

# THE AGREED DECISION GENRE AND THE RECONTEXTUALIZATION OF SOCIAL ACTORS

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*Abstract: The present work aims to show how social actors are recontextualized in agreed decisions. Twenty four collective judgments of varied nature were analyzed based on Halliday and Matthiessen (2004), van Leeuwen (1997) and Bortoluzzi (2008), in search for recurrent genre characteristics relating to recontextualization. The data obtained evince a pattern of inclusion of social actors. Those actors who participate in the forensic context are generally included by means of personalization and by appointment, and are, most of the times, activated. Those who do not take part in the forensic environment are included by means of impersonation and genericization, and can be either active or passive. The personation of the social actors that take part in the forensic environment is due to the fact that such actors are responsible for all actions and decisions that come to a collective sentence.*

*Keywords: Recontextualization of social actors. Systemic Functional Grammar. Agreed decision. Language.*

## 1. INTRODUCTION

Most interactions and human activities are mediated by language, making the texts that emerge from these interactions represent forms of speech movement, capable of organizing such interactions and creating “meanings and social facts in an interactive process typified in a system of activities that significantly links discourse actions” (MARCUSCHI, 2005, p. 10).

It is from that view that comes up the concept of discursive genres as “typical forms of discursive uses of language” (MARCUSCHI, 2005, p. 10), arising from previous genres, for being historical, cultural, and interactively located within social institutions and existing social practices.

In this sense, genres cannot be seen as fixed text models, but as dynamic forms to convey speeches that will fit the social actors’ needs.

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Therefore, the study of genres should take into account the operation of genres in social relations with individuals who work in a particular culture and/or institution. Bazerman (2005) argues that upon studying genres as socio-historically situated phenomena, we are also in touch with the typical acting of social beings, ensuring the introduction of these beings to communicative standards of society.

In this sense, genres can be understood as a set of standardized statements, so Bazerman (2006, p. 23) states that genres “are merely the types that people recognize as being used by themselves and others,” in activities or social practices. We recognize genres because we recognize the situations/practices that give rise (or transmute) genres. Moreover, a genre may be considered as “familiar places” where we take refuge when we act through language, and they are “models” to access unfamiliar spaces (BAZERMAN, 2006, p. 23). Because it is “a rich and multidimensional resource that helps us find our discursive action in relation to highly structured situations” (BAZERMAN, 2006, p. 29), genres must be considered as a means of agency. Giddens (2003, p. 10) defines agency as the capacity of social actors to carry out certain activities before others. The author (2003, p. 10-11) further asserts that agency

[...] concerns events of which the individual is the perpetrator, in the sense that he could at any stage of a given sequence of conduct, have acted differently. Whatever happened would not have if that individual had not intervened.

In this case, when we act through genres we are acting consciously, knowing that with our texts, we provoke certain previously planned semantic/interpretative effects. It is from the notion of agency that Van Leeuwen (1993) builds a taxonomy to clarify how social actors are recontextualized in the genres and whether this recontextualization emphasizes the agency power of some actors and deletes others'. The author (2008, p. 23) argues that the notion of agency is a central and classic concept in Critical Discourse Analysis when it seeks to clarify the context in which social actors can be represented as agents or patients.

Of course the notion of agency discussed here is not linguistic, but sociological. Therefore, Van Leeuwen says that when he introduced the term ‘agent’, he is not thinking about the syntactic subject. He is concerned with the actors and their actions embedded in a social practice embodied in language. Then, the author proposes the mapping of the linguistic elements of a text and the capacity to make clear the actions and their actors. Thus, a categorization arises taken by the author as socio-semantic, since it seeks to classify the linguistic elements related to agency for its semantic interpretation in sociological categories. It is at this exact point that Van Leeuwen creates an interface with the studies of Halliday on lexical grammar, to relate the sociological categories with the linguistic analysis of the Systemic Functional Grammar, especially when this analysis focuses on the ways in which language represents social practices.

Legal social practices generate a very large and diverse number of discursive genres, which may be recognized for their individuality (BORTOLUZZI, 2008) or by their belonging to sets and systems of genres (FUZER, 2008). One of the most important social practices in the legal sense, whether in the legal perspective or from the perspective of those who make up society, is decision. The act of deciding is the climax of any legal action, for it depends on the decision a sentence that affects someone’s life. Often the decisions taken in a first legal jurisdiction can be questioned, resulting in appeals that are judged by higher courts (state and federal). The decisions taken at these higher courts are called agreed decisions, because they are agreements between several judges, who agree upon the best measure to be taken in a particular lawsuit.

It is on the texts originated from the social practice of court agreed decisions (*acórdão*) that we focus this work. As the potential structure of the agreed decision genre has already been described by Catunda and Soares (2007), our concern lies upon other aspects of that genre, in search of other regularities that explain the fact that this genre is highly ritualized and institutionalized. In this case, we sought for recurrences concerning ways of recontextualization of social actors in the agreed decision.

