development of a politique of national affirmation through all Quebec's governments since 1960, raised the perception of the need to protect the French language in the beginning of the '70s, which led to the enactment of Law n. 101 in 1977 after the arrival of René Lévesque and the Québécois Party in power. The law imposes three main limitations to the usage of the English lan-

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35 This is all amplified by the contrast with the very satisfactory availability of health and educational services in English within the province of Quebec, especially in Montreal.

36 A. Laurendeau 1990.

37 Despite the fact that a multicultural politique or identity seems, at first sight, more open and egalitarian than the bicultural alternative supported by Quebec, in view of the Anglo-American linguistic and cultural hegemony in the country as a whole, the option for multiculturalism was interpreted in Quebec as one more index of the minority status being imposed on French-Canadians, meaning a status of inferiority at the level of citizenship when compared with the anglophone population. Such a perception was reinforced by two other factors: (1) the high indices of francophone assimilation living in the other provinces, whose average rate would be 73% in 1991, according to Y. Beauchemin 1995, 31; and, (2) the fact that Quebec's government had implemented aggressive policies of integration with respect to and valorization of the so-called «cultural communities» within its own frontiers.

38 L.R. Cardoso de Oliveira 2011a.

guage, which effect the exercise of individual rights of citizens –and which were later sacralized in the Charter of Rights and Freedoms amended in the Constitution in 1982– and have prompted polemical debates ever since. These are the limitations:

> 1) the sons and daughters of immigrants, as well as Canadian children whose parents have not studied in anglophone schools in Canada, are obliged to be enrolled in French language schools;
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> 2) the law determines that French must be the language of work in all establishments with more than 50 employees, giving them a deadline to get adjusted to the new situation; and,
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> 3) commercial signs written in languages other than French were also forbidden.[39]

The first limitation was more radical in its initial wording, conditioning access to anglophone schools to children whose parents had attended English schools in Quebec, and the third limitation was also made more flexible, allowing bilingual signs indoors, and reducing the restrictions to external signs that now could be bilingual, as long as the sign in English occupied at the most half of the space taken up by the wording in French, both changes having been provoked by interventions of the Supreme Court of Canada. If it is true that the limitation with reference to the enrollment of children in English language schools affected all whose parents had not studied in anglophone schools in Canada, including francophone children,[40] this situation did not change the fact that the law really did limit the right to make choices for part of the population.

In fact, the justification put forward for the implementation of these measures to protect the French language indicates a major concern for its survival, but francophones also point out the importance of preserving their right to keep on choosing to live in French, rejecting what is perceived as the imposition of English as the language of communication at work and in the public space in a society where the native language of most people is French. During the time of my field research in Montreal (from August 1995 to January 1997), the experience of being obliged to communicate in English was reported with sorrow and expressions of suffering particularly by the elderly, already retired, who claimed to have been impaired throughout their professional lives by having to work using

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[39] L.R. Cardoso de Oliveira 2011a, 157.

[40] At this point francophone parents were pressed to enroll their kids in English schools in order to amplify their chances in the job market and, some of those who had been educated in English schools continued enrolling their kids in these schools.

a «foreign» language, which they did not command very well.[41] Above and beyond that, one must consider that the debate over linguistic rights is marked by a recent past showing many instances of explicit and ostensive discrimination against the French, when the francophone population had difficulties to be attended in French in department stores downtown in Montreal, and was treated with contempt and disrespect by salespeople who used to demand: «speak white» (speak English).[42]

By the same token, it is worth noting that the linguistic debate is an important channel to discuss rights, identities and citizenship, which constitute aspects that are difficult to distinguish and place them apart in politics and in the everyday life of the actors. It is enough to say that all of Quebec's population is linguistically classified in one of the three possible categories: francophones, anglophones and allophones, the last category including all of those who do not fit into the first two categories (mostly immigrants). This sort of classification is often brought up to situate people in all sorts of situations.

