

THE ELABORATION OF A DIDACTIC MODEL OF THE GENRE OF JUDGMENT: AN ACTION FOR ACADEMIC AND LEGAL LITERACY



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ABSTRACT

This article aims to present the results of an action of the Academic Literacy Laboratory of the University of São Francisco, which is the construction of a didactic model of a text genre in order to provide subsidies for the teaching work of law school teachers. To this end, it focuses on the legal genre of judgment and carries out an analysis based on the framework of analysis of Sociodiscursive Interactionism (Bronckart, 2023, 2009) and on the didactic propositions of Schneuwly and Dolz (2004) and Dolz and Gagnon (2015), in addition to the discussions on literacy of Lea and Street (2014). The results lead us to realize that the detail obtained from the didactic model can contribute to the teacher's work in order to provide the development of the literacy of his student during graduation.

Keywords: Academic Literacy. Legal Literacy. Genres of Texts. Judgment. Didactic Model.

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INTRODUCTION

There are many challenges encountered by students when entering higher education, among these, the appropriation of the various genres of text that surround the academy stand out. In this sense, the importance of extension projects that contemplate and favor the academic literacy of students can be highlighted.

It is with this intention that the Academic Literacy Laboratory, hereinafter LLA, an extension project of the University of São Francisco, was created, assuming as its central objective to favor the development of discussions on the teaching and learning of text genres in the different stages and modalities of teaching in the academic context.

To this end, in order to achieve this goal, the LLA has defined the conception that the work with text genres, as tools and objects of teaching and learning, should serve as a fundamental orientation about the actions developed with the students. In this perspective, we adopt the conception that the work with text genres should start from the creation of their didactic models, that is, a survey of their teachable dimensions from the analysis of their characteristics, so that, thus, these actions contribute to the students understanding the different texts that permeate the daily life of the University.

We recognize that, in all undergraduate courses, students will be faced with textual genres that are typical of the course and with which, therefore, they may not have had contact before arriving at the university. In this way, it will be up to the teachers to introduce students to these genres, however, the teacher, who is from areas other than Language, does not always have the necessary resources to didactic the genre to take it to the classroom. This is the case of Engineering and Law, areas with which we dialogue because we have in the group of the Laboratory's extension project professors working in these courses.

Thus, thinking about how to help law professors and students to advance in the appropriation of textual genres, we decided to invest in the investigation of one of them: the ruling, whose complete results of its analysis can be seen in the thesis "The textual genre judgment from the perspective of sociodiscursive interactionism: subsidies for the work with reading in the law course" (Almeida, 2023). The Rulings, according to Almeida (2023) have their importance in the fact that almost all collegiate decisions of the courts are issued through Rulings. In other words, this genre is the solemn and masterful form of pronouncement of the Judiciary about the controversies brought to them. There are other forms of pronouncement, such as, for example, monocratic decisions, but it is in the

Judgment that the Court pronounces, most of the time, with a degree of definitiveness, on a certain controversy in the process. It is not possible to understand procedural law, and the process as a concept, without understanding the ways in which the judge or court pronounces, and the Judgment consists of the pronouncement made by a group of judges of higher instances, called judges or ministers, who, bringing all their knowledge accumulated by years of experience, say the law.

For this reason, the Judgment was chosen because it represents, above all, a necessary knowledge to understand the appellate system of the proceedings. There is no way for a student to understand how the delivery of the final or incidental judicial pronouncement takes place without understanding what a Judgment means. It is essential that he is aware of the existence of the genre, and knows how to read it with relative certainty, because upon the decision the court order will be complied with, or else there will be a chance for another appeal, which will also present its result by another Judgment (Almeida, 2023).

Within this context, understanding the structure and reading of the content of the Judgment are basic premises for the law student to understand the form of jurisdictional provision through the process, and to be able to place himself critically before the decision.

On the occasion of their entry into the professional market, the former student must understand the meaning and be minimally involved with the understanding of the genre, which does not consist of a tenuous reading, as it brings a load of knowledge from judges who are at an advanced level of their career. In addition, the judgments translate into pronouncements on previous decisions of judges and judges, reforming them, maintaining them or annulling them. If the judgments have this function – that of reviewing the judgments of lower courts – we can imagine that the theoretical density of the judgments must be at least greater than the pronouncement that was the subject of an appeal, of which the judgment is the materialization of the Court's decision, according to Almeida (2023).

Considering this explanation, it is essential that the law student has a background in reading and interpreting the genre of text Judgment. In fact, it is part of the formative path of the law student, who needs to read and understand the procedural documents, interpreting it in accordance with the principles of Law and the legal system. It is not enough just to read and interpret, because especially the lawyer often has to find arguments to refute what is decided and manifested through the Ruling, which further increases the need for effective

reading and cognition of the textual genre under study, according to Almeida (2023). In order for the teacher to be able to teach this genre, it is necessary that he has tools that help him, such as a didactic model of the genre, which consists of a survey of the teachable dimensions of these. The elaboration of didactic models is one of the actions developed in the Literacy Laboratory as part of the work to assist teachers and students.

Therefore, this article aims to discuss the elaboration of the didactic model of the judgment genre and, for this, we organize our discussion into three sections. First, we will address the theoretical framework that underlies our reflections, as well as what we understand about academic literacy, work with text genres, didactic models, and didactic sequences; then we will present the methodology developed for the construction of the didactic model around the genre judgment; in the third we will highlight the results achieved with the teaching of the genre through a didactic model; In a second objective, we demonstrate the umbilical connection between language and law, and we conclude by presenting our final considerations.

LITERACY AND DIDACTICIZATION OF TEXTUAL GENRES

In the actions of the Literacy Laboratory, we start from the conception of literacy as a "set of social practices that use writing, as a symbolic system and as a technology, in specific contexts, for specific objectives" (Kleiman, 1995, p.19). In these social practices, people are faced with textual genres, whose appropriation is necessary for communicative success in each sphere of activity.

