THE LEGAL DISCURSIVE COMMUNITY AND TEXTUAL GENRES

A COMUNIDADE DISCURSIVA JURÍDICA E OS GÊNEROS TEXTUAIS

LA COMUNIDAD DISCURSIVA JURÍDICA Y LOS GÉNEROS TEXTUALES

Idelcelina Barros Ximenes[1]

ABSTRACT

Human communication is organized into different forms of interaction and textual production, especially in specific social and professional contexts, where it takes shape shaped by objectives, interests, and discursive practices shared by a group, forming a discursive community. This article's general objective is to demonstrate that the legal community can be considered a discursive community, based on theoretical assumptions. To this end, we sought to understand textual genres in their dynamic and socio-rhetorical dimension, conceptualize discursive community, and recognize distinctive characteristics of legal language. The methodology used was a qualitative approach, with bibliographic analysis, as per Gil (2003). Textual genres are historical and socio-discursive phenomena, dynamic and adaptable to social transformations, reflecting the inexhaustible variety of human activity. Understanding these genres requires knowledge of the discursive community in which they are created and used, with communicative purpose being a key criterion for their identification. Legal language, a form of communication used by legal professionals, stands out for its formality, precision, and technical complexity, seeking to standardize and regulate social relations. Despite criticism of its complexity, there is a modern trend toward clarity and conciseness. An analysis of Swales's (1990) requirements for a discursive community revealed that the legal community fully meets them. Therefore, it can be concluded that the legal community qualifies as a discursive community, given the complexity of its communication system and the role of language and genres in the construction of legal knowledge.

Keywords: Discursive Community. Textual Genres. Legal Language.

RESUMO

A comunicação humana organiza-se em diferentes formas de interação e produção textual, especialmente em contextos sociais e profissionais específicos, onde adquire contornos moldados por objetivos, interesses e práticas discursivas compartilhadas por um grupo, formando uma comunidade discursiva. O presente artigo tem como objetivo geral demonstrar que a comunidade jurídica pode ser considerada uma comunidade discursiva, com base em pressupostos teóricos. Para isso, buscou-se compreender os gêneros textuais em sua dimensão dinâmica e sociorretórica, conceituar comunidade discursiva e reconhecer características distintivas da linguagem jurídica. A metodologia utilizada foi de abordagem qualitativa, com análise bibliográfica, conforme Gil (2003). Os gêneros textuais são

---

[1]Master in Education. Federal University of Piauí (UFPI). E-mail: idelcelina@gmail.com

fenômenos históricos e sociodiscursivos, dinâmicos e adaptáveis às transformações sociais, refletindo a inesgotável variedade da atividade humana. A compreensão desses gêneros passa pelo conhecimento da comunidade discursiva em que são criados e utilizados, sendo o propósito comunicativo um critério privilegiado para sua identificação. A linguagem jurídica, forma de comunicação de profissionais do Direito, destaca-se pela formalidade, precisão e complexidade técnica, buscando normatizar e regular as relações sociais. Apesar das críticas à sua complexidade, há uma tendência moderna por clareza e concisão. A análise dos requisitos de Swales (1990) para uma comunidade discursiva revelou que a comunidade jurídica os cumpre integralmente. Conclui-se, portanto, que a comunidade jurídica se qualifica como uma comunidade discursiva, dada a complexidade de seu sistema comunicacional e o papel da linguagem e dos gêneros na construção do saber jurídico.

Palavras-chave: Comunidade Discursiva. Gêneros Textuais. Linguagem Jurídica.

