Distant intimacy: Space, drones, and just war

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This article considers how space, understood conceptually and informed by political geography, affects the ethics of targeted killing facilitated by drones. A more sophisticated understanding of space, via an account of its political construction and ethical significance, identifies an important gap in how ethical debates about the use of armed drones have developed and why it is that efforts to contain the debate about drones within established just war categories and principles is insufficient . The article develops the idea of "distant intimacy"[1] to reveal just war theory's limited appreciation of space as an ethical concept, the spatial distinctiveness of the relationship between drone operators and their targets, and why this space is poorly recognised in just war-based debates about drone strikes. Critical engagement with the concept of space, rooted in political geography, augments established ethical critiques of drone strikes rooted in the radical distancing of operators from their targets and the opportunity operators possess to acquire intimate knowledge of their targets' lives. Bringing this spatial perspective to bear establishes how the cumulative effect of a number of differences of degree in the impact of drones on just war-based ethical analysis of their use establishes distinctive, but largely unconsidered, ethical relationships. As drone use grows it is crucial that ethical assessment adapts to the distinctive spatial relationship between drone operators and their targets.

The article proceeds with a brief consideration of two well-studied components of this debate: the ethical significance of distance and technology's ability to grant drone operators intimate knowledge of the lives of their targets, contributing to the ability of operators to fulfil *jus in bello* requirements. Subsequently, I look at how this establishes the importance of space as an analytical category, suggesting this is badly neglected in just war thinking, and how critical political geography can assist. The construction of asymmetric space is crucial here, connecting to debates about the spaces of asymmetrical warfare, with

the emergenceof "dronespace" instantiating the highly distinctive and radically asymmetrical relationship of "distant intimacy" between operator and target. Within dronespace, two central elements of just war theory's understanding of ethical subjectivity—autonomy and reciprocity—are radically reworked such that the ethical relationship of operator and target becomes exclusively one-directional. The ostensible ability of drones to enhance compliance with central aspects of the just war tradition's account of the ethical use of violence are subverted by the construction of radical asymmetry, establishing distant intimacy as ethically problematic.

DISTANCE

The deployment of drones[2] for airstrikes since 2002 has inspired a substantial literature[3] Drones' military effectiveness, legality and ability to fulfil ethical requirements, amongst other topics are prominent.[4] Those three foci interact and are observable from different perspectives: for instance, the debate over whether targeted killing is an act of war or extrajudicial execution.[5] One common feature is whether the radical distancing between the drone's pilot and their target is ethically significant. Distancing operators of a weapons system from their target is nothing new. From ancient methods, such as spears, slings, bows and catapults, through firearms and artillery, to intercontinental ballistic missiles, being increasingly distant from one's target has been an everyday military experience for a long time. A drone is no different from other long-range missile systems, on this basis, except that it is not destroyed in the attack and can return to base for re-use.[6] The potential for distance to reduce constraints on the use of force, weakening *jus ad bellum* restrictions, is well known, and often asserted in relation to drones.[7] Similarly, a second ethical concern over distance is widely appreciated. Invulnerability via distance is not novel. What is today called "force protection" is a longstanding legitimate concern well-served by reducing the necessity for hand-to-hand combat by increasing the distance from one's adversary, especially via a technology the adversary cannot readily counter.[8] Weapons have been described as "distancing technologies,"[9] and drones clearly confer very great advantages. Current drone operators enjoy effective invulnerability from physical attack by those they target, or their allies, raising concern that physical detachment from the experience of combat may render it 'easier' to countenance.[10]The harms drone operators face cluster around emotional and psychological damage associated with their operations, including that associated with the level of knowledge they gain about those targeted, and arising from the psychological disjuncture between intense and stressful operations juxtaposed with returning immediately to

everyday domestic life. Levels of mental health problems faces by drone operators are comparable to those of conventional combat pilots.[11]

Drone pilots enjoy additional benefits in force protection terms: Power projection combined with force-protection enables military operations in environments too hostile or too logistically challenging to sustain deployment of human beings or the use of inhabited weapons systems. Strawser argues for the moral "duty to employ uninhabited aerial vehicles" where that reduces risk to humans pursuing justified operations and where UAV use does not compromise compliance with discrimination and proportionality.[12] Asa Kasher goes further states have a moral obligation to use technology to protect their citizens serving in the armed forces even when this increases risks to what he labels "enemy civilians."[13] The concerns about distance reducing moral inhibitions to initiate and conduct military operations are therefore different to some, limited, extent in the case of drone use when compared with other, more familiar, distancing technologies, such as artillery, aircraft and missile systems.

