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REPUBLICAN RIGHTS AND NATIONALISM:
COLLECTIVE IDENTITIES AND CITIZENSHIP
IN BRAZIL AND QUEBEC
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Republican Rights and Nationalism:
Collective Identities and Citizenship in Brazil and Quebec[1]

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The process of redemocratization in Brazil, and the demands of recognition in Quebec bring to the fore interesting questions for thinking about the relationship between cultural/social identities and the public sphere, by way of problems related to citizenship in both countries. In both cases one has a confluence between individual rights, on the one hand, and group or collective rights on the other. These are articulated with crosscutting cultural and social identities, which pose difficult questions to contemporary theories of democracy and citizenship. While in Brazil the relationship between social identity and citizenship has been established through a process of expanding rights mediated by a certain *unionism*, within a cultural background that structures the social world as a hierarchy, in the case of Quebec the exercise of citizenship rights is perceived, by French Quebeckers, as impaired by the lack of recognition of their national/cultural identity. Given that Quebec, as a Canadian Province, highly regards individualism and equality as deep seated values, its comparison with the Brazilian case provides a contrasting scenario that helps to illuminate the difficulties stemming from the articulation of individual rights and collective identities within a theory of citizenship. By the same token, the comparison suggests that an analysis of citizenship rights demands not only a focus on how these rights are actually practiced *in loco*, but requires an examination of the relationship between legal and moral rights.

While in Brazil the empowerment of the unions in the political scene, side by side with a certain cultural and longstanding *physiologism* (usually associated with right wing or conservative politics), has recently launched a debate over the importance of *republican rights* — to defend the public interest against the patrimonialist practices of corporations and private individuals —, as a third generation of citizenship rights,[2] in Quebec the lack of recognition of it's distinctive (cultural) character within Canada has strengthened a (modern/territorial) nationalist perspective in the province, which has led Canada into a major constitutional crisis. Even if the changes envisioned in the two countries demand some measure of constitutional reform or legal innovation, the problems being addressed require also developments of a different order. That is, as I will argue in the following pages, whether it is a matter of instilling greater concern toward the public interest and toward respecting

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[1]   A preliminary version of this paper was delivered during the *Amerika-Konferenz*, in Erfurt (Germany), through December 12-16, 1998, at the Max-Weber-Kollege für kultur und sozialwissenschaftliche Studien.

[2]   Drawing on recent discussions at the United Nations about a third generation of rights — such as the rights to solidarity, to economic development and to live in peace —, Bresser Pereira classifies the notion of republican rights under the same label. Having Marshall´s classical definition of citizenship rights in the background, Bresser Pereira points out that, while civil and political rights represent a first generation of citizenship rights, followed by the development of social rights in the second generation, the present concern with republican rights characterizes the unfolding of a third generation of rights (Bresser Pereira 1997:119).

individual/universal rights in Brazil, or whether it is a question of guaranteeing the actual recognition of the distinctive identity of Quebeckers in Canada, these are changes that call for a "genuine" acceptance of certain values, which must be internalized by the actors. And, this is something that cannot happen just by a change of the law or by a decree.

In this endeavor, I will first (a) make a brief retrospect of the process of expanding citizenship rights in Brazil (from the Vargas' era, during the thirties, to the New Constitution of 1988 and the ongoing constitutional reform), calling attention to the role of the unions in the public sphere and to the cultural difficulty to respect ″universal" citizenship rights in everyday life. This should explain, on the one hand, why the idea of republican rights has stirred such a debate in Brazil and,[3] on the other hand, why actions limited to the legal sphere are insufficient to deal adequately with the problem. Then, I will move on (b) to a discussion of the Canadian constitutional crisis with a focus on the significance of the demand of recognition from Quebec and on the difficulties that such a demand entails in the rest-of-Canada (ROC). Thus, the crisis will be contextualized within the different views that *Francophones* and *Anglophones* hold about Canada's history and about the role of each group in the formation of the country, without leaving aside the conflicts over language and culture (religion), or the significance of the Quiet Revolution as a turning point in Quebec's nationalism. Here, too, I will show how the constitutional/legal change requested by Quebeckers is only one aspect of the issue. Finally, (c) I will draw on the two cases to argue that citizenship problems have a moral dimension that cannot be satisfactorily addressed in a legal/formal manner. This moral dimension calls attention to the culturally bounded character of all social interactions, and involves an articulation between rights and identities, encompassing relationships within the public sphere, where the symbolism of social action plays a major role. As such, it constitutes an aspect of the actor's experience lying at the core of the lifeworld, demanding constant renovation, and cannot be dealt with exclusively through processes of reglementation, nor can it ever reach completion in a definite once-and-for-all fashion. Once the idea of moral rights is established, the importance of culture and its plural character comes wholeheartedly into the open and demands an approach that not only places a stronger emphasis on the lifeworld, but requires a revision of the dominant concept of modernity which, as it develops and takes shape, cannot be perceived as a simple unilinear process, nor can it make sense out of a view that does not take under consideration its essentially plural character.[4]

a) The Expansion of Rights and the Perception of Citizenship in Brazil

Many analysts have already pointed out that the expansion of citizenship rights in Brazil has not followed the traditional process set out by Marschall (1976), in which civil, political, and social rights have been institutionalized in that order (Cardoso 1991). In fact,

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[3] Bresser Pereira's article has actually ignited an interesting segment of this debate, which was put together in a special issue of D. Rosenfield (ed.) *Filosofia Política, Nova Série*, volume 1. Porto Alegre: LPM, 1997.

[4] In an interesting manuscript on "Multiple Modernities in the Age of Globalization," Eisenstadt makes the argument that classical visions of modernity and modernization should be revised in light of recent developments among Asian, Latin American and African societies, suggesting that such concepts do not reflect singular realities or processes but multiple ones. Eisenstadt and Schluchter have proposed a comparative study of early modernities, articulating a developmental and a structural or cultural approach, where the idea of modernity as a uniform condition is questioned and the European experience is relativized (1998).

Marschall's three types of citizenship rights have not only been established or expanded at about the same time in Brazil, but, to a certain extent, one could say that the social rights have taken the lead, however unsatisfactorily these rights have been established up to the present. Being a society where slavery was a legal institution until 1888, and where the urban middle classes as well as the working classes were relatively small and politically weak until the 1950´s, for a long time the bulk of the population was actually excluded from the exercise of civil and political rights even when these existed on paper or by law. Be it because of a lack of education and ignorance about citizenship rights, or because the social conditions and the corresponding cultural ideology — specially in the rural areas where most of the population lived before the 1950´s — emphasized the hierarchical structure of the social world, the fact is that by and large citizenship rights were not really within the reach of a significant portion of the population. This is particularly interesting because in a way, from a formal viewpoint, with the exception of the two periods of dictatorship (1935-45 and 1964-85) Brazil has been a liberal democracy since the promulgation of its first constitution in 1824. Even if at this point the right to vote required property qualification (was restricted according to income) and universal suffrage was not established before 1891, when economic restrictions were banned, leaving out of the system only the illiterate, the bums, the low ranking soldiers and the religious men, not to mention the significant exclusion of women, who were not allowed to vote until 1933.

