

Drones, Warfare and the Deconstruction of the Enemy

Cristiano Mendes*

Karina Junqueira**

Abstract: Based on the theoretical frameworks of Carl Schmitt (*hostis* and *inimicus*), Giorgio Agamben (field and *homo sacer*), and Grégoire Chamayou (hunter-states and kill boxes), and being seen through the theoretical lens of post-structuralism in International Relations, this article aims to analyse the use of drones, especially Unmanned Combat Aerial Vehicles (UCAVs), in the ‘War on Terror’ led by the USA. In this context, we seek to demonstrate how the use of drones has affected the logic of current warfare scenarios in three different, but related aspects. First of all (Act One), the use of drones makes the construction of political otherness of the enemy impossible, and thus identity construction by counterpoint impracticable. Then (Act Two), this paper demonstrates how there is an attempt to move the enemy to the externality of the International Community, relegating their status to banishment and marginalisation. Finally (Act Three), the authors analyse the role of kill boxes and how the solution given by this phenomenon subverts the traditional notions of sovereignty, challenging the very *raison d'être* of politics.

Keywords: drones; warfare; terrorism; enemy; sovereignty.

Prologue

Since the attacks on the Twin Towers carried out on 11 September 2001, the USA has shifted from investing in its fighter pilots to investing in training drone operators. At the Creech Air Force Base in Nevada, a drone operation structure was built that involves not only the pilot and sensor operator, but also a true ‘network of eyes,’ in constant communication (Chamayou 2015). In this context, the use of drones, especially Unmanned Combat Aerial Vehicles (UCAVs), represents a change in anti-terrorism policies, both at the level of strategy and in relation to war spending. With models endowed with significant potential for destruction, current drones emerge as instruments of a new type of War on Terror that entails the elimination of potential enemies, not through direct combat, but

* Pontifical Catholic University of Minas Gerais (PUC-MG), Belo Horizonte-MG, Brazil; cristianomendes@gmail.com. ORCID iD 0000-0002-5832-1777.

** Pontifical Catholic University of Minas Gerais (PUC-MG), Belo Horizonte-MG, Brazil; karinajunqueira@pucminas.br. ORCID iD 0000-0001-7598-9739.

by assessing the potential threat that the lives, behaviours, and decision-making power of individuals with a certain profile represent to a state whose warfare, by land, by air, or by sea, knows no boundaries.

The present article aims to analyse the nature and consequences of this new phenomenon through the lens of political philosophy, using the theories of Carl Schmitt (on war, the enemy, and sovereign power) and Giorgio Agamben (on field, state of exception, sovereignty, and *homo sacer*) in dialogue with the thinking of Michel Foucault (on bio-power) and Achille Mbembe (on necropower), as well as the ideas, from a post-positivist perspective, of post-structuralists in International Relations.

Departing from the reflections found in these authors' works, we intend to explore how the current use of drones by the armed forces of the great powers, especially those of the USA, directly affects the significance of the enemies in these three different aspects: 1) how the use of drones prevents the creation of identities by counterpoint to the figure of the enemy, and how the use of drones makes the creation of identities difficult through the logic of opposition to the enemy; 2) how the enemy has been placed in spaces considered external to the international community; and 3) how the artificial production of spaces of exception has legitimised the annihilation of these enemies as the only possible policy on the battlefield.

We do not intend to develop here a technical or economic discussion about these new technologies or to reflect legalistically on their legitimacy. What we propose is to analyse, in political and philosophical terms, how these innovations presuppose new categories of understanding of the enemy, leading to the construction and destabilisation of parameters related to war and the fight against terrorism.

Considering the current use of drones in combat scenarios, this paper presents, in three acts, the changes and consequences that these new technologies have imposed on theatres of war. So, in the first act, we discuss the post-structuralist approaches to International Relations and address the question of how the identity of a nation is formed in counterpoint to its enemies. We do not intend here to reduce matters to a state-centric analysis, though we do recognise, as stated by Schmitt in *The Concept of the Political* (1992), that the state as the preferred (not the only one, once politics is not the equivalent of state) locus of politics and, specifically, of drone policy. This is because, according to Schmitt, war is initially defined as the armed struggle between two or more sovereign political units (in the case of civil war, an armed conflict grounded in intra-state friend-enemy groupings), which was regulated by the *ius publicum europaeum*. However, in spite of the Schmittian centrality of the state in the debate on war, it should be noted, as in Mbembe's (2016: 139) analysis, based on Foucauldian biopolitics, the Agambean state of exception, and Weizman's vertical politics, that in contemporary war,

[M]ilitary operations and the exercise of the right to kill are no longer the sole monopoly of States, and the 'regular army' is no longer the only means of performing these functions. The assertion of a supreme authority in a given political space does not come easily. Instead, a mosaic of incomplete and overlapping, disguised and en-

tangled governing rights emerges, in which different geographically intertwined de facto juridical systems emerge, and in which plural allegiances, asymmetric suzerainties, and enclaves abound. In this heteronomous organization of territorial rights and claims, it makes little sense to insist on the distinction between the 'internal' and 'external' political fields, separated by clearly demarcated boundaries.

It is a war that mobilises not only states, but also private companies, mercenaries, and urban militias, going beyond the regular uniformed troops of the *ius publicum europaeum* (Hall and Coyne 2014; Mbembe 2016).

In this context of contemporary warfare, without clear and previously established boundaries of global mobility, this work will analyse how the ontological categories of the enemy's role are changed, and the extent to which changes lead to instabilities in the very formation of the identity of those who resist change. In addition, we will examine how the combat and capture of enemies (traditional strategies of the old battles) are being replaced by strategies of surveillance and elimination of threats. Instead of seeking victory over the enemy, states, through the use of drones, seek to detect behaviours considered suspicious and annihilate, in a manner allegedly surgical and socially economical (in the sense of management, oikonomy), these instances before they even develop into political enemy action.