Thus, the rights that are built-into the linguistic debate clearly provide intelligibility to situations like the exigency that all products at the supermarket have labels in French, but they also illuminate surprising situations, as in the case of the blind francophone man who had a dog guide classified as «anglophone,» for understanding orders only in English. Although the blind man had no difficulty to communicate with his dog in English, the fact that he had not had the possibility of choosing a «francophone» dog that could follow orders in French was taken as a disrespect to the citizenship rights of the Québécois population in the local newspapers that reported the case at the time, during my longest period of fieldwork in Montreal (from August 1995 to January 1997).

Before returning to the discussion of citizenship in Brazil in the next section, I would like to emphasize that the core of Quebec's demand for recognition aims at an equalization with the rest of Canada on the status of citizenship shared by all citizens. This would require an institutional observation of the worthiness or merit of Quebec's singularity, as it's been construed through the idea of a *distinct society*. It would also be necessary to relativize the idea of equality as uniform treatment in the civic world, whenever such orientation implied the devaluation

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41 L.R. Cardoso de Oliveira 2011a, 157. In this work I indicate how and why the anglophone population of Canada, or the rest of Canada, have difficulties in understanding this perception of discrimination spelled out by Québécois, or the grounds for the imposition of the limitations to the use of English stated by the Law 101. However, my concern in this paper is to demonstrate how, from Quebec's perspective, this Law represents the protection of a right and a demand for equal treatment.

42 A. Laurendeau 1990.

of Quebec's identity (or the citizenship status of its population).[43] Only then could a better balance between rights, status/identity and dignity be reached, in harmony with the local civic sensibility and, therefore, making possible the experience of equal citizenship.

The difficulty to universalize this vision, however, especially within the anglophone world, is well expressed in the creation of Quebec's Equality Party, led by the anglophone community of Montreal, with the main objective to confront the Law 101 of the French language shortly after its enactment. Although this party has lost most of its political force since its creation, it is important to note that its propositions represent well the dominant vision in the rest of Canada, where the relativization of uniform treatment is seen as a demand for privileges. Such proposals also make explicit the difficulty in distinguishing and rearticulating the equality of status and equality of rights whenever the local civic sensibility and the respective sense of dignified treatment required a compromise between these two dimensions of citizenship, in order to make possible a civic world seen as equitable and well-formed.

TRANSPARENCY WITHOUT CLARITY OR NEATNESS

If the tension between two conceptions of equality makes difficult the identification of which rule, norm or law is valid in what context, or even for which social category, given that the criteria for the differentiated application of the respective normative precepts is not clear within the civic world, the lack of trustworthy references to the citizen is present in almost all universes of interaction in public space,[44] and indicates much broader questions. If, after the promulgation of the 1988 Constitution, there was a substantial amplification of transparency in the State's processes of decision making and in the definition of

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[43] In his discussion regarding the process of development of citizenship rights in England, Marshall calls attention to the difficulties in institutionalizing the first attempts to guarantee access to social rights, whenever these suggested a threat to the equality of status, characterizing the condition of citizenship, as the case of the polemics surrounding the enactment of the Poor Law indicate. See T.H. Marshall 1976, 22-27.

[44] A lot of research carried out within the Institute of Comparative Studies in Conflict Resolution –InEAC– at the Federal Fluminense University, gives support to this diagnostic regarding the confusion over the validity of norms in the experience of citizens and in the arbitrary decisions of state authorities, be it in the efforts to classify «police violence» (L. Eilbaum; F. Medeiros 2015, 407-428), in the controversies over religious intolerance in schools in Rio de Janeiro (A.P. Miranda 2015, 139-164), in the lack of consideration of the police towards the dwellers of shanty towns (M. Cardoso 2013, 167-190; J. Freire & C. Teixeira 2016, 58-85), or in the classification of rights and privileges (*regalias*) in prisons of the Federal District (C. Lemos 2017), just to cite a few examples.

the allocation of public resources, the same cannot be said concerning the clarity and neatness of the respective procedures and justifications. In other words, although any citizen may follow through the WEB when and for whom these resources become available, there are no good indications about how and why the criteria for distribution are defined and certain decisions are made.

