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Electronic version

URL: <https://journals.openedition.org/aa/10167>
DOI: 10.4000/aa.10167
ISSN: 2357-738X

Publisher

Programa de Pós-Graduação em Antropologia Social (UnB)

Printed version

Number of pages: 98-107
ISSN: 0102-4302

Electronic reference

Luís Roberto Cardoso de Oliveira, "Cultivating a dialogue with the comments of Azaola, Schritzmeyer and Thévenot", *Anuário Antropológico* [Online], v.47 n.3 | 2022, Online since 17 December 2022, connection on 20 December 2022. URL: <http://journals.openedition.org/aa/10167> ; DOI: <https://doi.org/10.4000/aa.10167>



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Anuário Antropológico

v.47 n.3 | 2022
2022/v.47 n.3

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Referência eletrônica

Luís Roberto Cardoso de Oliveira, «Cultivating a dialogue with the comments of Azaola, Schritzmeyer and Thévenot», *Anuário Antropológico* [Online], v.47 n.3 | 2022. URL: <http://journals.openedition.org/aa/10167> ; DOI: <https://doi.org/10.4000/aa.10167>



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The three commentators invited by *Anuário Antropológico* all provide intriguing and provocative readings of my text and I thank them from the outset for the attentiveness and generosity of their comments. Azaola, Schritzmeyer and Thévenot address the conceptual and ethnographic dimensions of the text in equally balanced form, albeit with different emphasises in each case.

Beginning with Azaola's observations, it is interesting to learn how the concept of moral insult and its opposite have a significant potential to explain the three situations described by her, as well as to suggest new questions relating to the problematic of ethical-moral rights. Indeed, the category of moral insult seems to fit perfectly with the endeavour to comprehend the lack of recognition – or even discrimination – of workers in Mexico's maximum-security prisons, while the wider problematic of ethical-moral rights appears to elucidate the success of populist political leaders, although, in this case, the topic relates to expressions of inclusion, in an opposite direction, therefore, to the experience of the moral insult. In the analysis of aggressions on social networks, on the other hand, the articulatory or explanatory potential of the concept appears more complex.

Indeed, Azaola's proposal to mobilize the concept of moral insult to comprehend the experiences and dilemmas faced by prison workers in Mexico seems to explicate important perceptions and demands of these workers concerning the denial of rights embedded in their work situation. Her observations also suggest new and interesting possibilities for deepening the potential of ethical-moral rights to explicate social situations of the kind lived by the workers. The latter even say that they receive less consideration than the imprisoned population, a clear denial of their dignity or the moral substance of dignity characteristic of worthy persons, as I have shown in my research on Brazil. The systematic disregard of their labour rights, including their working hours, as well as the precarious labour conditions endured and the lack of due attention to their demands, indicate that the moral insult is experienced as a situation of discursive exclusion and even civil subjugation.

Since the reiterated complaints of these workers go unheard and, apparently, unheeded by the authorities – those complaining may even end up transferred to jobs in areas further away from their homes as a form of punishment – this context suggests an interesting comparison with the relationship between discursive exclusion and civil subjugation described in my analysis of the Brazilian case in the article. In other words, by suppressing or repressing the complaints, the implication is that these workers have no right even to have rights or to demand their observation – their rights should not be voiced, indicating the denial of their access to important civil rights and to their status as full citizens. As in the case of the failure to listen or pay attention to the rights of prisoners involved in custody hearings in Brazil, these Mexican workers also seem to go unheard, a situation amounting to civil subjugation, although their complaints express dissatisfaction

and a rejection of this condition.

As Azaola indicates, the lack of recognition of the merit or worth of the prison system workers in Mexico transcends the situation experienced in the workplace. It penetrates broader society, given the difficulties that they face in re-entering the work market via other jobs, suggesting patterns of unequal treatment similar to those faced by low-income sectors in Brazil. Furthermore, it is notable that even the most highly qualified workers in the prison system – those with university qualifications working in the medical and legal areas – are also subject to moral insult and a lack of recognition, contrasting with the privileges that workers with higher education degrees receive in Brazil.

