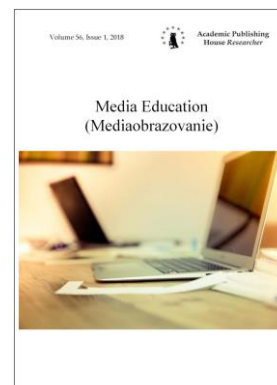


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Verbal Crime: The Problem of Insult in the Media Text

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Abstract

The article is devoted to verbal crimes, the qualification of which requires the cooperation of lawyers and linguists. Linguists are directly involved into qualification of verbal crimes such as conspiracy, incitement, threat, insult, etc. The use of language always contains the potential of "natural insult", a violation of conventional rules. This violation effects not the same perlocutionary result. The legal definition of insult is essentially an appeal to linguistic flair. Insult is mostly associated with the use of a particular obscene (invective) lexicon. Any media text that contains allegations about people or institutions can be challenged in court, that is, it can be considered as an insult. Therefore, any media text that is not initially intended as a conflict can cause a conflict. This is supported by the language itself. The specificity of the studied problem area led to the hermeneutic approach, focused on interpretation and explanation; the method of linguistic deduction and induction. Interpretative approach, based on the assumption that the values do not exist in isolation, are not contained in words and sentences, not extracted from them, but understood by the recipient on the basis of the speech features and context, was extremely relevant.

Keywords: obscenism, invective, insult, verbal crime, law, perlocutionary effect, manipulation, persuasiveness.

1. Introduction

Any media text that contains allegations about people or institutions can be challenged in court, that is, it can be considered as an insult. Therefore, any media text that is not initially intended as a conflict can cause a conflict. The experience of criminal and civil cases connected with insults, protection of honour, dignity and business reputation has shown that the bodies administering justice often arbitrarily interpret the terms by which the essence of such cases is presented. The stumbling block in court proceedings is that the opposing parties treat differently relevant terminology (sometimes diametrically contrary ones).

Since there are such crimes as slander, incitement, threat, insult, etc., directly related to the language, linguists are directly involved into their qualification. It is well-known fact, that *"the use of language in a social life of a person always contains the potential of "natural insult"* (Golev,

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2000: 5). Until recently, there was the article 130 "Insult" in the Criminal Code of Russian Federation.

The term "insult" was defined in it as "Insult, that is, humiliation of the honour and dignity of another person, expressed in an indecent form". That is, insult as a criminal offence had two features: firstly, the statement by its content should humiliate the honor and dignity of another person and, secondly, should have an indecent form. As we can see, the interpretation is given through the terms that the jurisprudence refers to the category of "evaluation", and therefore requiring special legal commentary.

Interpretation of insult in the law has been changed: crimes under articles 129 and 130 of the Criminal Code were decriminalized and included into the category of administrative offences provided for by article 5.60 "Slander" and 5.61 "Insult" of the Code of the Russian Federation on Administrative Offences (hereinafter – the Administrative Code) by the Federal Law on December 7, 2011 № 420-FL "On Amendments to the Criminal Code of the Russian Federation and Certain Acts of the Russian Federation". "Slander" then was returned to the Criminal Code, and "Insult" not yet: in the former formulation now it lives in the Administrative Code (Levontina, 2014).

It is impossible to objectively describe the legal and linguistic problem of "insult", limiting only in the linguistic or legal space of the study. The scholarly problem of insult and perlocutionary effect in language and law has not yet got adequate coverage for a number of reasons, the most important of which is that linguistic methods of legal diagnosis of insult are not defined with an adequate degree of accuracy. Insult is a deliberate violation of conventional rules. The problem, however, is that this disruption causes different perlocutionary effect. Obviously, the solution lies in the frequently statistical space. If many texts, homogeneous in their linguistic nature, produce the same pragmatic effects, this indicates a general pattern determining the relationship of the form and function of certain language signs.

2. Materials and methods

The study is based on the general scientific principle of dialectics, considering things in their interconnection and interdependence. The most important methodological postulate was the position about the empirical method of cognitive linguistics, which is to follow all the nuances of the language forms and to find their ultimate explanation in the cognitive structures device (Kibrik, 2008: 75). The specificity of the studied problem area led to the hermeneutic approach, focused on interpretation and explanation. The method of linguistic deduction and induction was used as well. Interpretative approach, based on the assumption that the values do not exist in isolation, are not contained in words and sentences and are not extracted from them, but are understood by the recipient on the basis of the speech features and context, was extremely relevant.

