The Legitimacy of War under the Perspective of the Speech-act Theory

The Cases of the First and Second Gulf Wars (1991/2003) in a Comparative Analysis

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Abstract

The article aims at analyzing some processes of securitization during the Gulf Wars of 1991 and 2003, in a comparative perspective, seeking to reveal how the influence of some of the most important political actors of the United States' decision-making structure is materialized, through their speeches, in an attempt to present some of the identified threats as socially constructed cognitive elements. To accomplish the task this research applied the conceptual framework provided by the Theory of Speech-Acts (TSA) and by the Theory of Securitization as well considering the current understanding of the so-called *jus ad bellum* (or right to wage war).

Keywords: Gulf Wars, Jus ad Bellum, securitization, speech-act, USA

1. Introduction

> *"For where the power of law ceases, there war begins"*
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> **Hugo Grotius, The Right of War and Peace**

War is a constant in human history and what we have witnessed is that, due to several multidimensional cleavages added along this continuous process of social interaction, warfare's motivations, weaponry and strategies have changed (Magnoli, 2009). From a historiographical point of view, and regardless of such variables, we may notice a prevailing perception that international conflicts - despite their negative externalities - were not perceived as illegal acts, even though at several occasions their motivations had been seen as immoral. Thus, as pointed out by Carl von Clausewitz (1780-1831), it was commonly asserted that war was merely the continuation of politics by other means. Its formal proscription as an instrument of domestic/foreign policy would only occur on the mid-20th century, with the advent of a new framework of governance based on the burgeoning figure of the United Nations (UN).

In order to reach such a prohibitive model, the world went through paradigmatic events and needed to adapt itself to the legacy of such experiences, notably during the troubled times in between wars. In this regard, we may cite the League of Nations (1919-1946) and the Briand-Kellog Treaty (1928) as two of the first contemporary initiatives brought forth in the efforts towards the prescription of war, which would lead to the current normative framework consecrated at the UN system.[1]

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[1] The League of Nations was an international organization created in April 1919 - as an outcome of the Versailles Peace Treaty - conceived upon the core idea of creating a global organism intended at preserving peace through mediation and arbitrage as the foremost means for resolution of international conflicts, thus, placing war as an option to be avoided at any cost. The Treaty of Paris, or Briand-Kellog as usually known, was an important step towards this new perspective when determined the signing parties to renounce war as a regular instrument of politics. Despite having failed on its purpose, this treaty laid the normative foundations for the further achievements reached on this issue.

Presently, the situations in which resorting to war may be considered licit are very specific: a) individual or collective self-defense; b) collective actions for the maintenance of peace; c) self-determination and; d) eventually collective interventions for humanitarian reasons (Soares, 2003), which finally brings us to the essential objective of this article: to reflect upon the similarities and differences amongst these two emblematic cases – the Gulf Wars of 1991 and 2003 – regarding the processes of construction and recognition of the threats that lead to the aforementioned events.

More specifically on the research universe selected for this study, as mentioned, the starting point is 1991 when, under George H. W. Bush administration, the first Gulf War was triggered, marked by the North-American intervention in Iraq as a consequence of its invasion of Kuwait, which, in general, allowed the military action to occur in conformity with the UN guidelines. Such analysis ends in 2003, when a new military offensive was brought forth in Iraqi territory by the USA, under George W. Bush administration, this time unilaterally and regardless of UN regulations.

Once defined our research universe, we have chosen the theoretical framework developed by the so-called School of Copenhagen as our main reference, as it provides an alternative and innovative conceptual apparatus to the traditional one on the field of strategic studies. In sum, its proposal rescues the International Relations' Constructivist idea that threats are social constructions often molded by means of speeches, even if the breakup of the ordinary rules of the political arena becomes a necessary action.

It is valid to outline that such perspective is of special interest when applied to the aforementioned cases, e.g. in conflictive situations, since, as seen, nowadays few are the exceptions in which war is considered a licit act and, in several cases, in search of legitimacy for bellicose measures, the construction of supportive speeches become a highly useful option, even if, at first glance, the evoked assumptions used to justify the outbreak of the tenuous line of belligerence are not clear.

Thus, taking into account the premise that a threat may be socially constructed, we are led to consider the following research questions: how did the construction of threats on both conflicts take place? Up to what point the speeches were successful tools in such processes? And last but not least, from the perspective of the *jus ad bellum*[2], what were the differences and similarities between both conflicts considering the underlying speeches constructed to justify the use of extraordinary means to contain the identified threats? In search for answers, it is expected that the analytical exercise hereinafter proposed contributes for a better understanding of how some discursive acts may operate as variables presumably capable of exerting influence on the disruption of the tenuous line of belligerency in conflictive situations.

2. The Evolution of Prohibitive Rules of War

As previously referenced, the legitimacy of war, defined by the *jus ad bellum*, or the right to wage war, in general consists of elaborated rules in order to provide a clear separation of what can be done in times of peace and hostility, being recognized only the already mentioned exceptions, most of them listed at the UN Charter. Hence, once such normative framework is violated, it is up to the UN Security Council[3] to authorize the use of military force to curb possible dangerous threats capable of putting the stability of the international system at risk.

In this regard, it is equally important to quote, as an important point of this research, the theme of preventive war[4], a controversial aspect concerning the US-led invasion of Iraq during the campaign of the second Gulf War (2003). To that effect, it is of our interest to analyze the Decree No. 19841 of October 22, 1945 of the UN Charter, article 51, which is also a relevant normative text on the effort to shed light on the analysis of the legality of the first Gulf War (1991) when it asserts that:

> Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under

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[2] The so-called *jus ad bellum*, or right to wage war, is the designated term to define the few remaining licit conditions of warfare.

[3] United States, France, China, United Kingdom and Russia.

[4] A war is said to be preventive when the State that takes the initiative to attack does it under the pretext of reducing or eliminating possible risks of suffering a future attack. Therefore, the preventive war is a distortion of the consecrated principle of self-defense, as it derives from the alleged existence of potential rather than immediate threats.