But if, from a formal point of view, civil and political rights were legally sanctioned to a significant degree in the turn of the century, it was not the case of social rights for which legislation was very timid until the 1930´s, in the beginning of the so-called Vargas era, when the Ministry of Labor was created (1931), a legislation about vacation rights was approved in Congress, and social security rights were slightly widened to include the institution of an insurance against accidents in the work place and the establishment of government run pension funds, and medical coverage. Nevertheless, the access to these rights and benefits was mediated by the **working card** that was given out to workers whose occupation had been *regulated* by the State. The presentation of the **working card** on the part of the workers was a requirement to have access to services and/or to have their respective demands taken care of. Such a situation motivated Santos to define the condition of the workers as one of *regulated citizenship*:

> "...For *regulated citizenship* I understand the concept of citizenship whose roots are found not in a code of political values, but in a system of occupational stratification, and which, besides that, such a system of occupational stratification is defined by a legal norm. In other words, citizens are all the members of the community who hold any of the occupations which are legally *defined* and *recognized* by law. The expansion of citizenship takes effect by the regulation of new professions and/or occupations, in the first place, and according to the scope of the rights associated to these professions, instead of taking effect by the expansion of the values inherent to the concept of community member. Citizenship is built into the profession (occupation) and the rights of the citizen are restricted to the rights assigned to the place occupied in the productive process, as recognized by law. Therefore, all of the workers whose occupations are not acknowledged by law become pre-citizens..." (Santos 1987:68)

That is, all rural workers and the ones who worked in urban areas but whose occupations were not legally regulated by the State were excluded from such rights and advantages. By the same token, if the **working card** was instituted in 1932, the unions were made legal at about the same time and started to play an important role in the public sphere as an official and mandatory mediator between the claims of the workers and the State. As only the

workers whose occupation/profession had been legally regulated could associate themselves into unions, they were the only ones who could file claims at the Labor Courts of Conciliation and apply to certain benefits, like taking a vacation for instance (Santos 1987:69). Reading the quotation above one observes that the labor legislation which came into being during the 1930's not only excluded most of the population from the social rights being implemented at the time, but placed the regulated workers in a hierarchy, institutionalizing differences of access to rights according to the status of the respective occupations/professions.[5] In a word, this process of expansion of rights meant that social rights were not established in accordance with universalist principles, which gave rise to the formation of strong collective identities associated to union affiliation, and made it difficult to articulate a coherent discourse towards a universalist perspective regarding citizenship rights, given that such a perspective did not mobilize support.[6] As Santos puts it, the **working card** became a certificate of civic birth for the regulated citizen (Idem:69).[7]

On the other hand, the **working card** has become also an important social identity that could be demanded by the police when looking for suspects, or in raids into urban slums when the police claim to be after criminals, mostly drug dealers nowadays. In this context, the **working card** is taken as a symbol of uprightness and dignity that identifies law abiding citizens, and where those who do not hold the card may be treated by the police as bums or disqualified citizens, becoming immediate suspects, and running the risk of being subjected to acts of *inconsiderateness*,[8] harassment and arbitrary behavior on the part of the police. In fact, this means that people who do not hold a **working card** and are poor, of course, may have their civil rights arbitrarily challenged (if not violated) by the police.[9]

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[5] The better the economic situation of the professional/occupational category in the sphere of production, the better its medicare and pension benefits (Santos 1987:71).

[6] The other side of this process of identity formation was the development of an interaction pattern between the unions and the State through the cooptation of the workers' leadership, among whom the State distributed positions of authority within the diverse and stratified pension/medicare system, in exchange of their political submission to the Ministry of Labor (Santos 1987:71).

[7] In an interesting article, Peirano (1986:49-63) suggests that among the rural population in Brazil the **electoral title** (which one has to show before placing one's ballot in any election and is actually a mandatory document for every citizen above 18 years of age) has become a symbol of civic identity similar to the **working card** in the urban areas. Instead of being perceived as a symbol of the citizen's individual right to vote, the **electoral title** is taken as a token of the bond between the worker and his employer, who facilitates the acquisition of the **electoral title**, and as a sign of his political filiation. The point being that, here too, before thematizing an individual right it represents first and foremost a collective identity.

[8] As I will argue later, I look at acts of *inconsiderateness* as moral insults. It is the opposite of considerateness as it has been recently discussed in France — under the label of *la consideration* —, as a basic human right to dignity (Haroche & Vatin 1998). The idea of *inconsiderateness* is also similar to the German notion of *mißachtung*, as it is elaborated by Honneth in his *The Struggle for Recognition* (1996). Honneth´s concept has been adequately translated as *disrespect*, but I prefer to render it as *inconsiderateness*, because it stresses the lack of attention that one is due as a person (citizen), and seems to be more germane to the Hegelian idea inspiring Honneth about the reciprocities that would entail the internal structure of fundamental forms of ethical relations (Honneth 1996:16).

[9] Unfortunately, once in a while this type of police harassment still occurs against the poor, even if the constitution says that nobody needs to carry an ID, and that the police should not demand documentation during its activities of surveillance.

At present, the regulation of occupations/professions may have other benefits for those workers who are identified through them. One of the most significant among these benefits is the reservation of a chunk of the job market for the workers who have been registered under the respective occupations or professions, and who hold exclusive rights over the jobs designed for these. That is, in such occupations/professions only those workers who have been formally registered can be legally hired. If it makes sense to legally sanction this kind of hiring constraint in connection to professions like law or medicine, where the practitioner's lack of proper training can seriously jeopardize the social/living conditions or the health of her client, one cannot say the same about professions like journalism, for instance, that do not pose the same threat for those who utilize or benefit from their services. In this regard, one should notice that practicing journalists are often required to have formal training in other areas (e.g., economics, political science, sociology etc), whose specialists were until recently formally recruited by the press without the need of a degree in journalism and used to perform well on the job.

Even if the institutionalization of the **working card** and of everything else that came with it meant an unequal and somewhat unfair process of sanctioning social rights, with the respective implications for the status of citizenship in other areas as well, it did mean, nevertheless, a significant expansion of citizenship rights. However, the collective identities formed during this period in connection with profession or occupation fit well with the hierarchical structure of Brazilian society (in terms of its culture or world view), and kept having an impact in the definition of public policy throughout the period of redemocratization leading up to the promulgation of the new Constitution, still playing a role in the public sphere. That is, with the difference that part of the recent legislation whose enactment was motivated by this perspective and/or by support from the unions cannot be looked at as unambiguously meaning an expansion of citizenship rights. One needs only to think about certain aspects of the social rights provided in the new Constitution of 1988, some of which are going through a telling discussion in the current debates about the reforms proposed by the government, or about the polemic over the institutionalization of a "parity system" to elect the rector and the directors of Federal Universities.

In the first case I am thinking primarily about the enactment of the Unique Juridic Regime (UJR), which changed the employment situation of public servants, giving them so many special rights that in important ways it is difficult not to look at them as comprising a privileged group of workers. However, the interesting thing about it is that, like other legislative attempts or endeavors of the kind, it was motivated by concerns which aimed at social justice. That is, demands satisfying private interests are made to look like benefits for the society at large, and illegitimate privileges are disguised as social rights, as if they were supported by universalist principles. At this moment I must say that, besides the cultural traditions that lead to the strengthening of the collective identities mentioned above, there are at least two factors that one has to take under consideration in order to understand the gap between the ideals of social justice and the enactment of laws that, in fact, point towards the opposite direction: (a) the fact that the Constitution was voted right after a period of dictatorship during which a major deficit of citizenship rights (social and otherwise) was produced, and congressmen were anxious to make up for it; and, (b) the country was going through a long period of very high inflation in which most people lost all references on which to ground their financial evaluations and the government lost track of the actual meaning of its budget.[10] Thus, the UJR established tenure positions to all public servants and a pension

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[10]   In a way, during that period, everything pertaining to economics had a certain amount of fiction which, nevertheless, and in spite of its social cost, was allowed to endure because of a financial instrument called *monetary indexation,* that permitted the indexation of the

system restricted to them in which they not only retired with a full wage, but had the "right" to a pay rise, equivalent to the next step up in their careers or to an increase of 20% for those who were already at the top. If we add to that the fact that any man in Brazil can still retire after 35 years of work (30 years in the case of the women), irrespective of how much he has actually contributed to the pension system throughout his working life,[11] one can imagine the potential deficit built into the system. Specially if we take as a reference the better paid segments of the public servants, who are also the ones that retire the earliest, who live the longest, and who contribute proportionately the least to the system before retirement. Without a doubt it is an unfair system no matter how you look at it. An immediate consequence of this system is that the workers in the private sector pay twice for this privilege of the public servants: firstly, because the special rights given to the public servants are paid with the tax payers money and, secondly, because the deficit that such a system has generated has to be covered with the tax payer's money too. Money which, otherwise, could have been invested in public policies of a more universalist nature.

