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Linguolegal Expertise of Advertising and Media Criticism as a Means of Manipulation Countermeasure in the Media Space (in the Light of Laws "On Advertising" and "On Protection of Consumer Rights")

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Abstract

The article is devoted to manipulation in advertising as an important component of the media space, its difference from honest persuasion. Manipulation is considered to be a sharply negative phenomenon that violates ethical norms of communication. With honest persuasion, language means work to achieve the most important quality of speech – clarity, while manipulation under any circumstances does not seek to achieve clarity. In contrast to the manipulation persuasion is implemented and verified with consciousness. In two types of discourse – advertising and political ones – manipulation is most often used. If manipulative techniques in commercial advertising are generally well identified, but it is rather difficult to identify manipulation in social advertising. Legislative measures are not always confirmed in advertising practices.

The advertising process should be managed and controlled by specialized state regulatory bodies, the area of responsibility includes the improvement of the national legislation in the relevant field, but the complexity of the advertising process determines the need for control, taking into consideration the special Code of the advertiser ethics. Such a code is naturally based not only on a set of rules of social behaviour, but also on a special professionally determined axiological system. The quality of advertising should be inseparable from the level of the civil society development. It is necessary to develop linguistic and legal expertise of advertising and media criticism, which will answer the following questions: whether advertising texts comply with the Laws "On advertising" and "On protection of consumer rights". It is very important to check advertising for compliance with ethical parameters.

Keywords: media, speech influence, persuasion, verbal manipulation, legal culture, advertising, linguolegal expertise.

1. Introduction

The problems of speech influence in the domestic linguistics began to occupy an important place only in recent decades, but abroad it is a subject of scientific interest since ancient times. Nowadays, all the investigations about such implementations of the impacting language function as persuasion and manipulation are very urgent and important.

The terms "persuasion" and "manipulation" are understood ambiguously. For example, manipulation is considered to be a universal property of any communication (Andrienko, 2017).

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Manipulation is a hidden influence carried out by means of communication, which aims to change the emotional and psychological position of the interlocutor. Manipulation is harmful, but sometimes it is considered to be ambivalent.

In the most investigations (see works by G.G. Khazagerov, I.V. Belyaeva and others), manipulative influence is considered to be destructive, an antipode to the persuasion.

Impact on a person through the language aimed to accept consciously the sender's point of view, make a conscious decision about any action, the transfer of information is honest argumentative persuasion (Kharlamova, 2018). The order as a means of influence is possible only in limited situations. The purpose of the article is to analyze advertising presented in the modern media space in terms of legal culture.

2. Materials and methods

The investigation occupies the macrolevel and microlevel. According to the macrolevel it is connected with the global communicative strategies, uses theory of speech acts and according to the microlevel it concerns linguolegal analysis of the language units: lexical units, expressions, phrases, sentence, texts).

3. Discussion

Manipulation as a type of influence implies a change of the recipient's reaction to manipulation in someone's interests (both society and the individual) with not obvious to him ways and means.

Hidden, implicit essence of manipulation is considered to be its main distinctive feature (Belyaeva, 2009; Cavaliere, 2018; Chulkina, 2018; Gornostaeva, 2018; Guinda, 2018).

According to the criterion of implicitness / explicitness of manipulation, persuasion is opposed, at the same time it is subject to obligatory conscious verification. In the process of persuasion, the addressee intentionally does not choose ways and means that the addressee cannot control. As a rule, persuasion in classical rhetoric is considered to be a process, resulted in a conscious, voluntary choice of the proposed solution by the addressee. For persuasion as a type of influence, it is necessary to base on a syllogism, as well as to use methods and means contributing to the realization of the clarity maxim in speech, while manipulation does not seek to achieve it (Alba-Juez, Larina, 2018; Arévalo, 2018; Borisova et al., 2018).

A damage (moral or material) for the object of manipulation is considered to be an important feature of manipulative influence. P.P. Lobas is quite right when he uses for this the term "simplification" because even direct deception is not necessarily harmful to the addressee; compare the famous *a white lie* (Lobas, 2011: 18). However, it is clear that when manipulating, the addressee (recipient) personality of the manipulative text is belittled.

