

A Methodological Approach to a Discursive Analysis of Judicial Activism

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Context

This research aims to explore how judicial activism and judicial bias are linguistically enacted, and to what extent there is an institutional identity of impartiality in Judge Moro's *Lava Jato* sentencing decisions. *Operação Lava Jato* (Operation Car Wash), a Brazilian Federal Police investigation, unveiled a network of corruption that included executives from major Brazilian companies and prominent politicians.

Key Research Questions

- i) To what extent are judicial activism and bias present in Moro's *Lava Jato* sentencing decisions?
- ii) What roles does impartiality play in Moro's *Lava Jato* sentencing decisions?

The genre: Brazilian sentencing decision

The Brazilian sentencing decisions are written discourses, produced by judges, to ponder on the merit of a judicial claim, and to legally reflect on their decisions relating to the parties involved.

Lava Jato corpus

- ❖ All sentencing decisions are open access in the Brazilian Public Prosecution Office website
- ❖ The corpus linguistics software: WordSmith Tools
- ❖ The corpus is compiled from 42 documents that account for ~2,000,000 tokens.

Methodological Frameworks

Critical Discourse Studies

- ❖ Critical Discourse Studies (CDS) is interested in solving problems regarding power relations and ideology by means of the analysis of language in use and encompasses a range of approaches, including van Dijk's sociocognitive approach.

(Flowerdew and Richardson 2018:1)

Van Dijk's sociocognitive studies

- ❖ The sociocognitive approach highlights the importance of both **social interactions** and how they are displayed as well as the **mental processes** involved in creating models of representation
- ❖ **Mental models** - representations stored by social actors in their Long Term Memory as they interact with and learn about events and situations
- ❖ **Mental models and genre theory** - a 'standard schematic structure' of discourse based on **where** and when the texts are produced, **who** produces them and **to whom** they are produced, under **what purpose** or with what intention they are produced

Corpus Linguistics

- ❖ Systematic way of analysing language, examining the distribution of linguistic phenomena (Stefanowitsch 2020:50), and quickly and accurately identifying regularities

Discourse is criticised for cherry-picking (Baker and McEnery 2015:5)

Corpus data is criticised for being decontextualized (Handford 2010:255).

This research has a homogeneous corpus, which makes context clear (Thornbury 2010:283) as well as the social setting and its influence in the discourse; and benefits from the systematic collection and "quantifying data that corpora yield" (Thornbury 2010:271).

Discursive realisation of activism

Make an 'activism corpus' with articles from Greenpeace Brasil and WWF Brasil

Compare the 'activism corpus' with a Brazilian reference corpus

Compare what is found as characteristics of activist language with Judge Moro's sentencing decisions corpus

Next steps

For next six months, I intend

- ✚ to elaborate how I am going to analyse judicial bias, which so far I intend to examine from two main perspectives: i) *us* vs. *them*, and ii) evaluative words;
- ✚ to elaborate how I am going to analyse impartiality, which so far I intend to examine reporting verbs because of the judge's need to support their arguments based on what has been established by someone else, a legal document, and what has been argued by the parties.

References

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Feedback Questions

Regarding a Brazilian reference corpus, Sketch Engine has a 3.9 billion corpus of Portuguese, but its annotation has been criticised. *Corpus Brasileiro*, an ongoing project from the post-graduate program in Applied Linguistics at the PUCSP, a Brazilian university, currently has 1,249,100 words. I know it will be better annotated, but I am not sure it is large enough to be a reference corpus.

- ✚ **What do you think would be better: a large corpus with bad annotation or a small corpus with good annotation? Do you have any other suggestions?**
- ✚ **Any suggestions/ideas regarding my next steps are welcome too!**

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