

6 The Sociohistorical Constitution of the Genre *Legal Booklet*: A Critical Approach

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INTRODUCTION¹

This study aims at investigating the sociohistorical path of the Brazilian legal booklet (layman's law guide), from the appearance and propagation of those genres that contributed to its formation until the development of current educational booklets which explain law to layman readers. To fulfill this objective, we will observe three major historical and social events which influenced the development of this genre until it assumed its present form. First of all, however, it is important to clarify what "legal booklet" stands for, as well as which hypothesis could be applied to the comprehension and study of this genre.

Despite the countless possibilities of materialization, nowadays legal booklets can be understood as participants of the discursive constellation of *educational* or *informative booklets*, defined by Mendonça (2004, p. 1,278) as publications "destined to inform the population about their rights, duties, and the ways to prevent diseases, accidents, etc. They can mix comic book narratives and didactic and/or informative texts, and are part of the material of institutional advertising campaigns."

Starting from the theoretical framework first elaborated by Swales (1990) and later improved by Bhatia (1993), Gomes (2003, pp. 158-159) distinguishes four characteristics regarding the genre *educational booklet*:

- (1) The communicative purpose which conducts this event is to explain, to teach and to instruct those who are interested in or affected by unknown, or even unavailable, social actions and practices.
- (2) The genre "booklet" is a sociopolitical instrument, because it not only tries to describe and convey certain questions to the individuals, but also tries to turn them into citizens who are aware of their actions and the actions of others. These individuals are informed about the facts surrounding them so they can demand or approve of their rights.
- (3) Booklets perform tutorial functions, for they instruct and explain how individuals must proceed and act as they confront specific issues.
- (4) Finally, the fact is that booklets have not only the communicative purposes of informing and teaching, but mainly those of instructing, ordaining,

and recommending through precise, prescriptive orientations.

This last aspect of educational booklets—crucial for our sociohistorical critical analysis—can be related to the notion of genre as a “system of social coercion” proposed by Marcuschi (2003), based on the reflections of Fairclough (2001). As Marcuschi (2003, p. 2) asserts, “genres are socially stabilized discursive activities which operate the most varied types of social control and even the exercise of power. In a succinct formulation, I would say that genres are our way of social insertion, action and control.”

So, if communicative activities are considered forms of social (and cognitive) organization and are conditions for a major part of the actions we practice, as Marcuschi (2003) highlights, it is possible to perceive that these actions are results of the values which constitute a genre and are responsible for the enactment of communicative activities. Moreover, Marcuschi (2003, p. 13) proposes that “it is possible to change genres of rhetorical instruments into political instruments in social actions. For genres are not only discursive artifacts or objects, but also social practices.”

Thus educational booklets (in general)—and legal booklets (in particular)—cannot be conceived as merely neutral guides for the enactment of sociocommunicative activities. Instead, they are strongly charged with the coercive purpose of linguistic and social practices. Even though making it easier for laypeople to read norms written in hermetic legalese, legal booklets not only support but also strengthen the primary objectives of law, defining patterns of social behavior, and therefore guaranteeing the sustenance of the structured and well-established social-legal system.

Due to this scenario, I suggest that today’s legal booklets originate from the formal and ideological confluence—and influence—of three genres:

- (a) *Religious and school primers*, which gave birth to the idea that modern legal booklets refer to the “first rudiments” of some realm of knowledge—in this case, that of the legal realm. Similarly to their antecedents, modern legal booklets instruct laypeople, authoritatively, on how to think and act when confronted with specific unknown social (and legal) practices;
- (b) *Illuminist political pamphlets*, evoking legal values and principles considered universal (“legal stereotypes” according to Warat, 1995; or “ideographs” according to McGee, 1980), such as *justice*, *human rights*, *social peace*, *equality*, etc., in the same way as current legal booklets do. In these publications, the true purposes of the institutionalized laws are not questioned; they just keep on (re)producing the myth that our

legal system is neutral, democratic and equally focused on the safety and well-being of everyone;

- (c) *Educational booklets produced in Brazil after the so-called Vargas Age*², working as an efficient instrument for the diffusion of the political-ideological propaganda in Brazil's New State (1937-1945). These political-legal booklets constitute, actually, the first publications with the format of contemporary legal booklets. Through simple language—often aided by beautiful illustrations—governmental ideas were widely promoted.

Thus, this investigation consists of a reconstitution of the main steps taken along this sociohistorical trajectory, in order to show how some genres in circulation since the 16th century formed the social basis for the modern Brazilian legal booklets. Moreover, I aim at explaining how those three genres mentioned above (religious/school primers, political leaflets, and “Vargist” educational booklets) were extremely significant to understand how the genre *legal booklet* has become a powerful sociopolitical instrument of tutelage and coercion in Brazil.

RELIGIOUS AND SCHOOL PRIMERS

Letters played a fundamental role in the appearance of several distinct genres. According to Bazerman (2005, p. 83), the letter—by establishing a direct communication between two people within a specific relationship and in given circumstances—could flexibly promote the formation and development of many institutional practices. As examples of genres that have letters as their social basis, Bazerman cites the scientific paper, the patent and the stockholders' report, among many others. To this list, we could add the legal and educational booklet.

Cartilha—the Portuguese term for both literacy/religious primers and informative/ educational booklets and brochures—is formally defined as “an elementary book for teaching children to read; the ABC book” and, by extension, “a book of elementary principles or any elementary compilation,” as well as “a prayer-book or a small book which contains notions of the Christian doctrine” (Houaiss, 2004, p. 638). Note that “school book” and “prayer-book” were meanings not originally distinguished in the Middle Ages, as reading was taught from prayer-books and catechisms.

Etymologically, the Portuguese word *cartilha* is formed by two parts: “carta” (which means *letter*, as in a written or printed communication addressed to a person and usually transmitted by mail) + “ilha” (which is a diminutive suffix), from the Spanish *cartilla*, meaning originally “a small book which contains the letters of the alphabet and the first reading and writing lessons; diminutive for

‘carta’ (letter)” (Houaiss, 2004, p. 638).

Historically, religious primers were largely produced and spread around the world in the beginning of the 16th century—the Great Age of Discovery—when Christian missionaries propagated learning and religion beyond the boundaries of Europe; not rarely a large number of these missions were associated with imperialism and oppression through the Counter-Reformation or Catholic Reformation movement (Moisés, 1971, p. 17). The Brazilian Houaiss Dictionary (2004, p. 638) points out that the first known use of the word *cartilha* occurred in 1539, in the second volume of the missionary work *Monumenta Missionaria Africana*, which attempted to convert African villagers to Christianity. Thus the link between the letter and this emerging genre was direct. According to Gomes (2003, p. 157), this religious/literacy “primer was an instrument of communication between missionaries and the local population, who wanted to share their experiences, culture and knowledge.”

Due to its close relations with the Catholic Church, Portugal tried, since early on, to follow the so-called “evangelizing and catechizing actions” of other European countries. At the end of the Middle Ages and in the early Renaissance, several European nations were making strong efforts to disseminate Christianity among the “infidels,” especially outside their territorial space. Adopting an aggressively colonialist practice, the Portuguese conquerors tried not only to ensure that the dominating ideas of the European medieval culture were exported to the “gentiles” through the Jesuits’ works, but also to guarantee the maintenance of political and economic public power in the hands of the representatives of the Portuguese Empire in the colonies (Romanelli, 2002, p. 33).

Matos (1987, p. 41) asserts that the “evangelization of the conquered territories thus constituted one of the main support strategies in the Portuguese age during the 15th and 16th centuries.” Matos also mentions the important role played by the evolution of European printing technology in the Christianization of the conquered regions. The development of the press in Portugal made possible a much wider circulation of cultural goods and the “testimony of the technical and cultural Portuguese identity” in the colonies (p. 41). Around 1539–1540, the first printing of so-called “exotic languages” was done in Lisbon for the production of a grammar book and a catechism directed to the “Ethiopian, Persian, Indian, before and beyond the Ganges” children (Matos, 1987, p. 48).

According to Matos (1987, p. 54), in 1554, by order of John III³, king of Portugal, the first great example of the method of bringing to “infidels and Godless barbarians” the testimony of the word of Jesus Christ was printed: the *Cartilha em Tamul e Português* [*Religious primer written in Tamul and Portuguese*] (Figures 1 and 2).



FIGURE 1 (LEFT): FRONT COVER OF THE *CARTILHA EM TAMUL E PORTUGUÊS*, LISBOA, 1554 (MATOS, 1987, P. 55)

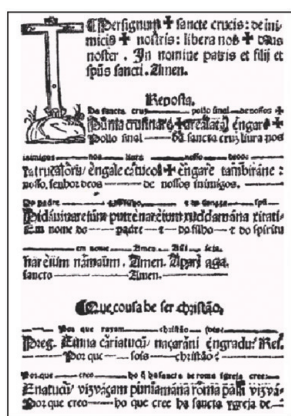


FIGURE 2 (RIGHT): ONE OF THE INNER PAGES OF THE *CARTILHA EM TAMUL E PORTUGUÊS*, LISBOA, 1554 (MATOS, 1987, P. 56)

On its front cover (Figure 1), the *Cartilha em Tamul e Português* has its center decorated with the crowned Portuguese coat of arms, with the following text written in ancient Portuguese with gothic characters:

Cartilha que contem brevemente / ho que todo christão deve apre-
nder / para sua salvação. A qual el Rey / dom Joham terceiro
deste nome / nosso senhor mandor imprimir / em lingoa Tamul e
portugues / com a deçraraçam do Tamul por / cima de vermelho.
[Primer which contains, briefly / what every Christian must learn
/ for their salvation. Which the King / John III by his name / our
lord ordered to be printed / in Portuguese and Tamul language /
with the Tamul statement in red, on top.]

