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“Saying to live:” slave work and the importance of reporting to rescue trust in the world

“Dizer para viver”: trabalho escravo e a importância do relato para o resgate da confiança no mundo

Saulo Monteiro Martinho de Matos¹

¹ Federal University of Pará, Belém, Pará, Brasil. E-mail: saulomdematos@gmail.com. ORCID: <https://orcid.org/0000-0002-4396-7276>.

Pollyana Esteves Soares²

² Federal University of Pará, Belém, Pará, Brasil. E-mail: pollyana.es@hotmail.com. ORCID: <https://orcid.org/0000-0002-8607-3336>

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Abstract

The measures to contain and repress slave labor are based mainly on economic remedies. Indeed, the central good to be protected by the legal system in these situations is neglected: dignity. Given this scenario, it is through J. M. Bernstein's thesis (*Torture and Dignity*) on the possibility of a negative ethics based on the victim's report that this article focuses on investigating new ways of observing this crime, as well as identifying alternatives for repairing the crime. confidence in the world of these survivors. For this, as a general objective, we seek to reconstruct Bernstein's contribution to the understanding of the report as an alternative to repair the offense to dignity in cases of work analogous to slavery. As specific objectives, this work runs through three axes of appreciation: to analyze the applicability of Bernstein's concept of agency to the basic theoretical construction to the understanding of slave work; understand how the loss of confidence in the world is situated in the lives of survivors of slavery; and, finally, to establish how a theory based on the reports of these survivors can contribute to the rescue of these people's dignity. As results achieved, it was observed the need to insert the report and therapeutic listening as ways of recovering human dignity, as well as a more humane understanding of the procedure after the rescue based on this theory.

Keywords: Dignity; Bernstein; Agency; Report; Modern slavery.

Resumo

As medidas de contenção e repressão ao trabalho escravo são fundamentadas principalmente em remédios econômicos. Com efeito, é negligenciado o bem central a ser protegido pelo ordenamento jurídico nessas situações: a dignidade. Dado esse cenário, é por meio da tese de J. M. Bernstein (*Torture and Dignity*) sobre a possibilidade de uma ética negativa baseada no relato da vítima que este artigo se atém a investigar novos caminhos de observação deste crime, bem como identificar alternativas de reparação da confiança no mundo desses sobreviventes. Para isso, como objetivo geral, busca-se reconstruir a contribuição de Bernstein para a compreensão do relato como uma alternativa de reparo à ofensa à dignidade nos casos de trabalho escravo. Como objetivos específicos, este trabalho perpassa por três eixos de apreciação: analisar a aplicabilidade do conceito de agência de Bernstein à construção teórica basilar ao entendimento do trabalho análogo ao de escravo; compreender como a perda de confiança no mundo se situa na vida dos sobreviventes do trabalho escravo; e, por fim, estabelecer como uma



teoria baseada no relato desses sobreviventes pode contribuir para o resgate da dignidade dessas pessoas. Como resultados alcançados, observou-se a necessidade de inserção do relato e da escuta terapêutica como formas de recuperação dignidade humana, bem como a compreensão mais humanizada do procedimento após o resgate a partir dessa teoria.

Palavras-chave: Dignidade; Bernstein; Agência; Relato; Escravidão contemporânea.



1. Introduction

Referring back to its etymological origins, “work” is linked to suffering. Deriving from the Latin *tripaliare*, it is the martyring and torturing of those by the *tripalium*, an instrument made up of three wooden stakes. Not far from its original meaning, work has these marks in its history, which are exposed today, especially when we confront work analogous to slavery or contemporary slave labor.¹

Thus, thinking about slavery can often falsely refer to a reality that has been overcome by the legal framework, which, whether through the Áurea Law of 1888 or article 149 of the Penal Code, formally aimed to abolish, contain and repudiate this conduct. However, accepting this simplistic point of view means turning one's back on the impacts that mark and endure in the structure of countries affected by colonization, such as Brazil (ALMEIDA, 2010). In this way, this issue requires an understanding from a critical point of view², which makes it possible to highlight the multidimensionality that it carries and allows us to observe how its permanence occurs today.

Starting from this approach, given that the economic elements inherent in the subject and its structure are often the only lens used by its interpreters, given the fact that global capital has become the main vector for this behavior (ALMEIDA, 2010). With this, the internalization of a view that reduces the structure of slavery to an exclusively economic and socially simplistic analysis.

As a consequence, although based on the discourse of guaranteeing and preserving the dignity of these workers against abuse and violence, it can be noticed that the measures to repress and contain this crime are restricted to the economic sphere. Therefore, the attempt to restore dignity to these individuals becomes linked to the

¹ Although the legal terminology “work analogous to slavery” is enshrined in labor doctrine and in article 149 of the Penal Code itself, it is believed that it is actually a euphemism for not recognizing the existence of slavery in contemporary times. In this sense, since there is strictly speaking no necessary difference, but only a contingent one, between work analogous to slavery and slavery or slave labor, no difference will be made between these terms in this study (OLIVEIRA; ANJOS, 2019).

² With no pretension of entering into a theoretical discussion about the meaning of critical thinking, the dimension of *criticism* here consists of the attempt to justify the normative criteria or principles of society's primary institutions with the necessary reference to two dimensions of social practice: (a) historical experiences of the denial of ethical, moral and political claims within society, such as, for example, denial of political rights to women, denial of the right to property to indigenous people and quilombolas, denial of the right to education to part of society, etc.; and (b) non-moralizing social theories, which do not appeal to defects in society relating to the subjective weaknesses of agents or responsibility, guilt or any kind of Christian or post-Christian suffering, and offer an explanatory diagnosis of unjustified social relations or domination.



financial reparation of the damage suffered, just as the repression of the conduct begins to affect those who commit it monetarily.

