Slavery in Today's Brazil

Law and Public Policy

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The abolition of slavery in 1888 failed to eliminate the repressive and compulsory use of labor in Brazil. When pressure to reduce slave trafficking made African labor scarce, coffee producers in São Paulo recruited European migrants to replace it. Through indebtedness and compulsory work, migrants became captive to the landowners who hired them. As the occupation of the Amazon frontier became state policy in the 1960s, debt bondage was used against the thousands of migrant workers hired to clear the areas for agribusiness projects. Slavery had been prohibited since 1940, and in 1965 the Congress entered into two international agreements on slavery that included debt bondage. With the end of the military government in 1985, the category "slave labor" was incorporated into the regulatory framework for employment practices, and since then it has been broadened to include labor forced by violence, debt bondage, exhausting labor, and degrading working conditions. Tensions around the definition remain, however, and prosecutions under the law and guilty verdicts have so far been few.

A abolição da escravatura em 1888 não eliminou o uso repressivo e compulsório da mão-de-obra no Brasil. Em oposição ao esforço de redução do tráfico negreiro, produtores de café em São Paulo recrutaram imigrantes europeus para substituírem a mão-de-obra africana. Por meio de dívida e trabalho compulsório, imigrantes tornaram-se cativos dos senhores de terra que os contratavam. À medida que a ocupação da fronteira amazônica transformou-se em política de Estado nos anos de 1960, a peonagem foi usada contra milhares de trabalhadores migrantes contratados para o desflorestamento necessário a empreendimentos agrícolas. A escravidão havia sido proibida desde 1940 e em 1965 o Congresso aderiu a dois acordos internacionais que coibiam a peonagem e o trabalho escravo. Com o fim da ditadura militar em 1965, a categoria "trabalho escravo" foi incorporada à estrutura regulatória das práticas de emprego. Desde então, essa categoria foi ampliada, abarcando trabalho forçado por violência, peonagem, trabalho exaustivo e condições degradantes de trabalho. Contudo, há tensões remanescentes sobre essa definição. Ademais, processos, e condenações, no âmbito jurídico por violação da lei permanecem raros.

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Debt bondage has become synonymous with slave labor in Brazil, but major landowners had already employed it during the period of African slavery as a strategy for retaining European migrant labor. Once the African slaves were freed in 1888, the need for migrant labor increased, and the practice of debt bondage expanded under names such as "settlement" and "peonage" despite its illegality. By the late 1960s and early 1970s it had become clear to jurists, government officials, and activists that it was a problem. As occupation of the Amazon frontier emerged as state policy, it was apparent that employers were using debt bondage overtly and violently against the thousands of migrant workers hired to clear areas for major agribusiness projects. In this context, human rights activists and lawyers urged successive Brazilian governments to honor the international conventions to which the country was a signatory.

In fact, Article 149 of the Penal Code had incorporated legislation on this topic since 1940. Denouncing what was happening on the new frontier, religious and human rights activists and union workers laid the foundations for the category "slave labor." The plurality of actors involved hampered the emergence of a consensus around the category's definition: there was and still is fierce dispute between officials in the executive and the judiciary branches, between government and labor union prosecutors, among congressmen, journalists, and civil society organizations, and even between employers and the victims of this practice. New levels of complexity emerged in the first decade of the twenty-first century. The various perspectives on the problem are apparent in the case of a farm in southern Pará that became a battleground for divergent concepts of "slave labor."

BRAZILIAN EMPLOYERS AND SLAVERY

The abolition of slavery, in 1888, failed to eliminate the repressive and compulsory use of labor in Brazil. By the mid-1800s, when England's pressure to reduce the slave traffic made African labor scarce, coffee producers in São Paulo began to recruit European migrants to replace it (Davatz, 1980; Drescher, 2011: 528). However, this replacement did not establish a free labor regime as might have been expected. Instead, through indebtedness and compulsory work, the majority of migrants became captive to the landowners who hired them. Exploitation and domination through real or fictional debt bound "free" poor rural workers to major agricultural producers. The relationship between employer and employee known as "settlement" relied on social structures typified by domination and subordination that sometimes excluded the use of force, accommodated some form of reciprocity, and enjoyed social legitimacy. The peonage system employed by the major companies that occupied the Amazonian frontier from the early 1960s on involved more frequent and overt violence. Indebtedness was the result of exploitation, advance payment in kind (food, tools, clothing), and the inadequate calculation of the cost and value of labor (Brass, 1986). If these were treated as crimes against individual freedom, they could be eradicated. The rationale for this rests on the fact that a worker may not leave the job as long as his debt remains unpaid (Figueira, 2004).