Among the several religious primers, catechisms and other similar works cited by Matos (1987), we can highlight *Conclusiones Philosophicas* (1556), *Doutrina Christã* (1557), *Tratado em que se mostrava pela decisão dos concílios, e autoridade dos Santos Padres a Primazia da Igreja Romana contra os erros scismaticos dos Abex-
ins* (1560), *Compendio Espiritual da vida Cristãa* (1561), *Iesus I Constityciones* (1568) and *Doctrina Christam* (1578) (Figure 3).

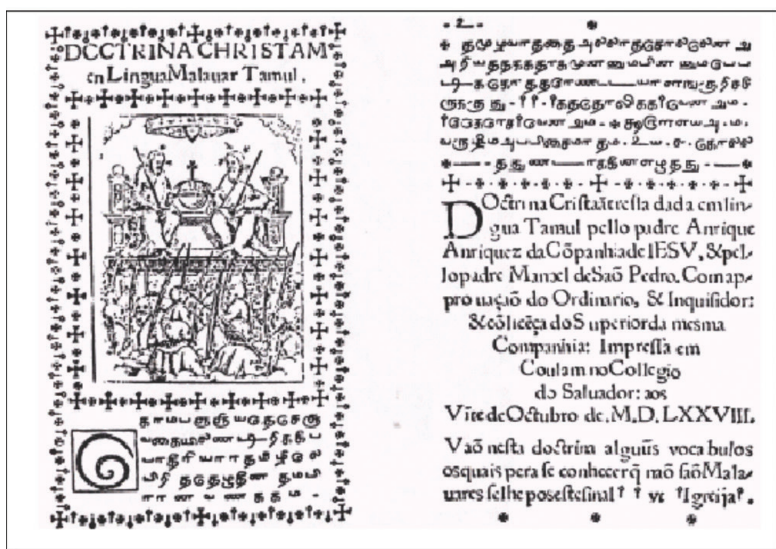


FIGURE 3: THE RELIGIOUS BOOK *DOCTRINA CHRISTAM*, 1578 (MATOS, 1987, P. 56)

Small publications like these religious primers were a very efficient form of teaching Christian prayers to colonized peoples, giving them the “opportunity” to know and use the religious and linguistic codes of the Metropolis⁴. According to Matos (1987, p. 57), such “primers became, thus, a starting (or an exit) point for the autochthonous beliefs and an arrival point to the religious ideology of the pan-tutelage of a unique, just and merciful God. It was, in short, a form of depersonalization.”

Indeed, these Christian primers and prayer-books operated as a powerful instrument of sociopolitical and religious tutelage of Portugal over the “impious ethnicities” from the “barbaric world” through normative and eulogistic texts. The beliefs of the native peoples were simply disregarded or even execrated, and the dialogue with the Christian God implied obedience to proper, immutable rules and the recitation of official prayers.

Specifically in Brazil, by the end of the 17th century, these religious books gained importance in the colonial book market. In her detailed study called *Livros de Devoção, Atos de Censura* [Devotion Books, Censorship Acts], Algranti (2004) makes a careful study of the works in circulation during this period which had, among their objectives, the aim of “engaging the reader directly through spiritual exercises which would enhance devotion” (Algranti, 2004, p. 177). The author lists several written genres in this religious realm, classifying them into seven categories: (a) theology and moral theology; (b) holy scripture; (c) can-

ons; (d) Catholic Church priests; (e) devotion books (saints' lives, prayer-books, spiritual exercises, mystical works), destined at first to be consulted, recited and read individually, but which could also be shared with other people; (f) liturgical books (mass books and other works dedicated to the cult and to the religious service); and finally, (g) holy history.

According to Mott (1997), many people in the colonies saw their own houses as a privileged *locus* for the exercise of their religiosity. Due to Brazil's spatial dispersion and large territorial extension, it was common that long periods of time would pass without the visit of a priest to celebrate public rituals. Hence, religious primers, catechisms and devotion books in general—as well as the private oratories and images of saints present in all colonial households—represented the expression of their religiosity and devoutness, not rarely constituting “the only interlocutors available to bring, ultimately, comfort to those who read or listened to them” (Algranti, 2004, p. 196).

Besides these religious books, colonial Brazil saw the arrival of another very productive genre, which survives today: the literacy or school primer. As Cagliari (1998, p. 19) affirms, with the Renaissance (15th and 16th centuries), as well as with the use of the press in Europe, it was possible to give greater attention to the readers of books that started to be produced for a much wider audience. The reading of classical works was no longer collective and was becoming more and more individual. According to Schlickmann (2001), there was a social need to share these “conventions” with other people, so they could become useful to society and contribute to interactive relationships. Thus the emphasis on literacy started to constitute an important concern and, as a direct consequence, the first school primers appeared.

This period is also marked by the appearance of the first Neolatin grammars. From then on, grammar scholars, etymologists and philologists started to dedicate their intellectual efforts to school literacy since it was necessary to establish an official writing/spelling for the vernacular languages and to teach ordinary people to read and write in their mother languages, increasingly leaving Latin aside.

However, it is worth noticing that mainly in the colonies these teachings were inseparable from religious instruction. “Grammar and catechism, or literacy primers and prayer-books often appear side by side, printed in the same book, as is the case of the *Cartilla y Doctrina Christina . . . en la lengua Chuchona* [*School primer and the Christian doctrine . . . in Chuchona language*],” as Daher (1998, p. 36) notes. The author concludes that there was a “coextension” between these two genres.

The school primers in Portuguese used to apply the classical “synthetic methodology” of teaching⁵. The very first of them, the *Cartilha de João de Barros* [*João de Barros' little primer*] (Figure 4), was published in 1540, together with the grammar by the same author, and is considered the first illustrated textbook in Brazil.

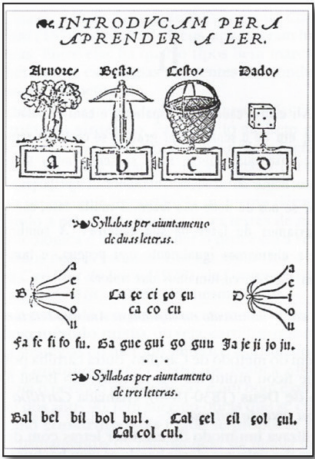


FIGURE 4: THE SCHOOL PRIMER *CARTILHA DE JOÃO DE BARROS*, 1540 (CAGLIARI, 1998, P. 23)

Other famous Brazilian school primers started to be produced, including the *Metodo Castilho para o ensino rápido e aprazível do ler impresso, manuscrito, e numeração e do escrever: Obra tão própria para as escolas para uso das familias* [*Castilho Method for the fast and pleasant teaching of the printed and handwritten reading, numbers, and writing: a work appropriate for schools and for the use of families*], by Antonio Feliciano de Castilho (Figure 5), published in 1850; the *Cartilha maternal ou arte de leitura* [*Maternal School Primer or the Art of Reading*], by João de Deus (Figure 6), in 1870; and the *Primeira leitura para crianças* [*First Reading for Children*], by A. Joviano (Figure 7), edited at the end of the 19th century.

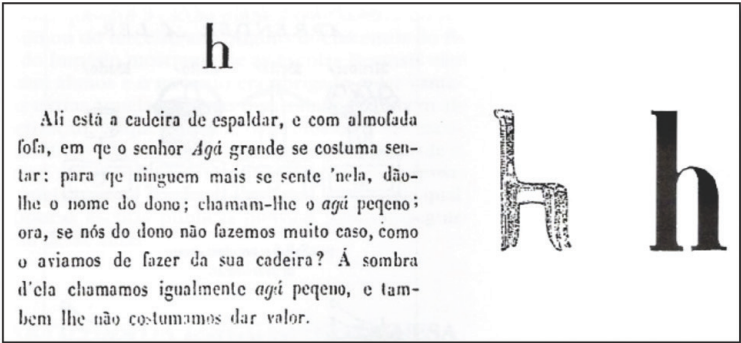


FIGURE 5: HOW TO WRITE THE LETTER “h” ACCORDING TO CASTILHO’S SCHOOL PRIMER, 1850 (CAGLIARI, 1998, P. 24)

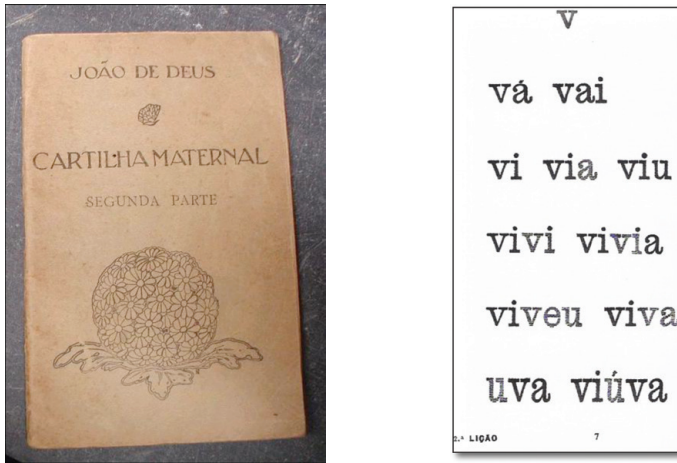


FIGURE 6: FRONT COVER AND THE “SECOND LESSON” OF JOÃO DE DEUS’S *CARTILHA MATERNAL*, 1870 (CAGLIARI, 1998, P. 24)