It is possible to note this panorama by observing Interministerial Ordinance No. 4, of May 11, 2016, which establishes the “Dirty List” of individuals and companies that have been flagged in an inspection by the Labor Prosecutor’s Office using slave labor. It submits such employers to fines and constant monitoring from a public register. Article 243 of the 1988 Federal Constitution provides for sanctions against these practices, such as the expropriation of land used for slave labor, as well as the confiscation of economic values seized from it.

When it comes to the worker, article 483 of the CLT demonstrates the legislator’s concern with guaranteeing him an indirect termination and the possibility of paying such parcels *in loco* at the moment of the flagrant. In the same vein, unemployment insurance is guaranteed to these survivors by Law 10608 of December 20, 2002.

Although there is an undeniable need for measures to adapt to the current capitalist model, especially in terms of guaranteeing the subsistence of rescued workers, it is noticeable the absence of a moral dimension to this problem. Thus, whether as a target for the offense caused by work analogous to slavery or for the motivation behind the return of these workers to these conditions - which is, according to Almeida (2010, p.137), due to the moral debt of keeping their name “clean” - the measures to repair slave labor end up neglecting a basic principle of this system: the damage to the dignity of the survivor in the sense of a moral injury.

Given this scenario, it is this inflection point that this research considers pertinent and seeks to address. To do this, its approach is based on the argument constructed by J. M. Bernstein (2015) in *“Torture and dignity: an essay on moral injury”*, which aims to link such damage to the recognition of the individual’s position or status, made real by the violence imposed against their bodies.

The hegemonic theories of human dignity in the field of human rights and contemporary slave labor develop the idea that, e.g., prohibitions on slave labor or torture are derived from a correct understanding of the conditions of human agency based on the principle of autonomy. In this sense, they aim to make explicit a list of characteristics of the human being based on the principle of individual autonomy, from which rights and obligations derive. In the field of slave labor, this form of justification based on human dignity culminates mainly in a list of conditions so that the contracting parties can have



their autonomy preserved at the time of the employment relationship. It therefore focuses on the conditions of agency of the solipsistic individual to justify prohibitions and rights.

The various criticisms of this way of understanding dignity have been known in the field of practical philosophy since modern times. Following on from the Hegelian criticism of natural law, this type of modern thinking errs in seeking to base the normative order on normative nothingness, making the individual will, supposed to exist by itself, the condition of this order. "In other words, man, the human individual in its abstraction, is a product of history, and not its a-historical substratum (...)." (KERVÉGAN, 2022, 55). Furthermore, still along this path of Hegelian critique, there is a mistake in starting from a justification that places individual human agency in tension with all aspects related to human sociability: "Natural, freedom is in a certain sense; however, under the condition of realizing that this 'nature' is nothing other than the movement of the institution of a second nature, ethical and political, a second nature that is never preceded by a first nature of which it would be, by choice, either the consolidation or the negation." (KERVÉGAN 2022, 56).

Thus, this study starts from a contingent or social view of dignity (MATOS, 2019), insofar as it understands that the best way to encompass what is at stake when grounding rights based on the principle of dignity is through the relational or intersubjective dimension and the various forms of denial of dignity, with special emphasis on corporeality. Corporeality, here, is thought of based on two cores: being a body, marked by its material, physical and involuntary processes; and having a body, to which agency belongs. Therefore, this violence established by Bernstein, which has its meaning in the concept of moral injury, consists of experiencing suffering with enough power to, in addition to pain, originate a morality based on new meanings about the body and pain from the victim's point of view and their recognition as such (BERNSTEIN, 2015).

In his work, rape and torture are approached as paradigmatic examples of moral offense, understanding that their importance lies in the fact that, in addition to the physical damage caused by their execution, the dignity of their survivors becomes another asset primarily affected, while any justification for it is unacceptable (BERNSTEIN, 2015). Therefore, it is on the basis of this interpretation of the damage that the seriousness of moral offenses is established, since, unlike the recovery of the physical body, a moral offense has repercussions in an intrinsic and permanent damage to the subject. In this



context, it is from the separation between the voluntariness and involuntariness of the person who suffers the moral offense that the survivor's will is taken over by the Other, wishing to forsake them and, consequently, expropriating their status as a person and reducing them to nothing (BERSTEIN, 2015). A relationship of dependency thus emerges between survivor and aggressor, in which lies the persistent total loss of trust in the world upon reaching devastation (BERSTEIN, 2015).

It is through the lens of this thesis that this research aims to observe slave labor, conceiving of the subjects not only as labor improperly used for economic purposes and, therefore, economically repaired, but bringing our eyes closer to the intrinsic damage suffered by the subject, which is powerful enough to take away the value of their very existence.

Given these circumstances, it is noted that there is a lack of reparation measures aimed at restoring this bond of trust between the worker and the world, exclusively through economic reparation. Therefore, based on this reflection on the nature of the damage suffered by these workers and in order to complete this panorama, it is in accordance with Bernstein's (2015) argument that it is identified that there is a lack of confrontation of this problem from the perspective of the survivor's account. This raises the question: to what extent can Bernstein's negative ethics, based on the survivor's report, contribute to the process of regaining trust in the world after a person has been subjected to slavery?

In order to examine this question, the general aim of this work is to reconstruct Bernstein's contribution to understanding reporting as an alternative to repairing the offense to dignity in cases of slavery. At the same time, it specifically aims to: analyze the applicability of Bernstein's concept of dignity to the logic of theoretical understanding of contemporary slave labor; understand how the loss of trust in the world occurs in the case of survivors of slave labor; and finally, establish how a theory based on the survivor's report can contribute to rescuing the dignity of these people.

Therefore, this research is justified by the urgency of facing slave labor from a moral point of view, so that it can restore the human aspect made invisible by an exclusive focus on the economic dimension.