RESUMEN

La comunicación humana se organiza en diferentes formas de interacción y producción textual, especialmente en contextos sociales y profesionales específicos, donde adquiere contornos moldeados por objetivos, intereses y prácticas discursivas compartidas por un grupo, formando una comunidad discursiva. El objetivo general de este artículo es demostrar que la comunidad jurídica puede considerarse una comunidad discursiva, a partir de supuestos teóricos. Para ello, buscamos comprender los géneros textuales en su dimensión dinámica y socioretórica, conceptualizar la comunidad discursiva y reconocer características distintivas del lenguaje jurídico. La metodología utilizada fue un enfoque cualitativo, con análisis bibliográfico, según Gil (2003). Los géneros textuales son fenómenos históricos y sociodiscursivos, dinámicos y adaptables a las transformaciones sociales, que reflejan la inagotable variedad de la actividad humana. La comprensión de estos géneros implica el conocimiento de la comunidad discursiva en la que se crean y utilizan, siendo la finalidad comunicativa un criterio privilegiado para su identificación. El lenguaje jurídico, forma de comunicación utilizada por los profesionales del derecho, destaca por su formalidad, precisión y complejidad técnica, buscando estandarizar y regular las relaciones sociales. A pesar de las críticas sobre su complejidad, existe una tendencia moderna hacia la claridad y la concisión. El análisis de los requisitos de Swales (1990) para una comunidad discursiva reveló que la comunidad jurídica los cumple plenamente. Se concluye entonces que la comunidad jurídica se califica como una comunidad discursiva, dada la complejidad de su sistema de comunicación y el papel del lenguaje y los géneros en la construcción del conocimiento jurídico.

Palabras clave: Comunidad Discursiva. Géneros Textuales. Lenguaje Jurídico.

1 INTRODUCTION

Human communication, in its multiple facets, is organized and manifested through different forms of interaction and textual production. In specific social and professional contexts, this communication acquires particular contours, shaped by objectives, interests and discursive practices shared by a group. In this scenario, the concept of discursive community emerges, which represents a group of individuals who interact and recognize each other through a repertoire of textual genres and a lexicon of their own.

It is from this perspective that this article turns to the legal discursive community, a vast and complex field, with unique linguistic and communicational characteristics.

The general objective of this study is to demonstrate that the legal community can be considered a discursive community, based on the theoretical assumptions that underlie this conception. To this end, it was sought to achieve the following specific objectives: to understand what textual genres are, in their dynamic and socio-rhetorical dimension; conceptualize discursive community, presenting its constituent elements according to the specialized literature; and to recognize some distinctive characteristics of legal language, which configure it as a particular communicative system.

The methodology used was a qualitative approach, according to the propositions of Gil (2003), based on the bibliographic analysis of works pertinent to the themes of textual genres, discursive communities and legal language. The article is structured in five sections, starting with this introduction, followed by the discussion of textual genres in different discursive communities, the relationship between discursive community and disciplinary culture, the particularities of legal language and, finally, the characterization of the legal discursive community.

2 TEXTUAL GENRES IN DIFFERENT DISCURSIVE COMMUNITIES

Textual genres are a fundamental part of human communication, being one of the specific manifestations of language that arise and develop from social and historical needs and practices. According to Marcuschi (2003, p. 19), "textual genres are historical phenomena deeply linked to cultural and social life". For this author, genres emerge as ways of organizing and effecting the communicative activities of everyday life, functioning as socio-discursive entities and forms of social action indispensable in any communicative situation.

Bakhtin (2003, p. 262) made an important contribution to the field by defining genres as "relatively stable types of utterances", showing that they are dynamic and not static. Even presenting a certain regularity, according to the author, the genres are flexible, as they are realized in the social context. As society undergoes transformations, genres also transform

to achieve their goals, among which we highlight the communicative purpose of language. The author considers both the process of creation and the function of genres, emphasizing that language is linked to human activities, both individual and collective.

This view highlights that genres are not static or limiting creativity, on the contrary, they are dynamic and adaptable, reflecting changes in society's technological needs and innovations. In the same line of thought, Bronckart (2006, p. 76) states that "once human activities mediated by language develop and diversify, the latter tends, in addition, to specialize in different forms of organization, or in discourses".

Miller's (2012) research also offers important contributions by directing gender studies towards the action involved in its realization, rather than focusing on substance or form. The author investigates the relationship between genres and recurrent situations, as well as the way in which genres represent typified rhetorical actions. For Miller, genres act in response to recurrent situations, since these situations require specific behaviors from individuals, influencing the way we interact and organize our speech or writing.