There are records that illustrate these cases in the state of Acre after the institutionalization of the Golden Law that abolished slavery in Brazil (Cunha, 2006; Ramos, 1956; 1986). Since the end of the nineteenth century, workers recruited in the Northeast to work in rubber extraction in the Amazon lived under a regime of bondage that systematically led them into indebtedness to their employers. Workers in states such as Pará (Castro, 1960) and those who worked on the sugar and cotton plantations in other states faced identical conditions. In the Northeastern states, workers indebted to their bosses and landowners were unable to leave their farms until the mid-twentieth century (Garcia, 1988; Palmeira, 1977).

At the end of the 1960s the military government, apprehensive about renewed environmentalism with regard to the Amazon and citing possible attempts to internationalize it because of its low demographic density, decided to undertake an "occupation" of the region, promoting an influx of landless migrants and agribusiness enterprises from various parts of the country. The expansion was also expected to mitigate the social tensions that resulted from a prolonged drought in the Northeast and improve the balance of trade with the export of meat produced and ore extracted in the newly occupied territory. The policy took no account of the presence of peasant or indigenous communities in the Amazon and proceeded to usurp most of their land. In some cases, agribusiness or mining projects disputed these areas with the communities that had inhabited them for many generations.

The policy was equally disadvantageous to the thousands of workers who were brought from other regions to the newly established farms. The peonage adopted on those farms had a history in the Americas as a tool of Mexican colonization.[1] Workers recruited in different parts of the country were the final link in a chain of intermediary agents that included traffickers, officials, drivers, and boarding house owners. Entrepreneurs used this network to assemble and organize the labor force they needed. The term *gato* (cat) was used to refer to their agents, whose feline-like abilities were critical to ensnaring workers with false promises of high pay into undesirable jobs under harsh conditions. Hiring was based on a contractual agreement, and all expenses were subtracted from the worker's pay. Additionally, some degree of physical and moral violence permeated the relationship between employer and employee, which commonly led to workers' deaths (Ianni, 1978).

RENEGING ON INTERNATIONAL AGREEMENTS DURING THE DICTATORSHIP

In 1965, the year after the military coup in Brazil, the National Congress sanctioned two international agreements related to the problem of slavery. The first was the League of Nations Slavery Convention of 1926, which defined slavery as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised" and slave trafficking as "all acts involved in the capture, acquisition or disposal of a person . . . with a view to selling or exchanging him . . . . and, in general, any act of trade or transport in slaves." The second agreement was the Supplementary Convention on

the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted in Geneva in 1956. This convention warned about the persistence of slavery and forced labor throughout the world. The texts of these conventions contained references to other forms of slavery such as debt bondage and debt servitude, regimes that existed whenever a creditor demanded that his debtor perform services to repay a debt. In some cases, if the debtor had any influence over a third party, he could also command that person to offer his services to the creditor. Bondage took place when the value of services was not correctly applied against the debt balance.

