ARGUMENTATIVE INDICATORS IN THE ADJUDICATION OF RUSSIA–UKRAINE DISPUTE. A PRAGMA–DIALECTICAL STUDY

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Abstrakt: Kontekst wojny rosyjsko–ukraińskiej jawi się tutaj jako proces i jest ważnym przyczynkiem do dyskusji o technikach argumentacji, które uważa się za istotne i potencjalnie przełomowe z perspektywy radzenia sobie z zagrożeniem i konfliktem. W niniejszym artykule przedstawiono wyniki badania na gruncie pragma–dialektyki, a w szczególności wskaźników argumentacyjnych w orzekaniu sporu między Rosją, a Ukrainą. Autor uważa, że wyznaczają one procesy rozumienia oparte na osądzie i argumentacji, które dają solidne podstawy do ustalenia strategii radzenia sobie z wojną. Wybory językowe w postaci wskaźników argumentacyjnych stanowią punkty zwrotne w krytycznej dyskusji, pozwalając na rekonstrukcję i identyfikację dynamiki aktów mowy, które znajdują się we wzorcowej drodze argumentacji. Jak pokazuje niniejsza analiza, organizacja parametrów aktów zagrażających twarzy (FTAs) oraz proponowanych wskaźników utrzymujących stanowisko mówcy znacząco przyczynia się do sekwencyjności i komplementarności procesu argumentacji, który okazuje się wysoce skuteczny i rozsądny. Biorąc pod uwagę specyfikę orzekania jako gatunku, jego kontekstualizację sądowniczą oraz władzę ustawodawczą w procesowi orzekania, sugeruje się, że praktyka argumentacyjna stanowi strategię zarządzania zagrożeniami i ryzykiem.

Abstract: The context of Russia–Ukraine war has given sufficient reasons to consider any standpoint of argumentation significant and potentially groundbreaking in dealing with threat and conflict. This article reports the findings of a pragma–dialectical study of argumentative indicators in the adjudication of a Russia–Ukraine dispute which mark the judgement–based understanding and arguments–infused processes that give solid grounds to establish the strategy of dealing with war. Linguistic choices in the form of argumentative indicators constitute keystones in the critical discussion, allowing the reconstruction and identification of speech act moves that are to be found in the patterned route of argumentation. As this analysis shows, the organisation of FTAs parameters and propositional attitude indicators significantly contribute to the sequentiality and complementariness of the argumentation process which proves to be highly effective and reasonable. Given the specificity of an adjudication as a type of a genre, its judiciary contextualisation, and legislative power, it is suggested that this argumentative practice makes for a threat and risk management strategy.

Słowa kluczowe: pragma–dialektyka, argumentacja, wojna rosyjsko–ukraińska, akty mowy, retoryka kryzysu i zagrożenia

Key words: pragmadialectics, argumentation, Russia–Ukraine war, speech acts, rhetoric of crisis and threat

1. Introduction

The subject matter of this article is a pragma–dialectic analysis of an Application instituting proceedings and request for provisional measures against the Russian Federation, submitted by Ukraine on the 26th of February 2022. This document serves as an argumentative text type (van Eemeren, 2019:153; van Eemeren et al. 2022:4) that belongs to a legal communicative domain of adjudication. As Pickavance (2016) explains, "[a]djudication is a procedure that takes place over a relatively short period of time pursuant to which a dispute between parties is submitted to an independent determiner who, having received submissions from each party, makes a decision" (Pickavance, 2016:9). The genre type in question is used here to include the conventionalised practices accomplished by realising the relevant argumentative moves, which comply with the prototypical features of this specific communicative activity type. Furthermore, they also present the way the social order was breached through declaring war by Russia. Specifically, this analysis demonstrates how Ukraine initially attempted to establish law and order after an unexpected outbreak of war.

Following the view of Fuller and Winston (1978) that an adjudication stands vis–à–vis a form of social ordering (Fuller and Winston, 1978:357), it is at the same time a platform for regulating, settling, and finally resolving conflicts, therefore it is inherently a decision–making process (Fuller, 1978:355; Lees and Pedersen, 2020:8). Since the commencement of any international conflicts suggests that a conflict schema process is in operation, it is postulated that the retention and modification of this schema may crucially change the trajectory of the conflict or even lead to its termination (Bar–Tal et al., 1989:233). Therefore, introducing the preventive measures seems to be the right direction to take. On these grounds, one can make a preliminary assumption that by issuing the Application (2022, https://www.acerislaw.com/wp–content/uploads/2022/03/Ukraine–Application–ICJ.pdf), Ukraine is observed to aim for the settlement of a dispute in a fair and legally accepted fashion, as well as to provide the kinds of acceptable and appropriate proofs working against false claims made by Russia against Ukraine about alleged acts of genocide that occurred in the Luhansk and the Donetsk oblasts of Ukraine (Fortuin, 2022:313; Greenberg, 2022; Hinton, 2022; Kursani, 2020:2; Schabas, 2022:843).