3. Discussion

Many researchers – S.G. Vorkachev, E.I. Galatina, N.D. Golev, V.I. Zhelvis, A.V. Koryakovtsev, K.M. Rudkova, A.P. Skovorodnikov, V. Himik, B.J. Sharifullin, and others investigated linguistic and legal aspects of abuse. Ethno-culturological peculiarities of the formation and functioning of invective vocabulary in different linguocultures are investigated; observations on the peculiarities of the linguistic picture of the world related to the functioning of zoo-invective in different linguocultures are made (Malashchenko, 2003, Arévalo, 2018, etc.). Many authors analyzed concepts such as verbal aggression, communicative pressure, suggestive influence (Kulikova, 2004; Brusenskaya, 2016; Issers, 2003; Kulikova, Kuznetsova, 2015; Kulikova et al., 2016; Brusenskaya, Kulikova, 2016; Kulikova, Brusenskaya, 2017; Brusenskaya, Kulikova, 2017; Shcherbinina, 2004). Of particular interest is the practice of conducting court cases to protect the honor, dignity and business reputation (Brinev, 2010; Matveyeva, 2004), analysis of ethno-cultural peculiarities and frame components of the concepts of "resentment", "insult", "defamation" (Levontina, 2016; Shakhovskiy, 2013). Linguists participating in the Work of the Guild of linguists-experts on documentary and information disputes (Moscow) and the Laboratory of legal linguistics (Barnaul) took into consideration the theory of insult diagnostics in conflict texts (during the linguistic expertise). As part of this work, the use of offensive words involved into the broad linguistic context was analyzed. The conflict text from the point of view of the interpreter, from the point of view of intentions ("criminal intent") of the sender of the text was investigated.

Attention was drawn to the most frequent tactical moves leading to a communicative conflict (Bezmaternykh et al., 2017) – resentment, insult and defamation. The analysis of the complex of ethnic, psychological, moral and ethical components of the concept "insult", based on the general conceptual model of insult, which in its turn is based on the norms of morality, ethics, human behavior in society, is carried out in the works of V.I. Zhelvis (Zhelvis, 2001, 2002, 2004).

The legal definition of insult is essentially an appeal to the linguistic sense (for example definition "a rude form", "indecent form") of the native speakers. Manifestation of "acute" reactions to irony are possible. For example E.I. Sheigal's idea (Sheigal, 2004) that irony is one of the means of verbal aggression, though the least rigid ones. Irony is often used in media texts for the purpose of insult. According to Quintilian, irony means the something opposite to what we say; *"this is also called mockery, which can be understood either by the pronunciation of the voice, or in the face, or by the feature of the thing, of which it is said. When words do not come to them, it also means that the intention of the speaker is to show this opposite one"* (Quintilians, 1909). Irony is akin to such categories as grotesque, parody, wit, humor, mockery. At the same time, the main difference between irony – in its veiled nature: although the negative assessment is darkened in it, but at the same time it borders with neglect to the object of irony, its actions or qualities, which allows to consider it, with some limitations, to the "soft" type of speech aggression. The irony is distanced from the object of irony and indirectly demonstrates its superiority.

However, there is such a thing as self-irony, that is, irony can be directed onto the speaker as an object. The ironic meaning is a situational implicature – the conclusion to which the recipient comes interpreting the pragmatic content of the statement in communication. Language means of irony expression (including implicit ones) are studied, in addition to linguistics, by a whole complex of Humanities, such as aesthetics, ethics, psychology, philosophy, logic. Many researchers (Khazagerov, 2006; Akimoto, 2014; Brusenskaya et al., 2017; Alba-Juez, Larina, 2018; Brusenskaya, Kulikova, 2018, etc.) note the characteristic for the present expansion of the irony into public sphere, dominated by pathos before (due to reasons of socio-political nature). Irony is evaluative, as a metaphor, but if the metaphor assessment is on the surface, on the "ground" part of the figure (because of connotations is associated with its direct meaning and metaphor only implements these connotations), irony as a speech act is a more complex, sophisticated formation. It is formed as a result of the interaction of the illocutive force of a simple speech act with the ironic intention of the speaker, the ironic speech act is characterized by greater complexity and ambiguity.