As such, although it is not intended to focus on the entirety of his extensive conceptual field, the motivation for choosing Bernstein's argument to follow such a path lies, in addition to the correlations he makes between his argument and slavery, in the



need to value the survivor's report as a tool for guaranteeing their human rights, their dignity and the possibility of a post-rescue life.

Thus, the hypothesis developed is that the foundation of the fight against contemporary slave labor based on a social notion of human dignity, which starts from the idea of slavery as a moral offense, provides a greater opening for understanding the survivor's account as a tool for guaranteeing their human rights and a dignified life after the experience of devastation.

2. Slave labor and new paths of rational agency

2.1. Kant's established rationale for slave labor

The history of work, like that of slavery, does not have uniformity as its fundamental characteristic. However, it is based on the notion of work as an element capable of dignifying man, as established by Weber (1967), that we see a common element in such heterogeneity: the centrality of dignity in this discussion. This is because, even if the workforce is given to others with the aim of making a profit, the national and international legal system intermediates these relationships with a view to the primacy of decent working conditions, i.e. those that do not instrumentalize individuals.

In view of this, it can be noted that the foundations of legal practice in the field of labor law tend to be based on an unholy version of Kantian morality, which considers human subjects as possessing dignity and should therefore be treated based on their intrinsic value and not as mere goals (FORMOSA, 2017). It is in the light of the rationality capable of granting this status that the treatment of individuals should be based on respect and amiability (FORMOSA, 2017).

This reasoning and its applicability to labor relations is best explained from the fundamental relationship established by Kant (2008) between the dignity of human nature and autonomy. In it, morality and humanity are presented as having intrinsic value, that is, an absolute and irreplaceable value. Due to this, it is not possible to measure the dignity of these subjects.

Rationality, on the other hand, is an essential element in acting autonomously, i.e. independently of the influence of externalities on one's own will and under moral precepts (KANT, 2008). Autonomy, therefore, is understood as the ability to rationally self-determine and initiate sequences of actions motivated by reason (SILVA, 2020). It is



in this aspect that the concept of autonomy is central to Kantian theory, conceiving it under a notion of self-government, which Guyer (2006) explains occurs in the ability to freely choose the principles and purposes of their conduct. Furthermore, it is under this rational agency that cognitive powers are based, such as theoretical understanding, practical reason and the power of judgment (GUYER, 2006).

In fact, it is inferred that only rational beings have dignity, since only those have the capacity to choose to act morally, that is, under a self-determination of a rational nature (SILVA, 2020). Thus, autonomy is the foundation for human dignity, enabling the categorical imperative (KANT, 2008).

It is in light of these arguments that labor law conceives of individuals at the poles of their relationships, guaranteeing workers, in their rationality and autonomy, the right to dignity. However, attention is drawn to situations in which this autonomy is subtracted from the equation, such as the reduction to work analogous to slavery. This occurs because unlimited submission is a central pillar of the slavery process, leading to the instrumentalization of human beings, transforming them into mere work tools capable of being appropriated, used, alienated and harmed (REZENDE JÚNIOR, 2020).

With this, it is in the offence against the individual's self-determination that their condition as a person with dignity is replaced by the status of a thing, characterizing them as fungible, negotiable and possessing a price (REZENDE JÚNIOR, 2020). Therefore, dignity, as defined by Rezende Júnior (2020, p. 341) is “what makes a person unique and demands recognition as such”.

Based on this argumentative construction, policies to combat and repress slave labor are established and aim to emancipate these workers. A profane version of Kantian theory is used as a basis for this path to be traced under the premise that the subject must subjectively assume such agency (MORAES; CHAI, 2020). In other words, they must see themselves as capable and believe in their own dignity, perceiving themselves as bearers of rights and, with this, not submitting to degrading or exploitative conditions, such as slavery (MORAES; CHAI, 2020).

Having said that, there is a demand for state measures that generate this feeling of self-determination, capable of effectively removing workers from this unbalanced and cruel situation. This means not only recognizing their value and, consequently, the situation they are in, but also preventing them from returning to a new condition of exploitation. However, at the same time, it seems to be a consequence of this way of



understanding Kantian theory that a burden is placed on the survivor of slave labor, who, by virtue of these premises, becomes the agent of their own search and construction for emancipation.

Nonetheless, there is no denying that the logic of slave labor is part of the country's economic structure (PITZ; SOARES, 2022). In the midst of this, the processes of self-recognition, emancipation and autonomy are linked to the granting of economic conditions to these survivors. Dignity and the notion of intrinsic value, in turn, try to be restored through economic remedies in the field of legal rationality.

This panorama, therefore, is in line with Fraser's (2022) approach to the bivalence of situations of injustice, which, since it is impossible to completely eradicate, depend on a balance to minimize their damage. This is because, if the remedies for political and economic injustices are based on a logic of redistribution, while cultural injustices involve the search for recognition, those who suffer from ailments belonging to both categories need to be covered by these contrasting protections.

It is in this logic that the dilemma regarding policies to eradicate contemporary slave labor is found, because despite its socio-cultural charge, marked by the debate about the meaning of the other and of one's own being, it is with an eye towards redistributive remedies that recognition is denied as a central element for the dignity of these survivors. Thus, the legislative provisions previously exposed aim to restore the damage caused to these individuals, simplifying autonomy in terms of whether or not they can tread new paths in the world of work.

Faced with this panorama, it can be observed that, in fact, paths that cross education and the possibility of new opportunities for these workers are of the utmost importance for valuing their autonomy and making the process of emancipation effective, so there is no intention of repudiating them. However, it is in the simplification of how this agency is restored that a gap is identified in the use of a structure based on Kantian theory. As a missing piece between the moment of rescue and the self-recognition of dignity, there is an apparent neglect of the central element to be protected: the recognition of these workers' status as bearers of dignity.