Republican Rights and the Public Interest

At any rate, this is the type of problem that an emphasis on republican rights as proposed by Bresser Pereira wants to avoid. Differently from civil and political rights, which were historically instated to avoid the arbitrariness of an authoritarian State, or from social rights that protect the poor from the rich and the powerful, the republican rights are defined by Bresser Pereira as a protection against those who take advantage of or who privatize the *res publica* or the public thing (1997:106). That is, these are the rights to public goods or patrimony that are shared by all and should not be appropriated by individuals or interest groups (Idem:119). Bresser Pereira distinguishes three types of republican rights : (1) the right to the environment or to the ecological patrimony; (2) the right to the cultural-historical patrimony; and, (3) the right to the public economy or to the economic patrimony, the *res publica* in the strict sense of the term (Ibidem:120). The last one is at the core of Bresser Pereira's analysis, given the special difficulties to devise effective mechanisms to defend them, and is particularly stimulating to discuss the complexity of separating public from private interest in certain contexts. According to Bresser Pereira, while the classical republican rights are easy to identify and there are relatively effective means to protect them, one cannot say the same thing about the modern acts of violence against these rights. In the first case the author mentions the right to be protected against actions of corruption, nepotism and tax evasion, all of which are clearly defined and legally typified.[12] However, when one talks about modern forms of aggression towards republican rights the picture changes, even if it is not hard to identify where the violence occurs, or to characterize the kind of acts through which the violence is performed, it is often difficult to separate among such acts those whose claim to legitimacy can be vindicated from those where it cannot be done.

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whole economy, including wages, which were periodically nominally raised in order to diminished the loss of the workers.

[11]   It is being changed now but the new legislation has not taken effect yet.

[12]   As I have argued elsewhere, given the large area of intersection between the semantic fields of the public and the private, as social categories in Brazilian society, the crime of nepotism is not all that easy to perceive and classify, specially if we broaden up the notion of nepotism to include instances of hiring people on the basis of friendship and where the same logic of reciprocities involved in the hiring of relatives prevails (Cardoso de Oliveira 1997a:9).

The main examples of modern aggressions to the *res publica* that Bresser Pereira has in mind are: (a) industrial policies that give out ill-justified subsidies or fiscal benefits (e.g., to alcohol mills in the northeast), and the practice of cutting deals to contract the services of private companies without fair competition; (b) policies that pretend to be socially oriented but which, in fact, bring special benefits only to a few individuals or groups, usually within the middle classes who have electoral power, like the advantages given to people who owed money to the State backed mortgage system (within the Federal Housing System) at the end of the 1980's;[13] and, (c) administrative policies that unduly protect the public servants, either by making it difficult to demand work from them or by paying them disproportionately high wages (Bresser Pereira 1997:125). The discussion above about the UJR and the exceptional pension system of public servants in Brazil fits in perfectly under this third example of violence to the *res publica* spelled out by Bresser Pereira. However, if these examples seem to be clear cut cases of aggression to republican rights, it is often difficult to separate ill-justified subsidies from reasonable ones, socially oriented housing policies from privatist or exclusivist ones, and duly wage increases or advantages given to public servants from unjustified privileges of all sorts. This is why, contrariwise to the classical forms of violence against republican rights, Bresser Pereira argues that the modern ones are relative and depend on processes of consensus formation in order to sort out the public from the private interest (Idem:127).

It seems to me that this point is well taken, and indicates an extra difficulty to devise appropriate laws or procedures to effectively identify these modern forms of violence and protect the republican rights from them. Nevertheless, Bresser Pereira's discussion leaves out at least one important type of aggression against the *res publica* which is not essentially of an economic nature, and does not pay attention to a **cultural dimension** which plays a significant role in the effort in sorting out public from private interests. From my point of view, the demands for the institutionalization of a "parity system" in Brazilian Federal Universities is a good example of violence against the *res publica* whose economic impact is a secondary consequence. The main aim of this demand is to change the rules of choosing the University authorities as well as the composition of the boards and councils that run the University at all levels. The idea being that as the so-called "university community" comprises three segments — faculty, students and administrative personnel — and they should all have the same weight, as segments, in the management of the University. Thus, the rector (in addition to the directors of institutes and professional schools, as well as the chairperson of the departments) should be elected by a "parity system":

> "[where the] votes are computed in accordance to a formula in which the vote of each individual is equal to the percentage which he or she represents within the body of his segment. As the Faculty is the smaller segment, in a way the votes of its members, as individuals, have a greater value than the votes of the members of the other segments" (Cardoso de Oliveira 1997a:10).

As for the composition of the University's boards and councils the demand is that they should be equally distributed by segment. I have indicated elsewhere that the main problem with such demands is that they abstract the University and its "community" from the society at large, completely disregarding the social role or function of the institution, in order to legitimize the claims of equal participation of the segments in the management and in the

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[13] The rate of interest on the loans within the Federal Housing System were often set below the rate of inflation and, as the loans had to be formally liquidated after a certain number of years, when the time was up the system had generated a huge debt that was always excused, at the expense of the tax payers.

definition of the academic policy of the University (Cardoso de Oliveira 1996;1997a). As if the interests of the segments, as corporate groups, should have priority over the interests of the society as a whole. It is well known that the University fulfills its social function by producing knowledge and training technicians or experts of all sorts, and any proposal to change its system of management or academic policies has to be subordinated to those higher values and objectives. This means that serious attempts to legitimize the eventual participation of the segments, as such, in the management of the University would have to argue and evaluate the potential contribution of each segment to the accomplishment of the goals and social function of the institution within society. And, this has never been done. The mere fact of being the immediate users of the University space is perceived as a sufficient argument to allow the segments a privileged position in the determination of the institution´s projects and organization. Contrariwise, according to the argument put forward here, it could be seen as an attempt to privatize the public space of the University.

I would like to call attention to the fact that, as in the case of the UJR and the special pension system of public servants discussed above, the demand for the institutionalization of a "parity system" is presented as a social right and as an important step towards a more democratic management of the University. In other words, a claim whose eventual implementation or satisfaction means an actual instance of privatization of the public space — by placing the particular interests of the segments ahead of the public interest of the society — is presented as its opposite, or as a mechanism to make the management of the University more open, more transparent, and more oriented to the public interest. This gap between the stated ideals and the actual consequence of the demand brings me to the final point I would like to make about citizenship and collective identities in Brazil, before turning myself to how the articulation between citizenship rights and collective identities unfolds in Quebec.

Drawing on DaMatta's work, where he characterizes Brazil as a relational society which articulates the modern logic of the individual with a traditional logic that values hierarchy and gives precedence to relationships, I have argued that Brazilians place a much higher value in the expression of considerateness towards the person of their interlocutors than towards respecting the (universal) rights of the generic citizen (Cardoso de Oliveira 1997a:2-22). By the same token, DaMatta asserts that while modern logic is symbolically associated to the *street world*, traditional logic is identified with the *house world*, where the family and personalized relationships have priority, and the articulation of the two logics would have engendered upward and downward deviances in the condition of citizenship. That is, whereas in the *street world* the prevailing perception is one of "undercitizenship", in the *house world* one experiences a condition of "supercitizenship" (DaMatta 1991:100 & Cardoso de Oliveira 1997a:7).

Thus, in a comparison with the US I have suggested, then, that the two countries have deficits of citizenship in opposite directions, even if the Brazilian deficit seemed to be much greater than the one found in the US. The idea being that a satisfactory condition of citizenship requires a balance between the principles of justice and solidarity which, at the level of everyday life, could be reasonably translated, respectively, into the attitudes of respecting the rights of the individual and the expression of considerateness toward the person of the citizen. While an excessive emphasis on considerateness would undercut the chances of respecting the (universalist bound) rights of the individual (the cause of the Brazilian deficit), an inordinate stress on these very rights would undermine the possibility of expressing considerateness and, thereby, would expose one to inadvertently committing moral insults (the cause of the American deficit). As citizens should be protected against moral insults as well, and should also be able to demand recognition of their identities as persons, the American deficit has led me to contemplate the significance of what I would like to call moral rights in connection to citizenship problems. Moral rights, as I understand them,

are closely linked to matters pertaining to the recognition of identity, and one of their major characteristics is the fact that, as a rule, they cannot be satisfactorily upheld by legal means.[14] In a way, one could say that a breach of these rights emerges and becomes evident more in the attitudes of the actors than in their acts themselves. I will come back to this later, in my discussion about Quebec.