This practice was ubiquitous in Brazil. The justice minister ordered that the Federal Police be "extremely rigorous with farmers who employed white slaves," and the minister of labor "demanded that necessary action be taken" (*Jornal do Brasil*, December 4, 1968). Indeed, a survey of the press reports of the time reveals that Federal Police officers made efforts to repress criminal employment practices. They organized roadblocks to apprehend vehicles transporting trapped workers, indicted individuals responsible for illegal employment (*Jornal do Brasil*, March 22, 1972), and rescued "enslaved workers" (*Jornal do Brasil*, January 22, 1975). These measures were employed, however, only until the military dictatorship had solidified its power, and they seem to have been designed to show accountability to Brazilian society and, primarily, to international organizations (Esterci, 1994: 27). Thus, although Brazil had signed both conventions, the employment practices known as "slavery," "semislavery," "white slavery," and other similar terms were constantly being denounced in the Brazilian press and the literature. Similarly, "ensnarement," "trafficking," "auctions," and "sale of workers" were frequently exposed, as demonstrated by police reports leaked to the press. A series of news articles published between 1968 and 1975 illustrates the point: "Federal officers discover a network of slave traffickers and rich farmers in the city of Mozarlândia, in the state of Goiás" (*Jornal do Brazil*, December 3, 1968); the Federal Police "confirmed that, about 30 km from . . . Manaus, 400 people were subjected to a regime of semislavery. . . . The police began to make inquiries after four workers denounced the activities of the hiring firm Irmãos Arruda, which is now seriously compromised and has become the focus of police investigations" (*Jornal do Brasil*, May 26, 1972; cf. Esterci, 1987).

The exposure of wide trafficking networks (composed of drivers, firms, and farmers) was the result of the bravery of the victims themselves. Workers actively denounced the criminal activities, but first they needed to overcome the long distances that separated the farms where they worked from the urban centers where authorities were located and to escape the armed guards who kept them in isolation. Those who managed to flee reported their experiences to the authorities in Brasília. They acted on their own, with no institutional support, since the unionization of farm labor in Brazil had emerged only shortly before the military dictatorship was established in the 1960s. (In contrast, urban workers had formed unions in the country in the latter part of the nineteenth century.) Thus, there were no unions in the frontier region when the large agribusinesses moved into it, and it was the president of the Confederação Nacional dos Trabalhadores da Agricultura (National Confederation of Agricultural Workers—CONTAG) who reported the "slavery regime" to the Ministry of Labor in Brasília (*Jornal do Brasil*, December 4, 1968).

As long as the reports linked slavery to economic activities that the military regime deemed unimportant, the complaints were ignored, even though the criminal practices violated the country's legal framework and the international conventions Brazil had signed. Thus, in the rubber-tapping areas of Acre and the farms of Minas Gerais and Goiás, the bondage regime remained undisturbed until the Superintendência para o Desenvolvimento da Amazônia (Amazon Development Authority—SUDAM), a government agency created in 1966, introduced major agribusiness enterprises into the region. The government's role in this process had begun with the allocation of public land at very low prices and generous tax breaks for the financial, industrial, and real estate sectors in the South and Southeast. Benefiting from these incentives, firms in these industries became large real estate owners and were poised to play a pivotal role in the frontier expansion. To recruit and organize labor, these new large landowners used the intermediaries known as gatos. Isolated from major urban centers, the workers' homes and families, and the organizations that monitored labor conditions, these agents violently exploited the laborers they ensnared.

Despite military rule, bishops, priests, and laymen linked to the Catholic Church denounced the conditions they witnessed or heard about, and pressured the National Conference of Brazilian Bishops, the most important organization in the country's Catholic hierarchy, to take a position on the matter. At the beginning of the 1970s Bishop Pedro Casaldáliga of São Félix do Araguaia published two documents that became references in the movement to denounce slavery (Casaldáliga, 1970; 1972). In August 1971, pressured by religious figures, the Federal Police intervened in the Company for the Development of the Araguaia, one of the major agribusinesses that had recently been installed in the region. The more government policies intensified the economic occupation of the Amazon frontier, the more charges of illegal employment the press reported: "Farm built with fiscal incentives in the SUDAM area keeps 1,200 employees in slavery regime, without paying the salaries agreed upon. . . . 'It was a concentration camp where hundreds of men lived in complete slavery,' the Federal Police said" (*Jornal do Brasil*, February 1971). In 1974, a journalist denounced the farm that had been one of the largest beneficiaries of government incentives: the Jari Project. Located on land that belonged to the American Daniel Ludwig, the farm had been visited in 1973 by the military President Emilio Garrastazu Médici. According to the reporter, a group of employees was protesting the conditions under which they were forced to work, which he identified as typical of "slavery" and as showing a clear "disregard for human rights." A year later, the same journalist broke into the farm to reinterview the workers and revealed that "nothing had changed." The government said that the Ministry of Labor would inspect the farm, but according to the journalist the ministry's assessment "made no reference to slavery or human rights violations, . . . only to minor violations of labor law" (*Jornal do Brasil*, April 30, 1974).

