

## The authors reply

### Os autores respondem

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#### Moral pluralism: multiple views in a single search

Seeking greater clarity and possible understanding, the replies to the critiques formulated in the six commentaries on our article are addressed to each author individually, in the same order that we received them.

Lorenzo quite properly identified how challenging the postulate is to construct an *Interethnic Ethic* that can help establish possible dialogues between moral communities with apparently insurmountable cultural barriers. Beginning with this understanding, he highlights some difficulties (beyond those we demonstrated) in the possible construction of *interethnic communication communities* that could be conceived on the basis of Habermas' *Theory of Communicative Action*, as we ourselves indicated. Although he agrees with such a possibility, he identifies two

obstacles to overcome: “*the differences between the lifeworlds of indigenous leaders and common indigenous individuals and the peculiarities of genres of indigenous discourse*”. We totally agree. When we referred to the Habermasian perspective, we did so based on a deliberate bioethical discourse<sup>1</sup> – proper to the argumentative community – like that of intervention bioethics. But we are fully aware of the difficulties, even because, as Lorenzo warns, the perception of infanticide as a problem “*derives from a Western worldview*”.

Garnelo highlighted the uncertainty of conditions for philosophical production which, by imposing the “Western cogito”, undermine the basis for philosophically sustaining bioethics, thus undermining as well the very argumentation we have proposed. We see no reason for this disagreement, since we assume such a challenge, even recognizing the epistemological confrontation, now approaching the model of hypercritical bioethical discourse<sup>1</sup> which puts us in a position of vigilance towards the possible misconstructions and asymmetries that discursive practices can contain. We place ourselves in the condition of *moral strangers*, alongside those that do not share the moral premises or rules of evidence and inference<sup>2</sup> (p. 32), but who need to build agreements, given that moral strangeness does not necessarily mean the impossibility of establishing friendly relations.

The case report by Ayer-de-Oliveira & Oselka on the twin pregnancy made a major contribution to our debate. The dilemma experienced by the attending physician in the case gives us an idea of the huge daily challenges faced by health professionals serving indigenous communities. This further reveals the need for greater and better professional qualifications, adding new knowledge to their technical training. The information on the “prior history” of an unsuccessful intervention in a similar case reveals all the care required for any intended intervention. Importantly, the physician in question proved to orient his approach according to ethical references; if another professional had not proceeded likewise, he certainly would have caused unimaginable damage with his undue intervention.

To contextualize the case, various approaches were taken, even to the point of consulting Brazilian Penal Law. Here, we take the liberty of making a slight correction. It is not true that Indians are not liable for their acts. On the contrary, the indigenous prison population in Brazil is relatively high. Thus, indigenous women can also be charged with the crime of infanticide. Article 26 of Brazil's *Penal Code*, quoted in the commentary, does not apply to Indians, but to individuals with “*mental illness or incomplete or delayed mental development*”, considered “*entirely incapable*”. The confusion probably stems from the case law that was consulted, since nothing in the current or previous penal code refers to immunity from criminal liability for indigenous persons, and many judges, moved by their high levels of prejudice and racism, and unable to perceive the Other and recognize him or her in his or her difference, have equated indigenous persons with the “incapable” (sic). Thus, indigenous persons are purportedly unable to “*understand the illicit nature of their acts*”, a position that proves false given the enormous number of criminal charges brought against many indigenous peoples, even those in more recent contact with Brazilian national society, as in the case of the Cinta-Larga in the State of Rondônia and numerous other peoples victimized by the strategy of criminalization perpetrated by their executioners. For further clarifications on this point, we suggest the elucidative work by Lacerda<sup>3</sup>.

We emphasize the relevance of the case report, especially since it reveals that the conflicts raised by indigenous infanticide practices are not limited to the villages, since the Indians establish various forms of relations with the outside world and use various public services, both in health and other areas. Finally, we highlight the appropriate discussion and caution adopted by Ayer-de-Oliveira & Oselka in their analysis, pursuing

the broadest possible scope. Such procedures contribute to the search for more adequate solutions to the various moral conflicts.

Schramm, in disagreeing with the theoretical perspective we postulated, took the care to explain the differences between moral relativism and moral pluralism, making clear our option for the latter, justified by its defense of “*respect for cultural differences and their existing value systems*”. Corroborating the dialogical stance he defends, he referred to the “*authority of consent*” defined by Engelhardt<sup>2</sup> as the “*secular moral authority*”, added the bioethical focus of quality of life, and concluded on the argument's pertinence, despite the controversy it raises. As Schramm himself warned<sup>4</sup>, when we face the dual challenge of respecting the specificity of the particular conflict and at the same time consider “*the universalist tradition of moral discourse*”, we should remain constantly alert in order not to promote “*cynical discrimination against vulnerable individuals and populations*”. This is the complexity that makes the argument controversial. Although in the case of indigenous peoples the concept of vulnerability is controversial, we use it here considering the historical process of territorial invasion and massacres to which they have been systematically submitted by the dominant society.

