Research Article

LEGALIZATION OF LINGUISTIC-SPEECH CONFLICTS: PROBLEMS OF DEFINITION, TAXONOMY, BORDER IDENTIFICATION

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Abstract

The article undergoes a detailed analysis of linguistic-speech conflicts, the mechanisms of their occurrence, entry into the social sphere, and legalization. The purpose of the article is to identify the essence of linguistic-speech conflicts, develop their classification, as well as the features of actualization of the conflict potential in the media of diverse systems (based on Russian and English). The achievement of this goal was carried out using methods of semantic and pragmatic interpretation, discursive analysis, the method of analysis of vocabulary definitions, as well as the introspective method of intentional analysis. The results obtained reflect the fact that linguistic-speech conflicts are speech crimes, the only difference between which and other offenses is the verbal form of commission. In the most general form, all linguistic-speech conflicts can be conditionally reduced to language and speech, the latter, depending on the intentions of the participants in the conflict, the conditions of a particular communicative situation, have the potential to enter the social and / or legal sphere. In recent years, the conflicting potential of the language has been actualized in modern media, which, using various language means, not only reflect, but also reproduce, initiate social conflicts that may be subject to legalization, and become the object of legal study.

Introduction

In recent years, in connection with the formation of the anthropocentric paradigm in scientific knowledge, there has been an increase in scientific interest in all aspects of human life and, above all, in the mechanisms and characteristics of speech, the design of their own speech utterances. Language acts both as a reflection of the results of ethnos cognition of the features of the socio-natural environment, and as a tool for the implementation of cognitive processes. He is invariably involved in all processes of the life of the person, it is the choice of the appropriate language strategies that largely determines the nature of the interactions of the individual with the environment, their harmonization or, conversely, conflict. In other words, language serves both as a means of harmonizing interactions with others and as a tool for destabilizing these interactions. Accordingly, we can talk about the conflicting potential of the language.

In recent years, awareness of the high conflicting potential of language has led to the emergence of a new field of scientific knowledge – jurislinguistics. The focus of this discipline is the identification of the mechanisms and features of the representation of intentions on confrontational interactions in the speech of communicants, as well as the study of the reasons, mechanisms, the line after which the conflict goes beyond the communicative situation and goes, initially, into the social, and then - and in the legal sphere. As indicated earlier, this direction is a new area of scientific knowledge, respectively, the numerous aspects of the manifestation of conflict in speech and the legalization of conflicts to date are either fragmented or not studied at all in the modern scientific literature. To date, science has not developed a unified approach to the definition of linguistic-speech conflicts, there is no single approach to the development of their

taxonomy, the boundaries between linguistic proper (systemic-linguistic, immanent) and verbal (functional-speech, directly social conflicts) remain blurred. Works on a comparative study of the features of the realization of the conflicting potential of a language in different cultural models are also few in number. Meanwhile, individual linguistic-speech conflicts, in essence, are nothing more than speech crimes, crimes, the main difference of which from other crimes is only that the instrument of crime is language, they can entail unpredictable consequences (it is enough to recall the infamous Free Radio and Television of a thousand hills), respectively, an understanding of the nature, mechanisms of such conflicts is becoming increasingly important, important for modern science and societies as a whole, which makes the *relevance of the research topic*.

The aim of the study is to identify the essence of linguistic-speech conflicts, to develop their classification, as well as to study the features of actualizing the conflict potential of the language in English and Russian-language linguistic cultures.

The scientific novelty of the study lies in a systematic comprehension of the legal aspects of the language, revealing the features of actualizing the conflicting potential of the language in the journalistic discourse of diverse systems, which, in turn, contributes to the introduction of new data into the scientific circulation, can contribute to the development of the methodology of linguistic examinations.

Materials and research methods: Controversial texts, publications presented in the American and Russian media were selected as materials for the study. The appeal to the English- and Russian-language journalistic discourse is due to the fact that the media play a huge role in the life processes of national societies and global society, they do not only reflect reality, but model it on the basis of creating frames, interpretive schemes by which the person realizes, comprehends, evaluates certain objects or processes of the sociocultural environment. Media discourses today "have become a totem to which a modern person experiences an almost religious feeling, forcing him to with particular focus and perseverance track objects that have usable media potential, with special attention and emotionality to "listen" and "peer" into the media "abyss", capturing its information impulses [28, p. 233].