This work is based on the socio-semantic categories proposed by Van Leeuwen, as presented in this introduction, a corpus composed of twenty-four samples of agreed decisions, twelve of them belonging to the corpus of the thesis by Bortoluzzi (2008) and the other twelve taken from the Federal Supreme Court site ([www.stf.gov.br](http://www.stf.gov.br)), the Supreme Court of Justice site ([www.stj.gov.br](http://www.stj.gov.br)), the Federal Justice Regional Court of the 4th Region site ([www.trf4.gov.br](http://www.trf4.gov.br)), and the Regional Court of Labor of the 4th Region site ([www.trt4.gov.br](http://www.trt4.gov.br)). We decided to diversify the corpus in order to offer some genericizations about the genre. In the next section we present Van Leeuwen's taxonomy, applying it to the corpus.

## **2. THE RECONTEXTUALIZATION OF SOCIAL ACTORS IN AGREED DECISIONS**

For Halliday and Hassan (1989), the representation of social practices takes place through three categories of the lexical-grammatical system of language, p. the processes (verbs), which indicate activities, the events themselves; the participants, indicating who participates in activities and what form of participation (if it is the one who performs or the one who is affected by the activity); and the circumstances that limit the activity itself in a context of a situation or in culture.

Van Leeuwen (1993) builds on what Halliday proposes and develops a taxonomy to describe how the participants are recontextualised in the representation of a particular social practice. The first two major categories proposed by van Leeuwen (1993, p. 95), from which all others derive, are INCLUSION and EXCLUSION. INCLUSION occurs when a social actor is recognized and expressed in the context. EXCLUSION is taken by the author in its most radical meaning, when neither the participants nor their activities are included in the recontextualization of the social practice. From these two categories, the author derives a number of systems (called here subcategories) trying to establish the ways in which participants are included or excluded from practices. Some of these subcategories deal with very subtle differences in language use.

## 2.1 Exclusion of social actors

In addressing the ways in which social actors can be contextualized in texts, van Leeuwen says that “the knowledge of a social practice that constitutes the field in a given context does not need to include all participants who are, in reality, part of that social practice” (1993, p. 95). It means that some participants may be left out in the recontextualization of a particular social practice for several reasons, all of which can be explained within the framework of Critical Discourse Analysis. In the view of the author, the total EXCLUSION cannot be taken as an analytical category, since it can only be realized when there is a comparison in texts that reproduce the same social practice.

We disagree with the author’s view, because the analyst who knows the social practice in issue is able to understand who are the social actors that should and/or can participate in the practice. And van Leeuwen himself presents an example in his examination of the Mary Kate and the school bus text, which describes the first contact of a girl with school. The only elements of the school that are cited in the text are the teacher, the principal, the classmates and the classroom, but school is more than that. There are many other social actors involved in the social practice called “my first day of class,” which were completely excluded and such exclusion can be noticed even if there is no comparison with other texts that also talk about the subject.

For all these reasons, we propose EXCLUSION to be maintained as a category of recontextualization of social actors, but dealing with total EXCLUSION. Concerning the subcategories originally attributed to EXCLUSION: SUPPRESSION and BACKGROUNDING, we suggest that BACKGROUNDING be transformed into a category composed of two subcategories: SUPPRESSION and DEFOCUSING. In the case of SUPPRESSION, there is no mentioning at any point in the text, of one or all participants involved in a given activity. But the activity must be referred so that the participant or participants can be inferred by the knowledge on that activity, field or context. DEFOCUSING describes BACKGROUNDING that occurs by a reference that is prior and away from the participant, allowing him to be taken over by the context whenever necessary, as with BACKGROUNDING in van Leeuwen’s work. The discourse function of DEFOCUSING consists of

putting the participants in the background, which, according to a certain point of view, are considered less or unimportant.

In the agreed decisions here studied is no exclusion of the social actors, and that has to do with the fact that all those involved with decision practice must be properly presented, granting authority and credibility to the act of deciding, necessary for the legitimacy of the practice. But BACKGROUNDING, either by SUPPRESSION or by DEFOCUSING occurs in some cases. In the examples below (from 1 to 3), the actors have been removed, but their actions were presented. Suppression is basically done, in such cases, by the organization of the sentence in the passive voice, syntactic structure, which in Portuguese allows the complete erasure of phrase subjects. This suppression is possible because the people who share the genre know who is authorized to perform such an action.