Enjoyment of the force protection benefits brought by distance relies on asymmetry between the military capability of those deploying drones and their adversaries. Current armed drones, the MQ-9 Reaper and MQ-1 Predator, fly comparatively slowly, have limited maneuverability and are not significantly protected by stealth technology or defensive electronic warfare systems. They would be comparatively easy targets for the air force of middle-ranking technological powers or groups with access to modern surface-to-air missiles or high quality anti-aircraft artillery. That will, and is, changing. The U.S. Air Force possesses remotely piloted F-16s to enhance the verisimilitude of pilot training, enabling combat practice against "the real thing." It is not hard to envisage alternative roles for a Mach 2/9-G–capable drone with a substantial weapons payload should the US Air Force operate in more symmetrical combat environments than the skies above Afghanistan.[14]

This crude summary of the distance element of the argument explains why some dismiss the purported novelty of drones because of the distance between operator and target.[15] The challenges distance poses to and within just war theory are consequently well known. Within *jus in bello*, distance typically reduces accuracy, increasing the challenge of discrimination. Distance can encourage use of more destructive weapons and tactics, because those deploying them do not suffer their immediate effects, challenging proportionality. Within *jus ad bellum*, distance may make states more willing to go to war, believing that conducting war at a distance will insulate them from its consequences, causing them to lower the prudential thresholds of proportionality and reasonable prospects of success, and perhaps even to reinterpret and expand the principle of just cause to include principles and cases that would not be pursued if war was conducted at close quarters.[16]

INTIMACY

Typically, the discussion of *jus in bello* aspects of drone use suggests drones can be accommodated within existing accounts of just war theory.[17] What is at stake is whether drones enable more effective observation of discrimination and proportionality in comparison with alternative weapons, under conditions prevailing in the area of operations and with due regard to other relevant considerations. Typically, debate focuses on whether those killed by drones are accurately identified as legitimate targets (the discrimination issue) and whether "collateral damage" from drone strikes is defensible in relation to the military advantage gained through these operations (the proportionality principle). Advocates of drones argue that they present significant advantages in relation to discrimination and proportionality, resulting from the superior quality of information about targets that drones provide and the improved quality of decision-making they permit.[18]

A somewhat different, but complementary, approach is offered by Coeckelbergh, whose phenomenological approach to the ethics of drone use stresses the moral psychology of combat and the relationship between intimacy – including physical intimacy – and restraint in combat.[19] The notion of intimacy is also raised by Shaw[20] and can be considered in relation to the claims about improved information and decision-making. That drones enable acquisition of more and better information about targets than most alternative tactics seems quite clear. Alternatives, such as ground surveillance teams, which *could be* superior, carry considerable costs in terms of logistical challenges and increased risks to team members operating in hostile environments. While this article focuses on armed drones, recall that the development of drones, and the overwhelming majority of contemporary drone deployment, is driven by "ISR"—intelligence, surveillance, and reconnaissance. The much-touted "long loiter" capability of drones means they can sustain surveillance of possible targets for extended periods of time, potentially days or even weeks. The quality of the sensory arrays that drones deploy means more and better data can be analyzed to increase the probability that the person targeted is correctly identified and meets the criteria of permissible target.[21] As Mark Coeckelbergh argues, drones have begun to reverse the "de-facing" associated with distance, restoring to some extent the intimate connection between drone operators and their targets.[22] Prefiguring subsequent claims to some extent, this partial restoration of intimacy is asymmetric: only the drone operator gains insight into the life of his adversary, sees his face, and witnesses his pain and death.

In relation to intimacy's second element – decision-making – the remote location of drone operators means that ideally data can be assessed free from pressures, risks and stresses affecting members of a ground surveillance team or a pilot engaging the target.