But, returning to the problem of the gap between the stated ideals motivating the support for the institutionalization of the UJR or the "parity system" on the one hand, and their actual social implications on the other, I think that the Brazilian cultural emphasis on considerateness and its relation to the logic of the *house world* unveiled by DaMatta make it easy on actors to identify themselves with their immediate communities (seen as self-contained totalities, even if perceived as part of an encompassing unit) at the expense of the society at large, seen as a society of (faceless) citizens.[15] However it does not mean that actors are not concerned with the society of citizens, or that they do not endorse the idea of universalizing individual rights, according to a modern conception of citizenship. As I have indicated above, the process of expanding citizenship rights during the Vargas era, giving access to pension and medicare benefits through the *regulation* of occupations, provided some support to the idea that successful demands of rights favoring particular groups meant an actual extension of citizenship rights, even if it also meant a stratification in the access to the respective rights, from which a significant part of the population remained totally excluded. Because, besides enlarging the community of citizens, the success of certain groups could be seen as a first step towards universalization and/or as an example to be followed by other groups who, in due time, would be successful too.

Another aspect of the cultural dimension having an impact on citizenship rights is the difficulty to bring together people´s abstract views about citizenship and the orientation of their actions or (civic) practice in everyday life. For it is one thing to believe in equal (individual) rights, and it is another thing to say no to a friend asking for a favor — often at the expense of others —, even in simple things like demanding to be allowed to stand in front of you in line-ups. In this connection, a significant hindrance to the universalization of the respect to the rights of the individual in everyday life is the importance attributed to worthiness, which goes hand in hand with the concern about considerateness, and is often illegitimately used as a filter to deny basic rights to people who (at first sight) do not seem to deserve them. Despite the fact that anyone can demand to be treated as a worthy person and be successful in it, irrespective of income, prestige or social status, it requires an ability (and/or an opportunity) to convey what I have called the substantive reference of a moral person, or a worthy identity, which functions as an index of dignity. But, if one fails to achieve that, besides not being treated with considerateness, one may be subjected to a lack of respect to his or her basic citizenship rights. By the same token, as people do have all sorts of prejudices, whenever these come into play in the definition of social interactions, they undermine the chances of identification of the substantive reference or the dignity/worthiness mentioned above and, thereby, they may provoke acts of aggression from one of the parties.

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[14]   In an illuminating article Berger calls attention to the difficulties of dealing with moral insults in societies like the US where, according to him, this type of aggression is not actionable in a court of law given that it would not be recognized as a real injury (1983:172-181).

[15]   By definition, the generic or faceless citizen is not open to ethical evaluations regarding his dignity, given that he cannot show an identity as a person. Thus, when the acknowledgement of rights (of any kind) is often mediated by the classification of the actors from an ethical viewpoint, it is not surprising that the interests of unions and/or corporations, whose members have a lot more in common to share and have a much better sense of each other´s identity, end up taking precedence over the *diffuse* demands of the society at large.

It is for this reason that I have argued that, to a certain extent, racial prejudice in Brazil may be seen as an aggravation (significant as it may be) to a pattern of *civic discrimination* which affects a much bigger portion of the population (1997b:145-155). The failure to acknowledge the worthiness or the moral substance/identity of one´s interlocutor may prompt a denial of the latter´s dignity and, thereby, may pose also difficulties to treating him as an equal (or as a respectful person/human being).

Now, I would like to underline two points to sum up my characterization of the relationship between collective identities and citizenship in Brazil: (1) given the historical process of expanding citizenship rights through the *regulation* of occupations, within a cultural background structured as a hierarchy, the empowerment of the unions gave rise to strong social identities, which still play an important role in the public sphere, and which motivate the actors to look at their unions/corporations as significant totalities whose interests are difficult to relativize and/or to distinguish from the idea of public interest, as it represents the perspective of the society at large; (2) the high value attributed to notions like worthiness, dignity and considerateness toward the person of the citizen, which frequently takes precedence over an attitude of respecting the rights of the individual in everyday life, is not only a powerful mechanism to strengthen collective identities, but may motivate acts of *civic discrimination* as well. Just to make my position clear, I want to emphasize that, from a cultural perspective, the difficulty to overcome the deficit of citizenship rights in Brazil is not one of repressing considerateness but one of universalizing it. In this regard, and articulating the two points, the discussion above shows that the vindication of republican rights cannot be achieved exclusively in the legal sphere, specially in what concerns their moral dimension, whose support demands not only processes of consensus formation (as indicated by Bresser Pereira) but the internalization of values that may orient the actions or practices of people in everyday life. As it will be seen in the following discussion about Quebec, a concern with worthiness, dignity and the recognition of a collective identity may have different implications.

b) Collective Identities and Individual Rights: the Constitutional Crisis in Canada

If, perhaps, one could say that Quebec has never been completely satisfied with the terms of the agreement leading up to the creation of the Dominion of Canada in 1867,[16] and occasionally there have been moments of tension with English Canada ever since,[17] the current constitutional crisis dates from a much more recent period and came to a head in 1982, when Trudeau approved in Parliament the conditions for the *patriation* of the Canadian Constitution and had a Charter of Rights and Freedoms amended to it. Until then, the Canadian Constitution was kept in the British Parliament and could not be autonomously

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[16]   In 1867 the British North America Act created the Dominion of Canada, comprising the provinces of Quebec, Ontario, Nova Scotia and New Brunswick, putting an end to the dispute between Anglophones and Francophones over the institutional make up of the country. At that moment Quebec´s cultural-linguistic rights were reestablished, after a period of 27 years under the Act of the Union Regime, when these rights had been abolished following the recommendations of the famous Lord Durham´s Report.

[17]   Good examples of these tensions in this century are the discussions over the military draft imposed on all Canadian citizens during the two Great Wars, when French Canadians were obliged to fight a war that they perceived at the time as representing British interests exclusively. Another example is Trudeau´s declaration of the War Measures Act in 1970, in order to curb the terrorist activities of the Quebec Liberation Front (QLF) in Quebec, after the kidnaping of Quebec´s Minister of Labor and the British *attaché commercial* in Montreal.

amended. The Charter established a series of individual rights to protect all Canadian citizens against the arbitrariness of the state, and was perceived in Quebec as a threat to the collective rights of French Quebeckers, especially those connected to the regulation of language use within the province. Therefore, despite having historical demands for more autonomy in the areas of workforce, education, culture and immigration, Quebec´s main claim toward Ottawa or the ROC is the recognition of its cultural specificity or distinction. That is, Quebec wants a constitutional guarantee that in certain matters, as in the case of its language policy, its power to legislate would not be hindered by the Charter of Rights and Freedoms, which takes individual rights as an absolute and would give no room for the assertion of collective rights or interests. Ever since the unsuccessful negotiations of the Meech Lake Accord such guarantee has been phrased as the constitutional recognition of Quebec as a *distinct society* and, as time goes by, it looks as though this demand meets with greater and greater resistance in the rest of the country.[18] In a word, while French Quebeckers demand the recognition of the province´s distinctiveness as a condition for equal treatment and as a symbol of equal status within the federation, English Canadians in the other provinces perceive Quebec´s demand as a claim for an illegitimate privilege and, to a certain extent, it looks like a dialog between deaf people, crystallized in the expression of the *two solitudes*.

As I will argue below, one of the interesting aspects about Quebec´s demand is that, although it is often phrased as a collective right, it cannot be entirely dissociated from the rights of individual citizens, given that its lack of recognition can be perceived as a moral insult to the individuals affected by it. By the same token, it also suggests that a significant obstacle to adequately dealing with the problem lies in the difficulty to articulate the moral nature of the claim with the legal/constitutional remedy pursued. However, before arguing this point I should first make a better characterization of the claim itself.