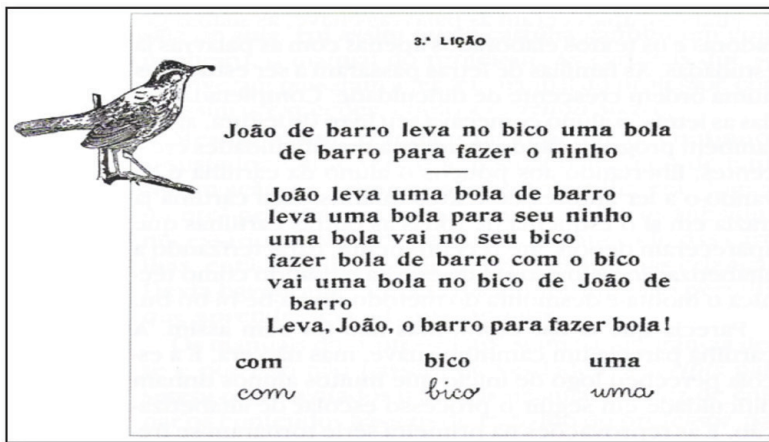


FIGURE 7: THIRD LESSON OF JOVIANO’S *PRIMEIRA LEITURA PARA CRIANÇAS*, END OF 19TH CENTURY (CAGLIARI, 1998, P. 25)

This brief explanation about the first literacy primers, as well as about colonial religious books, suggests that these genres had a wide and influential importance on the formation of Brazilian legal booklets. Today, educational or informative booklets—amongst them, we can mention laypeople’s law guides—constitute what Gomes (2003, p. 157) calls a “hybrid genre of educational discourse, founded upon religious ideology, as well as upon school ideology.”

As a “heritage” from the past primers, current educational booklets build a specific representation of “truth” by combining “informative credibility with the

normative and regulative functions of showing individuals how they must act in social relations and events” (Gomes, 2003, p. 157). The message, then, is that, in order to achieve their goals—and, by extension, the text producers’ goals—people *must* follow the norms and guidelines established in these booklets without questioning them.

In these modern educational/informative booklets, knowledge is merely “transmitted” or “transferred”—such as in the older religious and literacy primers—not in an active or interactive way or producing reflection or debate, but in an imposing, unquestionable way. This is what the Brazilian educator Paulo Freire (1987), in his most famous book, *Pedagogy of the Oppressed*, calls a “banking view of education as an oppressive tool,” in which the student is viewed as an “empty account” to be filled by the teacher. According to Freire, in this banking view, “‘knowledge’ is a donation from those who see themselves as wiser to those who see themselves as ignorant, a donation founded upon one of the instrumental manifestations of the ideology of oppression—the absolutization of ignorance . . .” (Freire, 1987, p. 58).

As to the formal aspects current Brazilian legal booklets “inherited” from their preceding genres, we can mention, for example, the fact that catechism consists in a summary of the basic principles of Christianity in question-and-answer form, a linguistic strategy very common in present legal booklets; in addition, the use of pictures and short sentences typically used by school primers is another multimodal/linguistic resource we can observe nowadays in legal booklets.

POLITICAL PAMPHLETS

Besides religious and school primers, another genre that had a fundamental influence in the formation of Brazilian legal booklets was the political pamphlet. The first pamphlets came into being in modern Europe, at the beginning of the 15th century, consisting of publications that addressed contemporary public opinion issues and political news, examining several social, legal and religious matters. These themes, as Brown (1971, p. 19) asserts, were approached “from an acutely partial point of view,” criticizing the government and clerical authorities, and not rarely were severely censored by the State.

According to Briggs and Burke (2004), it was during the Protestant Reformation in Germany, during the 1520s, that pamphlets began to be mass produced in order to reach a wide audience. Martin Luther wrote in vernacular—differently from other reformers, such as Erasmus, who used Latin—as a strategy to ensure that his message was understood by the highest possible number of common people.

Furthermore, the works of German Protestant reformers were available in great quantity and at affordable prices: 4,000 copies of Luther's first pamphlets, *An der christlichen Adel Deutscher Nation* [*To the noble Christians of the German nation*] and *Von der Freyheyt eyniß Christen menschen* [*Of the freedom of Christian men*], published in 1520 (Figure 8), were sold within a few days, and his *Little Catechism*, published in 1529, sold over 100,000 copies.



FIGURE 8: FIRST PAMPHLETS WRITTEN BY MARTIN LUTHER, 1520 (AVAILABLE AT [HTTP://WWW.UNI-MUENSTER.DE](http://www.uni-muenster.de))

Printed words became immensely important for these oppositional movements. Briggs and Burke (2004, p. 85) affirm that “printing converted the Reform into a permanent revolution.” Like Germany in the 1520s, France, at the end of the 16th century, was also in the middle of the “pamphlet age” producing over 30 different texts a year between 1559 and 1572, featuring strong attacks on the Queen, Catherine de Medici—which made historian Donald Kelley declare that, in 1572, “the modern political propaganda was born” (cited by Briggs & Burke, 2004, p. 94). Other European nations also started to produce a high number of political pamphlets, such as the Dutch Republic (during the Eighty Years’ War, from 1568 to 1648) and especially England, where several protest movements published many pamphlets questioning the British Monarchy.

From this turbulent political period, came the first ideas that would serve as a basis for Illuminism and, by extension, the French Revolution. The illuminist proposals which characterized European thought in the 18th century, particu-

larly in France, were grounded on the belief in the power of reason to solve social problems. They opposed tradition—represented by the Absolute Monarchy and the Catholic Church—and fought for a new sociopolitical order, defending values such as democracy and liberalism. The French Revolution (1789-1799) was its principal expression in the political arena.

With the purpose of raising political awareness and engaging the involvement of ordinary people, inciting them to the revolutionary cause, pamphlets reached mass circulation, claiming the urgency of the construction of a new political culture and a new community of citizens. They used a “new ‘revolutionary rhetoric’ appealing to passion rather than reason, based in the ‘magic’ of words such as *liberté*, *fraternité*, *nation*, *patrie*, *peuple* and *citoyen*” (Briggs & Burke, 2004, p. 106).

The American rhetorical scholar Michael McGee, a renowned ideological critic, calls these magic words “ideographs.” He defends that an “ideograph is an ordinary term found in political discourse” that “is a high-order abstraction representing collective commitment to a particular but equivocal and ill-defined normative goal” (McGee, 1980, p. 15). According to him, these words “constitute a vocabulary of public motives, which authorize and warrant public actions”; besides, it is “presumed that human beings will react predictably and autonomically” to the use of ideographs (p. 6). McGee also advocates the study of ideographs (such as *freedom* and *liberty*) to help identify the ideological position of a society.

It is worth mentioning that the use of the notion of ideographs—which make use of both stereotyped/idealized scenarios and values/principles considered universal (*justice*, *equality*, *human rights*, *citizenship*, etc.), called “legal stereotypes” by the eminent Argentinian jurist Luís Alberto Warat (1995)—represents one of the principal discursive resources used by current Brazilian legal booklets for the social construction of reality.

Regarding the use of language during this period, scholars observe that a “new language to serve the New Regime” was created, causing a huge linguistic revolution, once “writing changed hands” (Briggs & Burke, 2004, p. 107). The countless revolutionary pamphlets which spread the Age of Enlightenment to the “common men” despised the language used by the upper classes in the Old Regime—full of unnecessary technicalities and decorations—adapting it through the use of words and syntactic constructions that were close to everyday language. In addition, over 600 printings were produced, in an attempt to widen the political debate to illiterate people, with images occupying a key role in the process of meaning-making in pamphlets (Figure 9 represents one of the “sans-culotte” attacking the King).



FIGURE 9: A FRENCH REVOLUTION PAMPHLET, C. 1790 (SOURCE: “FRENCH REVOLUTION PAMPHLET COLLECTION,” AVAILABLE AT [HTTP://CHAUCER.LIBRARY.EMORY.EDU/FRENCHREVO](http://chaucer.library.emory.edu/frenchrevo))

It is also during this period that the *Declaration of the Rights of Man and of the Citizen* came into being. Approved by the French Constituent Assembly in 1789, this Declaration served as a preface for the Constitution of 1791, addressing the principles of the new world order, of the rights of nations and of the natural, inalienable and sacred rights of men. It condemned privileges and prejudices based on the widest possible application of liberty, equality and separation of powers. It is, however, a circumstantial work, written by and for the bourgeoisie, concerned with keeping the recently acquired power away from the hands of any absolutist monarch. Here “liberty” was conditioned by the obedience to bourgeois law, thus creating the belief—culturally institutionalized today—that only the established legal order is able to provide social security and balance. This general principle constitutes one of the most important contemporary legal stereotypes:

Liberty consists in the freedom to do everything which injures no one else; hence the exercise of the natural rights of each man has no limits except those which assure to the other members of the society the enjoyment of the same rights. These limits can only be determined by law. (Article 4 of the *Declaration of the Rights*

of Man and of the Citizen, approved by the National Assembly of France, August 26, 1789.)

Captured by the illuminist ideals of the French Revolution, the English-born American writer and revolutionary politician Thomas Paine produced a text which would come to be a kind of remote precursor of the current legal booklet: the pamphlet *The Rights of Man*, published in two parts, in 1791 and 1792 (Figure 10 shows some excerpts from the beginning of the original work). The publication represents the first widely documented defense of the *Declaration of the Rights of Man and of the Citizen* and responds to the criticisms to the Revolution made by Edmund Burke in his book *Reflections on the French Revolution* (1790).