(1)[...] contendo os tipos e as penas aplicáveis à conduta imputada ao extraditando. [...] (EE 895-1)

(2)[...] Ocorre que a degravação operada revela que Sua Excelência [...] (ED 2581-3)

(3)[...] Ressalte-se que a presente reclamação foi protocolada em 13/10/04 (fl. 2), [...] (AR 2860-7)

In cases 4 to 6, what we have is DEFOCUSING, as the social actors are listed once and are then recontextualized through the use of verbs in third person (singular or plural), as it is the case of the verbs underlined in the example. And, when the actor is expressed by the third person singular, there is absence of the definition of person, as in the examples below.

(4) Pondera que o art. 200, incisos I e V, da Consolidação das Leis do Trabalho, [...] (MI 206 – 2008/0243527-5)

(5) Invoca em seu favor o que dispõem os artigos 591 e 620 do CPC, para obter a reforma da sentença. (AP 00809-2006-404-04-00-1)

(6) [...] Sustenta ser eivada de nulidade a utilização de prova emprestada [...] (RO 01014-2007-019-04-00-8)

Although there are situations in which BACKGROUNDING manifests itself in agreed decisions, it is INCLUSION the predominant way of recontextualization in the genre.

## 2.2 Inclusion of social actors

INCLUSION, because it is more common in any text, can be achieved in various ways. For van Leeuwen (1993, p. 105), there are four types of INCLUSION: ACTIVATION, PASSIVATION, PERSONALIZATION and IMPERSONALIZATION. He also presents participation, circumstantialization and possessivation in the same level of types, although these three elements are not types of INCLUSION, but form for the ACTIVATION of social actors. We should also consider the fact that ACTIVATION and PASSIVATION are, actually, ways of INCLUSION rather than types, as they relate to the location and the syntactic function of the actors in the phrase. The four types of INCLUSION are divided into several subcategories. Next, I present the types of INCLUSION and its subcategories, showing, at the same time, how they occur in agreed decisions.

### 2.2.1 Activation

ACTIVATION concerns the presented participant as the one who performs the activities and not who benefits from them or is affected by them. The author identifies, in his thesis, four ways for the linguistic achievement of the participants' ACTIVATION.

(7) O eminente Ministro TEORI ALBINO ZAVASCKI, Relator do feito, proferiu a decisão de fl. 249, [...] (CC 102.589 2009/0013960-2)

(8) [...] A douta Procuradoria-Geral da República, em parecer da lavra do ilustre Subprocurador-Geral da República, Dr. EDSON OLIVEIRA DE ALMEIDA, opinou pelo deferimento do “writ” (fls. 43/45). [...] (HC 85692)

(9) O Ministério Público Federal, a fim de instruir processo investigatório, requereu a quebra de sigilo da movimentação financeira do Tribunal de Contas do Estado do Mato Grosso do Sul (fl. 51/52 e 57/60), [...] (RCL 1.914 2005/0097600-8)

(10) Entretanto, três meses depois, a conta do autor foi encerrada, tendo seu nome negativado em face de protesto feito pela Caixa de Canoinhas. [...] (AC 2002.72.01.000542-3/SC)

In example 7, the social actor (underlined) is activated by participation, for he is the first participant in the phrase, being the agent of the act of uttering. In example 8, the underlined element is a social actor activated by circumstantialization because it limits the origin of the 'report'. We noticed that because of the use of the preposition 'de' (indicating origin) plus the article 'o'. In example 9 we have a case of activation by post-modification, because the underlined element changes the nominal group 'movimentação financeira', indicating the origin of such a financial transaction. And, example 10 presents cases of activation by possessing, through the use of the possessive adjective 'seu', quite common in agreed decisions.

### 2.2.2 Passivation

PASSIVATION is the form of INCLUSION of sociological participants as second, third or other grammar participants. There are two types of PASSIVATION: SUBJECTION and BENEFICIALIZATION. SUBJECTION concerns participants who work as objects affected by the activities. It can be done in two ways: participation and possessing (prepositional sentence with 'de' (ownership/property) after changing names). BENEFICIALIZATION concerns participants who benefit from the activities. It is performed, according to the author, by participation and circumstantialization, although the author does not develop the latter. In example 11, the underlined element is passive due to SUBJECTION, because the passive sociological participant is Goal of a material phrase. In example 12, the underlined element, which refers to the patient, is the beneficiary of the protest, being passive, therefore, by BENEFICIALIZATION.



(11) [...] 2. Pois bem, o ora paciente, [...] veio a ser condenado pelo Tribunal de Justiça do Estado de São Paulo [...]. (HC 85582)

(12) [...] Aldair Marlon Duarte, ora paciente, foi denunciado com sete co-réus pelos crimes de sequestro, [...] (HC 84858)

### 2.2.3 Personalization

PERSONALIZATION deals with participants who are included and represented as human beings. Its linguistic realization occurs through personal and relative pronouns, possessive adjectives, and question words, through names or nouns that include in their meaning the “human” aspect. In this work, we also assume that personifications conducted through metaphors and metonyms are personification cases. PERSONALIZATION is the subcategory with the largest number of branches, according to van Leeuwen. He divides it into DETERMINATION, INDETERMINATION, and GENERICIZATION and SPECIFICATION (the last two are also associated to IMPERSONALIZATION, according to the author). I will now discuss these divisions.

