

Terms designating places for the celebration and civil registration of marriages and places for the issuance of marriage certificates in Brazilian history¹

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Abstract

Based on diachronic terminology, on the teoria comunicativa de la terminologia (TCT, communicative theory of terminology), postulated by Cabré (1999), and on aspects of Brazilian history and Brazilian law, a study is made of terms denominating places for the celebration and civil registration of marriages and the registration and issuance of Brazilian marriage certificates issued between 1890 and 2015 focusing on sociocultural and historical aspects underlying them.

KEYWORDS: diachronic terminology; marriage certificate; sociocultural aspects; Brazilian Portuguese

Resum

Termes referits als llocs de celebració i registre civil de matrimonis i als llocs d'expedició de certificats de matrimoni en la història del Brasil

En el marc de la teoria comunicativa de la terminologia (Cabré, 1999) i a partir d'una orientació diacrònica que té en compte aspectes de la història del Brasil i de les lleis brasileres, estudiem els termes que es refereixen als llocs de celebració i de registre dels matrimonis civils i de l'expedició de certificats de matrimoni emesos al Brasil entre els anys 1890 i 2015, centrant-nos en els aspectes socioculturals i històrics que hi ha darrere d'aquesta terminologia.

PARAULES CLAU: terminologia diacrònica; certificat de matrimoni; aspectes socioculturals; portuguès brasiler

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1 Introduction

The proclamation of the First Republic of Brazil in 1889 impacted the country in various ways, especially in the legal environment, including the separation of Church and State and, consequently, the freedom of worship and the establishment of civil marriages. The marriage certificate was created as a document that could formalise this kind of union before the State and society.

Due to the need to celebrate marriages and to elaborate a legal secular document that confirmed their validity in Brazil, the Republican Government had to organise a legal structure that could deal with this new reality. With this structure, new legal terms became directly related to the civil registration and celebration of marriages, and to the preparation of Brazilian civil marriage certificates.

The present study examines the terminology related to the places for the celebration and registration of marriages (such as *Câmara Municipal* and *igreja*) and to the places for the issuance of the civil marriage certificates (such as *Câmara Municipal* and *cartório*). The proclamation of the Republic in Brazil (1889) was taken as a reference point, for the purposes of explaining why some terms disappeared and others were created focusing on the sociocultural and historical aspects involved.

This research was mainly based on the *teoría comunicativa de la terminología* (TCT, communicative theory of terminology) (Cabré, 1999); on the proposal of Barros (2004, 2007), especially including the criteria used to identify terms in their context; and on diachronic terminology (Tartier, 2006; Bortolato, 2013). To analyse the sociocultural aspects relating to the terms, aspects of Brazilian history and Brazilian law were examined.

It is hoped that the study will contribute to terminology, especially in the field of diachronic terminology, since diachronic terminological studies make it possible to observe the evolution of terms over time and to understand the sociocultural changes that occurred during their evolution. Studies of Brazilian Portuguese based on a diachronic perspective are rare. It is therefore hoped that the study will contribute to the expansion of the linguistic and cultural knowledge of the subject.

2 Theoretical Assumptions

Until 1861, the Catholic Church was the only institution officially responsible for the registration and celebration of marriages in Brazil. The Law of 3 November 1827 (Brazil, 1827) was based on the Council of Trent, entitling parish priests to celebrate marriages (Obeid, 2013). However, marriages celebrated by other religious entities were not officially recognised by the law of that time (Soares, 1895).

Considering the great number of non-Catholic immigrants who arrived in Brazil during the Empire period (1822-1889), the Emperor, by means of Decree

No. 1,144 of 1861, extended “the civil effects of marriages that were celebrated according to the laws of the Empire to the people who professed a different religion from the State’s” (Brazil, 1861, own translation).

At that time, religious institutions celebrated and issued religious marriage certificates, which proved the union between spouses, and the Empire registered marriages for the purposes of control, since the Catholic Church was not the only religious institution responsible for this specific registration.

Before the establishment of the First Republic in Brazil, Decree No. 5,604 of 25 March 1874 made the civil registration of marriages mandatory, in order to facilitate the census of the Brazilian population (Brazil, 1874). Marriages continued to be celebrated in the Church while the civil registration just recorded them but did not issue a separate certificate.

After the proclamation of the Republic in 1889, the Church and State were separated. In 1890, the interim Government established civil and secular marriage by Decree No. 181. According to this decree, marriage was a legal and secular act of legitimate and indivisible union between a man and a woman for the purposes of procreation and the construction of a family, with specific rights and responsibilities (Brazil, 1890).

In 1934, the Constitution of the Brazilian Republic recognised the civil effects of religious marriages. According to this law, “the marriage before a minister of any religion, as long as the celebration does not conflict with public order or with good moral values, will have the same effects as civil marriage, provided that the marriage is recorded in the Civil Register” (Brazil, 1934, own translation).

It may therefore be assumed that the change of political regime (from the Empire to the Republic) greatly influenced Brazilian legal terminology, especially with regards to Brazilian marriage certificates. The present paper examines the influence of social and cultural factors on terms denominating places of celebration and registration of marriages and places of issuance of marriage certificates from 1890 until the present day.

According to TCT, the pragmatic conditions involving certain kinds of communication give a lexical unit the status of a *term* (Cabré, 1999, 123). A *term* is defined as “a lexical unit with a specific content within a specialised area” (Barros, 2004, 40, own translation).