If genres are mobilized according to different situations, we recognize, therefore, that literacy practices are plural, and vary according to the production situation in which they occur. Thus, we adopted the conception of a model of ideological literacy, which recognizes that "[...] literacy practices, in the plural, are socially and culturally determined, and, as such, the specific meanings that writing assumes for a social group depend on the contexts and institutions in which it was acquired" (Kleiman, 1995, p.21). We argue that the understanding of this conception of literacy can contribute to the teacher's work going beyond leading the student to the appropriation of a genre of text, since it can help the student to act differently in society, realizing that, through language, rights and opportunities are guaranteed and/or lost.

In this sense, a possible conceptualization of academic literacies would be to understand and adapt the practices of use of reading and writing to different contexts, but

realizing that their consequences go beyond an isolated moment, since they make it possible to adequately mobilize social practice in a given scenario, with a certain social sense and producing (reinforcing or disqualifying) an identity (Lea and Street, 2014). From this perspective, the work with text genres, through the LLA, is fundamental, as the actions carried out through the LLA contribute to students, in this case from the Law course, appropriating the genre of text judgment.

It is worth highlighting the notion of text genre assumed by us, we recognize textual genres as objects of teaching and learning, defined by Dolz and Gagnon (2015, p.26) as "significant linguistic practices, socially recognized, which should guide teaching". And yet, by assuming the conception of gender as "a historical pre-constructed resulting from a practice and a social formation" (Dolz and Gagnon, 2015, p.38).

In addition, from a historical-cultural perspective, every genre is inserted in a certain social, political, and cultural context. In this sense, according to Dolz and Gagnon (2015), in order to define a genre it is necessary to consider: 1st the social anchorage and the communicational nature of the discourse; 2º the compositional regularities and the formal characteristics of the texts produced.

Genres, according to Dolz and Gagnon (2015, p.35) can be defined as *tools* that act in linguistic situations that are modified and adapted to use, thus being essential to human activities. In addition, they can be considered *mega-tools* from the perspective that being cultural tools, they are also didactic tools for teaching and learning.

Considering, therefore, genres as teaching-learning tools, students are allowed to have "access to some of their meanings and, if they internalize them, they develop their linguistic capacities" (Dolz and Gagnon, 2015, p.36), which reinforces the importance of having defined text genres in teaching and educational practices.

In this bias, reinforcing the importance of working with text genres, according to Dolz and Gagnon (2015, p.37), there are three main advantages to working with teaching through genres. First, it is important due to the diversity of genres, and in this sense, finding common marks between them would facilitate a grouping and, consequently, teaching-learning. Secondly, as an advantage, there is the possibility of considering the social practices of reference, that is, the contexts in which the genres convey. The third advantage consists of the social representations made through a genre, considering that "genres are named, identified and categorized by their uses" (Dolz and Gagnon, 2015, p.38). Thus, in

order to propose a didactic model, and a teaching sequence based on the genre, it is necessary to think about the teachable dimensions of the genre.

Understanding, the didactic model of a genre to be taught is a pragmatic instrument in the development of a practice that, later, has its application through didactic sequences. The didactic model basically has five essential components: "1) the general definition of the genre; 2) the parameters of the communicative context; 3) the specific contents; 4) the overall textual structure; 5) linguistic operations and their linguistic marks" (De Pietro and Schneuwly, 2006, p.23).

From this perspective, in order to construct a didactic model, one must think about the linguistic activities in which the genre in question is situated. In this perspective, it is important to observe: the social practices of reference; the literature on the genre; the linguistic practices of the students; and school practices. In order to elucidate the reader, we stop to explain each of these.

The social practices of reference are, according to De Pietro and Schneuwly (2006), the multiple practices carried out in a given cultural context and that enable a certain genre to exist in it. In other words, it is the contexts and social practices that direct which genre should be used on each occasion. In this sense, the student is able to mobilize the genre learned in order to adapt it to the communicative situation. Thus, it is from these common and identifiable marks of a genre, even if it diversifies the context, that we are able to list its constitutive characteristics. These marks can be definitions, parameters, structures, operations, language marks, and specific content, among others.

Regarding the literature on genre, at this stage, different theoretical contributions are mobilized to study the same object from different positions. We can think that they are the different definitions and studies developed about a given genre. From this perspective, it is important to recognize the multiple spaces that are open for reflection, in the same way that, for the same genre, there are several definitions, thus, it is important and "always necessary to construct the object according to the intended objective" (De Pietro and Schneuwly, 2006, p.29), thus transforming and didacticizing the genre into a teachable object.

Regarding the linguistic practices of the students, according to De Pietro and Schneuwly (2006), the students have more difficulties in operationalizing (means and conditions) of the genre in question, than in relation to the mastery of the linguistic means. Thus, it is important to think about school practices, considering that it is necessary to

(re)define the genre in the context in which it is inserted, redefining the didactic model, because "a didactic model is also always a product of previous historical practices, a new form of what was already done before" (De Pietro and Schneuwly, 2006, p.31), thus, Also according to the authors, a model offers potential objects for the development of teaching-learning sequences, however, it is important to analyze the criticisms in relation to its limit and strength.

Thus, it is important to recognize the didactic model as an instrument, in this regard, De Pietro and Schneuwly (2006) show that the models have a double generative function, horizontal and vertical, being:

- It allows you to build, for the same target audience, different teaching-learning activities.
- It allows the construction of teaching-learning sequences of increasing complexity and according to the development of the learners (De Pietro and Schneuwly, 2006, p.34).

In addition, it is pertinent to highlight the different ways to operationalize an element of the didactic model, it is the different didactic procedures adopted that will direct the model and how the didactic sequences will take place and, obviously, such choices imply advantages and disadvantages.

As already mentioned, it is necessary to understand that the same didactic model can serve as a generating basis for other sequences, for the same target audience, but at different moments of development, we would then have a "spiral" conception of learning (De Pietro and Schneuwly, 2006).

In this context, it is essential to think about the normative force of the model, as well as its influences, whether positive or negative. Furthermore, it is important to avoid excessive standardization, however, without denying the structures of the genres that are evidenced in their modeling (De Pietro and Schneuwly, 2006, p.39).

There are basically two types of didactic models: intuitive or simple and explicit or complex. The first would be, in short, a more developed version of a didactic sequence, which, in this sense, would not allow the emergence of others. Whereas, in an explicit model, the work of elaborating the didactic model must be independent of the sequence taught. According to De Pietro and Schneuwly (2006, p.42), an explicit model must follow:

1. Every elaboration of teaching sequences - didactic engineering - is based on a model of the object to be taught.
2. This didactic engineer model can be situated in a *continuum* that goes from intuitive or implicit to explicit.

