

**VERBAL COMMUNICATION AND LINGUISTIC MANIPULATION IN LEGAL
CONFLICTS**

**COMUNICAÇÃO VERBAL E MANIPULAÇÃO LINGUÍSTICA EM CONFLITOS
JURÍDICOS**

**COMUNICACIÓN VERBAL Y MANIPULACIÓN LINGÜÍSTICA EN CONFLICTOS
JURÍDICOS**

Elena KHOKHLOVA¹
Elena USMANOVA²
Roman FEDOSEEV³
Natalia KURMAEVA⁴
Marina TROSTINA⁵

ABSTRACT: The article discusses the main theoretical provisions of verbal communication and linguistic manipulation when resolving legal conflicts. Based on the materials studied, the authors of the article have revealed certain features of speech to effectively recognize and localize a conflict, develop constructive actions, and adequately end it. They have determined the factors of linguistic manipulation in a conflict and models of speech behavior, as well as substantiated the necessity of using such models to harmonize relations in a conflict for its localization. There is a need for further research to study the effectiveness of verbal communication and linguistic manipulation, analyze the feasibility of using various speech means in resolving disputes and conflicts.

KEYWORDS: Verbal communication. Linguistic manipulation. Mediation. Conflict and dispute resolution.

RESUMO: O artigo discute as principais disposições teóricas da comunicação verbal e da manipulação linguística na resolução de conflitos jurídicos. Com base nos materiais estudados, os autores do artigo revelaram certas características do discurso para efetivamente reconhecer e localizar um conflito, desenvolver ações construtivas e encerrá-lo adequadamente. Eles determinaram os fatores de manipulação linguística em um conflito e modelos de comportamento de fala, bem como fundamentaram a necessidade de usar tais modelos para harmonizar relações em um conflito para sua localização. Há necessidade de

¹ Ogarev Mordovia State University (OMSU), Saransk – Russia. Associate Professor. ORCID: <https://orcid.org/0000-0003-4958-277X>. E-mail: em.xoxlova@yandex.ru

² Ogarev Mordovia State University (OMSU), Saransk – Russia. Associate Professor. ORCID: <https://orcid.org/0000-0003-3723-3804>. E-mail: usmanowa_ef@rambler.ru

³ TheAll-Russian State University of Justice (RLA of the Ministry of Justice of Russia), Moscow – Russia. Public Relations Specialist. ORCID: <https://orcid.org/0000-0001-7752-4513>. E-mail: fedoseev.roman.v@mail.ru

⁴ Ogarev Mordovia State University (OMSU), Saransk – Russia. Associate Professor. ORCID: <https://orcid.org/0000-0001-8761-8273>. E-mail: kurmaeva_n@mail.ru

⁵ Ogarev Mordovia State University (OMSU), Saransk – Russia. Associate Professor. ORCID: <https://orcid.org/0000-0001-6905-5438>. E-mail: trostina@mail.ru

mais pesquisas para estudar a eficácia da comunicação verbal e manipulação linguística, analisar a viabilidade do uso de vários meios de fala na resolução de disputas e conflitos.

PALAVRAS-CHAVE: *Comunicação verbal. Manipulação linguística. Mediação. Resolução de conflitos e disputas.*

RESUMEN: *El artículo discute las principales disposiciones teóricas de la comunicación verbal y la manipulación lingüística en la resolución de conflictos jurídicos. Con base en los materiales estudiados, los autores del artículo han revelado ciertas características del discurso para reconocer y localizar efectivamente un conflicto, desarrollar acciones constructivas y terminarlo adecuadamente. Han determinado los factores de manipulación lingüística en un conflicto y los modelos de comportamiento del habla, así como fundamentado la necesidad de utilizar dichos modelos para armonizar las relaciones en un conflicto para su localización. Es necesario realizar más investigaciones para estudiar la eficacia de la comunicación verbal y la manipulación lingüística, analizar la viabilidad de utilizar diversos medios del habla para resolver disputas y conflictos.*

PALABRAS CLAVE: *Comunicación verbal. Manipulación lingüística. Mediación. resolución de conflictos y disputas.*

Introduction

A legal conflict is regarded as the confrontation of actors who have an opposite understanding and make opposite actions regarding the rules and principles of law, aimed at changing their status and legal state. The primary sources of legal conflicts are as follows: firstly, the discrepancy between the development of legal awareness within legal relations and objective needs of their regulation by new legal norms; secondly, the confrontation between law and the mass behavior of the population (KHOKHLOV, 2014).