In this sense, textual genres emerge and, at the same time, are elements that characterize the different discursive communities that permeate human activity, presenting an infinite variety, as Bakhtin argues:

> The richness and variety of discourse genres are infinite, as the virtual variety of human activity is inexhaustible, and each sphere of this activity includes a repertoire of discourse genres that differentiates and expands as the sphere itself develops and becomes more complex (Bakhtin, 2003, p. 280).

The understanding of textual genres permeates the knowledge of the discursive community in which the genres are created and/or used. Swales (1990) introduces the notion of discursive community as a group of individuals who share common goals and interests. He argues that the goals or interests of the community are typically shared by its members, which is the most important criterion for identifying a discursive community. The communicative purpose, in this context, serves as a unifying element that guides and restricts the community's discursive practices.

The communicative purpose is one of the main categories of analysis of textual genres, overcoming formal and structural aspects. For Swales (1990), a textual genre refers to a category of communicative events in which the members have common communicative purposes. These purposes are identified by the members of the discursive community of origin and thus form the basis of the genre.

Swales (1990) highlights the importance of functionality and communicative intention in the identification and classification of textual genres, as follows:

A genre comprises a class of communicative events, whose members share a certain set of communicative purposes. These purposes are recognized by the specialized members of the original discursive community and thus come to constitute the underlying reason for the genre. The underlying reason delineates the schematic structure of discourse that influences and constrains content and style choices. The communicative purpose is a privileged criterion that operates in the sense of keeping the scope of the genre, as conceived here, closely linked to a comparable rhetorical action (Swales, 1990, p. 58).

From this perspective, Swales (1990) argues that the communicative purpose shapes the schematic structure of discourse, influencing the choices of content and style. This means that the textual genre is formed and maintained through a certain rhetorical action, guided by its specific communicative purposes of a discursive community. In this way, the identification of the purpose of the genre becomes central to its understanding and analysis.

However, in later works, Swales (2004) recognizes that the identification of this purpose can be challenging, especially when the same genre has multiple purposes or when there are different interpretations of its purpose. Despite these difficulties, the communicative purpose continues to be a fundamental and privileged criterion for the recognition of a textual genre.

Bhatia (1993, p. 13) also highlights the close relationship between genre and communicative purpose, stating that gender "is essentially characterized by the communicative purpose(s) it intends to accomplish". He observes that changes in communicative purposes can result in the construction of new genres, evidencing the dynamic and adaptable nature of textual genres.

Although often confused, the communicative purpose and the author's intention represent distinct concepts in the analysis of textual genres. Communicative purpose refers to the overall goals shared by members of a discursive community as they engage in a particular genre, shaping its structure, and influencing content and style choices, as highlighted by Swales (1990). Therefore, this purpose is a collective characteristic and recognized by experts in the community, functioning as the underlying reason for gender. In contrast, the author's intent is more individual and subjective in nature, reflecting the personal and specific goals that an author wishes to achieve when creating a particular text. While the communicative purpose gives the genre its recurrent form and function, the author's intention can vary widely within the limits of this purpose, allowing for a range of personal and contextual expressions in the same genre.

In this aspect, Biasi-Rodrigues, Araújo and Sousa (2009) argue that the communicative purpose should not be understood as something inherent to the text itself, as

it results from a process of social construction. In addition, it is not a mere psychological manifestation linked to the author's intention, since the idea of the author's absolute control over the text and its reception in society must be questioned.

Textual genres can serve a variety of communicative purposes, which may not be explicitly manifest or easily identifiable. For example, a news program may have the purpose of informing, guiding and forming public opinion, simultaneously.

Alves Filho (2011, p. 34) argues that "the communicative purpose of a genre is equivalent to the purposes for which texts of the same genre are most recurrently used in situations that are also recurrent". It reinforces the idea that a genre can serve different goals, not being limited to a single purpose. The author also observes that communicative purposes are dynamic, and can be modified over time or vary between different groups and institutions. In addition, the author points out that certain purposes can be consolidated over time, becoming more stably associated with a given genre. Therefore, it is essential to understand the purposes commonly linked to each genre at a given time.