Manipulation is more frequent in politics and advertising (Deligiaouri, 2018; Kharlamova, 2018). According to A.K. Michalskaya (Michalskaya, 1990: 52), the «passive role of the addressee is considered to be a typical feature of advertising discourse»

Social advertising is a quite different thing, pursuing goals for the common good (Kulikova, Brusenskaya, 2019; Kulikova et al., 2019).

Russian media lost their "leading and guiding" functions of the Soviet period, and commercial advertising began to play a similar role, aggressively promoting consumerism and hedonism. Social advertising in this respect is the antipode of commercial advertising. Advertising is aimed at getting additional profit. Advertising plays the role of a speech activity stimulator: it caused "new manners of speech – highly emotional, assertive, suggestive ones..." (Kara-Murza, 2001: 165). No doubt that advertising is the "fifth power" after the power of the media, which is considered to the "fourth" one.

A special communicative intention is the main feature of the advertising text (Ramos-Soler et al., 2018), the impact of the advertising text (in commercial advertising) encourages the recipient to purchase goods, to vote for a certain candidate, to form through political advertising the image of a political leader and as a result a positive attitude to this leader, in addition, the impact of the social advertising text contributes to changing behaviour and habits.

Printed advertising includes reference information – requisites of advertising – into its message) and its own expressive means for meanings (Thorson, Wells, 2016; Tully, Vraga, 2018).

The most important strategies of advertising are a unique offer and the appropriate image construction, while the second strategy is even more important than the first one. Advertising text should be highly visual and expressive (Duskaeva, 2020; Ivanova, Borisova, 2018; Khazagerov, 2018),

and the Federal law imposes restrictions on the actions of the advertising addressee, and the general concept characterizing improper advertising, and the terms in which this general concept is concretized – *unreliable, unfair, unethical* and *knowingly false advertising* are the most important one.

Advertising that contains information not corresponding to reality (Harcup, O'Neill, 2017; Rueda et al., 2017) is false. For example, recommendations of legal authorities or some persons-in-charge. These recommendations should be proved. The superlative degree of adjectives without documentary confirmation ("*Ariel*" is *detergent No. 1 in Europe*) in advertising are prohibited by the Law "On advertising" from 18 July 1995. Because of its unreliability, such advertising is considered to be inappropriate.

Normative legal acts, including one of the Law "On Advertising" versions, define the criteria for using information about the competitively significant characteristics of a product in comparison with other elements of the same system of the so-called product line by the same or other manufacturers. If this information is not true in any parameters, the law determined it as actually unreliable (see paragraph 1, part 3, Article 5 of the Law "On Advertising" from March 13, 2006).

At the same time, normative legal acts, including legislative ones, do not regulate the principles prohibiting such information, as well as the criteria defining the rules for mandatory verification of data on the distinctive properties of an advertised product, which should ensure its competitiveness and success in sales.

According to M.V. Baranova (Baranova, 2007: 29), such effective methods are used by not enough law-abiding advertisers of a low level of legal culture. Thus, a recipient receives distorted ("improved") information, which, in turn, violates his/her rights. "This raises doubt about the absence of legal prohibition of "praises" in advertising without appropriate proof" (Baranova, 2007: 29). Advertising with an argument, a description of the attractive consumer properties of the product, is considered to be true. Common language and occasional superlatives (Kronstad, 2016; Marlangeon, 2018) actively used in advertising texts are the "signal of reference implication to competitors" (Livshitz, 1990: 102). For example, comparisons that have already become typical and that are created using definitions such as *ordinary*:

This is an ordinary detergent, but this is Ariel. At the same time, the quality of this product which does not differ this product from other products in this category is presented in the form of a unique: *Cosmetics "Green Mama" – what is unique?*

E.E. Schubert (Schubert, 2006: 21-22) notes that "the manipulation of phrases such as "to save longer", "created specifically", and quasi-scientific expressions such as "environment", "adverse factors" help the manipulator to create the illusion that the manufacturer has deeply studied everything related to the phenomena of skin aging, and "to return youth is in our power".