#### 1) Determination

DETERMINATION happens when the identity of a participant is specified in some way. DETERMINATION may occur, as the graphic scheme by van Leeuwen (1993, p. 170), in eight different ways. They are: a) association; b) dissociation; c) differentiation; d) indifferentiation; e) nomination; f) categorization; g) single determination; h) overdetermination.

Association is defined by the author as groups formed by participants and/or groups of participants who have never been “labeled” in the text, “either by categorization, or naming, even if the participants or groups of participants involved in this way are themselves named and/or categorized” (1993, p. 141). There are many ways to make an association by means of language, among them stand out parataxis, circumstantialization by the use of accompanying circumstances, the

pronoun reference in direct speech, the attributive possessive phrases with verbs like “to have” and “to belong” and lexicalization.

(13) [...] “Por exclusão, suspeita ou presunção, ninguém pode ser condenado em nosso sistema jurídico-penal”, [...]. (HC 85190)

(14) [...] Ora, Ora, nisso nós temos, pelo menos, dois precedentes: [...] entendendo que é imprescindível a intimação da ré [...]. (HC 85200)

(15) [...] Afirmaram que no dia 31/08/1995 a Caixa renegociou diretamente com a Zattar Ltda., concedendo-lhe um empréstimo “três vezes maior que a dívida [...]” (AC 2002.72.01.000542-3/SC)

(16) [...] Refere que a autora não preenche os requisitos previstos nas Leis 1060/50, Lei nº 5.584/70 e Lei 7.115/83. [...] (RO 00684-2008-802-04-00-1)

In example 13, the association is by the pronominal reference, which in this case, associates E. Tribunal de Justiça do Estado de São Paulo to the ‘sistema jurídico-penal’, in the use of the possessive adjective ‘nosso’. In example 14, there is association by the attributive possessive phrase (Ora, nisso nós temos, pelo menos, dois precedentes), where possession is realized by the use of the verb ‘ter’ and association by using the personal pronoun ‘nós’, which combines all supreme court judges. In example 15, we have a case of using an accompanying circumstantializer ‘com a’, linking Caixa to Zattar Ltda. Finally, in example 16, there is the use of the additive conjunction ‘e’ associating laws that must be considered in the case.

Dissociation is not discussed by the author in any of his texts. Perhaps because it seems obvious that it is the opposite of association, i.e., the presentation of the participants as lonely in the pursuit of activities that could be carried out cooperatively. In the examples below (from 17 to 19), the authors of the texts, which are at the same time social actors, mark their dissociation with the other actors as they use personal pronouns, possessive adjectives and verbs, all in first person singular, being more common in agreed decisions, the use of verbs.

(17) [...] com fundamento na nova corrente jurisprudencial, considero como de bagatela o crime de descaminho. [...] (CP 2009.04.00.013360-0/RS)

(18) [...] Apresento o feito em mesa. Des. Federal PAULO AFONSO BRUM VAZ Relator [...] (CP 2009.04.00.013360-0/RS)

(19) [...] Em consequência, condeno os autores ao pagamento dos honorários advocatícios de sucumbência, [...] (AC 2002.72.01.000542-3/SC)

In his schemes, van Leeuwen presents differentiation along with indifferenciation. But, over the texts, he only discusses differentiation (1993, p. 132-3). Differentiation occurs whenever two or more participants are presented as different from each other, and this difference is discursive and ideologically important. Differentiation creates a solid foundation for social prejudices, which ultimately determine who is strong and weak in society. Differentiation is also important in agreed decisions for they make it clear to readers, for example, the responsibilities of the judicial institution. When participants are, instead, treated equally, there is indifferenciation. Differentiation is linked to the DETERMINATION by the use of ordinals that pre-modify the determinants or the use of the anaphoric reference in which the ordinal is the core of a nominal group (1993, p. 132). But, it is not only the use of ordinal numbers that characterizes differentiation. There are also structures in which the opposition is between the self and the other. Some examples:

(20) É importante que o Tribunal reafirme o seu poder de remediar os abusos contra a liberdade do cidadão em via de habeas corpus, ainda que esse abuso provenha de decisão monocrática do Superior Tribunal de Justiça ou de qualquer outro tribunal superior. [...] (HC 85185)

(21) [...] Afirma não utilizar as práticas supostamente mantidas pela outra ré no processo utilizado como base na decisão, [...] (RO 00684-2008-802-04-00-1)

(22) [...] José Ancelmo dos Santos e outros ajuizaram a presente reclamação (fl. 02/19), requerendo a remessa dos autos da investigação [...] (RCL 1.914 2005/0097600-8)

In example 20, any other supreme court is distinct from the Supreme Court of Justice and the Court (reference to the STF – Supremo Tribunal Federal), pointing out exactly what are the institutional departments involved and what is the difference between them. The pronoun ‘outro’ (in its variations) is also the one that establishes differentiation in examples 21 and 22, when someone is distinguished, named or not, from other people.