TCT makes it possible to unify diachronic and terminological studies, since the theory defines a *term* as a specialised lexical unit of a language and, like this language, the term is subject to several interferences and influences. New terms appear and existing terms can change according to the evolution of language, considering the social and cultural changes of the community using the language.

Lexical units, whether terms or not, are “influenced by the different periods and historical conceptions, (...) [and] undergo changes and lexical renewals: mor-

phologically, syntactically and semantically” (Bortolato, 2013, 47, own translation). Thus, the scope of diachronic terminology is the study of the evolution of terminological units.

The development of this research from a diachronic perspective was based on Tartier (2006). According to that author, “the occurrences or disappearances of certain terms over time constitute the simple manifestation of change. They are measured by information such as presence/absence” (Tartier, 2006, p. 348, own translation).

To identify and delimit the terms studied in this paper, the criteria described by Barros (2007) facilitated the identification of terms in their context and the establishment of the limits of a syntagmatic term, as well as its level of lexicalisation. These criteria are: denomination of the area of speciality, non-separability of its components, existence of a definition, systemic compatibility, synonymic replacement, manageability, semantic unpredictability, co-occurrences, and use and frequency of usage (Barros, 2007, 42-50, own translation).

3 Methodology

In order to organise the corpus for analysis, marriage certificates were collected from different parts of Brazil with distinct dates of issuance, totalling 333 documents issued between 1890 and 2015, which were gathered with the assistance of collaborators and the Internet. The period was established according to the year in which civil marriage was instituted in Brazil (1890). It is important to highlight that, although these certificates were collected from different regions of Brazil, it was found that there are no regional variants, probably because they are legal documents that follow a specific format.

After the collection of these marriage certificates, the contents of each certificate were digitalised, replacing all the information that could identify any person with an [x], in order to preserve the identity of all the people involved. As an identification code for each document, the abbreviation CCB was utilised, followed by [YEAR] for the year of issuance. A textual corpus called CCBCorpus was established, with 85,115 words.

The CCBCorpus was submitted to the Concordance tool of the software Hyperbase version 10 (Brunet, 2015) to obtain a list of matches, in which all lexical items of the corpus were placed as the core of a co-text

T1 12b	a , Estado de Minas Gerais em meu	cartório presente o cidadão Coronel _
T1 50b	a de _ [BRASÃO] Estado de ____	Cartório do Registro Civil das Pessoas
T1 50c	pessoa interessada que revendo no	cartório a seu cargo , os livros de as
T2 58c	termo de casamento do arquivo do	cartório ao meu cargo , de um deles so
T2 69a		Cartório de Paz do Districto de _ , _
T3 127d	, ao qual me reporto e dou fé .	Cartório de Paz do Districto de , _ d
T6 294d	44 nesta cidade de Cosmorama , em	cartório às 15 , 30 horas , perante o
T7 342c	ro de 1959 . ____ Ordem 438	Cartório Registro Civil - 2ª Sud - dis
T7 357d	aio de 1950 , registro hoje neste	cartório . PRIMEIRA VIA . O referido
		cartório 422
		cartórios 3
T8 380a	se a anotação da comunicação aos	Cartórios de Palmeras e Fernandópolis
T8 394c	FIRMA , PROCURAR UM DOS SEGUINTE	CARTÓRIOS : xxxxxxxxxxxx , R . xx xxxx
T9 419b	de Firma , procurar os seguintes	Cartórios : Tabelaão xxxx , Rua xxxxx
		carvalho 2
T6 308c	IAL Firma no 23 . 9 Tabelionato	CARVALHO SOB . 9 Rua xxxxxxxxxxxxxxxx
T7 326b] Firma no 23 . 8 Tabelionato	CARVALHO SOB . 8 Rua xxxxxxxxxxxx , xxx
		cas 1
T7 330d	, contraído perante o Mº Juiz de	Cas . Cidadão xxxxxxxxxxxxxxxxxxxx , as t
		casa 11
T1 1b	e e Estado do Rio de Janeiro , na	casa de residência de ____ , perante o
T1 8b	e dois , as dez horas da manha na	casa do Sr . _ , prezente o juiz terri
T1 14d	mez de _ de _ , n'esta Villa , na	casa da Intendencia Municipal , em pub
T1 15d	do ____ , as horas da tarde , em	casa do Juiz Districtal , presentes o
T1 36c	a Palmeiro lote numero ____ , na	casa da residencia do cidadão ____ ,
T2 66c	arca de ____ , Estado de ____ , em	casa de residência de Dº ____ , á sua _
T2 67c	zia , Estado de Minas Geraes , em	casa de residencia de D . Anna Gonçalv
T3 112b	OS DO BRASIL TAMBAU - COMARCA DE	CASA BRANCA [BRASÃO] ESTADO DE S
T3 112b	s Naturais de Tambaú , Comarca de	Casa Branca , E . de S . Paulo , etc .
T5 225a	ESTADO RCIVIL TRIB . JUST . STA .	CASA . TOTAL R R R R R R R Digitado
T5 260e	ciliado no (a) Rua ____ , nº ____ ,	casa ____ , Grajaú , Rio de Janeiro - RJ
		casada 3
T1 1g	inta e dois annos , casado , _ ,	casada , com trinta e um annos de idade
T2 56a		ELA , casada com ____ anos de idade , natural
T4 200b	her continuará usando seu nome de	casada . O referido é verdade e dou
		casado 15
T1 1g	____ , trinta e um annos de idade ,	casado , residente na Capital Federal

FIGURE 1. Concordance lines of some lexical items of CCBCorpus

(surrounding text), followed and preceded by words (to the left and to the right). Figure 1 shows some concordance lines illustrating this phase of the study.