> the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security. (United Nations [UN], 1945).

So, the self-defense may only occur after an armed "aggression", term which according to the UN Resolution No. 3 314, adopted on its XXIX session of December 14, 1974, means:

> Art. 1 – [...]the use of armed force by a State against the sovereignty, territorial integrity or political Independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition (UN, 1974).

It is worth mentioning that the use of armed forces by a State, resulting from the transgression of the UN Charter, constitutes – at first sight – evidence of an act of aggression, although the Security Council may revert such assumption to determine that the act of aggression, in response, would not have been justified as reason of other pertinent circumstances (art. 2º) (UN, 1974). The UN Charter also points out that "no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression" (art.5; §1) and that "no territorial acquisition or special advantage resulting from aggression is or shall be recognized as lawful" (art.5; §3) (UN, 1974).

It should be also highlighted that nothing shall be "constructed as in any way enlarging or diminishing the scope of the Charter" (art. 6), even in cases in which the use of force is considered legal. The article 5º§2º clarifies that "a war of aggression is a crime against international peace" and, therefore, "aggression gives rise to international responsibility" (of States) (UN, 1974).

Once verified the regulatory framework that disciplines the legality of war and its conditions, although superficially, the sequence of this analysis is aimed at investigating the path taken by some key actors that claim the use of force by securitizing a certain threat and the ways through which they seek legitimacy to their actions by means of the so called speech-act.

3. Theoretical Framework: Securitization and Speech-act

The discussion over the enlargement of the concept of security is deeply rooted on the contributions of the School of Copenhagen. The methodology adopted by this group of scholars gives to researchers an alternative theoretical approach to the traditional one[5]. So, considering this broader perspective, how can we define what security really is?

For Barry Buzan, Ole Wæver and their collaborators, security is "the move that takes politics beyond the established rules of the game and frames the issue either as a special kind of politics or as above politics" (Buzan, Wæver & De Wilde, 1998). This process, which they called securitization, may be understood as an extreme version of politicization in which the securitizing actor facing a threatening situation tries to put the object to be protected (referent object) in a locus of decision immune to the ordinary rules of the political scenario. As a result, they may use all the necessary means to solve the problem, including the force.

It should be noted that a given issue can be framed in a broad range of ways, from non-politicized (where it is not seen as a topic that should be submitted to public debate or demand decisions in terms of security) to politicization (where there is the recognition that the subject is of public interest and therefore, subject to governmental decision and resource allocation) and, in extreme cases, as securitized (as mentioned earlier, a condition which demands the use of emergency measures, though still beyond normal political process limits).There is also the inverse movement, desecuritization, which consists of moving subjects previously classified as existentially threatened to the level of the usual bargaining and dispute of the political sphere (Buzan et al., 1998; Sheenan, 2005). It should also be noted that typifying a matter in accordance with these conceptual structures is not an exclusive prerogative of states and may also occur through the agency of non-state actors.

This demonstrates, then, that the accuracy of the criteria established to define certain topics such as security is an intersubjective social construction, and is directly related to the discursive emphasis given to possible substantial political effects of a given existential threat to a referent object, which reveals the central role of speech-acts in this approach. In short, the speech-act approach to security requires a distinction amongst three types of units

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[5] In 'Security: a new framework for analysis' (1998), Buzan, Wæver and de Wilde propose the expansion of the security agenda to allow the inclusion of threats other than just those coming from traditional political and military fields, but also those stemming from the environmental, societal and economic sectors, each one with its own dynamics, however, keeping the attributes that qualify a given issue as a matter of security:1) threats perceived as a potential risk to the survival of a referent object, 2) the emergency nature of a situation, 3) state power claiming the legitimate use of extraordinary means, including military force, to address the problem.

involved in security analysis, as follows:

Table 1. The units of security analysis according to the school of Copenhagen

Units of Analysis	According to the School of Copenhagen
Referent Objects	Things that are seen to be existentially threatened and that have a legitimate claim to survival.
Securitizing Actors	Actors who securitize issues by declaring something - a referent object - as being existentially threatened. It is someone, or a group, who performs the security speech-act.
Functional Actors	Actors who affect the dynamics of a sector. Without being the referent object or the actor calling for security on behalf of the referent object, these are actors who significantly influence decisions in the field of security.

Source: Buzan *et al*. (1998).

Thus, considering this theoretical framework, another question arises: what is the nature of the relationships established between words and the real world? This question is the basis of the Theory of Speech-Acts (TSA), a perspective of the Analytical Philosophy of the Language that posits that this system of signs used in the communication of ideas - the language - is a concrete social practice for the execution of actions, a form of constitution of reality and therefore an inseparable part of the real world that gives form and meaning to it in a complex relationship of interdependence (Searle, 1984; Austin, 1990).

From this premise, the TSA believes that language should not be merely considered in its simple abstract form (locutionary acts), but always within a social and cultural context in which the linguistic expressions and sentences handed down by the speakers make sense in relation to components of context (illocutionary act) producing, then, effects and consequences (perlocutionary acts). [6]

Constructivist theory - the theoretical basis of this analysis - after assimilating those basic assumptions, started to emphasize the role of discursive processes as they directly reflect the ideas which are relevant to the actors and, therefore, their interests. In this context, Wendt (1999) postulates that when material variables are investigated, equal attention should be devoted to analysis of the discourses underlying them, as this interrelation demonstrates the validity of the arguments raised by a given actor and thus the potential of their material forces.

Therefore, constructivists view language as a vehicle for dissemination and institutionalization of ideas, a mechanism for the construction of social reality (Adler, 2006) as does Language Theory. Thus, the TSA labels the speech-act not only as a describer of the reality, but also as a tool to shape the structure through which things 'mean' and, at the same time, it has meaning given by the authorized speakers in which they impart qualities, attributes and interrelationships with other objects (Kratochwil, 1989; Milliken, 2001).

