



HUMAN DIGNITY, THE STRUGGLE FOR RECOGNITION AND THE PRECARIOUSNESS OF LABOR RELATIONS IN BRAZIL

ORIGINAL ARTICLE

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ABSTRACT

The present work intends to carry out a historical and philosophical investigation of the concept of dignity. The Latin term *dignitas* has always been linked to republican ideas since Ancient Rome, but it was in the Middle Ages that legal science, closely linked to theology, formulated one of the pillars of the theory of sovereignty, namely, the perpetual character of political power. Dignity then emancipated itself from its bearer and became a fictitious person, a kind of mystical body that is placed next to the real body of the magistrate. In Modernity, from Kant onwards, dignity is based on autonomy, assuming the presence of a moral legislating will, in which each human being needs to feel subjected to reasonable and internally coercive moral demands. Since then, the concept of dignity appears in the Constitutions of many countries, including the Federal Constitution in force in Brazil since 1988. Despite being embodied in national legislation, dignity ends up suffering setbacks due to interference from the political world, in this sense, the Labor Reform 2017, with its promises to improve employment and income in Brazil, ended up violating the basic principles of the notion of dignity. Critical Theory and the works of Axel Honneth are fundamental to think about the precariousness of labor relations in Brazil and the possibility of overcoming these obstacles by the working class through the struggle for recognition.

Keywords: Human Dignity, Struggle for Recognition, Labor Relations, Axel Honneth, Critical Theory.



1. THE CONCEPT OF *DIGNITAS* AND ITS ROOTS

It can be said, right from the start, that the concept of dignity has its origin linked to the legal structure, more specifically to the sphere of public law. It is worth remembering that the Romans divided the Law (*Ius*, the term from which Justice comes) into two fronts, namely:

São duas as posições deste estudo; o público e o privado. Direito público é o que se volta ao estado da res Romana, privado o que se volta à utilidade de cada um dos indivíduos, enquanto tais. Pois alguns são úteis publicamente, outros particularmente. O direito público se constitui nos *sacra*, sacerdotes e magistrados. O direito privado é tripartido, coligido ou de preceitos naturais, ou civis, ou das gentes (Digesto Justiniano, 2013, pp.20-21).

Even if the quote above is from a later period, that is, the medieval period, in the context of the Byzantine Empire, it can be said that the distinction between public and private law comes from the Republican era in Ancient Rome, a statement that fits as well as the concept of dignity. The Latin term *dignitas*, indicated the class and authority that competed with the public offices of the time. Therefore, it was common to speak of *dignitas equestris*, *regia*, *imperatoria*. In this sense, it is very important and illustrative to verify what the Code of Justinian says, dating from the same period as the aforementioned *Digest*. It is worth remembering that the Code of Justinian (*Codex Iustinianus*) is a part of the *Corpus Iuris Civilis*. It can be said that this work is a collection of laws enacted by the Roman Emperors. The oldest and most preserved statute of the code was promulgated by Emperor Hadrian; the latter by Justinian himself. Code compilers were able to build their redaction from earlier works such as the official *Codex Theodosianus* and from private collections such as *Codex Gregorianus* and *Codex Hermogenianus*. Due to legal reforms made by Justinian, the work needed to be updated, so the second edition of the *Codex*, which bears his name, was published in 534, after the *Digest*.

The issue of dignity was so important for the context of the time that the *Codex Iustinianus* dedicated a specific book to deal with the subject. Book XII of the *Codex* is entitled *De dignitatibus*.



Ele preocupa-se com que a ordem das diferentes 'dignidades' (não só das tradicionais, dos senadores e dos cônsules, mas também do prefeito do pretório, do preposto do sagrado cubículo, dos guardiões das armas públicas, dos decanos, dos epideméticos, dos metates e dos outros graus da burocracia bizantina) seja respeitada nos mínimos detalhes e com que o acesso aos cargos (a porta dignitatis) seja proibido para aqueles cuja vida não corresponda à classe alcançada (quando, por exemplo, foram objeto de uma nota de censura ou de infâmia). (Agamben, 2008, p.73)

In the historical sequence, without a doubt, the theme of dignity was the target of many concerns on the part of jurists and canonists in the Middle Ages, thus becoming an object that deserved the attention of several areas of knowledge. It is important to recognize here that the birth of Medieval Law is the subject of disputes between "Romanists" and "Germanists". The former are convinced that the institutional system bequeathed by Rome never completely disappeared in the Middle Ages, even though the latter, during a good part of its ten centuries, was typically marked by orality. The documents written in the medieval period are true islets lost in the ocean of orality, in the context of the feudal mode of production, what mattered was the gesture, the ritual, the symbol. In the words of Jacques Le Goff, "feudalism was the world of gesture, not writing" (2005, p.85). Even so, great Enlightenment thinkers, deeply linked to the idea of the Civil Code, defended the concept of Roman heritage that would be the basis of the organization of Law.