Furthermore, drone operators share data with colleagues and commanders, in real time, enabling collaborative decision-making properly informed by a range of expertise. This idealised image of experienced, dedicated, well-informed professionals making measured, calm, well-reasoned decisions about whether they have sufficient information to be confident they have correctly identified their target, that the target is a permissible one and to then chose their moment to attack in order to minimise collateral damage is at the heart of most advocacy of drone strikes as an ethically superior way of war.[23]

Furthermore, drones' sensory arrays are augmented by additional information sources, potentially in real-time, or close to it. Advanced network analysis software enables data from the drone to be cross-checked against other sources, and used to augment those sources, building up a more detailed picture of how the targeted individual may fit into a wider network, building connections between "persons of interest" and bringing others, previously unidentified, into view. As Grayson suggests, it brings about the potential, "to immediately locate, position and track persons of interest across a governmental environment that is being conceived on a planetary scale."[24] Communication intercepts, human intelligence from agents and informants, analysis of patterns of life all play into confirming, or not, the permissibility of targeting an individual. This offers a level of discrimination unimaginable twenty years ago.[25] This is allied to more proportionate use of force by reducing collateral damage, something likely to go further as munitions with smaller payloads are deployed with greater precision and the quality of software systems modelling the effects of different weapons systems improves.[26]

This is the intimacy of drone strikes I wish to focus on:, a previously largely unavailable level of specifically personal information about an individual's identity and their life, save via expensive, uncertain, and dangerous operations infiltrating agents into an individual's life or "turning" an existing member of their social network at great personal risk to the informant. "Signature strikes" that identify targets through patterns of behaviour rather than specific information about named individuals also display intimacy. Associating in some way with "known militants," repeatedly crossing certain borders, being present in certain areas at specific times, being caught by a drone's cameras engaging in suspicious activity can all, in combination, be enough to single someone out for targeting. The intimacy of drone strikes displays ethically significant claims about the personalization of targeting, involving a complex mix of ostensibly individualized responsibility for actual or potential acts "beyond the forms of 'legitimate' political activity."[27] Personalized strikes, however, involve

the decontextualisation of the killing from the broader conflict by focusing upon the claimed characteristics of the specific person killed. The individual is found to be deserving of such a death not just because of their potential capabilities, but also due to their perceived intentions being considered uncivil. Being targeted is therefore an indicator that one has been primarily determined to be an illegitimate political subject rather than an important one.[28]

This suggests a deeper critique than debate over the numbers of "high value targets," "low-level militants," and "civilians" killed by drones. Geographical contextualization of intimacy highlights that an individual's status within the wider conflict is only one part of this issue. Being singled out for killing is an act of spatial intimacy, and—for one of the parties – the drone operator—may involve the restoration of a mediated phenomenological intimacy of combat that, rather the "screening" the killer from the killed, can restore a facsimile of the visceral personal experience of previous forms of combat.[29] The reality of drone strikes departs from this ideal.[30] The reality of life always departs from the ideal. The wrong people are killed by drones. Intelligence failures occur, attacks are mistimed or misdirected, and operators make mistakes.[31] That, alone, is insufficient reason to dismiss the ethical defensibility of drone strikes. If drone use results in more of the wrong people being killed than would otherwise be the case, then we have a reason for skepticism about the positive portrayal of the ethics of drone strikes. The evidence for reaching that conclusion with confidence, however, is simply unavailable. Counting and classifying the victims of drone strikes is hampered by unreliable data, something notably worsened by the failure of the United States, as the world's leading user of armed drones, to make available its own data about the outcome of drone strikes, especially those conducted by the CIA.[32]

