Beyond War Powers:

U.S. Congress and the Domestic Legitimization of Military Interventions

Florian Böller (University of Kaiserslautern, Germany)

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Abstract

In order to understand patterns of legislative assertiveness in US Congress in the context of military interventions, previous studies focused on the role of the president’s party power, divided government, casualties or public opinion. The literature primarily relied on a traditional concept of war powers focusing on ex-ante authorization and ignoring non-material elements such as parliamentary discourses and the societal construction of security interests. In contrast, this paper suggests a more nuanced understanding of congressional powers. Using an original dataset on congressional rhetoric, the qualitative content analysis highlights that the domestic legitimation of military interventions hinges on members of Congress’ perception of external threats and their construction of national interests. The relevance of national interest arguments within congressional debates also contradicts previous studies about a hegemonic discourse in U.S. society which legitimizes interventions with universalistic values and imperial ambitions.
Introduction

Democratic regimes need a compelling reason for military interventions. U.S. presidents regularly justify the use of force by pointing to the importance of human rights, democracy promotion or the exceptional responsibility of the world’s only superpower.¹ In his decision to intervene in Libya in 2011, President Barack Obama for example argued, that “the United States of America is different” and would be willing to use its military might even in the absence of security threats if important values are endangered.²

Democratic peace studies have taken up the presidential rhetoric and concluded that universal values would foster the domestic legitimization of democratic wars—especially in the case of the U.S. and its perceived global responsibility.³ However, the domestic legitimization of wars does not solely rely on executive discourses. Governments of many democratic systems need the consent of parliaments to put their armed forces in harm’s way.⁴ Yet, there is still scarce knowledge about the specific arguments members of parliaments use to justify or oppose interventions.⁵

This article therefore investigates how members of U.S. Congress legitimize their voting behavior when asked to authorize or approve a military intervention. Using an original dataset

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The answer to the question how liberal wars are legitimized entails implications relevant to both democratic peace and war powers studies. On the one hand, research on the democratic peace focused on the executive, despite the fact that parliaments lie at the center of Kant’s original theory. On the other hand, the war powers literature offered mostly quantitative accounts on congressional voting patterns and the influence of partisanship or public opinion for executive-legislative relations. The analysis of debates within parliaments can help putting together the puzzle of democratic wars and show how societal consent as well as discontent for the use of force is constructed.

The content analysis reveals that despite existing claims regarding the role of universalistic discourses for democratic wars congressional debates on military interventions are primarily concerned with national interests. As the qualitative comparison of congressional debates shows, the shared understandings of these national interests can vary from crisis to crisis. Thus, the domestic legitimization of military interventions hinges on members of Congress’ perception of external threats and construction of national interests. The conclusion of the content analysis supports the assumption of parts of the war powers literature while adding crucial empirical support for its thesis.

6 The investigation of the Iraq war ranges from 2002 (authorization of the use of force by Congress) to 2009 (end of George W. Bush’s term as U.S. president).


9 See James M. Lindsay, “From Deference to Activism and Back Again: Congress and the Politics of American Foreign Policy” in The Domestic Sources of American Foreign Policy: Insights and Evidence, ed. Eugene R Wittkopf and James M. McCormick (Lanham, MD: Rowman & Littlefield, 2004), 183–196.
Research Puzzles on Democratic Wars

Two largely unconnected strands of research are useful to investigate the domestic legitimization of U.S. military interventions: the democratic peace and the war powers literatures. This section identifies ways to connect their findings for the research question at hand.

Research on the democratic peace theory has discussed factors driving the use of force against non-democratic adversaries. Three different approaches within these international relations (IR) studies can be distinguished:

(1) Arguing from a “monadic” perspective, scholars have analyzed parliamentary war powers in comparative perspective.\(^\text{10}\) So far, this institutional perspective has not yet produced a consensus on whether the regime type matters in terms of controlling executive conflict behavior.\(^\text{11}\) It is worth mentioning that this body of literature has taken a primarily legalistic approach to war powers, ignoring the divide between de jure and de facto parliamentary control.

For the U.S. case, recent war powers studies surveys found that the de facto ability of Congress to control the president varies considerably.\(^\text{12}\) This article’s structured comparison of congressional discourse, both across time and during interventions, can help overcoming the lacuna of institutional perspectives on the democratic peace. By focusing on cases where


Congress supported the use of force as well as cases of congressional critique, the comparative study is sensitive to varying congressional responses to presidential war policies.

(2) Other scholars have tried to make sense of liberal wars through the lens of neoclassical realism. Here, specific elite groups, mostly within the executive, use their positional advantages to foster war narratives which manipulate or dominate public discourses. Monten for example argued, that during the 2003 Iraq war neoconservative groups in the U.S. misled the public in order to successfully implement their agenda of democracy promotion and liberal values.

(3) Finally, constructivists have stressed the ambiguity of democratic norms. While these values help to form a peaceful community of democracies, they can also serve as a motivation for liberal wars. Constructivists and neoclassical realists alike suspect that universalistic narratives form the decisive legitimization for military interventions. Contrary to the elitist perspective however, constructivists would argue that those discourses are authentic and shared by the majority within society. According to these constructivists, wars like Operation Iraqi Freedom represent a prime example of a zealous American democracy, in which the majority favors democracy promotion “at the point of bayonets.”