According to Alves Filho (2011), in order to understand the communicative purposes of genres, it is necessary to identify both the recurrent and predictable objectives and those that are less common or emergent. He argues that, by using a genre, the individual adopts, in a certain way, the communicative purposes culturally accepted and realized by that genre. The author also points out that, although communicative purposes are socially shared, changes in these purposes arise at the individual level (Alves Filho, 2011, p. 36).

According to Bazerman (2006), gender is understood as an element of a system formed by a set of genres and activities, associated with people's actions and the objective that these actions aim at in their lives. Miller (1984) argues that, for a theory of genres, the essential point is that rhetorical situations are recurrent, as this allows them to be typified based on significant similarities and similarities, both in their form and in their substance.

In view of the above, we can consider that the communicative purpose is a central element in the definition and functioning of textual genres, as it guides their structures and practices in discursive communities. It is not a static aspect, but rather a dynamic and socially constructed one, reflecting the needs and historical transformations of society. In this way, the analysis of the communicative purpose allows us to understand how textual genres operate as fundamental tools of human communication, promoting the organization and effectiveness of discursive interactions.

3 THE DISCURSIVE COMMUNITY AND DISCIPLINARY CULTURE

To characterize a discursive community, Swales (1990) argues that the goals or interests of the community are usually shared by its members, which is the most important criterion for identifying a discursive community. The communicative purpose, in this context, serves as a unifying element that guides and restricts the community's discursive practices. In practice, this may include academic, legal, or medical communities, where knowledge and textual genres are specific and group-driven. Thus, we reinforce that for Swales (1990) the discursive community is seen as a group of individuals who share common goals and interests.

Bhatia (1993) and Hyland (2000) broaden the concept to the idea of disciplinary culture, which refers to the set of discursive practices and epistemological norms that characterize a specific field of study. Disciplinary culture includes the use of specialized terminology, stylistic conventions, and specific communication formats that not only facilitate communication in the area, but also form the identity and *ethos* of its participants. For example, in academic studies, disciplinary culture involves writing experimental papers with sections such as introduction, methodology, results, and discussion, a format that facilitates the presentation and evaluation of knowledge within the field.

These concepts reinforce how communication is shaped by a community's specific social and cognitive practices, creating an environment where texts not only communicate ideas but also reflect and perpetuate disciplinary values and identities.

We can observe that academic discourse, situated in a specific discursive community, presents complex genres, which demand from its participants a mastery of textual and rhetorical conventions that facilitate communication and the dissemination of knowledge. According to Motta-Roth and Hendges (2010), academic discourse is characterized by formality, objectivity and the search for precision in the communication of research results, being essential for scientific and social development. In this context, academic writing becomes not only a means of communication, but also a mechanism for socialization in the university environment, where recognition as a researcher is intrinsically linked to the ability to write and publish works that are appropriate to the standards established by the scientific community.

4 LEGAL LANGUAGE

Legal language is the form of communication used in the discursive community composed of legal professionals, including lawyers, judges, legislators, teachers and students, to write documents, elaborate arguments or render decisions. This language has

the purpose of standardizing and regulating social relations, through legal texts and their hermeneutics. Therefore, it has distinct characteristics that differentiate it from other types of language, such as formality, precision, and technical complexity.

Thus, we highlight that the legal language is extremely formal and precise, using specific and technically defined terms to avoid ambiguities and ensure the clarity of legal rules and decisions. Due to the need for precision, it often adopts a technical and far-fetched vocabulary, which can make it difficult for people unfamiliar with the law to understand. Also, legal texts are highly structured, following specific rules and standards of drafting and formatting, as is the case in petitions, sentences, laws and judgments.

According to Franco (2020), legal language can be analyzed under three conceptions: syntactic, semantic, and pragmatic. Syntactic conception refers to the study of the rules and formal structures of legal language, involving the analysis of the organization and relationship between words and phrases, essential for the correct interpretation of norms. The semantic conception deals with the meaning of legal words and expressions, considering the context in which they are used and analyzing how meanings can vary over geographical time and space. The pragmatic conception, on the other hand, focuses on the effective use of language in the legal context, considering the interaction between the interlocutors of the message, essential for effective communication and for the interpretation of the intentions behind the norms.