This problem is exacerbated by the necessarily speculative nature of comparative analyses of discrimination and proportionality. U.S. counterterrorism operations in Pakistan or elsewhere cannot be replicated deploying different techniques—drones, manned aircraft or Special Forces teams, for instance—each time. Avery Plaw estimates drones are better in terms of discrimination than the plausible alternatives, and are better at killing "high value targets." His account seems plausible and measured, and, to move forward with the debate, I accept his assertions for the time being.[33] Clearly, there is more to be done here, and work would be greatly aided by the U. S. government complying with the United Nations' request for release of data.[34] Drones grant exceptional intimacy, but the full extent of that knowledge, including what happens once the trigger is pulled, is publicly unavailable, despite being collected. These initial observations about distance and intimacy do not resolve debate about whether drones are "ethical" in relation to just war theory's usual criteria of discrimination and proportionality, or in relation to the extent to which they excessively privilege force

protection. Instead, summarizing two familiar elements of contemporary debate about drones sets the scene for considering neglect of the concept of *space*. Turning, necessarily briefly, to political geography reveals the insight available from addressing this neglect, helping establish the asymmetry of distant intimacy and its consequent ethical particularity.

SPACE

Space is a central topic in political geography, but almost totally neglected in just war theory as a subject of conscious enquiry. It is worth noting that the reciprocal treatment of just war theory in political geography is not an edifying spectacle.[35] Critical political geographers have long been interested in how spatial terms and concepts construct political understanding and representations that "frame" political phenomena.[36] Critical assessment of these phenomena reveal power structures inherent in language describing political space, privileging certain discourses over others, politicizing and depoliticizing certain forms of space, and protecting certain interests. Representations of political space, through maps, is one familiar instance of this, with cartography being far more than a neutral, technical exercise. Derek Gregory notes as cartographic reason falters and military violence is loosed from its frames, the conventional ties between war and geography have come undone …. [L]ate modern war is being transformed by the slippery spaces within which and through which it is being conducted."[37] Niva highlights how targeted killing as a key component of contemporary US networked warfighting, '[does] not so much move across static borders as render them contingent, producing proliferating "grey areas" in which violence is largely disappeared from media coverage and political accountability.'[38] He discusses the role of drones in 'networked shadow warfare … that could be delinked from conventional military battlespace and extended across new cartographies.'[39] Elden explores political geography's engagement with the vertical dimensions of political space, to include height and depth above and below the ground, with major implications for geographical engagement with security issues, much of it driven by concern for and with airpower, in which drones are prominent.[40] "battlespace" is ubiquitous in military discourse, replacing the two-dimensional "battlefield" with a self-consciously four-dimensional concept, adding time and depth to breadth and length.[41] Furthermore, battlespace can include cyberspace: a battlespace can be anywhere and everywhere, real and virtual.[42] The notion of a "seamless" battlespace—across which drones, Special Forces, intelligence operatives, and other, more conventional, military elementsrange in integrated operations— displays this altered spatiality. The ability to frame space in this way, and to design and deploy military assets effectively within it, reinforces the

asymmetry that has dominated U.S. military experience since Vietnam. The technological sophistication, symbolized by the idea of the Revolution in Military Affairs as enabling the United States to escape the spatial and temporal confines affecting less advanced (and less well-resourced) militaries, has conferred immense technological advantage. Converting that into military success has, of course, been rather harder.

Just war's traditional categories remain connected to the Clausewitzian paradigm of war as analogous to a duel, both in micro-terms of individual engagements and macro-terms of the relationship between the parties. Asymmetry challenges the duel metaphor's ability to ground ethical assessment. Coeckelbergh highlights this in terms of a phenomenological ethics indebted to Heidegger and Levinas focused on epistemic relations, but it applies equally to more familiar just war approaches.[43] The technologically mediated asymmetric battlespace produces the distant intimacy of drone strikes as a very particular ethical relationship. This reinforces asymmetry and adds to the potential for ethical assessment of the use of military force via posing questions about the spatial production of ethical subjectivity. The ethical status of individuals becomes dependent on their location in battlespace, which, in the case of drone operators and targets, takes a very distinctive form that warps the usual account of the relationship between physical and emotional distance. Moving beyond Coeckelbergh's account of this process, though, critical geographical appreciation helps to reveal how just war theory's under-developed account of space—its reliance on the Clausewitzian metaphor—creates ethical asymmetry such that the ethical subjectivity of drone targets becomes entirely dependent on the construction of space by those targeting them.