So, it can be noted that the application of Kantian theory as the basis for policies to combat slave labor generates the understanding that the removal of agency from rational beings makes it impossible for them to govern themselves, and that this is therefore the target of reparation measures. However, what is central to the analysis is



the meaning that this conduct has, because it is in the change between the perception of the individual as a rational being and their objectification that there is a process of recognition, which, in addition to submitting someone's consent to the will of the Other, attributes meanings to the status of both agents.

2.2. J.M. Bernstein and a new proposal for human dignity

It is at this point that the work of J. M. Bernstein (2012) is pertinent, because, although he defines torture and rape as paradigmatic moral offenses, the degradation and devaluation intrinsic to their compositions are shared in relations between slaves and bosses, implying damage to the individual's position as a human being. This is because the affirmation of the intrinsic value of something or someone necessarily implies a corresponding treatment, conferring rights to do and not do acts that contradict it (BERNSTEIN, 2015).

So, subverting this treatment implies the emergence of a new component layer to this conduct, which, in addition to the fact that it should not have been practiced, by performing the action, diminishes the value that the offended object - in this case, the person - possesses (BERNSTEIN, 2015). In effect, it reorganizes or highlights the objects that have values as well as expressing a value of the one who accomplishes it. (BERNSTEIN, 2015). It is in the midst of this that, despite both being people and possessing equal value, the slave employer exercises a violence marked by an expressive charge, positioning him as more valuable than the enslaved worker.

Given this, it is in this unequal relationship that attitudes take on a moral legislative aspect, in other words, they declare misconduct to be universally permissible, while at the same time expressing meanings (BERNSTEIN, 2015). In this way, hierarchies are created based on the value of agents in relation to the meaning transmitted in their actions (BERNSTEIN, 2015).

In view of this, the intentional damage to the physical body also sustains a moral offense linked to it, which affects the individual in an intrinsic dimension, in their personality, with sufficient force to break this link (BERNSTEIN, 2012)³.¹ In this way, the

³Lynn Hunt (2007) builds this link in the book *"Inventing Human Rights: A History"* under the historical argument of the individualization of bodies as a paradigm of modernity, therefore an essential element for a human rights perspective based on sympathy, empathy and the notion of bodily integrity. So the importance



denial of rational agency points to an injury to morality marked by physical violence, accompanied by the devaluation or denial of the end itself, its differential being the purposeful intention to degrade the individual (BERNSTEIN, 2015). In this power relationship, the loss of control is not the central purpose of the conduct, although it is an essential means to it. Its goal, therefore, is devastation through the radical and purposeful dispossession by the other of the body that one has and is (BERNSTEIN, 2015).

In addition, the analysis of dignity from the survivor's perspective, as elaborated by Bernstein (2015), depicts another point that is pertinent to this analysis: agency is removed in a process of recognizing the value of the subject, but it is also distorted as a mechanism of self- betrayal. In other words, the loss of control over the body and its emotions is so great that, in addition to impotence, the survivor feels like an accomplice to their own suffering (BERNSTEIN, 2015). In this way, as an instrument of control to achieve the expropriation of bodies, self-traction reveals the following vulnerability: “what I cannot control opens me up to the control of another” (BERNSTEIN, 2015, p.168)⁴.

In this respect, contemporary slavery is appropriate because, besides retaining traces of colonial violence, such as constant threats, the use of bodily and psychological violence, coercion and physical injury, it presents a necessary moral submission to its execution (ALMEIDA, 2010).

It is in line with this that, in establishing the basic foundations that compose this conduct, Figueira (2004) points to characteristics that, unlike the criminal type, are not directed at externalities and circumstances of the practice of services, but subjective and interpersonal aspects present in these relationships. In this way, they are the treatment of the survivor as mere merchandise; the use of power, even if temporary; the attribution of the position of *outsider*; and, finally, physical and/or psychological subjection (FIGUEIRA, 2004).

So it is from the objectification of the individual, making him a kind of property of his boss, that he consequently becomes susceptible to being alienated, given away or broken. According to Figueira (2004), this is the oldest and most basic characteristic of this violence, which differs in that, in addition to the dependence between the enslaved

of this reasoning lies in the understanding of human rights based on corporeality, i.e. my body as my own and consequently inviolable by others.

⁴In original: “*Strata of involuntariness are at the same time dimensions of vulnerability: what I cannot control opens me to the control of another*”.



and the enslaver, it also changes the value attributed to the survivor, who no longer has human value, but market value.

Hence, contemporary slavery is distinguished by the fact that it is not founded exclusively on the domination of peoples, races and ethnicities - although it still bears strong legacies of this configuration - but also on the desire for profit that the instrumentalization of subjects establishes in its dynamics (OLIVEIRA; ANJOS, 2019).

Debt slavery, therefore, is an example of this domination exercised over the subject under the mask of autonomy and freedom. In this way, the cruelty of this contemporary configuration of slave labor lies in the false hopes supplanted in the imaginary of this subject, motivating him to remain in such conditions based on the illusion of a future disconnection from this reality, either by paying off the debt or enriching himself or his family.

By colliding the concept of the enslaved worker with a notion of the outsider, Figueira (2004), inspired by the writings of Norbert Elias and John L. Scotson (2000), illustrates that, once they have been recruited to perform these degrading jobs, the way in which they move from their place of origin, marked mainly by the abandonment of their previous social relationships and affection to the complexity of the unknown, crosses them in a profound way, affecting the core of their being with the loss of everything that makes them human.

This scenario turns the submission present in these relationships even more aggressive, making these workers more likely to be physically and psychologically coerced into performing these services and to remain in this cycle of exploitation. In this way, whether through moral responsibility or coercion, debt slavery, although at the heart of the discussion developed by Figueira (2004) and a clear element of criminal classification, is well classified by the author as a mere pretext that materializes the motivation and obedience of these workers to these vile conditions, but which, in reality, is mostly composed of the stratification of the body and humanity.