In an innovative approach, Azaola also highlights the potential of ethical-moral rights to help explain the success of populist leaders like López Obrador in Mexico. Her comments spotlight the role of attempts to increase political polarization in this process, as well as political propaganda based on the repetition of slogans and images, strategies that became famous through the formulations of Joseph Goebbels. While true that Goebbels' strategy also involved what today is called fake news, the repetition seems to have been incorporated into political propaganda in general. Leaving aside the significant differences between right and left, the Mexican case is particularly interesting as an ideological reference point for populist leaders since – as Azaola argues, citing local analysts – the strategy has enabled López Obrador to maintain high popularity ratings despite his government program not showing any substantial results, nor improving the population's living conditions at a material level.

I have not been accompanying López Obrador's government closely, nor do I know much Mexico's political history. However, Azaola's comments indicate important aspects of the president's actions in connection to ethical-moral rights that simultaneously boost his popularity and raise broader questions concerning the relationship between populism and recognition. As Azaola points out, beyond the polarizing discourse (us/them), the fact that López Obrador travels around the country frequently, expressing his concern with the precarious living conditions of the poorest sections of the population – his government's overt target public – seems to foster a perception of substantial inclusion. Nonetheless, the result is mostly intangible at a material level, where the minimum income policies (scholarships, pensions, subsidies) actually implemented do no more than mitigate the hardships faced by this population.

López Obrador's popularity suggests that his discursive emphasis on prioritizing the poor, along with the attitude of paying substantial attention to their demands during his frequent travels around the country, expresses, in the eyes of the population, a recognition of their worth and dignity as full members of the nation, becoming a "source of inexhaustible pride", as Azaola emphasizes. This situation is perceived to contrast strongly with a recent past lived as a form of exclusion at the symbolic-discursive level. We could ask therefore: to what extent and in what way do practices of discursive inclusion or substantive attention to the living conditions of vulnerable sectors have a positive impact on their per-

ceptions of their quality of life, even when there is no significant improvement in their material conditions of existence? In other words, to what extent does the political behaviour of López Obrador substantively meet the expectations of these demographic sectors for receiving dignified treatment, an important dimension of ethical-moral rights, in contrast to the situation lived by the workers in Mexico's prison system?

Turning to the moral insult in the digital age, this question points to large-scale issues that are difficult to solve given the complexity of any attempts to contain the proliferation of abuse on social networks. At the same time, it is no easy matter to delimit precisely what constitutes abuse that needs to be curbed to protect the citizen's ethical-moral rights. Even leaving aside the technical difficulties of controlling the internet and the clear abuses associated with fake news and the gratuitous accusations made solely to malign persons and institutions, it is not easy to discern effective solutions to the problem. In this sense, all the questions raised by Azaola are of huge pertinence and importance to any initiative to protect ethical-moral rights in the digital age, but I have to admit, I do not have answers to any of them.

I should like to make just two observations: 1) in terms of limiting freedom of expression to ensure the protection of these rights, the fact that there exist images, information or observations that, when widely disseminated, offend vulnerable and/or culturally distant groups without the person who emitted them having any intention of disparaging or offending the groups in question greatly exacerbates the problem; 2) any attempt to protect rights in this area should, I think, make use of educational policies emphasizing respect for difference and diversity, as well as seek to formulate mechanisms or instruments for the reparation of any offences. I do not have the space here to expound on this theme, but such instruments should possess a therapeutic dimension, in sociological terms, that enables the dignity or moral identity of the offended party to be recuperated.

Azaola also makes an interesting observation about the relationship between the subjective and social dimensions of the moral insult – and here we can incorporate Thévenot's comments into the discussion. Both the ethnographic cases analysed by myself and those cited by Azaola in her commentary indicate a strong articulation between the two dimensions, a point to which I shall return below.

Thévenot develops his commentary via the central idea of the “overflowing” (or limits) of the liberal norm in the contemporary world. His comments also focus attention on the ethnographic and conceptual dimensions of my argument, but emphasize dialogue at the conceptual level, whether drawing attention to the amplitude of the concepts of right and citizenship in my formulation, or dialoguing with the concepts of honour and dignity as bridges between the self and society, or exploring the contrast between the implications of the insertion of the liberal individual and the person at the social level.