As theorized by the School of Copenhagen, these assertions can be applied in case studies of security once speech-act is a core element for their proper understanding because, as explained by Wæver (1994), "we can regard security as a speech-act". Thus, a subject assumes the status of securitized not necessarily because of the existence of a real threat, but because it is presented as such by the speech-act in a given context.

However, this process has limitations. A speech that presents something as an existential threat regarding a referent object does not necessarily establish a situation of securitization. To accomplish that, the securitizing actor must convince his audience that the adoption of special measures is needed to counter the threat and ensure the safety of the object. Thus, securitization occurs "only if and when the audience accepts it as such" (Buzan, et

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[6] According to the categorization of speech acts as proposed by Austin (1990), the elocutionist act would be 'what is said', the use of linguistic signs (sounds and words) with meaning; illocutionary acts refer to 'how something is said', they are specific sentences pronounced in a given circumstance and with a purpose; and finally perlocutionary acts that are the concrete effects of saying something. It also should be noted that this typology is a theoretical abstraction once that the linguistic act must be considered as a whole (Austin, 1990).

al., 1998).

Such a process, labeled by the authors as a securitizing move, is configured as a negotiation between a securitizing actor and its audience by which this agent will seek legitimacy and permission to disregard the existing rules of the ordinary political game. Even if there are signs of such acceptance by the audience this does not constitute the securitization of the object, but simply a securitization move. In short, the process of securitization/desecuritization can be described as follows:
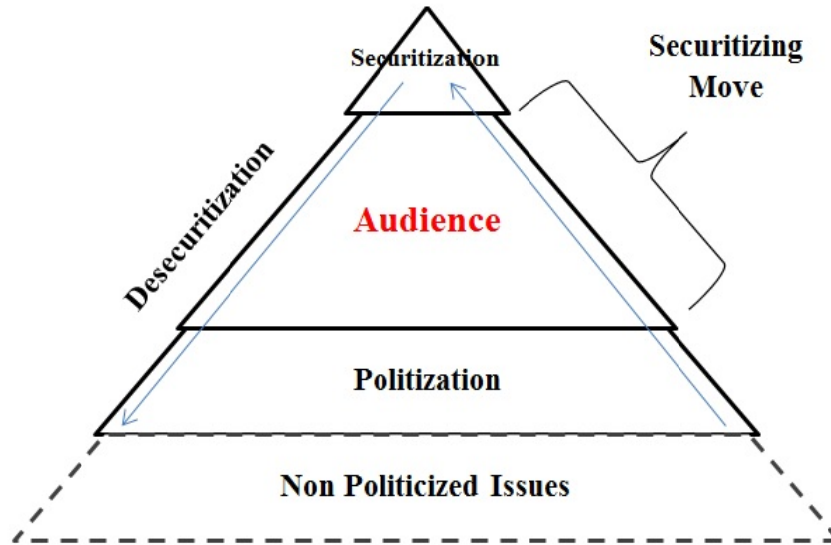

Figure 1. Securitization/Desecuritization process of a referent object

4. The First Gulf War (1991)

The First Gulf War, initiated by the invasion of Kuwait by Iraqi troops, led the Security Council to adopt the Resolution No. 688, a normative instrument that demanded of Saddam Hussein the immediate retreat of his troops. Considering the dispositions of the UN Charter that authorize an intervention, amongst them the "collective actions to the maintenance of peace", under the terms of *jus ad bellum* a military action under this context was recognizably valid.

Nevertheless, it is worth featuring that, despite the fact the menace on the alluded case was clearly objective, since there was territorial violation of a sovereign State, it is necessary to assess some speeches from the main US securitizing and functional actors for a better understanding of their perceptions of threat and, hence, of the definition of what is presented as existentially threatened, in other words the referent object(s). Having said that, the picture below depicts a synthesis of the US decision-making chain in such occasion:
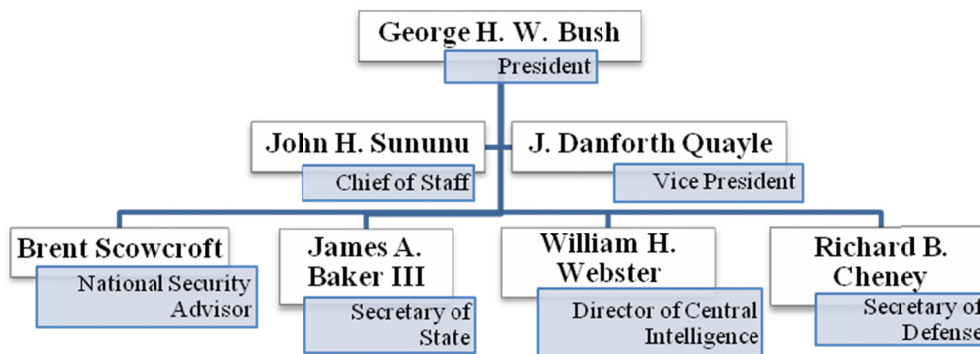

Figure 2. US decision-making structure during the first Gulf War (1991) [7]

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[7] It is worth noting that this is a mere simplification of the US decision-making structure. So, only the foremost actors are presented, although its bureaucratic chain is larger and much more complex.

4.1 Securitizing Actor and the Referent Objects

Knowing that the chief of the Executive Branch - vested in the President of the United States who also acts as head of state and Commander-in-Chief of the armed forces - occupies the utmost position on the country's decision-making structure, we may consider him as the securitizing actor by excellence. Due to the aforementioned prerogatives such actor is generally the one who possesses authority to declare a given object as existentially threatened and claim, therefore, the use of extraordinary means, amongst which the force, to contain possible threats to a given referent object. Therefore, it is important to analyze a few selected speeches of George H. W. Bush in order to identify its positions concerning what was alleged to be an existential threat(s).

In an important announcement, made on August 8, 1990, George H. W. Bush, starting a securitizing move, made clear that, in such a moment, it was up to him as the President to take the necessary measures to contain the threat that was presented, referring to Iraq. At the time of the Kuwait invasion, Bush affirmed that:

> At my direction, elements of the 82d Airborne Division as well as key units of the United States Air Force are arriving today to take up defensive positions in Saudi Arabia. I took this action to assist the Saudi Arabian Government in the defense of its homeland. No one commits America's Armed Forces to a dangerous mission lightly, but after perhaps unparalleled international consultation and exhausting every alternative, it became necessary to take this action. Let me tell you why.