So far, both constructivists and neoclassical realists have seldom empirically substantiated the communality of these norms within the public or Congress, and focused in most cases on the

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17 Mark Peceny, Democracy at the Point of Bayonets (University Park, PA: Pennsylvania State University Press, 1999).
executive.\textsuperscript{18} On the other hand, studies of congressional rhetoric either lacked a connection between words and votes\textsuperscript{19} or concentrated only on partial aspects of the war rhetoric.\textsuperscript{20}

More importantly, the claim of dominant universalistic discourses remains dubious when compared to the literature on U.S. foreign policy. Studies on public opinion of military interventions consistently show that U.S. society does not regard democracy promotion as a prime foreign policy goal.\textsuperscript{21} If existing explanations on liberal wars prevail, it means that either Congress does not represent these majority interests and is buying the executive’s universalistic arguments, or remains deferential towards the “commander in chief”. This however would contradict findings on the war powers of Congress, namely regarding its sensitivity to public opinion and its ability to restrain presidential intervention policies.\textsuperscript{22}

Consequently, this study challenges the thesis of the dominance of democratic norms within societal discourses on war and peace proposed by constructivists and neoclassical realists. At the intersection of domestic and international politics, the theoretical framework of this study is guided by the war powers literature and its insights on the relationship between Congress and presidents. While using the war powers literature to generate hypothesized frames on the domestic legitimization of military interventions, the article argues in accordance with democratic peace theory that congressional rhetoric as part of the societal discourse should be

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taken into account in order to understand what makes military interventions domestically acceptable.

**Congress as an Arena of Discourse on War and Peace**

In Article I, Section 8, Clause 11, the U.S. Constitution provides that Congress has “the power to declare war.” While Congress was unable to enforce its constitutional responsibilities in numerous cases, members of Congress were nevertheless engaged in debate, authorization, oversight, and funding of most post-World War 2 interventions. In order to perform their central function (legislation), legislators debate arguments for and against supporting the policy proposed by the executive branch and they legitimize their decision publicly.

The analytical emphasis on the legitimizing process suggests a theoretical perspective that recognizes the power of discursive practices in politics. Since the beginning of the third debate in IR, constructivists have stressed the relevance of language, discourse and legitimacy in contrast to rationalist approaches. On the other hand, more recent work bridged the rationalist-constructivist divide by accepting that individuals may follow a logic of both appropriateness and consequentialism. Following Weber’s classical depiction of legitimacy as the reasoned acceptance of a social practice, actors can decide by using rational as well as value-rational (i.e. ideational) motives to generate legitimacy.

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From a constructivist perspective, speakers use arguments that possess high communality within society and tie their arguments to existing powerful social norms. From a rationalist perspective, it makes sense to take foreign policy rhetoric seriously because of the reelection concern of office holders.\textsuperscript{28} Here, the logic of consequentialism demands that members of Congress try to attract their electorate by publicly adhering to the voters’ preferences. Although it is not possible to know whether the speaker sincerely believes in the argument used to justify his or her vote or whether it is a mere strategy, the rhetoric still becomes an active part of the societal discourse by entering the public arena of congressional debate.

**Legitimizing Frames in Congressional Debates**

To set out an analytical framework for congressional debates on military interventions, this study is informed both by the war powers and democratic peace/IR literature. Accordingly, five basic legitimizing frames used by speakers to justify their votes in debates on war and peace will be distinguished.

(F1) Electoral Concerns: The “simple explanation”\textsuperscript{29} of congressional politics suggests that pressure from the public creates incentives for the representatives to act responsively in matters of foreign policy. If the executive branch ignores the preferences of voters, members of the legislative branch are more motivated to assert themselves against unpopular decisions to increase their chances of re-election.\textsuperscript{30} If, on the other hand, the president’s policy enjoys public support, representatives would be rather deferent and endorse an intervention. Rational considerations by the legislators also include potential or occurring casualties and monetary

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\textsuperscript{28} Boylan and Kedrowski, “The Constitution and the War Powers.”
costs of an intervention. It is therefore plausible to expect members of Congress to address their constituency and justify their votes by implying to act in accordance with the will of the public.

(F2) Naming & Shaming: Several studies in the context of congressional war powers showed that politics does not stop at the water’s edge. Since U.S. politicians are competing in a two-party system, an unsuccessful strategy encourages members of Congress to try to blame “the other side of the aisle.” In the case of a bipartisan consensus on policy strategies, the likelihood of legislative assertiveness is reduced because opposition against a successful policy is not opportune. The Naming & Shaming context suggests that policy-makers will try to rhetorically accuse the opposing party in case of policy failure, while calling for bipartisanship would be the discourse counter-strategy.

(F3) National Interests: From a constructivist perspective, external threats to national interests do not materialize without social interpretation. Members of Congress debate the nature of national security interests in a certain crisis context, and how the threat to these interests is perceived. Therefore, members of Congress are inclined to justify the use of force by referring to threats to national interests. On the other hand, if there is a lack of consensus on national interests because it is unclear whether vital security interests are even at stake, Congress will be more skeptical of approving the use of military force. The assumption that the legislative branch is sensitive towards national security considerations is also articulated by congressional scholars. Lindsay for example argues, that external threats may “convert to the need for strong presidential leadership,” which in turn suppresses congressional opposition.

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external inputs result in a shared threat perception among members of Congress is, however, subject to congressional debates.\textsuperscript{35} Thus, if national security is of paramount importance to legislators, it should be expected that these considerations are reflected within the discourse.

(F4) Policy-Seeker: Drawing on ideational liberalism and constructivist theory, members of Congress share a certain subset of culturally learned values and ideas.\textsuperscript{36} Here, legislators are interested in realizing certain policy goals that embody societal values. In the politics of military interventions, these goals might lead the legislator to consider the promotion of democracy or the adherence to certain national values as a source for legitimizing the use of force and to act as a “norm entrepreneur.”\textsuperscript{37} The moral power of these norms can motivate the legislature to provide support for executive policy-making if members of Congress share these values. If the intervention’s aims do not fit certain consensual norms, or if competing norms prescribe a non-violent conflict resolution, legislators are expected to use argumentative frames to delegitimize the use of force by referring to competing consensual norms.

(F5) Institutional Norms: Members of Congress also think of themselves as part of an institution which has the responsibility to perform a specific constitutional role within the system of checks and balances. If legislators follow a submissive interpretation of the role Congress should play in questions of war and peace—what Weissman phrased as a “culture of deference”\textsuperscript{38}—executive dominance in the politics of military interventions would be the outcome. But if the relevant institutional norm is more self-confident, then this should also be reflected in

\textsuperscript{35} The hypothesis that external threats impact congressional behavior resembles assumptions of neoclassical realism. However, while realists hold that systemic forces materialize directly within the domestic sphere, the argument here is that threats to national security are what members of Congress “make of it.” See Wendt, Alexander, “Anarchy is What States Make of It: The Social Construction of Power Politics,” \textit{International Organization} 46, no. 2 (1992): 391–425.