As can be seen in Figure 1, the Concordance tool generates a single row with all the co-texts of the lexical items in the CCBCorpus. All of these were analysed in order to select only those terms specifically denominating places for the celebration and registration of marriages and places for the issuance of marriage certificates. These terms are presented in Table 1.

Selected terms
Câmara Municipal
cartório
cartório de paz
cartório de registro civil
casa da Intendência Municipal
casa do Juiz Districtal
casa da residência
igreja
Igreja Matriz
sala de audiências
serventia
Serviço de Registro Civil
serviço registral

TABLE 1. Terms denominating places for the celebration and registration of marriages and places for the issuance of marriage certificates

The terms selected in Table 1 were analysed based on the criteria proposed by Barros (2007). The contributions of Tartier (2006) were utilised in order to carry out this research from a diachronic perspective. According to the dates of the documents and based on sociocultural and political aspects of the history of Brazil, it was sought to explain why some terms disappeared and others were created between the nineteenth and twenty-first centuries.

4 Results

Until 1861, the Catholic Church was responsible for the celebration and registration of marriages in Bra-

zil, as well as for the issuance of Catholic marriage certificates. Consequently, the terms denominating places for the celebration and registration of legal marriages, and the places for the issuance of religious marriage certificates (the only proof of valid marriage at that time), were related to the Catholic Church.

Here are some examples of Catholic marriage certificates, dating from 1830, 1857 and 1875.

As can be seen in Figures 2, 3 and 4, *capela* [chapel], *Matriz* [Main Church] and *paróquia* [parish] are terms denominating places for the celebration of marriages. Based on the Law of 3 November 1827 (Brazil, 1827), it may be deduced that these terminological units were also the places for the registration and issuance of Catholic marriage certificates, the only documentary

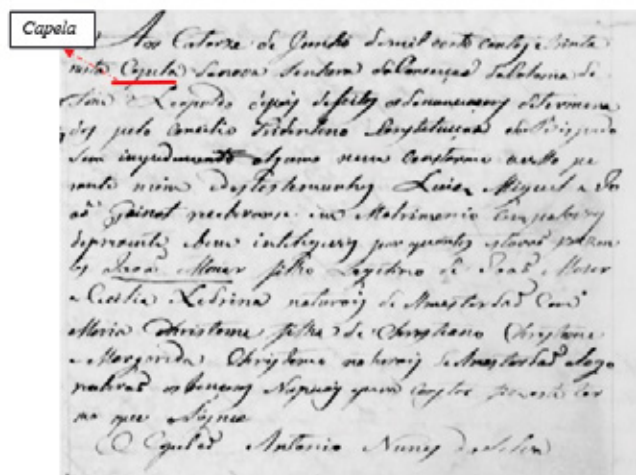


FIGURE 2. Catholic marriage certificate issued in 1830 (Pufal, 2011a)

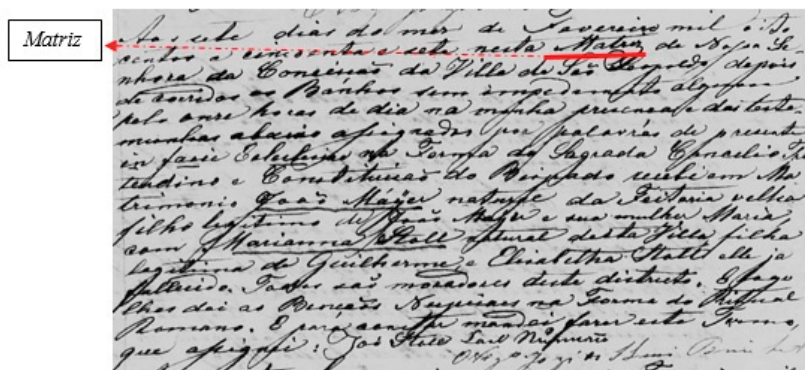


FIGURE 3. Catholic marriage certificate issued in 1857 (Pufal, 2011b)

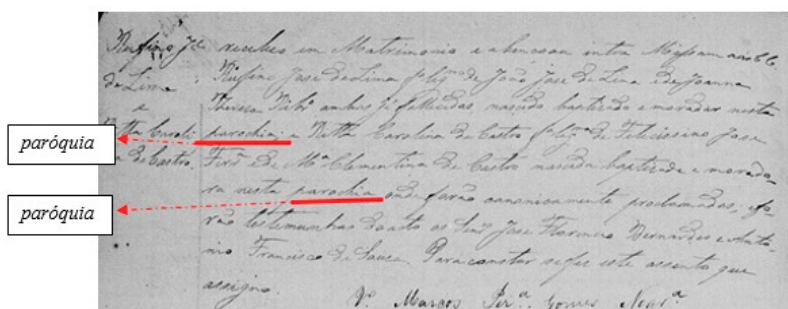


FIGURE 4. Catholic marriage certificate issued in 1875 (Ayres, 2013)

proof of marital union before the State and society at that time.