In the first case, it refers to such emerging contradictions as the clash of custom and statutory provisions or the confrontation of outdated laws with the rules formed by practical activity, including conflicts of laws, etc. In this context, a legal conflict is characterized by the fact that each party is simultaneously a member of two different legal orders (new and outdated that is still in force).

In the second case, the cause of any legal conflict is the confrontation between legal and illegal behavior conditioned by the legality of the state system and the existing legal order. We should also mention the opposition of counterculture and legal nihilism. Such legal conflicts arise at transitional stages of the historical development of society and state.

Science subdivides all the legal conflicts into proper legal and legal in terms of their expression and methods of their management and resolution.

The first group of legal conflicts is formed by the confrontation between legal consciousness and law, where the opposing parties determine the objectively expressed needs of legal reality in support of their position. The resolution of contradictions between various elements of legal consciousness and legal relations is the main goal of resolving such conflicts (MOKHOROVA; MOKHOROV, 2013).

The second group of conflicts arises when law interacts with various aspects of public life. At the same time, the initial legal conflict transforms into a variety of social conflicts, namely political, economic, etc.

Legal conflicts are resolved using constitutional and parliamentary procedures, their consideration in a subordinate court and their settlement by authorized bodies through the implementation of different procedures:

- Constitutional procedures are the means used to resolve political conflicts;
- Administrative procedures are the means used by law enforcement agencies;
- Judicial and arbitration procedures are the means used in the consideration of disputes by courts.

In the field of law and jurisprudence, language acts as a tool or means of communication between the parties to legal relations that allows to receive and transmit the required amount of information with the maximum semantic content through verbal communication (the process of using language).

Methods

Modern science presents speech as a universal means of communication expressed in a specific form of conscious activity, in which one actor forms an utterance and the other perceives it, and vice versa.

Verbal communication has been and is still studied by many scholars and researchers. A considerable scientific interest can be traced not only in the field of linguistics, philology and psychology but also in other areas, including in the field of law since verbal communication is the best form of communication and interaction among various persons of law.

Language and communication are indispensable conditions for resolving disputes in the face of constant outbreaks of conflicts in the modern world. Therefore, language and communication are crucial for managing and resolving conflicts or disputes between the parties (AMUSEGHAN, 2009).

Results and discussion

While studying verbal communication in a conflict, we need to emphasize several functions implemented through speech. The basis of speech is the communicative function. The thoughts of opponents are expressed by means of communication and speech directly affects all the parties (GLUKHOV, 2005). An utterance in a legal conflict always aims at achieving a specific result since an utterance cannot be realized without the active manifestation of intentions in relation to a modeled concept or an action plan when speech is produced in a certain style or form.

The other functions of speech include semantic, significative, emotional-expressive (RUBINSTEIN, 1989), cognitive-emotional (KRONGAUZ, 2002), expressive (correlated with the speaker), appellative (correlated with the listener), and representative (correlated with the subject under discussion) (BÜHLER, 1993).

In the legal field, language serves as means of communication when all the parties to legal relations have a common (similar) understanding of the reality and facts of such legal relations. Only if their understanding of what is happening and the actions, they make are consistent, there is adequate and productive communication. Accordingly, the criterion for effective verbal communication in a legal conflict should be considered a uniform or similar perception of the reality, one's awareness of the specifics of communication and mastery of language.

Many scholars believe that the positive effect of speech interaction depends on several factors, including the culture of speech, its goals, attitudes, roles, and situations. In this regard, language becomes the main toolkit in communication and the effectiveness of verbal communication depends on the degree of one's proficiency in it. For instance, if the speech of just one party to a conflict is devoid of logical content, contains inaccuracies (or false information) or is not very informative, then it is impossible to ensure the adequate transfer of information, which will decrease the effectiveness of verbal communication. The goal of verbal interaction reflects the willingness of the parties to a conflict to negotiate, their readiness for communication and interest in it. The factor of attitude helps to select the form and style of behavior depending on the subjective qualities of the parties to a conflict (age, social differences, personal or professional interaction). The role factor aims at shaping the speech manner of persons participating in a dialogue (conversation) in accordance with the assigned statuses (for example, a mediator). The factor of situation is also important since a

changing situation can significantly affect the results of conflict resolution, even if other factors remain unchanged.