In the second act, departing from Agamben's concepts of *homo sacer* and sovereign power, we analyse this new ontology of the 'Other' that, in a strict sense, becomes displaced before the international community. Despite the denial of the status of national combatants to those considered enemies, their annihilation is justified by the need to protect nations from those who threaten to attack them. In a process of confirmation and denial of political identities, states with their drones end up, in a contradictory way, enforcing policies of extermination of even potential enemies by destabilising the concept of the 'national'.

Finally, we analyse the phenomenon of kill boxes and how this new stratagem shapes a three-dimensional concept of sovereignty. By delimiting spaces within which remote drones have unrestricted authorisation for annihilation, a policy of spatial exclusion found everywhere from the concentration camps of World War I to the terrorist prisons at Guantánamo Bay, Cuba, is repeated. Using Agamben's concept of field, we will show how these kill boxes create spaces of exception within which politics becomes absent, or rather, it becomes a thanatopolitics (or necropower, as Mbembe theorises), whereby the centre of sovereign power becomes the management of death.

Chamayou's work, *Drone Theory* (2013), has served as a starting point for discussions around drones and kill boxes. It should be noted that although there is a considerably extensive literature on drones, Chamayou's work was selected because of the type of analysis he performs, which allows a reading of the theme through the lens of political philosophy and post-positivism. The objective of this article is to carry out such a reading, rather than to develop technical, legal, or economic discussions on this technology. However, other authors with different approaches are used to contextualise and enrich the debate. In this

sense, some of the reflections made in the course of this work only deepen and expand on insights already contained in the work of Chamayou. Others bring innovation to the debate on drone warfare by referring to the analytical categories cited at the beginning of the introduction to the present article. Among these innovations, those that stand out are: the use of drones in the construction and deconstruction of a political identity in counterpoint to that of the enemy; the use of the *homo sacer* concept; the role of the state of exception in the affirmation of sovereign power; and the use of the Agambean concept of field in analysing kill boxes.

[Act One] Identify and(de)classify

Any construction of the identity of a people implies narrative strategies that involve normalisation, struggles for hegemony and counterpoints. Although a country's foreign policy is not only made up of semantic combat, its material practices and the meanings given to each of its acts is the result of processes that, by electing a certain perspective as legitimate, relegate so many competing narratives to marginality (Jackson 2011). The USA and its 'War on Terror' are no exception. Despite having objective aspects, perceived through material practices, several narratives that legitimise or discredit US actions in its crusade against terrorism wage another fight. This new war, semantic and subjective in character, aims to create a hegemony from how the phenomena is interpreted.

These two elements – the language and practices of the war on terror – are interdependent and co-constitutive to the extent that language and narrative gives meaning to, and therefore 'makes possible', the material practice. For example, the articulation of 9/11 attacks as an 'act of war' and the necessity to prevent its recurrence provides the logic and rationale for – and thus makes possible the launching of an actual war against terrorists. Language and practice thus shape each other in an ongoing dialectical manner and together form or constitute the war on terror 'discourse' (Jackson 2011: 5)

According to Michel Foucault (2002), the subjects of a narrative are not the source of its existence, but products of it. From social games of force, certain discursive formations create the metaphysical idea of a logocentric actor – allegedly responsible for the statements made in the actor's name – who would have the legitimacy to claim authorship of these narratives. For Foucault, however, the process could be just the opposite. These authors could be the products of discourses that, through a process of normalisation and stabilisation, could create subjects and objects resulting from existing narrative strategies.

Nonetheless, this narrative production of subjects at the international level follows its own logic of formation by counterpoint. Thus, the identity of a particular people is created from counterpoint narratives of their enemies, even if they are only potential foes (Campbell 1998; Hansen 2006). Once the identity of a people is established, there is also a process of legitimising the placement of these identities, always relegating the enemies

to the externality of the international community (Walker 2006). Finally, as a result of this process, the validation of the legitimacy of annihilation of these enemies is placed in peripheral spaces reserved for them (Chamayou 2015).

However, as Foucault (2002) points out, the same discursive formation does not refer to the same objects in different periods of history. Each context reshapes and transforms its frameworks based on new visions, technologies and experiences. In this sense, the War on Terror has reinvented itself as new parameters and technologies emerge. In the specific case of the use of drones, this logic is no different. The development and use of this technology have not only changed the way material practices are interpreted, but also destabilised the way identities are formed and perceived.

According to Martin and Steuter (2017: 16), the parameters of the military's current use of drones have only materialised in the last three decades:

[Drones] were used in a limited way during Vietnam, but their application exploded in the 1990s, pioneered by Israel in the Occupied Territories. Under the George W. Bush administration, they were initially used for reconnaissance, with only forty-five strikes over eight years. In the first year of the Obama administration, there were fifty-one reported uses of drones in Pakistan alone, and another 118 there the next year. In 2012, the Obama administration opened up a new front with forty-six drone strikes in Yemen. This trend has continued and accelerated over the eight years of the Obama presidency.

It is only in recent years, therefore, that the use of drones by the great powers, especially the USA, has become a constant in conflicts and in the fight against terrorism, moving a billion-dollar industry that involves not only governments, but also private companies. According to the New American Foundation, in 2019, about 30 countries had drones capable of carrying weapons, although not all of them have produced their own UCAVs. In the USA, both Democratic and Republican governments have expanded their investments as well as the scope of action of these unmanned aircraft towards a type of allegedly surgical, economical, and preventive strategy involving missions not only overseas, but also in US territories, which provokes debates on privacy and civil rights (Hall and Coyne 2014).

But in the First Gulf War, and especially in Operation Desert Storm, the drones already proved their value through surveillance and combat missions, amplifying the demand for technology. According to Hall and Coyne (2014), this increase was due to two military changes that occurred after this period: first, with the collapse of the Soviet Union, the USA no longer had a clear antagonist and instead came to face asymmetrical threats, that is multiple, relatively smaller threats that are quite difficult to combat using traditional tanks or weapons; second, the accomplishment of humanitarian operations by the USA during that period made traditional operations and military equipment ineffective. In short, these changes led to increased demand for drone technology, which expanded substantially after 9/11 with the conflicts in Afghanistan and Iraq and with the Global War on Terror.