However, by 1875 (date of Figure 4), the State had already recognised the legitimacy of marriages celebrated in other religions. After 1861, other religious institutions in Brazil were officially empowered to celebrate and issue marriage certificates in proof of the marital union between non-Catholics. It was therefore possible that other terms denominating places for the celebration of marriages and for the issuance of religious marriage certificates may have been used at that time.

Unfortunately, the present research encountered no marriage certificates for other religions, probably because they are not available in archives or on the Internet due to their rareness and antiquity. Based on Decree No. 1,144/1861, it may be postulated that the terminological units appearing in non-Catholic marriage certificates would refer to the places for the celebration of marriages of these particular religions.

By recognising the legitimacy of non-Catholic marriages, the Empire needed to regulate the registration of marriages in general. For this reason, the Government issued Decree No. 3,069 of 1863, which set out the parameters for the registration of religious marriages:

Article 19. For the registration of marriages [...] there shall be [a book] for the marriages, which shall be the responsibility of the Clerk of the **Municipal Chamber** of the residence of one of the spouses [...];

Article 36. The registration of marriages of national people, or non-Catholic foreigners, consists of **the *verbo ad verbum* transcription of the authentic certificates of the celebration of the respective religious act**, issued by the pastors, or ministers of the **different religions of the States** to which the spouses belong. (Brazil, 1863, emphasis added, own translation)

It can be seen that there was no mention of the establishment of civil registration. Religious institutions were responsible for the issuance of the religious marriage certificate that proved the marital union and the Empire recorded these religious marriages in ledgers, for purposes of control.

The term *Câmara Municipal* [Municipal Chamber] was used to name the place for the registration of marriage certificates, whereas the terms concerning religious institutions indicated the official place for the celebration of the marriages and the official place for the issuance of the certificates. *Câmara Municipal* [Municipal Chamber], however, did not occur in the certificates of that time (as can be seen in the document of 1875), because, after registration, the Municipal Chamber did not issue another marriage certificate.

Before the establishment of the First Republic of Brazil, the Government began to organise the census

of the population to obtain objective data about Brazilian families. For this purpose, the Emperor issued Decree No. 5,604 of 1874, which made the registration of births, marriages and deaths in the ledgers of the Municipal Chambers mandatory (Brazil, 1874). At that time, the registry office was situated within the Municipal Chamber and it was the body responsible for recording the marriages in the registry ledger:

[...] **Article 62.** Within thirty days of the celebration of a marriage in the Empire's territory, the spouses, either national or foreign, themselves or by proxy, shall record the respective certificate in the **registry office** of the Clerk of the Peace of the district of their residence, for the purposes of certification or declaration, irrespective of their religion [...]. (Brazil, 1874, emphasis added, own translation)

As may be observed, the term *cartório* [registry office] denominated the “place for the registration of marriages for the purposes of governmental control”, but it did not issue the marriage certificates at that time. This explains the absence of this terminological unit from religious marriage certificates recorded in the registry offices of the Municipal Chambers from 1874 to 1890.

It would therefore appear that the marriages continued to be celebrated in the Church, and the terms denominating places for the issuance of certificates still referred to religious institutions because they were the only entities allowed to issue these documents at that time.

After the proclamation of the First Republic of Brazil, the Church and State were separated and civil marriage was established in 1890. From then on, civil (mandatory) and religious (optional) marriages coexisted, and the civil marriage certificate was established as the only document with probative value of the marital union before the State and society.

There was therefore a relevant change in the concept of *casamento* [marriage] and the social value of the marriage certificate. The places for the celebration of civil marriages and for the registration and issuance of the certificates were also changed, consistent with the new concept of *casamento* [marriage] (civil, controlled by the State, secular) and with the new political and administrative organisation of Brazil. A set of lexical units that did not occur in religious marriage certificates before the existence of civil marriage appeared in the new certificates issued by the State.

The analysis of the corpus of Brazilian marriage certificates of marriages issued in the First Republic (1890-1930) revealed a variety of occurrences that denominated places for the celebration of civil marriages, as can be seen in Table 2.

CCCB1895/2005: [...] Assento de Casamento nº [x]. Aos [x] Díaz do mez de [x] de [x], n'esta Villa [x], na **casa da Intendencia Municipal**, em publica audiência, pelas [x] horas da manhã, presente o Juiz dos Casamentos cidadão [x] commigo official interino e as testemunhas [x] e [x] [...];

CCCB1895/2012: Numero [x]. Aos [x] dias do mez de [x], do anno de [x], nesta ex colônia [x], quarto districto de [x], Estado do [x], as [x] horas da tarde, em **casa do Juiz Districtal**, presentes o mesmo Juiz cidadão [x] commigo official effectivo, e as testemunhas [x] [...];

CCCB1904/2013: [...] Assento de Casamento nº [x] Aos [x] dias do mez de [x] de [x], nesta Villa de [x], linha [x] lote numero [x], na **casa da residencia** do cidadão [x], pelas [x] horas da manhã, ahi presente o cidadão [x] Juiz Districtal suplente em exercicio, commigo escrivão de seu cargo e as testemunhas [x] e [x];

CCCB1911/1963: Aos [x] de [x] de [x], às [x] horas da tarde, na **Câmara Municipal** desta cidade de [x], onde se achava o Major [x], 1º Juiz de Paz, acompanhado por mim Off. Do Reg. Civ., adiante assignado, perante as testemunhas [...];