It must be admitted that the legislation defining the principles and rules for the implementation of the advertising process in the field of law enforcement ensures the consumer's protection from manipulation. Specific normative legal acts and articles of the Law "On advertising" determine the legality of the use of some audio-visual text or other type of images in commercial advertising. This mainly concerns the ban to use certain gender, age, generation, and professional characteristics outside of advertising products of the corresponding group, for example, images of children, representatives of socially significant professional groups (doctors, teachers, etc.) in advertising products. The use of external image details that cause stable predictable associations of a particular professional sphere (for example, a person in a white coat) is prohibited in advertising of pharmaceutical or medical products, but they can be used in advertising of hygiene products or services related to the health sphere, however, a white coat seems to be an attribute obligatorily associated in the addressee's mind with a fixed association (doctor, medicine, etc.), which means that it initially provides an appeal to authority and can be used as a means of manipulation.

Taking tablets without consulting a doctor may be a damage for health. Advertising of baby food is limited to exclude manipulation aimed at forming a false views about the necessity or advantages of such a method to feed a baby (see Part 2 of Article 25, according to which baby food cannot be presented as an equivalent substitute for natural feeding). At the same time, the advertising must indicate specific age restrictions on the product use, as well as the need for specialized advice.

The introduction into the Federal Law from March 13, 2006 of new points are very reasonable (into part 1 of Article 25), for example ban to disturb biologically active and food additives in advertising (Baranova, 2007: 30).

The rule aimed at "advertising information cannot benefit from the reputation of the individual." This should ensure that the influence of the authority, the media person as opinion leaders on the potential consumer of the advertising product is impossible. The use of a recognizable face in advertising, even without mentioning the name, can lead to a predictable impact on the consumer, who belongs to a certain society, for example, age group (commercials with the famous actress T. Semina, dedicated to a specialized product such as Korega cream). As a rule, the advertised product is intended primarily for such an addressee. The advertising process and its results should be regulated, and such regulation should be dual: first, at the state level it is regulated in the field of law and law enforcement, and secondly, at the level of the manufacturer of this kind of product, that is, the advertiser's ethics should act as a regulator.

Professional ethics of the advertiser means rules of behaviour based on a professional system of values should adjust the advertising process. International Code of advertising practice of the International Chamber of commerce (last edition was in 1986) and the Advertising Code of the Russian Federation (2000) regulate professional ethics in the system of informing about some innovations in the sphere of consumption.

Advertising complies with ethics if procedure and methods of spreading comply with ethical standards as well as its form, content and time.

According to E.S. Kara-Murza (Kara-Murza, 2008: 629-630), advertising products somehow justifying or promoting behaviour not approved by society (aggressive, rude, or even not enough polite one in the presented communication situation) should be considered to be unethical. In such cases, both verbal and non-verbal ways and means of influence should be evaluated (see, for example, the situations presented in advertising such as *Red bull*, *Mentos is Red grapefruit*).

Unethical advertising also can be associated with the addressee's personal space violation, that, of course, increases the psychological component of the impact. This is realized as a result of the choice of stylistically coloured and to a certain extent cliched units obligatorily connected with linguistic culture stereotypes. For example, *Even a hedgehog understands, Time-tested quality, the best choice*. Cliches focused on a certain universal stereotype of an advertising product (*Our product is the best*) are typical, not linguoculturally determined means connected with the manipulation sphere.

L.I. Bogdanova (Bogdanova, 2019: 848) in her review of the reference dictionary "Media Linguistics in Terms and Concepts", edited by L.R. Duskayeva writes about the issues raised in the dictionary article "Naming in advertising" in which E.S. Kara-Murza discusses successful and unsuccessful names.

4. Results

Scientific understanding of many problems of advertising discourse still lags far behind the rapidly developing advertising practice. At the same time, it is said about the emerging interdisciplinary science, the subject of which is advertising.

Advertising study offers a set of criteria that makes it possible to describe the specifics of social advertising. see: Belyanin, 2007; Meshcheryakova, 2012; Nikolaishvili, 2008; Shapovalov, 2012; Gornostaeva, 2018, etc.). But it is necessary to pay special attention to methods, techniques and means of manipulation in such advertising, since the format of such advertising itself should not imply manipulation. But we can talk about the regular use of tools combining the properties of both persuasion and manipulation in their pragmatic potential. Such linguistic units include specialized forms of the imperative (both direct and indirect ones). According to the researchers, the imperative is much less frequent in other types of advertising and it is about 17 %. And infinitive constructions in the meaning of motivation are never used in advertising (because an addressee is considered to be a person who determines his/her own actions).