Paine confronted monarchy and heritability of power, and defended bourgeois legal values considering them as inherent to human nature as the “rights of men”—another recurrent legal stereotype. Paradoxically, the search for these rights, according to Paine, should not be centered on the history of Mankind—as Burke had done—but should transcend it, until reaching the moment of origin, when Men came into being through the hands of the Creator.

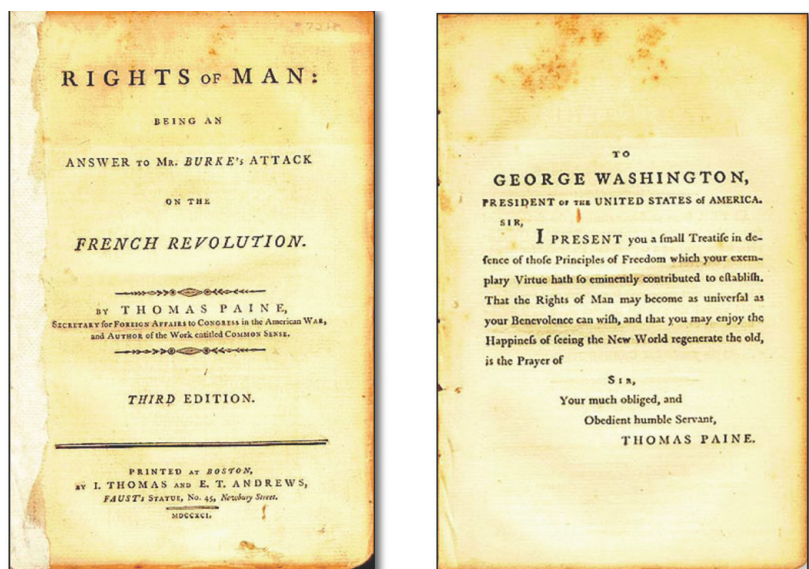


FIGURE 10: EXCERPTS FROM *THE RIGHTS OF MAN* BY THOMAS PAINE, 1791/1792 (AVAILABLE AT [HTTP://WWW.EARLYAMERICA.COM](http://www.earlyamerica.com))

In the beginning of the 19th century, Brazil also started to produce a series of pamphlets and periodicals of a political nature. Neves (1999, 2002) lists and

analyzes several printings from that time, which in general reflected the French Revolution's illuminist and libertarian ideals, as well as the clash between the "hunchbacks" (absolute monarchists defending the Old Regime) and the "constitutionals" (liberal and intellectual politicians). Many of those political pamphlets and periodicals discussed legal matters and offered legal "counseling" to their readers in a way similar to our current legal booklets.

Among those periodicals, it is worth highlighting the *Revérbero Constitucional Fluminense* [*Rio de Janeiro Constitutional Reverberator*] (Figure 11), published in 1821/1822, which voiced a radical liberalism, concerned with "providing 'some ideas to guide and instruct the people about the major issue of today' . . . [which is] a liberal constitution" (Neves, 2002, p. 51).

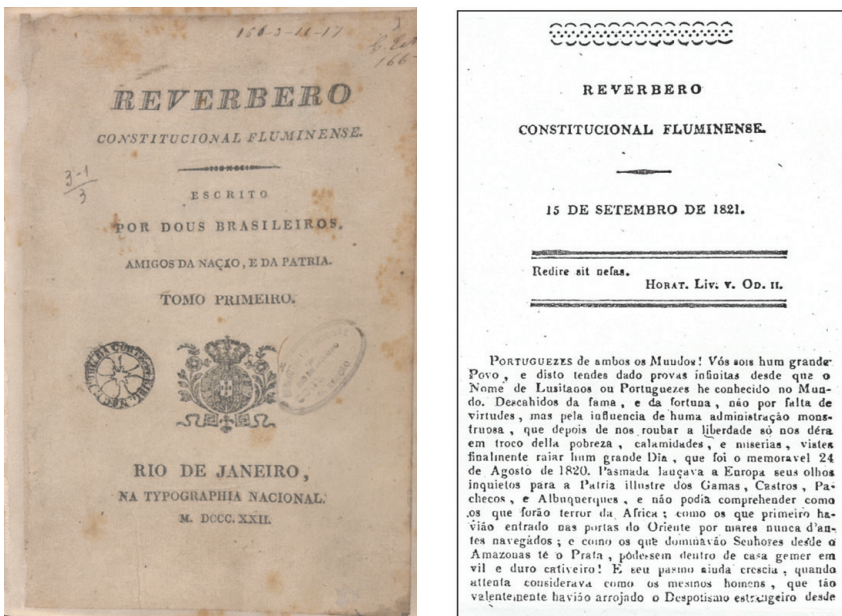


FIGURE 11: THE PERIODICAL *REVÉRBERO CONSTITUCIONAL FLUMINENSE*, 1821/1822 (SOURCE: "PRIMEIROS JORNAIS" COLLECTION OF BIBLIOTECA NACIONAL, AVAILABLE AT [HTTP://WWW.BN.BR](http://www.bn.br))

On the other hand, the conservative *Semanário Cívico* [*Patriotic Weekly*] (edited in 1821) defended loyalty and submission to the Portuguese Monarchy, intending to "instruct the citizens by using one of the commonest forms of the time: the political catechism" (Neves, 2002, pp. 51-52). In addition to these two periodicals, titles such as the *Constitucional* [*Constitutional*], the

Analisador Constitucional [Constitutional Examiner], the *Espreitador Constitucional* [Constitutional Observer] and the *Diário Constitucional* [Constitutional Daily] reveal the role that the discussion about political-legal issues—with the most diverse party-ideological orientation—played at that time. According to Lustosa (2000, pp. 25-26), this period marks “the Brazilian press being born, committed to the revolutionary process at a moment when just overnight we ceased to consider ourselves as Portuguese to assume our identity as Brazilian.”

Specifically regarding political pamphlets and brochures—printed or even handwritten (Figure 12)—Neves (2002) emphasizes the important role played by the so-called “constitutional pamphlets” as efficient tools for the dissemination of the new political culture.



FIGURE 12: BRAZILIAN POLITICAL PAMPHLETS AND BROCHURES, BEGINNING OF THE 19TH CENTURY (SOURCE: “PRIMEIROS JORNAIS” AND “OBRAS RARAS” COLLECTION OF BIBLIOTECA NACIONAL, AVAILABLE AT [HTTP://WWW.BN.BR](http://www.bn.br))

Some of these leaflets—such as the *Constituição Explicada* [Constitution Explained], the *Constitucional Justificado* [Constitution Justified] and the *Catecismo Constitucional* [Constitutional Catechism] (this last one was organized in question-answer format)—tried to collect and explain the liberal political-legal vocabulary as their authors believed that new meanings were attributed to all political-legal terms, hence the need to reformulate their dictionary to clarify this “new language.”

Other pamphlets—such as the *Diálogo entre o Corcunda Abatido e o Constitucional Exaltado* [*Dialogue between the prostrated Hunchback and the exalted Constitutional*], the *Diálogo entre a Constituição e o Despotismo* [*Dialogue between the Constitution and Despotism*] and the *Alfaiate Constitucional* [*Constitutional Tailor*], which were usually illustrated—used dialogues through which the characters (people or personified objects) represented different sides or opposed political parties, and challenged each other to a word duel. Finally, aiming to reach a wider audience with the dissemination of those constitutional ideas, another group of pamphlets—among them, *A regeneração constitucional ou A guerra e disputa entre os Corcundas e Constitucionais* [*The constitutional regeneration or The war and the dispute between the Hunchbacks and the Constitutionals*—followed the Brazilian tradition of parodying religious prayers and political speeches with a lot of humor and sarcasm.

The discursive strategies used by these political leaflets—called by Neves (2002) “the pedagogy of constitutionalism”—such as the glossary of technical terms, the question-answer sequences, the fictitious narratives with dialogues, as well as the use of humor and pictures, are extremely common in contemporary legal booklets.

A more focused analysis of these political pamphlets—predecessors of the modern layman’s law guides—allows the conclusion that their producers were able to foresee the power of the word in promoting reforms by using efficient linguistic/discursive strategies for the dissemination of liberal ideals. Besides, they contributed to the foundation and diffusion of the ideological basis for the formation of the nation-state in Brazil.

However, fearing not only real popular participation in the country’s destiny but also any abrupt changes in the Brazilian social organization, liberal politicians chose not to take into account the countless problems provoked by the “importation” of the European liberalism into a slave-based, newly-independent colony with continental dimensions. Finally, as Neves states (2002), only a “simulacrum” of the libertarian ideals was implanted. The political decisions continued to be restricted to a small elite who would later dominate the power structure in the Brazilian Empire. Moreover, notions such as *citizenship*, *liberty* and *human rights* resulted in an empty rhetoric, bringing back stereotyped legal principles with little or no concrete application.

This scenario remained relatively unaltered in the following stage of Brazilian politics, when the Monarchy was deposed by a military *coup d’état*. The dictatorship installed during the so-called Old Republic (1889-1930) was also characterized by the maintenance of a political and social hierarchy, excluding the wider society.

LEGAL/EDUCATIONAL BOOKLETS PRODUCED DURING THE AGE OF VARGAS

From the so-called Vargas Age on, it is possible to observe a significant change in the way mass media started to be manipulated in order to function as the main propaganda tool for the government. Radio, cinema, books and newspapers broadcasted messages of a national-patriotic nature, praising and legitimizing the government, mainly through the image of its commander-in-chief, Getúlio Vargas. In this context, several types of educational booklets started to be produced and widely disseminated—among them, legal booklets.