CCCB1926/2010: [...] Aos [x] dias do mês de [x] de [x], as [x] hórás, neste segundo districto do Municipio de [x], Estado do [x], em meu **Cartório**, presten, digo, presente o Sr. [x], primeiro suplente do Juiz districtal em exercicio as testemunhas no fim assignadas, compareceram os noivos [...];

CCCB1927/1946: [...] no dia [x] de [x] de [x] neste [x]º subdistricto – [x], na **sala de audiências** às [x] horas, perante o Juiz de Paz e Casamentos, [x], depois das formalidades legais (...). (emphasis added)

TABLE 2. Places for the celebration of civil marriages during the First Republic in Brazil

As can be seen in Table 2, the certificates contain a variety of terms referring to places for the celebration of civil marriages at that time, including: *Câmara Municipal* [Municipal Chamber], *casa da Intendencia Municipal* [house of the Municipal Administration], *cartório* [registry office] and *sala de audiências* [hearing room]. This range of terminological possibilities regarding the places for the celebration of civil marriages at that time may be explained by Decree No. 181 of 1890, specifically in Articles 23 and 24:

[...] **Article 23.** After being qualified, and with the certificate of the 3rd article, the spouses **shall ask the authority responsible for performing the marriage to designate the day, hour, and place for the celebration of the marriage.**

Article 24. In the absence of the designation of another place, the marriage shall be performed in the **hearing office**, during the day and open to the public, in the presence of, at least, two witnesses, who can be the spouses' parents, or in another **public or particular office**, according to the spouses' wish, if one of them cannot leave his/her house,

or if the authority decides that the designation of the place wished by the spouses is not inconvenient. (Brazil, 1890, emphasis added, own translation)

It may be concluded that there was no fixed place for the celebration of civil marriages, depending on the conveniences of the authority who performed the marriage or on the wish of the spouses.

The occurrences of the terminological units *Câmara Municipal* [Municipal Chamber] and *Intendencia Municipal* [Municipal Administration] are not limited to the names of places for the celebration of civil marriages, but also reflect conflicts of interest and power after the establishment of the Republic.

During the Empire, the term *Câmara Municipal* [Municipal Chamber] referred to the concept of “body competent to manage the municipalities”. However, “according to the speech of the Republican supporters, [due to the] habits of corruption and inefficiency typical of the Monarchy, Municipal Chambers governed by the men who were loyal to the Empire could not subsist in the Republic, recently implanted” (Santos, 2009, 3, own translation). Consequently, the Republican municipalities gradually replaced the Municipal Chambers with the Municipal Administrations. “As a result of the proclamation of the Republic, the Chambers were suspended in 1890 and replaced by the Municipal Administration Councils” (Brazil, 2007, own translation).

The term *Intendencia Municipal* [Municipal Administration] was therefore created to designate the governmental institution competent to autonomously manage the municipalities from the political and administrative perspectives in the recently established regime (Republic). To implement this idea, in the subsequent years “several laws and decrees were issued [in different states of the Republic], all of them protecting and emphasising the principle of municipal autonomy, one of the foundations of the Republic” (Santos, 2009, 4, own translation).

In the different Brazilian states, the Municipal Administration had been replaced by the City Hall by the end of the First Republic (1930). Thus, after the suspension of the Municipal Administration Offices, the concept of a body competent to manage the Brazilian municipalities, from the political and administrative perspective, was denominated by the term *Prefeitura Municipal* [City Hall]. “With the organisation of the Municipal Executive under the management of a Mayor (Law No. 374 of 19 December 1898), the former Administration Offices were transformed into Sections: Justice, Police and Health, Works and Finances, all of them subordinated to the Mayor” (Brazil, 2007, own translation).

Finally, the Municipal Chambers were re-established, which explains the occurrence of the term *Câmara Municipal* [Municipal Chamber] in the 1911 marriage certificate represented in Table 2. However,

the concept of this term was changed, as the Municipal Chambers acquired other functions.

Furthermore, it may be observed in the CCBCorpus that the terms denominating religious institutions, which occurred in religious marriage certificates issued before the establishment of civil marriage, did not occur in civil marriage certificates during the First Republic, which is a reflection of the official secularity of the marital union established by the Decree of 1890.

However, the analysis of the corpus revealed the occurrence of terms that have denominated religious institutions in civil marriage certificates issued after the First Republic in Brazil (1889-1930) until the present day, as may be observed in the following excerpts from certificates:

CCCB1976: PRIMEIRO CARTÓRIO E OFÍCIO DE JUSTIÇA [x] / Escrevente Habilitada / [x] – EST. de [x] / REGISTRO CIVIL E TABELIONATO / [x] / Serventuário / [x] / Escrevente / [x] TABELIONATO / Reconheço a firma abaixo de [x] e dou fé. / [x] / Em testemunho ____ da verdade. / O CASAMENTO RELIGIOSO FOI CELEBRADO NA **IGREJA** [x] NO DIA 16 DE 04 DE 76 PELO PADRE [x]. [...];

CCCB1987/2000: [...] Casamento realizado perante o(a) SR. [x] -TEST. QUALIFICADA em [x] de [x] de [x] às 17:00 horas, no (a) **IGREJA** [x], nesta cidade sob o regime de COMUNHÃO UNIVERSAL DE BENS. [...];