\textsuperscript{38} Stephen R. Weissman, \textit{A Culture of Deference: Congress’s Failure of Leadership in Foreign Policy} (New York: BasicBooks), 17.
congressional behavior. Within congressional discourses on war and peace, lawmakers can bestow legitimacy on military interventions by arguing that the president’s decision as the “commander in chief” should be followed. Vice-versa, opposition towards interventions could be justified by frames that highlight the importance of independent congressional war powers.  

**Methodology and Case Selection**

The case selection must control for interfering effects such as changing eras of world politics (pre 9/11, 9/11, and post 9/11), quality of intervention, and party control of executive and legislative institutions. The investigated cases should represent liberal wars beyond self-defense in which democracies intervene militarily to promote certain policy goals. The resulting case selection covers large scale interventions like Iraq 1991 and 2003, and relatively minor interventions with no ground troops involved (Libya 2011). It also includes all four presidents in office after 1989, and phases of unified government by a Democratic president (Somalia 1993-1995), a Republican president (Iraq 2005-2007), as well as divided government with Democratic (Iraq 1991, 2003-2005, 2007-9), and Republican majorities (Libya 2011, only in the House).

In a first step to generate an original dataset to examine congressional debates, the key policy decisions during the selected cases with authorizing resolutions (Iraq 1991, 2002; Libya 2011) and important budget-related votes (Somalia 1993; Iraq 2005, 2007) were identified (table 1).
<table>
<thead>
<tr>
<th>Case</th>
<th>Investigated Debate Period</th>
<th>Key Debates</th>
<th>“Aye” (D/R)</th>
<th>“No” (D/R)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iraq 1991</td>
<td>1/10-12/1991</td>
<td>HJ Res 77 (House)</td>
<td>250 (86/164)</td>
<td>183 (180/3)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SJ Res 2 (Senate)</td>
<td>52 (10/42)</td>
<td>47 (45/2)</td>
</tr>
<tr>
<td>Somalia 1993</td>
<td>10/4-15/1993</td>
<td>S Amdt. 1042 (H. R. 3116) (Senate)</td>
<td>76 (52/24)</td>
<td>23 (3/20)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HJ Res 114 (Senate)</td>
<td>77 (29/48)</td>
<td>23 (21/1)</td>
</tr>
<tr>
<td></td>
<td>11/14-15/2005</td>
<td>S Amdt. 2518 (S. 1042) (Senate)</td>
<td>79 (38/40)</td>
<td>19 (6/13)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>S Amdt. 2519 (S. 1042) (Senate)</td>
<td>40 (38/1)</td>
<td>58 (6/52)</td>
</tr>
<tr>
<td></td>
<td>11/18/2005</td>
<td>H Res 571 (House)</td>
<td>3 (3/0)</td>
<td>403 (187/215)</td>
</tr>
<tr>
<td></td>
<td>3/22-23/2007</td>
<td>HR 1591 (House)</td>
<td>218 (216/2)</td>
<td>212 (14/198)</td>
</tr>
<tr>
<td></td>
<td>3/26-29/2007</td>
<td>HR 1591 (Senate)</td>
<td>51 (48/2)</td>
<td>47 (1/45)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HJ Res 68 (House)</td>
<td>123 (115/8)</td>
<td>295 (70/225)</td>
</tr>
</tbody>
</table>
Secondly, in order to detect the argumentative frames of members of Congress, the statements of members of Congress (as printed in the Congressional Records) relating to their final vote in the key decisions were retrieved via the Library of Congress Online Database. The material was reviewed to identify specific arguments in favor of or in opposition to the proposed or ongoing intervention (excluding procedural remarks, attachments, etc.).

To structure the analysis for each of the five frames (F1-F5), specific arguments were developed which might be used by the speakers to legitimize their voting behavior. The actual rhetoric in favor of or in opposition to the intervention is then coded along the coding scheme. The arguments were categorized along the five frames described above (table 2).

The coding procedure employs qualitative assessments to interpret the rhetoric in the context of the military intervention. The coding is conducted semi-open and includes statements that do not fit into an expected argument. Overall, the dataset consists of 2,566 legitimizing arguments across four cases and six congressional debates.

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42 Quotes from congressional debates are cited as Congressional Record, year, page.
43 Each argument is counted only once per speaker. Speakers can use various frames to justify their vote. Harry Reid’s (D-NV) contra argument during one of the Iraq debates in March 2007, for example, is coded as an indicator for electoral concerns (F1) as it connects the voting decision to pressures from the constituency: “The way to succeed in Iraq (...) is to change the course. (...) This is the message the American People delivered to Congress on November 7th 2006.” Congressional Record, 2007, S3084. Senator Malcom Wallop’s (R-WY) statement during the authorization debate for the Persian gulf war in 1991: “The United States has a direct, worthy, and significant national interest to be defended” (Congressional Record, 1991, S271), is coded as a national interest pro argument (F3, see the full coding scheme at table 2).
Table 2: Framework for Content-Analysis of Congressional Debates