The underlying aim of this article is to demonstrate the characteristics of argumentation style based on the adjudication genre anchored in a pragma–dialectical theory of argumentation espoused by Frans H. van Eemeren and Peter

Grootendorst (1984). This article takes as its point of departure the idea of argumentative discourse as a constellation of texts that as their central aim have a defence of a proponent's standpoint, which is always in contrast to the antagonist's argumentation (van Eemeren and Grootendorst, 1984). The primary objective characteristic of an adjudication is not trying to convince each other but to convince the adjudicator. Therefore, this study presents the type of discourse which focuses on a "rule" oriented testimony in which normative violations are made explicit rather than presented as analyses of "relational" testimony (Morrill and Facciola, 1992:193), which exhibits the social relationships between the adversaries that are overtly antagonistic. When considering the argumentative situation, its requirements, needs and structure, the aim is to bring into the picture the issue of the applicability of given standpoints, which becomes evident in the "disagreements" about the acceptability of opposing opinions.

Based on the presented premise of argumentation, this article also ushers the issue of a strategic significance of various kinds of arguments. In the context of legal communication, and the genre of the adjudication in particular, the strategic argumentative moves in the form of speech acts equip a researcher with theoretical and empirical pragma–dialectic tools for positioning aspects of meaning within the argumentative framework, dictated by the prototypical features of the genre of an adjudication. In addition, beside presenting the pragma–dialectical moves against the backdrop of argumentative discourse in general, this analysis gives Searlan and Gricean insights on this reconstructive analysis, bearing in mind the structural and functional elements that pertain to this specific discourse type. The communicative activity type mentioned here belongs to a format of court proceedings, which are governed by strongly institutionalised forms. From this point, the adjudication is a text consisting of a convention–based nexus of meaning–making possibilities anchored in configurations found in the principles governing the behaviour of parties. It also refers to social facts within which the action takes place (Lucy, [1999] 2004:18). Therefore, in the adjudication, a pending query remains as to *what* information is used in argumentative moves and *how* can we understand and explain social action, which has nothing, but a meaning dimension of action that can be accessed through "[l]anguage, values and discriminations of its authors" (Lucy, [1999] 2004:20). Answers to these questions can be provided by studying speech acts that are commitments of a speaker to the truth of the prepositions determined by specific contextual embedding. Importantly, the reconstruction of the types of standpoints in the pragma–dialectic analysis is most often expressed by means of assertives since their speech act function involves advancing a claim based on the commitments to the truth of the propositions (Searle, [1969] 1970). This observation is important given the context of Russia–Ukraine war, which could be a good starting point in negotiation processes between the two countries. On a more concrete level, this analysis provides illustrations of institutional goals that adhere to institution's conventions, so that the format of existing strategic moves reveals a pattern

which is agreed upon in advance, and the one that fundamentally regulates argumentative practice.

The article begins with a brief overview of the pragma–dialectical approach to argumentation, also equated with a discourse dialectic (van Eemeren, 2010:5) as a method for analysing argumentative discourse (van Eemeren, 2010:19). It specifically shows how the argumentative indicators in the form of words and expressions constituting argumentative moves build the multi–levelled argumentation structure, which rests on the four meta–theoretical principles of (a) externalisation, (b) socialisation, (c) functionalisation, and (d) dialectification of the object of study (van Eemeren et al., 2007:2). Next, an ideal model of a critical discussion is presented within the framework of linguistic pragmatics, followed by the analysis stage to offer a more concrete anchoring of meta–theoretical principles in the pragmalinguistic features of the adjudication as a combination of speech act segments.

2. The pragma–dialectical approach to argumentation; a theoretical premise

The focus of this study is a pragma–dialectical approach to describing argumentation, the origin of which lies at the intersection of pragmatics and dialectics. It provides the integrative view of argumentative discourse as an amalgam of descriptive and normative dimensions of argumentation (Budzynska et al., 2014). At this point it needs to be acknowledged that the basic idea assigned to argumentation does not primarily deal with a process of reasoning or a psychological state of mind of interactants furthering their views, but with the positions that are verbally communicated or indicated fulfilled according to certain accepted norms (van Eemeren et al., 2007:3). Therefore, the pragmatic aspect of **externalization** that enters the scene is explained in terms of externisable public commitments to propositions made by speakers. This approach captures a significant aspect of communication process that entails coexistence of specific obligations made by a speaker that are aligned with context–specific speech acts, which become a set of commitments. In this account, advancing argumentation is fundamentally an act of commitment to what one has put forward. Argumentative moves always start from the social structural coupling point of view (Foley, 1997:21), therefore the principle of **socialisation** turns out to be of the utmost importance for creating and sustaining viable trajectories of the commitments in question. It follows in this view that the difference of opinion boils down to the interactive roles of participants on the one hand, and the extensiveness of language contact they engage in on the other. As such, the roles are inextricably linked with the positions to which interactants have committed themselves in connection with their claims. Argumentation that aims at resolving a difference in opinion also underlies a social system of recurrent or sporadic structural coupling that form

networks of relations with a varied degree of kinship, allegiance or class membership. Commitments would be then socially activated concomitants that trigger specific positions.