Naming and categorization is the other pair of subcategories in DETERMINATION. What differentiates naming from categorization is that the first represents the participants for their individual, unique identity, and the second represents the participants for their roles and identities they share with other participants. Naming, to the author, is generally recognized by proper nouns, used formal or informally. The author also explains that sometimes it may occur, what he calls the concealing of the name by using letters or numbers in lieu of the name, while still keeping the characterization of naming. In addition to names, numbers, and letters, other language resources can be used in naming, as characteristic nicknames, such as Big Head, Big Brother, etc., mainly with vocative syntactic function and taken as proper nouns. We assume here that the names of the courts are forms of naming and, therefore, the courts would be included by subjecting and naming. What allows this is the fact that in legal practice the legal responsibilities are institutional and not individual. Judges, lawyers, prosecutors do not operate out justice on their own behalf, but on behalf of the institution, which is personified by metonym, as in example 26.

Naming can be titled, that is, they can be added honoring titles (Dr.) or affiliation (Aunt), which is the use of terms that denote a relation of closeness or intimacy between two participants. In the absence of titles, there is untitling. In the examples below we have naming, accompanied by the honoring title in 23 (ilustre) and in 25 (Sr. and Sra.).

(23) [...] In casu, afiguram-se-me irrefutáveis as considerações desenvolvidas pelo ilustre Juiz Federal Roberto Fernandes Júnior, em sua sentença, [...] (AC 2002.72.01.000542-3/SC)

(24) [...] que os colegas batessem palmas para a equipe dos “tartarugas”; [...] os supervisores eram Saulo e Luiz; [...] (RO 00684-2008-802-04-00-1)

(25) [...] Ausentes, justificadamente, os Srs. Ministros Cesar Asfor Rocha e Gilson Dipp e, ocasionalmente, a Sra. Ministra Nancy Andrighi e o Sr. Ministro Luiz Fux. (MI 206 2008/0243527-5)

(26) O Tribunal de Contas do Estado do Mato Grosso do Sul impetrou mandado de segurança perante o Tribunal Regional Federal da 3ª Região, [...] (RCL 1914 20050097600-8)

The categorization of the participants can occur in three ways: functionalization, identification and appraisal. Functionalization happens when a participant is identified by the activity he undertakes. Linguistically, functionalization is carried by nouns derived from verbs (such as interviewer and payer) or by nouns constructed from nouns that name instruments with which an activity is performed (climber and pianist). It also takes place by means of compound nouns of two other nouns, whereas one of them denotes a person, such as ‘cameraman’.

In example 27 and 28 we have cases of categorization by functionalization, because all underlined elements are nouns that indicate what these people do (‘defensor’ is the lawyer who defends, and ‘julgador’ is the person who can judge).

(27) [...] Depois disso, o antigo defensor do acusado substabeleceu a outro causídico, [...] (HC 84858)

(28) [...] Como bem avaliado pelo Julgador singular, a prova produzida indica excesso de jornada, [...] (RO 00684-2008-802-04-00-1)

As for identification the participant is not represented by what he does, but for what he is. According to van Leeuwen (1993, p. 145), there

are three types of identification: classification, relational identification, and physical identification. Classification occurs through socio-historically categories used to divide people into classes, such as age, sex, religion, ethnicity, skin color, among others, and the classification criteria may vary from society to society. In agreed decisions, there is no such identification.

In relational identification, participants are represented and carried out by nouns that denote the relationships they have with other people. These nouns are usually followed by possessive adjectives or by a prepositional phrase with ‘de’ (possession). In example 29 we have the noun ‘procurador’ (attorney) related to someone who is not mentioned, but he is taken by the pronoun ‘seu’, and ‘Alex Zattar’, who is the attorney.

(29) [...] por meio de seu procurador, Alex Zattar, constituído na Escritura Pública às fls. 32/36 (fls. 37/40). [...] (AC 2002.72.01.000542-3/SC)

The physical identification concerns those characteristics that by being unique, distinguish a participant from the other. In language, the physical identification is performed by a set of nouns/adjectives (the blonde, the blonde girl) that denote characteristics or phrases with the prepositions with and without. This kind of identification was not found in the corpus.