Drones have the advantage of being able to enter and remain in environments not reachable by manned aircraft; they are able to stay in flight for up to 24 hours; they monitor cellular and radio frequencies, as well as other technologies; and they cover a variety of terrains. Wars used to take place on open terrain or battlefields, between organised units of troops. The real battle now is fighting against a particular individual or small group, as Hall and Coyne (2014) state, based at no specific location. At this point, it is also possible to analyse changes in warfare through Schmittian partisan theory. This is because the modern partisan, in the technical-military sense, is the irregular combatant, with remarkable mobility and speed and marked by the ability to perform abrupt manoeuvres of attack and retreat, ambushing enemy targets. By targeting the enemy soldier, the partisan acts in multiple semi-regulative groups, such as in the conflicts surrounding the American War on Terror. In the partisan struggle, an even more complicated space for action arises because the guerrilla does not fight on an open battlefield or on the same plane as a declared war front. A dimension of depth is added to the apparent plane of regular or traditional warfare scenarios. Due to its irregularity, the partisan changes the tactical and strategic operations of the regular armies. The battle is no longer in an open setting, and sporting a uniform can be deadly. In this context, a small group of guerrilla combatants taking advantage of the conditions of the terrain is capable of paralysing large masses of regular troops, which require new technologies to combat them, technologies such as drones.

The use of drones as a weapon of war is further justified by the potential to eliminate enemy combatants without compromising the safety of the drone operators, decreasing the number of casualties (although governments are constantly criticised for the number of civilians killed – collateral damage wherever death happens). Instead of direct combat on the battlefield, hunter-states choose vigilance and elimination of targets without the direct involvement of troops in the theatre of war. In this way, the traditional direct physical combat between political enemies is avoided, and the classic notion of war as a geographically and temporally bound conflict is transformed into a discriminate surveillance of passive moving targets in a permanent and global war (namely, the War on Terror).

In recent years, however, the very strategy of locating, identifying, and eliminating the enemy through drones has changed. A new combat policy called signature strikes has replaced the traditional attacks by drones on recognised enemies. Instead of identifying to only later eliminate terrorists, drones are now used to monitor for days on end the movement of individuals in regions and villages in countries known for the presence of extremist groups. By mapping the behaviour patterns of the residents of these locations, the drone controllers trace and monitor the movement considered normal in the routine of the inhabitants (Chamayou 2015). By identifying any atypical behaviour on the part of a resident, this person becomes immediately eligible to be targeted without even having his or her identity established. Once their atypical behaviour becomes consistent with the movement of a terrorist, the drone controllers are legitimately allowed to eliminate this person through missiles launched by the surveillant UCAV itself. A new type of combat is thus inaugurated. Instead of eliminating the enemy, deviant individuals whose behaviours align with those of an active terrorist are eliminated. In this way, instead of killing those

who, as a way of life (the Schmittian *Lebensform*), existentially oppose a state's people, the potential enemy, individually considered, is annihilated even before the possibility of counterpoint is realised.

In this sense, Schmitt (1992) seeks to answer the question of the definition of the political and its specificity, resorting to the friend-enemy dichotomy as the foundational binary opposition of this field. Politics would then be the realm in which human beings position themselves existentially, through the identification of/with those who are on our side (friends), in counterpoint to the others who supposedly threaten our lives (the hostile public enemy). Thus, politics is an autonomous sphere from which social identities are constructed and the primary bases of judgement of the other areas are established. In this way, what characterises the political is precisely the opposition between the *hostis* and the friend, being that the more intense this antagonism is, the closer these two poles are to a war and the more political the relationship (Schmitt 1992).

In this context, war, as an extreme consequence of the friend-enemy grouping, is, par excellence political rather than merely economic or religious. Even wars that start for specific reasons foreign to politics become political vis-à-vis the friend-enemy dialectic; wars are, as the author calls it, the 'most extreme political environment' (Schmitt 1992: 61). However, this is not to say that war is the end or goal of politics, but rather the 'ever present presupposition posited as a real possibility of humans acting and thinking in a peculiar way, thus effecting a specifically political behaviour' (Schmitt 1992: 60).

War, however, does not have to be bloody or uninterrupted, nor should it be regarded as normal or desirable. War is not politics, but its presupposition. In other words, the decision of who the enemy is, the criterion of the political, comes prior to the war; and it is the state, as a political and sovereign unit with a monopoly over this decision, the *jus belli*, that has the right to declare who is hostile. Thus, 'the friend, enemy, and combat concepts receive their real meaning precisely because they refer to the real possibility of physical killing' (Schmitt 1992: 59). And it is from this perspective that one finds the existential quality of combat, of effective struggle against a real enemy.

According to Norris (1998), Schmitt has more to say about the enemy than about the friend, which does not mean that one concept can be understood without the other. The sense is that 'war arises from enmity, for this is the ontological negation of another being' (Schmitt 1992: 59). Moreover, it is clear in Schmittian theory that the threat attacks not only the physical life of a person, but also the form of existence or way of life of the collective, that is, the *Lebensform* is anterior and has primacy over the individual. Therefore, the right to demand that a state's citizens be prepared to die for their country implies that the rule of the latter has priority over the existence of the individual. Therefore, it is by virtue of this power over the physical life of humans that the political community transcends all other forms of association or societies (Norris 1998).

Thus, since the friend-enemy dichotomy is the presupposition of politics, and war is the possible consequence of this division, sovereignty then means the legitimacy of identifying the public enemy and determining whether or not to wage war in order to solve the conflict. In this context, the state is understood primarily in terms of external conflict,

not its internal social structures. War, therefore, is defined in defensive terms and not as an act of aggression. Schmitt thus places emphasis on the threat of physical death implicit in the encounter with the enemy, which is what establishes the existential independence of the political.

According to Schmitt, the essence of the political is in a homogeneous form of identity that transcends the private and the physical life, opening the possibility of a particular form of violent conflict (Norris 1998). However, the political does not lie in the battle for this homogeneous identity, but in the mode of behaviour that is determined by this possibility, the solidarity that makes self-sacrifice and political authority possible. Life, from this perspective, will only have meaning if it contains valued commitments beyond mere physical existence. The identity of a group may have its origin in religious or moral values, but these values are politically irrelevant. Importance lies in the fact that the only sensible justification for waging a war is to defend the group from a threat. Different regimes will be threatened by different causes, in different ways; the threats are not self-evident. And in this conception the (public) friend is one who shares a way of life, which can be defined in innumerable ways and can only be understood in terms of a political existence.