With language contact as a foundation, argumentative discourse is performed with a purpose of interaction. Therefore, all purposive acts in an argumentative discussion, understood as speech acts, are realised by **functionalisation** that can be traced in specific modes, called the 'identity conditions' and the 'correctness conditions', which always accompany speech acts (van Eemeren and Grootendorst, 2004:77). They address how disagreement is managed and expanded in a 'disagreement space', that is a "[s]tructured set of opportunities for argument" (Jackson, 1992:261). The potential for exploring this space lies in intentions, beliefs and values, which are mapped onto defended standpoints. Against this background, the possibilities for developing disagreement space are expanding even more when commitments and obligations are unfulfilled. As a result, the aspects of a deliberation, which comprise unpreferred subsequent acts that run counter to overcoming the opponent's criticism, allow for entering the loop of disagreement. They can only be closed when claims are re–framed so that more opportunities are created for achieving a proposal.

Functionalisation succeeds in taking argumentation as a purposive act as long as it meets the appropriateness conditions which govern real–life events. Such focus highlights the relation of normativity with the arguments aimed at resolving differences in opinion. This fusion has allowed the principle of **dialectification** to operate on arguments as rational tools for convincing. At this point it needs to be acknowledged the difference between convincing and persuasion, which according to the pragma–dialectical school are pursued in a contrastive manner. Pragma–dialectics treats persuasion as concentrating in the first place on argumentation moves that can be achieved by any tools, therefore, persuasiveness cannot meet the requirements of reasonableness (van Eemeren, 2010:269). This calls for the use of rational moves which can be undertaken to perform persuasive power. A better alternative in an argumentative manoeuvring is an act of convincing, which aims at systematic refutation of the antagonists' claims by rendering them irrelevant to a discussion. A conviction as conceived by pragma–dialecticians provides a rational deliberation, which creates standpoints mostly derived form *logos* (van Eemeren and Garssen, 2008:239).

The four methodological premises mentioned above are meta–theoretical in a sense that they function as signposts for building a solid platform where ethnographic tools can be applied to make these principles of use in the actual analysis. To give further substance to these principles, it seems useful to present the following section that is anchored in tenets of the pragma–dialectics. This part specifically turns to an *ideal model of a critical discussion* (van Eemeren and Grootendorst, 2004), which provides a systematic representation of argumentation practice.

3. The ideal model of a critical discussion –
a perspective from linguistic pragmatics

The pragma–dialectical procedure can take as its point of departure speech acts which are the cornerstone of linguistic pragmatic theory of interaction. The omnipresence of the study of speech acts in pragma–dialectics may imply their prominent role in any linguistic analysis, specifically the investigation of the force of argumentation. The crucial idea behind the ideal model of a critical discussion as an analytical research tool lies firstly in its ability to reconstruct speech acts that are rule–governed intentional type of behaviour directed at resolving a difference of opinion (van Eemeren et al., 2007:4). This has practical implications for describing a process of terminating a difference of opinion and bringing it to a resolution. Secondly, they serve an evaluational purpose in establishing whether argumentative moves, which are constitutive parts of various phases of a critical discussion, contain fallacious claims and hinder the conclusion. A plan reconstruction of speech acts that are recognised in the analysed adjudication is an account of the type of illocutionary force that enacts credibility that is necessary to legitimise actions (Cap, 2013:53), and enact the policies found in a "Genocide Convention."

Argumentation never takes place in a vacuum and, apart from being a rhetorical phenomenon observed in numerous types of communicative practice, it is also institutionally recognised. Notably, a genre of the adjudication belongs to judiciary discourse being also institutional practice, and involves the fact that its structure can be studied systematically according to verbal and non–verbal behaviour patterns. The methodology of studying judiciary discourse is aligned with the idea of institutional grammar which relies heavily on its specific kinds of contexts and purposes that are driven by convention–based requirements. Therefore, the key notion to make sense of the structurally–hardwired process of argumentation is part and parcel of institutional grammar defined as based on a view that "[i]nstitutions are enduring regularities of human action in situations structured by rules, norms, and strategies, as well as by the physical world. The rules, norms, and shared strategies are constituted and reconstituted by human interaction by frequently occurring or repetitive situation" (Crawford and Ostrom, 1995:582). In this view, argumentation forms a type of a *patterned mindset* that is established in the collaborative process that draws on a high context–dependency, here determined by contextual features of the adjudication. In accordance with the institutional (judiciary) conventions that are followed, various kinds of rules constituting their grammar have developed and they instrumentally shape the rationales of the analysed adjudication. The above definition is also turning to focus on the normative foundations of this communicative practice. Therefore, at the pragmalinguistic level, there must exist certain preconditions underlying the structure of adjudication as a genre that start at the sociocultural context. Consequently, its prevailing generic features result in the strategic manoeuvring that imparts political outcomes established *a priori*.