There is a special verbal "ironic convention" – a set of rules governing normative ironic communication. There are ethical restrictions on the use of irony in society as a whole or in some social groups, as well as rules for the relevant and effective use of irony in changing situations of communication. In the textbooks on the speech culture and speech etiquette there are restrictions on the use of irony such as irony is not relevant in the context of ritual actions (not only on funerals, but on weddings, too), it is not relevant to strangers, to senior people or to people standing higher in the social hierarchy, etc. Thus offensive potential of irony is *a priori* admitted. Presence in the text of rude vernacular, abusive nominations and "obscene words" necessary for the legal recognition of abuse, is not necessary for perlocutionary effect of insult of the addressee of the speech. Example of I.B. Levotina (Levotina, 2014): if anybody asks you a question – whether you have written your thesis yourself or paid someone to write it for you, then, of course, such a question will be offensive, although it does not contain any "insulted" language units. For a legal solution of the problem of abuse of particular importance is the question of what is the main object of analysis: verbal means of insults (words, grammatical forms and syntax) by themselves, their functioning in the mind of the sender of speech or they produce perlocutionary effect in the mind of the recipient.

For a legal solution to the problem of abuse it is important to answer the question: what is the main object of analysis: verbal means of insults (words, grammatical forms and syntax) (Marlangeon, 2018), their functioning in the mind of the speaker or produced by them perlocutionary effect in the mind of the recipient (Yus, 2017; Wierzbicka, 2018). On the one hand, the insult is a result of the use of some "non-legal" words, which now either remain outside of lexicography, or get the appropriate pragmatic (stylistic) notes, and these notes should help to regulate speech behavior (vocabulary notes, of course, do not warn about legal liability, but inform about limitations in the regulatory communication). On the other hand, as the analysis of actual

conflicts related to insults shows, the situation itself is not exhausted by the use of verbal means as a source of the insult itself; such a source is a mental feeling of insult, i.e. the linguistic and ethical consciousness of the addressee, who feels humiliation and insult. For example, the information contained in the media text may be "offensive" to the honour, dignity and business reputation of the person in question. That is, the decisive factor in the qualification of verbal crime is the reaction of the addressee.

A statement of fact of abuse and degree of psychological and moral damage from abuse is a function of linguistic and ethical consciousness of the addressee, which evaluates them on the base of own notions about normativity (which, in turn, is caused by a lot of social and linguistic factors). However, the insult is mostly connected with the use of a particular obscene (invective) lexicon. The use of obscene lexicon has not been a special object of linguistic studies before, but now investigations in this sphere become more and more popular. There are numerous works in which obscene lexicon are associated with the concepts of catharsis, investigated as a way of relaxation, as a means of establishing a particularly trusting relationship and even elimination of social hierarchy.

A.V. Koryakovtsev emphasizes the invective function *"as special and specific one with its own means of expression, along with the rhetorical, emotive, aesthetic, fatal, nominative, referential and other functions of the language"* (Koryakovtsev, 2003: 229). Reference to the "civilizing" role of obscenism in diachrony is significant: *"the savage, who was first in expressing their emotions of indignation instead of hitting with cobblestones used the expletive, invective, marked the beginning of civilization, and at the same time and inventivization of linguistic personality"* (Shahovskiy, 2013: 53). And also: *"the Swear promoting allocation of endorphins and androgens, renders antistress action, reduces pain, promotes healing of wounds and sharp improvement of well-being and mood"* (Moskovtsev, Shevchenko 2009: 65).

The following provision is extremely important: human speech is not a fully controlled process (which is especially true in relation to emotionally loaded speech: in extreme circumstances, there is an almost unconscious reflective nature of the use of obscenity). This fact is emphasized by numerous jokes in which a person in an extreme situation speaks emphasized literary language, which causes a comic effect. In a lot of studies are devoted to an analysis of the special function of obscenisms reflected in folklore genres, the function of the amulet. For example it should be noted that obscene language in some cases turns out to be functionally equivalent to a prayer. Thus, in order to escape from the brownie, the devil, etc., it is prescribed to the person either to read a prayer (at least, to overshadow him or herself with a sign of the cross), or to swear obscenely (Uspensky, 1994: 62). Or *"Swear, as a kind of life aggression, was endowed with the ability to disperse the road undead"* (Shchepanskaya, 2003: 230). On the role of obscenism as a talisman in particle cycles (Fateyev, 2010: 400-408).

