



What Principles of Communication Law Are Violated in Manipulation

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Abstract. The study investigates how manipulators and manipulation deviate from some law principles of communication. The research falls within a comprehensive framework of manipulation. It starts from the four features of framing accredited by R. M. Entman (1993): define problem, diagnose causes, make moral judgments, and suggest remedies. Analytical, manipulation is framed as follows: a) manipulation is defined as influencing persuasive intervention, b) manipulation illicit causes consists of interests regarding the “other”; persuasive joints of manipulation are mostly unethical and consist of induction of toxic opinions, attitudes and behaviors; there are two remedies for manipulation: refusal manipulation and detection plus annihilation of manipulation. However, design the fundamental features of manipulation over raster of principles of the Communication Law. It is found that the manipulation violates the following principles of Communication Law: the principle of accountability and responsibility, the principle of truth, the principle of good faith, the principle of impartiality and objectivity.

Keywords: Communication Law, manipulation, principles of Communication Law

1. INTRODUCTION

Under certain conditions, anyone could be propagandist, disinformant or intoxicator. More precisely and in other words, not anyone can be a propagandist or a disinformant besides the integration conditioning in an action of propaganda or disinformation. Without observing some canons and involving in an informational device, a random individual cannot be called propagandist or disinformant. In the daily inertia of the own will, not just anybody can access the status of propagandist or disinformant. By contrast to these situations, the situation of manipulation is delimited. Anyone can be a manipulator: "there is a manipulator, shows E. L. Shostrom (Shostrom, 1986, p. 11), in any of us". Every individual manifests manipulating tendencies. The persuasiveness specific to everyone and personal vulnerability responds to these tendencies (expectations, inertias, conformism, obedience, propensity to re-adhere to their own decisions).

Etymologically, "to manipulate" originates from the French word "manipuler" which means "to handle, to manoeuvre", manipulation meaning "the action to manipulate and its result" (DEX, 1996, p. 597). "Manipul" was the tactical basic unit of the Roman army. The manipal had a unitary behaviour. The current meaning of the word "manipular" includes the idea of automatic integration into the unit of the group seen as manipal. Manipulation is experienced within the group as a pure contagion: the individual does what the group does, they are manipulated not by the group, but by the deed of the group. On the other hand, the deed of the group is imposed by the order of a commander. In this manipulating situation, the commander of manipal is the one manipulating, they are the manipulator. Another characteristic of the "manipal" is, according to R. Escarpit (Escarpit, 1980, p. 402), their "manipulating" dimension, meaning that limitation of the group to be commanded (to be "manipular") to where the voice reaches or the look reaches. Beyond where they do not hear, do not see and do not perceive anymore, the individual can no longer be manipulated. Manipulation forms a space of communication which exists outside any material support alien to our body. This

space has its limits: those imposed by the activity of visual comprehension, of power of voice penetration, of the perception capabilities (Coman, 2003). The natural space of communication has a maximal dimension, the manipulating dimension.

2. PRINCIPLES OF COMMUNICATION LAW

Branch of public law, Communication Law has a core consisting of rights: the right to information, right to non information, the right of access to sources of information, the right to be informed, right to information, right to respect for beliefs, the right of reply and rectification, the right to their own image, the right to privacy (Năstase-Georgescu, 2009, Mihalcea, 2013). In the sphere of law, the principles are general and abstract ideas that guide the design, understanding and application of legal rules. There are principles of an entire system of law and principles specific to a branch of law.

For the Communication Law have proposed several sets and clusters of principles. Professor Valerică Dabu believes that in the area of this branch of law act 17 principles: the principle of legality, the principle of freedom, the principle of freedom of expression, the principle of equality, the principle of responsibility and accountability principle, the principle of truth, the principle of good faith, the presumption of innocence, the principle of accurate information, the principle of impartiality and objectivity, the principle of professional secrecy, the principle of humanism, the principle of free access to information, principle of freedom of thought, the principle of conscience clause, the principle of freedom of thought, the principle of transparency (Dabu, 2000).

In turn, Professors and Cristina Anca Păiușescu and Oana Duta talk about the following principles: the principle of legality, the principle of equality, the principle of good faith, the principle of truth, the principle of accurate information to the public, the principle of freedom of expression, the general principle of individual freedom, the presumption of innocence, the principle of responsibility and accountability, the principle of impartiality and objectivity, the principle of

professional secrecy, the principle of humanism, the principle of free access to information, the principle of copyright and the principle of authorized communication (Păiușescu & Duta, 2011, pp. 48-73).

3. THE PROPENSION FOR MANIPULATION AND VIOLATION OF PRINCIPLES

The world is ready for manipulation: manipulating tendencies and propensity to being manipulated coexist in every individual. This latent situation of manipulation is of the persuasive intentions, the easiest to trigger and the hardest to socially engage, as planning and organising (Coman, 2009). By self-stressing the inner inclination of a person to manipulate another, and the stimulation of the predisposition of that aimed to be manipulated towards being manipulated, the efforts needed for installing a situation of manipulation are exhausted, and the goal is achieved.