The Germanists, scholars of the school of law, generally associated with Friedrich Karl von Savigny (1779-1861), in Germany,

[...] acreditavam ver nas leis da Alta Idade Média uma manifestação brilhante, viva, dos costumes e das comunidades bárbaras, muito distante, por consequência, da legislação e das pesadas construções romanas (muitas das quais lhes recordavam, sem dúvida, A Revolução Francesa...), ou, se se preferir, o produto mais puro, mais recente, de um 'espírito do povo' (*Volkgeist*) inventivo e mesmo poético, simples e eficaz. É também 'esse espírito do povo' que eles viram em seguida nas cartas de liberdade e nas coleções dos costumes dos séculos XII-XV (Chiffolleau, 2006, p.335).



Regardless of adopting one line or another in the interpretation of medieval law, it is important to recognize that the concept of dignity emerges and permeates the legal system. It is also necessary to recognize that the medieval normative system only achieved success in a close relationship with the political and theological system of the time.

Do ideal de conciliação entre o direito comum (*ius comune*), ele próprio frequentemente originário do encontro entre direito romano e direito canônico, e o direito próprio (*ius proprium*), isto é, o direito consuetudinário de cada região, que só pode ser feito sob a autoridade de um verdadeiro soberano, emerge todo o sistema normativo do fim da Idade Média e início da época moderna (Chiffolleau, 2006, p.347).

Ernst Kantorowicz (1895-1963), in his now classic book “The Two Bodies of the King: a study on medieval political theology”, shows how this evolution of legal science in the medieval context ended up being associated with theology and building one of the pillars of the theory of sovereignty, in which political power acquires a perpetual character.

O princípio dos juristas da era Tudor, entretanto, definitivamente se agarrava à linguagem paulina e seu desenvolvimento ulterior: a passagem do *corpus Christi* paulino para o *corpus ecclesiae mysticum* medieval, e daí para o *corpus reipublicae mysticum* que era igualado ao *corpus morale et politicum* da república, até que, finalmente (ainda que confundido pela noção de *Dignitas*), surgiu o slogan dizendo que todo abade era um ‘corpo místico’ ou um ‘corpo político’ e que, conseqüentemente, o rei também era, ou tinha, um corpo político que ‘nunca morria’. Não obstante, portanto, certas similaridades com conceitos pagãos desvinculados, os DOIS CORPOS DO REI constituem uma ramificação do pensamento teológico cristão e, conseqüentemente, permanece como marco da teologia política cristã (Kantorowicz, 1998, pp.305-306).

Giorgio Agamben, commenting on Kantorowicz's book, says the following:

A dignidade emancipa-se do seu portador e converte-se em pessoa fictícia, uma espécie de corpo místico que se põe junto do corpo real do magistrado ou do imperador, da mesma forma como em Cristo a pessoa divina duplica seu corpo humano. Tal emancipação culmina no princípio, reiterado inúmeras vezes pelos juristas medievais, segundo o qual ‘a dignidade nunca



morre' (*dignitas non moritur; Le roi ne meurt jamais*) (2008, p.73).

Dignity as a fictitious person is born from a political tradition, as kings in the Modern Age gradually managed to ensure, through laws, the existence of their birth. Several sentences of English judges demonstrate this.

E a causa disso é que o *Rei é um Corpo político*, e quando uma lei diz 'o rei', ou diz 'nós', isso é sempre dito na pessoa dele como Rei, e *em sua Dignidade real* e, dessa forma, *inclui todos aqueles que desfrutam de sua função*. [...] *E Rei é um nome de continuidade, que sempre perdurará* como a cabeça e o governante do povo, como supõe a Lei [...], e *nisto o Rei nunca morre*. [...] porque, com ela, ele transmite o reino a outro e deixa que outro desfrute das funções, de sorte que a *Dignidade sempre continue* (Kantorowicz, 1998, pp. 246-247).

If, on the one hand, jurists were able to guarantee through laws the perpetuation of dignity in the political field, on the other hand, canon lawyers offered subsidies that endorsed it in the theological field.

Paralelamente a dos juristas, desenvolve-se a obra dos canonistas. Eles constroem uma teoria correspondente às várias 'dignidades' eclesiásticas, que culmina nos tratados *De dignitate sacerdotum*, usados pelos celebrantes. Neste caso, por um lado, a condição do sacerdote – enquanto seu corpo durante a missa se torna o lugar da encarnação de Cristo – é elevada acima daquela dos anjos; por outro, insiste-se na ética da dignidade, ou melhor, na necessidade de que o sacerdote mantenha uma conduta à altura de sua excelsa condição (que se abstenha, portanto, da *mala vita* e que, por exemplo, não toque no corpo de Cristo depois de ter tocado as partes pudendas femininas). E assim como a dignidade pública sobrevive à morte na forma de uma imagem, também a santidade sacerdotal sobrevive por meio da relíquia ('dignidade' é o nome que, sobretudo na área francesa, indica as relíquias do corpo santo) (Agamben, 2008, p.74).

The junction of the political and theological fields ends up creating what can be called political theology and the concept of dignity plays a fundamental role in the articulation of these two areas. If, on the one hand, dignity as a fictitious person emerges from a long tradition in the West, it must be recognized that it underwent transformations from



the 18th century onwards, and in this sense the work of Immanuel Kant exerts a powerful influence.