These factors contribute to the effective development of verbal communication. To achieve the maximum effect, it is necessary to direct efforts to the formation of a positive communication climate, which helps establish contact and build a relationship between the conflicting parties. This is facilitated by the establishment of special rules for conducting a conversation and the creation of a favorable environment.

It is worth mentioning the individual abilities of a person participating in a conflict, i.e., their personality traits. A person inclined to communication and a person disinterested in communication do not manifest themselves in the same way, they naturally have differences in their speech behavior. With due regard to the planning factor, social psychology distinguishes between active and reactive speech. In the first case, the realization of verbal communication requires constant programming. In the second case, structural organization is less needed and speech is conducted in the form of a dialogue. This speech is characterized by a situational and context-oriented nature (PETROVSKII, 1976), personal address, spontaneity, ease, and emotionality (KUNITSYNA; KAZARINOVA; POGOLSHA, 2002).

Indeed, language proficiency in various spheres of human life is the key to effective communication. In jurisprudence, the mastery of language is among the main tools of professional activity that can influence participants not only by the force of law but also by a proper persuasive word. When resolving conflicts, it is significant to use various methods of persuasion, to express personal positions clearly, reasonably, and intelligibly, to establish contact with other participants and to hold one's ground in front of the audience.

In science, linguistic manipulation is an effect imposed on a person through verbal and non-verbal means accompanying speech to achieve the goal set by the speaker (ABRAMOVA, 2017). By means of words, linguistic manipulation should express one's clear thoughts and have an adequate structure. An important role is played by the ability to substantiate speech with the relevant facts using voice tonality and modulation. A verbal emphasis on the facts provided draws the attention of listeners and opponents. Verbal linguistic manipulation depends on such components as the selection of means for expressing the formed idea and the content of speech. The intended speech should be conveyed in such words and expressions that will make it as clear, expressive and beautiful as possible, rather than formal or mundane. This type of manipulation can be effective only due to the proper use of communication rules and methods, depending on a particular communicative situation,

interlocutors and the purpose of communication. There are several factors of verbal linguistic manipulation:

- The observance of communication norms (etiquette and cultural speech)
- The established contact with the interlocutor (make efforts to form the interlocutor's sympathy)
 - The content of speech (understanding the topic of communication, understanding what and when to say)
 - Linguistic composition (the selection of speech means)
 - The style of communication (rules for the formation of a favorable image in communication)
 - The scope of an utterance (the balance of laconism, the scope of speech and the duration of sentences)
 - The position of information (the presentation of facts and circumstances in speech according to the degree of their importance, the use of repetitions [different parts of speech] to express the main idea)
- The addressee (rules related to the type of opponent, the level of their knowledge and personal interests) (ABRAMOVA, 2017).

The aforementioned factors aim at ensuring the efficiency of linguistic manipulation but this effect is not always achieved due to the emergence of communication barriers. The latter pose a significant obstacle to the mutual understanding of interlocutors. Communication barriers are caused by various circumstances: different social statuses, national cultures, goals, and needs. Therefore, communication barriers exist in different forms: social, cultural, role, psychological, linguistic, etc. The knowledge of communication barriers and the ability to overcome them is the key to successful communication, including the resolution of a legal conflict.

As a social phenomenon, a conflict is the clash of persons and their confrontation over diverging interests. When considering verbal communication, we should consider a speech conflict, in which these aspects are manifested by certain speech actions. While analyzing linguistic manipulation in a conflict, some scholars also pay attention to a conflict language, i.e., "a display of intrapersonal and group psychodynamic processes, and in its articulation, a set of protective mechanisms is actualized, which contributes to the restoration of psychological comfort in difficult socio-political conditions" (KOTSUR *et al.*, 2021). For

example, one of the parties to verbal communication deliberately uses reproaches, remarks, accusations, threats, and objections in their speech. In response, the addressee produces utterances to protect their interests. Assessing various features of communication competence (social composure, social confirmation, social experience, appropriate disclosure, articulation, and wit), Bruce C. McKinney, Lynne Kelly & Robert L. Duran claimed that a self-oriented conflict style was negatively related to social composure, articulation, and social experience (MCKINNEY; KELLY; DURAN, 1997).