This brief summary of one aspect of political geography's critique of space challenges conventional debates about the legal classification of sovereign, territorial space. For instance, Mary O'Connell argues that the use of drones in Pakistan is illegal because the United States is not in an armed conflict with Pakistan. International law therefore does not permit the United States to deploy lethal force, even with Pakistani consent. Afghanistan, as a zone of armed conflict, is a different matter.[44] The border marks a sharp legal divide between a zone of armed conflict, where drone strikes are permissible, and a zone where drone strikes are necessarily illegal. Other lawyers are less clear-cut, but still see the legal classification of territory as crucial to the legality of drone strikes.[45] Gregory argues focusing on legality "works to marginalise ethics and politics by making available a seemingly neutral, objective language: disagreement and debate then become purely technical issues that involve matters of opinion, certainly, but not values."[46] Grayson concurs, noting that "not only does the incorporation of legal frameworks provide an extra-strategic legitimating rationale for

targeted killing, but the resort to the complexities of the law potentially de-politicizes the practice by presenting its acceptability as a technical question for legal experts."[47]

Deploying static, sovereign boundaries to define the legality of drone strikes is challenged by the Obama administration which, as with its predecessor, maintains the argument that the United States is engaged in armed conflict with terrorist groups located in and operating across various state jurisdictions, such that attacks against them, in self-defense, cannot be limited to the territory of one state—Afghanistan. This is a "global war on terror," even though the Obama administration is wary of the phrase, meaning sovereign state boundaries offer an inappropriate spatial framework. Where the "terrorists" are, is, essentially, a zone of armed conflict, and the United States is entitled to strike its enemies there.[48] Niva notes how "in 2009, President Obama authorized the drone war to target anyone in Pakistan's tribal areas it considered a potential threat, without authorization from outside the CIA as long as targets were in approved geographical 'boxes' near the Afghan border."[49] It was, of course, the United States that decided where those boxes were to be drawn, and reserved the right to redraw them.

Another spatial claim augments this logic, suggesting that where states are unable to exercise authority envisaged by the sovereign ideal, others may step in. If the local government cannot or will not effectively control terrorist groups within their borders, the targets of those terrorist groups may act, ideally with the permission and cooperation of the sovereign government, but, *in extremis*, unilaterally. This is summed up by the idea of "ungoverned areas": often referred to as "havens" for terrorists.[50] Thus, Pakistani and Yemeni sovereignty is in doubt because their respective governments cannot or will not exercise effective authority in parts of their territory, to such an extent in the Pakistani case that the Federally Administered Tribal Areas (FATA) bordering Afghanistan are routinely used by Afghani groups for operations against U.S. and other forces inside Afghanistan and elsewhere. Pakistan's government, too, is targeted by such groups on occasion, while some elements of the Pakistani government, principally the Inter-Services Intelligence Agency, are alleged to collude with the Pakistani Taliban and elements of al-Qaeda for their own reasons.[51]

As with the positive account of the discrimination, proportionality and force-protection benefits of drones, the factual veracity of these portrayals is not the point at issue here. That they are common arguments seems uncontroversial, establishing the significance of space in debate about the ethics of drones. The nature of the space into which drones are deployed significantly shapes assessment of their ethical defensibility: as Grayson notes, 'targeted killing is a form of spatial management'.[52] What just war analysis has largely neglected, though, is the nature of the space that drones create—as opposed to the legal status

of the airspace the fly in. This opens the door to more innovative and interesting accounts than dominant ones about sovereign space and ascription of the legal status of a zone of armed conflict. Again, some of the tools of critical political geography are useful in casting fresh light on our spatial constructions and metaphors. Targeted killing is not just a form of "spatial management," it is a way of inscribing that space with ethical significance. This will enable me to integrate distance and intimacy, elucidating a neglected, but important, aspect of the ethical debate about the role of drones.