3. Explicitness is nothing more than an unattainable point of the vector; it is always the product (subject to increase) of the community of actors in the didactics of French (and other languages).
4. This explanation is the result of multiple determinations, obviously understood as those of the didactic practice itself (De Pietro and Schneuwly 2006, p.42).

In the analysis of the texts to infer their characteristics for the construction of the didactic model, we start from the framework of analysis of Sociodiscursive Interactionism, hereinafter ISD, in which, according to Bronckart (2003; 2009) it is sought to verify the context of production and the textual architecture that comprises the textual infrastructure (general plan of the thematic content, types of discourse, eventual textual sequences), textualization mechanisms (nominal cohesion, verbal cohesion and connection) and textualization mechanisms (modalization and voices).

From the analysis of this set of elements, we arrive at the production of a didactic model that, later, will give rise to the didactic sequences, that is, the activities that a teacher can develop in the classroom with his students. According to Dolz and Gagnon (2015, p.42), "the sequence is organized in four stages: the presentation of the production situation, the initial production, the *ateliers*, and the final production". The figure below elaborated by Dolz and Gagnon (2015) illustrates how the development of a didactic sequence takes place.

FIGURE 1- DIDACTIC SEQUENCE



SOURCE: Dolz and Gagnon, (2015, p.42)

Thus, Dolz and Gagnon (2015, p.43) highlight that the didactic sequence is not shown only as:

[...] a tool for school work at the service of oral and written production, but also as a tool that allows a better understanding of the obstacles faced in oral and written production, in order to favor the conscious control of the processes involved in the oral and written production of a text (Dolz and Gagnon 2015, p.43).

We recognize, therefore, the importance of building didactic models that promote the development of teaching sequences, however, we consider it necessary to highlight that along with production, reading also needs to be emphasized, since several genres, such as the ruling, will be more the object of reading than of writing by a student or a legal professional. In this sense, we can also think of smaller reading activities, in which the characteristics of the textual genre are explored in order to contribute to a greater understanding of the text by the student.

THE INVESTIGATION FOR THE CONSTRUCTION OF THE DIDACTIC MODEL

Starting from the understanding that text genres are present in all spheres of activity, and that their mastery is very important for one to be literate in each sphere, we seek to understand how text genres in the legal area work in order to build tools that can help in the teacher's work. One of these tools is the didactic model of genre, which contributes to the teacher being able to develop activities that lead students to develop language skills in the face of a given genre. Thus, a didactic model of the Judgment genre was elaborated, whose complete research can be seen in the thesis entitled "THE TEXTUAL GENRE JUDGMENT IN THE PERSPECTIVE OF SOCIODISCURSIVE INTERACTIONISM: SUBSIDIES FOR THE WORK WITH READING IN THE LAW COURSE", written by one of the authors of this article.

As part of the steps for the elaboration of the didactic model, we sought to verify how this genre appears in the official prescriptions for the Law course, in classic manuals aimed at the training of future lawyers and how it is constructed in concrete examples of the judgment genre. Thus, the following were analyzed:

- a) The Curricular Guidelines for the Bachelor's Degree in Law (Resolution No. 5, of December 17, 2018, which establishes the National Curriculum Guidelines for the Undergraduate Law Course and provides other provisions);
- b) 03 (three) excerpts from texts from legal books, called doctrine, about the concept and subjects related to the judicial pronouncement known as Judgment. They are works known in the academic circles of Law, and accessible to students.

FIGURE 2 – THE LAW MANUALS

Works - Bibliographic references

NEVES, Daniel Amorim Assumpção. *Manual de direito procedual civil. Single volume*. 8th ed.- Salvador: Ed. JusPodivum. 2016.

PINHO, Humberto Dalla Bernardina de. <i>Contemporary civil procedural law – general theory of the process</i> . 7 ed. São Paulo: Saraiva, 2017.
THEODORO JÚNIOR, Humberto. <i>Civil Procedural Law Course – vol. I – general theory of civil procedural law, knowledge process, common procedure</i> . 60. Ed. – [2 Reprint.] – Rio de Janeiro: Forense, 2019.
SOURCE: Almeida, 2023; p. 54.

c) 05 (five) Judgments, basically extracted from the Federal Supreme Court (STF) (3) and the Superior Court of Justice (STJ) (2).

FIGURE 3 - JUDGMENTS OF THE RESEARCH

	Judgment	Subject of the judgment	Date	Pages
I.	ADI 3510- DF	Direct Action of Unconstitutionality. Biosafety Law. Block challenge of article 5 of Law No. 11,105, of March 24, 2005 (Biosafety Law). Research with embryonic stem cells.	29/05/2008	526
II.	RE 1355208/SC	Extraordinary Appeal. Representative of the controversy. Tax and Civil Procedure. General Repercussion.	25/11/2021	16
III.	RE 305.416/RS	Urban adverse possession - apartment	31/08/2020	08
IV.	AgInt no REsp 1925212 / RJ	Civil Procedure. Internal Appeal in the Special Appeal. Eviction Action c.c. Collection. Failure to Pay. Bail. Change in the corporate structure of the Lessee. Exoneration during the term of the contract. Impossibility.	31/05/2021	11
V.	REsp nº 1.995.458 - SP	Civil Procedure. Special Appeal. Declaratory Action of Unenforceability of Debt. Consumer. Motoboy Scam. Liability. Use of card and password. Duty of safety. Failure to provide the service.	09/08/2022	20

SOURCE: Almeida, 2023; p. 55.

In the analysis of these texts, we rely on the ISD analysis framework, seeking to analyze the context of textual production and architecture.

JUDGMENTS IN GUIDELINES, MANUALS AND CONCRETE COPIES: CHARACTERISTICS FOR THE DIDACTIC MODEL

The analysis of the *research corpus* on which the didactic model was built is presented in Chapter III of Almeida's thesis (2023, p. 56). We do not intend to address all the points presented in the thesis, under penalty of disfiguring the nature of this type of text (scientific article). In order for us to give course to our text, we will approach the main points related to the result, within the theoretical-methodological framework of Sociodiscursive Interactionism, investigating: Context of production, Textual infrastructure, Textualization Mechanisms and Enunciative mechanisms. But in the results section of this article we will focus on the relevant points for the construction of the didactic model of the judgment genre.