An interview with A.Nevzorov, "Tsar Tsap-Tsarap" I, was posted on the official website of "Echo of Moscow" [23] as the controversial text of Russian-language culture. According to the publication, the interview is led by the top interview of the publication, scored 102, 203 views, 77 comments [33]. Separate statements by A.Nevzorov caused conflicting reviews in Russian society: from sharply negative, offensive: (*«Есть мнение что лошадь умнее Невзорова, какова по этому поводу точка зрения ваша?!Считаю что умнее, потому что лошадь не говорит таких благоглупостей как этот питерский Саша!»*) (33) to positive, approving (*«Александр! Мое гран мерси за И.П.Павлова…»)* [33]. Spelling users saved. The publication provoked lively discussions in the Internet community and society as a whole, as well as many "Echo" materials.

The publication of M. D'Antonio 'Republicans' chilling surrender to Trump', published by CNN [39], was chosen as a material for a comparative analysis of the features of the realization of

the conflicting potential of the language in English-language linguistic culture. The appeal to the publication is due to two factors: [1] M.D'Antonio is the author of book "The Truth About Trump' (2015), which provoked lively discussions in American society, deepening the split in American society during the last election campaign; [2] CNN, according to Trump himself, ranks second in fake-news Top created by US President [30], suggesting that the publication reflects a conflict between the mass media and an American politician.

Research methods: along with general scientific methods (analysis, synthesis, comparison, generalization, commenting, etc.) general linguistic and special research methods include semantic and pragmatic interpretation methods, discursive analysis, dictionary definition analysis method, as well as introspective method of intentional analysis, which is used in the process of linguistic examinations.

Literature review

First of all, I would like to note that the researchers of Altai State University [27] and the Guild of Linguistic Experts in Documentation and Information Disputes (GLEDIS) [13] N.D. Golev [14, 15, 16] made a huge contribution to the development of jurisprudence , M.V.Gorbanevsky [17], Yu. A.Belchikov (1), E.I.Galyashina (3, 4, 5, 6, 7, 8, 9, 10, 11, 12), G.S.Ivanenko [19, 20, 21, 22], E.S.Kara-Murzoy [24, 25], etc.

Researchers emphasize that language can be a means of harmonizing communicative interactions, and can lead to language and speech conflicts, moreover, the conflicting essence of language is determined by its very nature, the fact that "a language uses a finite number of means to express semantic infinity" [14, p. 143], as a result of which the producers of the statement do not always succeed in successfully combining the content plan and the expression plan, which can lead to misunderstanding, erroneous understanding, and incorrect interpretation of the statement. Conflicts of this kind are resolved by means intralanguage mechanisms, however, in some cases, the conflicts can not be resolved by intralanguage mechanisms are located in the social sphere, giving rise to extra-linguistic conflicts. In a situation of impossibility to resolve conflicts in the social sphere, they move to the next sphere, to the sphere of law, are subject to legalization.

In turn, legalization in modern scientific literature is understood as a process, as a result of which "certain relations of a person with the language acquire the status of legal" [16, p. 78 – 79], the text itself, its components get the opportunity to label the meanings relevant to the legal practice. According to N.A.Bikeikina, the legalization of language and speech conflicts "as phenomena belonging to the sphere of language, phenomena of a communicative nature, suggests their description using the conceptual apparatus used in jurisprudence" [2, 12].

In other words, the peculiarities of the language system can lead to the appearance of communicative failures, which, under the influence of the intentions of the speakers, can lead to a speech conflict or a speech crime, which is the subject of legal proceedings, described in terms of jurisprudence. In graphical form, this process can be represented as follows (Fig. 1):

● communicative failure	● language and speech conflict	● speech crime

Figure 1. The process of legalization of communicative failures

Conflicts subjected to legalization are called linguistic. At its core, such conflicts are speech (language) offenses [24, p. 118]. According to N.A.Bikeikina, a linguistic conflict is "a speech (language) crime that violates the fundamental rights of an individual - for honor, dignity and business reputation, for a good name, etc." [2, 12].

As E.S.Kara-Murza notes, such conflicts violate the fundamental, constitutional rights of the individual - to honor, dignity, business reputation, personal secret and good name; society - on the effective functioning of its basic institutions and practices; the state - to comply with the law, constitutional order, public safety, ensuring the rights of individuals and the development of civil society [24, p. 118]. In other words, linguistic conflicts are, in fact, a crime that have negative consequences both for the direct participants in the confrontation and for society and the state as a whole. Their main difference from other types of conflicts lies in the fact that they are committed through verbal behavior, through the use of speech activity products, in the fact that "there are no other sources of evidence of offenses in cases of this category, and only the text is the main subject of research and legal estimates" [29, p. 104].