Actually, this process began with the social and economic transformations Brazil was going through at the beginning of the 20th century. The frequent instability of the agro-export system—which culminated in the “Coffee Crisis” at the end of the 1920s—made evident how vulnerable the Brazilian economy was, always subjected to oscillations according to external facts or international policies which affected its development (such as the stock market crash in New York City in 1929).

Simultaneously it was possible to observe a representative urban-industrial growth, creating new social and economic forces in the country, and demanding new postures from the government. Popular dissatisfaction with that model of legitimizing the old political system, as well as with the dependency on international markets, was increasingly higher. The emerging industrial bourgeoisie was still marginalized by a federal policy focused on the production and exportation of coffee, where the decisions were made by a few oligarchies—families or political groups that perpetuated themselves in power.

Furthermore, under the influence of European avant-garde trends, a new generation of artists and intellectuals come into being, calling for a “consciousness raising” about the Brazilian reality. In February of 1922, the Modern Art Week took place, initiating the Brazilian Modernism: a movement that defended anti-liberal and nationalist ideals, often advocating “the typical, utopist and exaggerated nationalism, identified with the extreme right-wing political trends” (Nicola, 1987, p. 193).

In place of liberalism, the Brazilian government initiated a process of centralization of political power through an authoritative, interventionist State which aimed to serve their own interests presented as “national interests” to the people. Vargas appears strategically in this context, as fighting against external dependency and oligarchic domination, and defending “the national unity, the adaptation of our culture and institutions to the Brazilian reality, and the wide usage of national resources for a self-determined development” (Garcia, 1982, p. 56).

There were several strategies employed by the “Vargist” propaganda to control the crisis and neutralize conflicts and emerging social forces, demobilizing

them politically. Vargas' principal objective was to ensure the concretization of the interests of the ruling classes through the reproduction of socially established dominant relationships. To do so, all efforts were directed at the adhesion of the unprivileged classes, in an attempt to persuade them that the structure of a totalitarian State would meet their own and the Nation's interests. At the same time, the previous government was disqualified with the excuse that it used electoral and political party systems for its own benefit and advantage and not for the "benefit of the Nation."

Thus countless patriotic messages started to be propagated, glorifying the Nation and awakening in its people pride in their nationality. A homogeneous, for-the-masses image of the Brazilian people was then created, characterizing them as orderly, tolerant and having a traditionally peaceful nature. The State's political and legal organizations started to be represented in the mass media as the only ones able to ensure *national security, justice, social peace* and the preservation of *human rights*, put into practice by a "neutral government" free of individual interests and under no influence of the elites. So, just the same as in those old political pamphlets cited above, stereotypical and socially crystallized values and principles were invoked by the mass media propaganda machine as a powerful persuasion mechanism—something that remains active in modern legal booklets.

Another recurring characteristic of this type of propaganda was the simplification of its messages. Due to the precarious education system and the high level of illiteracy in Brazil at that time, it was necessary to seriously reduce the complexity of economic, political, legal and ideological relationships, so the "common Brazilian" could understand and assimilate new ideas. According to Garcia (1982, p. 73), "the ideas to be propagated had to be extremely simplified and frequently repeated to be noticed, understood and memorized." The educational booklet *Quem foi que disse? Quem foi que fez?* [*Who said that? Who did that?*—produced by Vargas' Department of Press and Propaganda—for instance, presents "important" Brazilian phrases and historical achievements, and it is stated in its introduction that

[These words] are not directed to erudite people or to History scholars, but to the common man, the working man, the poor young man, who cannot buy books, to the soldier and the sailor who, because they defend the Country in times of danger and ensure peace for the workers, must know who the great men of Brazil are; this is the land we must love with the same strength, ardor and enthusiasm as they have. (Cited by Garcia, 1982, p. 81)

Vargas was presented, on the one hand, as having exceptional qualities, a wise

and active political leader; on the other, as the “father of the poor,” “defender of the humble,” personifying and acting in the people’s interests. One of his recurring mottos was “The intermediation between Government and People is over” (cited by Garcia, 1982, p. 88). This strategically dichotomist image—simultaneously superior and accessible—can be observed, for example, in two examples. On one of the pages of the educational booklet *Getúlio Vargas para crianças* [*Getúlio Vargas for Children*] (Figure 13), published in 1941, a drawing of the President’s face is inserted into the center of the Brazilian flag, which has the contours of the Brazilian map; and in the very title of the booklet *Comemorações do Estado Nacional na voz das classes e na palavra do chefe: 1937-1942* [*Celebrations of the National State in the voice of the classes and in the words of its Chief: 1937-1942*] (Figure 14), published in 1942, Vargas puts his “words” and the “people’s voice” side by side, as if they composed a single chorus.

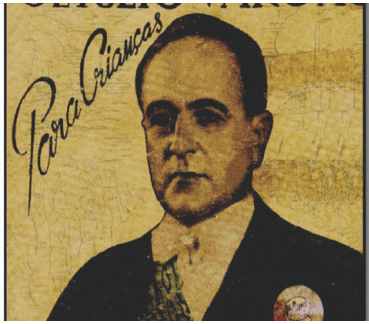


FIGURE 13: EXCERPTS FROM THE BOOKLET *GETÚLIO VARGAS PARA CRIANÇAS*, 1941 (SOURCE: FUNDAÇÃO GETÚLIO VARGAS, AVAILABLE AT [HTTP://WWW.FGV.BR](http://www.fgv.br))

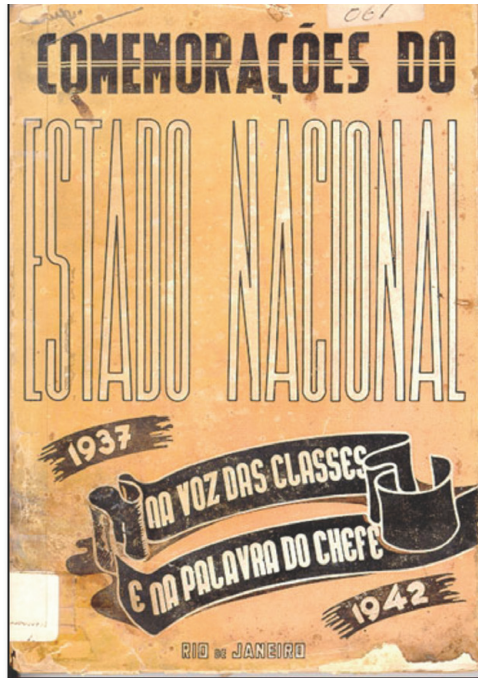


FIGURE 14: FRONT COVER OF THE BOOKLET *COMEMORAÇÕES DO ESTADO NACIONAL*, 1942 (SOURCE: FUNDAÇÃO GETÚLIO VARGAS, AVAILABLE AT [HTTP://WWW.FGV.BR](http://www.fgv.br))

Another strategy to consolidate the image of Vargas as an accessible and popular figure was to demonstrate his singular friendliness—very different from all previous political leaders—avoiding a solemn air and showing an “open, sincere smile, sometimes a “spontaneous” laugh, [which] weakened any obstacle which could come between himself and the masses” (Garcia, 1982, p. 91). The journalist Orígenes Lessa (1973, p. 67) went as far as affirming that “the President’s smile distinguishes him from all other dictators.” This is evidenced, for example, on the cover of the educational booklet *Getúlio Vargas, o amigo das crianças* [*Getúlio Vargas, friend of the children*] (Figure 15), published in 1940, where the President seems to smile openly at a cheerful child. Similar to Vargas’ propaganda materials, the strategy of using images and drawings of happy, smiling people, where everything seems to be calm and harmonic, is also widely used in legal booklets today.

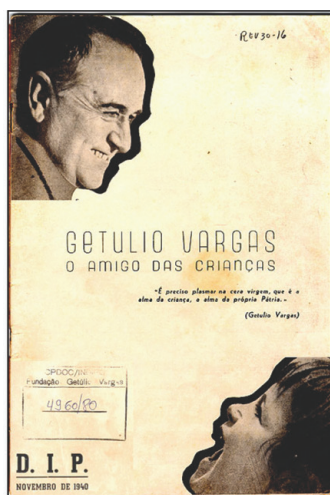


FIGURE 15: FRONT COVER OF THE BOOKLET *GETÚLIO VARGAS, O AMIGO DAS CRIANÇAS*, 1940 (SOURCE: FUNDAÇÃO GETÚLIO VARGAS, AVAILABLE AT [HTTP://WWW.FGV.BR](http://www.fgv.br))

Actually, the joint manipulation of the verbal and non-verbal texts was one of the major persuasive instruments in these “Vargist” booklets. The producers of these texts showed a high level of control over the visual argumentation in the booklets, “orchestrating” word and image successfully. It is worth observing, for example, the booklet *A juventude no Estado Novo* [*The Youth in the New State*] (Figure 16), published around 1940 (see Figure 16).

In this booklet, the images portray people’s daily lives—school, family, work—through drawings with classical features, with sober, balanced colors, and the construction of a harmonic, homogeneous reality where order is respected and there is no conflict. Vargas appears smiling beside children (“people’s man”), as well as working in his office (“serious, hard-working President”). Together with the pictures, there is always a message with the purpose of inciting the readers to fulfill their moral and civic duties.

Finally, with the publication of the booklet *A Constituição de 10 de novembro explicada ao povo* [*The Constitution of November 10th explained to the people*] (Figure 17), in 1940, written by Antônio Figueira de Almeida (a member of Vargas’ Department of Press and Propaganda), the production, circulation and consumption of the genre “legal booklet” assumed a systematic and official turn. The rhetorical/discursive strategy used then remains very frequent in current legal booklets: it consists in the citation of excerpts of the law (in this case, of the Constitution), followed by a “translation,” that is, an explanation in an apparently simpler language.