From this perspective, the presence and characterisation of the enemy have always been present in the construction of the identity or profile of a people. Thus, in identifying and qualifying an enemy, a politics of constructing one's identity through the negation of the Other is being put into practice. In this sense, as Hansen (2006: 30) points out, '[t]hreats and insecurities [...] constitute the state: the state only knows who and what it is through its juxtaposition against the radical, threatening Other.'

In this way, the identity of a people is constructed, reaffirmed, and modified by the counterpoint to the narratives that characterise the political enemy of this same population. Therefore, if the enemy is classified as barbaric, authoritarian, and cruel, it is assumed that the population that describes and opposes it should identify as civilised, democratic, and kind (Campbell 1992; Hansen 2006; Walker 1993). Schmitt (1992) further adds the use of the concept of humanity in this process of identity construction. As the enemy is deemed inhuman, he or she becomes criminalised, banished in the Agambean sense, with this inhumanity marking the conflict, one without frontiers, a total war. This is because the concept of humanity is ideological and apolitical, since the notion of humanity excludes that of an enemy. Humanity has no enemies, for they would have to be inhuman. Humanity, therefore, does not wage war, but states wage war on humanity's behalf, appropriating universal concepts such as peace, justice, and civilisation to ultimately champion war; the USA, for example, did just that to justify the 2003 invasion of Iraq and then also in the global War on Terror. In this context, the enemy is dehumanised and demoralised. Post-war international law criminalises the enemy, turning him or her into the aggressor, those who disturb the peace and lack faith in these universal values. That is precisely the logic of the War on Terror: the criminalisation of the enemy, its disqualification, its character as a threat to humanity (Schmitt 1992, 2005b). Now the enemy is the monster, the non-person, with a certain racial profile, against which society, or humanity, must be defended (Jabri 2010).

Therefore, the strategy of disqualifying the Other generates, through its 'non-speech,' the tacit affirmation that we are all that our political enemy is not. Thus, the political enemy ends up having a double role. At the same time that it threatens us existentially, the same is necessary for the reference generated through its counterpoint. Implicit narratives about who the 'Other' is are essential to our knowledge of who we are.

The problem posed by the use of drones and the policy of identifying and eliminating targets, therefore, refers to the impossibility of the friend-enemy opposition. The use of UCAVs in the preventive (and not pre-emptive) elimination of individuals with suspicious behaviour nullifies any possibility of existential antagonism once the attack precedes political positioning. Even if political polarisation is possible, the strategy used by the USA to identify and eliminate suspected individuals leads not only to the neutralisation of potential enemies, but to the impossibility of an existential and political counterpoint, in the Schmittian sense, between the states that operate drones and the targets of drone attacks.

The construction of the identity of the attacker (Self) is limited to the location and constituent characteristics of a people and no longer to one's hostile behaviours of political opposition. Thus, the enemy becomes no longer one who is un-American in principle, but rather one who is deemed potentially dangerous for being part of a stigmatised group and for engaging in conduct considered suspicious by those striking against the potential attacker. Countries and regions considered outcasts now have two types of inhabitants. First, there are those deemed only potentially dangerous in light of their nationality and racial profile, but whose habits are considered politically innocuous. Then there are those who, along with belonging to groups deemed hostile enemies of a state, behave in a suspicious manner. Ultimately, then, the construction of the Self in counterpoint to the Other gains a new dimension. The enemy becomes a foreigner who is existentially opposed to a people, but whose behaviour, which supposedly gave rise to the stigma of that people, is made impossible by the prophylactic actions that precede behavioural opposition. Therefore, *homo sacer* is one whose crime is not a specific concrete act, but one's very existence – one's nationality, one's racial profile, one's behaviour.

The strategy of mere suppression of the life of individuals is apolitical in the sense of precluding confrontation between parties. Acting on anticipation of a clash ends up rendering impossible any political configuration that should precede the physical elimination of a hostile individual. In this case, the very possibility of politics is lost by the mere pre-supposition of only potential antagonisms.

Act Two: displace and dismiss

The so-called signature strikes policy also inaugurates another level of ontological denial of the enemy. By choosing to eliminate those who engage in the semblance of deviant behaviour, the drone policy excludes any possibility of defence by or redemption of the targets or victims of drone strikes. As Mbembe (2016) states, in contemporary warfare and in the fight against terrorism, the assassination of the enemy is the first and absolute goal. There is no redemption – death being the only possible choice in a 'logic of survival'

whereby every dead enemy increases the sense of security of those surviving these acts of war. The moment of survival is thus a moment of power.

In this context, the identity of the enemy, as opposed to a group, has been deconstructed, since the decision to kill is based not on an ontology or history of the individual, but on his current behaviour. Once a people or region is identified or qualified as a direct or indirect participant in terrorist activities, the individuals that are actively engaged in such activities are judged no longer for who they are, but for their behaviour within a logic dependent on the ability to distinguish between the normal and the symptomatic. The constant surveillance of suspicious behaviour in these regions draws on the logic of Bentham's panopticon or, in an improved and updated way, on what Bigo (2006) calls a banopticon.

As a consequence, by reducing the figure of the enemy to only that figure's movements, any chance of alterity on the part of the victim is removed, turning the victim into *homo sacer* – a category that falls short of the role of the antagonist, since even the right to opposition is not guaranteed to this displaced person.

According to Agamben (2007), *homo sacer* has its roots in Roman law and has two fundamental characteristics: the guarantee of impunity for the killer and the veto of the sacrifice. The sacred man is, therefore, one who has committed a heinous crime deserving the most severe measures of punishment, one who, therefore, cannot be sacrificed according to the rites of punishment (and purification). On the other hand, he is a 'killable' being, that is, his death would not be considered a crime or a sacrilege, his punishment meriting no punishment. His death, therefore, is neither a sacrifice nor homicide, nor is it the execution of a condemnation or sacrilege, constituting the memory of the original exclusion that constituted the political dimension (Agamben 2007).