As has been repeatedly noted, taking into account the fact that jurislingistics is a new area of scientific knowledge, many categories, methods of conducting linguistic examinations are at the stage of their theoretical and methodological substantiation, development, there is no single taxonomy of linguistic-speech conflicts.

In the most general form, all conflicts can be divided into:
(1) linguistic proper (in the classification of the Guild of Expert Linguists (13)) or system linguistic (immanent) - in the classification of N.D.Golev [14, p. 142];
(2) actually speech (in the classification of the Guild of Expert Linguists (13)) or functionally speech (directly social) - in the classification of N.D.Golev [14, p. 142].

Despite the different names, based on the above classifications, it takes into account the scope of conflict. The basis of immanent linguistic, actually linguistic conflicts is the conflict potential of the language itself, the fact that "conflict lies in the very nature of a language woven from contradictions" [14, p. 142].

Social, actually speech conflicts, on the contrary, involve not only internal linguistic, but also external social factors.

A description of the actual linguistic, system-linguistic (immanent) linguistic-legal conflicts seems possible on the basis of taking into account the antonymic and level parameters.

The antonymic relationship between the expression plan and the content plan of language units can lead to the most acute linguistic-legal conflicts. Language is contradictory in itself: on the one hand, it is objective, appears external to the personality, existing without and without it, on the other hand, it is subjective, since the content of a statement is always personally determined and depends on the subjective choice of linguistic means; It is historical and modern. As N.D.Golev notes, "each antinomic variety of the existence of language can be illustrated by real conflicts, including those that have entered the legal sphere" [14, p. 143 – 144].

In particular, as such conflicts due to the antonym of the language, conflicts can be cited due to the meaning of such lexemes as "scoundrel, scoundrel, bastard", which in the recent past were perceived as an injective vocabulary, insult, however, today they are not perceived as such, "drift" towards neutral vocabulary.

In other words, the occurrence of a language-speech conflict can often be caused by the antonymic nature of the language, a mismatch in the plan of expression and content, a lack of understanding of the producer's intentions or an erroneous interpretation of the recipient.

Taking into account the level parameter of a language-speech conflict involves taking into account the levels of the language system through which the conflict is verbalized. As has been repeatedly noted in the framework of this study, language has a high conflict potential, and accordingly, language means of all levels of the language, from phonetic to discursive, can lead to conflict.

It is important to add that the depth and severity of the conflict varies significantly depending on the level of the language: in particular, the incorrect accent of the lexeme (phonetically level) is unlikely to lead to such serious and deep conflicts as the choice of an inappropriate lexeme or the incorrect syntactic construction of a sentence that can completely deform, to distort the meaning of the statement and lead to the emergence of communication barriers, a misunderstanding of the contents of the statement and, accordingly, conflicts.

Separately, I would like to add that violations of any level can become a cause for conflict: for example, small print often becomes a means of manipulation in contract documents of network marketing and financial pyramids (graphic level), incorrect spelling of anthroponyms, toponyms, etc. – a potential source of legal conflict.

In other words, violations of any level of communication can cause a legal conflict.

Functional-speech, social conflicts are more diverse and varied in comparison with immanent linguistic ones, since not only internal linguistic, but also social factors can lead to their appearance. Moreover, the variety of social factors significantly complicates the process of developing a unified taxonomy of linguistic-legal conflicts of this group.

Following N.D.Golev, it seems possible to distinguish the following types of functional-speech conflicts based on the level of their manifestation [14, p. 146 – 150]:

1. Cultural and aesthetic level of conflict: many norms are projected on the scale of assessing a person according to the degree of "cultural", according to the degree of speech literacy. A person who uses slang vocabulary, vernacular, slang, etc. often identifies himself as uncultured, which, in turn, can lead to social conflict;

2. The ethno-psychological level is largely connected with the previous one, however, it has a deeper character, speech means are interpreted as "disrespect for the interlocutor", manifested in the choice of an erroneous speech register: jargon, vernacular, notorious vulgarity, etc .;

3. The level of official conflicts: at this level, conflicts can arise due to a violation of norms, which, in turn, can be represented by the following types [14, p. 148]:

– corporate - failure of the norms and requirements adopted in a certain professional community, social community, etc.;

– violation of officially fixed norms, fixed as certain requirements for members of a certain community, for example, the presence of numerous spelling errors in a teacher's speech can cause sanctions, a ban on teaching activities.