Regarding the National Curriculum Guidelines for the Undergraduate Law Course, established by Resolution No. 5, of December 17, 2018, accompanied by CNE/CES

Opinion No. 635/2018, the guidelines sought to meet mainly the economic-capitalist issue, more precisely in the training of specialized labor and competitiveness in the labor market, which can also be verified from its production context, the enunciators of the text are the Thematic Consultative Chamber of Regulatory Policy of Legal Education and the President of the Chamber of Higher Education of the National Council of Education, with the HEIs – higher education institutions as addressees. The social place is the academic/scientific environment, and the support is found on the websites, e.g., the MEC.

The textual infrastructure was carried out, and from this point, the predominance of the type of theoretical discourse was identified, of a dogmatic and prescriptive character, expressing as a whole a deontic modalization, composed of generic expressions and the absence of explanations by the enunciator, able to enable "[...] doubts in the addressees and even make it impossible to effectively apply it [...]" (Almeida, 2023, p. 60).

It can be inferred from the thesis consulted that the author adduces that there is no approach to the concepts of the expressions used, perceiving the attempt to synthesize the guidelines, perhaps to facilitate the cognition of the addressee, but it may cause the opposite effect, since the implicit concepts can be inadequately interpreted, resulting in "[...] Antagonistic Pedagogical Projects of the Course, even though they are based on the same Guideline [...]" (2023, p. 61).

The intention of allowing "[...] the strengthening of the construction of didactic devices in charge of each of the university institutions of the Law courses, promoting the adaptation of the guidelines to the regional and cultural peculiarities of each course" (Almeida, 2023, p. 61). However, the guidelines do not indicate how training in relation to reading can occur, and it is necessary to recrudescence language studies in Law, with the possibility of adapting the Curricular Guidelines to the cultural and ideological circumstances of the various courses in the country, taking into account their regionalities.

In reference to the law manuals, which are intended for professors and students of legal courses, the textual infrastructure basically presents in its thematic content the interpretation of legal concepts and legislation, using the theoretical discourse. When the mechanisms of text and enunciatives in the textual architecture are analyzed, the use of a cultured pattern of writing and technical terminology is verified, strongly presenting the deontic modalization.

Almeida (2023, p. 62), in relation to the books examined, brings a consideration about the teaching and learning of language:

Thus, it is not the concern of these books to teach the student how to read the different genres with which he will dialogue during the process. However, it is noted that these manuals seem to presuppose that the student would be able to read and reach the necessary conclusions to sustain his actions as a future legal professional, since they expose the steps he will take, with which genres he should act, and to which he should react in order to succeed in his actions (Almeida, 2023, p.62).

The thesis presented here seeks to develop a didactic model in order to contribute to the teaching of legal language, and does so through textual analysis through the lens of the ISD. In order to be able to approach the results of the research in a synthetic way, we present the most burning results in the thesis consulted, despite referring the dear reader to the study of the research to which this article refers.

Dealing precisely with the Rulings, they originate from the Federal Supreme Court – STF (Constitutional Court), and the Superior Court of Justice – STJ (also known as the Citizenship Court, which judges cases involving infra-constitutional laws. Both courts cover the entire territory of Brazil, which allowed, according to Almeida (2023, p. 65), that the study taken to the thesis "[...] can be read considering that regional diversities do not affect the way of interpreting the content of judicial decisions, which removes any difficulty arising from regionalism of the factual or legal situation", serving for any law courses in the country, or even other faculties of Education and/or Letters.

From the judicial pronouncement known as Judgment, governed by article 204 of the Code of Civil Procedure, which derives from a collegiate decision, and which makes the jurisdictional provision effective, the Judgments are produced in the context of judicial proceedings (context of production), and the places of production are the Superior Courts – STF and STJ. The time lapse of textual production was also analyzed.

As for the issuers-enunciators (still in the context of production) they are titled Ministers, who are constitutionally legitimized to issue the judicial pronouncements set forth herein, and with special attention, the socio-subjective aspect places them in the position of rapporteurs of the process, under the terms of article 932 of the Code of Civil Procedure. From the reading of the academic text, supported by the Rulings, it can be inferred that the recipient-recipient is, as a rule, the person who has a direct interest in the case, *e.g.*, plaintiff, defendant, or interested third party, but the expansive effect of the decisions can transcend other people and the entire country.

The general objective of the Judgment genre is to establish a judicial pronouncement of a collegiate instance, and from the study undertaken, it was possible to identify points of contact and points of divergence between the judgments. Although dealing with different

subjects, there is a common objective, which consists of the protection of the right (called jurisdictional protection) by the Judiciary.

As discussed in the thesis under analysis, it seems to be a common point that the instance of verbalization and interaction takes place in *the judicial process*, which constitutes the space or environment in which dialogue and the dialogical construction of contrary theses are allowed. The Judgment was purposely the model chosen because this type of document does not exist except in a lawsuit.

Leaving the context of production and entering the *architecture of the texts*, which takes into account the three layers or levels of superposition, called *the general infrastructure of the text*, the *textualization mechanisms* and the *enunciative mechanisms*, the judgment obeys a terminological rigor, marked by a solemn and rigid structure, with impersonal treatment in the face of the need for impartiality in the trial, in addition to a strong theoretical discourse and the interactive report (there is a report of the facts in which the judge is implicated, although there is a disjunctive aspect) in which he is implicated because he is a judge) and deontic, under the sieve of a dialectical process. Even some legal professionals are not fully able to simplify the construction of texts, in a scientifically rigorous but accessible way, and consequently, they reproduce the same way they learned legal letters.

Briefly, we will address the main points regarding each judgment, so that we can have an idea of the research carried out.