Similarly to the Company for the Development of the Araguaia and the Jari Project, other enterprises—domestic and foreign, industrial and financial—moved into the Amazon region with government subsidies and were accused of slavery. One of them, at the beginning of the 1980s, was the Vale do Rio Cristalino farm, which belonged to Volkswagen's Brazilian subsidiary.

THE RETURN TO DEMOCRACY: CHANGES IN THE RULES AND NEW DISPUTES

In 1985 the first nonmilitary government came to power with the promise to implement land reform and bring justice to rural Brazil. Given the importance of the issue, the government created the Ministry of Development and Land Reform, in which technocrats and experts worked in coordination with politicians committed to organizations that represented rural workers. In this environment, a new "official version" regulating employers' behavior emerged, and the category "slave labor" was incorporated into the regulatory framework for monitoring employment practices in all sectors of the Brazilian rural economy. Through the Ministry of Agrarian Reform's Division of Rural Conflicts, a team of technocrats took action to inhibit human rights violations: it named the perpetrators of slavery crimes, consulted the registry of organizations that represented workers, accepted denunciations from religious organizations such as the Pastoral Land Commission and unions such as CONTAG, and granted the status of legal documents to the letters in which workers and their families detailed abuse. In this way, victims and their representatives became part of the political and official environment, and their reports of crimes and irregularities were officially admitted (Almeida, 1988; Esterci, 1987; Figueira, 2009).

However, the officials and experts who defended the interests of rural workers lasted only a short time in the government agencies. The more conservative powers in the country reorganized themselves with the support of the country's new president, and it was not long before many of those who had taken official positions in 1985 were resigning their posts. The political atmosphere had become unfavorable when the president elected by the Congress, Tancredo Neves, died before taking office. While Neves had been a leader in the movement opposing the dictatorship, his vice president, José Sarney, who became president upon Neves's death, had led the party that had supported the military regime. Thus, while "slave labor" had turned into an important and broadly recognized category, in this new environment real and consistent work to construct the concept of slavery would emerge only years later.

Thus crime persisted, but the government constantly tried to protect itself from the watchful eyes of international organizations. In a report sent to the International Labor Organization at the beginning of the 1990s, the government's position was reflected in the divergent reports of Brasília and the civil rights organizations: the workers' advocacy entities, including the Pastoral Land Commission, registered 8,100 cases of slavery whereas the Ministry of Labor acknowledged only 350, considering the rest minor violations of the country's labor law (*Folha de São Paulo*, May 29, 1993; Esterci, 1994). These divergences also occurred among different agencies within the government. According to Maria José de Souza Moraes (1994: 30) of the Pastoral Land Commission,

> Both Federal and State Police will only acknowledge that a crime falls in the category of slave labor when physical coercion, with the presence of armed guards, can be proved. In contrast, the attorney general believes that . . . for the action to be considered criminal it is sufficient that any means of subjection of the laborer is present. Thus, the use of debt or the confiscation of identification

documents to subjugate a worker, even if implemented without the assistance of armed guards, is considered an instance of slave labor crime.

In contrast with the situation during the dictatorship, in the late 1980s and early 1990s the Attorney General's Office took center stage in the fight against slave labor. Its lawyers and jurists reflected on the conceptual formulation of the problem and its possible solutions. Initially, this conversation was restricted to whether the worker was free to quit his or her job. Under normal conditions, this would have been redundant, since the workers were reluctant to "quit as debtors" (Esterci, 1987; 1994). (For an example of the conditions that might cause a worker to remain in a job or quit, see Vieira, 2008.) Later, issues such as meal quality, lodging conditions, and transportation permeated the declarations of workers and people who witnessed their plight: "Food was served in unwashed cans, and the lodgings smelled like a pigsty. We slept on top of one another" (report of a worker in a sugar distillery in Mato Grosso do Sul [*Folha de São Paulo*, May 11, 1991; *Jornal do Brasil*, May 11, 1991]); "That place is a ghetto, a complete insult to human dignity. . . . It is shameful to both public authority and citizens" (São Paulo State Justice Secretary, *Jornal do Brasil*, October 24, 1991); "Those lodgings are uninhabitable. They can only be comparable to the Nazi concentration camps. . . . The distillery refuses to give boots to the workers. Those boots are essential to their work in the cane field because they help prevent accidents" (CPT/MS, May 15, 1991; see also *Ambiente Já*, September 25, 2007).