Recognition, *Inconsiderateness* and Moral Insults

If one takes a look at the tight victory of the NO vote in the last referendum — on October 30, 1995 — about the sovereignty of Quebec (50.6% vs. 49.4%), and observes the many pools of public opinion that are published in the press almost every other day, it is interesting to note that the angle from which Quebec´s demand meets the greatest level of consensus within the province refers to the inadequacy of the treatment it has been getting from Ottawa or the rest-of-Canada, specially after the *patriation* of the Constitution as I mentioned above. The leadership of the campaign for the NO was the first to point out that its vote on the federation did not mean an agreement with the constitutional status quo. Actually, besides the people who voted NO out of fear from what could happen with their economic situation in an independent Quebec, others voted NO hoping that a new constitutional agreement would be negotiated with Quebec in the near future. Likewise, my own interviews suggest that a similar sentiment was also found among people who voted YES. That is, many said they had voted YES in order to strengthen Quebec's demand of recognition but were not as willing to support an eventual separation from Canada. In this regard, the dissatisfaction

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[18]   On April 30, 1987 the Prime Minister of Canada and the ten first ministers of the provinces signed an accord over five principles at Meech Lake, Ontario, with the objective of satisfying Quebec's demands to subscribe the Constitution *patriated* in 1982. The recognition of Quebec as a *distinct society* within the Canadian Federation was one of the principles and the one that came to symbolize the accord. But, the accord had to be ratified by the legislative bodies of all provinces within three years and, when Manitoba's and Newfoundland's refused to do so on June 9, 1990, the accord was definitively turned down, provoking a major protest in Quebec.

with Ottawa is not essentially motivated by a perception of exploitation (as in colonial relations), nor by a will to amplifying its share in the distribution of income or power, although these are among Quebec´s concerns. That is, it is not determined by a consciousness of exclusion or against the usurpation of basic citizenship rights, but, in my reading, it has been stimulated by a perception of *inconsiderateness*.

I take *inconsiderateness*, or an act of *inconsiderateness*, as the reverse of recognition as defined by Taylor, and I prefer to talk about *inconsiderateness*, instead of phrasing it in terms of a lack of recognition, in order to emphasize the (moral) insult that is brought on when the identity of one´s interlocutor is undisguisedly, and sometimes forcefully, not acknowledged (see note 8 above). That is, the recognition of an authentic identity is not just a matter of pleasing one´s interlocutor but a right whose lack of fulfillment can be seen as an aggression, even if not meant as such by the aggressor.

According to Taylor (1994), the demands of recognition are a product of the process of transformation of the notion of *honor* into *dignity*, that took place with the passage from the *ancien régime* to modernity. Drawing on a very interesting paper by Berger (1983), Taylor argues that while the notion of *honor* is committed to the idea of exclusiveness and is an index of distinction or differentiation, being bound to a hierarchical context, the concept of *dignity* makes reference to a quality or condition that can be universalized, and equally shared by all. This process of transformation would have prompted two movements in sequence: (1) the first one would have given rise to a process of universalization of rights, which comprise the core of what became the modern notion of citizenship rights (civil, political, and social); and, (2) the second movement would have provoked the affirmation and/or the demand of recognition of an authentic identity in both, the individual and the collective levels (Taylor 1994). At the collective level the struggles for recognition would express themselves in the demands of cultural or national minorities, as in the case of Quebec's demands for sovereignty. In this regard, I should stress that a major difficulty to legitimize the sanctioning of the demands associated to the second movement is its focus on acknowledging the worthiness of singular identities or forms of life. That is, its refusal to equate equality with uniformity, and its valorization of differences or peculiarities as symbols of worthiness which are, by definition, not expected to become universal.

By the same token, Taylor's ideas suggest that the demands of recognition have at least two important characteristics that are powerfully brought to the fore in the case of Quebec: (1) a compelling symbolic content, which makes rights and values absolutely inseparable; and, (2) the requirement to be dealt with in the context of dialogical relationships, where the parties mutual recognition reflects a genuine acceptance of each others particularities. That is, the acceptance of the other must be internalized as a value, which means that the parties may not only show acceptance of each others´s rights to cultivate their identities, but should be able to convey the idea that they accept it because it is worthy of acceptance. Whereas the first characteristic shows that the lack of recognition, even if expressing an index that is essentially symbolic, may be construed as *an act of inconsiderateness* or as a moral insult, being a threat to the rights of the person involved — who is motivated to confront and reject this attempt at devaluation or negation of her own identity —, the second characteristic suggests that an eventual reparation of such an act of *inconsiderateness* cannot be wholly effective by exclusively legal means.

On the one hand, Quebec´s demand seems to be somewhat enigmatic at first, because it not only runs against the dominant views about democracy and citizenship in modern societies, where only legal claims and laws that equally affect all members of society are legitimately binding in the public sphere, but because it is raised from within a society that takes pride at being pluralistic and respectful of individual rights, besides having developed an effective set of social policies that has, in the last few years, systematically granted Canada the United Nations´ title of the country with the best quality of life in the world. On

the other hand, the constraints for an adequate negotiation of Quebec's demand are aggravated by the difficulties of English Canada in understanding it, in light of visions which are traditionally and culturally distinct, if not divergent, about Canadian Unity and the role of Francophones and Anglophones in the formation of the country.

Inconsiderateness and Equity in Quebec

Despite the fact that Canada is justly considered as a country with solid democratic traditions, having even distinguished itself by the attention which it pays to questions of equity and social solidarity, the perception of *inconsiderateness* manifested by Francophones is widely spread in Quebec, even among those who, besides praising these characteristics of Canadian democracy, are also proud of it. In fact, in order to understand it one needs to take a brief look at the relationship between Francophones and Anglophones through Canadian history.

The foundation of Quebec city in 1608 marks the beginning of French colonization in America, then called New France, which 55 years later would become a Royal Colony. After the rendition of Quebec to the British in 1759, France formally transfers Canada to the possession of England in 1763, signing the Treaty of Paris. In spite of the fact that from then onwards Canada has spent its entire colonial period under the rule of England, Quebec has been able to keep its language in addition to its main cultural institutions, and for a long time yet the term *Canadien* was used exclusively with reference to Francophones. With the celebration of the "Act of Quebec" in 1774, Quebec was formally allowed to keep the Catholic Church, its juridic tradition (the French civil code), and French as its official language. Only during the short life of the "Act of the Union Regime," from 1840 to 1867, when High Canada (Ontario) and Low Canada (Quebec) are reunited under the same government by the British Crown, has Quebec suffered some repression toward its French institutions. At this point the British Crown developed a policy of assimilation toward the population of French origin, following the recommendations of the much hated, within Quebec, "Lord Durham's Report." With the creation of the Dominion of Canada in 1867, through the British North America Act, the cultural-linguistic rights of Quebec are reestablished and the union between the High and the Low regions of Canada is legitimized, now including the provinces of Nova Scotia and New Brunswick.

As I mentioned above, the compromise of 1867 was "breached", from the point of view of Quebec, with the unilateral *patriation* (without Quebec´s consent) of the Canadian Constitution in 1982 and the Charter of Rights and Freedoms that was amended to it. At the same time, with the advent of the Quiet Revolution in the early 1960's, Quebec experienced a process of deep transformation, where the modernization of the province went hand in hand with a change in its nationalist movement, which put aside its traditionally more defensive position and took up a perspective of National Affirmation, under the banner of *Maîtres chez nous* (Masters of ourselves). Now, the perception of minorization prompts its political leadership to systematically challenge the province´s institutional status quo within the Canadian Federation, and the identity of French Canadian gives way to that of Quebecker.