Thanks to the construction of the concept of dignity just mentioned, in aristocratic and socially stratified European societies, it was possible to say that dignity could be habitually recognized in individuals by virtue of the public function they occupied, so one could speak of the dignity of a venerable profession, in the dignity of the nobility and of noble or ecclesiastical offices. Kant breaks with this idea when he argues that every human being is endowed with dignity (*Würde*), simply because he has a rational nature. It is good to emphasize that he was not the only one and not the first to propose this idea, but he placed it at the center of his political and moral theory.

Kant uses several sources to build his concept of dignity, among them one can see the influence of Stoicism, Christian thought and the work of Jean Jacques Rousseau.

Segundo um tema habitual entre os estoicos, por exemplo, é preciso atribuir um valor supremo à formação e ao uso da capacidade racional, permitindo o seu domínio e a superação das avaliações parciais e míopes suscitadas por nossas inclinações naturais e pela opinião do outro. Esses ideais de 'vontade' e de comportamento estão, segundo os ensinamentos dos estoicos, ao alcance de toda pessoa racional, quaisquer que sejam seu *status* social, seus talentos individuais e sua riqueza material (cf. a diferença que os estoicos estabeleciam entre os *axían échonta*- o que tem valor – e os *agatá* – bens -, traduzido por Sêneca como diferença entre o prêmio/*pretium* e a dignidade/*dignitas*. Em consequência disso, independentemente dos fatores externos, o homem pode e deve sempre, por meio de uma disciplina racional, levar uma vida impregnada de racionalidade e de autodomínio, uma vida digna de sua situação de ser humano vivendo em um universo que é bom, afinal, e no qual é inconveniente que ele se preocupe excessivamente com as perdas e ganhos, os sofrimentos e prazeres pessoais. É preciso atribuir um valor primordial não ao que diferencia os indivíduos, mas ao que lhes é comum: a possibilidade de fazer uso da razão nos julgamentos e comportamentos que dependem deles (o que não é o caso dos fatores externos). A dignidade é aqui um ideal, e não um dado, mas é um ideal que supera as distinções sociais convencionais (Hill, 2013, p.291).

In Christianity, perhaps the most concrete expression of the worth and dignity of human beings is found in St. Thomas Aquinas. Aquinas works with the idea that God gives



humans the reason that allows them to understand and follow the universal natural laws, a fact that differentiates them from all the rest of the created work, giving men a status, for example, superior to animals. The human being, even if corrupted by sin, is still loved by God gratuitously and the moral consequence of this, manifests itself in the principle that every human being needs to love and respect other human beings as rational creatures, regardless of their social *status* and achievements. It is clearly perceived that Kant's position is deeply related to the Christian position, but what differentiates him is the fact that he bases his ideas on dignity by fleeing from theological presuppositions.

Another very important source for Kant was the work of Rousseau.

Kant foi igualmente influenciado pelas críticas de Rousseau, que denuncia o caráter superficial das distinções sociais em comparação com a 'bondade' natural do homem, assim como pela célebre distinção que Rousseau estabelece entre as 'vontades privadas' e a 'vontade geral'. O que Kant acha intrinsecamente bom na natureza humana não é, todavia, o sentimento pré-social ('não corrompido'), mas a capacidade racional que temos de impor a nós mesmos uma obrigação moral. Em sua opinião, quando os seres humanos adquirem uma maturidade suficiente para ser considerados agentes morais, são dotados de uma disposição profunda e inevitável para reconhecer a autoridade da lei moral. Expressa de maneira metafórica, essa disposição é a sublime 'vontade legisladora' da razão prática, cujos 'mandamentos' não são percebidos como sendo impostos por uma fonte 'estrangeira', mas como emanado de si mesmo (e de outras vontades racionais), em consideração a si mesmo e ao outro. Assim como a 'vontade geral' de Rousseau no domínio político, essa 'vontade legisladora' no domínio moral tem relação com o bem comum, e não simplesmente com os interesses particulares do agente. Quando uma pessoa fraca e imoral desobedece às exigências dessa vontade legisladora, sua vontade particular (*Willkür*) de satisfazer um desejo passageiro entra em conflito com sua vontade legisladora invariável (*Wille*), que exige um comportamento moral. É assim que uma má ação intencional reflete sempre um conflito interno à vontade e até mesmo uma ausência do verdadeiro respeito de si, o que se manifesta naturalmente por sentimentos de remorso e de insatisfação diante de si mesmo (Hill, 2013, p.291).

As Kant needed to found his concept of dignity far from the theological sphere, he tried to make it clear that dignity is based on autonomy. Dignity presupposes the presence



of a moral legislating will, or as we would say nowadays, a conscience, where each human being feels subjected to reasonable and internally coercive moral requirements. This particular moral value, which we might call dignity, must be attributed to all moral agents, including those who through their actions make themselves unworthy. In his “Groundwork for the Metaphysics of Morals”, there is the formulation of the categorical imperative that best expresses this relationship, namely, “act in such a way that you treat humanity, both in your own person and in the person of any other, always at the same time as an end and never simply as a means.