It is in this sense that the political space of sovereignty can be said to be a double exception – as an outgrowth of the profane in the religious and the religious in the profane. It is the zone of indifference between sacrifice and homicide. In this context, 'sovereign is the sphere in which one can kill without committing murder and without celebrating a sacrifice, and sacred, that is, "killable" and "non-sacrificial," is the life that was captured in this sphere' (Agamben 2007: 91). Sovereign power is, therefore, that which produces the sacred life, the bare life, that subjects the life to a power of death.

According to Agamben (2000), the Greeks had two semantically and morphologically distinct terms for life: *zoe*, understood as the simple fact of being alive, something common to all living beings, human or not; and *bios*, which he called life peculiar to a group or individual. In modern languages, this differentiation would gradually disappear, being replaced by a single term: life. Agamben takes up this Greek differentiation, through the concepts of bare life and political existence or forms of life (Agamben 2000, 2004, 2007).

In this sense, human life could be defined as a conjunction between bare life, mere existence, and the infinite possibility of choices and actions, possibilities of life, or ways of life that constitute political life. And, the goal of living would be, in a Benjaminian sense, every being's search for happiness (the Agambean 'happy life').

However, sovereign power is based precisely on the negation of this conjunction. What Agamben does is separate bare life from other forms of life and transform it, via the state of exception, into its ultimate foundation. Thus, for Agamben (2000), departing from a Hobbesian perspective, state power is not based on political will, but on bare life, on the power of Leviathan to withdraw the lives of subjects and to protect them only insofar as they submit to his power (consider the Hobbesian relationship between protection and obedience). Rather than the fear of death, in relation to other individuals, sovereign power is the fear of death exclusively in relation to the state. And it is this bare life, the foundation of sovereign power, that has become the dominant form of life. In the state of exception, which has become the norm, *zoe* is 'the' way of life. In other words, *zoe*, which would originally be situated on the fringes of the order, enters the sphere of the *polis*; there is a politicisation of bare life and this fact is, according to Agamben (2007), the decisive event of modernity.

The view that celebrates the dispensability of life of potential terrorists or of individuals who demonstrate suspicious behaviour and are profiled as active threats to the state is the same view that ignores the separation of life, as mere existence, from the notion of life as a political action. Before one can know with any certainty the political positioning of potential antagonists, drone policy eliminates life in a preventive strike against even potential threats. This type of execution, authorised by sovereign states, cannot be considered murder since the death of a *homo sacer* does not constitute a crime. Nor can it be classified as a sacrifice as the victim does not necessarily achieve politically evident alterity. And that is why Mbembe (2016) says that Foucault's concept of biopower in the sense of management of life is not enough to explain contemporary war. The *homo sacer* (or the colonised in Mbembe) is he who is subjected both to this power over life and to a necropower, that is, to the subjugation of life to death (through biopower, discipline, and state of exception), with sovereignty consisting in the ability to define what matters and what or who is 'disposable,' wherever or however death is to occur. The very need to kill someone for the sake of a group's survival – Mbembe (2016) draws on Canetti's survival logic – therefore, gains a dimension of contingency.

It is in this sense that the USA exercises, in the name of its security and sovereignty, the right to kill. Under the aegis of this sovereign right, the nation denies any character of ontological alterity to the enemy and reduces it to a mere target of preventive measures against potential threats, regardless of where that threat may lie and basing the extermination of that threat on the narrative of a state's right to self-defence and its duty to protect the lives of its nationals. When it comes to modern warfare, war knows no boundaries; the front is a global battlefield, or rather a hunting grounds, in which armed conflict is a 'moving space attached to the enemy's person' (Chamayou 2015: 57). In it, the body becomes the battlefield and must be reached wherever it may be, constituting what Chamayou (2015) calls body-prey. It is the body of *homo sacer*, the body without borders, the target body, which carries with it a mobile hostility.

For Agamben (2000), in the nation-state the concept of man has always been linked to that of the citizen. The Declaration of the Rights of Man and of the Citizen (1789) itself

is ambiguous in the use of these two terms. A citizen is one who has one's rights protected by a sovereign power in a territory, connecting the ideas of birth and nationality. In this way, the nation-state means the 'State that makes nativity, birth (that is, bare life) the foundation of sovereignty' (Agamben 2010: 4). Thus, the birth, the natural bare life, became for the first time the immediate bearer of sovereignty. Birth immediately becomes nationhood. And human rights are the original figure of this inscription; the rights of human beings who become deprived of any guardianship when it is no longer possible to establish them as citizens of a state. Refugees, for example, are human beings who have lost any quality of nationhood or a specific relationship to a state, breaking the link between personhood and citizenship (Agamben 2010).

But the *homo sacer*, the deportee, the banished, is not only anon-citizen, but also anon-man. At the moment of its de-nationalisation, the individual is sacralised – the *homo sacer* in the place of the citizen; the loss of all political status, of all legal protection, abandonment (ban), which completely reduces it to bare, purely biological life, without any mediation; it falls short of (or goes beyond) law, including human rights. Thus, the victims of drones are not political casualties, but targets of the power of exception, the invasive power of hunter-states (Chamayou 2015), which disqualifies the possibility of political positioning of their targets or enemy-prey, transforming the termination of their existence into mere attack protocol. According to the logic of the hunter-states, there is no armed combat (as in the classical concept of war), but persecution of the prey, wherever it may appear, constituting a universal right of conquest and persecution in which the sovereignty of other states is only a contingent question.