The last sub-categorization is appraisalment, which concerns the use of terms that assess the participants in good/bad, right/wrong. It is carried out by nouns and/or idioms that denote appraisalment. When someone is categorized for appraisalment, we are (de)legitimizing the power this participant has to perform and/or participate in an activity, and this is reminded by the author (1993, p. 154). There is also no appraisalment in the twenty agreed decisions approached here.

The only determination and the overdetermination, the last two subcategories of DETERMINATION, relate to the number of social practices in which participants are represented at the same time. In the unique determination, participants are represented in a single social

practice at a time. The opposite occurs with overdetermination, where participants are represented as participating in more than one social practice at the same time. In the corpus studied in this work, all social actors are associated to only one social practice, since each one has his role in society predetermined by the institutionalization of practice. Thus, none of them can do anything but only what has been determined.

## 2) Indetermination

In his works, van Leeuwen (1993, 1996 and 1997) does not develop INDETERMINATION very clearly. For him, “indetermination occurs when the participants are represented as non-specific groups or anonymous individuals” (1993, p. 131). Linguistically, INDETERMINATION takes place by means of indefinite pronouns with nominal function, anonymizing the social actor, as in examples 30 and 31. Moreover, indetermination may occur through a “generalized exophora reference, and in this case it gives the social actors a kind of impersonal authority, a notion of invisible, but powerfully felt coercive force” (1997, p. 199).

(30) [...] O risco de alguém sentar no banco dos réus é latente. [...] (HC 85803)

(31) [...] os supervisores eram Saulo e Luiz; Saulo mandava que fizessem uma oração; alguns empregados aceitavam bem e outros reclamavam; [...] (RO 00684-2008-802-04-00-1)

The reason why INDETERMINATION does not occur frequently in the corpus seems to be the fact that decision is a social practice always defined, determined, specific, which does not leave any room for doubts to the other members of society.

### 3) Genericization

GENERICIZATION regards the representation of participants as a class, by means of a very complex linguistic achievement. When the participants are represented as a single group, we use the common plural noun without the article, such as in ‘foram constituídos advogados’ (example 32). When the participants are represented as an individual, you must use an article (definite or indefinite) before the common noun, as in ‘dos advogados brasileiros’ (example 33). When the participants are represented as a generic group, with the use of countable nouns, the article, whatever it is, is always absent. We can also recognize GENERICIZATION by the use of the habitual present tense and total reference, as in ‘os trabalhadores em geral’ (example 34). Although there are several ways to perform GENERICIZATION, the author does not distinguish different types of this subcategory.

(32) [...] Destacam que, além de não haver prova de miserabilidade das vítimas ou seus representantes, foram constituídos advogados, sem que se requeresse a gratuidade de justiça. [...] (HC 86058)

(33) [...] O Crime de Hermenêutica, RUI BARBOSA, o pontífice máximo dos advogados brasileiros, já advertia [...]: (HC 84492)

(34) [...] Exposição ao Calor, aprovada pela Portaria Mtb n.º 3.214, de 1978 – já disciplina o tema para os trabalhadores em geral. [...] (MI 206 2008/0243527-5)

### 4) Specification

SPECIFICATION presents the participants as individuals or groups fully identifiable. There are two kinds of SPECIFICATION, according to van Leeuwen (1993, p. 128): individualization and assimilation. “[...] individualization occurs when participants are represented as individuals” (1993, p. 128), while in assimilation they are represented as groups. Individualization is not explored extensively by the author, but the little information presented makes possible the



identification of instances of the sub-category in the corpus. In examples 35 and 36 there are two examples of individualization, in the underlined elements. Individualization is more recurrent in the corpus than GENERICIZATION, but still it is not prevalent.

(35) [...] e excluindo a empresa das obrigações de pagar os veículos e o cheque especial de Tânia. Após essas exclusões, a Caixa protestou uma nota [...] (AC 2002.72.01.000542-3/SC)

(36) [...] O Ministério Público Federal avaliando os extratos bancários percebeu que os pagamentos efetuados pelo Tribunal de Contas do Estado, [...] (RCL 1.914 2005/0097600-8)

There are two types of assimilation: aggregation and collectivization. In aggregation, the groups of participants are quantified, statistically treated. Its linguistic achievement is linked to the presence of definite or indefinite quantifiers that act as numbering or as cores of nominal groups. Aggregation can be seen in example 37, by the expression many of which [arbitrary measures]. In this case, the measures are quantified, even if not in exact numbers. Aggregation is not very common in the corpus because representations in justice are not concrete elements, which can be quantified, strengthening the abstract nature of representations.