HUMAN DIGNITY IN THE NEW PENAL FRAMEWORK

Throughout the 1980s and 1990s, slavery and its derivative forms turned into a political category including all kinds of injustice, inequality, and extreme exploitation of human beings in labor relations. Some of these forms were so offensive as to approach dehumanization, a kind of metaphor for the unacceptable. Thus, as an expression of indignation, the term began to be applied to relations in segments of society other than the ones that it was originally intended to address. This new concept of slavery seems to have represented what legislators have only now captured and incorporated into the law. It is revealing that in the sources from the 1970s and 1980s one encounters the following descriptions: "They drank the same water given to dogs," "We live like pigs," "They lived in a pigsty," and "They were transported like cattle." The reports frequently referenced "humiliation" or situations that "would drive someone insane if the person lacked a strong mind." Often a worker's speech would be suspended in air as if his feelings were locked in the words. He would lapse into silence as the last refuge of outraged dignity. Paraphrasing Pollak (1986) in reference to the Nazi concentration camps, it takes time to produce what cannot be uttered.

Indeed, we can observe important transformations in both the legislative and judicial scenes. In 1994, the Congress hosted the colloquium "Slavery: Never Again," in which the attorney general advocated proposals for defining slave labor. The event reinforced the notion that "practices in which workers are subjected to exploitation, debt, and confiscation of identification" constitute crimes

(cf. Moraes, 1994: 30). In 1995 President Fernando Henrique Cardoso used the category "slave labor" in a radio interview and presented insightful contrasts between modern slavery and its nineteenth-century version, commenting that in the past a slave knew who his owner was whereas today's slave does not. However, when his administration discussed slavery in official documents and when it created the Executive Group for the Combat of Forced Labor it preferred to use the term "forced labor." The word choice matters because it identifies the standards used to determine whether a practice is legal. In 1997 the Pastoral Land Commission organized a conference titled "Slave Labor in Contemporary Brazil" that brought together church activists, members of the Special Mobile Inspection Group (a government agency created to curb violations of labor law) and Anti-Slavery International, researchers, lawyers, and representatives of other civil society organizations. In the collection of papers that resulted from the conference, Ela Wiecko de Castilho, deputy attorney general at the time, drew attention to the obstacles to the proper passage of anti-slave-labor legislation, particularly the different interpretations of what constituted slave labor. To illustrate her argument, she cited an inspection report produced by the regional labor agency in Mato Grosso in which a charge of slave employment was considered "unfounded" and therefore rejected. The report maintained that even though the working conditions were extremely unfavorable to the workers they were still allowed to come and go without interference and that "although the working conditions were neither good nor dignified, . . . they [were] what the market and our culture offer" (Castilho, 1999: 90).

Pointing to these facts, Castilho (1999: 90) advocated addressing pernicious actions that remain "immune to the criminalization process and to the effective implementation of penalties," among them a crime against human dignity such as a practice that reduces a person to the condition of slave. At that time, the concept of "conditions analogous to slavery" existed in the Penal Code but was not strictly defined. By linking it to others that were already referenced as "crimes against human dignity" such as torture and any action that offended notions of equality or genetic identity, she proposed a framework in which the criminalization of slavery would have greater impact: "It is a matter of protecting not just individual liberty but the dignity of a human being" (91). Indeed, "more than a crime against individual liberty," slavery is "a crime against human dignity. This point of view is broader because it includes other rights and liberties of human beings. Dignity encompasses everything, while slavery destroys it all" (93).