It is in this context that, just as in the torture described by Bernstein (2015), in slave labor, the survivor's existence is reduced to the wellbeing of their tormentor, making them dependent on this Other, while they are physically violated and psychologically devastated by them. For this reason, dignity is best understood from properties that lead to a status of existence and, in turn, are linked to specific behavior and not from abstract conceptions (MATOS, 2019).



So, it is in this connection between the limitless physical and metaphysical pain caused by the conditions imposed on workers that Bernstein's theory (2015) demonstrates itself to be an attractive way of interpreting cases involving slavery. It is in this pain that the survivor is disassociated from their agency, implying the expression of a necessary meaning to this form of devaluation. Thus, under this reading, the moral offense that comes from these practices turns to a survivor's perspective, because it is in the impact that their self-recognition suffers by being necessarily connected to the way in which the Other sees them that slavery manages to go beyond the limits of the mere conduct of the enslaver, being read through the meanings that the helplessness generated by it entails.

3. From slavery to loss of trust in the world

Given the argumentative path previously outlined, this topic goes through the concepts stipulated by Bernstein (2015) when identifying in the report the effects of moral offenses and the consequent withdrawal of strength of the survivor of slave labor in the face of the world. This is because, when looking at the power that moral offenses have, the devastating potential they encompass is observed, showing that the union between physical and psychological damage has a destructive capacity for the being.

Its differentiation from the concept of the instrumentalization of the individual, as persecuted by Kantian theory, consists in the fact that the violence imposed on the individual is so extreme as to remove and appropriate their agency and voluntariness. In this scenario, the survivor becomes an abstract existence, lacking limits or defenses and, above all, driven only by the will of their tormentor (BERNSTEIN, 2015).

It is from this that a dependency arises between these subjects, which cannot be overcome with mere economic or educational emancipation, but with measures that try to repair an invisible and internal bond capable of attributing meaning. This implies that, just as human beings are recognized as things, there is an urgent need for measures to restore their status as people with dignity, within the possible limitations of trauma.

According to the reasoning presented above and based on Bernstein's (2015) reading, dignity is established through a dual pathway made up of internal and external values. This implies that respect for dignity and, in turn, recognition of the human being as human, starts from self-respect and respect for Others, thereby conciliating the



subject's autonomy with their bodily integrity. Thus, it is in this process of applying and updating values on the human body that the survivor's agency is taken over by the torturer, or as discussed here, by their enslaver. Therefore, any voluntariness present in their being is removed, leaving them with only helplessness in the form of internal suffering (BERNSTEIN, 2015). It is in this context that Sussman (2005) specifies that these relationships are composed of an asymmetry, which ratifies the vulnerability of the victim and their inability to leave or resist this situation.

There is thus a dissociation between the voluntary and involuntary body, transforming the survivor into just an “object body” (BERNSTEIN, 2015, p.161).⁵ Hence, what Bernstein refers to as the separation between the voluntary and involuntary body of the survivor of such moral offenses, generating a dependency between these two subjects added to a condition of loss of trust in the world, which is a central element and where we intend to go in this topic (BERNSTEIN, 2015).

This occurs since the intrinsic value of the being depends on the other to be recognized, that is, bodily integrity understood as the body in its limitations, intact and free from coercion is the materialization of autonomy. Given the necessity of thinking of these limits as connected to an embodiment, Larson (1993) goes further and associates them with areas safe from coercion or any control by third parties.

In this sense, bodily integrity is in itself a human limit capable of highlighting one's own fragility and dependence, because while it is always the other person's responsibility to recognize the dignity present in the victim's bodily autonomy, they are also liable to harm it (BERNSTEIN, 2015). Given this reasoning, the vulnerability in which a survivor of slave labor finds themselves is part of a scenario in which the legal laws and moral norms that should protect them are replaced by the will of someone who wants to devastate them. Therefore, what needs to be highlighted is that human fragility is an essential element in the process of recognizing the subject in slave relationships, affecting not only

⁵Contemporary societies are formed by systems of privacy and occultation capable of regulating the difference between the voluntariness and involuntariness of bodies, that is, the corporeal phenomena that we have agency over or not (BERNSTEIN, 2015, p.158). Thus, based on civilizational processes, what is involuntary and therefore socially indignant is given a place out of sight to occur, or a place appropriately coded as private, no matter how public it actually is (BERNSTEIN, 2015, p.158). Given this, Bernstein defines the “object body” as the consummation of existential helplessness, deriving from the aggressor's effort to separate the voluntary and involuntary body of his victim. It is in this act that the withdrawal of agency, power and voluntariness goes beyond bodily limits, leading the individual to move according to the will of their tormentor (BERNSTEIN, 2015, p.161).



the subject themselves in their self-judgment of intrinsic value, but also their relationship with the world.

As such, it starts from the silencing of the offended as a primary and central element of this violence, since it is from this conduct that the victim disconnects from everything that is external to them, hindering verbalization and any expression that confronts the violation suffered (BERNSTEIN, 2015). That said, in the case of torture, there is a loss of the survivor's "linguistic will", demonstrating the torturer's seizure of control and their respective aims (BERNSTEIN, 2015, p.118). In rape, in contrast, there is a disregard for what is verbalized, disconnecting the one who suffers violence from the denial of their interference in the world (BERNSTEIN, 2015).

In cases of slave labour, however, the forms of silencing are more dissipated in the daily routine of this violence, present in the physical and psychological abuse carried out by the enticers and in the normalization of the exploitation scenario, which are evident in the circumstances of forced labour and debt bondage. In both cases, the worker is conditioned to remain in that reality under the practice of physical and psychological aggression, which is accompanied by silencing tools, such as the impossibility of communicating with family members, the retention of salaries or illegally imposed debts. Thus, their verbal expressions of will are manipulated and disregarded.