Of the situations of persuasion, the situation of manipulation is the easiest to install. Manipulation occurs easily and rapidly. The facility is ensured by the psychological datum, and the rapidity is provided by seduction, which is the capital persuasive operation of manipulation.

In connection with the tendencies, the purposes are created and the means and manipulative resources are allocated. “We have manipulative tendencies, adds the same E. L. Shostrom (Shostrom, 1967, p. 14), which derive from the idea that we need to satisfy part of the needs by means of these tendencies, but without them knowing it”.

Manipulation has a conceptual core, it is based on a ratiocination aiming to satisfy certain desires, interests, needs and necessities and, counting on involving others as a means, without them knowing it. The principle of responsibility and accountability assumes reporting to the regulatory system (Middleton, Trager & Chamberlin, 1999; Szabo, 1999; Lazarus, 2009). Responsibility is a social act that manifests through individual commitment to respect and promote social values. It is

consistent with the normative system. The individual does not have to show blind obedience to rule, but must acquire responsibility dimension (Dabu, 2000, p 91).

One of desiderates of the Kantian moral was the absolute refusal to transform the man from purpose into means (Mureşan, 2006). From this perspective, manipulation is deeply anti-Kantian: the manipulated is the basic means in achieving a purpose which is not just unknown to them, but also foreign. The manipulated is the tool of achieving an interest which does not belong to them and which they also misses out. The manipulator does not realise a manipulated interested for themselves, but a real interest. In the process of manipulation there is also a manipulated interest. This is that interest induced to the manipulated, so that they would act for fulfilling an interest they miss out. In fact, the manipulated satisfies two interests, one which they see and another which is invisible. They involve honestly in achieving a task that results from a known interest, and simultaneously and precisely through this, they fulfil an interest the name and control of which they do not have. The manipulated achieves an interest when they actually achieve “another” interest. The primary drama of the manipulated is that of being uninformed. Actually, the role imposed to the manipulated is that of being uninformed, the tool of a purpose which is cogitatively inaccessible to them. The manipulated is not a fooled individual, but an uninformed one. What they do is outside of what they know they do. By thinking they do something, they create something outside the thought. The manipulated does something by thinking they do something else. In their fiction, as man honest to the self, they do one thing, and in the reality of manipulation they do something else. In the field of what they do in reality, they do not even think they would do. In other words, the manipulated does not think what they actually do: their thinking is manipulated. They are unaware: somehow lied to (cheated, deceived, misled), somehow seduced, somehow turned into puppet in a fiction in relation to fictionality which, as interlocutor, they have no suspicion of. Their opinions and attitudes, their behaviour are based on a thinking which is not theirs. The practice of manipulation is a practice of manipulator’s thinking. The manipulated does not have a non-manipulated self thinking. From

the perspective of what happens in the reality of manipulation, the manipulated does not think with their thinking. In this respect, Philippe Breton is right to say in "The Manipulated Word" (Breton, 2000, p. 79) that: "to manipulated consists in paralysing the judgement".

The individual is vulnerable to manipulating persuasion primarily due to their expectations, inertias, accession to their own decisions, which is a primer for being manipulated (Spiridon, 2010). Man presents, shows Jacques Douël (Douël, 1981, pp. 24-30) a wide "range of functional expectations". This perimeter is divided into three areas. The range of expectations triggered by the instinct are delimited first; among these are the following: the need to survive (which is informatively satisfied by information expected about the labour market, wages, prices, taxes, resources in general), need to be employed and propensity to dominate (informatively, it opens expectations of information on sports, adventure, competition, crime, war, risks), the need for group identification (informational expectations controlled by this refer to information about luxury, wealth, comfort, quality of life, happiness, "leisure" and hobbies), the need for survival (expected information: about health, safety, illness, death, environmental hazards, family, children), the need for integration (informational expectations focus on clan, group, environment, locality, region, province, nation, race), the need for self-improvement (information about the models which the individual tends to identify with), needs for evasion, self-escape (expected information about adventure, spectacle, escape, migration, travel).

Informational expectations triggered by the intellect are then differentiated, which have a cogitative convergence in the need for knowing, self-knowing, understanding, discovering: the need to range (expected information about personalities, models, notabilities in relation to which the consumer of information is intellectually located), the need for novelty (expected information about new discoveries), the need to understand what is happening (acts and deeds, intellectual events) and the need to use the knowledge.