Two events or processes seem particularly indicative of this lack of clarity in the allocation of rights and privileges, on the one hand, and in the definition of public policies on the other: (1) the development of the Car-Wash Operation, and (2) the manifestations of 2013. I will focus my discussion on the second event but will point out two aspects of the Car-Wash Operation that are important to my argument.

Being a penal process of great visibility, whose investigations aimed at powerful businessmen and public authorities in high offices usually untouched by the law, the Car-Wash Operation brought to light a pattern of selectivity and arbitrariness characteristic of the process of penal prosecution in Brazil, broadly speaking, until then partially invisible for affecting almost exclusively the low income population. For a rich description with grounded arguments about how this pattern gained visibility in the Car-Wash Operation, I direct the reader to the excellent article by Kant de Lima and Mouzinho about *delações premiadas* (literally «prized accusations»).[45] At the moment, I just want to call attention to two characteristics.

Firstly, one may note an incredible parallelism between the discourses of jurists who position themselves in favor or against the condemnation of ex-president Lula in the process of the «triplex of Guarujá.»[46] While one side argues that the proofs are uncontestable,[47] giving support to the decisions actually made by the former judge Sérgio Moro and the Appeal's Court in the second instance, the other side affirms that there is a total lack of proof or evidence to ground the condemnation.[48] The fact that both positions are equally logical and coherent rein-

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45 R. Kant de Lima & G. Mouzinho 2016, 505-529. The so called «*delações premiadas*» have been translated as plea bargains, but this does not describe well what actually happens, given that the accused has no leverage whatsoever in the negotiations. Contrariwise to plea bargaining in the US, in Brazil the State is the owner of the process, and the accused cannot threaten the State with the exigency of a trial.

46 The three-story penthouse that was allegedly given to Lula as bribery.

47 As an example, «as provas que basearam a decisão do TRF-4» (»the proofs that grounded the decision of TRF-4»), available at: https://goo.gl/YNpvRR. You may also take a look at: «Veja repercussão de juristas sobre condenação de Lula em 2ª instância» (»See the repercussion among jurists about Lula's condemnation at 2nd instance»), available at: https://goo.gl/egvWWX. Accessed on the 26 of Sep. 2008.

48 For instance, «Juristas são unânimes: não há provas contra Lula» (»Jurists are unanimous: there is no proof against Lula»), available at: https://goo.gl/SzQhRx. Accessed on the 26 of Sep. 2018.

forces the idea of the lack of shared criteria in our judicial system to distinguish between fact, evidence, and proof, as suggested by Figueira.[49] This means that, apparently, there are no criteria to allow for a grounded decision, a not arbitrary one, for either side of the divide, which could be sustained through argumentative procedures. In this connection, the opinionated and non-argumentative character of our adversarial process has been pointed out by many colleagues who do empirical research on judicial processes,[50] but it has now reached the headlines and is available to the public at large.

The second general characteristic that I would like to indicate is a tension between the inquisitorial orientation and the emphasis on the protection of individual rights in the accusatorial perspective of our judicial tradition. Even if the latter is closer to the adversarial dimension of our system, conceived as mixed, given that the police inquest is inquisitorial, without contradiction (without considering the story of the accused),[51] the articulation between the two perspectives has meant a particularly perverse expression of the tension between the two conceptions of equality mentioned above, to the extent that the access to the benefits of the protection of individual rights have been exclusive to the well-to-do part of the population.[52] Those who can pay good and expensive lawyers often get benefits from processual mistakes during the investigation, which allow for the elimination of proofs and escape from the charges, or make use of unending appeals until the crime is free from prosecution by the statute of limitations. To a certain extent, it is as if the almost certain condemnation of the poor, –given the difficulty to prove his or her innocence against the inquisitorial format of the police inquest, whose indictment (without contradiction) has public faith–, were inverted in the case of those who can pay good lawyers and have ample possibilities do manipulate the protections of individual rights built-into the judicial system.