<table>
<thead>
<tr>
<th>Frames</th>
<th>Sub-Category</th>
<th>Specific Arguments (Pro)</th>
<th>Specific Arguments (Contra)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rational:</strong> Electoral Concerns (F1)</td>
<td></td>
<td>Voters support policy</td>
<td>Risk incalculable</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Risk of inaction</td>
<td>Wrong timing</td>
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<tr>
<td></td>
<td></td>
<td>Public opinion is volatile/irrelevant</td>
<td>(Risk of) material costs</td>
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<tr>
<td></td>
<td></td>
<td>Benefits exceed costs</td>
<td>(Risk of) casualties</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Previous efforts not futile</td>
<td>Interests of voters</td>
</tr>
<tr>
<td><strong>Rational:</strong> Naming &amp; Shaming (F2)</td>
<td></td>
<td>Strategy adaptation possible</td>
<td>Success impossible</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Policy support for president</td>
<td>Policy critique on president</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Strategy is working</td>
<td>Strategy does not work</td>
</tr>
<tr>
<td><strong>Ideational:</strong> National Interests (F3)</td>
<td>Threats to National Interests</td>
<td>National interests are at stake</td>
<td>U.S. not responsible for security in respective crisis</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Economic interests are at stake</td>
<td>No national interests are at stake</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Threat of terrorism</td>
<td>Erosion of military capabilities</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Balance of Power endangered</td>
<td>No threat of terrorism</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Threat of WMD</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Signaling</td>
<td>Credibility of Power/Sending Message/Showing Resolve</td>
<td>No deterrence necessary</td>
</tr>
<tr>
<td></td>
<td>Enemy-constructi on</td>
<td>Enemy is dangerous</td>
<td>Enemy is not dangerous</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Disregard of real threat</td>
</tr>
<tr>
<td><strong>Ideational:</strong> Policy Seeker (F4)</td>
<td>National Values</td>
<td>Calling for bipartisanship</td>
<td>U.S. is not the world’s policeman</td>
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<tr>
<td></td>
<td></td>
<td>Historical experience/identity</td>
<td>Historical experience/identity</td>
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<tr>
<td></td>
<td></td>
<td>Defending specific U.S. values</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Responsibility of U.S. leadership</td>
<td>Intervention contradicts U.S. values</td>
</tr>
<tr>
<td></td>
<td>Universal Values</td>
<td>Support our troops</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Democracy promotion</td>
<td>Value-based critique on unilateralism</td>
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<td></td>
<td></td>
<td>Responsibility to Protect</td>
<td>War must be last resort</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Defending international law/order</td>
<td>Lack of legitimacy by intern. law</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Moral obligation to peaceful solution</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Intervention endangers human rights</td>
</tr>
<tr>
<td><strong>Ideational:</strong> Institutional Norms (F5)</td>
<td></td>
<td>Critique on incompetence of Congress</td>
<td>Critique on missing consultation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Duty to actively support president</td>
<td>No blank check</td>
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<tr>
<td></td>
<td></td>
<td>Executive can decide more efficiently</td>
<td>Controversy must be possible in democracy</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Congress constitutionally not responsible</td>
<td>Responsibility to override mismanagement</td>
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<td></td>
<td></td>
<td></td>
<td>Critique on Congress’ lack of political will</td>
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<td></td>
<td></td>
<td></td>
<td>Constitutional responsibility to act</td>
</tr>
</tbody>
</table>
Along the five hypothesized frames, the frequency analysis shows that overall, members of Congress prevalently justified their decisions using the argumentative frame of National Interests (F3) (37.5% on average in six debates, table 3). The next most frequent arguments were coded as Electoral Concerns (F1). As both categories focus on the impact of military interventions on U.S. interests and the associated risks, the congressional discourse is predominantly national and considers universal dimensions of the crises to a far lesser degree.

Although the frequency analysis shows varying usage of the context of National Interests (F3), the use and non-usage of those arguments helps to understand congressional behavior in military interventions. This becomes clear when comparing the pro and contra side of the core arguments of the National Interests (F3) context: the question of whether interests are threatened or not (subcategory “Threats to National Interests”, table 3). In cases in which there was no doubt that a threat to the security of the U.S. (and/or its interests) existed, Congress supported the president. In 1991, 29.9 percent of all legitimizing arguments held that Iraq presented such a threat. Only 3.1 percent of all arguments disputed this threat. The difference between pro and contra arguments on this issue amounted to +37.9 percentage points in 2002. In contrast, during the debates on Somalia 1993, Iraq 2007 and Libya 2011, the discourse was dominated by the reverse perception: national interests were not at stake. The difference in percentage points was -15.3 (Somalia), -8.1 (Iraq 2007), and -6.2 (Libya 2011). During the 2005 Iraq debate, only a slight majority still perceived a threat to national interests (+3.8 percentage points) (figure 1).
Table 3: Frequency Analysis of Legitimizing Frames of Key Debates on Military Interventions
(in percentage of coded arguments)