One of the main criticisms of legal language is its complexity, which makes it often inaccessible to the general public. Technical terms and jargon can confuse those who do not have legal training, making it difficult to understand and access justice. Moreover, legal language has traditionally resisted change, remaining stuck in archaic and far-fetched forms. This conservatism prevents the evolution and adaptation of language to contemporary needs for access to justice. The use of complex constructions and elaborate vocabulary can compromise the clarity and transparency of legal communications, resulting in misinterpretations and legal uncertainty.

As in all human relationships, language is dynamic and must evolve over time, so contemporary justice should no longer remain in the old "legalese" or be held hostage to past traditions. Of course, Law, like many other professions, needs precise, correct, formal and technical communication. However, this does not mean that current legal language should become informal, nor that it needs to be incomprehensible due to the use of archaic or excessively sophisticated terms (Franco, 2020).

Modernly, there is a current of jurists and courts that defend simplicity, clarity and conciseness in legal texts, aiming to facilitate reading and speed up processes. In 2005, the

Association of Brazilian Magistrates (AMB) launched a campaign to promote a simpler and more direct vocabulary (National Campaign for the Simplification of Legal Language), in order to bring society closer to justice. This movement reflects a tendency to adapt legal language to contemporary needs, without losing the precision and formality inherent to Law.

In order to have an adequate legal language, Gonçalves (2002) highlights the importance of all the elements of communication (sender, receiver, message, communication channel, code and referent) for the effective transmission of legal information. For Bittar (2001), the basis of legal expression is in written verbal language and is supported by a semiotic system. Thus, effective communication depends on the harmonious interaction of these elements, allowing a clear and understandable transmission of legal messages.

Knowing how to express oneself properly in Law is extremely important. It is through words that the professional will formulate the client's request, formalizing the intention through words correctly combined with his knowledge, in order to satisfy the needs of his constituent. For this, it is necessary to use a precise vocabulary, with the words used according to the context, demonstrating the mastery of the Law operator over language and matter. Law is, therefore, a science of the word, and it is essential for the legal professional to know how to use it proficiently (Xavier, 2003).

Legal language is essential for the performance of lawyers, constituting the basis of both written and oral communication in the field of Law, as it is through it that lawyers elaborate their arguments and support their defenses, using legislation, doctrine and jurisprudence.

In the study of textual cohesion, Bakhtin (2016) offers a comprehensive view of the nature of texts, defining them as systems of signs whose coherence and unity depend on the human capacity for comprehension in communicative and expressive life. He points out that textuality is made up of specific utterances and discursive genres. The utterance, as a concrete unit of the text, results from the combinations of discursive genres, which are specific forms of uses of linguistic varieties. Thus, legal texts are human acts that presuppose a process of interaction through language.

Discursive genres are categorized by Bakhtin as primary and secondary. Primary genres are related to simple oral discourses, while secondary genres are complex, such as those of literature, science, philosophy, and politics, and are predominantly written (Bakhtin, 2016). However, this distinction is not rigid, as the secondary genera absorb and transform the primary ones during their formation process. This reflects the dynamics between different forms of discourse, especially in the legal field, where orality and writing are often intertwined,

such as in lawsuits in which both written petitions and oral debates require the professional to pay extra attention to the defense of his client.

It is important to highlight that legal discourse is essentially argumentative and persuasive, requiring a basis in other areas of knowledge, such as linguistics and discourse analysis, to support theories of argumentation and rhetoric. Characteristics such as preciousness, correctness, conservatism, ritualization, hermeticism, authoritarianism, denotativeness, and technicist formalism are often attributed to legal discourse (Tullio, 2009).

Marcuschi (2003) points out that mastering a textual genre means understanding how to linguistically achieve specific objectives in particular social situations. The legal discursive domain, therefore, generates discursive practices that include various textual genres, such as court sentences, petitions, laws, judgments, among others. The appropriate choice of textual genre is essential to achieve the objectives of legal communication, knowing in advance what the reactions of the parties involved in the interactional process will be.