As suggested by Kant de Lima and Mouzinho,[53] at the same time that the integrated action of the Federal Police and the Public Ministry (General Attorney Office), as a taskforce, has greatly reduced the possibility of identification of processual mistakes in the Car-Wash Operation,[54] the inquisitorial character of the

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[49] L.E. Figueira 2010, 297-322.

[50] See, among others, the works of R. Kant de Lima 1995 and 2008, M.S. Amorim 2006, 107-108, M.S. Amorim, R. Kant de Lima & A.L. Teixeira Mendes, 2005: xi-xxxviii, A.L. Teixeira Mendes 2012 and B. Lupetti Batista 2013.

[51] R. Kant de Lima & G. Mouzinho 2016.

[52] Just as an example, in November of 2006 a judge from Rio de Janeiro authorized a collective search warrant to the City of God after a police helicopter was gunned down by drug dealers. This was in complete disrespect to the penal code that requires that the warrant specifies the address of the dweller, and the limits of the search.

[53] R. Kant de Lima & G. Mouzinho 2016.

[54] Besides that, in the case of the accused who have forum prerogative, the Superior Court (Supremo Tribunal Federal) became the forum for the first and the last judicial instances at

penal process was also stressed, including what concerns the «*delação premiada*.» At any rate, the arbitrary aspect involved in these procedures became part of the public debate, contributing to the social dissatisfaction with the lack of clarity.

Nevertheless, the demand for more clarity in the definition of public policies came to the fore with more emphasis and neatness during the manifestations of June 2013. Having begun as a protest against a rise in the cost of public transportation (tickets for bus and subway) in Rio de Janeiro and São Paulo, under the leadership of the Movement Free Pass the manifestations quickly and spontaneously amplified and spread out through the country as a whole, through social media and without leadership, focusing now on demands for better public services in general, besides strong critiques concerning corrupt practices, which were already perceived as a major problem at the time.[55] The manifestations coincided with the beginning of the Confederations Cup, and the massive resources invested in the infrastructure for the Cup, as well as for the World Cup and the 2016 Olympic Games in the following years when compared to the perception of low investments in the improvement of public services in the areas of health and education, ended up motivating the slogans and contestations.

The demands and slogans featured on the banners held by the crowd in the manifestations give a good idea of the content of the critiques, and of the good humor that has also characterized the manifestations, despite the harsh repression at certain moments:

– «We apologize for the disturbance: we are changing the country»
– «This is not Turkey, this is not Greece, this is Brazil coming out of immobility»
– «Get out of Face (book)»
– «Turkey is here»
– «You've just woken up; the periphery has never slept»
– «We want health and education FIFA style»
– «There are too many motives, they do not fit here»
– I want: ( ) Tchu; ( ) Tcha; (x) 10% of GNP for Education»
– «ÉGALITÉ, LIBERTÉ, FRATERNITÉ, VINAGRÉ»
– «YES PACMAN; NO PEC 37»
– «Public Transportation Worse than TIM!»
– «Mr. Officer, my mother told me to not accept rubber bullets[56] from estrangers!»

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the same time, thereby eliminating possibilities of appeal and the benefits of the statute of limitations for the respective crimes.

55 The critiques to corruption were significantly amplified in the following year, with the explosion of information about the investigations of the Car-Wash Operation.