By the methods of manifestation of the conflict, they can be characterized as manifested and unmanifest, and the latter can be conditionally divided into potential and unmanifest, which for one reason or another, having all the signs of a conflict, are not actualized (14, p. 149).

According to their social status, conflicts can be official and unofficial.

From a psychological point of view, based on the characteristics of the behavior of the communicants acting as participants in the confrontation, the following types of speech conflicts are distinguished [32, p. 144]:

1) mutual conflict – in which both participants behave aggressively; 2) unidirectional conflict – in which only one side shows aggression, the second participant seeks to avoid confrontation, evades it; 3) a harmonizing conflict - characterized by the fact that one of the participants behaves aggressively, seeks to deepen and strengthen the confrontation, while the other participant is no less active in his desire to relieve tension.

Of course, the course of each of these types of conflicts is characterized by the choice of appropriate communication strategies and tactics aimed at resolving or strengthening the confrontation.

By the nature of the actions of the parties to the conflict, the latter can be distinguished into intentional and unintentional. Intentional - are represented by manipulative and aggressive [14, p. 149].

Manipulative – aimed at influencing the cognitive-volitional sphere of the addressee, at realizing the impact on the personality of the recipient in a hidden, implicit form; intentionally aggressive actions are aimed at the moral and psychological sphere of the personality, at causing damage to the psychological state of the individual.

Thus, based on the analysis, the classification of linguistic-speech conflicts can be represented as follows (Fig. 2):

in the aspect of the behavior of communicants	*mutual conflict*			
	unidirectional conflict			
	harmonizing conflict			
in aspect of occurrence	*system-language (immanent)*	*antonymic parameter*		
		parameter		
	functional speech (social)	*manifestation level*	*cultural and aesthetic*	
			ethno-psychological	
			social	*corporate breach*
				violation of official standards
conflict manifestation method	*manifested*	*potential*		
	unmanifest			
		unmanifest		
social status	official			
	unofficial			
nature of action	*intentional*	manipulative		
		aggressive		
	unintentional			

Figure 2. Types of linguistic-speech conflicts

As Figure 2 reflects, in the modern scientific literature there are numerous types of linguistic-speech conflicts that can be classified on the basis of various parameters.

Results

Taking into account the revealed approaches to understanding linguistic-speech conflicts, their classification, one should turn to the international analysis of research materials, studying the features of the realization of conflict potential in the journalistic discourse of multisystem languages.

First of all, I would like to refer to the Russian-language publication. The posted interview contains a number of controversial statements that [1] caused a lively discussion and [2] can be regarded as provoking a social conflict (which has already been reflected in user comments) and,

possibly, as unlawful: *И вот **мертвая партия** «Единая Россия», в общем, не должна быть исключением из этого правила* [23].

Already in this statement contains values that can be ambiguously understood by the recipient. First of all, the political party is called "dead." The semantic structure of the adjective contains the following denotations: [1] deceased, deprived of life; [2] devoid of vitality, revival, frozen, silent; [3] non-lifeless, not promising success, barren [31]. Obviously, the producer in his statement refers to the third meaning of the lexeme, representing the activity of a political force as ineffective, ineffectual. At its core, the utterance contains ethically evaluative information, that is, information "about the qualities and actions of people, about situations or events that are described as good or bad in any picture of the world, in any value system" [18, p. 11]. The presented assessment may or may not coincide with the publicly accepted views. Accordingly, in this aspect the statement is subjective in nature, one can agree with the expressed opinion or not, but the conflict does not go into the legal plane: *Потому что на этой неделе, **проклятье** своих регионов и городов, они съехались в Москву. И эти **проклятья** собрались на большую вписку, чтобы решить, как им жить еще лучше и дальше наслаждаться властью* [23].

In this case, the producer uses the curse token to nominate all representatives of a particular political force, party, and officials. In the explanatory dictionary, the noun has the following meanings: [1] the expression to someone of an unconditional and irrevocable condemnation, which signifies a complete break, rejection; [2] indignant swear word [31]. The use of the lexical unit in the above context is used in the second sense, in order to characterize officials in a negative light, to represent their own assessment of their performance, which is evaluated negatively, not only as useless, but as harmful to society, for the benefit of which officials should work. At the same time, the lexeme is described in the Dictionary as an indignant swear word, therefore, its use for nominating officials reflects the producer's intention to confront, to conflict. The situation is aggravated by the fact that the nomination is used in relation to all officials – "curses", is evaluative in nature, which does not reflect the activities of each individual representative of the ruling party in Russia, and therefore does not correspond to reality, since the speaker is not able to evaluate the real results of each a separate "curse". However, in this case we are dealing with the so-called "drifting" vocabulary, that is, vocabulary that has long been perceived as offensive, invective, but today it seems somewhat outdated, gravitating towards neutral vocabulary. Moreover, the statement contains the assessment by the recipient of the activities of officials, not reflecting the intentions to change the situation, on the motivation of the recipient to take certain actions with respect to officials, therefore, we can talk about a unidirectional, social, unofficial, intentional manipulative conflict, which cannot be subjected to legalization and enter the field of law.