Act Three: search and destroy

War is, according to Schmitt, a presupposition of politics, having been regulated from the sixteenth century by the right of European people, the *ius publicum europaeum*. This is essentially an inter-state right of the European sovereigns that has determined the *nomos* of the Earth departing from this centre. Its axis is, therefore, the sovereign territorial state, which eliminated the ecclesiastical kingdom and the Empire of the Average Age, limiting and humanising war. From this right, war became a battle between sovereign European states, which regarded each other as *iusti hostes*, through stately and militarily organised armies. It was no longer a matter of religious wars, of destruction, in which opponents were disqualified as criminals, or of colonial wars, against the savages. In modern warfare, combatants recognise themselves with the same state character and the same law, and the enemy assumes a legal form, differing from the criminal, and ceasing to be the one to be eliminated (Schmitt 1952, 1962, 1992, 2005a).

However, the end of the nineteenth century saw the dissolution of the *ius publicum europaeum*, which placed limits on war and recognised the legal status of the enemy (the real enemy, the *hostis*), leading to the emergence of the absolute enemy (the Agambean *homo sacer*), criminalised and turning conflict into a total war of destruction. This change maybe partly due to the introduction of airspace as a new battle front– in addition to those

(land and sea) regulated by European law – during World War I and especially World War II, with the emergence, alongside the Army and the Navy, of a third independent warfare, namely aerial combat, inaugurating an era in which the possibilities of man's domination over nature and over other human beings extends to unexpected spheres. With this added dimension, airspace, a third element, air, also emerges as a new elemental scope of human existence. Moreover, because of its attributes, aerial combat is itself a war of destruction – considering this a matter of technique, of long-range weapons, without a relationship of proximity or protection with the civilian population involved in the conflict as is the case with wars by land and sea.

From this elemental perspective, in the era of drones, we have inaugurated a new element with the extension of air power: the stratospheric. This is because drones draw, as Chamayou (2015) says, their own line in the sky, inaugurating a new relationship with space and control of territory from above, Weizman's vertical politics, as well as modifying the sovereignty that now takes on an aero-political and volumetric dimension, vertical sovereignty (Chamayou 2015; Weizman 2002). As Mbembe (2016) maintains, in this new sovereignty there is a redefinition in the relation between sovereignty and space, a fragmented space, leading to a proliferation of spaces of violence.

In this context, the current strategies of drone warfare use three-dimensional and volumetric dimensions, kill boxes, as a way of demarcating geographically indeterminate spaces of indiscriminate extermination beyond the traditional limits of armed violence. In this way, kill boxes are exclusion zones, of slaughter, in cube format, within which there exists agreement to allow targets on land to be eliminated without the prior authorisation of a chain of command. Once a kill box is established, airplanes and UCAVs are allowed, within those limits, to decimate any enemy target without the need for direct combat.

Kill boxes are created temporarily, according to the needs of each mission, and are ephemeral and can be opened and closed as need be at the moment of the operation (Chamayou 2015). Once a kill box is opened, a regime of exception is established within that autonomous operating space. Targets are indiscriminately eliminated in a new form of three-dimensional sovereignty of the aggressor state which assumes an aero-political dimension and creates fields in which politics surrenders to violence and combat becomes execution in the name of international security. A kill box is therefore the Agambenian field of this new global war on terrorism, in which the terrorist (or anyone with a suspicious profile, as Bigo rightly points out) can be the *homo sacer*.

According to Agamben (2000, 2004, 2007), the field is not a historical narrative, but the very matrix of the political space in which we live today – -not a territorial but an extra-territorial space. It is therefore the political paradigm of the West, which is always established when the state of exception, understood as the temporary suspension of the state of law in cases of emergency, becomes the rule, in which politics becomes biopolitics and the *homo sacer* becomes indistinct from the citizen. First were the European refugee control camps after the First World War, then the internment and concentration camps of World War II, then Guantánamo, and finally the kill boxes.

Within the field, it becomes impossible to distinguish between person and non-person, the rule of exception, the inclusion of exclusion, the law of violence; an extreme threshold is created between life and death which until then had a political meaning, since within the field, bare life is the general condition of existence. If the act of killing means suppressing one's own power, insofar as it puts an end to the social relation, subjecting the Other to hunger and degradation or to instant death, as in kill boxes, means establishing a third realm between being and non-being.

Thus, Auschwitz, as a paradigm of the field, was the place where biopolitics became generalised and became more extreme; in which the absolute Schmittian enemy was annihilated; and death became the production of corpses, or rather of 'figures' – the Nazis forbade the word corpse – a death without ritual, as is the death of the *homo sacer*, in the gas chambers. It is the degradation of life, but also of death. After this period, the figure of the field dissipated throughout the world, without, however, disappearing. It continued to exist in the Soviet gulags, the forced labour camps in China, Eastern Europe, and Africa in decolonisation (Rahola 2007). Nowadays, it finds its virtual form in abstract spaces whose outlines are delineated according to the need of the stronger states. For Agamben (2007), this biopolitical model, in which politics is unable to re-establish the fracture between *bios* and *zoe*, has become the rule.

In contemporary politics, the voluntary creation of a permanent state of exception, even if not technically declared, has become a practice not only in totalitarian states, but also in democratic states. Instead of the extreme case, i.e. the emergency situation requiring some exceptional and provisional measure, the current policy sees a transformation from the state of exception into a strategy of government (Agamben 2007): an intra-state civil war that has advanced to a global civil war, in which the boundaries between democracy and absolutism are erased (Rahola 2007).

Drone warfare is then global warfare which occurs not in limited geographic boundaries but wherever the bodies of prey appear on screens within the scope of the three-dimensional kill boxes, within which a permanent state of exception exists. In it, the rule of law is suspended, including with regard to international law and the law of war, since, as a legal category, war is and must be a geographically defined object.

In this context, in the face of the ceaseless advance of this global war, the state of exception, now as a rule, always tends to present itself as the paradigm of a dominant government politicking. This shift from a temporary and exceptional measure to a government strategy threatens to radically transform – and indeed has already very perceptibly transformed – the structure and meaning of the traditional distinction between the various types of constitution or international humanitarian law. The state of exception appears, in this perspective, as a level of indetermination between democracy and absolutism (Agamben 2004).

For Agamben, the field is, therefore, the intellectual matrix for the understanding of the permanent state of exception, a moment in which biopolitics and geopolitics converge (Dillon 2002), creating a zone of indistinction between politics and the rule of law, a paradoxical situation in which the exception is a legal form that cannot have a legal form,

situated between public and political law and between the legal order and life (Agamben 2004). The field is an indistinct, non-existent zone that creates its own rules of existence in everyday practices (Bigo 2006).