The legal communicative act, as a discourse, requires the organization of thought according to the operations of reasoning, often using pre-established structures, such as procedural documents (Damião, 2000). To convince the judge of the veracity of an argument, legal language uses principles of classical logic and a specialized vocabulary, avoiding multi-significant words that may obscure communication. However, the excessive use of archaic or far-fetched expressions can create a distance between Law and society.

The analysis of the legal lexicon also reveals a gradual modification of traditional characteristics, given that conservatism and Latin expressions have been increasingly replaced by more modern and accessible terms. This process of updating the legal language is essential to make the Law more understandable and accessible, meeting the desires of modern society.

5 LEGAL DISCURSIVE COMMUNITY

In order to deal with the legal discursive community, we consider it important, initially, to take a look at the emergence of legal courses in Brazil to better understand the characteristics of this discursive community.

In 1827, the first law courses in Brazil were instituted: one in São Paulo, at the São Francisco convent, and another in Olinda, at the São Bento monastery, later transferred to Recife in 1854. The objective was to train bureaucrats to occupy legal careers and, in the background, political-administrative positions. It was on August 11 (the date on which Lawyer's Day is celebrated) of 1827 that an Imperial Law instituted the Legal Sciences Course in Brazil (Wolkmer, 2006).

The incentive for the creation of new higher education courses ended up creating a true industry of private courses that were basically controlled and inspected by the market itself that would make up the student staff of these colleges. As a result, in 1927, a century after the creation of the first legal courses, there were already 14 law courses and more than 3,200 students in the country, evidencing an unbridled growth of legal courses (Ximenes, 2015).

In Piauí at the beginning of the twentieth century, the pressing need for bachelors to fill bureaucratic positions in the State boosted the ideal of creating higher education through the Law course and thus, on April 14, 1931, the first Faculty of Law of Piauí (FADI) was founded, through Decree No. 1,196 of 04/01/1931.

With the creation of the Federal University of Piauí, in 1968, the faculties then existing in the state at the time (the Faculty of Law, the Faculty of Philosophy, the Faculty of Medicine, the Faculty of Dentistry and the Faculty of Business Administration) were transformed into departments that were part of this educational establishment (Camillo Filho, 1986).

The Federal University of Piauí remained the only institution in the state to offer the Law course for a long time. It was only in the 1990s, after the creation of the State University of Piauí, through Law 4.230/88, that we had the authorization of another legal course in the State, through Resolution CEE 50/94, published in the Official Gazette on August 11, 1994 (Moura, 2009).

In addition to public universities, legal education began to be offered by private institutions. The first decade of this century was characterized by the disproportionate growth in the supply of legal education throughout the country, including in Piauí (Ximenes, 2015).

From the creation and development of the legal community in Brazil, it became noticeable that the disciplinary culture in the area of Law, marked by a strong interdisciplinary inclination, promoting a consistent dialogue with areas such as History, Political Science, Social Sciences, and Philosophy, as highlighted by Rocha (2022) when analyzing the document in the area of Law of CAPES (Brazil, 2019). This integration is visible in the disciplines present in undergraduate courses in the legal area, such as Theory of the State, Sociology of Law, Philosophy of Law, Legal Psychology and Legal Anthropology, which reflect this comprehensive orientation.

Interdisciplinarity is also intensified in graduate programs and research groups, where Law interacts with areas such as Biology, in topics related to Environmental Law; Medicine, in discussions on Bioethics; and Technology, on issues related to the impact of digital innovations in the legal field, among other areas. In addition, we also observe that this

document emphasizes the practical aspect of research in Law, which maintains a solid and historical connection with the demands of society (Brasil, 2019).

This interdisciplinarity does not prevent the legal community from being understood as a discursive community. To characterize a discursive community, Swales (1990) suggests some requirements that must be observed: the objectives that users have in common; there must be communication between the members of the community; there must be mechanisms to effect communication between members; gender development; own lexicon and the existence of more experienced and novice members.