> Less than a week ago, in the early morning hours of August 2nd, Iraqi Armed Forces, without provocation or warning, invaded a peaceful Kuwait. Facing negligible resistance from its much smaller neighbor, Iraq's tanks stormed in blitzkrieg fashion through Kuwait in a few short hours. With more than 100 000 troops, along with tanks, artillery, and surface-to-surface missiles, Iraq now occupies Kuwait. This aggression came just hours after Saddam Hussein specifically assured numerous countries in the area that there would be no invasion. There is no justification whatsoever for this outrageous and brutal act of aggression (Miller Center, 2013).

In Bush's speech, Iraqi actions were presented as possible factors of instability to an already tense region, which could represent a peril to Saudi Arabia, a traditional North-American ally in the Middle East. In fact, it was not known whether invading Saudi Arabia after Kuwait was included in Saddam's plans. However, as noted on Bush's speech, such risk is clearly emphasized.

Such line of thinking is of interest since, as mentioned, it points to a securitizing move. In turn, in order to succeed, it must make use of the emphasis attributed by the securitizing actor of what is supposedly being existentially threatened. By doing this, the securitizing actor shows to its audience – those who are expected to legitimize its speech-acts – the need for containment of a supposed menace, be it real or not.

Bush, in the same speech, pronounced that he was "[...]determined to protect the lives of American citizens abroad" (Miller Center, 2013), when defending not only the political stability of the Middle East but also the North-American citizens residing in the region.[8] Thus, we are led to understand that the threat would be also connected to the US itself and that the protection of the American citizens would also depend on Bush's actions. It is also noted that the US economic interests were also highlighted as a referent object on his securitizing speeches, as evidenced when he said that:

> Immediately after the Iraqi invasion, I ordered an embargo of all trade with Iraq and, together with many other nations, announced sanctions that both freeze all Iraqi assets in this country and protected Kuwait's assets. The stakes are high. Iraq is already a rich and powerful country that possesses the world's second largest reserves of oil and over a million men under arms. It's the fourth largest military in the world. Our country now imports nearly half the oil it consumes and could face a major threat to its economic independence. Much of the world is even more dependent upon imported oil and is even more vulnerable to Iraqi threats (Miller Center, 2013).

Given those words, we may see how important the Iraqi economy was to Bush's securitizing move at that period. The fact that they had the second largest oil reservation in the world generated an economic interdependence,

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[8] In the beginning of August 1990 there were about 3.580 Americans in Iraq and Kuwait. On December 6th this amount was approximately 700 (Freedman; Karsh, 1993).

especially considering that the USA imported approximately half the oil they consumed. Complementarily, according to Bush's words the idea that the threat in question was not "[...] an American problem or a European problem or a Middle East problem", but rather, "[...]the world's problem" (Miller Center, 2013), added a new dimension to the problem, as seen when he pointed out that:

> In the last few days, I've spoken with political leaders from the Middle East, Europe, Asia, and the Americas; and I've met with Prime Minister Thatcher, Prime Minister Mulroney, and NATO Secretary General Woerner. And all agree that Iraq cannot be allowed to benefit from its invasion of Kuwait (Miller Center, 2013).

By doing this, Bush was clearly willing to present Iraq as a real threat to the stability of the international system and, therefore, the role of other relevant actors in supporting a more emphatic action was considered of paramount importance. So, Bush opted for a multilateral initiative towards the resolution of the problem as an option to bring forth the so desired approval of the American people. Insofar as the securitizing move initiated by Bush was getting stronger, close to the invasion he made another announcement, on January 16, 1991, regarding the Iraqi nuclear issue by asserting that:

> As I report to you, air attacks are under way against military targets in Iraq. We are determined to knock out Saddam Hussein's nuclear bomb potential. We will also destroy his chemical weapons facilities. Much of Saddam's artillery and tanks will be destroyed. Our operations are designed to best protect the lives of all the coalition forces by targeting Saddam's vast military arsenal (Total Politics, 2013).

It is perceived that, when analyzing the selected speeches, the President clearly exerted his prerogative of securitizing actor on the subject when declaring, under his perspective, what was existentially being threatened. In this sense, he brought to discussion the need for protection of not only one, but several referent objects. In general terms, they were: a) the territorial integrity of Kuwait; b) the territorial integrity of Saudi Arabia and the neighboring States; c) the protection of the North-American citizens in the region; d) the economical integrity of the USA (due to the oil trade); and e) the international peace and stability (given the risk that a supposed chemical and nuclear arsenal in Saddam Hussein's hands could represent).

4.2 Target Audience

For a securitizing move to be succeeded it is required that the target audience are convinced of the inevitability of the adoption of extraordinary measures for the protection of the referent object(s). Therefore, before the emission of signs on a given speech about possible threats it is a crucial point to determine who the securitizing actor should convince that securitization is necessary.

In 1990 and 1991 the USA went through a strong economic recession. It is interesting to notice that there was, throughout the Gulf conflict, a noticeable attempt taken by President Bush to deviate the attention of the US population from the country's economic problems towards the Middle East scenario in a classical "two-level game".[9] Thus, we may point out the US population as a natural target audience for the securitizing move.

It is worth perceiving the fact that the President's actions only produce effect after the approval of the Legislative Branch, which makes the Congress another potential target of the speech-act.[10] Not less important on this plot was the UN, given its key attribution in authorizing military interventions of this nature, thus also being a target of some securitizing speeches. Considering the portrayed scenario, some few questions arise: what were the impacts of those speeches on such distinct audiences? And, as a result, was there compliance to Bush's securitizing move?

As to the US Congress, the invasion was approved on January 13, 1991. According to the "New York Times", there was a vote in favor of the proposed military intervention at the Senate of 52-47 and at the House of Representatives of 250-185. The Security Council of the United Nations, in turn, authorized the use of force against Iraq in case of a non retreat from Kuwait until the established deadline (Clymer, 1991).