The beginning of the Quiet Revolution, with the election of Jean Lesage as Prime Minister of Quebec in 1960, marks the end of the Duplessis era, which represented 19 years of a very conservative government. Duplessis took office for the first time in 1936 and, except for a short period of liberal government from 1939 to 1944, stayed in power until his death in 1959.[19] If one could say that in Quebec language, religion and ethnic identity have

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[19] Duplessis was elected by the National Union Party, which does not exist as a party anymore. As the name suggests, it was a very nationalist party. However one should note that

always been blended together, being strong symbols of Quebec's nationalism, during Duplessis' government they did not only stand for culture and tradition as cultivated values, but they also meant a political orientation with a significant degree of backwardness. To a certain extent, such orientation amplified the distance in relation to the Anglophone provinces. For, until then, Quebec was basically a rural province (except for Montreal), did not invest in education — which did not seem to be a value for Duplessis´government — and was completely turned back toward itself.[20] In this connection, the Quiet Revolution not only made Quebec´s nationalism more affirmative and more open or inclusive, given that with the change of identity from French Canadian to Quebecker there was a change of focus from ethnic to territorial nationalism, but there was also an impressive reversal of perspective toward a more progressive political orientation. This happened with the implementation of important social policies in the areas of education, urban development and the ethnic leveling of the job market. Such a turn of directions, accompanied by a strengthening of Quebec´s nationalism and of its demands toward the federation, has startled many Canadian analysts who point out that the closer Quebec gets to the ROC in terms of the social/living conditions of the population, and the sharing of modern/democratic worldviews, the further away they get from each other in relation to their perceptions about the constitutional problems of the country and their views about the federation (e.g., Taylor 1993:155-186; Dion 1991:291-311).[21]

Perhaps one could say that Quebec´s demand of recognition is not only an essentially modern one, and could be supported on liberal grounds as Taylor (1994) suggests, but the modern political values that motivate Quebeckers and give strength to their claims are the same ones that stimulate English Canadians to refuse them. They both value equality and the respect to individual rights, not to mention the concern with identity, which has grown in the ROC too as the constitutional/unity crisis was aggravated.[22] Naturally, besides having

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all political parties in Quebec hold a nationalist perspective and, in this regard, they differ from each other only in terms of degree. It is true even of the Liberal and the Conservative-Progressive parties who defend a federalist position and want to keep Quebec within Canada. Given that the Conservative-Progressive Party does not dispute the provincial elections and shares identity symbols with its predecessor in England — the members of the two parties are called the Tories —, its nationalist views are particularly significant for understanding the nature of Quebec´s demand. The only exception to this is the Equality Party, which is supported almost exclusively by Anglophones and a few Alophones (immigrants). The Equality Party is the hardest critic against Quebec's language laws, but does not hold even a single chair in the National Assembly, and is not a significant political force in the province.

[20] By and large, the public services in the areas of health and education were in the hands of the Catholic Church, who had an astounding political influence within the province. In addition, during the 1930´s Quebec was the province with the worst record of public spending within Canada and, from 1957 to 1967, its performance was significantly improved, passing from the second worst ranking to the second best place in the country (Dion 1991:298). For a good picture of Duplessis´s traditional and shortsighted way of doing politics see Chaloult (1969).

[21] In fact, Dion argues that such a situation would be explained by Tocqueville's paradox, according to which as social conditions become similar everywhere the greater is the importance attributed by people to indexes of distinction. Thus, as societies (or their once culturally different segments) get to be more alike to each other the stronger will be their nationalist sentiment (Dion 1991:291-311).

[22] Canadians are supposed to be known for their lack of strong feelings of patriotism, as opposed to the feelings held by Quebeckers toward their province (Kaplan 1993:3-22; Fulford 1993:104-119). At the same time, it has also been common place in the literature that

different interpretations about the implementation of some of these shared values, Quebec and the ROC hold significant differences of values in other respects. Actually, the Canadian Charter of Rights and Freedoms that has provoked so much dissatisfaction in Quebec, as a threat to the French language and culture, has become, in the ROC, not only a symbol of freedom and equality but an important component in the identity of Canadian citizenship. However, despite differences of perspective and political position, which may not allow for a consensus and may not be easily ironed out in argumentation, there are clear signs of misunderstanding from both sides. That, I am afraid, does not give much hope for a political agreement in the short term.

In this connection, the conflicts over language are the most obvious ones, with the widest repercussion and the ones with the greatest impact on people´s everyday life. Nevertheless, as Laurendeau´s report on the activities of the Royal Commission on Bilingualism and Biculturalism gives ample support (Laurandeau 1990), the disputes over language address only part of the problem. That is so, even if the language problem is the most sensitive one and if it cannot be entirely dissociated from all of the other aspects involved in Quebec´s demand of recognition. Through these disputes over language people are not only actually arguing diverse views of Canadian history and divergent conceptions about the importance of language or culture, but they are also expressing distinct perspectives about the social significance of difference itself.

A striking feature about the constitutional debate in Canada is the degree of divergence between Anglophones and Francophones about the meaning of the compromise reached in 1867. That is, the compromise that sealed the formal constitution of the country. As it is a major reference to interpreting important aspects of the Constitution *patriated* in 1982 and symbolizes the foundation of the country — playing a special role in peoples´ views about Canada and the way they see themselves in it —, it is not surprising that a significant divergence here has been so problematic.

While the dominant reading of the compromise of 1867 in Quebec emphasizes the idea of a country formed by two nations and two founding peoples, with equal rights and statuses, in the ROC the paramount vision is one that stresses the equality of the provinces and of their citizens irrespective of ethnic (national) background or origin.[23] From the point of view of many Quebeckers, Canada´s rejection of the policy of biculturalism meant "the end of a Canadian dream" (Laforest 1995). Nevertheless, and at first sight, at the same time that each reading gives support to the respective positions in the constitutional debate today, the predominant view in the ROC seems to be more open and more responsive to the formal claims and foreseeable needs of all Canadian citizens. That is, to the extent that it allows for the greatest freedom of choice, without giving up the commitment to guarantee the protection of basic rights to every citizen. In fact, it does not distinguish itself from the principles stated in the Charter of Rights and Freedoms amended to the Constitution, and represents the

Canadians take pride of their citizenship when they compare themselves with Americans, for the differences in Medicare and social policies in general between the two countries. However, in the last thirty years efforts have been made to strengthen a national identity through symbols like the Canadian Flag, created in the late sixties, about twenty years after Quebec had sanctioned its own flag. The essays edited by Kaplan (1993), under the telling title of *Belonging*, give a very good idea about how much of a concern is the problem of identity in the ROC.

[23]   As Laforest (1995:1) points out, after the visibility that the first nations have gained in the public sphere during the negotiations of the Charlottetown Accord, it does not make much sense anymore to talk about the history of Canada as a country founded by two nations, at the exclusion of the natives. However, Laforest argues that the one-nation vision of Canada should be unacceptable too for both, Quebeckers and the First Peoples of Canada.

dominant views held about democracy and citizenship, not only in Canada but in modern Western societies in general. However, one can make a good case that such argumentative supremacy is only apparent. In fact, if it can be shown that the formal openness of the Canadian views represents a substantive restriction at the sociological level and motivates acts of *inconsiderateness* in everyday life, one could argue that, even if Quebec´s perspective may pose similar problems, it makes a demand that cannot be legitimately or morally discarded from the outset.

Despite being predominant in only one of the four provinces comprising the Dominion of Canada in 1867, and representing just 33.7% of the population at this point, French Canadians looked at the new compromise as an institutional commitment to protect the equal linguistic-cultural rights of Anglophones and Francophones, as members of the respective communities within the country. But, as soon as 1871 the Anglophone provinces started to impose limitations to the use of French as language of teaching in the public schools, and British Colombia enters the Confederation without recognizing French as an official language.[24] Comparing the situation of Francophones out of Quebec with that of Anglophones within Quebec one finds a striking difference. While public support to Francophone schools in the ROC is generally perceived as being well below the expectations of the Francophone communities, and the rate of assimilation to Anglophone language and culture is significantly high,[25] Montreal has a large and well structured system of public education in English, besides having a set of Anglophone or bilingual hospitals and services, which makes it possible for Anglophones to lead a life entirely in English. The lack of reciprocity in this regard is taken as an offence in Quebec. That is, if not as an unlawful example of direct discrimination, at least as an unacceptable act of *inconsiderateness*.