The study of the conventionalized proceedings in the legal communication on the one hand provides a way of maintaining justice which is one of the institutional points that need to be realised. On the other hand, it is a one step in preserving the rules of a democratic culture. Such a wide backdrop allows one to get the micro–context of a linguistic content and a *meso–context of* extralinguistic features (van Eemeren, 2010:17) that pertain to a larger socio–cultural features of setting and a situation. Therefore, this study also emerges in the framework of anthropological pragmatics which is seen as a discipline that "[b]roadens the research perspective of pragmatics proper and requires from the researcher to view their research as an integral part of the study of human communication, and of its fluctuating context" (Chruszczewski, 2011:49). In studying argumentative indicators in the adjudication of Russia–Ukraine dispute it is of the utmost importance to distinguish the manoeuvres that put certain constraints on this communicative activity type. According to a dialectical procedure of argumentation, the difference of opinions stated in the analysed adjudication is fundamentally built on the assessment of the acceptability or unacceptability of the other party's standpoints. Essentially, the thrust of this discussion covers an area of developing arguments that are considered as appropriate in the context of a given military conflict. For that matter, in order to provide the pragma–dialectical analysis of the adjudication of the Ukraine–Russia dispute this article addresses the catalogue of argumentative indicators and their pragmatic force to investigate how Ukraine legitimised its actions (Cap, 2013; Chovanec, 2010), established its credibility, that is a cornerstone of rational and purposive argumentation, how it aimed to settle the dispute, and finally, how it delegitimised Russia's claims, which initially were the trigger point of its military attack on Ukraine.

4. The analysis stage– a reconstruction process

The initial attempt to analyse the argumentation structure of the adjudication in question starts with the building components of this specific institutionalised discourse activity. They include: (I) Introduction, (II) Jurisdiction of the court, (III) Facts, (IV) Legal grounds for Ukraine's Claims, (V) Relief sought, (VI) Judge *ad hoc*, (VII) Reservations of rights, and (VIII) Appointment of agent respectively. This study addresses a step–by–step specification of the argumentative moves as presented in the Application which help to reach specific goals of the participants in the given stages of the discussion. The analysed document puts forward the claims made by Ukraine, which are heard by the International Court of Justice.

The presented adjudication considers the Application instituting proceeding against the Russian Federation submitted by Ukraine. This document serves as a monologue containing the argumentative parts of the protagonist–Ukraine. Despite the fact that the antagonist's claims are not expressed directly in the form of a dialogue, its contribution to the discussion is still noteworthy since one of

the tenets of a pragma–dialectical theory of argumentation assumes that the exchange of views may also occur in the form of a monologue (van Eemeren et al., 2007:10). From an analytical point of view, the exchange of views is regarded according to a four–staged resolution process conducted in the light of the pragma–dialectical theory of argumentation. To start with, the stages are broken down into: (a) the confrontation stage, (b) the opening stage, (c) the argumentation stage, and (d) the concluding stage. They are considered more extensively in the study that follows:

a) The confrontation stage

The central function of the following stage is stating clearly the nature of objections and criticism, which make claims unacceptable whereby lead to a difference of opinion. Therefore, following the contextualised speech acts of the analysed adjudication is part and parcel of the confrontation of views that underlie a critical discussion. The Application submitted by Ukraine puts forward two reasons for instituting proceeding against the Russian Federation which can be presented as follows:

I. CONFRONTATION

ASSERTIVE: expressing Ukraine's standpoint[1]

ASSERTIVE: criticising Russia's standpoint[2]

The first basis deals with the dispute between Ukraine and Russia upon the interpretation, application, and fulfilment of the 1948 "Genocide Convention"1. The second premise hinges on the false allegation made by Russia against Ukraine that acts of genocide have occurred in the Luhansk and Donetsk oblasts of Ukraine and resulted in the Russian "special military operation" that aims at preventing and punishing the purported acts of genocide2.