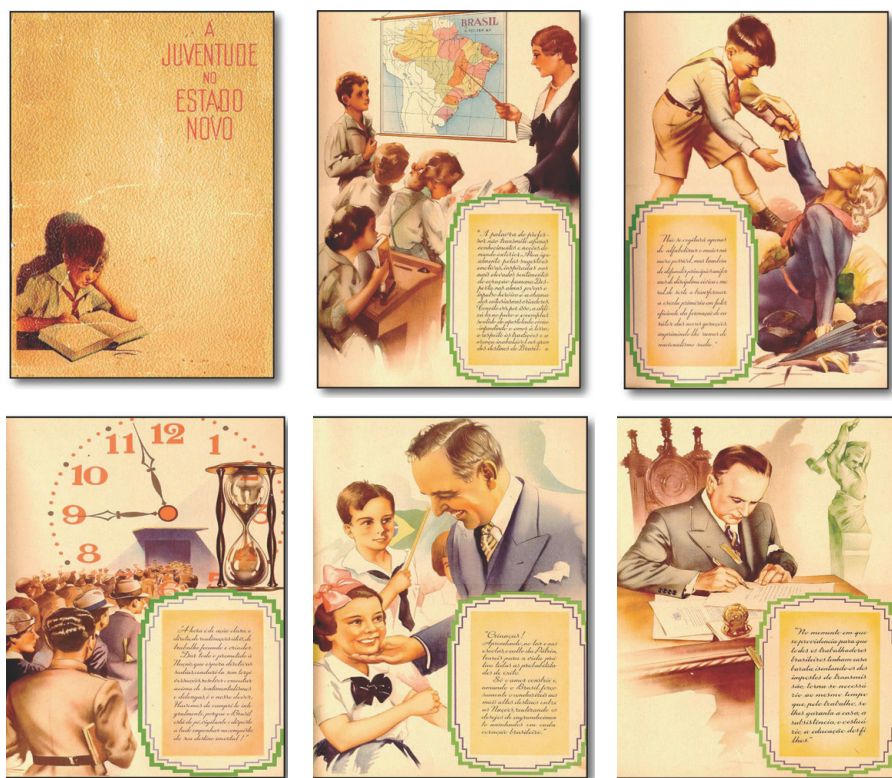


FIGURE 16: EXCERPTS FROM THE BOOKLET *A JUVENTUDE NO ESTADO NOVO*, c. 1940 (SOURCE: FUNDAÇÃO GETÚLIO VARGAS, AVAILABLE AT [HTTP://WWW.FGV.BR](http://www.fgv.br))

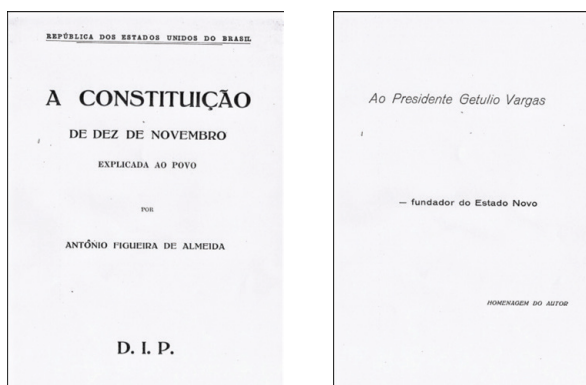


FIGURE 17: FIRST PAGES OF THE LEGAL BOOKLET *A CONSTITUIÇÃO DE 10 DE NOVEMBRO EXPLICADA AO POVO*, 1940 (ALMEIDA, 1940, PP. 2-4)

As in the other “Vargist” educational brochures, this legal booklet is full of patriotic and legal-political clichés, which obfuscate the repressive, totalitarian, and interventionist character of the 1937 Constitution⁶: “The Republic is the government of the people, by the people, and for the people”; “The national flag, anthem and coat of arms are symbols, artistic representations of the Nation itself. They aim at elevating the heart and the spirit for the contemplation of the Nation’s things. This measure strengthens the bonds of national unity—congregating all citizens in the same cult and the same patriotic love”; “While that one [*the 1891 Constitution*] allowed for an almost limitless autonomy, this one [*the 1937 Constitution*] established a relative autonomy. And this is a highly beneficial providence as we will see later” (Almeida, 1940, pp. 11-12).

From that point on, legal booklets started to be incorporated into the Brazilians’ daily lives, becoming a powerful “instrument of tutelage” (Gomes, 2003) of those who produce them. In this sense, legal booklets educate laypeople, translating the legal terminology into everyday language and showing them their rights and duties, with the aim of instructing them about how they *must* proceed in the face of specific everyday situations, always respecting the established legal order.

MODERN LEGAL BOOKLETS

During the last three or four decades, the Western world has been witnessing a significant change in the way texts which circulate socially are produced and read. Until a few years ago, the modes of communicative representation of verbal texts (spoken and written language) and non-verbal texts (images, sounds, gestures, etc.) were treated in an isolated manner according to their specificities. These boundaries, however, are becoming increasingly blurred.

Illustrations, photographs, graphics and diagrams, allied to composition and printing resources, such as type of paper, color, page layout, font, etc., are being systematically applied to written genres. According to Dionisio (2005, p. 159), “image and word maintain an increasingly closer, more integrated relationship.” For Lemke (2002), verbal and visual representations co-evolved historically and culturally to complement and coordinate each other. With that, texts started to be perceived as *multimodal constructs* in which writing is only one of the ways of representing messages⁷ (Jewitt & Kress, 2003; Kress & van Leeuwen, 1996, 2001).

It is also worth highlighting that the emergence of multimodal texts in the contemporary society started to demand, from the reader, an increasingly higher number of cognitive operations for understanding what is being read. Nowadays, the insertion of an individual into social practices of reading and writing surpasses the simple acquisition of the reading-and-writing technology. Instead,

literacy—or *literacies*, as Dionisio prefers (2005)—must comprise different types of knowledge representation, making individuals able to “attribute meanings to messages coming from multiple language forms, as well as being able to produce messages, incorporating multiple language sources” (Dionisio, 2005, p. 159).

In the Brazilian realm of legal discourse, this phenomenon has been slowly observed, although the occurrences are still timid and isolated. On the one hand, legal institutions, with the objective of perpetuating the status quo, use the hermetic legal language as a powerful mechanism for the maintenance of hegemony, domination and discursive inequality (Mozdzinski, 2004). On the other hand, some isolated initiatives—from both public and private legal institutions—proposing to make the law more accessible to common citizens, have tried to turn the dull legal text into a more attractive, modern and (supposedly) uncomplicated genre. *Legal booklets* are an example of this trend, appearing from the confluence of three genres already addressed in the previous sections: (a) religious and school primers; (b) political pamphlets, particularly the illuminist revolutionary pamphlets; and (c) educational, political-legal booklets, published from the Vargas Age on.

As it is possible to observe from the images of many examples of the religious and school primers reproduced above, in these embryonic genres of legal booklets one can already perceive the importance of images for the construction of textual meanings. In a similar way, with the objective of translating legalese into common language, legal booklets use countless multimodal strategies of text-image interaction.

Figures 18a and 18b represent a clear example of this situation. Figure 18a consists of the reproduction of a part of the Brazilian Civil Code (Federal Law n. 10.406/2002) which includes the Brazilian intestacy law (i.e., the law of descent and distribution or intestate succession statutes) that determines who is entitled to the property from the estate under the rules of inheritance. Figure 18b, in turn, shows an excerpt of the legal booklet *Ao Encontro da Lei* [*Towards the Law*] (Netto, 2003), a part which also addresses the rules of inheritance.

In a general way, both treat the *same* subject: they describe how the Brazilian legal system regulates the norms of succession. Figure 18a, however, has little visual information: the Brazilian Civil Code follows rhetorical strategies very much crystallized in legal texts (in Brazil, law is divided into titles, sections, articles, paragraphs, etc.). Differently, Figure 18b explores many multimodal resources (drawings, diagrams, musical signs, a dynamic and colorful layout, etc.) and uses not only a less formal register of the language, but also several rhetorical strategies (characters dialoguing such as in comic books, song lyrics excerpts, fictional narratives which illustrate cases of law enforcement, etc.) with the purpose of making the norm comprehensible for the non-initiated.