(37) [...] orienta-se no sentido de preservar o contribuinte contra medidas arbitrárias adotadas pelos agentes da administração tributária, muitas das quais configuram atos eivados de ilicitude, [...]. (HC 82788)

About collectivization, the author does not provide further explanation. Only states that if participants in aggregation are quantified statisticized, in collectivization that is not the case. One can, then, imagine that collectivization is the opposite of aggregation.

In all his work van Leeuwen puts GENERICIZATION and SPECIFICATION as subcategories that relate both to PERSONALIZATION as with IMPERSONALIZATION, discussed below.

## 2.2.4 Impersonalization

IMPERSONALIZATION, placed in opposition to PERSONALIZATION, deals with the participants who do not have the feature of [+human]. In other words, those objects and beings that are not human. It is usually performed by means of abstract or concrete nouns that do not have the trait [+human] in its meaning. There are, for van Leeuwen (1997, p. 208), two types of IMPERSONALIZATION: abstraction and objectification. Abstraction occurs when a quality of the participant refers to the participant itself. It is performed by an abstract noun. In example 38 below, ‘um problema’ is an abstract reference to diseases. We can see the generalization effect of ABSTRACTION in the example discussed. ‘Problema’ is a word that makes a generalized reference; without knowing which specific one is the problem.

(38) [...] Quem tem um problema na área da saúde mental precisa e deve ser tratado. (sic). [...] (HC 86214)

The last subcategory of IMPERSONALIZATION presented here is the objectification. It occurs when participants are referred by the local or a ‘thing’ directly linked to their being or the activities they carry out, that is, through objectification, a metonymic reference occurs. The author, in his thesis, distinguishes four forms of objectification occurrence, which has the effect of total objectification (the one in which the metonymic element replaces the participant) or partial objectification (the one in which the metonymic element is accompanied by PERSONALIZATION). The four forms of objectification are: spatialisation, utterance autonomisation, instrumentalisation and somaticisation.

Spatialization is a form of objectification in which participants are replaced by the direct reference to the spaces to which they relate. This is the case in example 39 below, when the court is taken in place of the people who work there. The ‘Tribunal’ is the place where these people are located and where they do their work, which is to examine, in the case of the judgment HC 85185th. The same can be seen in example 40.

(39) [...] Somos um Tribunal que examina habeas corpus contra ato coator ou somos uma instância de recurso? [...] (HC 85185)

(40) Vistos, relatados e discutidos estes autos, acordam os Ministros da CORTE ESPECIAL do Superior Tribunal de Justiça, na conformidade dos votos e das notas taquigráficas a seguir, por unanimidade, julgar extinto o mandado de injunção sem resolução de mérito, nos termos do voto da Sra. Ministra Relatora. [...] (MI 206 2008/0243527-5)

The statement autonomisation is the second form of objectification presented by the author. It refers to cases in which participants are replaced by statements they produce. As an example, the following excerpt (Example 41), in which the ‘parecer’ is taken as independent and able to say something, in the case ‘a cobrança abusiva de juros não ficou restrita ao dia 23/02/96’.

(41) [...] Conforme parecer do Ministério Público do Estado do Rio de Janeiro, acostado às fls. 18/20, a cobrança abusiva de juros não ficou restrita ao dia 23/02/96, mas estendeu-se no tempo até pelo menos junho de 2001. [...] (HC 84937)

As a third form of objectification, van Leeuwen presents instrumentation, “in which social actors are represented by a reference to the instrument with which they undertake the activity they are engaged” (1997, p. 209). Instead of saying that the soldier blew up the grenade, we say that the grenade exploded. Instrumentation, as it is proposed by the author, is not found in the corpus. The last form of objectification presented by the author is somaticisation, whose reference to the participant is made by reference to parts of his body. The metonymy here is used when the reference is made to the part for the whole.

IMPERSONALIZATION as a socio-semantic resource, has very important discursive implications, namely: a) to build prior knowledge about social roles and identities of the participants, b) to grant authority or power to an activity or quality of the participant, and c) to add

positive and/or negative connotations to an activity or utterance made by the participant.

This section of text aimed at both presenting the taxonomy by van Leeuwen (1993, 1996, 1997 and 2008), discusses it and shows how it can be applied to samples of text genres in order to find regularities that characterize these genres. In the closing remarks we discuss some results found.

### **3. CLOSING REMARKS**

Upon presenting van Leeuwen's taxonomy and its application on the judgment genre we noticed that some categories and subcategories listed by the author are more frequent than others in the studied corpus.

Concerning the type of inclusion, we realized, for example, that the social actors responsible for the decision making practice are more commonly included by personalization (around 95% of the times). This is due to the fact that 'judgment' is a highly standardized text, whose function is to present the decision and demonstrate how the judges came up to such an agreement. In this case, the judges do not act as individuals but as an institution, so their actions are not theirs, but the institution's. That is why the institution is mentioned and not its members. When members are appointed, therefore, personalized, it is with the intention to make clear who agrees with the decision, which will be signed by those members. This appointment usually comes with honoring titles and membership.