In ADI 3510-DF. Direct Action of Unconstitutionality. Biosafety Law. Research with embryonic stem cells, we understand that this judgment is the one with the greatest linguistic richness (including what was stated in the thesis), with different types of discourse, prevailing the character of implication, which escapes the common rule of legal texts, with great interactivity between the Reporting Minister (in the position of actant) and the vote cast in the Ruling. Although there is a predominance of theoretical discourse, the conjunction of the general coordinates of the world is notorious, for example, when the Rapporteur proceeds to the transversalization between Law and Natural Sciences. In addition, if we verify the various discursive types present in place, we can notice the presence of fusion of the texts, with relative emphasis on the conjunctive aspect, due to the subsumption of the facts to the legal norm.

Like other similar textual genres, the Ruling presents successive stages of proposition – opposition – synthesis, even by the dialectical and syllogistic construction

inherent to the legal text.

Textualization mechanisms are tools that give the text lineament and thematic coherence, and are presented in the form of nominal cohesion, verbal cohesion and connection. Nominal cohesion is achieved through the introduction of people in the discursive environment, substitutions or resumes in the middle of the text, being represented by pronouns or noun phrases, and is presented with some frequency in texts of a legal nature, so that we can identify the subjects, or resume the facts and sentences. In judgments, there is a greater presence of noun phrases, since legal texts often use the treatment of subjects in the third person (examples: plaintiff, defendant, judge, party, appellant, etc.).

In RE 1355208/SC. Extraordinary Appeal. Representative of the controversy. Tax and Civil Procedure. General Repercussion, we also have some noun phrases, such as constitutional question, lawsuit, etc. This also occurs in RE 305.416/RS. Extraordinary Appeal. Urban adverse possession – apartment, such as, for example, the phrases *urban adverse possession*, *good faith*, etc. No AgInt no REsp 1925212 / RJ. Internal Appeal in the Special Appeal. Civil Procedure. Internal Appeal in the Special Appeal. Eviction Action c.c. Collection: the phrases *Fourth Panel*, *summary statements*, as well as the demonstrative pronoun *of this one*, *appear*. In Resp No. 1.995.458 – SP. Special Appeal. Civil Procedure. Special Appeal. Declaratory Action of Unenforceability of Debt. Consumer the phrases *banking system* and *financial institution appear*.

In the analysis of the possible existence of verbal cohesion, which makes up the hierarchical and chronological organization of facts and grounds, such identification seems very important, because time is a basic criterion for the application of the law, noting the preponderant presence of the present (theoretical discourse) and past perfect tenses (in the description of facts and in the report).

The connection, which facilitates the progress of reading and understanding the text, is presented in the form of nouns, conjunctions and adverbs. It serves as a connecting, fitting and demarcation element.

In the rulings, it was found in the thesis that it was easier to organize ideas with the use of connecting elements, such as, for example, in REsp No. 1,995,458, which deals with consumer rights. In RE 1355208/SC, we have as an example the adverbs *although* and *beyond*. In RE 305.416/RS, the conjunction is presented , *however*. In the AgInt in REsp 1925212 / RJ, the thesis pointed out the presence of the subordinating conjunction *since*,

as well as the adverbial phrase *de facto*. In REsp No. 1.995.458 – SP, according to Almeida's thesis (2023, p.83), the locution of beaconing *is presented in the first place*.

In turn, the enunciative mechanisms give interactivity to the textual set, demarcating the position of the actants in a process, due to the deontic aspects of the legal texts.

The voices are the utterances of the people who participate directly or indirectly in the text. They are divided into: the author's voice; social voices; the voices of characters. We were able to identify them in the judgments, such as the author's voice, which is made up through the Rapporteur of the judgment; the social voices and characters depend on each text, but there is an ease in recognizing such voices, such as the polyphony presented in ADI 3510-DF, in which the enunciative responsiveness of various procedural actants is clearly presented. Since the author's voice is under the emanation of the Rapporteur (Minister), as well as the Plenary of the STF (in this case), the social voices are present through various state and non-state civil entities that make up the process, *e.g.*, the Attorney General's Office, the CNBB, etc. The voices of the characters are multiple in the aforementioned ADI. In RE 1355208/SC the same polyphony as ADI 3510 is not presented, although it also derives from a judgment in the STF. In a similar sense, the voices are presented in the person of the Rapporteur, the other Justices (when the trial goes to the plenary), and the parties to the process, as social voices, including the Municipality involved, with one detail: as it is a trial with general repercussion, its effects extend to the entire country, in identical situations.

Modalizers, who seek textual coherence, are very present in legal texts, especially deontic modalizations, and less frequently, appreciative modalizations. For example, in ADI 3510-DF we find the words necessarily, certainly, relevant, as well as the expressions "in my judgment" and "I think it is treated", which strengthens the authority of the prolator of the decision. More examples can be found in the aforementioned thesis of one of the authors of this article.

THE REALIZATION OF A DIDACTIC ACTIVITY BASED ON THE STUDY OF A JUDGMENT UNDER THE SIEVE OF THE ISD

After presenting the analysis of the corpus under the prism of Sociodiscursive Interactionism, of which this article represents the very synthetic presentation of the entire study presented by Almeida (2023), a didactic model was presented for carrying out a didactic activity, in view of the importance of the linguistics' view of Law, especially when

dealing with interesting procedural law topics – the decisions of the higher courts, the curricular guidelines of law courses and law manuals.

The work entitled **THE TEXTUAL GENRE JUDGMENT IN THE PERSPECTIVE OF SOCIODISCURSIVE INTERACTIONISM: SUBSIDIES FOR WORKING WITH READING IN THE LAW COURSE** seeks to synthesize at the end the perceptions of the work carried out through analysis from the perspective of the **ISD**, which states (Almeida, 2023, p. 89):

With regard to the context of production, the perception of the objective of the genre and of the potential enunciators can contribute to the student understanding the weight of the judgment in future judicial decisions, knowing that he can use the judgments to support his texts.

[...]

At the level of textual infrastructure, it will be important for the student to realize that the judgment can be composed of a combination of excerpts from other genres that can be brought from the voices of the justices in their votes. Thus, knowing how to read and interpret different genres can also be a skill to be considered in the training of future lawyers.