CCCB2004c: [...] Casamento religioso com efeito civil, realizado de acordo com o art. 1515 do Código Civil Brasileiro na **IGREJA MATRIZ** [x] - GUARÁ II – DF, no dia [x] de [x] de [x], às 20:30 horas, pelo celebrante Sr^(a) Diác. [x] [...] (emphasis added)

TABLE 3. Places for the celebration of religious marriages with civil effects after the First Republic in Brazil

As may be seen in Table 3, the terms *igreja* [church] and *igreja matriz* [main church] refer to the places for the celebration of these marriages, although the certificates were issued by the registry office. It may be explained by reference to the Federal Constitution of 1934, which changed the concept of *casamento* [marriage] because it was no longer totally secular. To designate this new concept, the term *casamento religioso com efeitos civis* [religious marriage with civil effects] was established in the Brazilian legal environment and is valid in the country to this day.

With the establishment of civil marriage, religious marriage became optional (from the State's perspective) and lost its civil effects. This determination displeased the Catholic population. Consequently, the President at that time, Getúlio Vargas, “realising that he needed the support of the population to stay in power, issued some decrees to please the majority of the national population” (Silva, 2012, 6, own translation), mainly represented by the Catholic Church. Thus, “the Constitution of 1934 in a certain way re-Christianises the Bra-

zilian legislation” (Kowalik, 2007, 3, own translation), reflecting the political moment that Brazil was undergoing during the Vargas Era (1930-1945).

Marriages celebrated in religious environments were thus legitimised by the State once again, enabling spouses to marry twice: once in a church and then again before a justice of the peace. Couples got married in the church of their religion, and the marriage was declared by the religious authority. However, the certificate was issued by the State.

Thus, the terms denominating religious institutions once again represented the “place of celebration of official marriages”. The difference in relation to the Empire period is that these institutions were no longer responsible for issuing marriage certificates.

Concerning the place of registration and issuance of the certificates, before the establishment of civil marriage the concepts were denominated by the terms *Câmara Municipal* [Municipal Chamber] and *cartório* [registry office], which are not found in the documents due to the fact that those terms referring to religious institutions (*igreja* [church], *matriz* [main church], *capela* [chapel], for example) also denominated the place for the issuance of marriage certificates at that time. After the establishment of civil marriage, the registration and issuance of Brazilian marriage certificates were centralized in the registry office.

Analysis of the corpus of study reveals that the term *cartório* [registry office] occurs in certificates issued until very recently. Here are some examples:

CCCB1890/2000: Registro de casamento feito no dia vinte e seis de maio de 1890, neste distrito de Paz e **Cartório** de [x], Estado do [x];

CCCB1904: [...] como tudo se vê do Acto lavrado e assignado no livro competente ao qual me reporto ao meu poder e **cartório**, do que dou fé [...];

CCB1916: [...] Certifico que no dia [x] de [x] de [x] às [x] horas, neste districto, em **cartório**, depois da habilitação legal conforme preceitua a lei e perante o segundo juiz de paz e casamentos receberam-se em matrimonio [x] e dona [x], [...] tudo como se vê do Acto lavrado no livro nº. [x] à folhas nº. [x] ao qual me reporto e dou fé. / **Cartório de Paz** do Districto de [x], [x] de [x] de [x];

CCB1936b: [...] como tudo se vê do acto lavrado assignado no livro competente, ao qual me reporto e dou fé. / **Cartório de Paz** do Districto de [x], [x] de [x] de [x] [...];

CCB1959/1969: [...] CERTIFICO, que no livro n.º B [x], de assento de casamentos, dêste **cartório**, às fls. 6 e sob n.º de ordem 1306, consta lavrado em data de 12 de setembro de 1959 o assento do matrimônio de [x] e [x], contraído perante o Juiz de Casamentos [x] [...];

CCB1963: REPÚBLICA DOS ESTADOS UNIDOS DO BRAZIL / ESTADO DE [x] / COMARCA DE [x] / DISTRITO DE [x] (Do município de igual nome) / **Cartório do Registro Civil** das Pessoas Naturais / SERVENTUÁRIO / [x] / CERTIDÃO DE REGISTRO DE CASAMENTO / [...];

CCB1964: [...] Foram apresentados os documentos exigidos pelo art. 180 N.º 1, 2, 3 e 4 do Código Civil. – Observações: Regime comum. Assentamento feito em 24 de janeiro de 1965. / O referido é verdade e dou fé. / [x], 28 de junho de 1965. / O Oficial / [x] / **Cartório do Registro Civil** / Dr. [x] / Oficial Vitalício / Município de [x] – Est. de [x] [...];

CCB1971: [...] Foram apresentados os documentos exigidos pelo artigo 180 N.ºs um, dois, três e quatro do Código Civil. – Observações: o regimem adotado é o de comunhão de bens. Primeira via, isenta de selos. / O referido é verdade e dou fé. / [x], 08 de maio 05 de 1971 / [x] / OFICIAL / **Cartório de Reg. Civil e Anexos** / [x] / ESCRIVÃO / Distrito e Município de [x] / COMARCA [x] [...];

CCB1980: [...] OBSERVAÇÕES: Casamento registrado neste **cartório** em 04 de fevereiro de 1980, nos termos da Lei nº 1110 de 23 de Maio de 1950. / PRIMEIRA VIA. / O referido é verdade. dou fé. [...];

CCB1990: REPÚBLICA FEDERATIVA DO BRAZIL / ESTADO DE [x] / O Oficial [x] / SUBST.: [x] / **CARTÓRIO DO REGISTRO CIVIL DAS PESSOAS NATURAIS** / DISTRITO, MUNICÍPIO E COMARCA DE [x], ESTADO DE [x] / RUA [x] – TELEFONE: [x] / CERTIDÃO DE CASAMENTO [...] (emphasis added).