On the role of obscenisms as a talisman in particle cycles: (Fateyev, 2010: 400-408). As V.I. Zhelvis writes, today invective language has finally come out of scientific shadow and has become no less worthy object of study than other manifestations of the national language (Zhelvis, 2001: 18). Obscene lexicon (invective) is the national part of the language, which is strictly forbidden (taboo) and at the same time well known for all adult native speakers (unlike jargon, professionalisms, dialect, etc.). The basis of obscene language in each language is made of some well-known roots, the periphery is blurred, its boundaries are contingent, but possibilities of derivatives formation from these well-known roots are unlimited. It is an ancient lexical layer in all languages, and its additional period is much longer than the written one. Y.I. Levin pointed to the proximity of obscene expressions to performatives. When we say that a person cursed, we mean not only that this person uttered certain words, that is illocutionary act was created, but also that this person did some specific action, that is, there was a illocutionary act, intentionally abusive. No wonder in the Russian language "the word "to express" acquired an independent status, it is like the word "break", which deliberately is connected with some action *"I postulate the existence of specific – abusive – illocutionary force and appropriate illocutionary acts. Their peculiarity is that as a rule they are associated with other illocutive acts (requirements, vows, etc.) and in their pure form, perhaps, act only in abusive interjections, being a special case of expressives"* (Levin, 1998: 809-810).

As T.A. Kudinova (Kudinova, 2011) writes, the performative (effective) character of invective is connected with the fact that it violates social taboos, which historically is a religious or moral

prohibition, and in the life of a particular person they act as an unconditional imperative. Obscenism, which is stylistically marked as highly rude and vulgar (that is why they often remain out of the doorstep of the printed text), break a taboo. V.V. Kolesov considers that obscene lexicon is not the "third world" of Russian culture, but "connected with the life processes system of distortion and decreases in quality, with the aim to allocate (break) the individual or the socially narrow group from the total environment of culture and its language. It is a carnival with a proper antisocial game into antibehavior; all censorial restrictions on the use of invective vocabulary are removed during the carnival (Kolesov, 2004: 197).

Obscenisms are akin to such social phenomena as alcoholism and drug addiction (it is significant that the language of drunks and drug addicts is swear and offensive words; the union of these spheres is natural and organic, because it reveals the emptiness of consciousness, lack of morality, degradation of mind, and ultimately the destruction of personality (Grechko, 2009: 10-11). The emotional content of obscenisms is highly diffuse: often they not differentially represent emotionality, specified just in the broad context of not only linguistic but also socio-cultural situation. As a result, *"Swear usurps powers of Basic-Russian, this practical means of facilitating primitive communication"* (Devkin, 2005: 213). And also: *"Search for the right word takes effort, and you do not need to look for swear, it is always close to you as saliva to lick the wound or to remove the speck. Swear is persistent, not worn out (despite congestion) expresses. It is the eternal engine" with a perpetual guarantee of strength for all the time while there are ethical prohibitions"* (Devkin, 2005: 216). N.A. Jews writes about desemantized obscenism, which are used as a card Joker, able to perform any desired function, (Jeuce, 2008: 17). See also: (Kudinova, 2011).

In the list of many properties of obscenism researchers find out a lot of "useful" ones: they are a password, a cathartic tool, perform a contact-establishing function and function of interpersonal distance removal (Devkin, 2005: 211). However, their main property is to express negative evaluation, for example: *"despite the breadth of their semantic spectrum, obscene expressions are used mainly to express "negative" meanings in the broadest sense of the word, i.e. containing sema "negation", without difference between negation as a logical operator, negation of any "positive" or "normal" quality, absence or elimination (lack causation) of something"* (Levin, 1998: 816). A society with detabooization of obscene lexicon, is like *"a world where people steal and deceive, beat and fear, where everything is plundered, betrayed, sold" where people fall down but not stand up, take but not give, in which either work to exhaustion, or moonlight – but in any case relate to work and to everything around with disgust or with profound indifference"* (Levin, 1998: 810).