<p>TÍTULO IV Do Inventário e da Partilha CAPÍTULO I Do Inventário</p> <p>Art. 1.991. Desde a assinatura do compromisso até a homologação da partilha, a administração da herança será exercida pelo inventariante.</p> <p>CAPÍTULO II Dos Sonegados</p> <p>Art.1.992. O herdeiro que sonegar bens da herança, não os descrevendo no inventário quando estejam em seu poder, ou, com o seu conhecimento, no de outrem, ou que os omitir na colação, a que os deva levar, ou que deixar de restituí-los, perderá o direito que sobre eles lhe cabia.</p> <p>Art. 1.993. Além da pena cominada no artigo antecedente, se o sonegador for o próprio inventariante, remover-se-á, em se provando a sonegação, ou negando ele a existência dos bens, quando indicados.</p> <p>Art.1.994. A pena de sonegados só se pode requerer e impor em ação movida pelos herdeiros ou pelos credores da herança.</p> <p>Parágrafo único. A sentença que se preferir na ação de sonegados, movida por qualquer dos herdeiros ou credores, aproveita aos demais interessados.</p>	<p>Art. 1.995. Se não se restituírem os bens sonegados, por já não os ter o sonegador em seu poder, pagará ele a importância dos valores que ocultou, mais as perdas e danos.</p> <p>Art. 1.996. Só se pode arguir de sonegação o inventariante depois de encerrada a descrição dos bens, com a declaração, por ele feita, de não existirem outros por inventariar e partir, assim como arguir o herdeiro, depois de declarar-se no inventário que não os possui.</p> <p>CAPÍTULO III Do Pagamento das Dívidas</p> <p>Art. 1.997. A herança responde pelo pagamento das dívidas do falecido; mas, feita a partilha, só respondem os herdeiros, cada qual em proporção da parte que na herança lhe coube.</p> <p>§ 1º Quando, antes da partilha, for requerido no inventário o pagamento de dívidas constantes de documentos, revestidos de formalidades legais, constituindo prova bastante da obrigação, e houver impugnação, que não se funde na alegação de pagamento, acompanhada de prova valiosa, o juiz mandará reservar, em poder do inventariante, bens suficientes para solução do débito, sobre os quais venha a recair oportunamente a execução.</p> <p>§ 2º No caso previsto no parágrafo antecedente, o credor será obrigado a iniciar a</p>
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FIGURE 18A: EXCERPTS FROM THE BRAZILIAN CIVIL CODE (FEDERAL LAW N. 10.406/2002)


<p>Academia Paulista de Magistrados</p> <p>A herança jacente pertence ao Distrito Federal, Brasília, se ali morava o falecido e for o local do seu inventário. Se o falecido morava em Território Federal, a herança fica com a União.</p> <p>Esquematisando o parentesco no direito de herança:</p> <div><div><p>Ascendentes</p><p>Avô e Avó de João Brasil</p><p>Pai e Mãe de João Brasil</p><p>João Brasil e Maria Brasil</p><p>Mulher do filho e Filhos de João Brasil</p><p>Neto de João Brasil</p><p>Descendentes</p></div><div><p>Colaterais</p><p>Tio e Tia de João Brasil</p><p>Primos de João Brasil</p><p>Irmão de João Brasil e Mulher do irmão</p><p>Sobrinhos de João Brasil</p></div></div>	<p>O novo Código Civil</p>  <p>Codicilo</p> <p>João Brasil, como todo bom brasileiro, gosta de um sambinha. Um dia, levado pelo samba do saudoso Noel Rosa, decidiu fazer um pequeno testamento dispondo sobre alguns de seus pertences. Dizia assim a letra:</p> <p><i>"Quando eu morrer não quero choro nem vela, quero uma fita amarela gravada com o nome dela."</i></p>
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FIGURE 18B: EXCERPTS FROM THE LEGAL BOOKLET AO ENCONTRO DA LEI (NETTO, 2003, PP. 26-27)

Thus, it is clear why a *multimodal reading* of the genre legal booklet—or of any other genre—cannot be merely restricted to a conventional linguistic analysis nor to the cataloguing of its stable structures.

In current legal booklets, this intergeneric, multimodal hybridization is current and very productive, as it is possible to perceive through the various organizational forms taken. This heterogeneity can be observed right from the simple attribution of a name to this genre: in Brazil, most legal booklets are indistinctly and alternatively named *booklet*, *manual*, *guide*, *primer*, *guidelines*, etc. The rhetorical and discursive strategies also vary largely from issue to issue. Some booklets follow the question-and-answer scheme (similar to catechisms); others present directly a summary or the principal aspects of a certain law (similar to “Vargist” booklets). Others adopt diverse visual resources such as graphics, tables, diagrams, etc. And there is a frequent use of comic book stories, cartoons, or other pictorial elements—the same strategy used by those antecedent genres.

As mentioned before, the motivational principle of legal booklets is to make available the understanding of law and legalese to lay citizens through the retextualization of legal norms in a language that is closer to the users’ daily lives, and which is, in general, visually more informative. However, it is worth emphasizing that, even though “facilitating” the comprehension of normative texts, legal booklets not only maintain but also reinforce the original purposes of law, establishing standards of conduct imposed by the State under the threat of organized sanctions, hence ensuring the maintenance of the institutionalized social order.

To achieve this, legal booklet producers conduct an effective process of “deconstruction” of legal language through countless multimodal resources and rhetorical strategies which try to enrich the visual information of the texts, making them more pleasant to read and supposedly easier to understand. In visually informative texts—such as the legal booklet I will analyze below—several factors are taken into consideration, such as target audience (their expectations, previous knowledge, familiarity—or lack thereof—with certain literacy practices, ideological orientation, etc.), the diverse possibilities of reading processing, the functionality of the contents presented and how they are presented, the use of images as a mechanism of organization, complementation, illustration, etc., among various other elements. With this, these booklets aim at creating an attractive and harmonious text, able to efficiently transmit information about their textual organization to readers through visible clues as we can observe in the following examples⁸.

One of the most common configurations among legal booklets regards the use of a comic book format for the “translation” of legal text. As Mendonça (2003, p. 202) points out, “comic books may have a didactic function, being used to give instructions and to persuade, in educational campaigns.” In these educational comic books, the “voices of the law”—that is, the voices from the

power groups who have their interests guaranteed by legal norms and by the legal system as a whole—are presented in everyday speech, even though simulated and partially unreal. These powerful groups, even if not always explicitly “embodied” in the narratives, are represented as if they spoke in the language of the readers, forging a symmetrical relationship between the interlocutors and making the adoption of the proposed ideas easier.

We have here what Fairclough (2001, p. 166) calls a “contradictory stylistic configuration.” On one side, the style is similar to a spoken, conversational interaction; on the other, the social hierarchic differences and the written formality of legal institutions establish asymmetrical subject positions for writers and readers of legal booklets. This “tension of voices” is often very evident in legal booklets, given that their self-declared function is to explain the legal text didactically, but at the same time to direct readers to a passive acceptance of their rights and duties in the terms strictly imposed by law.

Now observe Figure 19. It presents an excerpt from the *Cartilha da Justiça em Quadrinhos* [*Booklet of Justice Comic book*] (Association of Brazilian Magistrates, 1999), and reproduces the first two pages of the story “Nossos Direitos” [*Our rights*]. In this issue, the leading character *Brasilzinho* [*Little Brazil*] is a yellow-and-green-haired boy, wearing clothes in the colors of the Brazilian flag. His closest friends are three children: a black girl, a dark-skinned Native Indian boy and a white boy, alluding to the three ethnicities which are traditionally associated with Brazil’s social formation.

The story in Figure 19 is told in two levels. On the first level, *Little Brazil* and his friends discuss the fact that many rights are not respected, because the masses do not always know about them. The landscape is idyllic—the sun is smiling, everyone is having ice cream and a yellow dog with a green tail and ears (!) runs around merrily. This apparent harmony is broken by the parallel narratives on the second level. Here, some situations where law has been disobeyed are shown—although in the end the law always “wins.”

The excerpts in Figure 19 show a stereotyped view of law and justice, with the legal-legislative system always protecting the weakest, minorities and the unprivileged. In Figure 19, law enforcers assume a serious, authoritative air, and are construed invariably as pillars of justice and equality: pay attention, for example, to the last image where the Constitution, with a serious facial expression, reprehends a man who has made a sexist remark. Those who are disrespected never cease to count on legal support and, after the conflict is resolved, they are happy and contented. The notion is that a perfect, harmonic world is possible when the Constitution is followed.



FIGURE 19: EXCERPTS FROM THE LEGAL BOOKLET *CARTILHA DA JUSTIÇA EM QUADRINHOS* (ASSOCIATION OF BRAZILIAN MAGISTRATES, 1999)

The *Manual de Conduta do Preso* [*Manual of Conduct for the Inmate*] (Ferreira & Mesquita Neto, 2004) is an excellent example of how images are used together with the summary of the law. On its cover (Figure 20), the *Manual de Conduta do Preso* presents several images that describe forms of behavior expected of prisoners. In the main picture, the inmates greet one another smilingly, while a smiling prison warden watches. Their clothes are “casual” but very neat, and the place, besides spacious, seems to be clean and well-kept. It is, to sum up, a place of harmonic and pacific coexistence, where everyone is happy and cordial. In the smaller pictures on the right side of the cover, some undesired—and therefore, forbidden—behaviors (such as fights between prisoners and escape attempts) are represented with a red “X.”