TABLE 4. Cartório [Registry office]: place for the registration and issuance of marriage certificates

As can be seen in Table 4, after 1890 registry offices were responsible not only for the registration of marriages, but also for being the competent body for testifying and issuing civil marriage certificates with probative value before the State and society. A new concept of *cartório* [registry office] and the new term *Cartório de Registro Civil* [Civil Registry Office] (or *Cartório de Paz* [Office of the Justice of the Peace]) were created, designating the body responsible for the registration and issuance of marriage certificates.

This situation obtains until the present day, even in the case of religious marriages with civil effects. Indeed, in this kind of marriage, the civil ceremony is not necessary. However, the certificates of religious marriages with civil effects have the following structure.

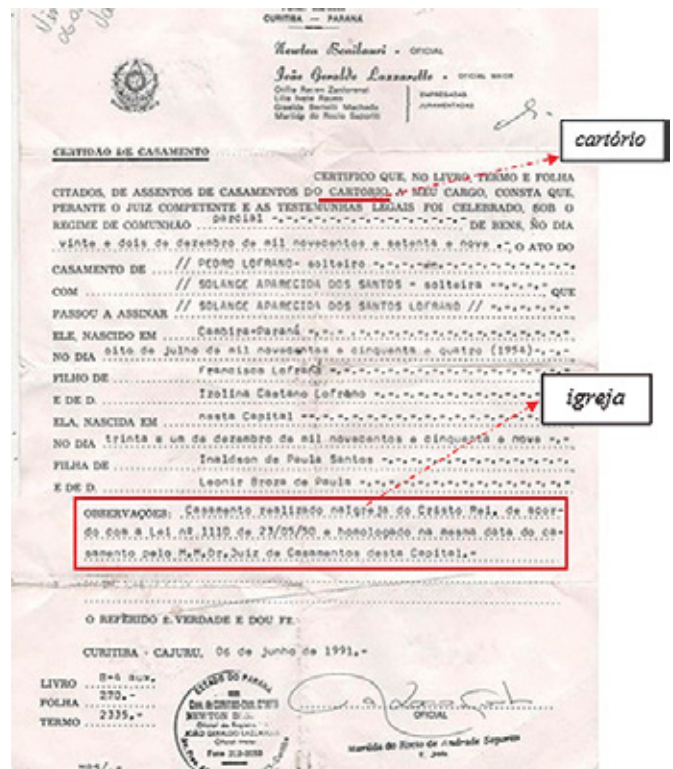


FIGURE 5. Religious marriage certificate with civil effects issued in 1991 (Ofrano, 2013)

As can be seen in Figure 5, this marriage, though celebrated in a church, was registered in a registry office. Even with the establishment of religious marriage with civil effects, the term *cartório* [registry office] continued to denominate the only body competent to register and to issue Brazilian marriage certificates and is shown on certificates. Therefore, the civil effects are applicable to religious marriages as soon as they are officially registered in the registry offices.

Other terms denoting places for the registration and issuance of Brazilian marriage certificates were found in the corpus.

As can be seen in Table 5, there are some terminological units denominating the place for the registration and issuance of marriage certificates which did not occur prior to the 1990s, such as *Serviço de Registro Civil* [Civil Registration Service], *Serviço Registral* [Registry Service] and *serventia* [service], in addition to the term *Cartório de Registro Civil* [Civil Registry Office], which had already appeared. The term *Serviço de Registro Civil* [Civil Registry Service] (or *Serviço Registral* [Registry Service]) was established based on Law No. 8,935 of 1994 to replace the term *Cartório do Registro Civil* [Civil Registry Office] and denominated the “service of registration and issuance of birth, marriage and death certificates”.

CCB1955/1997: 1º SERVIÇO DE REGISTRO CIVIL DAS PESSOAS NATURAIS – [x] – SP / SUBDISTRITO / [x] / OFICIAL INTERINO / [x] / Escrevente Substituto / [x] / Escrevente Autorizado / CERTIDÃO DE CASAMENTO / [x], Oficial do 1º Subdistrito do **Cartório de Registro Civil** das Pessoas Naturais de [x], Estado de São Paulo, etc. [...];

CCB1977/2002: [...] Certifico que, no livro competente de casamentos desta **Serventia**, consta o assento de matrimônio de [x] e de [x] [...] TIMBRE: **CARTÓRIO DO REGISTRO CIVIL** / 2º Subdistrito [...];

CCB1990/2005: [...] Observações: ASSENTO LAVRADO NO DISTRITO DE [x], ACERVO RECOLHIDO NESTA **SERVENTIA**. A margem direita nada consta até a presente data. Qualquer rasura ou entrelinha torna a presente sem efeito. [...];

CCB1991/2007: [...] Averbação. Aos 18 de novembro de 1998, foi apresentado a esta **Serventia**, um Mandado do Meritíssimo Juiz de Direito da 5ª Vara Cível desta Comarca, Dr. [x], expedido nos autos nº [x], de Pedido de Separação Judicial Consensual, requerida por [x] e [x] [...];