With regard to the approval rate of Bush's administration - one of the indicative variables of the speech-act

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[9] The so-called Two-level Game Theory reflects how the simultaneous imperatives of both a domestic political game and an international game interact in the arena of negotiation by addressing the role of variables such as domestic preferences and coalitions, domestic political institutions and practices, the strategies and tactics of negotiators, uncertainty, and the domestic reverberation of international pressures (Putnam, 1988).

[10] Established by Article I of the US Constitution, the Legislative Branch consists of the House of Representatives and the Senate, which together form the United States Congress. The Constitution grants Congress the sole authority to enact legislation and declare war, the right to confirm or reject many Presidential appointments, and substantial investigative powers.

acceptance - when observing a period corresponding to the securitizing move – August 1990 to January 1991 – it is seen that the approval indexes were favorable to the President. On the last survey before the conflict, the approval rate of the President was of 64% and at the first sample obtained during the conflict this rate reached 82%, an increase of 18%. About the sample collected at the end of the conflict, the index reached its highest level - 89% (Jones, 2003) - clearly indicating that Bush had successfully achieved his goal as securitizing actor.
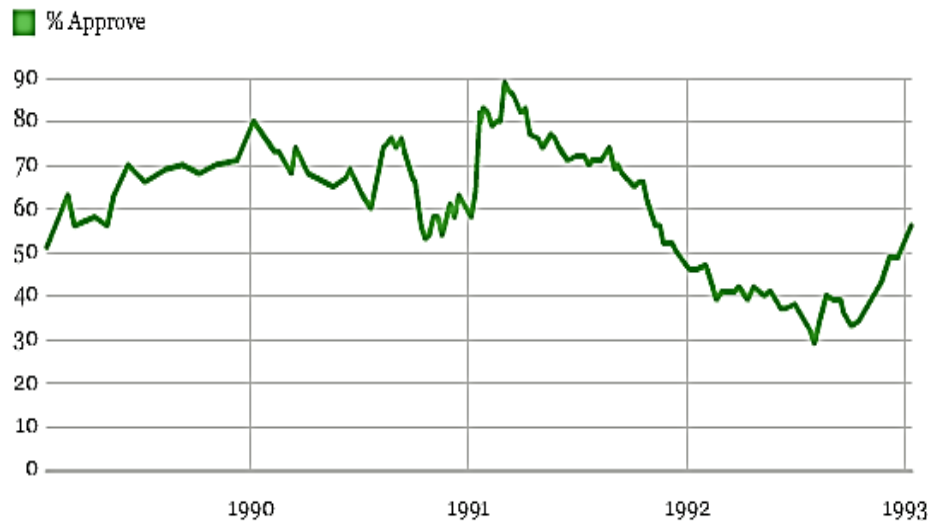

Figure 3. Approval index of George H. W. Bush

Source: Gallup (2014)[11]

Consequently, we see that there was not only the approval of the US civilian population (electors) to this securitizing move but also from a) the Congress (House of Representatives and Senate) and; b) the UN Security Council. Thus, we may consider this movement as a successful one, given that there was massive adhesion of the target audience to the speeches made by the securitizing actor (facilitated by the undeniable objective nature of the threat: the invasion of a sovereign country).

4.3 The Functional Actors

As previously pointed out, beyond the President there are other actors capable of playing an important role on the US decision-making process by influencing the identification of threats and, therefore, the securitizing move: these are the so-called functional actors. Considering such attributions, it is necessary to determine how important the functional actors were on the political decisions taken along the event under analysis.

In such a manner, in the domestic level of analysis, the US decision makers that could be represented as functional actors (actors who significantly influence decisions in the field of security without being the referent object or the securitizing actor) during the First Gulf War were: a) the National Security Council (NSC); b) the Joint Chiefs of Staff (JCS); c) the Central Intelligence Agency (CIA); d) the Department of State; e) the Department of Defense. It is worth mentioning that not only governmental players may be considered functional actors, but also entities from the private sector or other agents that somehow share some level of expectation towards securitization. In such a condition, for instance, there are weaponry industries which benefit from war by getting large profits as suppliers of military inputs. Consequently, they tend to act as supporters of securitizing speeches.

Furthermore, in the international level of analysis it may also be qualified as functional actors some US allied countries that had some kind of interests on the outcome of the conflict. In such situation there were: Saudi Arabia, United Arab Emirates, Japan, Germany, South Korea and others in a lesser scale, who contributed at the time with an amount of US$ 54.562 million to the US efforts (Congressional Research Service apud Freedman & Karsh, 1993).

In short, after analyzing the First Gulf War, it could be inferred that there was a core objective threat in question

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[11] http://www.gallup.com/poll/116677/presidential-approval-ratings-gallup-historical-statistics-trends.aspx#2 (Accessed on March 9, 2014).

(and additionally some relevant related implications): the territorial integrity of a sovereign State was violated, opening to the USA the possibility of a licit military intervention. The speech-act, in this case, served as a useful instrument to seek larger support to subsequent actions taken by the USA, and not as a mean itself of shaping the construction of imagined threats, since, as mentioned, the risks were clear and objective.

On this specific context, the speech-act also served to boost the feeling of gravity posed by the referenced threats, by pointing out as jeopardized, for instance, the stability of the region surrounding Kuwait considering the hypothesis of further attacks of Iraq on Saudi Arabia. As previously seen, on this aspect, there was a conjectural construction of supposed threats. Lastly, the economic aspect of the oil trade which, as known, is also directly connected to the US trade with Saudi Arabia, was also presented as existentially threatened.

Therefore, despite the fact that the variables identified to justify the military operations were based on objective threats, it was still possible to verify a process of construction of secondary menaces (but not less important in terms of securitization), based on conjectures, which successfully contributed for the resulted process of securitization.

