INTERCULTURAL COMMUNICATION IN TERMS OF MODERN LEGAL LINGUISTICS: CATEGORY OF OFFENSIVENESS

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Abstract. The problem of intercultural communication includes a wide range of issues that have always attracted attention of linguists. Their line of research is mainly concentrates on remedying intercultural lacuna challenges: diversity in culture codes, mentality and language systems. However, there is also another significant linguistic area that calls for detailed examination, namely legal risks that might arise during intercultural verbal interaction. In that regard, linguistic research requires comparative analysis of the phenomenon and the key characteristics of the applicable legal framework of expressing oneself within the national markedness of communicative discourse.

The present study attempts to identify universal and nationally marked features of acceptability of language (using offensive phrases as an example) as defined by the Belarusian, British, German and Russian legislations. This study uses various methods of research (inductive analysis and generalization) as well methods verified by forensic linguistics (parameterization).

Examination of legal definitions of profanity in Belarus, England, Germany and Russia has revealed that they both vary within their national judicial systems and have their unique parameters. The
parameter that all studied legal discourses share is the attributiveness that defines that the analyzed speech act contains words with negative connotation addressed at the interlocutor. The Belarusian and German legislations have the parameter of deliberateness, which often either fails to be defined by the methods of forensic linguistics or is replaced by the definition of the factual content used in the Belarusian and Russian legislations. Offensiveness of a statement can also be determined by the presence of taboo words or phrases which include different tokens (they usually bear stylistic marks in dictionary entries). Another parameter that can be defined as nationally marked is the parameter of situationality which includes such extralinguistic features of communication as manner of interacting, voice volume, tone, emotional intensity, institutional component, etc. Moreover, the study offers a brief overview of a number of issues dealing with the problems of description of offensive words and phrases that a statement offensive and techniques of applying specific methods to identify intended offensive meaning.

**Keywords:** intercultural communication, legal linguistics, forensic linguistics, offensiveness

**Introduction**

The linguistic image of the world has both cross-cultural and national characteristics (Maslova V.A., 2001: 72). This fact cannot be overlooked when it comes to studying various discourse practices, particularly legally binding speech norms. Obviously, legal culture of communication also has national peculiarities, awareness of which can be an important contribution to cross-cultural contacts within the framework of public, official, business, media, and other types of discourse. This approach explains the relevance of the stated topic as research into offensive speech can offset possible legal risks that might arise in cross-cultural verbal interactions.
Subject and Purpose of Research
The purpose of this study is to determine cross-cultural and national definitions of unlawful speech (with abusive remarks as an example) in the Belarusian, British, German and Russian legislation practices. The subject of this research is criminalized verbal abuses.

Methodology and Methods
The methodological framework of this research is based on common research methods such as inductive analysis and generalization and the methods that have proved successful in linguistic modeling, including parameterization verified by linguistic expertology (Osadchij M.A., 2015: 7-24).

Results
Legislation regulating speech acts is an integral part of legal culture of a nation in general and of an individual in particular. In their broadest sense its restrictions are defined by two kinds of taboo: for the type of the context of the discourse and for the content of the speech product. In the former case legislation defines certain restrictions concerning the interaction environment or the addressant/addressee (for example, government employees are not advised to take action on anonymous messages or the personnel of state security bodies cannot use open communication channels, etc.). The latter kind of restrictions concerns the content of products of speech, i.e. the text (presence of obscenities, disclosure of certified information, etc.). Restrictions are evident on all institutional levels of verbal interactions and vary in social, gender, age and other parameters. Moreover, there are a number of restrictions which, though not legally mandatory, are firmly established in the mentality of people as part of their cultural code, making them, for example, use the polite “You” when addressing their seniors, or avoid referring to someone who is present using “he” or “she”, etc.