DRONESPACE

The distant intimacy of drones serves as a striking illustration of spatial flexibility.The space where drones operate is not just their immediate surroundings, spanning as that does thousands of miles between the operator in, for instance, Nevada and their target in Pakistan's Swat valley and the drone's service base in Afghanistan. As noted, weapons operators have been very distant from their targets for a long time. The space is more extensive, incorporating the virtual space of data streams that have brought specific, individual target of the drone to the attention of the operator's commanders. It also includes the satellite systems that enable communication between operator and drone, making it extra-terrestrial, too. All of this is held together by a real-time temporality. The concept of "assemblage" has been applied to drones by Williams to show how drone operators can be understood as elements or components of a complex technological system.[53] Similarly, Coeckelbergh points towards science, technology and society (STS) scholarship as stressing the networked construction of knowledge of the target.[54]

What is most important from an ethical perspective about dronespace is asymmetry. As critical political geographers stress, and our brief consideration of space illustrates, space is a political concept rooted in and expressive of power relationships. The construction, possession, and utilization of knowledge within a spatial context that itself manifests power inequalities creates, enables and legitimizes a relationship that, in this instance, is distinctively, possibly uniquely, asymmetrical. Dronespace places all of the cards—every one of them—in the hand of the drone operator. Distant intimacy is ethically significant and problematic because it challenges some basic concepts typically deployed to establish, understand, and assess the ethical quality of relationships between human beings and the choices that are possible. Distant intimacy requires dronespace to establish and attempt to legitimise the distinct asymmetry of a relationship that is ethically unidirectional.

The first challenge is to the target's autonomy. Autonomy is a major component of just war debates, especially during the last decade as more formal analytical philosophical work has become increasingly prominent.[55] A shift towards analyses of just war categories and concepts rooted within a rights-based approach stresses how targeting decisions and the liability of those targeted are complex choices. "Role-based" accounts, such as Michael Walzer's analysis of the combatant/noncombatant boundary, ascribe liability to lethal force principally on the basis of adoption of a role.[56] This is challenged by rights-based accounts arguing that liability to lethal force must reflect something specific about the targeted individual: they have done something (or be imminently about to do something) to which lethal force is an appropriate response. This stresses the ethical importance of the autonomous choice of the individual to engage in activity that they know renders them potentially liable to lethal force. However, autonomy is retained, at least partially, in conventional military situations because humans may cease those actions through surrender or withdrawal from military operations.

You cannot surrender to a Reaper.[57] Within dronespace the target's autonomy is fundamentally compromised. That is true, of course, for a B-52 bomber, Tomahawk, or MX missile, or a host of other weapons systems. Yet these do not claim the intimacy of drones—the discriminatory precision based on enhanced intelligence gathering and personalized targeting. By making military operations personal, drones exacerbate the problem of less discriminate weapons systems that obliterate individual autonomy by their nature, by holding out a promise of precision that is a one-way deal. The drone deployer can exercise precision, ostensibly restoring the connection between warfare and individual culpability rights-based ethics demands for the use of force, yet this is strictly one-way. Ostensible respect for the target's autonomy comes at the paradoxical price of removing their autonomy over their fate. They are targeted as an autonomous individual—a specific person—yet are denied the last resort of individual autonomy in warfare: the chance to surrender. This, therefore, is a more extensive objection on the grounds of radical asymmetry than is usually considered,[58] which focuses on the moment of attack "the intuition … that killing someone in such a manner is profoundly disrespectful … such distance makes warfare seem too clinical or cold-hearted."[59] As critical consideration of space highlights, it is not the distance between drone operator and target at the moment of attack that is ethically significant. It is the construction of four-dimensional space in which the drone deployer claims authority over every aspect of the target's life—past, present and future—and the information assessed to determine the moment and manner of its ending in a system to which the target has no access. While the intimate knowledge of target's lives drone operators possess may restore some element of

their humanity in the eyes of the operator,[60] it is nevertheless a humanity that it constructed solely and exclusively on terms set by the operator.