<table>
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<tbody>
<tr>
<td><strong>Pro</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rational: Electoral Concerns (F1)</td>
<td>13.9</td>
<td>17.8</td>
<td>4.4</td>
<td>5.9</td>
<td>2.4</td>
<td>0.0</td>
<td>7.4</td>
</tr>
<tr>
<td>Rational: Naming &amp; Shaming (F2)</td>
<td>3.4</td>
<td>17.8</td>
<td>3.5</td>
<td>8.8</td>
<td>7.3</td>
<td>0.0</td>
<td>6.8</td>
</tr>
<tr>
<td>Ideational: National Interests (F3)</td>
<td>52.5</td>
<td>31.1</td>
<td>72.4</td>
<td>55.9</td>
<td>54.5</td>
<td>32.7</td>
<td>49.9</td>
</tr>
<tr>
<td>Ideational: Policy Seeker (F4)</td>
<td>19.4</td>
<td>17.8</td>
<td>18.3</td>
<td>29.4</td>
<td>4.9</td>
<td>61.5</td>
<td>25.2</td>
</tr>
<tr>
<td>Ideational: Institutional Norms (F5)</td>
<td>10.7</td>
<td>15.6</td>
<td>1.5</td>
<td>0.0</td>
<td>30.9</td>
<td>5.8</td>
<td>10.8</td>
</tr>
<tr>
<td><strong>Contra</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rational: Electoral Concerns (F1)</td>
<td>59.2</td>
<td>19.6</td>
<td>38.9</td>
<td>25.0</td>
<td>33.3</td>
<td>21.3</td>
<td>32.9</td>
</tr>
<tr>
<td>Rational: Naming &amp; Shaming (F2)</td>
<td>0.6</td>
<td>36.2</td>
<td>3.9</td>
<td>39.8</td>
<td>13.1</td>
<td>13.1</td>
<td>17.8</td>
</tr>
<tr>
<td>Ideational: National Interests (F3)</td>
<td>7.6</td>
<td>23.2</td>
<td>23.7</td>
<td>21.6</td>
<td>39.6</td>
<td>26.2</td>
<td>23.7</td>
</tr>
<tr>
<td>Ideational: Policy Seeker (F4)</td>
<td>16.0</td>
<td>7.2</td>
<td>21.7</td>
<td>3.4</td>
<td>5.4</td>
<td>1.6</td>
<td>9.2</td>
</tr>
<tr>
<td>Ideational: Institutional Norms (F5)</td>
<td>16.6</td>
<td>13.8</td>
<td>11.9</td>
<td>10.2</td>
<td>8.6</td>
<td>37.7</td>
<td>16.5</td>
</tr>
<tr>
<td><strong>Overall</strong></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rational: Electoral Concerns (F1)</td>
<td>33.4</td>
<td>19.1</td>
<td>16.0</td>
<td>16.7</td>
<td>22.3</td>
<td>11.5</td>
<td><strong>19.8</strong></td>
</tr>
<tr>
<td>Rational: Naming &amp; Shaming (F2)</td>
<td>2.2</td>
<td>31.7</td>
<td>3.6</td>
<td>26.3</td>
<td>11.0</td>
<td>7.1</td>
<td><strong>13.7</strong></td>
</tr>
<tr>
<td>Ideational: National Interests (F3)</td>
<td>33.2</td>
<td>25.1</td>
<td>56.0</td>
<td>36.5</td>
<td>44.9</td>
<td>29.2</td>
<td><strong>37.5</strong></td>
</tr>
<tr>
<td>Ideational: Policy Seeker (F4)</td>
<td>17.9</td>
<td>9.8</td>
<td>19.4</td>
<td>14.7</td>
<td>5.2</td>
<td>29.2</td>
<td><strong>16.0</strong></td>
</tr>
<tr>
<td>Ideational: Institutional Norms (F5)</td>
<td>13.3</td>
<td>14.2</td>
<td>5.0</td>
<td>5.8</td>
<td>16.5</td>
<td>23.0</td>
<td><strong>13.0</strong></td>
</tr>
<tr>
<td>Coded Arguments (Sum: Pro and Contra)</td>
<td>769 183 1000 156 345 113</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>2566</strong></td>
</tr>
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</table>
The frequency analysis of the legitimizing arguments provides important insights into the legitimization of voting behavior. In order to fully understand those key decisions, it is important to place the legitimizing rhetoric in its political context and interpret the structure of these debates.


In both congressional debates to authorize the use of force against Iraq in 1991 and 2002, a strategic consensus on the question of whether the situations presented a threat to national interests dominated the discourses. In 1991, more than half of all arguments supporting an intervention focused on the frame of national interests (52.5%) and even more did so during the
2002 debate (72.4%). The discourses are similar in their construction of direct threats to the United States and not just to its global posture or leadership capabilities. When Henry Heinz (R-PA) explained his support for the Persian Gulf War, he highlighted that he could only agree to send troops into harm’s way because of the importance of national interests.\textsuperscript{45} Others, such as Jesse Helms (R-NC), maintained that Iraq’s invasion of Kuwait represented a threat “directly related to the national interests of the United States.”\textsuperscript{46} To connect the events in the Persian Gulf directly to U.S. interests was central in consolidating the legitimization for the use of force. Some opponents of the war—a minority of 3.1% of all coded arguments in 1991—disputed this claim by suggesting that the crisis may just affect the oil price or the principle of collective security. Accordingly, Joe Biden (D-DE) did not believe “any vital interests (are) now in jeopardy.”\textsuperscript{47} To counter Biden’s argument, Dan Coats (R-IN) explained that economic power would translate into strengthening Iraq’s military capabilities and this would allow Saddam Hussein to threaten “our national security.”\textsuperscript{48}

9/11 certainly served as an important singular aspect in the argumentative toolbox to create a national interest by enabling a reterritorialization of the terrorism and WMD nexus. However, the congressional debate in October 2002 was very similar to the one in 1991 in the way it framed the threat posed by Iraq. Hussein and the military capabilities of his regime would present not only a threat to the world, but indeed to U.S. territory (with 26.8% of the pro-side arguments). This nationally focused justification for war can be clearly identified in Robert Andrews’ (D-NJ) statement:

\begin{quote}
\ldots make no mistake about it, these weapons of mass death are not pointed at the Germans who doubt the scope of this risk. They are not pointed at Saddam’s Arab
\end{quote}

\textsuperscript{45} Congressional Record, 1991, S313.
\textsuperscript{46} Congressional Record, 1991, S397.
\textsuperscript{47} Congressional Record, 1991, S337.
\textsuperscript{48} Congressional Record, 1991, S362.
neighbors who scoff at the necessity of this mission. These weapons of mass death are meant to kill Americans.49

The distinction by Andrews serves to highlight the immediacy of the danger to the U.S. and its citizens. In the same venue, the WMD argument was employed to stress the quality of the threat. Only 11 months after the terrorist attacks on U.S. territory in September 2001, the image of another 9/11 with WMDs seemed to change the calculus of risks and benefits. When Marcy Kaptur (D-OH), an opponent of the resolution, asked “(w)hat makes Iraq’s threat to the United States so much more serious today than it was four months ago or even two years ago?,”50 it was an easy task for supporters of the intervention to refer to the experience of 9/11 as justification—as did John Kyl (R-AZ) and John Hastert (R-IL) among others.51

To be sure, some skeptical voices were raised doubting the evidence of WMDs in the hands of Hussein. In the House, William Delahunt (D-MA) bemoaned that “the evidence needed to support the proposition that Iraq is a clear and present danger is not compelling (...) but rather murky and speculative.”52 Proponents of the war countered these doubts by pointing to the “track record” of Hussein and how he had misled the UN inspection regime during the 1990s (e.g. Tom Daschle, D-SD).53 This argument, which referred to the legitimacy of international law, was indeed an important additional legitimizing frame during the 2002 debate (8.0% of pro arguments). But, like the argument for democracy promotion (1.8%) or the claim that Iraq’s invasion represented a violation of the rule of sovereignty in 1991 (7.1%), it only helped to maintain the dominant narrative on national security. In 2002, John Kerry (D-MA), for example, made clear that the aim to install democracy through a regime change would not be sufficient to justify a war:

49 Congressional Record, 2002, H7243.
50 Congressional Record, 2002, H7417.
51 Congressional Record, 2002, S10018, H7192.
52 Congressional Record, 2002, H7217.
53 Congressional Record, 2002, S10241.
(R)egime change in and of itself is not sufficient justification for going to war (...). As bad as he is, Saddam Hussein, the dictator, is not the cause of war. Saddam Hussein sitting in Baghdad with an arsenal of weapons of mass destruction is a different matter.\(^{54}\)

The strength of the reference to national interests in both debates can be identified when looking at some of the opponent’s reasoning. In the two debates, central claims of the war skeptics disputed neither the principal policy goals (disarmament of Iraq, withdrawal from Kuwait), nor their importance to national interests, but instead only criticized the employed tactics.\(^{55}\) In 1991, the opponents demanded to give economic sanctions a chance to work; in 2002, they did not believe that an intervention was reasonable given the doubts on the imminence of the threat (15.1%) and the lack of international support (11.2%). These arguments both reflect a rational calculation, whether on ends and means or on the gravity of the threat. But they did not dispute the claim on national interests. In 1991, John Glenn (D-OH) conceded as an opponent of the war “that our economy (...) is largely dependent on petroleum as an energy source,” which means that the U.S. indeed had “strategic interests at stake.”\(^{56}\) Similarly in 2002, Russ Feingold (D-WI) acknowledged that “Iraq presents a genuine threat, especially in the form of weapons of mass destruction (...).”\(^{57}\)

In sum, opponents did raise questions about the risks and costs of the interventions—with an emphasis on potential casualties in 1991 (20.5% of contra) that drew on the Vietnam experience (7.3%)\(^ {58}\) and on the lack of multilateral support in 2002 (11.2%)—but the strategic consensus

\(^{54}\) Congressional Record, 2002, S10173.
\(^{55}\) A clear concept of the enemy and its negative attributes helped to foster the perception of threat (8.2% in 1991, 6.5% in 2002). Proponents of the intervention could utilize the 1991 experience of Saddam Hussein’s behavior to make the case for war. Similarly in 1991, supporters warned of an appeasement strategy against a ‘new Hitler.’ John McCain (R-AZ) was first to introduce this comparison. See Congressional Record 1990, S11548.
\(^{56}\) Congressional Record, 1991, S314.
\(^{57}\) Congressional Record, 2002, S10147.
\(^{58}\) While the Vietnam experience certainly contributed to a risk aversion in 1991, proponents of the resolution sought to counter this argument by highlighting that in contrast to Vietnam the Persian Gulf crisis was more important for US security. For example, Stephen Solarz, D-NY: “In Vietnam, vital American interests were never at stake. In the gulf, they are.” Congressional Record, 1991, H479.
in terms of the threat posed by Iraq to national interests remained largely unquestioned. This solidified the legitimization of the two interventions.

Where is the Threat to National Security? (Somalia 1993 and Libya 2011)

The initial decision by President Bush in December 1992 to send U.S. troops to offer humanitarian assistance in Somalia enjoyed bipartisan support. However, soon after hostilities broke out in Mogadishu in the summer of 1993, legislators pushed for an end to the intervention. In October 1993, Congress passed an amendment to the Department of Defense appropriations bill to ensure its preference for an end of the mission. The content analysis shows that members of Congress justified their vote in favor of an end to the mission along three major lines of argument. First, they criticized President Clinton for a failed strategy that caused a successful humanitarian mission to deteriorate into a civil war involvement (F2 Naming & Shaming, 36.2% of contra). In Kit Bond’s (R-MO) statement, the traditional GOP skepticism towards UN peacekeeping is mixed with partisan accusations regarding Clinton’s lack of leadership after the UN assumed command of the UNOSOM II mission in May 1993:

(...) I believe that the President and his advisors were so intent on focusing on health care and other politically expedient domestic issues, that they (...) believed that they could pawn it off on the United Nations and make it Boutros Boutros-Ghali’s problem.59

Second, after the “Black Hawk Down” incident in October, the questioning of the risks and costs of the intervention played an important role in justifying congressional behavior (19.6%).

But third, the critical voices in Congress did not focus solely on the aspects regarding the conditions on the ground. Rather, the rhetoric indicates a growing unease that was directly connected to the legitimacy of the mission in terms of national interests (23.2%). This

59 Congressional Record, 1993, S13465.
legitimizing frame also served as an anchor attached to various elements of the critique. John McCain (R-AZ) deplored that “19 American servicemen have been killed in a conflict with no clear connection to U.S. national security interests,”\(^\text{60}\) indicating that casualties would be acceptable if vital interests were threatened. The typical Republican critique on the “mission creep” in Somalia was also connected to this issue:

\[
(\ldots) \text{America cannot give a blank check to a multinational coalition—a blank check that places its interests, lends its troops, and offers financial commitments to U.N. objectives that have little, if any, relevance to U.S. security.}\(^\text{61}\)
\]

Arlen Specter (R-PA) was thus arguing that the UN mission was not in congruence with U.S. interests, and that this would preclude U.S. participation in such a mission.