The critique by Jardim, with the peculiar acuity of an anthropologist, highlights the article's limitations in its reflections on the ethnographic data presented, making suggestions that we will certainly incorporate in future work. While clearly agreeing from the onset on with the limits identified in the area of ethnography, and recognizing our inability in ethnographic interpretations (even because none of the article's authors has training in the field), we will make some brief remarks concerning his critique.

We begin with a *mea culpa* for not having clarified two reasons which, in our understanding, give cause to the motivation of infanticide among indigenous peoples – namely cosmological and practical – as correctly observed by Segato in her commentary. We focused more on practical reasons, while we are aware that reasons of a practical nature persist within the cosmological reasons, despite the cosmological explanation given by the respective indigenous peoples. Still, there was no justification for our reductionism in translating the ontological reasons as being of a “*religious nature*”; our intention was to simplify, but we ended up limiting the reflection. We also understand now that the paper was jeopardized by not referring to Lévi-Strauss, whose quote is familiar to us. We thank Jardim for having done so. Concerning the indication of Holanda as an

updated bibliography, we agree and consider it a relevant study, with a beautiful ethnographic approach and enviable philosophic detail that require a close reading. We know the work, the author, and her thesis supervisor, Professor Rita Segato, an outstanding reference on the subject in debates held by the Brazilian Congress as well as the author of a widely acknowledged and relevant article on the theme. We maintain a frequent dialogue with Segato and Holanda and share common understandings. Unfortunately our article was prepared before their work cited in the critique, which prevented us from taking advantage of their valuable contributions.

As to the suggestion of an intent “*establish some relationship of continuity between indigenous infanticide practices and the modern practices of abortion and neonatal euthanasia*,” we wish to clarify that it is not a matter of “continuity”, but of analogy, since we understand such practices as persistent moral dilemmas and common to a wide variety of cultures, without overlooking “*the ambiguities of our own conception of the person*” or the ambiguities of our *moral strangers*. There, we do not see the “*ethnocentric bias*” alluded to by Jardim. Since this was not an ethnographic study, we cannot agree that it could trigger a “*feeling of anachronism*” among ethnological scholars of indigenous cultures. They will certainly be able to distinguish between this article and a study from their own field.

Segato, from a complementary perspective, makes important suggestions for the text in demonstrating a concern over avoiding misunderstandings related to what was not said or what should have been explained better. We share her view that the practice of infanticide is limited to few indigenous peoples, especially those with less time in contact with Brazilian national society, as well as the low and decreasing frequency of infanticide cases. However, we did not intend to give a different impression. We also accept the criticism that prioritizing one type of infanticide – that due to practical reasons – leads to generalization. We already referred to this in relation to the comments by Jardim.

Our use of the expression “*to kill a child*” reveals the difficulty in identifying an appropriate form of language, but we acknowledge the contradiction and the incorrectness when we admit that “*the human body is a cultural construction*”. Obviously, since this construction process is not concluded, this body will not have acquired “*existential status*”, and there is no reason to speak of death or killing. On the other hand, the article also contemplates the idea of a dual birth – biological and cultural – which can lead to a certain ambiguity: a biological death is possible, since the first

birth has occurred. The observation serves as a warning for us to avoid this dualism.

As for the divergence between the two anthropologists, we really had no intention to go into depth on their positions, since our stance already indicated the path to follow. The same occurred in relation to the missionary critique. But this does not mean that our choice was correct.

The fact that we invoked Convention 169 of the International Labor Organization (ILO) reflects a conscious and politically justified choice. First, because of the Convention’s political weight and legal value (having become law in Brazil since 2004). Second, because it has been used improperly by those who defend the criminalization of infanticide to justify their positions. Concerning the criticism that we failed to cite the *United Nations Declaration on the Rights of Indigenous Peoples*, the declaration was only approved by the 107<sup>th</sup> Plenary Session on September 13, 2007, when we had already concluded the paper.

1. Siqueira JE. Comentário ao texto de Guillermo Hoyos Vásquez. In: Garrafa V, Kottow M, Saada A, organizadores. Bases conceituais da bioética: enfoque latino-americano. São Paulo: Gaia/Fundo das Nações Unidas para a Infância; 2006. p. 181-8.
2. Engelhardt Jr. HT. Fundamentos da bioética. 2ª Ed. São Paulo: Edições Loyola; 2004.
3. Lacerda RF. Diferença não é incapacidade: o mito da tutela indígena. São Paulo: Baraúna; 2009.
4. Schramm FR. Bioética sem universalidade? Justificação de uma bioética latino-americana e caribenha de proteção. In: Garrafa V, Kottow M, Saada A, organizadores. Bases conceituais da bioética: enfoque latino-americano. São Paulo: Gaia/Fundo das Nações Unidas para a Infância; 2006. p. 143-57.