To determine the kind of restriction and its qualitative characteristics in recognizing an act of speech as abusive we should refer to legal interpretations of the concept. The Belarusian
and Russian legislation systems define verbal abuse as “intentional humiliation or degradation of the dignity of another person expressed in an abusive way” (the Code of Administrative Offences of the Republic of Belarus, art. 9.3) and “humiliation or degradation of the dignity of another person expressed in an abusive way” (the Code of Administrative Offences of the Russian Federation, art. 5.61) Thus, to define a speech act as an abuse both legislation systems use the parameters of attributiveness and non-normativity. These parameters are clearly explained by modern linguistic expertology (attributiveness – an act of denouncing another person by diminishing their status with regard to the abuser, non-normativity – words labeled in dictionaries as “vulgar”, “offensive”, “slang” or included in dictionaries of vulgar and obscene language (Osadchij M.A., 2015: 98). The Belarusian concept of verbal abuse also includes the parameter of intent, which lawyers describe as “a person’s awareness of the possibility or inevitability and desire for the negative consequences of their illegal actions” (Malko A.V., 2009: 58), though in modern linguistic expertology it does not have a generally accepted definition. (Lavitsi A.A., 2019: 239) and is, therefore, often interpreted similarly to factuality, i.e. to performance of an utterance as a statement of fact (facts). We believe that this situation occurs due to the pragmatic nature of speech, when the locutionary power of a statement can be treated as “an intent, desire or suggestion to do or to commit something” (Novikov A.M., 2013: 128).

It should also be pointed out that the problem of applying the parameter of non-normativity has not yet been resolved completely. The fact is that in evaluating non-normativity of speech content it is not always sufficient to resort to special stylistic markers as entry labels in various lexicographic publications are often inconsistent and may vary (which also applies to foreign-language publications), and emotional-
expressive coloring may be illustrated in the form of the scale elevated / neutral / colloquial (Levin Ju.I., 1998: 164) with rather vague borderlines between its levels.

Another issue to consider is the problem of defining certain vocabulary as non-normative since it can include slang, jargon or colloquial words. Such words are quite rare in the public media, however, they do not always carry negative meaning and may serve as a language code within a particular social, age, territorial or gender in-group. Sub-neutral words raise disapproval when used in public places but their use cannot be legally prosecuted as their communicative purposes are outside the normative regulation. Consequently, the use of slang, argot, colloquial or jargon words cannot be regarded as tangible evidence of insulting behaviour and can be interpreted as “language disguise for the content of a speech act” (Vasiljeva N.V., 1995: 38). Moreover, researchers often disagree on such evaluation criteria for stylistically colored vocabulary as 1) its boundaries and volume (opposition of literary / non-literary, coded / non-coded); 2) correlation of functional and expressive aspects of stylistic coloring; 3) character and type of stylistic coloring; 4) correlation of positive / negative evaluation for printed and spoken speech.

Abuse as a kind of speech act liable for legal prosecution has been included into the areas of concern of the British linguistic expertology, unlike the USA, the legislation of which does not make provisions for criminal or civil responsibility for verbal insults. The judicial system of the United Kingdom, admittedly complicated, has a number of acts that define the attitude of law to verbal abuse. The Public Order Act, 1987, has at least four articles, violation of which can be interpreted as abusive verbal behaviour: 4A “Intentional harassment, alarm or distress”, 5 “Harassment, alarm or distress”, 18 (part 3) “Racial Hatred”, 29B “Hatred against persons expressed on religious grounds or grounds of sexual orientation”.

However, these Acts do not give a clear-cut definition of insulting communicative aggression: “A person is guilty of an offence if he
– (a) uses ...... abusive words or behaviour, ....(b) displays any writing, sign or other visible representation which is threatening or abusive, within the hearing or sight of a person likely to be caused harassment ....”.

In Britain, offences of this kind are tried in special tribunals which often need linguistic expertise on disputable texts. In their current practice linguistic experts examine two parameters: 1) attributiveness, i.e. presence of non-normative or negatively-colored words intended to insult a person and 2) context, which examines extra-linguistic factors that characterize language behaviour (manner of communication; pitch and tone of voice; situation in which the disputable words occurred; emotional content; body language; institutional component; peculiarities of the personality of the person affected (Newman Ch., 2012: 109).

The first parameter is obligatory. The second is measured quantitatively (for example, the context in which disputable words were used is measured as follows: domestic (in a dwelling) – 0 points, outside a dwelling – 1point, in a public place – 2points; the score for the body language is: no gestures – 0 points, gestures, though present, are not aggressive – 1point, aggressive gestures – 2 points, etc.), and its total can reach 14 points (the parameter of extra-linguistic factors is considered completed when the total of its points reaches 7).