Dignity then for Kant is a kind of invariable value attributed to people, it can also be said that dignity has an unconditional and incomparable value, this is equivalent to saying that the dignity of a person is independent of his social status, his popularity or his usefulness to others.

Em sua *Metafísica dos costumes*, e enquanto aborda sistematicamente diversas questões políticas e morais, Kant atribui um papel determinante à noção de dignidade humana, ou de humanidade, como um fim em si. Por exemplo, embora afirme que uma pessoa pode perder seu status cívico (ou sua ‘dignidade’ *de cidadão*) se cometer delitos graves, Kant insiste que essa pessoa não se pode ver privada de todo o respeito enquanto ser humano. Kant acrescenta que, ao praticar a mentira, o alcoolismo e diversos delitos pessoais, a pessoa age de uma maneira que não convém à sua dignidade de ser humano e, zombando dos outros como se fossem seres que nada valem, ela ofende a dignidade do outro (Hill, 2013, p.292).

This historical and philosophical journey of the concept of dignity allows modern legislation of international law, especially after the end of the Second World War, to address dignity as a value deeply associated with human rights.

The dignity of human beings must be safeguarded regardless of their position in society or utility, and it is in this spirit that it appears in the 1988 Constitution of the Federative Republic of Brazil.

It can be bluntly stated that all ethics of human rights emanate directly from the principle of the dignity of the human person. The Constitution of the Federative Republic of Brazil, in its article 1, item III, registers the expression “dignity of the human



person”. The text is as follows: “The Federative Republic of Brazil, formed by the indissoluble union of States and Municipalities and the Federal District, constitutes a Democratic State of Law and has as its foundations: the dignity of the human person” (Constitution of the Federative Republic do Brasil, 2012). This constitutional metaprinciple is the positive and rational basis that welcomes all discussion and normative construction of fundamental rights in Brazil.

Dessa forma, o respeito à dignidade da pessoa humana é o primeiro motor de uma cultura constitucional republicana que tem no primado dos direitos fundamentais a orientação de seu modo de proceder à interpretação constitucional, de onde deriva toda a aplicação do direito pátrio. Isso pressupõe o entendimento de que a condição humana deve ser amplamente reconhecida e amparada, e esse escudo social da constituição é de determinante valor para o induzimento social ao respeito à dignidade que os direitos fundamentais procuram contornar (direito à vida, direito de ir e vir, direito à livre consciência, direito à educação, direito ao trabalho, direito à participação política, direito de se expressar etc.) (Bittar, 2016, pp.74-75).

Having carried out this historical and philosophical inventory of the concept of dignity, the purpose of this work, from now on, is to think about the precariousness of labor relations in Brazil based on some epistemological excerpts from the so-called Critical Theory. To this end, Axel Honneth's ideas, especially those linked to the ideal of recognition, will be brought to light and will serve as a support for us to think about the situation of labor relations in the country. The labor reform of 2017 was a significant change in the Consolidation of Labor Laws (CLT)[3] instrumentalized by law n. 13,467 of 2017. Soon after the impeachment of 2016, the former President of the Republic, Michel Temer, proposed a bill that began to be discussed in the Chamber of Deputies at the end of that year, being approved in both Brazilian legislative houses in the following year. The law was sanctioned on July 13 and entered into force on November 11, 2017. Among other changes, the reform instituted intermittent work in Brazil and the end of mandatory union dues.

The objective of the reflection that is now presented is structured in two moments, the first of which intends to expose the thought of Axel Honneth in the context of Critical Theory, for this, some commentators and mainly the thought of the author himself, will



gain prominence. In a second moment, there will be a need to put the concept of struggle for recognition into dialogue, mainly highlighting the notion of human dignity and labor relations in Brazil, after the aforementioned 2017 reform.

2. AXEL HONNETH AND THE STRUGGLE FOR RECOGNITION

Critical Theory, in the classic definition given by Horkheimer, presented in *Traditional Theory and Critical Theory*, still in the 1930s, must be theoretical-explanatory, as it needs to be able to describe the causal relationships that allow explaining/understanding the relationships that involve the facts and social processes, but it also needs to be critical-normative, from the perspective of what should be, since this is potentially embedded in social reality.

The Traditional Theory had its advance linked to the natural sciences, such as mathematics and physics.

Horkheimer explica que o conceito tradicional de teoria foi definido, de um modo geral, como uma sinopse de proposições ligadas entre si, das quais pode deduzir as demais teorias e cuja validade consiste na sua correspondência com os fatos e em leis de causa e efeito. Se, ao aplicar tais leis em experimentos particulares houver discrepância, deve-se saber que há algo errado com a teoria ou com a experiência. Caso contrário, se ocorrer o fenômeno esperado, a teoria é confirmada. O método dedutivo é o que prevalece na matemática e acaba estendido para todas as ciências, inclusive as ciências humanas, não sem distinção (Carnaúba, 2010, pp.196-197).