Bearing in mind the pragma–linguistic knowledge of the mechanisms that are put in use, one can single out specific lexico–grammatical choices made by Ukraine's representative in the form of (a) propositional attitude indicators (van Eemeren et al., 2007), which inform about the assertonic force that the speaker uses when he establishes the context of the situation. Importantly, they offer the pragmatic perspective of 'making the audience more certain and convinced' about the presented standpoint. That is, without this addition, the listener would not get a clear understanding of what the speaker is trying to assure him of. There is the exploitation of such forms as (1a.) "*falsely* claimed", "*false* allegation", "*grave* violations", "*emphatically* denies", "*strongly* denies", "*manipulative* allegations", "*unlawful* aggression", "Russia's claims are *baseless* and *absurd*". As much as

these expressions undoubtedly act as a clarification of the assertonic force as well as its use in the given context, there is more to their relevance in relation to the standpoint they make. In the light of Eemeren et al. (2007) relevance of identifying standpoints, this relevance has its point of departure from the speaker's expectation that his assertions are not be accepted by the listener at face value (van Eemeren et al., 2007:30). Therefore, the inferences devised by the speaker are not a matter of a communicative relevance according to the views postulated by Grice in his Co-operative Principle. Paradoxically, the propositional attitude indicators in question hinder the acceptance of the speakers' assertives at face value and rather trigger the anticipation on the hearer's part to cast doubt on the acceptability of the speaker's standpoint. Given the context of war, the standpoints performed by Ukraine against Russia not only rationally postulate the bald–face truth of their propositions (providing factual information about Russia's actions), but most importantly challenge the opponent to provide equally strong evidence to counterattack.

b) The opening stage

In the opening stage of the critical discussion, by a rule of thumb, both adversaries ought to share mutual commitment to a common point of departure, which stems from the common ground that is taken for granted (van Eemeren et al., 2007:11). The current Application draws on the common point of reference, *i.e.*, the "Genocide Convention", which is the procedural base for the argumentative exchange of views, a point of departure in the discussion, as well as the trigger point to further stages of the deliberation. In this argumentative stage, Russia is the party that challenges Ukraine to defend its standpoint. In response to Russia's challenge, Ukraine comes up with the ways to defend its standpoint. As a result, this difference of opinion establishes the role of an antagonist (Russia) and a protagonist (Ukraine).

The dialectical objective of the opening stage is to achieve clarity in terms of situating standpoints that are developed in the argumentation stage. It has been observed that the analysed document establishes the departure point of this critical procedure by means of the following assertives:

II. OPENING

ASSERTIVE: agreement on premises[3]

In this stage, a usage of assertives manifests a common ground maintained by the standpoint "[U]kraine and the Russian Federation are both parties to the Genocide Convention"3 (2022, https://www.acerislaw.com/wp–content/up-loads/2022/03/Ukraine–Application–ICJ.pdf). It is to point out that the strategic

manoeuvres performed by both parties in the upcoming argumentative stage create commitments to the truth of their propositions in relation to the commonly accepted perspective of the standpoint3.

c) The argumentation stage

In order to achieve this level of analysis, a range of argumentative moves in the form of speech acts are presented as relevant arguments for the presented standpoints, which are found in the FACTS section of the document (2022, https://www.acerislaw.com/wp–content/uploads/2022/03/Ukraine–Application–ICJ.pdf). Based on the typology presented by Searle (1969), the aim is to demonstrate what collection of speech acts as verbal moves in the critical discussion contribute to presenting a difference of opinion. It is to be pointed out that the structure of this part of the critical discussion does not take the form of a dyadic exchange of views since the genre of the adjudication is standardly associated with a defined format of established facts and explicitly expressed proofs. Therefore, this analysis presents clusters of formalised legal evidence represented by speech acts and their "dispute" content.

The first type of speech acts distinguished in this study are assertives, which present how Ukraine commits to the truth of their propositions, *i.e.,* what language devices and mechanisms it utilises to support its claims that are aimed at convincing the adjudicator. This allows to point to those indicators of the standpoints that crucially form the resolution stage. Below I provide the distribution of assertives that perform 'advancing standpoints' of the strategic manoeuvring regarding the following addressed issues:

The lexico–grammatical choices made by Ukraine's representative point to the use of force modifying expressions, which inform about the assertonic force that the speaker uses when he establishes the context of the situation. There is the exploitation of such forms as 'clearly', 'indeed',

III. ARGUMENTATION (the outline of explicit arguments)

ASSERTIVE: providing facts about Russian armed groups systematically spanning a territory in the Donbas region of Ukraine.

ASSERTIVE: pointing to Russia's violations and the launch of an invasion against Ukraine based on false allegations of genocide.

ASSERTIVE: denying any evidence of genocide in Ukraine

ASSERTIVE: describing the consequences of Russia's invasion

ASSERTIVE: pointing to Russia's acts of violence against the human rights of Ukrainians

ASSERTIVE: highlighting that the world condemns a Russian invasion
of Ukraine

Ukraine's strategic manoeuvre that has been crucial to the argumentation stage reminds of a 'snowball effect' of accusation–marked assertives that gain momentum in the course of advancing standpoints. It may be argued, that the "topics list" and the pivot of their assertonic force is largely based on proximising Russia's antagonistic potential that becomes evident as its violations unfold spatially and temporally. This way, the pragmatic force of assertives can serve two functions: (1) to legitimise actions and policies against the threat and crisis and (2) to project images of the future narratives that are bound to materialise based on the present state of the world. The present–future link shows the tendency of the discussion to be of a defensive–aggressive character that rests on the lexical composition that is rife with evaluative lexico–grammatical forms such as *e.g.,* "egregious human rights violation", "unprovoked war of aggression", "grave violations of the human rights", "Russia's lie [that is] offensive and ironic", "Russia is intentionally killing and intentionally inflicting serious injury", *etc*. As observed in the analysis, essentially explicit negative evaluation that gathers force as Ukraine's arguments progress can account for the intentional and strategic form of the evaluative act.