The German jurisdiction does not give a legal definition for insults. The Criminal Code of the FRG (das Strafrecht der BRD, 2019) only specifies the punishments for abusive actions: “§ 185 Beleidigung. Die Beleidigung wird mit Freiheitsstrafe bis zu einem Jahr oder mit Geldstrafe und, wenn die Beleidigung mittels einer Tätlichkeit begangen wird, mit Freiheitsstrafe bis zu zwei Jahren oder mit Geldstrafe bestraft.” – „§ 185 Insult. An insult is punishable by deprivation of liberty for up to 1 year or a monetary fine and, if the insult is committed through any action, imprisonment up to 2 years or a monetary fine“. Therefore, in determining verbal abuse, their courts have to rely on lexicographic sources: “Beleidigung – (Injurie, lat. injuria, Beschimpfung, Ehrenkränkung, Verletzung), jede vorsätzliche und
rechtswidrige Willenserklärung, durch die jemand einem andern seine Geringschätzung oder Mißachtung kundgibt. Je nachdem dies durch Tätigkeiten oder auf andre Weise (Wort, Schrift, Abbildung etc.) geschieht, pflegt man zwischen Real- und Verbalinjurien zu unterscheiden. Wichtig ist ferner der Unterschied zwischen einfacher B. und Verleumdung (verleumderischer B.), welch letztere dann vorliegt, wenn die Behauptung oder Verbreitung einer ehrenrührigen Tatsache wider besseres Wissen, also trotz des Bewußtseins ihrer Unwahrheit, erfolgte – „Insult (insult, lat. Offense, abuse, insult of honor and dignity) – any deliberate and illegal expression of will, as a result of which one person expresses neglect and contempt to the other person. Depending on whether this is accomplished through an action or in another way (word, document, image, etc.), one should distinguish between insult by action and verbal insult. The distinction between simple insult and slander (libelous insult) is important, and the latter arises when there is an affirmation or dissemination of an offensive fact in spite of better knowledge or despite the recognition of a lie” (Bundesministerium der Justiz und für Verbraucherschutz, 2012). Another lexicographic source reads “Die Beleidigung: 1) jede Verletzung der persönlichen Ehre eines anderen; 2) beleidigende Äußerung oder Handlung; 3) deutsches Strafrecht: nach § 185 StGB strafbare vorsätzliche Kundgabe der Missachtung oder Nichtachtung einer (natürlichen oder juristischen) Person, wodurch deren Ehre (Wert, der ihr aufgrund der Personenwürde und dem sittlich-sozialen Verhalten zukommt) verletzt wird” – “Insult: 1) any encroachment on the personal honor of another person; 2) an insulting utterance or action; 3) according to criminal law, in accordance with § 185 of the Criminal Code, the punishment subject to criminal prosecution (explicit or legal), as a result of which he received the honor (a value that relates to human qualitative and moral-social behavior) is defamed” (Wörterbuch Wortbedeutung.info, 2019).

To determine abusive content in a speech act linguistic experts in Germany use the parameters of intent and attributiveness. The former is mostly decided in court, which can be explained by the
above-mentioned methodological lacuna – the absence of science-based and verified approaches to detection of the premeditated nature of the verbal abuse, though, undoubtedly, this problem can be resolved with the research tools of modern linguistics, particularly, pragmatics. The parameter of attributiveness in the German linguo-legal discourse is defined with the methods of stylistic and content analyses and pragmalinguistic methodologies.

**Conclusion**

The visual display of parameterization of abusive speech in the studied linguo-legal discourses (see Table) shows that approaches to determining this phenomenon have both cross-cultural and nationally distinct features.

The shared parameter defining verbal abuse is attributiveness, which is used as an indicator that a speech act contains words intended to humiliate a person. The nationally distinct parameter of detecting verbal abuse is practiced in the British linguo-legal system, which takes into account extra-linguistic peculiarities of the communication (pitch and tone of voice of the abuser; emotional content; body language; institutional component; peculiarities of the personality of the person affected). Also, some of the countries regard as important the locutionary power of a statement (Belarus, Germany) and the use of taboo words (Belarus, Russia).

**Table – Parameterization of abusive speech acts in the Belarusian, British, German and Russian national linguo-legal discourses**

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Belarus</th>
<th>Britain</th>
<th>Germany</th>
<th>Russia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attributiveness</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Non-normativity</td>
<td>X</td>
<td>–</td>
<td>–</td>
<td>X</td>
</tr>
<tr>
<td>Intent</td>
<td>X</td>
<td>–</td>
<td>X</td>
<td>–</td>
</tr>
<tr>
<td>Context</td>
<td>–</td>
<td>X</td>
<td>–</td>
<td>–</td>
</tr>
</tbody>
</table>

**References**

Bundesministerium der Justiz und für Verbraucherschutz [Bundesamt für Justiz]. 2012. URL: http://www.gesetze-