Critical Theory, in turn, was born breaking with such paradigms, as it proposes to reinforce the mediation between theory and praxis. Its purpose is to make a critical diagnosis of the time, it proposes to carry out a diagnosis of the present time, which, being changeable, requires constant renewal between the theoretical field and the practical field, this means that the social, political and economic demands of each time will demand from the critical theorist new answers to the challenges of that specific moment. Critical Theory also tries to create an orientation for the emancipation of human beings, in addition to proposing a critical behavior in the face of challenges that arise in the historical context.



The new questions posed by current debates in normative political philosophy, especially those that point to the search for a fairer society in the context of contemporary struggles, in the wake of social and legal recognition of particular identities and cultural forms of life, are presented as great opportunities for Critical Theory to continue its march of reflections and updates in the face of the new demands of each era.

Undoubtedly, the thought of Axel Honneth serves this purpose very well. His critique of Habermas's theory is a point of great importance in the epistemological debates of Critical Theory, as it leads him to formulate his own conception of Critical Theory, whose theoretical-explanatory assumptions, as well as the critical-normative ones, are anchored in the social process of intersubjective construction of personal identity (in this case, personal and collective).

Honneth understands that Habermas built his theory showing significant advances in relation to Horkheimer and Adorno, as he managed to offer subsidies to overcome the “normative deficit” that is present in the pioneers of Critical Theory, however, another type of deficit still remained, namely, the “sociological deficit” of Critical Theory. Thinking about the normative foundations of criticism based on social dynamics is essential, especially those that capture experiences of injustice and consequently the conflicts arising from such experiences.

A ocorrência emancipatória na qual Habermas ancora criticamente a perspectiva normativa de sua Teoria Crítica absolutamente não se assenta nas experiências morais dos sujeitos participantes enquanto tal, pois estes experimentam um dano àquilo que nós podemos observar como suas expectativas morais, como seu “*moral point of view*”, não como estreitamento de normas de fala intuitivamente dominadas, mas como ferimento de demandas por identidade levantadas durante a socialização (Honneth, 2018, p.30).

For Honneth, the distinction made by Habermas between “system” and “world of life” is ambiguous, as it oscillates between a merely analytical distinction and a real distinction between social spheres of action. It is as if Habermas, by accepting the decoupling between system and world of life, had made too many concessions to systems theory, which would have led him to the inability to think of systems



themselves and their instrumental logic as the result of social conflicts. This weak point in the Habermasian theory allowed Honneth to conclude that social phenomena and the process of rationalization of the world of life appear in such a theory as something that “occurs behind the back of the participating subjects; its course is neither carried out by individual intentions, nor is it clearly given to the conscience of a single individual” (Honneth, 2018, p.30).

Critical Theory needs to have a real commitment to the experiences of social injustice of incarnated subjects, in Honneth's perspective, and this is exactly where Habermasian theory needs to be improved, because in it the dimension of conflict seems to have been left out. In Honneth, the basis of social interaction is conflict and the moral grammar of this conflict is the struggle for recognition.

Fosse o paradigma da comunicação expandido dessa maneira para além do quadro teórico-linguístico, vem à vista, no mais, em que medida cada lesão dos pressupostos normativos da interação deve se assentar diretamente nos sentimentos morais dos participantes: uma vez que a experiência do reconhecimento representa uma condição na qual se pendura o desenvolvimento da identidade humana como um todo, à sua denegação, isto é, ao desrespeito, acompanha necessariamente a sensação de uma ameaçadora perda da personalidade. Diferentemente de Habermas, existe aqui uma forte conexão entre os ferimentos que são infligidos à imputação normativa da interação social e as experiências morais pelas quais os sujeitos passam em suas comunicações cotidianas: fossem feridas aquelas condições, quando a uma pessoa é negado o merecido reconhecimento, a isso então a concernida reage, em geral, com sentimentos morais que acompanham a experiência do desrespeito, isto é, vergonha, raiva e indignação. Dessa forma, finalmente, um paradigma comunicativo que é formado não teórico-linguisticamente, mas com relação a uma teoria do reconhecimento também pode fechar o espaço que Habermas deixara em aberto em seu desenvolvimento do programa horkheimeriano, pois aquelas sensações de injustiça que acompanham formas estruturais do desrespeito representam um fato pré-científico ao qual uma crítica das relações de reconhecimento pode socialmente referir sua própria perspectiva teórica (Honneth, 2018, pp.32-33).

In Honneth's perspective, Critical Theory would be able to make a better diagnosis of the reality in which we are inserted, if instead of focusing on the tension between the system and the world of life, it looked at the causes responsible for the violations of the



conditions of recognition. "Honneth replaces the Habermasian reconstruction of the normative structure of communicative action with the reconstruction of the experience of injustice" (Bressiani, 2020, p.26).

This displacement, which aims to see people victimized by injustice in the real world, trying to give them a chance and a voice, ends up leading to moral aspects that are not necessarily in the orbit of the higher classes or on the horizon of an intellectual elite that apparently despised the logic of social conflicts.