The types of discourses, in turn, can help the student to perceive when a fact is presented as objective or unquestionable, or when it is placed in a more implicated way, and it is important for the student to know how to question: if such positions are coherent, that is, why is such information discursivized as objective and another not? As for the syllogistic structure of Law, it is essential that the student is able to recognize its composition in the texts, identifying what the premises are and what the conclusion is (Almeida, 2023, p. 89).

When textualization and enunciative mechanisms are studied, it seems possible for students to verify the technical terms, the resumptions, the sentence articulation, the voices present in the discourse, etc. As Almeida (2023, p. 90) says, when understanding the judgment through the prism of language, "[...] we are able to identify the various origins and intentions of the procedural actants, as well as to perceive the political inclination (understood as understanding the power structures) that are installed in the legal-procedural relationship and that can even overflow its effects to people who did not even participate in the process [...]", also giving the teacher an interesting tool for understanding the construction and interpretation of legal texts.

To give didactic and practical effect to the research, an activity was elaborated in the thesis resulting from the chosen didactic model, in order to bring to the scholars of the theme (students and teachers), addressing the components of the context of production and textual architecture.

The co-author of this article, who also wrote the thesis, adds that (2023, p. 91):

This activity does not intend to be a final instrument, but rather something that can be gradually improved by law professors and researchers, even to observe its

effectiveness, critically point out its results, and improve its form and content. In addition, the thesis proposal is not a self-finishing work, but the opposite. It consists of a new possibility of a didactic approach in the teaching of Law with ISD support, joining the other studies of respectable researchers in Brazil in the areas of Education, Language and Law, so that, increasingly, legal studies can be more proficient (Almeida, 2023, p. 91).

It is a methodological proposal that serves as a pilot, and, in this way, it was possible to propose a didactic activity (Almeida, 2023, p. 92), which can be seen in the following table. The empirical text used in the activity is identified as RE 1355208/SC.

TABLE 1 – PROPOSAL FOR DIDACTIC ACTIVITY WITH THE RULING

READING, TEXT INTERPRETATION AND QUIZ ACTIVITY
Dear Students: This work aims to promote to the reader a different understanding of the methodological processes generally used in the reading of legal texts. It will serve as an adjunct in the process of obtaining knowledge of the content of legal texts, through the measurement of parameters based on methodological criteria that are anchored in a different form of obtaining knowledge called Sociodiscursive Interactionism. This task does not aim to rule out other forms of reading or cognition, but is added to the other methodologies of teaching and learning Law. The legal text selected below must be read a first time, and from the second reading, the questionnaire is answered. When the reader finishes the questionnaire, he or she should check whether he or she has a better understanding of the legal text, which here is called an empirical text.
Student: _____
Legal text (empirical): RE 1355208/SC. Extraordinary Appeal. Representative of the controversy. Tax and Civil Procedure. General Repercussion.
Genre of text: Judgment
Normative source (reference in the Law): art. 204 of the Code of Civil Procedure
Main legal norms and jurisprudential understandings discussed in the case: arts. 102, item III, paragraphs a, c, § 3, of the Federal Constitution. Arts. 1,029 to 1,035 of the Code of Civil Procedure. Federal Law No. 9,492/1997. Arts. 156 and 175 of the National Tax Code. Federal Law 6.830/80 (Tax Execution Law). Municipal Law No. 12,767/2012. Topic 109 RE 591.033. Repetitive Theme 777 of the STJ.
Part I – Production Context
Which Court is the one in which the text was produced (Place of Origin)? Supreme Court
What is the date of delivery and/or publication of the text (Production Moment)? 25/11/2021
What are the names of the Rapporteur and the Adjudicating Body (Issuer(s))? Justice Luiz Fux; Plenary of the Federal Supreme Court.
Who are the parties, interested third parties, and other persons to whom the decision is addressed (Addressee(s))? Municipality of Pomerode (SC), A.C.M.M. Serviços de Energia Elétrica Ltda. – EPP.
Which are: the name of the Rapporteur, holder of the position, and the prolator body. Level of legal, social, economic or political power or influence. (Enunciator)? Justice Luiz Fux, Rapporteur of the case. Decision in plenary. Federal Supreme Court. It is the Court at the top of Brazil's constitutional hierarchy. He is the guardian of the Federal Constitution. All courts in the country are hierarchically subordinate to the decision of a constitutional nature.
What is the legal, social, economic or political position of the Recipient(s)? Municipality of Pomerode (SC). Legal entity of municipal public law. That is, a municipality, with political, administrative and financial autonomy, according to the Federal Constitution. A.C.M.M. Serviços de Energia Elétrica Ltda. – EPP. Legal entity governed by private law. Small Business – EPP.
What are the purpose and result achieved in relation to the addressees of the decision (Objective)? Decide on the extinction of tax foreclosure because of its anti-economic value, which occurs when the costs of judicial collection are greater than the value of the tax credit, in addition to provoking the STF to express itself on the existence of General Repercussion, that is, to establish the understanding for all other similar cases in Brazil.
In what legal environment does the discussion (Social Place) take place? Plenary of the Federal Supreme Court – STF, the Constitutional Court, the highest court of Brazil.