About offensive power of obscenism write even those who generally support not strict attitude to non-normative layer of language: *"People use numerous rude, insulting and humiliating terms to express a negative attitude towards something, as well as to assert themselves, to show superiority over the interlocutor. These words painted everything as if into a dirty tone, downplaying not only the subject of the speech, but also a person they talk to"* (Moskovtsev, Shevchenko, 2009: 53). The same authors made such observation: the more authoritarian society and the state, the stricter it monitors compliance with standards in speech, because strict monitoring of compliance with the dogma of morality and speech is another important way of controlling people. The harsh regimes forbade to swear seriously, there is the word was equated to action. Accordingly, condemnation was real, even cruel, and not just moral or carried out through the broken book laws, as now in our country (Moskovtsev, Shevchenko: 79-83).

A new form of speech aggression, reflecting a high degree of interpersonal and social aggression is the so-called trolling. It is a product of its time, which did not exist in the pre-Internet era. It is in the Russian – speaking segment of the Internet – in Runet now in its entirety the modern language is reflected, this language is characterized by coarsening, the constant formation of the "image of the enemy" and often – the evil asocial aggressivity. Technological progress, which led to the emergence of virtual communication – Internet in the second half of the XX century, allowed to create a qualitatively new sphere of communication, and as a result electronic technology caused its total spread. The availability of free, comfortable, high-speed Internet access and new information technologies allows the average person has the opportunity for dialogue in the global network. As you know, dialogue strategies are divided into cooperative and non-cooperative. Non-cooperative strategies include dialogue, the basis of which is a violation of such

rules of communication as friendly cooperation, sincerity. Trolling is one of the elements of non-cooperative speech strategy that violates the favorable microclimate of dialogue (polylogue) space, it is actively used in the framework of modern Internet communication. This network behavior is based on provocative, mocking, offensive messages for the purpose of forcing the atmosphere of conflict and confrontation. Freedom of expression, anonymity, focus on direct dialogue, on the one hand, allow the writer to reveal the creative potential, to speak very directly and sincerely, and, on the other hand, many taboos, generally accepted in public communication, are removed. It is non-representation, equality and anonymity that make trolling possible. Trolling is bullying and abusive behavior in the form of messages, fueling conflict between communicants in chat rooms, forums and blogs. This is a socio-psychological and linguistic phenomenon that appeared on the Internet in the 90s of the XX-th century. The use of trolling leads to the loss of cooperative strategy of the polylogue and consequently – to the loss of the main topic of communication.

Trolling can cause significant damage to communication and destroy the sense of mutual trust in the Internet community. There is an opinion that the word itself is borrowed from the sphere of fishing, in which the troll is called the bait on the hook (compare: trolling is fishing for bait). However, in the mind of a Russian-speaking person there is another image. It is an evil mythical Troll (Troll in Scandinavian mythology is an ugly, unpleasant, malicious creature). In the Internet, a Troll is called the initiator of such offensive communication; a Troll in the Internet is a troublemaker, an aggressor, an instigator; it does evil and causes harm. Thus Troll satisfies the need for recognition and superiority over the interlocutor. O.N. Ankudinova ([Ankudinova, 2009: 21](#)) characterizes the Troll: *"a person who places rude or provocative messages in the Internet, for example, on forums to prevent discussion or insult its participants, crudely, roughly criticizes users' photos, inscriptions"*. If we take into account the peculiarities of the Troll's behavior in the network (whose communicative purpose is to influence the potential victim so that he or she would pay attention, react to a provocative message, incitement, that is, "caught on the hook" – "swallowed the bait"), we have to admit that the analyzed concept is based on a clear and transparent image. According to another opinion, the term "trolling" is formed from "trolling for newbies" (from the English word "newbie").