Within dronespace, reinforcing the novelty of its asymmetry, the drone operator's autonomy is enhanced by choices drones provide through data gathering and processing potential and the long-loiter capability that increases options over when to attack. That all data about the target is not subject to challenge by the target further compromises their autonomy. The target cannot intercede in debates taking place among the drone operator, their commanders, legal advisers and others about whether and when they are to die. Again, this is a difference of degree in relation to other weapons systems. The meticulous planning of fire-bombing raids against Dresden or Cologne, for instance, allowed no moment of consideration for the views of their targets, but the indiscriminate and impersonal nature of such attacks marks the crucial point of departure from the intimacy of drone strikes and the highly personalized asymmetry of dronespace. As right-based analytical philosophy gains prominence in just war theory, the significance of individual autonomy and liability increases and the paradox of distant intimacy is more fully revealed. Respect for and protection of human rights is ostensibly enhanced by drone technologies via improved compliance with discrimination and proportionality. Yet, simultaneously, the rights-holding, autonomous human being underpinning the necessity for discrimination and proportionality is negated by the asymmetry of dronespace., extending far beyond the location and moment of attack, to include construction of a four-dimensional space in which the target's autonomy is both personalised and removed. Uwe Steinhoff suggests that, for some, war has become 'pest control',[61] and whilst the argument here is different from that underpinning the point Steinhoff critiques, the asymmetry it invokes is not wholly dissimilar: within dronespace the target's autonomy is completely conditional on the decisions of the drone deployer.

Reciprocity is a second ethical principle rewritten in dronespace. The physical invulnerability of drone operators shatters a commonplace element of conventional just war thinking, that is, the moral equality of combatants that establishes reciprocal acknowledgement of the distinctive position each occupies. Reciprocity manifests in various ways, most obviously via the combatants' shared physical vulnerability. This need not be a narrow interpretation—the attacker is equally vulnerable to the attacked at the moment of attack—but it represents an intuition about war that those who participate are vulnerable and mutual vulnerability establishes a degree of reciprocity among combatants.[62] Critics argue that any notion of war as a 'fair fight' is long gone and, in any case, it is morally correct to protect a just warrior.[63] The extent of and respect for reciprocity is variable, of course, and collapses entirely on occasion, but the distant intimacy of dronespace renders this formulation

inapplicable. While the drone operator knows a great deal about the target and holds them in a position of immense vulnerability, the target cannot know anything about their interlocutor and the vulnerability they suffer arises wholly from the intimacy the technology the deploy creates, not in any way from the conscious intentions of the target. Reciprocity through mutual vulnerability is inapplicable.

Not all just war theorists accept the moral equality of combatants. Jeff McMahan argues that combatants in an unjust cause are not the moral equals of those fighting for a just cause, and acts of violence they commit in pursuit of injustice are morally unjustifiable.[64] McMahan offers powerful arguments for skepticism about a critique of drones through the absence of reciprocity of vulnerability. McMahan's argument, however, assumes that unjust combatants fighting for an unjust cause pose a real risk to the just warriors they face, but those unjust warriors may not invoke moral equality rooted in their right to self-defense in any efforts they may make to resist. In the case of drones, there is no possibility of intentional harmful resistance by the target. The right to self-defence that provides the bedrock of McMahan's critique is effectively inoperable. While that does not fully refute McMahan's point—the defenders of Hiroshima had no operational possibility of resisting the Enola Gay—it reinforces how the accumulation of differences of degree in asymmetry and the distinctiveness of dronespace consistently stretches the logic of just war categories and concepts to reveal the necessity of explicit critical consideration of spatial issues.

The distant intimacy of drones represents the apogee and nadir of the individuation of military action. The apogee because strikes can target individuals subject to sustained surveillance drawing on multiple, sometimes real-time, intelligence sources, granting unprecedented insight into the target's life. The nadir because the target's autonomy as an individual is removed through the absence of meaningful participation in the process that makes them a target or the possession of any significant means of self-defense. McMahan's rejection of combatants' moral equality on the basis that those fighting an unjust war are not the moral equals of their just adversaries does not strip those unjust warriors of their right to self-defense should they come under unjust attack.[65] Strawser's argument for the duty to minimize risks faced by just warriors does not strip the right to self-defense against unjust attack from their targets.[66] Both McMahan and Strawser, however, miss how dronespace *necessarily* precludes reciprocity: it strips from targets their right to self-defense as part of their incorporation into this novel spatial realm. In the case of signature strikes, it reduces them to data streams representing patterns of behavior suggesting potential future harm or "affiliation" with named individuals.[67]

Reciprocity can be considered more widely than this individualized account. Within dronespace, the social context that matters is the drone operators': preventing attacks on the United States, its citizens, interests and allies by militant terrorist organizations is what counts. The context within which the target lives is a very distant secondary consideration, if one at all. The consequences for family life, education, social cohesion, religious observation and the health of civil society is unconsidered, yet substantially affected by drone deployment.[68] Dronespace is culturally configured to preclude consideration of the wider sociocultural needs of targets, while predicated upon protecting the "way of life" of the drone deployers. As Shaw suggests, the moral superiority of a US way of life that must be protected is assumed and embedded in the permissive conditions of dronespace.[69] Any alternative is neither imaginable nor permissible.

