

DIAPHASIC VARIATION AND MAXIMAL MODE IN THE SENTENCE SUMMARY GENRE: TOWARDS A REFLECTIVE TEACHING OF LAW- SPECIFIC VOCABULARY

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In this chapter, we will present some reflections on the teaching of specific legal vocabulary, taking into consideration the notion of linguistic variation (LABOV, 1972), more precisely diaphasic variation (GÓMEZ, 1993), as well as studies related to discourse and pragmatics (GRICE, 1975; BAKHTIN, 2003) and Forensic Linguistics (COULTHARD; JOHNSON, 2007). We will focus on how the language varies depending on the communicative situation and the degree of monitoring, taking into account the recipients, the context of use and the purposes of the interaction. Coseriu (1966 apud GÓMEZ, 1993) already warned that the language known and used by the same individual varies in greater or lesser degree of formality depending on the communicative situation in which he participates. Thus, we turn our attention to the formal record used by legal professionals in the formulation of their written texts, considering the use of technical terms.

Allied to the notion of diaphasic variation, we also draw on Grice's (1975) reflections on conversational maxims, namely the maxim of manner.

We seek to address the importance of awakening in law students and professionals in the legal field the awareness that the linguistic record must be monitored depending on the communicative situation, making it more accessible to the lay citizen. To support our reflections, we analyzed three sentence summaries that precisely present a concern over the accessibility of lay readers to legal information.

Therefore, in this work, we chose to consider that the use of technical register also corresponds to a type of formal register, being used in situations of professional contact and in work contexts that require a greater degree of monitoring by the enunciator. We understand that technical register is necessary in certain texts of a professional nature, such as legal ones and this chapter, for example, which uses technical terms pertaining to language studies. We do not advocate that specialized terms from different fields of knowledge be abolished; on the contrary, these terms guarantee the legitimacy of the professional and enable the work to be developed, being important tools in scientific practice. What we defend is the facilitation of the access to knowledge, in this case, the legal one, which is, therefore, a matter of democratization of knowledge.

Based on these considerations, we understand that Law courses – among other undergraduate and graduate courses focused on the legal sphere, such as courses in Public Security, criminal and judicial expertise, criminalistics and criminology – should include texts and practical activities aimed at raising awareness about the production of texts accessible to the non-specialist public in their subjects related to Portuguese language, text production, legal argumentation etc. Based on the notion of diaphasic variation and maxim of manner, we propose some strategies and activities that can be great allies for the teacher in this process.

Thus, we defend the importance of a reflective teaching of Portuguese language and textual production to students of Law and related fields, based on Law specific vocabulary and its meaning effects in different texts, with different interlocutors. In order to illustrate our considerations, we present three examples of what is being called a court sentence summary, which we consider here as a textual genre. These are official texts presented to interested parties in a lawsuit together with the official judgment, so that the defendant or another party involved in the lawsuit can obtain information about the lawsuit without any prejudice.

Taking into account Bakhtin's (2003) discourse genre notion, which considers them as relatively stable types of utterances, presenting a compositional, stylistic and thematic structure that differentiate them from other genres, we understand

sentence summary as a genre. Thus, because they are multimodal texts that employ a formal linguistic register, but avoid resorting to technical terms from the Law and, if they do, they reformulate such terms, always aiming at a good understanding by readers not initiated in the legal area, we can consider the sentence summary as a different genre from other legal genres.

As we seek to highlight in this chapter, reflections and actions have emerged regarding the democratization of access to legal knowledge by facilitating the understanding of the texts that are presented to citizens who resort to justice. This accessibility of the legal text involves the adequacy of the linguistic register, on the part of the professional who produces the text, to the communicative situation and to the non-law specialist, which concerns the diaphasic variation, as understood by Casas Gómez (1996). In this way, we relate this pragmatic need to be well understood to the maxim of manner proposed by Grice (1975). For this philosopher of language, the maxim of manner corresponds to the suggested rule of not producing obscure and difficult-to-understand texts, characteristics of legal language for non-initiates in Law and even for some professionals in the field. Aiming at good interaction, according to Grice, texts should be objective and clear.

In this perspective, we present the Plain Language, also mentioning the Legal Design/Visual Law as democratizing movements of access to justice that have adherents in Brazil. As we could observe through the analysis of three sentence summaries, such genres present a register that avoids the use of technical terms and an elaborate syntax, not employing typical Latinisms or archaisms of traditional legal texts, so that the interested parties in the process can more properly understand what has been decided about their own lives. This concern with the democratization of legal knowledge has been an object of investigation in Forensic Linguistics for some decades (COULTHARD; JOHNSON, 2007), as it is also associated with research related to Critical Discourse Analysis, revealing evidenced asymmetric power relations and kept in the forensic environment.

We defend, therefore, that Law courses, as well as undergraduate and graduate courses in areas related to Law, such as Criminology, the different areas of Criminalistics, Public Security etc. awaken in their students the awareness that, if on the one hand the use of technical terms guarantees the legitimacy of the professional and presents itself as a work tool, on the other hand, very wordy terms and not always belonging to the proper technoelect of Law make it difficult to understand the text by the interested parties, which makes the democratic process of obtaining information unfeasible, protected by law, also causing the slowness of Justice, because, by not understanding what is happening, these subjects will

need to make calls, send e-mails and search lawyers who can explain to them what they should know right away.

Respect for the maxim of manner and the adequacy of the linguistic register, taking into account the individuality of the interlocutor, is a crucial factor for a more effective work in the judicial sphere and for the democratization of legal knowledge – aspects that are so necessary for life in society.

Finally, we defend that the Portuguese language teacher, legal writing, argumentation, among other subjects that focus on the production of texts in Law courses, try to work with their students on the importance of adapting their linguistic register to the interlocutor, aiming at observing the maxim of manner, making the text accessible and understandable to the subject interested in the lawsuit, but who may not dominate the particularities of the legal discourse and its genres. One possibility of working in the classroom is precisely to present the sentence summary genre and compare it to court sentences, seeking to highlight linguistic adaptation strategies that facilitate access to information, such as lexical choices that avoid the use of Latinism, archaisms and obscure technical terms. As we have seen, in sentence summary, when a technical term is used, it is usually rephrased and explained.

Therefore, we hope, with this text, to contribute minimally to the teaching of specific vocabulary of Law, seeking to assist in the training of professionals aware of their place in society and concerned with the democratic access to information by those who need to go to court to assert their rights.