By contrast, supporters of the mission tried to establish a connection between the situation in Somalia and U.S. interests (31.1% of pro arguments). The legitimizing rhetoric of John Kerry (D-MA) began with this question: “I have said that we have important national interests in this mission. So what are they?” His answer was, “(\ldots) the overriding humanitarian interest in seeing that the Somali people do not fall prey to another cycle of life-threatening famine and civil war.”\(^\text{62}\) Others, such as Paul Simon (D-IL), argued that the current threat in international politics after the Cold War was instability, and that the U.S. had an interest in preventing this by means of active engagement.\(^\text{63}\)

When Congress debated an authorizing resolution for the Libya intervention 18 years later, supporters of the air campaign also tried to establish a national security narrative to legitimize the use of force (32.7% of pro arguments in 2011). This construction included emphasizing the

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\(^\text{60}\) Congressional Record, 1993, S13465.
\(^\text{61}\) Congressional Record, 1993, S13222.
\(^\text{62}\) Congressional Record, 1993, S13454.
\(^\text{63}\) Congressional Record, 1993, S13444.
importance of the NATO alliance to U.S. interests, and the necessity to demonstrate credible leadership, the lack of which would embolden enemies in other critical parts of the world. But members such as Howard Berman (D-CA) represented a minority opinion, according to which “(t)here are critical interests at stake. The national security question is far beyond simply what is going to happen in Libya, but in its neighbors, Egypt and Tunisia, throughout the Middle East (…)”. While 14.2 percent of all coded arguments during the Libya debate justified a voting decision based on the absence of national interests, only 8.0 percent tried to establish this connection. Though critics of the war were not even able to secure a majority in the Republican House, an authorizing resolution for the air war did not succeed. In response to this political climate, Obama tried to stress the “supportive role” of the USA during the air campaign, and limited the involvement by excluding the deployment of ground troops.

Although members of Congress have some leeway in interpreting the relevance of international crises to national interests, this strategy fails without a clear connection to established constructions rooted in societal norms and experiences. In Somalia and Libya, the strategic consensus proved to be unachievable for supporters of the war. As Fortney Stark (D-CA) explained in June 2011: “At a time when we continue the wars in Afghanistan and Iraq, we cannot afford to pursue another military adventure that is not in our national interest.”

Supporters of the Libya intervention were undermined in their effort to construct national security interests by President Obama’s rationale for intervention. Obama had elaborated “there will be times (...) when our safety is not directly threatened, but our interests and our values are.” This invited critics like Ted Poe (R-TX) to deconstruct the intervention’s legitimacy: “I

64 Henry Waxman (D-CA): “While Libya is not in our vital national security interests, standing with our NATO allies very much is. (…)”. Congressional Record, 2011, H4539.
65 Congressional Record, 2011, H4545.
66 Congressional Record, 2011, H4549.
vote ‘no’ on this resolution. We have no business in Libya. Even the administration has said it is not in the national security interest of the United States to be in Libya.”

Likewise, the attempt to broaden the definition of national interests to include humanitarian crises, as in Somalia, was dismissed in 1993. A bipartisan majority in Congress did not want to see the U.S. as a “(...) law enforcement agency to be subcontracted out whenever and wherever the U.N. sees fit. We have no national interests at stake in Somalia (...)” (Robert Smith, R-NH). It is noteworthy that neither the administration nor supporters in Congress tried to establish a national security narrative with respect to the geopolitical importance of Somalia and its economic weight in East Africa. This indicates that actors cannot construct legitimacy without societal support for the arguments even if material facts are apparent.

The Eroding Strategic Consensus (Iraq 2005 and 2007)

Congress supported the war in Iraq between 2003 and 2005, with Department of Defense funding and war supplementals passing with bipartisan majorities. Even as casualties mounted in the course of 2004 with over 1,000 U.S. soldiers killed between July and December, only few in Congress articulated an explicit critique. The prevalent explanation holds that only after the 2006 midterm elections did the Democrats possess enough votes to challenge President Bush’s Iraq strategy. However, this account remains incomplete since it does not answer the question why congressional opposition did not gain momentum before; public opinion had

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68 Congressional Record, 2011, H4543.
69 Congressional Record, 1993, S13443.
71 Mages, *U.S. Armed Forces Abroad*.
already turned against the war by mid 2005.\textsuperscript{74} The first major floor debate on Iraq after October 2002—which took place in November 2005 and was still marked by considerable bipartisanship\textsuperscript{75}—helps to trace the source of growing congressional dissent more comprehensively.

In November 2005, many Democrats disapproved of the administration’s Iraq policy, but most of them did not follow up with a call for a withdrawal of U.S. troops.\textsuperscript{76} This ambiguity is reflected in their rhetoric, which indicates that critique was legitimized by a Naming & Shaming context (F2) that sought to challenge political strategies but not overall goals (39.8\% of contra).

Although the WMD argument was already discredited (9.1\% of contra arguments refer to this topic), the president’s opponents still felt obliged to support the troops and continue the war, because they saw national interests at stake. Carl Levin (D-MI), who voted against the authorization in 2002, conceded that a premature withdrawal would endanger national security: “America is going to be less secure if Iraq is a failed state. Everybody agrees on that. The question is, how can we improve the chances of Iraq not becoming a failed state?”\textsuperscript{77} And while the escalating violence in Iraq seemed to provide ample arguments for congressional opposition, proponents of the intervention saw the islamification of the insurgency as evidence of the conflict’s relevance to U.S. interests. John Cornyn (R-TX) warned that, “(…) al-Qaida’s vision (is) to establish an Islamic caliphate that would rule the Middle East, destroy Israel, and threaten the very existence of our way of life.”\textsuperscript{78} Similarly, on the Democratic side, Joe Biden (D-DE) upheld the threat perception by arguing, “(…) we have to ensure that Iraq does not

\textsuperscript{75} In the Senate, six Democrats voted against calling for a plan of redeployment (S Amdt 2519 to S 1042) and a majority among Democratic senators voted for a weaker proposal by John Warner (R-VA). In the House, only three Democrats voted for H Res 571 calling for an immediate withdrawal. The Republican majority used its agenda power to alter Jack Murtha’s (D-PA) resolution and to blur its original intent. However, the fact that only few Democrats supported a clear vote against the war suggests that the strategic consensus had not yet fully eroded.
\textsuperscript{77} Congressional Record, 2005, S12752.
\textsuperscript{78} Congressional Record, 2005, S12823.
become what it was not before the war: a haven for jihadist terrorists.”