In 2003, when Luís Inácio Lula da Silva rose to power, he and his ministers frequently used the category "slave labor." This choice of words motivated the judiciary to intensify the use of the term in conference titles and seminars in Brazil (including those organized by the International Labor Organization). In March 2003 the president signed the First National Plan for the Eradication of Slave Labor, and the Ministry of Labor started to publish regularly on its web site a list of companies involved in that criminal activity. In the same year, the legislature passed Law 10,803, which altered Article 149 of the Penal Code in identifying the features that typify "work that is analogous to slave labor." According to Marcelo Campos, who led the mobile anti-slave-labor unit for six years, the characteristics of slave labor are clearly expressed in Article 149 (*O Globo*, March 5, 2011):

> Four circumstances may characterize it. First, the use of violence followed by forced labor. Second, the use of debt bondage: when workers are lured into a job under the false promise of good salaries but are instead charged for food, lodging, etc., and, as a result, are subject to their employer, unable to pay off their debt and leave him. The third scenario is that of exhausting labor, in which workdays of over 10 hours per day are common (note that 8 hours, plus 2 extra hours, are acceptable). The concept of exhausting labor may also be applied if there is a high volume of labor within a time span of a few hours. Finally, (fourth), there is degrading labor. In this case, the employer robs a worker of minimum conditions of dignity. There are instances in which not even potable water is available for the employee. Under such circumstances the worker is dehumanized.

With the new text of Article 149, prosecutors and labor judges understand the category more broadly: where working conditions are degrading, "the crime of labor analogous to slavery" is established. In April 2012 Agência Brasil announced further developments in the legislation. A committee of jurists appointed by the Senate to review the Penal Code had redefined human trafficking and increased the penalty for it from 4 to 10 years in prison. "Further punishment would be applicable" if other crimes such as "sexual exploitation, human tissue trafficking, and trafficking of people with the purpose of work analogous to slave labor" could be ascertained.

THE PAGRISA CASE

Of the many law enforcement operations to combat slave labor in recent years, one case in particular reverberated across Brazil. The company charged, Agropecuária Pagrisa, a member of the Zancaner Group, belonged to São Paulo business executives who had acquired land in Ulianópolis, about 260 miles from Belém (the capital of Pará). Pagrisa occupied an area of 17,000 hectares and benefited from the state's tax incentives. It produced sugar-based alcohol in the amount, according to the Special Mobile Inspection Group, of 80,000 gallons per day and sold it to companies such as Petrobras, Shell, and Ipiranga. At the beginning of July 2007, the accusation of slave labor in the company's facilities "hit the political and business circles in the state of Pará like a bomb" (*Agência Folha*, September 29, 2007). Inspectors, labor attorneys, and police officers had freed more than 1,065 workers, some of whom later revealed to journalists that they had been subjected to conditions similar to the ones described in the reports from the 1970s and 1980s: "The employers treated us like pigs"; "Our drinking water was warm, and we ate meals by the cane field under the scorching sun. There were larvae in the food, which was rotten. Nobody was allowed to sit on the floor to rest. There was a man who leaned against a broom to have a break. As a result, he was fired." In spite of these reports, the executives of employers' associations and even the superintendent of the state Ministry of Labor expressed solidarity with the company.

Surprisingly, they were not alone in this. Less than two weeks after the task force operation, members of the Congress informed the minister of labor that they rejected the conclusions of the task force report. The Senate formed a committee to investigate the case and visit the farm. At the end of their trip, in September

2007, "the group's spokesperson declared that the working conditions at Pagrisa were acceptable and questioned the job done by the group that had unveiled the violations." Most of the members of the committee belonged to the government's opposition: two were members of the Social Democratic Party and two were Democrats. Another was a politician who had built his political career in the Brazilian Democratic Movement Party and later recanted his position on the case.

Various organizations reacted to the committee's declarations. The minister of labor and members of the National Commission for the Eradication of Slave Labor forcefully rejected its assessment. The president of the Senate's Temporary Committee against Slave Labor said that, contrary to the national effort against slave labor, the Senate's committee had chosen to align itself unconditionally with the interests of the company charged. Additionally, he argued that the group did not show "the party diversity that such a case demanded."

Notwithstanding the pressure in favor of Pagrisa, four days after the Senate committee's visit to the company's facilities the judiciary accepted the attorney general's indictment of the company's owners on the charge of keeping workers in conditions of slavery. The lawyers of the Attorney General's Office believed that the seriousness of the crimes committed by the Villela Zancaner brothers justified a 15-year prison sentence. "The six prosecutors' analysis deemed the proof as sound: workers had been subjected to degrading working and living conditions on the sugarcane plantations" (*Ambiente Já*, September 25, 2007). The company's defense attorney argued that the same problems could be observed in any other major business.