The text or document in which the judicial decision is issued, which demonstrates the nature of a legal text (Support)? the Judgment rendered on 11/25/2021, arising from a decision rendered by the Plenary of the Federal Supreme Court, by virtue of the filing of Extraordinary Appeal No. 1,355,208 – SC, with manifestation by General Repercussion.
Part II – Internal Architecture of the Text
What is the Judgment about, in summary form (Global Plan of Thematic Content)? the Judgment of RE 1.355.208 deals with the decision arising from an Extraordinary Appeal, which has become representative of controversy due to its great legal, economic and social importance (as it occurs frequently in the country), involving the issue of municipal taxes. In this case, the Tax Foreclosure was extinguished because the amount was considered low, or uneconomical, whose costs of filing the lawsuit are higher than the value of the tax credit itself. There is the possibility of protest of the certificate of active debt, and as there is the relevance of a constitutional issue, the case was selected for manifestation of general repercussion. All this can be inferred from the summary of the judgment itself. In addition, the Judgment has 16 pages (laudas), which are basically divided into: 1) summary, consisting of a preamble; prominent themes, which represent a summary of the Court's understanding of the disputed legal matter, and a final part, which presents the result of the judgment, called the disposition; 2) report, which summarizes the main facts and procedural acts; 3) Vote and disposition, which concludes the judgment and checks the decision, as well as the vote of the Rapporteur. The summary consists of a preamble, and a single paragraph, which has its explanation very summarized on a part of the subject that makes up the entire Judgment, and also, a final paragraph, which functions as a dispositive part of the judgment, consolidating the decision.
What is the type of discourse that is possible to perceive in the Judgment (Types of Discourse)? The theoretical discourse is present, in which the Rapporteur places himself autonomously in relation to the facts that occurred, but, at times, he gives an interactive report, that is, he places himself involved in the text, when he inserts himself in the action of deciding, especially when he uses the expressions "I am going to manifest myself" or "I manifest myself by the occurrence of general repercussion of the constitutional issue raised...".
How the sequence of the text takes place, so as to be understood from the point of view of time, the logical concatenation of ideas, the coherence of arguments, etc. (Types of Sequence): We perceive an argumentative sequence, that is, there is an idea, to which other ideas are opposed, and result in a conclusion, that is, denoting a syllogistic discourse, which is widely used in Law. We also have the descriptive sequence, in which the circumstances that led to the trial are described. For example, in this case, the adverb <i>consequently</i> serves as an anchor for sequences.
Is there adequate identification of subjects in the text (phrases), as well as the resumption of the manifestations of these subjects, in order to allow a logical and fluid understanding of the text, as well as to allow the knowledge of the line of reasoning (Nominal Cohesion)? Yes, in the text the parts are well identified, and every time they are cited it is possible to verify that the resumption of their manifestations does not interfere with the line of reasoning of the text. On the contrary, these resumptions are important to show who is saying what, and what their legal arguments are, following the linearity of the process.
Is there an organized chronological sequence in the text? Are the verb tenses being observed properly? Is it possible to understand the hierarchy and sequence of ideas under the focus of time (Verbal Cohesion)? Yes, it is possible to clearly perceive that the facts are described within an appropriate chronological order. Going a little further, the adverbs <i>muito</i> (intensity), <i>aqui</i> (place) and <i>nada</i> (negation), because they are linked to verbs, allow the ideas of action linked to the behaviors to be well identified, facilitating the understanding of the text. However, it is all the more necessary to recognize that, in certain cases, such as this Ruling, there is no exuberance of verb tenses, due to the very nature of the genre and the small variation in facts of the chosen Ruling.
Is the text cohesive? Is it possible to understand the Rapporteur's sequence of reasoning? If you have understood it to be cohesive, what do you understand that allows for this cohesion (Connection)? Yes, the text is connected, as it is possible to understand it in terms of the sequence of logical reasoning. I believe that some elements, such as nouns, conjunctions, etc., allow us to always understand who is speaking, to whom they speak, what subject they are dealing with, whether they agree or not, etc. Some adverbs such as <i>although</i> , <i>moreover</i> , also help in clarifying and resuming the idea.
Is it possible to perceive what are the speeches and pronouncements of the people who manifest themselves in the document? Is there coherence? Is it possible to verify when the author of the document speaks, or from the parties, or even from sources other than only the parties to the process (Voices)? In the selected Judgment, there are not many people speaking, besides the Reporter, the Court itself, and the parties. However, it is important to point out that, as this is the analysis of a general repercussion, although silent in the text, there are the voices of all Brazilian municipalities, which are directly interested in the decision that will produce effects on all of them.

You can identify the judgments of truth, (im)possibility, probability, order, duty, recommendation, etc. throughout the text (Modalizers). Yes, I can identify recommendations, orders, value judgments about how the conducts should be in comparison with the applicable legal rules, and in this case, the orders and recommendations are addressed most of the time to the Municipal Tax Authorities. This is normal in the legal textual genre, because Law is in the environment of should-be. What I cannot identify is a trait of the judges' personality, perhaps due to the natural emotional detachment because of the impartiality he must have.

Were you able to answer all of the above questions? If you were not able to answer them all, which ones do you have doubts?

After identifying the doubts, dear student, you must identify them, proceed to a new reading, with the consultation of legislation, doctrine, jurisprudence, the teacher and, after these measures, make a consolidation reading.

After all the above measures, were you able to understand the entire Judgment?

Source: Almeida (2023, p. 92).

In the research brought by this article, it was found that the Curricular Guidelines of Law courses are generic and superficial in their prescriptions, which can generate doubts in the recipients, as well as there is an attempt to synthesize them, in order to facilitate the application of the rules, but the concepts can be interpreted in different ways, able to generate pedagogical projects of the course in an antagonistic way, even if based on the same guideline, without prejudice to considering the interpretative autonomy of each law teaching institution, in order to adapt the guidelines to cultural and regional circumstances.

In addition, the thesis presents the conclusion that it is possible to strengthen the learning of Law manuals through the use of language resources that are adjunct to the teaching of legal dogmatics. In continuity, a didactic model was elaborated from the analysis of Judgments of the STF and STJ, from the perspective of the ISD, verifying that Sociodiscursive Interactionism has significant pedagogical potential, enabling a different way of approaching legal studies.

The results of the analysis and the proposal for didactic activity indicate the relevance of the construction of didactic models of genres so that it can offer the teacher resources so that he can contribute to the development of his student's literacy during graduation.

These resources can help the teacher to reflect on the fact that the materialization of Law occurs through language, written or oral. It is not possible to conceive the legal world without language, even because Law is linguistically constructed. In other words, language is a condition for the existence of Law. In this sense, by working for the literacy of students, we can contribute to a broader education that considers the construction of a better society, through the development of human rights.

However, there may still be those who ask: what is the specific relationship between

legal language and human rights? First, we have to understand what human rights mean. In this regard, Mazzuoli (2024, p.3) clarifies:

Human rights is an expression intrinsically linked to public international law. Thus, when we speak of "human rights", what we are technically saying is that there are rights that are guaranteed by international norms, that is, by declarations or treaties entered into between States with the specific purpose of protecting the rights (civil and political; economic, social and cultural, etc.) of the people subject to their jurisdiction. Such norms may come from the global system (belonging to the United Nations, therefore called "UN") or from regional protection systems (e.g., the European, Inter-American and African systems). [...]

[...]