Third of all, the range of fictive expectations is individualised, consisting in needs to be emotionally moved and to dream. It can be observed that these expectations are grafting points of persuasive operations. The principle of impartiality and objectivity require the presentation of facts, opinions, attitudes and behaviors to make objective and impartial. Principle of truth assumes and supports what is happening, why it happens and what takes place in reality is excluded lies, half-indeed omissions. In the manipulation, the lie and fiction are easily grafted on the expectations triggered by the instinct; the myth is grafted in the vulnerable place of the expectations triggered by the intellect, and seduction is insinuated in the area of fictive expectations. Therefore, psychologically, the individual is vulnerable to persuasion! By their expectations, they favour the installation of the persuasive influence. Cristian Florin Popescu considers manipulation as an altered form of communication, using in variable doses the tendentious argumentation, the lie, truncated information, rumour, diversion - in the proximity (or in service) of the propaganda (therefore close to or using persuasion), wearing the RP forms - mainly publicity - by means of which it is aimed to create an individual, a group, class, wrong opinions, based on incorrect information, attitudes, actions contrary to their interests. It is concluded that manipulation is a form of deceit (Popescu, 2002, p. 210). The article which the renowned professor devotes to this type of persuasive intervention in "The Dictionary of Journalism" (Dicționarul de jurnalism) is, in relation to that dedicated to propaganda (exceptional as volume and consistency) of a smaller extent and concentration (Motei, 2008).

We conclude that manipulation is a form of altered communication, which is in the "proximity" of or uses persuasion, that it is a "form of deceit" and that it aims at creating opinions and attitudes contrary to the interests of the manipulated ones. Any communication should respect the truth of the facts, people or circumstances (Popa, 1999; Eremia, 2003; Drula, 2013). The principle of good faith is based on honesty and "identify sources of bad faith and treating them with confidence to avoid manipulation" (Dabu, 2000, p 91). If concerning the mechanisms

of manipulation as a form of persuasion, specialists, particularly J.-M. Domenach, J. Ellul, C.U. Larson, B. Ficeac, etc. are in convergence, regarding the range relations of manipulation to the other forms of persuasion, things have not stopped on a consensus. Such a balance can be observed to be applied by a researcher, such as Dona Tudor, who shows that: "Manipulation consists in challenging the attempt of major reasons of the imaginary in the images of propaganda and advertising (n.s.) and in manoeuvring the powers of will and love or of the disgust and hatred, which are correlated with people, objects or ideas aimed by manipulation" (Tudor, 2001, p. 78) (also Rabszyn, 2008; Dascălu, 2014).

After classifying the dehumanisation of victims between media manipulations (Ficeac, 1996, p. 40), the renown specialist Bogdan Ficeac talks about the "methods used in propaganda to dehumanise the enemy" (Ficeac, 1996, p. 41), which would consist in imposing through the media some horrible caricatures, slogans, forged press materials in which the enemies are presented as some violent and dangerous troglodytes.

If we want manipulation to occupy a range in persuasion, then we need to proceed at its segregation of propaganda and advertising. We can interconnect them only when we want to detach characteristics of the over-ordered persuasion or when we seek to differentiate them as if by comparison. Of course, taken as components-forms of persuasion, manipulation, propaganda, disinformation, intoxication and rumour have something in common: persuasion. Manipulation is however outside the propaganda, outside advertising. Manipulation can occur anywhere and anytime (Stavre, 2011).

According to the colonel in the French Army, Maurice Klen, "the operation of manipulation aims to deceive the (political, economical or military) opponent regarding the real intentions and weakening their will through actions of disinformation" (Klen, 1997, p. 63). The French specialist considers that an "operation" is achieved through "actions", that manipulation is done through actions of disinformation and that the objective of manipulation is to deceive the opponent. From our point of view, manipulation is an action in the operational-procedural

technology of which operations such as the lie (deceit is a form of the lie), seduction, fiction and myth are classified.

The action of manipulation is a form of persuasive influence using deceit (a category of the lie) as operator of informational technology and has the purpose to get influencing effects by means of the manipulated ones, effects which in some cases are outside the objectives of the latter, in other cases they are in their disadvantage, and in other cases they are even contrary to their desires. The source of manipulation achieves its interests by means of the target, without the latter realising this, although it participates to the process of influence. The manipulator takes advantage of the manipulated, without the latter knowing it.

3. CONCLUSION

Manipulation is a influencing intervention of persuasive type, organised and planned, by means of which a manipulator, using procedures and operations, mainly such as lies and seduction, and alternatively fiction and myth, induces opinions, attitudes and behaviours to the manipulated, which in their project achieve purposes and meet interests which remain alien and unknown to the manipulated. The four principles Communication Law are violated in manipulation: the principle of accountability and responsibility, the principle of truth, the principle of good faith, the principle of impartiality and objectivity.

Acknowledgment: This work was partially supported by the grant number 33C/2014, awarded in the internal grant competition of the University of Craiova.

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