The "almost family" discourse that permeates domestic slave labor also proves to be a verbal tool for manipulating the will of survivors (DUARTE, 2020). In these cases, in addition to the dimensions of gender and race discrimination, this fallacy has a useful dimension for the enslavers, aimed at reducing the legal costs of domestic work, as well as pacifying and normalizing the conditions in which these people are inserted. This is because, even though they are exploited, maids can form bonds with their families, which disguises the abusive structure and makes it difficult for them to denounce it, given the affection or pity of their employers (DUARTE, 2020).

In fact, the worker's silence generates guilt as an element present in this reality, because it is from these circumstances that the feeling of self-betrayal arises. This means that there is a forced loss of confidence in their own body, highlighting a latent vulnerability, since the individual's actions no longer correspond to their will (BERNSTEIN, 2015). Silenced, the offended person finds themselves in a particular form of self-betrayal, in which only torture and converging moral offenses end up generating the feeling of complicity with his own violation (SUSSMAN, 2005).



For this reason, a long period of practice is required. The survivor replaces the action of their tormentor with the vulnerability of involuntary complicity, leading not only to bodily humiliation, but to moral devastation and, consequently, achieving devastation (BERNSTEIN, 2015).

Therefore, guilt manifests itself as the defense mechanism by which the survivor confronts themselves with the possibility of having done something to prevent what happened, which is a lesser pain than recognizing the loss of trust in the world (BERNSTEIN, 2015). For this reason, it qualifies them as survivors.

The same scenario applies to the suffering present in slave labor, given that the restriction of possible adjustments for better working conditions derives from the persistent feeling of failure, which, for Chehab (2020), is divided into denial or rationalization of what happened. In the first case, the offended party cannot bear or admit to their own suffering, since they were an active part of the mechanics. On the other hand, they rationalize excessively as a way of easing their anguish, fear and insecurity (CHEHAB, 2020).

In view of this, it is with the increasing introversion of the subject that Bernstein (2015) defends other moments as consequences of the process of devastation suffered by the victims of moral offenses as serious as rape and torture. The “social death” or “death of the soul”, as he calls it (BERNSTEIN, 2015, p.119), illustrates the individual's loss of control in relation to the world, highlighting the vulnerability of their limits and the abandonment of themselves.

It is in this panorama that the person finds themselves in permanent existential helplessness, marked by the rupture between the subject's relationships, the ability to determine themselves and, therefore, their relationships with the world in general (BERNSTEIN, 2015). In view of this, it is from the violence suffered, followed by the ruin of their relationship with the world, that a dependence on the other is born in order to be able to establish a relationship with themselves or with what is outside them (BERNSTEIN, 2015).

The problem, however, becomes evident when the only person capable of re-establishing this bond is the perpetrator of such suffering, leading to the survivors returning to the same reality they once managed to physically disconnect from. Thus,



added to the lack of opportunities, the theme of “re-enslavement” is a common situation (CHEHAB, 2020, p.89).⁶

Going through all these stages of moral offense is necessary as they pave the way for Bernstein's (2015) most emblematic concept, which best defines the violence suffered by these subjects: *the loss of trust in the world*. This is because this state of being means the inability to feel security and importance in the moral place they occupy in the world, their moral participation in the world and its shape for them (BERNSTEIN, 2015; BERNSTEIN, 2011).

For this reason, it is possible to state that it is in this panorama that the separation of the moral body from the physical body of the victim is observed, as well as the elevation of the status of the aggressor, highlighting the violation of the internal and external limits of the body, lacking consent or self-esteem, leaving only vulnerability, dependence and helplessness (BERNSTEIN, 2015). For Sussman (2005), the loss of this essential element is due to the fact that the survivor is forced to rely on their torturer, rapist or, in this case, enslaver to cease such acts when their needs are fulfilled. So, added to the fact that fraud is a primary element of slave labor, trust becomes an absurd idea of dependence, which, once lost, prevents the offended from reconnecting with any other external element. As a result, their devastation is perpetuated in their being (BERNSTEIN, 2015).

Reaching this point is important because trust - or the lack of it - is a central ethical component of these individuals' daily lives, and such violence is the most serious to be conceived against someone (BERNSTEIN, 2011). Given this, the existential burden of the constant reminder of dependence and vulnerability leads the subject to a life of generalized distrust (BERNSTEIN, 2011).

It is from this perspective that the effects of work analogous to slavery can be observed, in which humiliation and embarrassment are also applied under the need to establish the relationship of order and obedience by the enslavers, thus responsible for causing “feelings of impotence, frustration, submission and servitude” (CHEHAB, 2020, p.93). Hence, this scenario is symptomatic of the psychological illness of these workers, who tend to suffer from pathologies such as Stockholm syndrome, post-traumatic stress, depression, Burnout syndrome and can even lead to suicide (CHEHAB, 2015).

⁶The Digital Observatory of Slave Labor in Brazil, a platform maintained by the International Labor Organization (ILO) and the Public Ministry of Labor (MPT), recorded in its latest survey that 1.73% of 35,341 workers rescued between 2003 and 2017 were recidivist survivors of work in conditions analogous to slavery (ILO, 2018).



In this way, the aim is to demonstrate that moral offenses that damage dignity, such as slave labor, are composed of a range of relationships and effects that affect the worker's self-recognition as deserving of dignity. As such, once they have been subjected to devastation and distrust in the world has been established, ways of circumventing this situation and re-establishing this trust should not require the survivor to make reparations alone. Consequently, once they have been repressed in their silence, economic or educational autonomy is a fundamental measure, but not enough to reconnect them with everything external. To this end, the path established by Bernstein (2015) to deal with the consequences of the traumatic experience and the vulnerability of dependency between subjects focuses on a new way of possibly recovering the individual from what is most internal to them: their account of survival.