The field is the space in which the internal and the external are confused, forming a true paradox, according to Agamben (2000). What is being excluded from the field is captured outside of it and included because of its exclusion. In this way, 'what is being captured under the rule of law is first of all the very state of exception' (Agamben 2000: 39). If sovereign power is founded, as Schmitt (2006) states, in the ability to decide on the exception, the kill boxes, as a field, are the structures in which the state of exception is permanently realised. This decides who is human and who is not, allowing the Muslim to separate from the human being (Agamben 2008).

Thus, the essence of the field lies in the materialisation of the state of exception, with the consequent creation of a space for bare life. The field, more than a territory, is the moment at which such a structure is created, regardless of the nature of the crime or the denomination and specific topography that it may have. Therefore, the waiting areas at the international airports of France, where foreigners who have requested to be received with refugee status await an official response to their request, can be considered a field. Guantánamo is also a field. These are places where the law is suspended and where atrocities may or may not be committed, depending not on the law, but on civility and the police ethic that temporarily acts as sovereign power (Agamben 2000, 2007). Kill boxes, along with the legitimacy of annihilation by drones within this three-dimensional space, therefore represent these new fields within which all rights are suppressed.

Epilogue

Modern warfare and related technologies have changed the nature of war and the ontologies contained in the friend-enemy relationship. The use of drones, mainly by the USA, has generated a new paradigm from which the figure of the enemy and, consequently, the production of national identities themselves have been transfigured. Using drones to monitor and eliminate individuals (with a specific racial profile) engaged in behaviours considered suspicious denies the possibility of confrontation between adversaries and, by extension, the political relationship itself. The enemy that existentially contrasts with a people (the Schmittian *Lebensform*) is judged not by its position, but by the potentiality and suspiciousness of its movements. This strategy that annuls the Other in a preventive way ends up making it impossible to construct national identities in the absence of ontological confrontation between parties. If one's enemy is eliminated even before it has declared its opposition, the very possibility of one constructing narratives about one's self in relation to said enemies is nullified.

In addition to the impossibility of constructing narrative identities in counterpoint to an enemy's hostilities, the use of these drones turns the potential enemy into an Agambean *homo sacer*. Without the right to defence or redemption, the role of the Other is confined to mere *zoe*, an exile or displaced individual against whom any kind of measure, including

that of exception, is considered legitimate. This policy of displacement, of banishment, transforms the exception into a rule and ends up trivialising the very discretion of security policies.

Moreover, like modern warfare, drone warfare has no geographical or temporal boundaries. The use of kill boxes transforms sovereignty into a three-dimensional space within which the aggressor state can do anything, a field, in the Agambean sense, that like the other historical examples establishes a regime of exception within its limits, condemning to death the individuals that are in it. In this new field, sovereignty is no longer flatly territorial, but volumetric and three-dimensional, in which absolute Schmittian enemies appear as prey pursued and disposed of in an area akin to a slaughterhouse.

In short, the role of drones in these new war scenarios presents a new plot in which the deconstruction of the Other destabilises the very notion of the Self. The deterritorialisation of the enemy delegitimises his foreign status, and the mere annihilation of the enemy nullifies the need for combat – tragedy in three acts in which the inevitable outcome is the very end of the *raison d'être* of politics.

Notes

- 1 According to Martin and Steuter (2017: 44), in addition to the base in Nevada, other drone control sites include Holloman (New Mexico), Ramstein (Germany), Saudi Arabia, and Turkey.
- 2 According to Chamayou (2015), in the official language of the US Armed Forces, a drone is an unmanned aerial, maritime (including submarine), or terrestrial (including underground) vehicle operated remotely (by human operators via remote control) or controlled automatically (by robotic means with the use of an autopilot mechanism). In practice, the current drones combine these two models, and the aerial type can be classified as Unmanned Aerial Vehicles (UAVs) used for surveillance, intelligence, and reconnaissance, or as Unmanned Combat Aerial Vehicles (UCAVs), which are used for combat and are also known as hunter-killers. UCAVs are the focus of this article.
- 3 Among the current UCAVs, the MQ-1 Predator and the MQ-9 Reaper stand out. The first, and older of the two, was built to replace ballistic missiles because of its greater accuracy. The second, a larger and more effective version of the Predator, is capable of carrying up to four Hellfire missiles. Manufactured by the USA and exported to several countries such as Italy, Germany, France, Spain, and England, the cost of producing these drones exceeds US\$16 million per unit.
- 4 According to Hall and Coyne (2014), the first drone was built in 1915 by Sperry and Hewitt. In terms of its evolution, drone technology has developed in three phases: 1. Initiation, from 1915 to the Cold War, with a significant period of expansion during World War II; 2. Development of modern drones, a phase that runs from the Cold War to September 11 and includes the introduction of drones for reconnaissance missions by the US Army in 1959 and in the First Gulf War; 3. Expansion of the use of post-September 11 drones in the operations surrounding the Global War on Terror.
- 5 According to Schmitt, that right has been affected, first, by liberalism, which, with its defence of technique and reason and of universal and universalizing concepts such as humanity, justice, and peace, has allowed the *iustus hostis* to be replaced by the just cause (the just war), which had been superseded by the *ius publicum europaeum*.
- 6 Kill boxes appeared in the early 1990s, being, according to the Air, Land, Sea Application Centre manual, graphically a solid black line that defines the area inside it with black diagonal lines (Chamayou 2015: 53). They are defined in three dimensions, in the form of a cube, and have a cycle: they are opened, activated, frozen, and then closed. Inside a kill box, airplanes and drones are authorised to eliminate any type of target without a direct command from (a)superior officer(s).