Of course, the word "trolling" is still difficult to attribute to linguistic terms with established semantics and neutral pragmatics: its slang origin is bully felt by native speakers, but there is no other name for this phenomenon. Trolling is characterized by a violation of the principles of traditional forms of communication described by P. Grice. As you know, the development of communication takes place in accordance with the principle of cooperation, which P. Grice represented in the form of four maxims. For example, according to the Maxim of quality, one should not speak about things that are wrong or inadequate in a given communicative situation; according to the Maxim of communication, one should formulate such judgments that are related to the purposes of the current communication; according to the Maxim of quantity, one cannot overload speech with a message of excessive information; the Maxim of good manners assumes clarity, not ambiguity or ambiguousness. That is, according to Grice, the sender of the speech must be truthful, adequate, informative and understandable ([Grice, 1985: 217-237](#)).

Trolling violates the maxims of politeness, which include: 1. Maxim of tact, prescribing not to touch potentially dangerous topics (private life, religion, personal preferences); 2. Maxim of generosity, according to which it should not be a burden on the interlocutor and try to dominate in communication; 3. Maxim of approval, prescribing not to judge, not to condemn; 4. Maxim of consent: its essence is the rejection of conflict communication (mutual correction).

According to maxim of politeness, trolling is a destructive phenomenon. Techniques used in trolling, are described in detail today. This is an arbitrary change in the topic of dialogue, the active introduction of invective and obscenisms, excessive categorical statements, manipulative use of the concept of "own – alien", the strategy of provocation, discreditation and hyperbolization. Many publications are devoted to the phenomenon of trolling (as a type of network communication). Trolling is not homogenous phenomena. It is differentiated by the following parameters:

1. by number of recipients: person-oriented; mass-oriented;
2. by communicative purposes: promotional; usual;
3. the sphere of spread in the global network: chat; forum; site; news; in Live Journals; blogger;

4. by quality of activity: intentional, which is characterized by conscious functional base; unintentional, which is characterized by spontaneous, unplanned activity; false (the result of an attempt to pass off their activities for trolling, despite the fact that it is not).

The word "trolling" settles in and outside the network and even acquires derivatives, compare: the verb to troll which indicates the actions of a Troll: to troll somebody.

There is another phenomenon of the same kind – flaming. Trolling is the action associated with verbal aggression, and flaming is the interaction associated with verbal aggression, that is, flaming is mutual trolling, and trigger of flaming is often remark of a Troll, that is flaming is the result of effective verbal provocation (Vorontsova, 2016: 114). The flames are message of different genres, which are provocative texts of usually mocking, insulting, ironic type. By their intention, these are sarcastic, inflammatory messages, statements of a sharply critical nature, passing to the person, often rude and cynical messages. Aggression, actualized in flames-texts, is not disguised and not motivated desire to dominate in networked community. Flames-texts actualize the counteraction within the opposition "own – alien". Ignoring the formulas of etiquette, the use of offensive names and epithets, derogatory assumptions about the mental abilities of the opponent, etc. – typical techniques of such "communication". It is rightly noted that the breeding ground for trolling is anonymity. Often users communicate in the virtual space anonymously. *"in the Internet world, where no one apologizes to anyone, whose memory is like a hamster's memory – for a couple of days, and there is, alas, the most modern and vibrant society, in which while there is a little tact, little desire for the truth and a lot of detestation"* (Vorsobin, 2017).

There is a large number of network communities, which are characterized by the manifestation and spread of aggression. For example, there are several such groups in social network "VKontakte", for example, the community "Aggression", numbering about 84 thousand users. The group places information consisting of pictures with fights, physical mockery of people with comments in the form of obsenizms. Y.M. Konyaeva (Konyaeva, 2015: 140-149) believes that this phenomenon has gone beyond the limits of the network communication, it is specific communicative practice, which is typical for the media in general, not only for electronic ones. In fact, the communicative phenomenon of trolling is a special way to reduce the assessment of the subject of speech, it is a mechanism of crossing out the positive information in the media text. Trolling, according to Y.M. Konyaeva, is a way to indirectly identify a point of view that allows to sow doubt in the recipient.

However, the examples by J.M. Konyaeva, do not contain elements of explicit verbal aggression and, rather, manifestate strategy of discreditation which is well documented on the material of the media. The main feature of trolling is offensive replicas. The procedural practice of the early XXth century, for qualification the saying or action as offensive, required a mandatory intention to commit an insult. But as insults on a imputed mental way of relating to a illegal act is divided into conditionally and unconditionally offensive, the guilty person must prove that he (or she) had not the intention to insult, qualifying unconditionally offensive one, in relation to words or actions, conditionally offensive, offended (insulted) person was obliged, accordingly, to prove that those who spoke the words (or made offensive action) was aimed to insult him. The fact that the communicative intention was defined as a qualifying sign of insult by the legislation of the beginning of the XXth century, is connected with the speech nature of this social phenomenon, the source of which was the ancient Russian meaning of "insult", which semasiologically preceded the modern term "crime".