Honneth defende então que há uma grande diferença entre as ideias básicas de justiça formuladas e defendidas pela vanguarda política e por especialistas da cultura burguesa, por um lado, e a moralidade social das classes dominadas, que possui um caráter fortemente fragmentado, por outro. Enquanto as classes mais altas conseguem articular suas demandas em um sistema coerente de valores e crenças, conferindo a ele uma aparência de universalidade e desconexão com experiências específicas, as classes mais baixas costumam fazer demandas menos sistemáticas, mais próximas das experiências negativas e específicas de injustiça que estão em sua origem. Para Honneth, mesmo que não sejam articuladas em uma concepção positiva de justiça, essas demandas expressam a consciência da injustiça das classes dominadas, que está ancorada em padrões morais complexos e possui potenciais de transformação social. Estes, porém, ainda não teriam sido sistematizados (Bressiani, 2020, p.26).

Axel Honneth's senior thesis was eventually published with the title: "*Luta por reconhecimento: a gramática moral dos conflitos sociais*", in this work the author tries to "develop the foundations of a social theory of normative content based on the model Hegelian concept of a 'struggle for recognition'" (Honneth, 2009, p.23).

Axel Honneth presents a critical theory of society, which intends to be both theoretical-explanatory and critical-normative.

The explanatory perspective aims to present the grammar of conflicts and the logic of social changes, while the normative perspective seeks to provide a standard that is capable of identifying social pathologies and evaluating social movements in each historical period. The critical-normative pattern is made explicit by Honneth when he says that:



[...] é preciso clarificar primeiramente o status metodológico que reivindica uma teoria normativa que deve descrever o ponto final hipotético de uma ampliação das relações de reconhecimento: parece-me correto falar aqui de uma concepção formal de vida boa ou, mais precisamente, de eticidade (Honneth, 2009, pp.269-270)

Relying on the young Hegel, especially on the writings of the period of Frankfurt and Jena ("*Maneiras científicas de tratar o direito natural*"; "*Sistema de eticidade*"; "*Realphilosophie*"), all prior to the "*Fenomenologia do espírito*", "with whose term Hegel ends his activity as a Jena writer, the conceptual model of a 'struggle for recognition' has already lost its striking theoretical meaning" (Honneth, 2009, p.30), Honneth highlights that individuals can only construct their personal identities when they are intersubjectively recognized. In the context of a community, recognition is an essential factor for the individual to have a positive relationship with himself, when such recognition does not occur, there is a struggle for recognition in which individuals seek to establish or create conditions of reciprocal recognition. In this sense, it is possible to say that Honneth, inspired by Hegel, states that social struggles have a moral grammar, as there is a moral background that motivates struggles for recognition. "The systematic reconstruction of Hegel's argumentative lines, [...] leads to a distinction of three forms of recognition, which contain in themselves the respective potential for a motivation of conflicts". (Honneth, 2009, p.23).

The three dimensions of recognition are: "love/friendship"; "legal relations"; "social solidarity". The first sphere, of "love/friendship", is more emotional, it is what allows the individual to develop confidence in himself, something fundamental for his self-realization projects. In the second dimension, "legal relations" are associated, which are linked to the field of law, this legal-moral sphere guarantees the rights that allow the individual to be recognized as autonomous and morally responsible for his actions, something that enables the development of rights feelings of self-respect. The third sphere or dimension is that of "social solidarity", which is linked to a community that cultivates its moral values, because in addition to developing self-confidence and a feeling of self-respect, the individual also needs that his projects of personal fulfillment can be objects of of solidary respect in the internal context of a community of values.



Despite recognizing the value of the Hegelian thesis, Honneth understands that it needs to be updated because it is still inserted in a metaphysical context.

[...] sua reflexão permanece ligada à pressuposição da tradição metafísica, visto que não considera a relação intersubjetiva como um curso empírico no interior do mundo social, mas a estiliza num processo de formação entre inteligências singulares. (Honneth, 2009, p. 120)

In order for the Hegelian patterns of recognition to be effective within the context of social analysis, Honneth resorts to the social psychology of George Herbert Mead (1863-1931), considering “that his writings allow translating the Hegelian theory of intersubjectivity into a post-metaphysical theoretical language”. (Honneth, 2009, p.123)

Improving the Hegelian theory with Mead's studies, Honneth seeks to show that individuals develop, in each form of recognition, a positive relationship with themselves. In the dimension of recognition based on love/friendship, self-confidence flourishes, in the legal dimension, self-respect flourishes, in the dimension of social solidarity, self-esteem emerges. When these conditions are breached or violated, there is social disrespect that leads to social struggles and political conflicts. He says the following: “the three forms of recognition correspond to three types of disrespect, whose experience can influence the emergence of social conflicts as a reason for action”. (Honneth, 2009, p.24)

For every form of recognition there is a form of disrespect. The first form of disrespect that hurts the dimension of recognition based on love and friendship is physical and psychological violence.