5. The Second Gulf War (2003)

During the North-American invasion to Iraq in 2003 a significantly different conflict was perceived if compared to the 1991 Gulf war. This time there was no UN resolution authorizing a military offensive. The United Nations limited to approve resolution No. 1.441, which recommended inspections to investigate whether Iraq possessed weapons of mass destruction. Therefore, there was no concrete proof that Saddam Hussein's regime presented a real threat to international peace and stability; neither there were any signs that justified an armed intervention supported by the exceptions foreseen at the UN Charter.

It also must be kept in mind that, according to the UN, nothing may be "interpreted as means to enlarge or restrict in any manner the reach of the Charter" (article 6) and hence nothing may arise without evidence. Furthermore, there was not act of aggression by Iraq, such as in 1991, fact that, if occurred, would give way to the adoption of measures that claimed use of force.

Even further, the doctrine of preemptive attack[12], a conceptual tool often used to justify the intervention, was nothing but mere rhetoric in the construction of a plot to support a desired military action. So, following the same methodology used on the case of the First Gulf War, before the speeches of security units are analyzed, it is relevant to establish the actors which were part of the securitizing move that took place at that moment, as demonstrated in Figure 4:
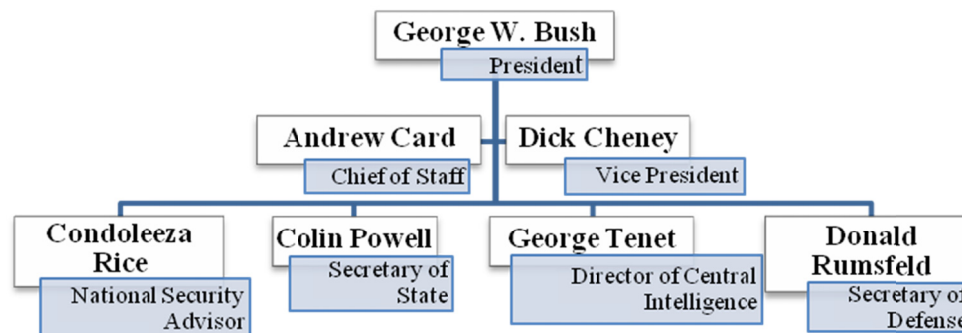

Figure 4. US decision-making structure during the second Gulf War (2003)

5.1 Securitizing Actor and Referent Objects

Likewise the first conflict here analyzed, the chief of the executive branch stands at the top of the hierarchy chain along with a series of other relevant actors of the US decision-making structure. Thus, knowing that the

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[12] If the preventive attack is based on the idea to anticipate the risk of suffering a future and plausible, but hypothetical, attack, the preemptive attack, on the contrary, consists of an action based on an explicit imminent threat (Mueller, Castillo, Morgan, Pegahi & Rosen, 2006).

President is a securitizing actor, it is up to us to analyze selected key speeches from George W. Bush at the time in order to identify his position on the process of threats identification.

In this regard, during a speech on September 20th, 2001, addressed to the Congress, right after the 9/11 terrorist attacks of Al Qaeda, Bush asserted that those responsible for such attacks were not only the terrorist group but also the governments which supposedly could have supported them. In his words:

> Americans have many questions tonight. Americans are asking, "Who attacked our country?" The evidence we have gathered all points to a collection of loosely affiliated terrorist organizations known as al Qaeda. They are some of the murderers indicted for bombing American embassies in Tanzania and Kenya and responsible for bombing the USS Cole. The enemy of America is not our many Muslim friends. It is not our many Arab friends. Our enemy is a radical network of terrorists and every government that supports them (The White House, 2013).

Despite the suspicions raised, there was no immediate accusation by Bush that Iraq could be involved with the terrorist Groups that planned the attacks on US soil, even though initially such association had been made in relation to the Taliban regime in Afghanistan. During a speech in January 29th, 2002, once again addressed to the Congress, when military actions were already in course in Afghan territory, Bush came forth with a new objective: initiate military actions against the States which represented a threat by being in possession of weapons of mass destruction. In this regard he pointed out that:

> Our second goal is to prevent regimes that sponsor terror from threatening America or our friends and allies with weapons of mass destruction. Some of these regimes have been pretty quiet since September the 11th. But we know their true nature (The White House, 2013).

Hence, labeled by Bush as the "Axis of Evil" it was additionally raised the danger that States such as Iran, Iraq and North Korea could represent. Initially impregnated by a strong religious bias, George Bush's speech incited a "Crusade against Terror", act that was later known as the Bush Doctrine. When addressing Iraq specifically, Bush raised the point that this was a State that did not respect international law and also detained chemical, nuclear and biological weapons, an arsenal which in terrorist hands could cause countless damages, as seen on another speech of him:

> Iraq continues to flaunt its hostility toward America and to support terror. The Iraqi regime has plotted to develop anthrax, and nerve gas, and nuclear weapons for over a decade. This is a regime that has already used poison gas to murder thousands of its own citizens — leaving the bodies of mothers huddled over their dead children. This is a regime that agreed to international inspections — then kicked out the inspectors. This is a regime that has something to hide from the civilized world. States like these, and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them the means to match their hatred. They could attack our allies or attempt to blackmail the United States. In any of these cases, the price of indifference would be catastrophic (The White House, 2013).

It is important to make clear that, once again, there was no concrete evidence that Iraq shared any kind of bond with the Taliban regime, although Bush's speech had emphasized such assumption in an attempt to convince the public opinion of how dangerous that association could be. Meanwhile, as expected, it was highlighted, as a primary referent object, the security of USA. According to Bush, "our first priority must always be the security of our nation, and that will be reflected in the budget I send to Congress. My budget supports two great goals for America: We will win this war; we'll protect our homeland" (The White House, 2013).

In the construction of the Iraqi image as a Rogue State, the nuclear matter was brought forth several times and proved to be the main threat quoted. During a speech on February 23rd, 2003, Bush, reasserting some points of previous speeches, and in an increasingly assertive tone, affirmed that Iraq possessed nuclear weapons. According to him: "In Iraq, a dictator is building and hiding weapons that could enable him to dominate the Middle East and intimidate the civilized world - and we will not allow it" (The White House, 2013).