The other social actors generally present in judgments are those who seek the decision, and the inclusion standard of these actors is quite variable and depends largely on the type of judicial action performed. When there are many participants of the decision, they are usually personalized by appointment. When there are only two or three, they are often personalized by categorization (defendant, victim, accused, lawyer, patient, petitioner, etc.). Other types of inclusion are likely to be encountered in judgments, but they are not frequent, so they cannot be considered characteristic of the judgment genre.

As to how social actors are included, activation as much as passivation is very common. Activation is very common in parts of the judgment referred to as ‘judgment’ and ‘vote’. In these parts there is an attempt to make it very clear who does what, so the decision is made with awareness. In the part called ‘report’, there is a predominance of a passivated inclusion, because it seeks to report that it was made by the social actors in other stages of the lawsuit. In both activation and passivation, the form for achieving which stands out the most is participation, because phrase structures, both simple and complex, give greater emphasis to the participants than the circumstances.

The exclusion of social actors does not happen in the genre, because it embodies a practice that needs to be thoroughly clarified. They do not want to leave room for inferences in judgments, because that would mean leaving spaces of action in social practices, and, therefore, room for challenging the decision, which is not desired by the social actors involved.

Backgrounding, as an erasure category of social actors in our proposal, is not very common, although it is used in some cases. When used, the effect achieved is more stylistic than semantic, because the social actors are included in some way, being it by exophoric reference, via inference or by anaphoric reference. So there is not really the erasure of the social actor.

Finally, the discursive implications of van Leeuwen’s categorization also apply to the judgment genre, as they demonstrate the discursive implications of including, backgrounding and excluding actors. Discursively, INCLUSION of actors establishes who participates of the social practices and their importance in the activities performed. To include social actors linguistically, either by personalization or by impersonalization, gives them specific time and space in the structure of the institution, legitimizing their existence. Activating or passivating actors makes it clear what social roles each one will perform in the activity. The BACKGROUNDING of actors relegates them to a lower position on regionalization. Comparing to the actors included, the masked actors lose their specificity, become extra in the scene. They become less important than actors possibly excluded because the presence of masked actors might not even be noticed. But the absence of excluded actors is noted, draws attention, provokes some questioning

about the reason for the absence. EXCLUSION defines the intention to abolish the social actor, and when the producer excludes him, he wants to provoke the idea of his inexistence.

Thus, we conclude that an analysis of the types and forms of recontextualization of social actors is an important set of tools in the definition of a particular genre.

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*Título: O gênero acórdão e a recontextualização dos atores sociais*

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*Resumo: O presente trabalho objetiva apresentar como atores sociais são recontextualizados em acórdãos. Com base em Halliday e Matthiessen (2004), van Leeuwen (1997) e Bortoluzzi (2008), foram analisados 24 acórdãos, de natureza variada, com vistas à determinação de características recorrentes ao gênero, no tocante à recontextualização. Os dados obtidos evidenciam um padrão de inclusão de atores sociais. Aqueles atores que participam do contexto jurídico são geralmente incluídos por personalização e nomeação e são, na maioria das vezes, ativados. Aqueles que não pertencem ao meio jurídico são incluídos por impersonalização e genericização, e podem ser tanto ativados quanto passivados. A personalização dos atores sociais pertencentes ao âmbito jurídico deve-se ao fato de esses atores serem responsáveis por todas as decisões e ações que resultam em um acórdão.*

*Palavras-chave: Recontextualização dos atores sociais. Gramática Sistêmico-Funcional. Acórdão. Linguagem.*

*Título: El género sentencia y la recontextualización de los actores sociales*

*Autor: Valeria Iensen Bortoluzzi*

*Resumen: El presente trabajo objetiva presentar como actores sociales son recontextualizados en sentencias. Con base en Halliday y Matthiessen (2004), van Leeuwen (1997) y Bortoluzzi (2008), fueron analizados 24 sentencias, de naturaleza variada, con vistas a la determinación de características recurrentes al género, en lo que toca a la recontextualización. Los datos obtenidos evidencian una regla de inclusión de actores sociales. Aquellos actores que participan en el contexto jurídico son generalmente incluídos por personalización y nombramiento y son, en la mayoría de las veces, activados. Aquellos que no pertenecen al medio jurídico son incluídos por impersonalización y genericización, y pueden ser tanto activados como pasivados. La personalización de los actores sociales pertenecientes al ámbito jurídico se debe al hecho de esos actores son responsables por todas las decisiones y acciones que resultan en una sentencia.*

*Palabras-clave: Recontextualización de los actores sociales. Gramática Sistêmico-Funcional. Sentencia. Lenguaje.*