FIGURE 20: FRONT COVER OF THE LEGAL BOOKLET *MANUAL DE CONDUTA DO PRESO* (FERREIRA & MESQUITA NETO, 2004)

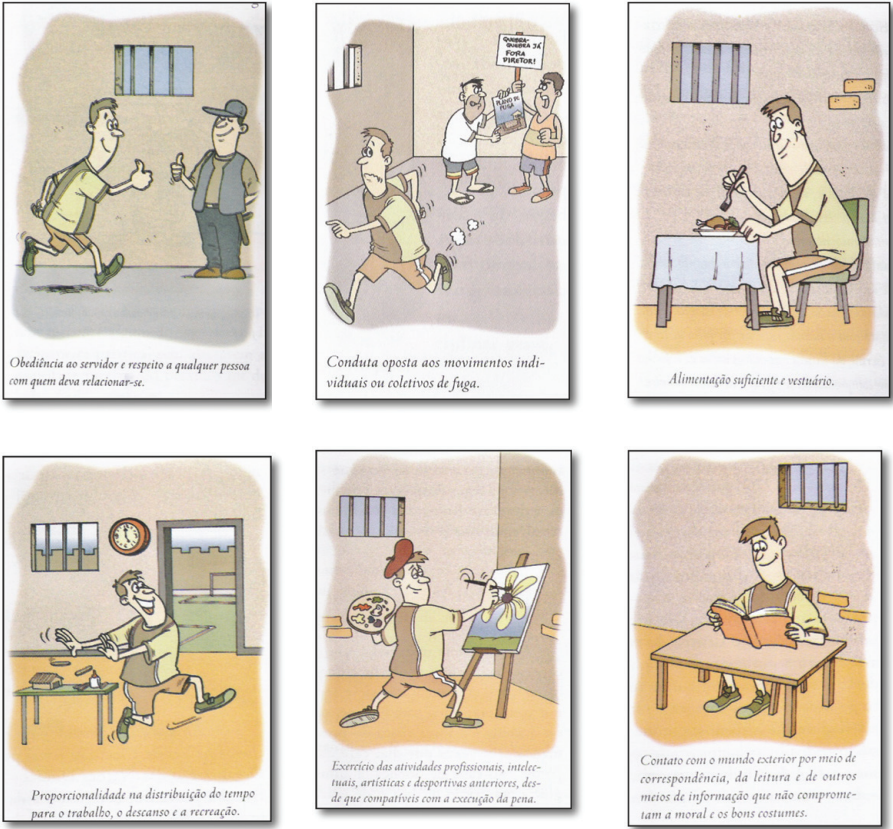


FIGURE 21: EXCERPTS FROM THE LEGAL BOOKLET *MANUAL DE CONDUTA DO PRESO* (FERREIRA & MESQUITA NETO, 2004)

The contents of the *Manual* (Figure 21) reproduce the imposing tone of the law through the recurring use of deontic modality, denoting obligation, as it is possible to observe on the pages reproduced here: “It is the duty of the condemned and of the temporary inmate to care for their personal hygiene . . .” (p. 16); “The condemned and the temporary inmate are obliged to conserve their objects of personal use . . .” (p. 17); etc.

We can firstly observe that the light, caricatured tone of those illustrations is in a striking contrast to the subtitles which accompany them. This is not the result of chance. These drawings build a social identity for the inmates that is significantly different from the one which would result if the producers of this booklet had chosen to complement their text, for example, with photographs of real scenes in Brazilian prisons, notorious for overcrowding, corruption, violence and torture. The inmates and the environment where they are confined are represented as if they were in a harmonic setting, where conflicts and problems are nonexistent, due to the obedience to the principles of the *Manual de Conduta* booklet and, by intertextual extension, to the prison laws. At any sign of disturbance of the institutionalized order, the obedient inmate must avoid confrontation and run away from the situation.

According to Kress and van Leeuwen (1996), the use of caricatures in the educational realm has the main purpose of attenuating the density of texts, as well as helping beginners to understand the information based on the emotional involvement of identification. In the specific case of this *Manual de Conduta do Preso*, however, the humorous trace with which the characters are drawn increases the “tension of voices” between the “voice of law” (embodied by the voice of the booklet’s producer) and the voice of the “lifeworld” (in a Habermasian sense), creating a contradictory discourse and therefore compromising the veracity—or better, the “truth effect”—of the text.

FINAL REMARKS

In this brief study of the sociohistorical formation of legal booklets, my interest was to observe not only the main moments in the social history of the genres that gave birth to Brazilian legal booklets, but also their influence over the modern issues. In this context, our conclusion—based on Bazerman (2005), Algranti (2004), Neves (2002), Matos (1987), Garcia (1982), Marcuschi (2003), among others—is that today’s legal booklets result from the formal and ideological confluence and influence of three other genres: religious/school primers, political leaflets, and “Vargist” educational booklets.

According to our investigation, the first moment begins with the appearance of the first religious and school (for literacy purposes) primers. After a brief incursion through the definition and etymological origin of the Portuguese word

cartilha, this article showed how the historical circumstances—the Great Age of Discovery by European countries, as well as the Roman Catholic Church’s Counter-Reformation movement—were crucial for the formation of religious prayer-books and catechisms. Literacy primers also appear in this context as a result of the “synthetic method” of learning used since Classical Antiquity which incorporated religious elements into the teaching of writing.

The next phase of this study consisted in analyzing the contribution of political leaflets and similar publications in the constitution of legal booklets, mainly those which divulged illuminist ideals during the French Revolution and the Independence of Brazil. Our analysis showed that this historical context consolidated some general legal ideals and principles—such as *justice*, *democracy*, and *human rights*—called “legal stereotypes” (Warat, 1995) or “ideographs” (McGee, 1980).

At last, we observed legal/educational booklets produced after the so-called Vargas Age, as a result of the historical and political moment Brazil was going through, which already presented many contact points with current booklets, and acted as a powerful tool for political and ideological propaganda during Vargas’ New State dictatorship.

Having said that, the warning of Gomes (2003) regarding current booklets is clear, affirming that, in any form of discursive contestation, the use of educational booklets—and we can include legal booklets here—might be dangerous, since it operates with matters regarding evangelization, passivity, rules and tutelage. According to Gomes (2003, p. 157), the booklet

is assumed as a hybrid genre of the educational discourse, founded upon religious as well as school ideology, as a teaching work seen as an example to be followed . . . bringing to the booklet a certain representation of truth or of something to believe, that is, bringing a certain informative credibility with normative and regulating functions, to show individuals how they must act in the face of social relations and actions.

Finally, as we have explained in more detail in Mozdzinski (2006), it is possible to observe that modern legal booklets use countless strategies to compose their texts, many of them mentioned in this article, directly inherited from their antecedent genres. These discursive and multimodal strategies contribute to the construction of reality in favor of elites and power groups by using one or more of the following linguistic tools: summary and/or explanation of parts of the law, question-and-answer sequences, narratives with dialogues, etc., often accompanied by visual aids, comic book stories, drawings and caricatures, graphics, colorful layout, special print formatting, etc.

NOTES

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² Getúlio Vargas was the president who governed the Brazilian Republic for the longest period of time. First, in his provisional government (1930-1934), then through an indirect election (1934-1937), followed by the “Estado Novo” (Portuguese for “New State,” an authoritarian government installed by President Vargas) and afterwards through a direct election (1951-1954). Vargas took over after orchestrating the 1930 Revolution, bringing down Washington Luís’ government. His 15 years in power—mainly during the New State dictatorial phase—were characterized by authoritarianism, nationalism and populism, as well as the disregard of individual rights and democracy. Vargas was responsible for developing a kind of “legal hybrid” between the regimes of Mussolini’s Italy and Salazar’s Portuguese Estado Novo, copying repressive fascist strategies and conveying their same rejection of liberal capitalism, but attained power bearing few indications of his future quasi-fascist policies. In 1939, he created the Department of Press and Propaganda (DIP), an agency responsible for censorship and for the dissemination of his dictatorship’s political ideals in mass media (TV, movies, music, books—and booklets).

³ During the reign of John III (1502-1557), the Portuguese became the first Europeans to make contact with both China and Japan. He abandoned Muslim territories in North Africa in favor of trade with India and investments in Brazil. John III was responsible for the evangelization of the Far East and Brazil, in part through the introduction of Jesuit missions there. Both the Jesuits and the Portuguese Inquisition (introduced in 1536) were to become key institutions in Portugal and its Empire. John III considered the Jesuits particularly important for mediating Portuguese relations with native peoples, and the Inquisition served to spare Portugal from the civil upheavals of religious warfare of the sort that occurred in France and in other European nations during the 16th century (*Encyclopedia Britannica*).

⁴ For Portugal, during the Portuguese Empirical period, the term *Metropolis*—from the Greek Metropolis “mother city” (polis being a city state, thus also used for any colonizing “mother country”)—designated the European part of Portugal (Mainland Portugal plus the Azores and Madeira). The colonies in South America, Africa and Asia were called *Ultramar* (i.e., “overseas”). The word *Metropolis* was dropped from common usage in the mid-1970s when the last Portuguese colonies in Africa achieved independence (Webster, 2006).

⁵ This is a traditional method of teaching reading and writing in Brazilian schools and adult literacy classes, as well as in many parts of the world. Ac-

according to Chandrasekar (2002), the “synthetic method” begins by selecting the most common letters—those which can be easily written or which can be grouped on the basis of the similarity of their shapes. Then the students are taught to make words through the combination of the letters already learned (e.g., *pie*, *die*, *tie*, *lie*, etc.). The picture of an object is shown to the students and they are asked to pronounce the name of the object. Then their attention is drawn towards the sounds in the word they have pronounced and the letters representing those sounds are shown to them separately at first, and after that combined to make the word, which is printed next to the picture of the object. For a more detailed description of this methodology, see Cagliari (1998).

⁶ Among the determinations of this Constitution, we can mention, for example, the strengthening of the Executive Power (considered the “supreme State body”), the extinction of the post of Vice-President (the President was the “supreme authority in the country”), federal intervention in all States of the Union, the imposition of censorship, the extinction of political parties, the creation of a “political police,” the extinction of state and municipal symbols and the consequent imposition of national symbols, the supreme authority of the State over the citizen (e.g., the institution of the death penalty and the “state of emergency,” which allowed the President to suspend parliamentary immunities, invade households, arrest and exile opponents).

⁷ Similarly, in spoken genres, the analysis of speech can no longer ignore gestures, intonations, facial expressions, etc., which are present in any verbal face-to-face exchange.

⁸ Due to the limitations of space, I will present only some aspects of a couple of legal booklets. For the whole analysis of all my corpus and the complete theoretical framework and methodological strategies used (particularly regarding Multimodal and Critical Discourse Analysis), see Mozdzinski, 2006.

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