4. Results

Traditionally, representatives of the elite speech culture are responsible for preserving the variability in the language at a certain constant level: one of the most important principles of sociolinguistic stratification is the resistance of the upper layers of society to linguistic transformations "offered" by the lower layers. This is due to the fact that for the upper classes language is a social marker, an indicator of their social status, high social status, which they cherish. Today, however, that statement requires corrections. According to fair thoughts of G.G. Khazagerov on the rights of the journalistic koine in our media a special variant of thieves' jargon with addition of teenagers' lexicon and phraseology operates today. In this language, it is inconvenient to argue that it is impossible to discuss anything seriously; in fact, it is a "trap for the

speaker" (Khazagerov, 2006). Within the framework of modern legal linguistics there is raised the question of possibility of "legal regulation of obscene words" (Golev, 1999: 26).

However, the legal regulation of the obscene lexicon is faced with the difficulty that the invective function of the language often considers as one of its natural functions, and one of the useful functions (obscenisms are not just an indicator of aggression, but are able to "drain" aggression). In addition, many obscenisms are semantically and pragmatically ambivalent, and the ambivalence of emotions transmitted with word gives rise to the ambivalent perception of the word by the addressee. It is well known fact that the same saying, addressed to different people and in different socio-cultural conditions, can produce not just a different, but the opposite effect, *"that is rational in a single speech act may not be rational for the functioning of the system as a whole, and what is rational for one addressee may not be rational for another one"* (Kulikova, 2004: 263), *"perfectly normative speech psychologically creates a feeling of dryness, brevity, it does not hurt emotional strings"* (Valgina, 2001: 48).

And it turns out that the "language of the bottom" in modern communicative situations often becomes the most appropriate means of transmitting emotionality. M.A. Krongauz wrote about useful functions of obscenism: these words can be used for its intended purpose, that is, for the naming objects associated with sex and bodily love taboo in Russian culture; through these words it is possible to insult the person, and call the trust; in some situations they are used naturally, and sometimes they are necessary, for example – *"in closed male communities (prison, army) the disuse of the swear causes mistrust; in Soviet times, the swear was used for the destruction of the officialdom, the ritual use of language... Swear can be used as a kind of speech connections, pause filler, and the speech of some people almost entirely consists of such connections"* (Krongauz, 2008: 159). However, even taking into consideration and partly agreeing that obscenisms are able to perform some positive functions, it should be noted that the use of invective in modern communicative conditions often threatens the "environmental safety" of the language. Supported by lexicography "increase" of rough vernacular words became usual, that forms undesirable getting used to such vocabulary.

Traditionally (from the very beginning of the formation of legal linguistics), the such lexicon was in the focus of attention of specialists in legal linguistics, however, recommendations of a legal nature have not been developed yet. Especially valuable for legal linguistics those works, where classification of obscene words according to their degree of invectives are justified (with experimental data and surveys of speakers, typological description of the scope and situations of use of language units and frequency, the study of the traditions of their use in Russian linguistic culture). *"Psycholinguistic study of the impact of the language in its perception by different layers of native speakers could played a special role for legal linguistics – this determines its qualification in the aspect of linguistic ecology, linguistic discrimination, and – ultimately – the very possibility of legal regulation of obscene words"* (Golev, 1999: 26). The problem of offensive sounding of the word has acquired a special significance in legal terms, however, Russian lawyers, as V.I. Zhelvis writes (2004: 9), still have very little means that would help to clearly define the legal boundaries of this phenomenon: what is undoubtedly offensive word consumption (Mackenzie, 2018), and what is limited by certain conditions of place and time, etc. "These are questions of context and skill" (O. Kushanashvili "I and Put in. How to win the good"). The most acute problem for the Russian language of the last decades is the detabooization of gross obscenities, which forms the habituation to such lexicon (in part this habituation is supported even by lexicography, not only aspect, but also general one). Even a word like *fuck*, in the dictionary of the late XXth century by G.N. Sklyarevskaya has a mark "colloquial", that is, the general explanatory dictionary records a significant decrease in the level of permissible in the literary language. Attempts to include the invective into common explanatory dictionaries most often cause a negative attitude. I.A. Baudouin de Courtenay wrote: "Full lexicographic objectivity requires to include so-called "indecent" words, "profanity", "curses", "the abominations of vulgar slang," etc. into serious dictionary of "living language". Lexicographer has no right to cut and castrate the "living language". As known words exist in the minds of the vast majority of the people and freely pour out, the lexicographer must put them into the dictionary" (Baudouin de Courtenay, 1963: 236). These ideas he implemented, editing the 3-rd and 4-th revised and enlarged editions of the "Explanatory Dictionary of the Live Great Russian Language" by V.I. Dahl. However, the editors of subsequent editions of the dictionary abandoned "innovations" and kept the dictionary in the form