Here again, the President clearly exerted his prerogative of securitizing actor by declaring, under his perspective, what was being existentially threatened and, again, such as on the first conflict, more than one referent object

was identified, amongst them: a) the territorial integrity of the USA (given what happened on 9/11 terrorists attacks); b) the international peace and security (given the menace represented by weapons of mass destruction on the hands of Rogue States); and also c) the political-economic stability of the Middle East due to the presence of unstable regimes at strategic oil zones.

5.2 The Target Audience

When accessing statistical data from the US economy between 2001 and 2003, it is seen that the country faced another cycle of economic recession (Synec, 2008). Amongst other reasons, likewise in the first conflict, there was an attempt to deviate the focus from the American public opinion towards the field of external policy, which leads us to perceive, on the domestic context, the US population as one of the main target audiences throughout this securitizing move. At the internal domain the Congress was equally relevant.

With regard to the legislative branch, the decision on a new military intervention in Iraq was led to vote on October 10 and 11, 2012, with 296 votes in favor and 133 against (and 6 abstentions) at the House of Representatives. In Senate, it was 77 in favor and 23 against the military offense. Added the votes, there was a total of 373 votes in favor (70%) and 156 against (29%) (Pros and Cons of Controversial Issues, 2013). Similarly, the congressional decision taken on the first conflict, in 2003 there was, both in the House of Representatives and the Senate, support towards the military intervention in Iraq taking as reference the absolute votes obtained.

Regarding the UN, the USA actions occurred at the margin of the legal assumptions of its Charter. Kofi Annan, the secretary-general of the United Nations, at that time, said on this matter: "I have indicated it was not in conformity with the UN Charter. From our point of view and from the Charter point of view it was illegal" (Macaskill & Borger, 2004). As a result, taking in consideration the context in which the military offensive occurred, it is inferred that the need of convincing the UN was relegated to a secondary plan, which leads us to believe that the greatest target of the securitizing speech-act was on the domestic sphere. And, indeed, the speech-act served its purpose by promoting the population mobilization in favor of the USA military actions as demonstrated on the next figure:
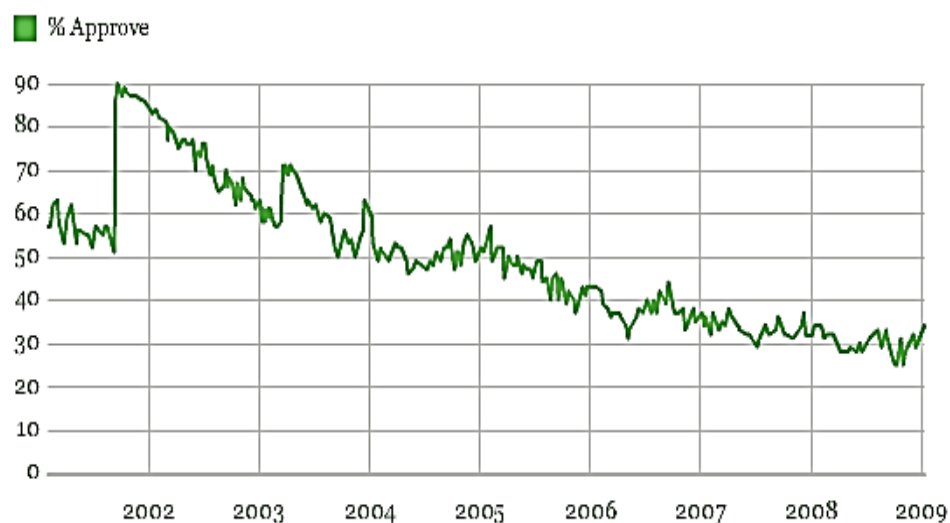

Figure 5. Approval index of president George W. Bush (2002-2009)

Source: Gallup (2014)[13]

It is worth noting that at the beginning of the securitizing move – September 2001/March 2003 – the larger index of acceptance occurred after the terrorist attacks of September 11th, reaching 90% of approval rate. At the latest data collection before the conflict the approval index was of 58% and upon the beginning of the conflict it was of 71%, which represented an increase of 13%. So, it is clearly seen that Bush reached his goal, as securitizing actor, by counting with a broad support from the target-audience which, as a direct result, referenced his actions (Jones, 2003).

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[13] http://www.gallup.com/poll/116500/presidential-approval-ratings-george-bush.aspx   (Accessed on March   9th, 2014).

In sum, whilst on the domestic level there was substantial support on US intervention in Iraq, foreign assistance was very limited, mainly due to the fact the USA were not able to legitimize its action by getting support from the UN and other important players[14]. The narrated situation leads us, then, to a very interesting scenario. Curiously, if internally the securitizing move initiated by Bush was an undeniable success, in the international plan it was a huge failure.

5.3 The Functional Actors

Reminding that the institutional framework depicted is a simplification of the US decision-making process, the foremost actors that would be seen as possible domestic functional actors on the Second Gulf War were: a) the NSC (Andrew Card, Dick Cheney, Condoleezza Rice, Colin Powell, George Tenet and Donald Rumsfeld); b) The Department of State (Colin Powell); c) the CIA (George Tenet); and d) the Department of Defense (Donald Rumsfeld).

Nevertheless, as pointed out by Duque (2008), differently from the first conflict, when there was a larger participation of NSC on the decisions concerning military action, the main supporter to the securitizing speeches, in 2003, was the Department of Defense. Bush took under little consideration the arguments raised by Collin Powell against the invasion leading us to infer that the Department of State had a lesser role as a functional actor if compared to others bureaucracies.

But in general, yet according to Duque (2008), in this case the majority of the agencies were ignored. As mentioned, Bush had given to the Department of Defense a prominent role on the decision-making process which, in turn, relegated to secondary roles the remaining functional actors, except the weapons industry due to its powerful lobby. Even so, it may be concluded that there was a converging perception between the securitizing actor and the most important functional actors in regard to what was posed as threat(s), although part of the players of US decision-making process disagreed that the securitization should occur through the invasion of Iraq.