What seems germane in the context of the overtly negative evaluations has been the "meta–textual" realisation of the argumentative process. Although the statements represent truthful information based on facts, therefore, they credibly build the textual (*local*) phase, it transpires that the cumulative evaluation forms assigned to Russia's actions present a much more complex picture. They are based on the cognitive mechanism of communicating bald–faced criticism (Face Threatening Acts) on the one hand, and the intertextuality of discourse as the circumstance created by context to perform certain type of evaluation on the other hand. It is observed that the evaluative act, mainly deriving from the power asymmetry performed by FTAs, is framed in regard to Russia's allegations of genocide in the Luhansk and Donetsk oblasts (2022, https://www.acerislaw.com/wp–content/uploads/2022/03/Ukraine–Application–ICJ.pdf). Elaborating on the positioning of evaluative forms, it is suggested that they represent the *global* devices of evaluation that crucially build the overall argumentative pattern of the text. Concentrating on the parameters of FTAs, these markers of evaluation significantly contribute to the organisation of the argumentative part of the adjudication. Thus, advancing standpoints is not merely following the unfolding assertives in the form of accusations and criticism, but accounting for the global weight of the negative evaluation which amounts to the local choices in terms of pragmatic markers of the power asymmetry (FTAs) that maximise the threat and exploit Russia's face. As is clear from the observations above, the intra text and the meta–text evaluation choices are supposed to fulfil the function of condemning Russia's actions.

d) The concluding stage

The main thrust of the concluding stage is that parties establish the final results of the dispute. In the light of the overview given to various stages of the critical discussion, the concluding moves are performed by the Court, which establishes the resolution stage and maintains the position of Ukraine's claims. The argumentation is "finished" since it has come to a standstill at the claim concerning genocide that has been recognised by the adjudicator as "[w]holly unsubstantiated" (2022, https://www.acerislaw.com/wp–content/uploads/2022/03/Ukraine–Application–ICJ.pdf), and announcing the violation of Ukraine's rights caused by the military attack. The settlement of the dispute performed by a third party boils down to the strategic manoeuvring based on the spectrum of choices, and their preconditions that underlie the adjudication as an institutional type of a communicative activity. It is postulated that the evaluation (here, in the form of assertions) is a double–edged tool that considers both the evaluation of the hearer as well as the possible and expected response of the audience (Thompson and Alba–Juez, 2014:13). This dichotomy presents the highly relational and dynamic work which may result in a hypothetical outcome. This however, is not the case in the highly context–dependent and the context–specific genre of the adjudication. Moreover, studying the relationships of this institutional text type also substantially affects the use of evaluative language. With some characteristics in mind, I make an attempt to present a route of a strategic manoeuvring typical of various phases in this argumentation process.

The results of the study show that the strategic moves of argumentation in the analysed adjudication are bound up with sets of commitments to the truth of the propositions (assertions) mutually recognised by both parties. The exploitation of these commitments in their strategic manoeuvring captures the meso–context arising from the argumentative situation and determines its evaluative (condemning) function. Looking at advancing standpoints in the adjudication, it has been
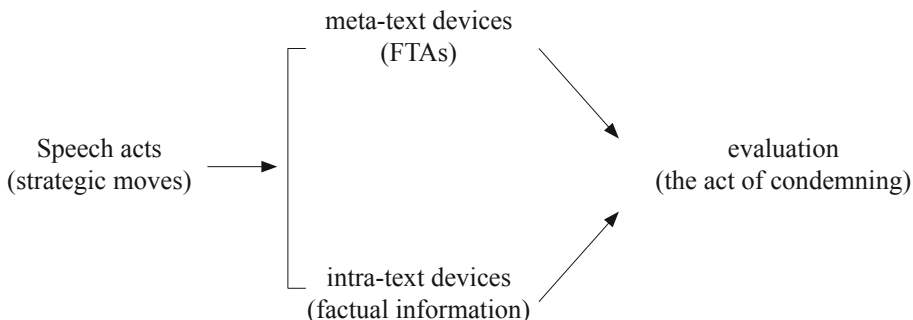

Fig. 1. The route of a strategic manoeuvring. The author's own elaboration.

considered a *manifesto* of claims concerning Ukraine's sovereignty. Providing the context of war, the strategic moves exploited by the opposing parties attain a range of dialectical and rhetorical goals. The route of the strategic manoeuvring is heavily based on (a) meta–textual devices (FTAs) and (b) intra–text devices (factual information), which operate at two corresponding levels; "the rhetorical" and "the dialectical" respectively.