The overflowing or limits of the liberal norm for recognizing the demands for dignified treatment does indeed appear clearly in the three cases discussed in the text, in line with what is perceived as adequate, correct or just from the viewpoint

of the actors. As Thévenot points out, this comprises a widespread problem, present in modern nations in both globalized hemispheres, whose state institutions have difficulties dealing with demands that involve the quality of the social bond between the conflicting parties or between the latter and the State. Ethical-moral rights highlight precisely this shortfall or limit to the liberal norm, which, in my opinion, cannot be adequately approached through conceptions of abstract right (*Recht, droit* etc.) or citizenship at the juridical-legal level. Similarly, it seems to me that the ethnographic emphasis on rights and citizenship, just as they acquire meaning at the level of lived experience, enables a clearer identification and understanding of objective aggressions and acts of disrespect or disconsideration that otherwise tend to remain invisible. It is this focus that motivates the deployment of ampler conceptions of rights and citizenship and that brings to light problems or questions that the formal language of Law is unable to capture. As Thévenot astutely observes, the hyphenated concept in the title, *ethical-moral rights*, seeks to capture the articulation between the three spheres indicated by him (morality, ethics and rights) through the analysis of specific ethnographic universes.

In terms of the precedence attributed to the notion of right as a substantive in my analysis, which mobilizes a contrast between legal rights and ethical-moral rights, two important aspects need to be highlight. I have already referred to the focus on the ethnographic dimension and how it reveals the way in which categories like rights and citizenship acquire meaning in the life of actors or research subjects. I should add that this perspective does not refer solely to the way in which legal, or formal, rights are conceived in the life of persons in the many different kinds of interactions that they develop among themselves and with institutions. Rather, since these rights in everyday life are integrated with a series of rules, norms and orientations for actions that are not rooted in legal (abstract-formal) rights, they also comprise normative reference points with a similar impact on the unfolding of actions or interactions between actors. Moore (1978, 1-31) refers to this normatization as an outcome of *reglementary processes* that constitute multiple sources of rights in every kind of society. Thus, the notion of right as a substantive seeks to account for this broader sphere of normativity that also, indeed, has an impact on the implementation of legal rights themselves.

Likewise, ethical-moral rights take as their focus the quality of the relationship or social bond between parties. This, in my view, enables us to reapproach the strong claims of validity relating to the fairness of the outcomes produced in conflict management processes and/or demands relating to citizenship rights. As I have stressed on multiple occasions, equitable/fair agreements or decisions in conflict management, as well as in the response to citizenship demands, must satisfactorily respond at the discursive level to all the objections formulated by an adequately informed interlocutor concerning the particularities of the case or situation. The quality of the social tie or bond becomes a central reference point for the claims of fairness of the respective outcomes, which have two more important characteristics: (1) equitable/fair outcomes are always one alternative among others, without any claim to exclusivity; and (2) they are radically different

from arbitrary outcomes.

With this observation, however, we arrive at Thévenot's comments on honour and dignity as bridges between the self and society. At the interface between rights and citizenship is the problematic of equal treatment, which, according to Honneth (2007, 115), is the principal parameter for evaluating the exercise of citizenship in western democracies, rendered significantly more complex in the last fifty years by the demands for recognition posed by diverse minorities. Since they involve an indissociable relationship between norms and values, ethical-moral rights cannot be adequately contemplated in the absence of expressions of value, which ratify their approval and which demand shared perspectives or evaluations. This fact underlines the essentially social character of these rights and the importance of the bridge between the self and society, expressed by the notions of honour and dignity.

Although dignity is conceived as a characteristic intrinsic to the person, independent of norms or social role, as Thévenot emphasizes citing Berger, it is only made concrete in the interaction with others through substantive expressions of appreciation from the latter. In all cases, dignity needs to emanate the person's moral substance in order to become concrete, which only occurs through the consent or expressions of recognition of ego's interlocutors. When I refer to the moral substance of dignity in my publications on the theme, it is this experience I have in mind. In a way, the moral substance of dignity comprises a central characteristic of humanity, in Berger's terms, and what, in modern societies, would be a notable characteristic of the exercise of citizenship in the civic world in any of its configurations. In the three cases analysed in my text, the perception of moral insult is lived as a negation of the actor's dignity, when he or she believes themselves to have been treated as a social inferior in contexts where unequal treatment corresponds to a denial of equal citizenship, as in Quebec and the small claims courts in the United States, or threatens the person's humanity, as in the police treatment of favela residents in Rio de Janeiro, where citizenship is not a fully institutionalized value.