Os maus-tratos físicos de um sujeito representam um tipo de desrespeito que fere duradamente a confiança, aprendida através do amor, na capacidade de coordenação autônoma do próprio corpo; daí a consequência ser também, com efeito, uma perda da confiança em si e no mundo, que se estende até as camadas corporais do relacionamento prático com outros sujeitos, emparelhada com uma espécie de vergonha social. (Honneth, 2009, p.215)



The second form of disrespect manifests itself in the deprivation of rights and social exclusion, which affects individuals as members of a political-legal community.

[...] temos de procurar a segunda forma naquelas experiências de rebaixamento que afetam seu autorrespeito moral: isso se refere aos modos de desrespeito pessoal, infligidos a um sujeito pelo fato de ele permanecer estruturalmente excluído da posse de determinados direitos no interior de uma sociedade. (Honneth, 2009, p.216)

In a community of moral values, in which social solidarity is a form of recognition, disrespect manifests itself in the depreciation of individual or collective ways of life.

A 'honra', a 'dignidade' ou, falando em termos modernos, o '*status*' de uma pessoa, refere-se, como havíamos visto, à medida de estima social que é concedida à sua maneira de autorrealização no horizonte da tradição cultural; se agora essa hierarquia social de valores se constitui de modo que ela degrada algumas formas de vida ou modos de crença, considerando-as de menor valor ou deficientes, ela tira dos sujeitos atingidos toda a possibilidade de atribuir um valor social às suas próprias capacidades. A degradação valorativa de determinados padrões de autorrealização tem para seus portadores a consequência de eles não poderem se referir à condução de sua vida como a algo que caberia um significado positivo no interior de uma coletividade; por isso, para o indivíduo, vai de par com a experiência de uma tal desvalorização social, de maneira típica, uma perda de autoestima pessoal, ou seja, uma perda de possibilidade de se entender a si próprio como um ser estimado por suas propriedades e capacidades características. (Honneth, 2009, pp. 217-218)

Despite having mapped the grammar of moral conflicts, Honneth understands that not all spheres of recognition contain, in general, the type of moral tension that can set conflicts or social quarrels in motion, since a struggle can only be characterized as social insofar as its objectives are of a general order, going beyond individual intentions. Leaving the form of recognition of love/friendship aside, Honneth says that:

[...] as formas de reconhecimento do direito e da estima social já representam um quadro moral de conflitos sociais, porque dependem de critérios socialmente generalizados, segundo o seu modo funcional inteiro; à luz de normas como as que constituem o princípio da imputabilidade moral ou as representações axiológicas sociais, as experiências pessoais de desrespeito podem ser interpretadas e apresentadas como algo



capaz de afetar potencialmente também outros sujeitos.
(Honneth, 2009, p.256)

As you can see, it is in the legal relationship and in the community of moral values that individual purposes are open to social universalizations. It is noteworthy that social conflicts arise from moral experiences that result from the violation of forms of recognition. In recent times, in Brazil, not only in it, but our focus will be on our country, the working class has been disrespected both in the legal aspect and in the community of moral values, in a process that has been taking shape since 2016/2017, with the already mentioned labor reform. The precariousness of work in Brazil affects the dignity of the worker, preventing him from being recognized as someone who has value.

3. THE PRECARIOUSNESS OF WORK IN BRAZIL AND THE NEED TO APPRECIATE THE DIGNITY OF THE HUMAN PERSON

On November 11, 2022, the labor reform completed five years in force, and contrary to what was said at the time of its implementation, there was no growth in jobs in the country. According to data from the IBGE[4] (Brazilian Institute of Geography and Statistics) unemployment is now higher. In terms of comparison, it appears that in the quarter ending in July 2021, the unemployment rate was 13.7%. This number is almost two percentage points more than the 11.8% recorded in the last quarter of 2017, the year in which the labor reform came into force. In the period in question, the total unemployed rose from 12.3 million to 14.1 million. At the time of the campaign for the approval of the reform, in a boastful and irresponsible way, the government even spoke of creating two million jobs in two years, and six million in ten years.

Just to give you an idea, in 2010 and 2011, 2,543,177 and 1,944,560 job vacancies were created respectively in Brazil, today's numbers, after the labor reform, are far below that. In 2018, 529,554 vacancies were created and, in the following year, 644,079, and in 2020, the balance was negative, standing at -558,597 closed job vacancies. These data are from the Ministry of Economy. With the labor reform, what is observed in practice is a process of precariousness of formal jobs and an increase in the number of informal workers.



The labor reform also created the type of intermittent work, which is the provision of services in alternate periods, in which the worker is remunerated proportionally, only for the period worked. Dismissal by agreement was another novelty brought about by the labor reform. In this modality, the employee who asks to leave the company may negotiate with the employer the right to receive half of the 40% fine on the Severance Indemnity Fund (FGTS)[5] balance and half of the prior notice. The employee may also transfer up to 80% of the amount deposited in the FGTS account. However, those who opt for this modality will not be entitled to unemployment insurance.