Thus, a speech conflict is presented in the form of inadequate interaction between the addresser and the addressee associated with the realization of linguistic signs and their perception. As a result, verbal communication is based not on the principle of cooperation but confrontation (TRETAKOVA, 2010).

Non-verbal linguistic manipulation is the second type, in which non-verbal means of speech are used (certain gestures, facial expressions, behavioral patterns, etc.) together with non-verbal signals (the postures and actions of interlocutors, etc.). The effective use of non-verbal linguistic manipulation depends on the mastery of facial expressions and gestures, the correct assessment of the psychological mood of parties to communication, listeners, and opponents, timely and adequate responses to a changing situation to establish the necessary contact.

Since the parties to conflicts (including legal conflicts) are people, there are stable styles of conflict behavior revealed through certain types of personality. Evaluating conflict behavior strategies (collaborating, compromising, and avoiding), Charles Conrad highlighted the dependence of conflict resolution not only on communication skills but also on the style preferences and gender of the persons involved (CONRAD, 1991).

Based on the verbal behavior of a person, three main types of communication attitudes can be identified and, accordingly, three types of personalities.

The first type is collaborating (efforts are directed towards establishing contact). Communication efforts in speech aim at the interlocutor and focus on their expectations. At the same time, speech is flexible and a person can easily switch from one topic to another.

The second type is avoiding (non-interference in a conflict). This conflict is one-directional, in which one party withdraws and does not want to use countermeasures.

The third type is compromising, in which one party is inclined towards a conflict and uses aggressive speech behavior, while the other party demonstrates goodwill and strives to extinguish the conflict and relieve tension in communication.

To resolve legal conflicts, it is important to use the regulatory impact of speech in the arisen conflict to harmonize it and localize the conflict itself.

Depending on the type of conflict situation, different models of harmonizing speech behavior can be used: conflict prevention, conflict neutralization, and conflict harmonization (TRETYAKOVA, 2010). These models have varying degrees of intended speech behavior. Speech behavior in potentially conflicting situations is more subject to modeling. This type of situation contains conflict-provoking factors that cannot be detected explicitly: there are no deviations from the expected development of relations, no fixed collocations or set phrases signaling the emotional state of the situation; there are only implications known to the interlocutors indicate the presence or threat of tension. In this context, it is important to take the situation under control and make every effort to contain its aggravation. This means that the parties to relations should know the ways and means of neutralizing these "dangerous" factors and, of course, be able to use them. Motivating speech (requests, comments, questions) is a means of neutralization in the context of assessing situations that potentially threaten the development of communication. This model is called conflict prevention.

The second type of situation (conflict risk situations) is characterized by the fact that there is a deviation from the general cultural scenario development of the situation. This deviation signals the danger of an imminent conflict. Typically, risk situations arise if, in potential conflict situations, the communication partner did not use conflict prevention models in communication. In a risk situation, at least one of the communicants can still recognize the danger of a possible conflict and find a way to adapt.

The model of speech behavior in risk situations is called a model of conflict neutralization. It seems to be one of the most difficult and unpredictable in selecting linguistic means for neutralizing a conflict. The thing is that there is no single formula of speech behavior since risk situations require additional efforts of a communicator to comprehend them and choose appropriate actions to harmonize communication. Since the actions of the conflicting party can be difficult to predict and diverse, the behavior of the other party, harmonizing communication, in the context of the situation is more varied and creative. Therefore, this model contains a wide range of speech tactics and communication skills.

The third type of situation is conflicts. Such situations are characterized by differences in positions, values, and rules of conduct, which, in general, have the potential for further confrontation. Within this type of situation, the following models of speech behavior can be distinguished:

– The "playing along with the partner" model. Its task is to maintain "equal" relations among partners and utilize such means of linguistic manipulation that would not exacerbate the existing interaction:

– The "ignoring the problem" model. In this case, default tactics and avoiding the topic are used, i.e., one party gives the other one the right to independently make the necessary decisions;

– The "interests of the business above all first" model. This model aims at developing an acceptable solution to a conflict for all the parties. In this case, the strategies of compromising and collaborating are actively used, including negotiations, concessions, the adoption of agreements, etc.