In common language, however, the expression "human rights" is often used to refer also to the protection that the domestic legal system (especially the Constitution) attributes to those who are subject to the jurisdiction of a given State. In technical terms, however, such a reference is not correct, and the expression "human rights" should be used only when dealing with the international protection of such rights (Mazzuoli, 2024, p.3).

The same author compares logical-linguistic construction to grammar, stating (2024, p. 12):

In the same way, it can be said that the "grammar of human rights" connotes the study of the elements that make up the normative core of human rights and their reciprocal combinations, guiding their correct application. In other words, it comprises the study of the entire normative mosaic (conventional or not) of international protection of these rights, in order to guide the applicator of the law to the appropriate solution, especially at the domestic level.

Like language, human rights also have a formal structure of rules – deriving, above all, from international treaties – without which they cannot be applied and enforced, which is why their study is rigorous in the scope of the legal sciences (Mazzuoli, 2024, p.12).

From the outset, we can see the intersection of language studies with human rights. The binding force of human rights treaties and norms not only binds States to the duty to comply with human rights postulates, but also the arguments, drawn under the crucible of language, that legitimize the adoption of a dogmatic stance, inherent to the Law.

Internally, the Federal Constitution is pleased to be the main normative vehicle for the observance of human rights, based on article 1, item III, in which the Principle of the Dignity of the Human Person is highlighted. But this is just the beginning. Article 4, item II of the Federal Constitution praises the prevalence of human rights, elevating them to legal categories equivalent to constitutional amendments, in the cases listed in article 5, paragraph 3, in addition to many other constitutional and normative references on the subject.

However, in this article, he circumscribes the theme of human rights to language. It is

based on the premise that Law, as already stated elsewhere, operates through language, removing the irrational and discordant action of the legal system, which in turn is also presented through language. In a simplistic way, but very elucidative, without language, human rights are left without the diction of command, and do not even have the externalization of the deontic character.

We found that there are many texts dealing with the subject, as is the case of Olivier (2023, p. 97), who when talking about the subject, provides;

The syntactic-semantic analysis of legal language reveals that rights are entities that can be claimed against third parties. The bearer of the right can claim this right against a specific addressee, who is, in essence, the addressee to whom the right falls as an obligation. Rights imply duties and obligations. And, in almost all cases involving the term "rights", it is possible to analyze the linguistic propositions used by people, especially when they refer to human rights, in order to, at the end of this analysis, infer that rights are demands against third parties and these requirements can be explained by the logical-normative correlation between rights and duties (Olivier, 2023, p. 97).

The importance of Language is emphasized when it is perceived that it is through it that the precepts of fundamental rights are expressed and enforced, especially those expressly enshrined in the Federal Constitution.

In this sense, the words of Kanashiro and Trevisa (2024, p. 110) are interesting, when they say:

As it was weighed, in the terms prescribed in the constitutional text, human dignity would never have the completeness of its aspirations, so the language of law is fundamental for the axiological load of the positive norm to be fully absorbed within a society, therefore, in the current contemporary court of fundamental rights, logical positivism or even Anglo-Saxon analytical philosophy has given way to contemporary post-positivism that brings together the idea of values to application and understanding of law (Kanashiro and Trevisam, 2024, p. 110).

Making a connection about civil procedural law, under the constitutional prism of the Principle of Access to Justice, contained in article 35, item XXXV, of the C.F. How to satisfy full access to Justice if the communicants (participants in the process), if the obstacles created by language make such access unfeasible? This is a battle waged for years by scholars in the matter, as well as the Judiciary itself, through the Court of Justice of the State of São Paulo, which in 2020, launched the *Juridiquês não tem vez Program*, as shown below:

FIGURE 4- COMMUNICATION PROJECT

Tribunal lança novo projeto de Comunicação: **Juridiquês Não Tem Vez**

14/01/2020



Iniciativa descomplica termos, aproximando cidadão do TJSP.

Juridiquês
não
tem vez ;)

Para aprimorar sua comunicação e ser cada vez mais acessível e próximo do cidadão, o Tribunal de Justiça de São Paulo lança hoje (14) o projeto **Juridiquês Não Tem Vez**. Periodicamente serão veiculados vídeos sobre temas jurídicos que geram dúvidas na população, com explicações dos juízes paulistas em linguagem acessível e didática.

O assunto da estreia é o Juiz de Garantia, criado durante a aprovação do pacote anticrime no Congresso brasileiro. O magistrado convidado Guilherme Madeira Dezem, professor doutor em Processo Penal pela Universidade de São Paulo (USP), explica o que é, aborda os

argumentos de quem é contra e a favor e a situação atual para implantação do instituto. O primeiro vídeo foi lançado hoje nas redes sociais do TJSP e outros três serão publicados ainda nesta semana.

Acompanhe nossas páginas:

Instagram: www.instagram.com/tjspoficial

Twitter: www.twitter.com/tjspoficial

Youtube: www.youtube.com/tjspoficial

Facebook: www.facebook.com/tjspoficial

SOURCE: Court of Justice of the State of São Paulo, 2020.

Facts like this help us to realize the importance of studies developing language, law and education, so that professors and students of the Law course can have at hand the necessary instruments that allow a professional exercise and academic training consistent with the requirements in public or private office.

CONCLUSION

In this article we seek to discuss the results of an action of the LLA, the construction of a didactic model of the Accord genre, in order to provide subsidies for the teaching work of law school professors.

The results of the analyses as well as the discussions raised lead us to reflect on the importance of building the didactic model on a genre of text, in our case, the Accord, so that teachers can address the different spheres that constitute the production and social use of the genre. In this way, the didactic model contributed to making the work more meaningful for the individuals involved, recognizing the genres of texts as fundamental tools for social activities.

In addition, it is important to highlight that the article contemplates aspects related to the dispute of interests, questions of power, and models of acting, guided by language. In this bias, by favoring the academic literacy of students on such issues, we implicate and

develop the discussion about their performance in relation to language and human rights.

Although we have not applied the didactic activity proposed for the students, the study presented here is important because it opens new possibilities for reflections and propositions both on the work with didactic models, on the relevance of academic literacy in the various areas, and on the pertinence of exploring the different textual genres that guide social practices.

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