At the rhetorical level, what comes to the fore is the *effectiveness* of argumentative moves in promoting the "rightness" of the arguer's claims. This stems from the fact that FTAs serve as powerful tools for delegitimising Russia's actions. Such rhetorical response can be perceived as determining the *affiliative* function that fits the situation. Hence, Ukraine's claims enfold as building specific conditions of the rhetorical situation viewed as a "crisis" and "threat". In the light of this, referring to Bitzer (1968:10) claims that if the rhetorical situation is clear and strong it directly influences the "[p]urpose, theme, matter and style" of the response that the receiver gets, the relevance and situationality of the established meso–context functions as the organising segment of the entire argumentative process. When considering the role played by the intra–text devices, they add an extra value of maintaining the *reasonableness* of the mutual commitments. In line with the general route of the manoeuvring in question, stating factual information are circumstances which build rhetorical situation and opportunities for the reasonableness of the claims. This "factuality" is stated by means of objectively verifiable information considered as true facts that essentially point to a series of Russia's illegal moves such as forming armed groups, breaching international law, violating international obligations from 2014 onwards, launching a full–scale invasion, and making allegations of genocide in Ukraine.

5. Discussion and conclusions

The pragma–dialectical reconstruction shows that the accumulation of assertives coming from both parties builds a genuine and objectively verified rhetorical situation of threat and crisis, that is instrumental in advancing intervention in general. In this way, the analysis of the adjudication presents one form of interventionist discourse drawing mainly upon proximising threat (Cap, 2013:48). In this way, it creates a natural venue for creating an anti–war rhetoric aimed at neutralising and de–activating military operations. Specifically, it is put forward here that the analysed argumentation style is a response to an external threat that bifurcates into two main types of war/crisis management strategies. The first strategic orientation focuses on a negative–other presentation that threatens Russia's positive face by showing its negative evaluation in the form of criticism and accusations. This creates the **enemisation** of discourse space resulting in social hypervigilance and high anxiety levels as well as leads to encouraging preventive action that needs to be taken against a war–stricken reality.

The second strategic component of war/crisis management deals with the credibility of the propositions based on predication of facts that legitimise the advanced standpoints. This view is more concerned with the discourse resilience as capacity for effective adaptation to external threat (Adger, 2000). The study of strategic moves shows some salient truths the knowledge of which is necessary to effectively confront the opponent's views. The truths understood as credible and objective type of information (Dynel, 2018:3) are crucial resource that enable social resilience, especially in the times marked by uncertainty and explicit threat (Norris et al., 2008:140). What emerges from this observation is that the stated facts recognised in the discussion function as "[g]uarantors of the validity or soundness of argumentation" in the given context (van Eemeren, 2010:106), and therefore are the trusted forms of communication that create the "argumentative infrastructure" for informing the public. In this sense, the fact–based standpoints provide common–ground and connectedness with the society that result in building discourse resilience as a mechanism against external threat.

The article has examined the pragmadialectics of the adjudication based on the Russia–Ukraine dispute. The study pointed to some of the preconditions to terminating the discussion made by the adjudicator. The confrontation of the opposing parties is largely built on the truth of the propositions made in the specific context of war commencement. This is the general answer and is fundamental for this argumentative style. In this analysis, a specific pattern scenario has been identified. First of all, the route of argumentation is dictated by the propositional attitude indicators, which are of highly negative value. Second, the indicators are distributed cumulatively, therefore advancing standpoints gathers strength by adding arguments that result from one another, and provide support for the consecutive arguments. Specifically, the prevailing perspective of this route is predominantly concerned with the high degree of sequentiality and complementariness which amounts to the effectiveness of argumentation.

In addition, drawing the preliminary route of argumentation has built grounds for tentative claims regarding the threat–based rhetoric that becomes evident in the specific linguistic choices. On a higher plane, it provides a practical implication in terms of results that may offer an insight into the preparedness and threat management associated with the context of unfolding war along with the roles played by adversaries in the times of conflict. It seems that the parameters of FTAs and propositional attitude indicators significantly contribute to the organisation of the argumentative part of the adjudication and develop the program that ensures that argumentation is not merely a specimen of an empirical measurement of the effectiveness and reasonableness of the critical discussion, but it also measures the threat awareness and threat management which improve the operational performance of the judiciary system during social disruption and world crisis. This provides a premise for coping with significant challenges related to war environment.

References

Adger, W.N. (2000). "Social and ecological resilience: are they related?". *Progress in Human Geography* 24, 347–364.

Bar–Tal, D., A.W. Kruglanski, Y. Klar (1989). "Conflict termination: an epistemological analysis of international cases". *Political Psychology* 10(2), 233–255.