Indeed, the linguistic situation in Montreal is a polemic issue in Quebec, and was one of the main factors motivating the enactment of Bill 101, in 1977, which regulates the usage of French in the province. Before the promulgation of Bill 101 the dominant view was that English was taking over and the French language was running serious risks of disappearing, initially in Montreal and later in the province as a whole. At this point, English was not only the main language of business, but was by far the first choice of immigrants (a fast growing community in Montreal) as language of teaching, and even the Francophones seemed to be under "pressure" to opt for the English schools, given that the language of learning could make a big difference in the job market. In this regard, during my research in Montreal (1995/1996), I interviewed a few elderly retired Francophones who not only resented that their poor command of English significantly limited their chances of promotion in their jobs, but who could not accept the fact that they had spent their lives obliged to communicate with (and follow instructions from) their bosses and superiors in a "foreign" language they had not chosen, because there were no job opportunities in French. That is, having lived all their lives in their own hometown, where they were native speakers of the language spoken by most of the population. In terms of the language debate, I think one could rephrase the complaints of

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[24] In 1871 the Common School Act abolishes the catholic schools and the teaching of French in New Brunswick, where there was (and still is) a very significant Francophone community, the second largest in the country. In 1877 was the turn of Prince Edward Island to enact similar legislation, through the Public School Act, and this trend was followed until 1968, when Trudeau promulgates the law on official languages (Beauchemin 1995).

[25] According to data published by Statistics Canada, and compiled by the Société Saint-Jean-Baptiste, the average rate of assimilation of Francophones in 1991, in the ROC, was 77.3%. This was measured by comparing the number of people of French origin, with the number of those who speak French at home. The province with the lowest rate of assimilation is New Brunswick with 31%, whereas Newfoundland holds the highest one at 96% (Beauchemin 1995:31).

these retired Francophones as follows: it is not that we do not want to allow people to choose their language of teaching or work, but that we want to be able to keep on choosing to live our lives in French! That is, even if in order to achieve that we need to impose some linguistic restrictions on the population of Quebec.

The law 101 imposes three main limitations on the usage of English (or other languages) within Quebec: (1) the children of immigrants, as well as the children of Canadians whose parents have not studied in English schools within Canada,[26] have to attend French schools; (2) it institutes French as the language of work in businesses with more than 50 employees, who were given a certain amount of time to adapt themselves to this condition; and, (3) it prohibits all commercial signage in other languages. The third limitation has always been the most polemic one and, after being struck down by the Supreme Court in June 1988, it was reenacted by Quebec under the invocation of the notwithstanding clause, which allows the legislator to avoid the provisions of the Charter during a period of five years. At the same time, Quebec's government presents Bill 178 that keeps the prohibition for commercial signage outdoors, but allows for bilingual signage indoors. In 1993 Bill 86 comes into being and amplifies the flexibility of the signage law, now allowing for bilingual signs outdoors also, to the extent that the second language does not occupy more than half the space taken by the French on the same sign.

Bill 178 motivated the creation of the Equality Party (EP) in 1989, which became known in Quebec's media as a one-issue-party, concentrating all its efforts in the demand to have official bilingualism reestablished within the province. That is, the return of free choice of language of teaching, the exigency that governmental services are provided in the two official languages of the country, and that any future constitutional agreement should not threaten the fundamental liberties (Legault 1992:53). Although such demands do not receive as much support within the Anglophone community of Montreal nowadays, as they did when the party was initially formed,[27] they do give a good picture of the predominant feeling in the ROC about Quebec's language law. From the point of view of the EP, the language law negates the Canadian Charter to the extent that it "unlawfully" discriminates citizens by not treating them uniformly. Besides the suspicion of collective goals, it is this difficulty of legitimizing a non-uniform treatment of citizens in certain situations, or aspects, that Charles Taylor identifies as the essence of the liberalism of rights (Taylor 1994:60) cultivated in the ROC, and which would be incompatible with the aspirations of Quebeckers. Against this, Taylor proposes a model of liberalism that allows for the definition of a good life to be sought in common, which would qualify as portraying a liberal society "by the way in which it treats minorities, including those who do not share public definitions of the good, and

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[26] The first wording of the law required that one of the parents had gone to an English school in Quebec. As on July 26, 1984 the Supreme Court declared illegal that part of the law, it was changed to include English schools in any of the ten provinces.

[27] It is true that significant segments of the Anglophone and Alophone communities in Montreal would like to approve a more flexible language law, and perhaps better guarantees that they will not loose the linguistic rights that they currently enjoy. However, these communities have become more sensitive to the claims of French Quebeckers that some measure of linguistic restrictions would be necessary and legitimate in order to prevent French from disappearing. One may recall here that when Anglophones and Alophones were successfully mobilized by Galganov in 1996, with the objective of demanding more signs in English in the big stores of Montreal, they were actually demanding the enforcement of Bills 178 and 86. Even if one looks at it as a strategic move, to prepare for more radical demands in the future, one should not forget that when Bill 178 came to life it faced strong opposition and was considered absolutely unacceptable by Anglophones and Alophones alike. In fact, when Galganov tried to radicalize the movement it lost support and ended up dying out.

above all by the rights it accords all its members" (Idem:59). Even if it may not be necessary or adequate to distinguish between these two types of liberalism to legitimize Quebec's demand,[28] as Taylor suggests, such demand is not easy to understand from the perspective of a modern liberal democracy.

According to the dominant perspective of Anglophones in the ROC, the need to protect the French language and culture should not override the Canadian Charter and/or the principle of equal/uniform treatment to all Canadian citizens. In a way, from their point of view even the alleged need to protect the French language and culture within Quebec is not entirely clear. Differently from Quebec, the ROC has always been culturally more diverse, having a much longer and intense experience of receiving immigrants from all over the world, and the British influence or identity has never been as powerful and encompassing as French culture has been in Quebec. One of the difficulties experienced by Anglophones out of Quebec to accepting the idea of a country formed by two nations and two founding peoples is that they do not see the English people, who colonized the country, as deserving of any special recognition in comparison with the others who helped to build the country too. In the same direction, they make a sharp distinction between language and culture, and look at English as an instrumental language, used for public communication. That is, as a common language to be used in public life, while Canadians may speak the language of their ethnic/national group at home, and are allowed to cultivate their cultural practices and traditions in private life. To that extent, English, as the public language, would not be identified with any particular culture or tradition. That is why it is so hard to find support in the ROC for a policy of biculturalism: it is seen as an illegitimate privilege and as an unfair discrimination against people who do not identify themselves with any of the two so-called founding nations.

If such a radical separation between language and culture may be indeed problematic, it cannot make any sense in Quebec. That is, not only because of the integration between language and culture in the experience of French Quebeckers, but also because the penetration of English within their province is accompanied by the powerful influence of Anglo-American culture. In this regard, one could say that from Quebec´s viewpoint what one finds in the ROC, under the guise of multiculturalism, is a situation where English is not dissociated from the Anglo-American culture in the public or the civic sphere, and where other cultures are merely allowed to manifest themselves, not being discriminated against. By the same token, the policy of multiculturalism is perceived as the establishment of a, *de facto*, primacy of Anglo-American culture within the country, which denies an equal status to the Francophone tradition in Canada and is, therefore, unacceptable. Beyond that, one may not forget that until the early seventies there are reports of Francophones who claim to have been

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[28]   Habermas makes an interesting criticism of Taylor's position arguing that one does not need to differentiate between two types of liberalism in order to accommodate the legitimation of collective goals within the liberal-democratic tradition. According to Habermas, Taylor's definition of the liberalism of rights does not pay attention to the necessary connection between private and public autonomy. Such a connection highlights the fact that in a liberal society the citizens must perceive themselves as the authors of the laws that they are subjected to (Habermas 1994:112). This is in keeping with Habermas' discussion of the relationship between constitutional principles, political culture and the ethically permeated character of legal systems (Idem:137-139). However, it seems to me that Habermas does not address the full trust of Taylor's argument regarding the specificity of the demands of recognition, as these are different from cases that justify a policy of "reverse discrimination" or measures aiming at reducing the gap between legal and actual equality (Ibidem:129). Differently from the latter, the demands of recognition cannot be framed in universalist terms.

insultingly discriminated against in the center of Montreal itself. The main example of these acts, which are recurrent in the literature (e.g., Laurandeau 1990), is the "abominable" *speak white*! As the story goes, when Francophones addressed salespeople in French at the stores downtown they were often told to *speak white* (that is, English) in order to be served.