4. Reporting for survival

Bernstein's thesis allows the observation that, beyond the practical effects manifested in the existence of individuals, the dependency generated by relationships affects the law - just as the law affects it reciprocally, directly implying the necessity for the State and institutions to recognize by whom and which rights are claimed (BERNSTEIN, 2018). Thus, it is from the knowledge of their vulnerability and dignity that demands for public policies that take into account the processes discussed previously are considered legitimate.

When turning to contemporary slavery, it must be understood that the path to the world's loss of trust involves a wide range of neglected factors, such as gender, ethnicity, race and even the degree of violence used to condition the individual to such activities.

In convergence with this, Bernstein (2015) points to the role of verbalization as a way of circumventing these invisibilities that take different forms and the damage caused by moral offenses, generating a possibility of reconnection with the world. Thus, a way is sought to reunite the moral body and the physical body, which are now dissociated, so that "saying in order to live" (BERNSTEIN, 2015, p.121) becomes an essential premise for ending the denial of abusive recognition and silencing of these survivors.

In this sense, the path pointed out by Bernstein (2015) starts precisely from dependence on the Other in an attempt to regain trust in the world. This is because the



possibility of destruction of the self by the Other also implies the preservation of the self by the Other (BERNSTEIN, 2015). In this way, the recovery of trust in the world by survivors requires the externalization of their experience, but also the establishment of trusting relationships and mutual recognition of vulnerability (BERNSTEIN, 2015).

Hence, even if trust in the world is not re-established in its entirety, it is through these connections based on trust that life after these experiences becomes possible (BERNSTEIN, 2015). Therefore, the mutual bond, which is fundamental to Bernstein's argument, is also maintained at this moment, and it can be inferred that not only verbalization is rescued, but, consequently, therapeutic listening is a necessary measure for restoring the subject's dignity.

Trauma, therefore, goes beyond the psychological and individual sphere, being equally permeated by a collective notion and crossed by culture, politics and economics (SANTINHO, 2009). In view of this, trauma reports depend on the elements necessary for their construction, which Santinho (2009, p.141) classifies as: “factual narrative of the events; cultural meaning of trauma; revelations of the trauma experience; relationship between the narrator and the listener”. In addition, listening must be complemented by cultural sensitivity, which is understood as empathy between the one who verbalizes and the one who listens, as well as the notion of the socio-political and institutional dimension that surrounds them (SANTINHO, 2009).

Thus, confronting the silencing of the survivor is the starting point of this perspective of analysis, because although physical violence coexists, it is in the silencing of the victim that the damage is turned against them, doubly caused by the aggressor's action and the feeling of self- betrayal.

Without deviating from this reasoning, it is not new that fields of knowledge are based on verbalization and listening as ways of breaking the silence linked to psychological suffering. In psychoanalysis, for example, Freud (1914), based on the procedural synthesis “remember, repeat and elaborate”, approaches the process of verbalization as a way of overcoming unconscious resistance and impulse by remembering the motivating fact. In the Psychodynamics of Work, both the wear caused by work and the changeability of working relationships are perceived as an essential part of the subject's quality of life, recognizing the report on the psychological suffering that comes from these relationships as an object of study and a target of attention (CHEHAB, 2015).



Among the feelings of frustration and the “mental pressure” suffered by enslaved workers, Figueira, Prado and Palmeira (2021, p.29) highlight the necessity of listening carefully and attentively to whistleblowers' accounts, but aiming to establish a bond of trust in order to gather as much information about the case as possible. Therefore, without necessarily making use of the vision that seeks to recover the self-worth of those survivors in this way, increasing distrust in institutions (FIGUEIRA; PRADO; PALMEIRA, 2021).

Added to this, the lack of an adequate way of accompanying these survivors to organize and establish a dialogue, undermines the application of an effective way of rescuing dignity and building resistance (FIGUEIRA; PRADO; PALMEIRA, 2021).

This scenario, marked by the lack of tools needed to apply dialog as a way of recovering survivors, is due to the recent perception of reporting as a necessary and sensitive point for rebuilding their dignity, initially applied between the 1970s and 1980s, based on the intervention of the Pastoral Land Commission in cases of contemporary slavery (FIGUEIRA; PRADO; PALMEIRA, 2021).

As a reflection, the approach areas of the plans to eradicate these behaviors are mainly restricted to repression, prevention and the insertion of the survivor into society (MORAES; CHAI, 2020). Thus, the post-rescue scenario becomes cyclical, because, still intrinsically vulnerable, the worker falls into new debts or is not properly assisted, making them prone to being lured again (MORAES; CHAI, 2020). In view of this, emancipation and the restoration of dignity cannot be re-established solely through an educational or economic approach, since it does not encompass reuniting with loved ones, confronting the feeling of inferiority and social discredit (CHEHAB, 2020).

Therefore, the lack of reconnection through the act of reporting between survivors and those who circulate in their social circles contributes to these individuals remaining in a state of helplessness and denial of the continuity of their lives. This is because verbalization as a survival tool, like trauma, has a social dimension. In this way, it is in neglecting individual histories that contributes to the erasure of a macro history that encompasses society's past and present.

What is meant by this is that relations of recognition imply effects between subjects, but also between social groups. Therefore, an offense against the intrinsic value of a individual implies offending the collectivity to which they belong (BERNSTEIN, 2015). In order to illustrate this understanding, the following can be explained: when the



employer judges his domestic worker as inferior and therefore subjects her to conditions of contemporary slavery, in addition to the relationship of recognition between the two subjects, there is a relationship of recognition with the group, that is, the subject, by their act, expresses that they recognize all domestic workers as enslavable.