- 7 This is what Chamayou (2015) calls the projection of power (a euphemism, according to him, for hurt, kill, and destroy) without projecting vulnerabilities.
- 8 It is important to emphasise, therefore, that in 'drone warfare,' people become targets; that is, there is a dehumanisation of the enemy whose status is that of a mere target in a unilateral war in which said enemy cannot fight back (Chamayou 2015). The goal is no longer to capture and interrogate the enemy, but to kill him, that being literally the emblem of Barack Obama's anti-terrorist doctrine: 'Kill rather than capture.'
- 9 This individualised and embodied permanent vigilance that seeks to eliminate deviations can be analysed further still through Foucault's concept of disciplinary power (2004). Discipline is understood as a device, a network, that involves heterogeneous elements, players in a power game. From this perspective, drones can be read as part of this network, consisting in a technology of power.
- 10 According to Schmitt (1992), some ancient languages, such as Latin, established a difference between the terms *hostis* and *inimicus*. *Hostis* refers to the public enemy, a group of people that existentially contrasts with another group or state, and, therefore, is subject to political rules of engagement. *Inimicus* is the specific, intimate, private enemy. One of the problems with the definition of the political enemy, according to Schmitt, is the fact that most of today's languages use the two concepts interchangeably.
- 11 According to Quijano (2000), race can be defined as a mental construction of modernity, the history of which became better known after the colonisation of America. It is a concept that refers more to a supposed difference in biological structures between conquered and conquerors than to a phenotypic question. The idea of race has, therefore, a colonial origin, having been constituted as a foundation for the social classification of the world population, as well as for the naturalisation of domination. From this perspective, in the War on Terror, race constitutes a criterion for identifying the suspect, the potential terrorist/enemy, racialising the *homo sacer*.
- 12 Mbembe draws this concept from Elias Canetti (2016).
- 13 Bentham, an English utilitarian philosopher, developed an architectural model in which condemned men are subjected in a less costly manner, without the need for force or violence, to surveillance in the form of an intrusive, fixed gaze – permanent and ubiquitous vigilance. In this model, subjects' awareness of this apparent surveillance transforms them into agents of their subjection. This architectural figure factors into Foucault's (2004) analysis of the genesis of disciplinary measures in society.
- 14 In Bigo's (2006) analysis of the security society, Bigo links the Foucauldian panopticon to Jean Luc Nancy's concept of *ban* (a term drawn from Heidegger's work) as used by Agamben (2007), in a reformatted way in *Homo Sacer*. The banished (like the *homo sacer*) is placed not only outside the law, but is abandoned by it, by the sovereign power. Bigo's banoptic thus applies to those who have been banned, pushed to the fringe (those with suspicious profiles, monitored by databases and biometrics) of a securitised society.
- 15 For Agamben (2000, 2004, 2007), these concepts are the fundamental category of western politics and not the logic of the Schmittian friend-enemy.
- 16 According to Schmitt (1962, 2005a), the *nomos* is the primitive act, constitutive of the ordering of space, from which all other acts occur, representing the occupation of a land, the foundation of a city, or colonisation.
- 17 Departing from the eighth Benjaminian thesis, Agamben asserts that the state of exception has become the rule, and thus the capture of bare life is no longer the exception but the rule (Agamben 2004, 2007, 2008).
- 18 Foucault uses the term 'biopolitics' for the first time in *The History of Sexuality: The Will to Knowledge (História da Sexualidade: A Vontade de Saber, 1985)*, with it appearing again in *Society Must Be Defended* (2003). In the latter, the term signals the way in which, from the 18th century onwards, the power to govern began to be exercised over humans as living beings. Agamben is criticised for his use of the term, since while in Foucault biopolitics opens space for resistance, in Agamben biopolitics becomes thanatopolitics, with Auschwitz as a paradigm.
- 19 It is not known exactly when the fields appeared in the strict sense of the word. In *Means without End* (2000), Agamben refers to the colonial wars as the origin of this notion of fields. In *Homo Sacer* (2007), he refers specifically to the concentration camps created in Cuba by the Spanish in 1896. It is also possible to think of the concentration camps that the English created for the Boers in the 20th century.

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About the authors

Cristiano Mendes is Professor of International Relations at the Department of International Relations of the Pontifical Catholic University of Minas Gerais. He holds a Ph.D. in International Relations from University of Brasília (UnB) and a Master's in Political Science from the Federal University of Minas Gerais, Brazil. Professor Mendes is the author of articles and book chapters about terrorism, failed states, and private military and security companies. He was a visiting professor at the University of Sydney, Australia (2011), and a visiting researcher at the University of Coimbra, Portugal (2014). Professor Mendes's area of research focuses on security studies and post-positivist theories of international relations.

Karina Junqueira is Professor of Social Science at the Department of Social Science, of the Pontifical Catholic University of Minas Gerais. She holds a Ph.D. in Social Work from Federal University of Rio de Janeiro (UFRJ) and a Master's in Political Science from the Federal University of Minas Gerais (UFMG), Brazil. Professor Junqueira is the author of articles and book chapters about gender, democracy and citizenship.

Drones, Guerra e a Desconstrução do Inimigo

Resumo: Com base nos referenciais teóricos de Carl Schmitt (hostis e inimicus), Giorgio Agamben (campo e homo sacer) e Grégoire Chamayou (Estados caçadores e Kill Boxes), bem como na lente teórica do pós-estruturalismo nas Relações Internacionais, este artigo tem como objetivo analisar o uso de drones, especialmente veículos aéreos de combate não tripulados (UCAVs), na guerra contra o terrorismo liderada pelos Estados Unidos da América. Nesse contexto, procuramos demonstrar como o uso de drones afetou a lógica dos atuais cenários de guerra em três aspectos diferentes, mas relacionados. Em primeiro lugar (primeiro ato), o uso de drones impossibilita a construção da alteridade política do inimigo, inviabilizando a construção da identidade. Então (ato dois), este artigo demonstra como há uma tentativa de mover o inimigo para a externalidade da Comunidade Internacional, relegando o status de seu oponente ao banimento e marginalização. Por fim (ato três), os autores analisam o papel das caixas matadoras e como a solução dada por esses fenômenos subverte as noções tradicionais de soberania, desafiando a própria razão de ser da política.

Palavras-chave: drones; guerra; terrorismo; inimigo; soberania.

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