Conclusion

In the process of verbal communication in the legal sphere, the parties should not only apply legislative norms but also explain, prove, and convince. Therefore, it is crucial to actively use special verbal methods to influence people and allow them to achieve the desired result. Accordingly, the higher the level of linguistic and communication proficiency, the more effectively professional tasks are solved. The knowledge of verbal communication and linguistic manipulation, as well as the use of models of speech behavior to harmonize the relations of the parties in a conflict, contributes to its faster and more effective resolution.

ACKNOWLEDGMENTS: The reported study was funded by RFBR, project number 20-011-00378.

REFERENCES

- AMUSEGHAN, A. Language and communication in conflict resolution. **Journal of Law and Conflict Resolution**, v. 1, n. 1, p. 1-9, 2009. Available in: <https://academicjournals.org/journal/JLCR/article-full-text-pdf/EE4B4AB575#:~:text=Language%20and%20communication%2C%20therefore%2C%20are,of%20many%20writers%20and%20researchers>. Access in: 11 Jan. 2021.
- MCKINNEY, B. C.; KELLY, L.; DURAN, R. L. The relationship between conflict message styles and dimensions of communication competence. **Communication Reports**, v. 10, n. 2, p. 185-196, 1997. Available in: <https://www.tandfonline.com/doi/abs/10.1080/08934219709367674>. Access in: 07 Feb. 2021.

CONRAD, C. Communication in conflict: Style strategy relationships. **Communication Monographs**, v. 58, n. 2, p. 135-155, 1991. Available in: https://www.researchgate.net/publication/248925014_Communication_in_Conflict_Style-Strategy_Relationships. Access in: 20 Mar. 2021.

KOTSUR, V. *et al.* The Language of Confrontation in Everyday Discourse: Intentional Depreciation. **Psycholinguistics**, v. 29, n. 1, p. 100-116, 2021. Available in: <https://psycholing-journal.com/index.php/journal/article/view/1188>. Access in: 16 Apr. 2021.

ABRAMOVA, N. A. **Yuridicheskaya dialogika**. Moscow: INFRA-M, 2017.

BÜHLER, K. **Teoriya yazyka**. Moscow, 1993.

GLUKHOV, V. P. **Osnovy psikholingvistiki**. Moscow: Astrel, 2005.

KRONGAUZ, M. A. **Semantika**. Moscow, 2002.

KUNITSYNA, V. N.; KAZARINOVA, N. V.; POGOLSHA, V. M. **Mezhlichnostnoe obshchenie**. Saint Petersburg: Piter, 2002.

MOKHOROVA, A. YU.; MOKHOROV, D. A. **The legal aspects of conflict management**. s.l.: n.d., 2013.

PETROVSKII, A. S. **General psychology**. Moscow: Prosveshchenie, 1976.

RUBINSTEIN, S. L. **The foundations of general psychology**: In two volumes. Moscow: Pedagogika, 1989.

TRETYAKOVA, V. S. Conflicts in linguistic categories. **Yurislingvistika**, v. 10, n. 10, p. 141-149, 2010. Available in: <https://cyberleninka.ru/article/n/konflikt-v-lingvisticheskikh-kategoriyah-1>. Access in: 17 June 2021.

KHOKHLOV, A. S. **Conflict management**. History. Theory. Practice. Samara: SF; GBOU; VPO; MGPU, 2014.

How to reference this article

KHOKHLOVA, E.; USMANOVA, E.; FEDOSEEV, R.; KURMAEVA, N.; TROSTINA, M. Verbal communication and linguistic manipulation in legal conflicts. **Rev. EntreLinguas**, Araraquara, v. 8, n. esp. 1, e022007, Mar. 2022. e-ISSN: 2447-3529. DOI: <https://doi.org/10.29051/el.v8iesp.1.16918>

Submitted: 05/12/2021

Required revisions: 13/01/2022

Approved: 15/02/2022

Published: 30/03/2022