In such manner we may assume that, differently from the first conflict, when threats were mostly objective in their nature, in this new scenario they were forged mostly by conjectures and misperceptions allowing us to qualify them, as suggested by the School of Copenhagen, as cognitive constructions aimed at convincing the target audience, regardless of the veracity of the arguments upon which they were built up.

At last, even without the UN approval, it is realized that objectives were successfully achieved, even seeing that the securitizing actor counted only with partial support from his desired target-audience, in this case the US public opinion, due to a complex combination of variables, some of them previously addressed along these pages such as: the US economic crisis generating the growing need to use the external arena as means to deviate the focus from domestic problems; cognitive perceptions bound to an imminent new terrorist attack to the country; high levels of internal approval concerning a military offensive.

6. Conclusion

This article allowed us to verify some criteria established to define a given issue as being a matter of security which is, from the theoretical perspective adopted, an inter-subjective social construction and is directly linked to the speeches' emphasis attributed to possible existential threats to a referent object, which reveals the relevant role of the speech-act.

As explained by Foucault (2005), analyzing speeches means to make contradictions disappear and reappear, to demonstrate the role this set of linguistic signs plays in the political game; to manifest how something may be expressed, brought to life or given an ephemeral appearance through a unique complexity. From this point of view, Wendt (1999) postulates that when investigating material variables, equal attention shall be given to the underlying speeches on the analysis.

Therefore, the speech-act not only describes reality, but also contributes to mold it by being a structure through which things "mean" and, at the same time, have meaning, qualities, and inter-relations with other objects attributed by its authorized speakers: mainly the securitizing and functional actors. Thus, in an effort of tracing connections amongst the material and subjective variables listed on these pages, regarding the alleged legitimacy of a war it may be concluded that conflicts are not purely material or objective truths, but the outcome of a cognitive process, often a result of complexes inter-relations established by means of speech-acts linking the

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[14] Only three States declared military support to US: United Kingdom, Australia and Poland. France, China and Russia opposed to the war in 2003, along with Germany. For comparative effect, there was the support of 21 States at the Afghanistan war and 35 at the Gulf War of 1991 (Congressional Research Service, 2003 apud Duque, 2008).

securitizing actor and its audience, i.e., the public capable of granting legitimacy to its actions.

In this regard, and before our final considerations, a methodological caveat must be mentioned. Certainly, several readers might have noticed that determining the typology of the various actors involved in a process of securitization is not a simple task as this exercise is based on a myriad of variables and prerogatives of actions that depends on the inner legal structure of each country. In practical terms, it means that a securitizing or functional actor in a given situation might not play this same role in another context or country.

The Congress, for instance, is generally presented as a functional actor. However, in the US structure, as seen, this actor holds the sole power to declare war, what may lead some to say that the House of Representatives and the Senate are, by the extension of their powers, much more than simple functional actors, which is equally legitimate as part of the scientific process of investigation. Again, defining an actor as securitizing or functional sometimes is not simple, but we opted for classifying the Congress as functional in comparison to the outstanding leadership position exerted by the chief of the Executive branch in the US decision-making structure. But, by analyzing other case studies or even the same ones from different perspectives, a researcher may perfectly understand that this would not be the most appropriate qualification for these actors and, by doing so, he may equally contribute for improving and refining this field of study. So, this theoretical framework is not an end in itself and may provide alternative and innovative ways of thinking security issues.

Clarified the methodological concerns we faced along this analysis, last but not least, it should be highlighted how useful the comparative method was on this article as it allowed us to explore similarities and differences between our case studies as a basis to test our hypothesis. In this regard, the undertaken analysis of some selected speeches presented by the securitizing actor by excellence, the chief of the Executive branch, and also considering the supportive role of some key-functional actors of the US decision-making structure, it was possible to define some road maps concerning: a) the players which comprise the securitizing process on US foreign policy; b) the extension of their influence in the identification of threats and in the conduction of the military actions taken to curb them at both Gulf Wars; c) the importance of cognitive tools, more specifically the speech-acts, in contributing to legitimate the perception of threats, being them objective facts or only conjectural assumptions, as shown on the following table:

Table 2. Securitizing moves on the Gulf Wars of 1991 and 2003 in a comparative perspective

	First Gulf War (1991)	Second Gulf War (2003)
Referent Objects	a) Kuwait territorial integrity; b) Middle East political stability; c) protection of US citizens in the region; d) USA economic interests; and e) international peace and stability.	a) US Territorial integrity; b) international peace (with emphasis on risks deriving from weapons of mass destruction); and; c) political-economic stability of the Middle East.
Main Securitizing Actor	George H. W. Bush	George W. Bush
Main Functional Actors	a) NSC; b) JCS; c) CIA; d) Department of State; e) Department of Defense; f) International States; g) weapon industries (lobbies).	a) NSC; b) Department of Defense; c) weapon industries (lobbies).
Main Target-audience	a) US electorate; b) US Congress (House of Representatives and Senate); c) the United Nations Security Council.	a) US electorate; b) Congress (House of Representatives and Senate); c) the United Nations Security Council.
Threat socially constructed (strictly regarding the Iraqi invasion)	No	Yes
Utilization of the speech-act to securitizing additional threats vinculated to the conflicts	Yes	Yes
Legality of war in accordance to *Jus ad Bellum*	Legal	Illegal
Securitization	Successful	Successful

Finally, as demonstrated in this table, when applied the selected theoretical framework on the study of both Gulf Wars it was possible to verify how valuable these linguistic expressions and sentences - the speech-acts - were as instruments for legitimizing the interests of the securitizing actor by contributing for convincing/persuading the target-audience about the use of some measures, including the force, for the containment of a given threat (be it real or a socially constructed assumption). Therefore, from these case studies it was also possible to confirm the direct relational hypothesis that the larger the adhesion of the target audience to the speeches made by the securitizing actor(s), the bigger the chances of securitizing moves result in exception measures.

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