CCCB1997/2011: [...] Nome que cada um dos cônjuges passou a utilizar (quando houver alteração) / Observações / Averbações / Casamento celebrado neste **Serviço Registral**, perante o Juiz de Casamentos [x] (suplente) [...];

CCCB2004c: [...] Casamento religioso com efeito civil, realizado de acordo com o art. 1515 do Código Civil Brasileiro na IGREJA MATRIZ [x] - GUARÁ II – DF, no dia [x] de [x] de [x], às 20:30 horas, pelo celebrante Sr^(a) Diác. [x], inscrito neste **Serviço Registral** em [x] de [x] de [x] [...];

CCB2009: ESTADO DE [x] / **SERVIÇO REGISTRAL** DAS PESSOAS NATURAIS / Av. [x] Centro CEP [x] TEL. [x] / Bel. [x] / Oficial / [x] / Escrevente Substituta / CERTIDÃO DE CASAMENTO / LIVRO [x] / FLS [x] E Vº Nº DE ORDEM [x] [...] (emphasis added).

TABLE 5. Serviço de Registro Civil [Civil Registry Service]: place for the registration and issuance of marriage certificates

This terminological change reveals an important sociocultural aspect of Brazil regarding the history of registry offices. In Brazil, registry offices were always owned by families who, from generation to generation, managed these bodies, indefinitely. Law No. 8, 935 of 1994 altered the concept of *cartório* [registry office] particularly with regard to its social role and service for the State, eliminating the feature of private ownership:

[...] the expression “OWNER OF THE REGISTRY OFFICE” was also eliminated. The registry office continues to exist as a physical entity. The people working in the offices continue to be identified as “officers”, but **none of them is the owner in the sense of property or possession**. Under the

new legislation no one shall ever be identified by the term *cartorial* [registration officer], which designates a privileged situation, in which the officer should be studious, efficient and dedicated. It is important that **all those who perform or will perform notary and registration services are no longer the “OWNERS OF THE SERVICES” but the conscious and responsible “PERFORMERS OF THE SERVICES”**, as **DELEGATED agents of the Public Power**, authentic, secure and efficiently, under the control of the Judiciary, in a more active and comprehensive way. (Brazil, 1995, emphasis added, own translation)

We can see that the concept of *cartório* [registry office] had a negative connotation “due to a constant wave of pejorative references [...] with unpleasant meaning, with no correlation to the hundreds of offices providing this recognised public service” (Brazil, 2016, own translation).

Law No. 8.935/94, by establishing the term *Serviço Registral* [Registry Service], clarifies that this pejorative concept of the figure of a privileged owner of a registry office no longer exists, as “the public civil service examination and qualification for the performance of notary and registration activities became mandatory” (Brazil, 2014, own translation). Even though “people still use the term *cartório* [registry office], the figure of the owner of the registration office will be gradually diluted in the popular consciousness. These owners, who technically perform notary and registration services, must be identified as **SERVENTURÁRIOS [PUBLIC SERVANTS]**” (Brazil, 1995, own translation).

The term *serventia* [service] denominates “(...) 2. Function of a person who performs a public service as a clerk, notary and so on. 3. Auxiliary body of the Justice, for example, a registry office” (Diniz, 2005, p. 370, own translation). Therefore, the terms *Serviço de Registro Civil* [Civil Registration Service] and *serventia* [service] were neologisms to denominate new concepts formulated according to a new perspective: public service.

5 Final considerations

The present paper has identified the existence of a variety of terms regarding the place for celebrating civil marriages. This can be explained on the basis of Decree No. 181 of 1890, which did not specify a fixed place for marriage ceremonies. The Decree is valid until the present day. There was also a concentration of the activities of registration of marriages and issuance of certificates in the registry office. As a result, the term *cartório* [registry office] occurred in marriage certificates and the terms referring to religious institutions (such as *capela* [chapel], *igreja* [church], *paróquia* [parish], and so on) disappeared. This happened due to a change in political and administrative concepts:

the State should control the registration of births, marriages and deaths of Brazilian citizens.

Analysis of the corpus revealed that, in some civil marriage certificates issued after 1934, terms relating to religious institutions occurred to denominate the places of celebration and the authorities performing the marriages. This is explained by the Federal Constitution of 1934, which established religious marriage with civil effects. In this kind of marriage, spouses who got married before a religious authority did not need to marry again before the justice of the peace. However, the registration and issuance of marriage certificates continued to be the responsibility of the registry office. For this reason, religious terms appeared in these documents jointly with terms denominating places of public administration.

The place for the registration and issuance of marriage certificates has been denominated by the term

cartório [registry office] since the establishment of civil marriage in the country. However, in 1994, Brazilian legislation replaced the term *Cartório de Registro Civil* [Civil Registry Office] with *Serviço de Registro Civil* [Civil Registry Service]. This terminological change reflected an important sociocultural aspect of Brazil, regarding the history of registry offices in the country. With the term *Serviço de Registro Civil* [Civil Registry Service], the law established the idea that registry officers served society and did not own the registry offices nor their services.

It can be concluded that the terms denominating places for the celebration of marriages have followed the sociocultural and political transformations that have occurred in the country, reflecting religious issues and changes in political conceptions that have occurred since the establishment of the Republic in Brazil. ✨

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Notes

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