It is possible, that the predominance of various imperative forms is due to the purpose of social advertising, since the necessary changes in social behaviour imply the representation of the actual semantics of the urge.

Linguistic legal expertise of various types of texts or discourses imply the development of criteria for evaluating the object, in particular, advertising, as well as the principles of qualification of a particular advertising text/discourse not only with linguistic parameters, but also with extralinguistic ones (Grachev, 2016). In our view these parameters should include legal, law enforcement and ethical, as well as ethical-linguistic ones. According to most researchers

techniques mandatory for each advertiser (focused on the rapid acquisition of the advertising object) are considered to be in the sphere of manipulation.

Advertising with so-called "umbrella brands" is incorrect (see: paragraph 3, part 2 of Article 5). It is necessary for advertising to be recognized as such without special knowledge (Baranov, 2007: 238).

Borrowings is one more linguistic tool, the use of which is regulated to a certain extent in the sphere of law.

I.V. Nekrasova (Nekrasova, 2007: 87-97) notes, advertising "You will find a great shopping" is considered to be a violation of the Law "On Advertising" (paragraph 1 of Article 5). This paragraph defines a ban on the use of borrowings more or less distorting significant to consumers information about a product / service.

According to this law foreign words and expressions cannot be used if their use can lead to misunderstanding. However, foreign brands (names) in a foreign language, for example – LG (name in the language of the manufacturer) are not considered as violation of the law.

In discussions about possible regulation of advertising processes there are two main directions: 1) the advertising process is regulated and moreover it is regulated by its participants; also there is provided evidence of necessary additional measures of legal regulation (proposals to introduce the law that will regulate the information-psychological security (Krivko, 2006: 22-25). Advertising ban in mourning days corresponds to moral standards (part 14 of Article 14, part 13 of Article 15).

The researchers note: "Complete indifference with which advertising refers to any political or social events, breaking into the transmission regardless of what is at stake, reduces any social phenomena to the level of nothing significant incidents" (Schiller, 1980: 62); "Classic is on a par with advertising chewing gum or hygiene products" (Polukarov et al., 2004:76). Or: "Advertising is always as an "uninvited guest" and without the right of the owner to ask it culturally to "get out" can effectively work on the worldview...» (Mishulin, Glushakova, 2007: 34).

Advertising can significantly influence the world view of both society and the individual. Reliability and integrity are considered to be important criteria for advertising, as well as a concept of the sphere of law and law enforcement. Unfortunately, there are examples in domestic advertising that do not fit these criteria (advertising MMM, various dietary supplements or medicines). The perception of a modern person has such a feature as mosaicity, many researchers note a special phenomenon of mosaic culture. This perception determines the consumer's inability to separate newly appearing products from advertised one by their significance.

5. Conclusion

The ability to interpret is determined by the variety of paradigmatic and syntagmatic relations of different-level units of the language system, and this ability implementation forms the specifics of modern speech.

Media criticism is another tool capable to provide counter manipulation. It is media criticism that makes it possible to determine the aspects of law, law enforcement and legal regulation of the advertising process. A certain system of federal and international regulations has been developed to ensure the advertising sphere regulation. One of the main documents is the International Code of Advertising Practice, its current version was adopted in 1986. Sometimes commercials are wedged into TV programs, accompanying the main transmission with a running advertising line absolutely not related to the content.

These restrictions are certainly important, but problem is not solved, for example, when a classic feature film is broadcast. The idea of obligatory, forced nature of manipulation is reflected in many works. The idea of the equivalence of persuasion and manipulation is based on the assumption that any speech has a universal feature – the ability to interpretation, inseparable from variation, alternations. Ability to interpretation is "to say in different ways about the same objects". Since verbal interpretativeness occurs in all the spheres of social consciousness, the impression of universal subjectivity and partiality is created.

In our opinion the greater the difference between two types of word meaning (the nearest/the farthest meaning), the more opportunities for manipulation can be represented. The manipulativeness degree determines the quality of the advertising sphere. First of all it is determined by the extralinguistic factors of the society development, the degree of the civil society formation, its axiological scale specifics, affecting the sphere of law and law enforcement.

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