The Pagrisa case revealed the power of business groups and the dangers of the ties between politicians and employers suspected of breaking the law. Congressmen, a Ministry of Labor official, and even the state governor involved themselves in the case in defense of the company. They visited the facilities, spoke with the press, and discussed the charges with the authorities in Brasília. In the end, they went to great lengths to try to protect a company charged with violating Article 149 of the Penal Code. According to Marcelo Campos (phone interview), the case is iconic not because of the number of workers who were freed but because of the standards adopted to curb violations of the law. Once "degrading working conditions" were identified, the company was indicted for having committed the newly established penal infraction. In other words, the case inaugurated a new way of categorizing employment practices referenced in the past as slave labor. Under this new standard, the law condemns not only failure to pay wages but also dehumanization and degrading conditions.

CONCLUSION

Disputes over the matter naturally extend beyond the Pagrisa case. Both the Senate and the lower house of the Congress have become stages for difficult and lengthy discussions on slavery. An example is the quarrel over Article 243 of the constitution, which calls for the expropriation of land on which illegal psychotropic plants are cultivated. Proponents of harsher punishment for slavery crimes advocate that the article be amended to include employment of slave labor as one of the infractions that would justify expropriation. The discussion

started in 1992 in the Attorney General's Office and progressed to the lower house in 1995 and then to the Senate in 1999. In the latter, it was approved after two years, subsequently returning to the lower house for a final vote. After a lengthy and conflictive process of evaluation, it was approved with modifications in 2012. Ironically, it returned to the Senate because of changes made in the lower house, this time under the close scrutiny of the rural caucus, the state, and society at large. The law was finally passed on May 27, 2014, but an impasse remains; a more conservative element in the Congress wants to restrict the definition of slavery to cases in which the suppression of liberty can be determined.

The treatment of the theme continues to develop as new aspects of the problem emerge. For instance, while the state lacked a systematic strategy for dealing with slavery crimes, from 1995 on the executive began to implement certain coordinated measures: it created the Special Mobile Inspection Group, published a list of employers guilty of slavery,[2] and established the National Commission for the Eradication of Slave Labor (with representatives from various ministries, legal organizations, and civil society). The government also moved to reduce financing and eliminate tax breaks for companies on the list of slave labor employers and to bar violators from participation in public bids. The signatories of the National Pact for the Eradication of Slave Labor, monitored by the Ethos Institute for Business and Social Responsibility, the nongovernmental organization Repórter Brasil, and the International Labor Organization, have committed themselves since 2005 not to purchase products supplied by companies that employ slave labor. The pact includes some 220 companies, business associations, and other civil society organizations whose combined revenue represents more than 20 percent of the country's gross domestic product. Moreover, the National Commission and the National Plans for the Eradication of Slave Labor, implemented respectively in 2003 and 2008, enabled the coordination of measures to combat that criminal activity.

Another positive development in the fight against slave labor is the indictment of employers on the basis of victims' complaints to the Ministry of Labor. Some of the accused have even received sentences. Additionally, agribusiness groups that used to ignore the labor legislation have finally begun to take it seriously. However, challenges remain. There is continued tension between the actors on this issue, new slave labor cases may emerge at any moment, and there is always a chance that legislators will rescind a progressive law. Moreover, while there has been positive development in labor legislation, one can hardly say the same for the penal area. The Attorney General's Office has brought charges in a few cases and received a few guilty verdicts, but those sentenced have not remained in jail. Finally, there are new cases emerging in urban areas, but there is hardly any consistent information in these instances and state action against them is virtually nonexistent.

NOTES

1. See Marx (1968: 121–122), Castellanos (2007: 75, 93) and Turner (1998) for Mexico, Gallegos (1985) for Venezuela, and, in literature, Llosa (2010) for Peru and Rivera (1987) for Colombia.

2. By the time of this writing (2015), one of the companies accused had filed an appeal that led to the removal of the list.

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