In my view, then, the notion of dignity's moral substance enables an articulation between the two formulas of normative treatment of the person indicated in Thévenot's comments: the formula based on the value of the person's honour, and the formula based on liberal principles. While the latter tends to render invisible attacks on the honour or dignity of actors, these actors do not accept the limits of the liberal norm, as Thévenot suggests, and demand recognition of their moral substance in the process of managing the respective conflicts.

Thévenot also calls attention to the articulation between the intimate and public dimensions of recognition, which connects to Azaola's observations concerning the relationship between the subjective and social dimensions of the moral insult. Although some people are indeed more sensitive to moral insults than others – just as it is important to analytically distinguish between the intimate recognition of the self, the recognition of social esteem, and legal recognition – these dimensions are indissociably articulated in the cases that I analyse in the article.

Even when the greater or lesser sensitivity of the person offended by the insult affects how the conflict unfolds, it seems to me that the main motivation for any demand for reparation depends on the significance of the context and the relationship for the conflicting parties. Similarly, demands for reparation for an insult made in small claims courts, frequently motivated by aggressions to the “self” of the offended person, are made in the expectation of public reparation. Independently of any expression of regret and consideration from the offending party, it is essential that the reparation is explicitly sanctioned by the court. In this respect, the demand for legal-constitutional recognition of Quebec as a distinct society in Canada is important not only as a guarantee that the collective rights of Quebec’s citizens are being exercised, but also as a symbol of the appreciation of Quebec’s uniqueness, ensuring that it is socially represented. In terms of ethical-moral rights, the symbolic-discursive dimension is just as significant as the dimension that enables the material exercise of the rights in question.

The first comment of Schritzmeyer – hereafter Ana, to maintain the tone of simultaneously casual and attentive conversation that she proposes – concerns the relationship between concept and ethnography, proposing an inversion in my strategy of textual exposition. This provides me with a chance to explain the chosen strategy more carefully. Ana also raises important questions pertaining to ethical dilemmas in the relationship between researcher and research subjects, and refers to the polemics surrounding processes for reviewing research ethics, as well as drawing attention to the broader context of research in the country where the inclusive perspective of anthropology frequently clashes with the kinds of excluding public policies frequently promoted by the Brazilian State.

Ana’s suggestion to open the article with the first paragraph of item IV is enticing since it presents the problem with an immediate emphasis on the repercussions of ethical-moral rights in the ethnographic situations discussed in my text. Indeed, this inversion would probably make the focus of the argument clearer (or more seductive for anthropologists, as she says) straight away in the article’s introduction. While not discording with her observation, I would like to explain further the option chosen, which connects to a central motivation in my research on the theme. My interest in researching conflicts over interpretation in the normative sphere, whether in conflict management or in the demands for citizen rights, has always been driven by the possibility of distinguishing outcomes where the claim of legitimacy or fairness can be distinguished from outcomes that are arbitrary or imposed in authoritarian fashion.

This motivation foregrounds the concern with questions of validity, which marks my encounter with the work of Habermas, dialoguing with the latter in the search to ground my understanding of the three ethnographic contexts evoked in the text. In this undertaking, Habermas’s discursive ethics appeared to be the most attractive option since it enabled a conceptual framework with three basic characteristics: 1) non-relativist/nihilist, enabling the grounding of the legitimate in the strong sense of the term; 2) non-ethnocentric, valorising the articulation of the interpreter’s viewpoint with that of the research subjects; and, 3) privileging pro-

cesses of empirical assessment of the respective validity claims, with the linguistic turn in his critical theory. In the text I already considered the limits of Habermas's contribution for understanding ethical-moral rights at an ethnographic level.