56 Bullets is a translation of *balas* in the original banner, which also means candy in Portuguese.

Despite the fact that the manifestations caught nearly everybody by surprise, many authors sketched interesting interpretations for the popular indignation that ignited the events. Drawing on the issue of urban mobility, Caldeira indicated the demand for access to the city,[57] while Soares, Kant de Lima and Pires understood the claims as a product of the recent amplification in access to rights,[58] the last two authors emphasizing the increased access to income and superior education, which would have made this segment of the population more demanding, now defined as a new (lower) middle-class. Castels, in turn, contextualized the manifestations in terms of the broader crisis of representation,[59] affecting representative democracy all over the place, and stressing the citizens' demand to be heard. Similarly, Soares also points out the lack of channels of communication with social movements, which would have been coopted by the PT (Workers Party) governments.[60]

Without disagreeing with these interpretations, as I see it, the main message of the manifestations could be translated as a demand for more clarity in the criteria for the allocation of resources by public policies, having in the background what Kant de Lima and Pires called a de-naturalization of inequality in the public sphere, which, in the context of my discussion, signals the aggravation of the tension between the two conceptions of equality characterized above, and of the confusion between rights and privileges. In the same vein, as regards the similarity between the June manifestations and other movements throughout the world, demanding more participation in the current representative democracies, as the demands of the Podemos in Spain, or the Occupy Wall Street in New York, which I would characterize as demands for discursive inclusion, it is important to indicate that the Brazilian exclusion is not limited to a difficulty to properly hear the citizens, but would be marked by a devaluation of the opinion of expressive segments of the population, often classified as «hipossuficientes» (without sufficiency, or those who do not have the means to defend themselves), in a double sense: (1) for not having the means to put forward their demands without the support of the State; and, (2) for not knowing their rights and, therefore, not being apt to make choices and decisions by themselves.[61]

Just like the intensification of the critique of corruption that occurs exactly at the moment when the State is better equipped to repress it, even if that does not mean that the respective efforts have been successful, the demands for greater clarity and intelligibility have also been amplified at the moment that public

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57 T. Caldeira 2013.
58 L. E. Soares 2013; R. Kant de Lima & L. Pires 2014.
59 M. Castels 2013.
60 Idem.
61 L.R. Cardoso de Oliveira 2018, 11-12.

expenditure has reached more transparency, and when the citizen has experienced situations in which he or she has been effectively heard. In a nutshell, the increase in transparency, especially from the Itamar government (1993-1994) onwards, the elucidation of corruption scandals and unequal treatment, a product of the tension between the two conceptions of equality –beside the lack of clarity in the allocation of rights, privileges, and public resources– started to injure the dignity of the citizen and would have provoked the manifestations.

However, many events in the last thirty years have contributed to this indignation stoked by lack of clarity in the difference between rights and privileges on the one hand, and the absence of clear criteria in the allocation of public resources on the other hand. If the period just before the enactment of the new Constitution was characterized by great mobilizations around the discussion over rights and guarantees that would allow the overcoming of the arbitrariness of the dictatorship, which formally ended with the election of Tancredo Neves in 1985, the impeachment of president Collor was lived as a moment of effective citizen participation. By the same token, the arrival and consolidation of the Real Plan in the second half of the 90's not only achieved a significant increase in the income of the population, but produced a much richer understanding of the social condition of citizens, who now could have a much better idea of the cost and the value of the goods offered on the market, as well as of their own income and the meaning of the resources allocated by the State. For, in a capitalist economy, where the market defines prices and nearly everything may be priced, high inflation leads the population to lose all of their references guiding them in evaluating the worth of things, situations and social relations, generally speaking.

Also in the '90s, the experiences of the participatory budget in the municipalities and the Federal District governed by the Workers Party (PT) made possible and gave visibility to opportunities of effective citizen participation in public management, independent of the polemics over the compatibility of such participation and the principles of representative democracy regarding what concerns the rights of a majority that cannot be heard in the direct consultation to define the budget. If we add to this list of events the amplification of access to college education in the two mandates of Lula, the programs associated with the idea of minimum income that started during the two terms of FHC's government (School Grant-Bolsa Escola), and were significantly amplified during Lula's governments (Family Grant-Bolsa Família), we have a truthful revolution in what concerns the amplification of access to rights and to participation in the democratic life of the nation, even if the result of all this is still a great deal below social needs and what would be desired. Nevertheless, the point here is that in this new situation, society has become a lot more sensitive to the arbitrary measures of the State and to the lack of discursive justifications for the confusion between the

semantic fields of rights and privileges. Thus, the local civic sensibility gets injured and the dissatisfaction with the ill-formed civic world is aggravated.