For Catunda (2004), the reality of legal operators meets all these requirements discussed by Swales (1990). First, the common purpose of the members of this community is to comply with and apply the legal norm, promoting social order and representing the coercive function of the State in procedural relations. Law operators have the role of enforcing laws, which function as truths established by society to ensure equity and legal order.

Regarding communication mechanisms, Catunda (2004) observes that there are several intercommunication channels that guarantee the flow of information between operators. Hearings, specialized websites on the internet, periodicals such as the Official Gazette, and legal publications offer updates and information necessary to keep professionals informed and aligned with developments and standards in the legal field.

Regarding the participation mechanism, the legal community adopts the undergraduate course in Law, the exam of the Brazilian Bar Association (OAB) and the public exams for various public positions in the legal area, such as prosecutor and judge. Such mechanisms formalize the entry and progression of members into the community, ensuring that individuals acquire specific knowledge and, in many cases, a title that authorizes them to act legally.

Catunda (2004) also highlights the development of its own highly specialized lexicon, composed of a vast technical terminology in Portuguese and Latin expressions, which reflect the formality of legal language, such as the term "ubi societas, ibi jus", which in a literal translation, we have: "where there is society, there is law", or the term "habeas corpus", which can be translated as "that you have the body", according to Dicio, Online Dictionary of Portuguese (2024). This lexical specialization is fundamental for internal communication between legal operators and for the understanding of legal documents.

The author also notes that the hierarchy in the legal discourse community is clear, with an organization that includes lawyers, prosecutors, judges, judges, and ministers, each with specific roles and levels of authority. This hierarchical structure not only organizes power and

responsibilities among operators, but also contributes to the fulfillment of the objectives of the legal community in an orderly and coherent manner.

6 FINAL CONSIDERATIONS

Throughout this article, the intrinsic relationships between textual genres, discursive communities and legal language were explored, with the purpose of verifying whether the field of Law can be understood as a discursive community. The analysis showed that textual genres are dynamic and socio-rhetorical phenomena, shaped by the needs and communicative purposes of specific groups, as postulated by authors such as Marcuschi (2003) and Bakhtin (2003), and that their understanding permeates the knowledge of the community that produces and uses them.

The conceptualization of discursive community, based mainly on Swales (1990), revealed that groups with common goals and interests, which communicate through their own mechanisms and develop specific genres and lexicons, fit this definition.

At the same time, legal language was detailed in its characteristics of formality, precision, technical complexity and, sometimes, its traditionalism. However, its evolution and the contemporary search for greater simplicity and clarity were also evidenced, aiming to bring Law closer to society.

From the deepening of the requirements proposed by Swales (1990) for the characterization of a discursive community – such as the existence of common purposes, communication among members, mechanisms for effective communication, development of their own genres, specialized lexicon and hierarchy – and applying them to the reality of the legal field, it is clear that the legal community fully meets these criteria. Its members share the common purpose of applying the legal norm and promoting social order; they have several communication channels (audiences, journals, publications); they adopt formal mechanisms of participation (graduation, OAB exam, competitive examinations); developed a highly specialized lexicon, which includes technical terms and Latin expressions; and they are organized in a clear hierarchy of legal operators.

Thus, it is concluded that the legal community qualifies as a discursive community, given its complexity, its rigorous communicational system and its ability to shape and be molded by the textual genres that permeate it. The recognition of Law as a discursive community provides a deeper understanding of its communicational practices and the important role that language and genres play in the construction and maintenance of legal knowledge.

REFERENCES

Alves Filho, F. G. (2011). Gêneros jornalísticos: Notícias e cartas de leitor no ensino fundamental. Cortez.

Bakhtin, M. (2003). Os gêneros do discurso. In M. Bakhtin, Estética da criação verbal (pp. XX–XX). Martins Fontes.

Bakhtin, M. (2016). Os gêneros do discurso (P. Bezerra, Trad. & Org.; S. Botcharov, Notas da edição russa). Editora 34.

Bazerman, C. (2006). The writing of social organization and the literate situating of cognition: Extending Goody's social implications of writing. In D. R. Olson & M. Cole (Eds.), Technology, literacy and the evolution of society: Implications of the work of Jack Goody (pp. XX–XX). Lawrence Erlbaum Associates.