In addition to all these changes, there is still a bureaucratization in the search for rights on the part of workers, who, when going to court against the employer, run the risk of having to pay the winning party's attorney fees, in case of defeat. There was also an attempt to demobilize workers by undermining the unions' sources of funding. It is worth remembering that before the reform, the payment of contributions by workers to unions was mandatory and deducted from the payroll. The amount was equivalent to a day's wages and was used to maintain the category's union. With the new law, the payment of union dues is no longer mandatory. The company can only make the discount with the employee's permission. As a result, union revenue (from centrals, confederations, federations and unions) dropped significantly, affecting workers' representation and decisively interfering in the fight for better working conditions for the working class.

This is the scenario of precarious work in Brazil. Within this context, the fight for recognition is something of paramount importance and is directly linked to the concept of dignity.

It is important to recapitulate that for Honneth, the second form of disrespect manifests itself in the deprivation of rights and social exclusion, affecting individuals as members of a political-legal community. The labor reform in force in Brazil since 2017, passed through the state bureaucracy, had broad support from conservative and business sectors and was sold by media sectors as the solution to the employment crisis in the country, even getting support from some labor sectors, but in practice, for the common worker, it materialized as an experience of debasement that affects moral



self-respect, given that many workers were excluded from the possession of labor rights that had been conquered with a lot of struggle over many years. Once again, what was seen was a neoliberal agenda being implemented with the connivance of the powerful and hitting the working class head on.

Among the many changes put into effect by the reform, perhaps the worst of all is the dismantling of the possibilities for organizing the working class into unions, as this leads us directly to the third form of disrespect pointed out by Axel Honneth, that in which a community of moral values, social solidarity is left aside, resulting in a true depreciation of individual and collective ways of life. By promoting the dismantling of trade union organizations, the reform brought to light a perverse situation for the working class, as workers cannot see other workers as equal beings. The evaluative degradation of self-realization patterns results in the death of a collective dream, making the atomized individual feel the experience of social devaluation, losing personal self-esteem and the possibility of understanding himself as a being esteemed for his characteristic properties and capabilities. The worker's dignity as a person is affected, as work is no longer seen as something that brings the possibility of recognition within a community and becomes a favor that the employer promotes towards the working class. In such a society, where work becomes precarious and the organizational power of the working class is being dismantled, the discourse of "entrepreneurship" appears as a lifeline, which in practice means the failure of the current capitalist model.

4. FINAL CONSIDERATIONS

The picture presented above is quite desolate, but at the same time, according to the logic of the moral grammar of social conflicts described by Honneth, it is in the understanding of the phenomenon, the possibility of overcoming it, not individually, but collectively, in the expectation of resisting and at the same time of overcoming the disrespect that befell the affected group. Moral sentiments, when collectively perceived and articulated in a comprehensive language for all involved, have enormous potential to motivate social struggles.



Sentimentos de lesão dessa espécie só podem tornar-se a base motivacional de resistência coletiva quando o sujeito é capaz de articulá-los num quadro de interpretação intersubjetivo que os comprova como típicos de um grupo inteiro; nesse sentido, o surgimento de movimentos sociais depende da existência de uma semântica coletiva que permite interpretar as experiências de desapontamento pessoal como algo que afeta não só o eu individual mas também um círculo de muitos outros sujeitos. (Honneth, 2009, p.258)

It is from the struggle for recognition, from the understanding of what generates disrespect and social injustices, that one can arrive at a formal conception of ethics qualified as the good life. It is in this path that workers victimized by the current phase of capitalism need to be, because only by understanding the perverse logic that affects them will it be possible to think about changes.

The notion of human dignity and the economic constitution through work and working conditions, based on a collective perspective, need to be discussed by employers and employees in Brazil, as the good progress of democracy and the rule of law pass through there.

Democratizar a economia significa romper com a influência dos detentores do poder econômico privado, democratizando-o, ou seja, significa distribuí-lo. O cidadão deve ser, ao mesmo tempo, um cidadão do Estado e um cidadão da economia. A economia deve deixar de ser privada, para ser efetivamente publicizada, ou seja, pertencer a todos e funcionar de acordo com o interesse coletivo. A liberdade e a igualdade políticas da democracia representam também uma exigência material de igualdade e a sua sobrevivência depende de um maior grau de homogeneidade social. Como já alertava Hermann Heller, não é possível a garantia de sobrevivência da democracia em um país em que imensas parcelas do povo não se reconhecem mais no Estado, pois foram por ele abandonadas. A homogeneidade social é, assim, uma forma de integração política democrática. (Bercovici, 2007, p. 462)

Human dignity is an asset and an achievement of Modernity, the fight for it needs to be on the agenda of the working class, which, by reorganizing itself to break with the impositions of big capital, will also be able to rediscover its identity and its potential to seek social justice and better conditions for all people. The search for human dignity goes through the struggle for recognition.



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APPENDIX - FOOTNOTE

3. Consolidação das Leis do Trabalho (CLT).

4. Instituto Brasileiro de Geografia e Estatística (IBGE).

5. Fundo de Garantia do Tempo de Serviço (FGTS).

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