Faced with this, the power of reporting as a form of survival also has the role of restoring collective trust in the world, breaking with the transformation of these people into mere statistics, numbers and indices. Reporting, and consequently recording the trauma, has the function of giving faces to these stories of violence to dignity.

In this sense, Bernstein's thesis (2015) converges with the idea of approaching human dignity from specific contexts and not from an abstract discourse, since it is through language that values are employed and modified (MATOS, 2019). Hence, dignity finds in language a moral field of necessary connection between subjects, linking mutual recognition and actions (MATOS, 2019).

On the other hand, dignity from the point of view of institutional morality already encompasses the area of rights, which individuals are guaranteed through public policies (MATOS, 2019). This shows the need to think about policies to combat slave labor that are not only based on curbing the individual execution of these practices, but also focused on the recovery of survivors and, to this end, encompassing the reporting of these traumatic experiences as a tool for social change. It is based on this understanding that Figueira (2004) identifies reporting as a form of resistance performed by these enslaved workers which, although it has coexisted since the beginning of this violence, has the power to intervene in the ignored reality.

In the same sense, Silva and Oliveira (2022) discuss teaching about slave labor based on the reporting and inclusion of the residents of the rural communities they approached in empirical research. This is because, in addition to building a critical perception of the issue, using reporting as a central mechanism for combating slave labor allows for the recognition of reality as close, whether on an individual or collective scale, and consequently the notion of belonging (SILVA; OLIVEIRA, 2022).

Based on this, measures aimed at the emancipation of survivors from exclusively economic perspectives or through an uncritical and traditional educational route, in addition to not making up for the loss of individual confidence in the world of the subject who has experienced slavery, corroborate a perception that is distanced from the problem, which makes society feel like mere spectators of structural circumstances in its



formation or simply ignore its occurrence. Reporting, therefore, is a way of generating the recognition that these people deserve and trying to give them back the possibility of a dignified life.

5. Final considerations

This research aimed to confront the theoretical framework commonly used to contain and repress slave labor. In order to do so, it starts from the work of J.M. Bernstein (2015) to identify paths that more fully encompass the relationship of recognition between enslaved worker and enslaver, the broad dimension and effects of the suppression of the agency of survivors, and effective ways of recovering this dignified life.

In this way, Bernstein's contribution has been reconstructed, and it can be observed that his thesis presents itself as a step beyond the solidified Kantian theory of dignity, which is the basis of studies on contemporary slave labor. In this regard, it is possible to see that the public policies adopted for survivors direct these people, who are already highly vulnerable, to the responsibility of emancipating themselves through training or an economic path. It is therefore possible to observe the forgetting of the damage suffered by the rescued subjects or victims in the sense proposed by Bernstein.

It should be noted that this research does not criticize the application of educational, vocational, housing, social security or economic measures, but contests the exclusivity of these approaches under the discourse of rescue and emancipation of the survivor of slave labour under an objective and procedural route. Therefore, the aim is to develop a way of recovering the rescued individual, which, through the notions of redistribution and recognition, highlights their intrinsic value and ratifies them as the central object of reparation, since they are unlikely to be able to re-establish themselves in the absence of measures that aim to reconnect them with the world. In this way, the concept of trust in the world, explored in this article, is seen as a path to dignity, which can be achieved through verbalization.

In light of this, it can be seen that a negative ethic, based on the survivor's report, as discussed by Bernstein (2015), is of the utmost importance for effective measures and a proper understanding of the impacts caused on the lives of enslaved workers. This is because it is from the understanding that the conduct typified as work analogous to



slavery is a moral offense, which not only subtracts agency, but also attributes social meanings, such as the fact that the silencing of victims has a direct impact on how they value themselves and how society sees them.

In this sense, it is understood that the solution proposed by Bernstein (2015), verbalization, is the one that reaches the primary point of the process of devastation of the subject, given that, respecting the necessary relationship of dependence between individuals, the report has the capacity to restore the confidence necessary for life. This occurs since these subjects need to have their position as human beings equalized and thus on the same level of vulnerability, capable of mutual recognition as beings with dignity.

Based on this, this research contributes to an understanding of the principles and structure of the procedure for rescuing survivors of slave labour, focusing not only on the individual effects caused by these behaviours, but on the macro-scale implications, which allow the socialization of the report to manifest itself as a historical rescue and, consequently, as a key to social change. Thus, the report is not merely a stage in the protection granted to these people, but a new way of broadly facing the damage done to the dignity of these workers by slave labor.

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About the authors

Saulo Monteiro Martinho de Matos

Adjunct professor of philosophy of law at the Federal University of Pará (UFPA). Permanent professor in the Postgraduate Programs in Law and Philosophy at UFPA. Vice-coordinator of the Clinic for Combating Slave Labor Frei Henri des Roziers (UFPA). E-mail: saulodematos@ufpa.br. ORCID: <https://orcid.org/0000-0002-4396-7276>.

Pollyana Esteves Soares

Master in Human Rights (PPGD/UFPA). Postgraduate student in Labor Law and Procedure (PUC/RS). Resident lawyer at the Frei Henri des Roziers Clinic for Combating Slave Labor (UFPA). E-mail: pollyyyana.es@gmail.com. ORCID: <https://orcid.org/0000-0002-8607-3336>.

The authors have contributed equally to the writing of the article.

About the translator

Ani Karini Muniz Schiebert

PhD student at the State University of Rio de Janeiro (PPGD/UERJ), master's degree in German and European law from the Humboldt Universität zu Berlin (Germany), postgraduate degree in Public Law from the Candido Mendes University (UCAM), degree in Letters (German language and literature) from the Fluminense Federal University (UFF) and in Law from the Candido Mendes University (UCAM), lawyer. E-mail: anikarinims@gmail.com.





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