However, there is also another aspect of the dialogue with Habermas's work that constitutes an important reference point for my decision to open the text by citing these philosophers and by highlighting the concern with questions of validity. I refer to the importance, in Habermasian terms, of taking seriously research subjects – or the viewpoint of the natives, as anthropologists would say. This implies that the interpreter must simultaneously have the intellectual willingness to learn from the interlocutor in the field – specifically, what does not appear to make sense at first sight – and ask for convincing explanations from the latter, taking them as interlocutors in the fullest sense of the term, actors with the same interpretative capacities as the researcher. In other words, the researcher cannot refrain from questioning the explanations given by the research subjects, or from doubts concerning the reasonableness of his/her own understanding. In this way, when researching conflict management processes, the interpreter must take seriously the claims to fairness or legitimacy embedded in the decisions, agreements or compromises characterising the institutionally (or socially) produced outcomes.

In other words, if researchers are always concerned with demonstrating the reasonableness of their interpretation, then they should also take seriously the claim of research subjects that the outcomes of their conflicts are informed by questions of fairness, in the strong sense of the term, translated into what is conceived as adequate, correct or just. In my view, the condition for understanding any conflict is to take seriously the claims to validity of the subjects in relation to these questions (Cardoso de Oliveira 1989, 95-272). As I indicated in the article, this formulation has many points of intersection with the concerns of Boltanski and Thévenot in *On Justification*.

Still on Ana's suggestion to invert my expositional strategy, I would take the chance to add a few words about reformulating the philosophical perspective expressed in the first paragraph after the dialogue with ethnography and the social sciences undertaken in the course of text. I have already referred partially to this question in my response to Thévenot's comments when I drew attention to the importance of focusing on the quality of the relationship between the conflicting parties. The quality of the relationship makes it more important for any research to examine the extent to which conflicting parties feel they have been adequately heard, which implies the incorporation of dignified treatment, signalling in turn that the interlocutor's viewpoint is valuable irrespective of any divergencies that may still exist between the parties. All these aspects are embedded in ethical-moral rights and remain central to how they are exercised. What I could have emphasized in the conclusion, perhaps, by returning to the dialogue with the philosophers as per Ana's suggestion, is that the exercise of "contrastive comparison" undertaken in the text not only aimed to allow a better understanding of the ethnographic situations in question, but also enhance and renew the conceptual

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apparatus, thereby enabling a better response to the questions of validity enunciated in the introduction.

In concluding her comments, Ana touches on the importance of ethical issues in research. Although I have never been involved in any ethical conflicts with the subjects of my research, I always reflected on these issues both in the field and after returning. I do not have the space here to address the issue with even the minimum of attention it deserves. But since any successful ethnographic research, immersed in the field and “participant observation”, involves the anthropologist interacting with research subjects through diverse identities (not only that of researcher) and diverse social situations, his or her understanding of the problems under study is a product of this series of interactions. It is also important to reflect always on what to divulge from the results of any research, and how, so as not to harm interlocutors in the field or betray their trust. While these questions are largely embedded in the Anthropologist’s Code of Ethics published by ABA, they are not adequately contemplated by the current guidelines of our research ethics review bodies, although CNS Resolution 510/2016 does represent an advance.

Finally, the decision to compare and contrast the three ethnographic universes, which contributed to enhancing my understanding of ethical-moral rights, made it unfeasible to discuss ethnographic cases in more depth as Ana would have liked, obliging me to limit my exposition to more summary ethnographic cases and situations. There was no space for more expansive descriptions. This applies also to the reference made to the case involving Anselmo, Natalício and Denilson, which is explored in more depth in the cited article. It is important to stress, though, that, in this specific case, the court did not adequately address the main aspects of the conflict from the viewpoint of the parties, returning the problem for society to resolve. The judge’s decision put an end to the dispute but failed to manage the conflict. In this sense, the case can also be taken as an example of the contrast between the excluding perspective of public policies and State bodies, on one hand, and the inclusive perspective of anthropology, on the other.

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Recebido em 25/10/2022

Aprovado para publicação em 27/10/2022 pela editora Kelly Silva

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References

- Cardoso de Oliveira, Luís Roberto. 1989. *Fairness and communication in small claims courts*. PhD dissertation, Harvard University, Cambridge.
- Moore, Sally Falk. 1978. *Law as process: An anthropological approach*. London; Boston: Routledge & Keegan Paul.
- Honneth, Axel. 2007. "The other of justice: Habermas and the ethical challenge of post-modernism." In *Disrespect: The normative foundations of critical theory*, edited by Axel Honneth, 99–128. Cambridge: Polity Press.