Thus, the strategic consensus began to erode in November 2005, accelerated by worsening conditions on the ground and the delegitimization of the WMD argument. Still, a majority (even among Democrats) viewed the continuation of the war to be in the national interest (24.4% on pro versus 21.6% on contra in the National Interests frame).

With the beginning of Congress’ 110th session, criticism of the mission in Iraq was not concerned primarily with strategy anymore. The consensus on national interests had fully eroded. Although conditions on the ground improved at least slightly soon after the implementation of Bush’s “surge” in January 2007, arguments focusing on national interests increased from 21.6 in November 2005 to 39.6 percent in March 2007.

Three main tenets of the legitimizing rhetoric were aimed at deconstructing the national interest in Iraq and were used to justify votes to change the administration’s Iraq policy. First, oppositional members of Congress believed that the situation in Iraq would not affect U.S. security. It was maintained that the violence taking place in Iraq was fueled by religious conflicts, and since “(n)one of (the legislators) who voted for the original authorization voted to put our troops in the middle of a civil war” (Steny Hoyer, D-MD), the U.S. should end its engagement. Second, on the contra side of the debate, speakers used a cluster of arguments drawing on security interests to insist that there were more important threats to the U.S. that needed to be considered. This interpretation could be observed in Patrick Kennedy’s (D-RI) statement: “Why are our Republican friends talking about protecting our national security in Iraq when in fact it is al Qaeda in Afghanistan that is posing the greatest threat to our national security?” Among the few Republican skeptics of the war, Chuck Hagel (R-NE) also drew on

79 Congressional Record, 2005, S12794.
81 Congressional Record, 2007, H2972.
82 Congressional Record, 2007, H2989.
aspects of American power by implying that U.S. military resources should be deployed to counter the ‘real threats.’\textsuperscript{83}

The situation on the ground and the lack of public support for the war suggest that congressional critique on Iraq should have emerged earlier. Instead, it was not until the erosion of the national interest argument, which marked the 2007 debates, that the previously broad support for the authorization and continuation of the war that had existed between 2002 and 2005 broke down.

**Conclusion**

Analyzing the use of legitimizing frames and discovering the structure of plenum war debates provide relevant insights for understanding the domestic discourses on war and peace and thus the “dark side of democracies”\textsuperscript{84} for the U.S. case.

While previous war powers studies stressed the role of partisan politics, party leadership, the president’s party power in Congress, or a persisting institutional culture,\textsuperscript{85} this article highlighted the dominance of the frame of national interests during congressional debates on U.S. military interventions. It can be concluded that the domestic legitimization of “liberal wars” hinges on precisely these perceptions of threats to national security.

So far, especially IR scholars of various theoretical proveniences have argued differently. They claim that specific liberal values serve as the main legitimizing framework in order to justify democratic wars. This universalistic reasoning was considered to be a key variable in recognizing liberal wars as the “dark side” of the democratic peace. Sohnius for example concludes that decisions in favor of military interventions “were rooted in a particular interpretation of U.S. exceptionalism (...) as well as the mission to defeat evil, to provide order.

\textsuperscript{83} Congressional Record, 2007, S3806.
\textsuperscript{84} Anna Geis, Lothar Brock and Harald Müller, Democratic Wars.
\textsuperscript{85} Hendrickson, The Clinton Wars; Kriner, After the Rubicon, 73; Weissman, Culture of Deference, 31.
and to promote democracy and human rights.”

Although constructivism suggests that the power of norms rests on its communality within the broader society, Sohnius maintains that the legitimizing discourse was dominated by the executive, and that war support resided (at least with the two Iraq wars) primarily within neoconservative sub-groups of society. This argument also resembles accounts of neoclassical realism, which claim that the executive uses the U.S. identity in a manipulative way in order to circumvent domestic veto players (i.e. Congress). Accordingly, military interventions are seen as a tool to uphold an ‘American imperial order’ which is based on liberal universalistic values and favored by specific domestic individuals and groups, but not the majority.

In contrast to this, the analysis of the congressional debates of four post Cold War conflicts revealed that the rhetoric in Congress was primarily concerned with the question of national interests. The close examination of the wars against Iraq strengthens the thesis that the discourse was not limited to a subgroup of (neo)conservatives that favored democracy promotion, neither in 1991 nor in 2002. Even opponents of the wars did not second guess the dominant discourse, which framed a strategic consensus on national interests regarding the Persian Gulf. It is worth noting that both supporters and opponents of the wars justified their voting behavior primarily with nationally-focused arguments (as was true for all cases investigated) in contrast to the universalistic frames that previous research has emphasized. The debates on Somalia 1993, Iraq 2007, and Libya 2011 illustrated that Congress may not be able to stop military interventions; on the other hand, Congress can reframe the societal discourse on the intervention, articulate its critique and contribute to the de-legitimization of wars where it sees no national interests involved.

86 Sohnius, “The United States,” 51.
87 Sohnius, “The United States,” 83–84; see also Müller, “Antinomy,” 487.
89 Spruyt, “American Empire,” 297.
Although this article contradicts the conclusions of existing democratic peace scholarship on the domestic communality of universal values, the analytical perspective of constructivist IR studies on societal discourses provides insights into the broader war powers context. First, the interpretative approach to studying congressional debates which was employed here supplements the primarily quantitative war powers literature. Second, while authors like Lindsay have already highlighted that security concerns influence domestic support for military interventions, the in-depth analysis of the use of national interests arguments within congressional debates adds necessary empirical support for the hypothesis.

Further research in this field could investigate the interaction between presidential and congressional war discourses as this study was limited to Congress. Here, it would be of interest to analyze whether and how presidents are able to influence congressional war discourses and which presidential narratives prove more successful than others. While the study demonstrated that national interests are dominating congressional discourses, it could also be fruitful to investigate in more detail how the construction of national interests changes over time. In this context, the study indicates that periods in which a broad definition of national interests exists (especially during the Iraq war) alternate in cyclical fashion with attempts to narrow down the scope of U.S. interests (Somalia 1993, Libya 2011).

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90 Lindsay, “From Deference to Activism.”