Bitzer, L. (1968). "The rhetorical situation". *Philosophy and Rhetoric* 1, 1–14.

Budzynska, K., F.H. van Eemeren, M. Koszowy (2014). "Preface: from pragmatics and dialectics to argument studies". *Studies in Logic, Grammar, and Rhetoric* 36(49), 7–22.

Cap, P. (2013). *Proximization.* Amsterdam: John Benjamins.

Chovanec, J. (2010). "Legitimation through differentiation: discursive construction of Jacques Le Worm Chirac as an opponent to military action". In: U. Okulska, P. Cap. (ed.) *Perspectives in politics and discourse.* 61–82. Amsterdam: John Benjamins.

Chruszczewski, P.P. (2011). "Research directions in anthropological pragmatics". *Styles of Communication* 3(1), 48–70.

Crawford, S.E., E. Ostrom (1995). "A grammar of institutions". *American Political Science Review* 89(3), 582–600.

Dynel, M. (2018). *Irony, deception, and humour*. Berlin: de Gruyter.

Foley, W.A. (1997). *Anthropological linguistics*. Hoboken, New Jersey: Blackwell Publishing.

Fortuin, E. (2022). "Ukraine commits genocide on Russians: The term "genocide" in Russian propaganda". *Russ Linguist* 46, 313–347.

Jackson, S. (1992). "Virtual standpoints and the pragmatics of conversational argument". In: F.H. van Eemeren, R. Grootendorst, J.A. Blair, C.A. Willard. (eds.) *Argumentation Illuminated.* 260–69. Amsterdam: SicSat.

Fuller, L.L., K.I. Winston (1978). "The forms and limits of adjudication author". *Harvard Law Review* 92, 353–409.

Kursani, S. (2022). "Beyond Putin's analogies: The genocide debate on Ukraine and the Balkan analogy worth noting". *Journal of Genocide Research* 6, 1–13.

Lees, E., O.W. Pedersen (2020). *Environmental adjudication*. Oxford: Hart.

Lucy, W. ([1999] 2004). *Understanding and explaining adjudication.* Oxford: Oxford University Press.

Martin, J.R., P.R.R. White (2005). *The language of evaluation*. New York: Palgrave Macmillan.

Morrill C., P.C. Facciola (1992). "The power of language in adjudication and mediation: institutional contexts as predictors of social evaluation". *Law and Social Inquiry* 17(2), 91–212.

Norris, F.H., S.P. Stevens, B. Pfefferbaum, K.F. Wyche, R.L. Pfefferbaum (2008). "Community resilience as a metaphor, theory, set of capacities, and strategy for disaster readiness". *American Journal of Community Psychology* 41(1–2), 127–50.

Pickavance, J. (2016). *A practical guide to construction adjudication*. United Kingdom: Wiley Blackwell.

Schabas, A. (2022). "Genocide and Ukraine: Do words mean what we choose them to mean?". *Journal of International Criminal Justice* 20(4), 843–857.

Searle, J. ([1969] 1970). *Speech acts. An essay in the philosophy of language*. Cambridge: Cambridge University Press.

Thompson, G., L. Alba–Juez (2014). *Evaluation in context*. Amsterdam: John Benjamins.

Van Eemeren, F.H., R. Grootendorst (1984). *Speech acts in argumentative discussions. A theoretical model for the analysis of discussions directed towards solving conflicts of opinion*. Dordrecht: Foris & Berlin: de Gruyter.

Van Eemeren, F.H., R. Grootendorst (2004). *A systematic theory of argumentation. The pragma–dialectical approach*. Cambridge: Cambridge University Press.

Van Eemeren, F.H., P. Outclassed, A.F.S. Henkermans (eds.) (2007). *Argumentative indicators. A pragma–dialectical study*. The Netherlands: Springer.

Van Eemeren, F.H. (2010). *Strategic maneuvering in argumentative discourse.* Amsterdam: John Benjamins.

Van Eemeren, F.H. (2019). "Argumentative style: a complex notion". *Argumentation* 33, 153–171.

Van Eemeren, F.H., B. Garssen (2008). *Controversy and confrontation*. Amsterdam: John Benjamins.

Van Eemeren, F.H., B. Garssen, S. Greco, T. van Haaften, N. Labrie, F. Leal, P. Wu (2022). *Argumentative style*. Amsterdam: John Benjamins.

Internet sources:

Hinton, A. (2022). Putin's claims that Ukraine is committing genocide are baseless, but not unprecedented. The Conversation, 25 February 2022, http://theconversation.com/putins–claims–that–ukraine–is–committing–genocide–are–baseless–but–not–unprecedented–177511, date of access: 3 July 2023.

Greenberg, J. (2022.) Fact check: Putin says Russians face'genocide'in Ukraine. WRAL.Com, 28 February 2022,https://www.wral.com/fact–check–putin–says–russians–face–genocide–in–ukraine/20163715/, date of access: 3 July 2023.