Despite the exceptionally offensive character of the example, it shows an important connection between the collective and the individual dimensions of identity, also allowing for a better articulation of Quebec´s demand for recognition — as a collective right — with the individual rights of Francophone citizens. The lack of recognition is experienced as a denial of one´s own identity, not only as a member of a linguistic/cultural community, but as a person. As I indicated above, in connection to my discussion of *civic discrimination* in Brazil, here too the failure to acknowledge the worthiness or the moral substance of the actor means a rejection of the citizen´s *dignity* and, therefore, a moral insult. The major difference in Quebec is that, contrariwise to the Brazilian case, acts of *inconsiderateness* are not usually associated with the disrespect of basic citizenship rights. The cultural-historical background and the sociological context in Quebec are such that even when there is no intent to offend, the simple fact of not displaying recognition may be perceived as an act of *inconsiderateness*. Be it at the Constitutional level, when the status of a *distinct society* is denied to Quebec, or in everyday life when Francophones are (perhaps politely) responded to in English in stores at the West Island, by salespeople who do not speak French, conveying the idea that here too English should be the language of public communication. In both cases, beyond the demand for the respect or for the implementation of specific legal rights, there is a general demand to be treated properly, with the level of *considerateness* that any citizen should expect in public or civic life.

In this regard, one of the difficulties for defining acts of *inconsiderateness* as instances of unlawful behavior is the fact that these are phenomena that show themselves more in the attitude — as it conveys an intention — than in the actions of the agents. That is, if one can analytically distinguish these two dimensions of social acts as suggested by Strawson:

> "...If someone treads on my hand accidentally, while trying to help me, the pain may be no less acute than if he treads on it in contemptuous disregard of my existence or with a malevolent wish to injure me. But I shall generally feel in the second case a kind and degree of resentment that I shall not feel in the first..." (Strawson 1974:5)

Strawson is associating the experience of a moral insult to feelings of resentment, as these are motivated by the intentions attributed to the interlocutor of the insulted party. As Strawson convincingly argues, the resentment of the insulted party becomes a feeling of moral indignation from the perspective of third parties witnessing the event (Strawson 1974:15), which means that the classification of the respective acts as moral insults can be intersubjectively shared and, therefore, validated. It is in this sense that I would like to submit that, despite not being really open to legal regulation, the display of *considerateness* can be construed as a social (moral) obligation. Actually, to the extent that it may be interpreted as conditioning the formation of a positive identity, and as an important aspect in the recognition of the actor's *dignity*, the display of *considerateness* could be looked at as a citizenship right; which could be, in principle, expected and vindicated by all.

By the same token, besides the limitations of a constitutional (legal) solution, it seems to me that one does not need to carry the burden of legitimating Quebec's demand of recognition — to be able to protect French language and culture — in terms of Quebeckers' axiomatic value of survival as Taylor suggests (1994:58). That is, as if it were the only way to convey the specificity of Quebec's demand and ground it. Firstly, because the external constraints faced by the French language in Quebec show that, without any protective

legislation, Quebeckers may not be able to choose to live in French in their province. In other words, a formal freedom of choice between French and English may actually mean an imposition of the latter. Secondly, because if the denial of recognition can be grounded as an act of *inconsiderateness*, or as a moral insult, the demand to avoid it should find support in the modern liberal-democratic value of equal treatment and in the unlawfulness of unilateral acts of aggression.

However, the gap of perspectives in the constitutional debate between Quebec and the ROC is very significant and can hardly be overstated. Not only because of differences in their historical experiences and on the interpretation of the agreement of 1867 that created Canada, as discussed above, but because their views about how the federation works today are not less different. Whereas Quebec resents the lack of recognition of its distinctiveness and the interference of Ottawa in areas perceived as being of exclusive provincial responsibility, the prevailing sentiment in the ROC is that Quebec already holds a special position and people often wonder "what will Quebec want next?" Besides having a bit more autonomy than other provinces in areas such as immigration, most of the political leadership in Canada comes from Quebec and in the last 30 years prime ministers from Quebec held power for 28 years, against only 16 months for the three prime ministers who came from other provinces during that period (Gibbins 1998:402 & 411).

According to Gibbins, the main reason why asymmetrical federalism did not find much support in the ROC is that at the same time that Quebec would have greater autonomy, the latter would still play an important role in Canadian politics (Idem). In other words, it was not just a matter of giving a *distinct* status to Quebec within the federation but, given the role of Quebec's politicians in the federation, it was a question of not aggravating a power imbalance perceived as being already there. It seems to me that the restrictions of the ROC were also connected to a perception of *inconsiderateness*, to the extent that Quebec's demand sounded like an unacceptable claim of superiority. Although the perception of *inconsiderateness* in the ROC is not framed as a demand of recognition, it is brought to the fore through the criticism of Quebec's demand, which is understood as a claim to special status at the level of citizenship. Therefore, by grasping Quebec's demand within the logic of *honorship*, which denies modernity's paramount value of equality, Anglophones in the ROC feel threaten in their *dignity* as equally worthy citizens. Because, if moral insults may be difficult to conceptualize as a real aggression in modern societies (Berger 1983), they are nevertheless felt by the actors.

In that sense, the idea of a partnership with Quebec's disengagement from the Canadian government, meaning more autonomy for both sides (Gibbins 1998:402), articulated with Laforest's (1998:51-79) proposal of a dialog in which the partners would try to stand in each other's shoes, sounds more promising. Not only because it signals a more open perspective to negotiate a new (formal) relationship between the partners, but also because it suggests a process in which the acknowledgement of each other's worthiness may face better chances of taking effect. That is, to the extent that the partners may engage themselves in a less armed negotiation, and that their formal separation in important domains at the political level may allow for the relative dissociation between equality and uniformity. If such a proposal works out, perhaps a new compromise could be reached where the equality of rights would not be had at the cost of the identity or the dignity of citizens, and the integrity of ethical life could take shape at a higher level.

c) Considerateness, Recognition and Citizenship

The discussion of republican rights in Brazil, and the analysis of the demands of recognition in Quebec, show that there is an important connection between collective (or

social) identities and citizenship rights. While in Brazil the association between a process of expanding citizenship rights focused on the collective identities of workers, and a concern with the display of considerateness in everyday life, has made it difficult to separate private and public interests at the same time that it has provoked a significant gap between the support formally given to individual rights and their universalization in actual interactions, in Canada the dissociation between rights and identities has fueled a constitutional crises motivated by the lack of recognition of the collective identity of Quebeckers, perceived by the latter as an act of *inconsiderateness* on the part of the ROC.

Both cases suggest that the formal nature of legal/constitutional rights poses difficulties in dealing with the moral/ethical dimension of citizenship. This dimension requires an articulation between rights and values or identities, which is hard to legitimate in the public sphere of modern societies, and highlights the cultural boundedness of social life. At the same time it is in tune with the core of modernity to the extent that it comes to the fore in the search for or affirmation of an authentic identity as shown by Taylor (1994). By the same token, one wonders if it would not be appropriate to look at the display of considerateness and the expression of recognition, which are related to the acknowledgment of worthiness, as citizenship rights of a moral/ethical type. That is, as rights that cannot be satisfactorily enforced by legal means, but which, when not acknowledged, may be construed as an unlawful aggression and may damage the integrity of an ethical life. Be it by an outright refusal to admit the significance of such acknowledgment in the public sphere, as in Canada, or by an all-too-selective acknowledgment of these rights in everyday life, in the Brazilian case.

Finally, drawing on the comparison of Brazil and Quebec, representing two strands of development within the realm of modern societies, I would like to submit that: (1) as the absence of a clear concern with the application of universal principles to citizenship rights may stimulate incidents of civic discrimination; (2) a radical connection between the ideas of equality and uniformity may have, as an implication, the institutionalization of unfair relationships and a systematic disrespect for moral/ethical rights.

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