Bhatia, V. K. (1993). Analysing genre: Language use in professional settings. Longman.

Biasi-Rodrigues, B., Araújo, J. C., & Sousa, S. C. T. (2009). Análise de gêneros na abordagem de Swales: Princípios teóricos e metodológicos. In B. Biasi-Rodrigues, J. C. Araújo, & S. C. T. Sousa (Eds.), Gêneros textuais e comunidades discursivas: Um diálogo com John Swales (pp. 17–32). Autêntica Editora.

Bittar, E. C. B. (2001). Linguagem jurídica. Saraiva.

Brasil. Ministério da Educação. (2019). Documento de área: Área 26, Direito. https://www.gov.br/capes/pt-br/centrais-de-conteudo/direito-pdf

Bronckart, J. P. (2006). Atividade de linguagem, discurso e desenvolvimento humano. Mercado de Letras.

Camillo Filho, J. (1986). Pequena história do Piauí (2nd ed.). COMEPI.

Catunda, E. L. (2004). Um estudo do gênero jurídico acórdão [Master's dissertation, Universidade Federal do Ceará]. Repositório UFC.

Damião, R. T. (2000). Curso de português jurídico (8th ed.). Atlas.

Franco, E. C. (2020). A linguagem jurídica. Jusbrasil. https://www.jusbrasil.com.br/artigos/a-linguagem-juridica/832661654

Gil, A. C. (2006). Como elaborar projetos de pesquisa. Atlas.

Gonçalves, W. J. (2002). Comunicação jurídica: Perspectiva da semiótica. UCDB.

Habeas corpus. (2024). In Dicio, Dicionário Online de Português. 7Graus. https://www.dicio.com.br/ubi-societas-ibi-jus/

Hyland, K. (2000). Disciplinary discourses: Social interactions in academic writing. University of Michigan Press.

Marcuschi, L. A. (2003). Gêneros textuais: Definição e funcionalidade. In A. P. Dionísio, A. R. Machado, & M. A. Bezerra (Eds.), Gêneros textuais & ensino (2nd ed., pp. XX–XX). Lucerna.

Miller, C. R. (1984). Genre as social action. Quarterly Journal of Speech, 70(2), 151–167. https://doi.org/10.1080/00335638409383686

Miller, C. R. (2012). Gênero como ação social (J. C. Hoffnagel, Trad.). In A. P. Dionísio & J. C. Hoffnagel (Eds.), Gênero textual, agência e tecnologia (pp. XX–XX). Parábola Editorial.

Motta-Roth, D., & Hendges, G. (2010). Produção textual na universidade. Parábola Editorial.

Moura, A. B. F. (2009). Docência superior: O desenvolvimento profissional do professor bacharel em Direito [Doctoral dissertation, Universidade Federal do Piauí]. Repositório UFPI.

Rocha, C. E. (2022). Organização retórica das seções de introdução, metodologia e conclusões de dissertações da área de direito [Undergraduate research report, Universidade Federal do Piauí]. Repositório UFPI.

Swales, J. M. (1990). Genre analysis: English in academic and research settings. Cambridge University Press.

Swales, J. M. (2004). Research genres: Explorations and applications. Cambridge University Press.

Tullio, C. M. (2009). Um olhar sobre o gênero textual jurídico. In Anais do VI Congresso Internacional da ABRALIN (Vol. 1, pp. 530–540). Editora Contexto. http://www.leffa.pro.br/tela4/Textos/Textos/Anais/ABRALIN_2009/PDF/Maria%20Claudia%20Tullio%20-%20ok.pdf

Ubi societas, ibi jus. (2024). In Dicio, Dicionário Online de Português. 7Graus. https://www.dicio.com.br/ubi-societas-ibi-jus/

Wolkmer, A. C. (2006). História do direito no Brasil (3rd ed.). Forense.

Xavier, R. C. (2003). Português no direito. Forense.

Ximenes, I. B. (2015). História e memória do ensino jurídico do Piauí: A faculdade de Direito - FADI (1931-1970). Dinâmica Jurídica.