The realization of the conflicting potential of a language in an English publication is somewhat different: *John Kennedy is the exception that proves the rule. Kennedy back edaway from the **absurd Trump world fantasy** that has claimed them in ds of so many of his Republican colleagues (39)* – in this case, the author resorts to Trump world neologism, created by means of a

combination of the names of the current president of the United States and the noun "peace", which is accompanied by the adjective 'absurd' with the meanings: (1) ridiculously unreasonable, insolvent, inappropriate; (2) not having a rational relationship with real life (49). The indicated meaning is enhanced by the noun 'fantasy' - fantasy, imagination, imaginary world. As a result of the features of verbalization, the characterization of Trump's policy, its actions as divorced from reality, irrational, not meeting the requirements of the mind, is carried out. The expression is evaluative, reflects the perception of the actions of the policy by a certain journalist, whose opinion can be agreed or not. The conflict is one-way social.

A different situation is noted in the following fragment: *The reversal may indicate that Kennedy has a moral sensibility or is smart enough to see that his previous statement to Fox's Chris Wallace - that no one knows who did the **crime** - made him look **ridiculous*** [39] **-** the adjective 'ridiculous' is a reflection of the value judgment, perception and evaluation by the author of statements, actions of a politician, located on a social plane. At the same time, the statement mentions a crime - crime, which has the following meanings: [1] an unlawful act for which the person may be punished; [2] criminal activity; [3] something reprehensible, stupid, shameful [49]. As we see, of the three denotations enshrined in the semantic structure of the lexical unit, two are directly related to the field of law. Moreover, in the above context, a noun is used to denote an act of criminal activity. We are talking about Russian interference in the US elections, which has not been proven so far, the investigations of this fact do not confirm, therefore, in the framework of the publication, D'Antonio resorts to, [1] first of all, the statement – "statement (expression of opinion, judgment) in which something is affirmed and in which the connection of the subject and its attributes is displayed " [18, p. 13]. The author claims that the crime (in this particular case, RF interference in the elections) took place; [2] to the statement false, because, as in most world countries, in the United States a person (or in this particular case - the state) is presumed innocent until proven guilty by a court. Regarding this investigation, the fault of the Russian Federation was not established at the legislative level. At the same time, whether the statement is knowingly false, that is, "containing information in respect of which the speaker at the time of the speech knows for certain that they do not correspond to reality" [18, p. 13], remains unknown, since it does not seem possible to reveal whether the author intentionally misleads his audience by presenting unverified, unconfirmed data, or really believes in what he says. In any case, in this aspect, the conflict tends to move out of the social sphere to the field of law, may become a subject of legal proceedings, and subject to legalization.

Conclusion

Thus, on the basis of the analysis, we can conclude that the language has a conflict potential, which, as a result of the producer's intentions or under the influence of the conditions of a particular communicative situation, can become actualized, which, in turn, can lead to the conflict entering the social sphere or legalization. Conflicts subject to legalization are speech crimes that cause the same harm to the individual, society and the state as any other crimes. Unfortunately, today the conflict potential is especially brightly updated in the mass media texts,

which in their desire to attract as many readers as possible, actively use language tools of various levels that reflect social conflicts, negative perceptions and assessments of various social, political, cultural realities. In addition, taking into account the fact that the mass media today not only reflect the reality, including existing social conflicts, but also model, construct it, the media take part in modeling, initiating, and reproducing social conflicts. A comparative analysis of the reflection of the conflict in the mass media allows us to conclude that the reproduction of social conflicts is a general tendency of both the Russian-language and English-language media of our time. In the process of actualizing the conflicting potential of the language, various means can be used (neologisms, obsolete words, rethinking the semantics of lexical units, etc.). There were no significant differences in this aspect between the Russian-language and English-language mass media, at the same time, on the basis of the analysis we can conclude that the English-language mass media are more inclined to bring social conflicts into the legal sphere, as evidenced by the numerous proceedings of American citizens with the mass media.

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