in which it was prepared for publication by the author. Compare evaluation of innovations by Baudouin de Courtenay: *"As the editor of the 3-rd edition (1903-1909). the Dahl's Dictionary, I.A. Baudouin de Courtenay arbitrarily included into the Dictionary a large number of abusive, even swear words, thereby violating the cultural tradition of Russian classical lexicography <...> Dahl, from his youth observing and recording living great speech, heard and knew these words, too? But, as a man of high moral principles, ... he decisively eliminated obscene. Up to our "democratic" time this act of Baudouin did not find followers"* (Grechko, 2009: 10-11).

For example, however, the curious ideas of V.K. Kharchenko about "partition linguistics", the meaning of which is that monolingual dictionaries have always been the result of very rigorous selection. Compare: *"Dictionaries of the Russian language remind icebergs, as soon as their surface is 1/8 or 1/7 of what they could be. From the fundamental point of view, it is necessary to "clean" the vocabulary of the dictionary, whereas from the applied, general lexicographic one it is in some way defective...Completeness is better than purity"* (Kharchenko, 2008: 110). Of course, the cited author took into consideration not only obscenity, but numerous groups of non-central lexicon (terms, professionalism, archaisms, etc.), but the idea about the inferiority of the constraints in the dictionary it is very significant. M.A. Krongauz believes that it is particularly interesting attitude to obscenities in the Internet (Sánchez-Moya, Cruz-Moya, 2015), where it seems to be no censorship, everything is permitted, and this vocabulary can to prosper. And the more valuable the emergence of spontaneous cultural prohibitions, carefully and correctly formulated. These are the rules in Live Journal in a book communityru_books that publishes book reviews. According to these rules, reviews that contain foul language are deleted. The drafters of the rules explain that this is not snobbery, but compliance with basic decency and respect for readers. If the reviewer believes that the book deserves only unprintable words, otherwise thinking about it is impossible to express, a review can be published, veiling the whole posting under lying at and saying that under lying is swearing. In this case, the review is not deleted (Kronhaus, 2008: 162). This is a good example of how public communication space can be efficiently cultivated.

5. Conclusion

Linguistic and legal description of substandard is important perspective of linguistic conflictology and legal linguistics. Language objectively and inherently has the functions of negation. Pragmatics of linguistic units is not confined to the scale of "good/bad": in addition to the scale of "good/bad", language presents many other gradations, which are in an ambiguous relationship with an ethical scale. Pejoratives in the language is an objective reality which can be investigated not only in linguistics, but also in a various combined epistemological fields. Any legal phenomenon is the legislative act, the judicial process is always a text phenomenon, the phenomenon of speech communication, and hence the phenomenon of language. Today, the question of linguistic law is rightly raised, consisting of several components, among which the right to linguistic ecology is the most important, according to which a person should have a comfortable linguistic environment. If a person feels humiliation and stress due to the invective vocabulary, the law is obliged to protect his / her right to a cultured linguistic environment.

At the same time, the right to a linguistic environment is inseparable from the right to the protection of human honour and dignity. In connection with activation of the genre of invective speech, based not only on acceptable in the cultural environment means to discredit the opponent, but also on the taboo speech, because of frequency of lawsuits about the insult of honour and dignity, and defamation close practical cooperation between lawyers and linguists is inevitable.

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