I would like to conclude this article with a last example addressing the lack of clear frontiers between the universes where rights and privileges have currency, not only to emphasize the scope of the problem, but also to call attention to the disharmony between societal morality (with reference to normative relations between all citizens, with the support of the State), and communitarian morality (with reference to the normativity of interpersonal relations) in Brazil. I am making reference to two pairs of categories, as they have been described and analyzed in the dissertation of Carolina Lemos on prisons in the Federal District: (1) *rights* and *regalia*;[62] and, (2) *pull* sentence versus *pay* sentence.

Although the native categories *rights* and *regalia* resemble very closely my discussion over the relationship between rights and privileges, their content is very similar, indicating not only a difficulty in distinguishing them at the conceptual level, but also exposing the arbitrary character of their usage, especially when imposed by authorities in the prisons. While demands for *rights*, as formulated by the women prisoners, are usually not grounded on the Executive Penal Law (EPL), as in the request made by Helena (one of Lemos' subjects during the research) to be moved between wings of the building, rights stated in law as «the access to a pay labor (Art. 41, II), to school assistance (Art. 41, VII) and the right to receive visits (Art. 41, X) were classified as regalia».[63] It is worth noting, however, that Helena's request was based on her good behavior and informal rules employed in evaluating impersonal merit current at the prison, to a certain extent similar to the universalist perspective usually attributed to the notion of rights, but which is implemented in an openly arbitrary way within the prison. A relevant implication of the arbitrary character in the implementation of rules in this and in other contexts is the consequent devaluation of the interlocutor, here taken as someone who does not deserve to receive justification or satisfaction from the State.

By the same token, whereas the idea of *to pull sentence* indicates the punitive character of the State's action, associated with practices of systematic disrespect of the person of the prisoner, without any pedagogic content, and not stimulating any change or reflexive attitude in the prisoners, the notion of *to pay sentence* is associated with ideas of reparation and moral duty, as in the case of Anderson, for example. His case is particularly interesting because, despite having been condemned for a crime that he has not committed, he thinks that he has had a «fair trial in view of the other crimes committed in the past, for which

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62 This is a literal translation of «regalia,» in Portuguese, which means especial access or benefit, similar to privilege. See C. Lemos 2017.

63 C. Lemos 2017, 113.

he had not paid yet: *what you owe you must pay one day, isn't it?*.»[64] While incarceration as a punishment is expressed in the idea of *to pull sentence* and just provokes suffering and revolt, in the view of prisoners, the idea of *to pay sentence* translates a moral obligation and has a repairing content. Actually, whenever the experience in prison is associated by prisoners with dimensions of learning and reparation, the reported examples are connected to interpersonal relations, especially within the family.

Such a situation suggests the possibility of and concern with reinsertion in the moral community, but without any support or help from State institutions, given that, in the eyes of prisoners, the incarceration is completely useless or inappropriate in this respect. That is, the discourse over moral reparation makes no reference to the crimes that might have been committed, or to the people who would have been injured, but refers to the prisoner's relations within the universe of their families and surrounding communities. The individuals, Helena and Anderson, described by Lemos,[65] lived in a total institution, without major concerns about the public acceptance of its rules, highlighting the dilemmas of citizenship in the society at large, where the confusion between rights and privileges more and more often stimulates questions about the legitimacy of the State's decisions. Here, too, it reveals in an even more dramatic way, the problems endured by a modern society with an ill-conformed civic world, without clarity in the allocation of rights and privileges, and having great difficulties in harmonizing its norms with the current civic sensibility.

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[64] C. Lemos 2017, 177.
[65] Idem.

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