Distant intimacy offers a better account of the ethical qualms many feel about the "unfairness" or "immorality' of drone strikes. The invulnerability of drone operators as 'unfair' is quite a common objection: the targets of drones are unable to defend themselves, or that such tactics are cowardly or dishonourable.[70] Such objections are naïve. The notion of war as glorious, chivalric or heroic and that for it to be so there must be a code of honor between combatants who are broadly equal and who compete in something like a "fair fight" modelled on a duel is a historical relic divorced from the conduct of war in an industrial and post-industrial age. It seems doubtful that war was ever like that for the vast majority of its participants, and certainly not for almost all of the innocent bystanders caught up in its horrors. It certainly is not like that today. Asking political and military leaders to abandon technology that enhances force protection (definitely) and increases precision and proportionality (arguably) on the basis of chivalry is also unrealistic.[71] The just war tradition is characterized by its willingness to engage with and reflect trends in military technology, strategy, and tactics, so it would be perverse if contemporary just war scholars were to take such a stand. Nevertheless, such intuitions do speak to deep-rooted and ethically important notions, such as the dignity and autonomy of the individual and the reciprocity of combat. It is through these that we can better grasp the nature of the ethical challenges of the distant intimacy of dronespace. The ethical excision of the human beings that are the targets of drones and their life-worlds is the most telling aspect of this space.

ETHICS, SPACE, AND JUST WAR

What would a spatial element of just war theory look like and where would it fit within the familiar categorization? Space, self-evidently, is not a prudential criterion, such as reasonable

prospects of success; nor an ethical principle analogous to just cause or legitimate authority. Spatiality is a condition of the possibility of ethics, not an ethic in itself. A spatial dimension to just war theory is not an add-on or augmentation of the familiar structure and criteria. Drones create a highly distinctive spatial relationship—distant intimacy—that is uniquely asymmetric. The paradigmatic space of just war theory—the battlefield—and the paradigmatic claim about the nature of war—Clausewitz's analogy of the duel—are transcended in most forms of asymmetric war, but particularly so in dronespace. This is not a battlefield and it is not a duel. Those two basic claims about the nature of war create the possibility, and fundamentally shape the operation, of just war theory; but both are inapplicable in dronespace. The possibility of applying ethics to military action alters. The spatial dimension takes us beyond the implications for just war theory usually associated with drones.[72]

Consequently, just war theory needs to engage with asymmetry in novel ways. Rather than accommodating within existing structures the challenges of discrimination within asymmetric conflict, or considering competing claims to legitimate authority by insurgents and non-state actors, dronespace creates a series of cumulative challenges to established logics. It is insufficient to add additional dimensions to the battlefield to create 'battlespace'; or to augment, extend and enhance categories such as combatant. They continue to apply the basic metaphors and analogies of just war theory. This may explain why some argue just war theory is inapplicable or inappropriate – drone strikes are not acts of war, but extra-judicial executions. Some combination of criminal law and just war may appeal, comparable to defences of preventive military action through analogy with criminal conspiracy.[73] Use of force short of war – *jus ad vim* – seeks to capture this combination.[74] This approach, too, remains bound by conventional spatial debates, for instance over legal jurisdiction, that cannot illuminate the significance of distant intimacy.

Space must be taken more seriously as a condition of the possibility of ethics because space is not neutral. As critical geographers have argued for two decades, how we understand, construct and portray space—including as "natural" or "neutral"—is political. Choices to utilize technological innovation in pursuit of military advantage are routine subjects for just war theory, but choices about understanding the space that technology creates are not. Drones help explain why this should change and how. The role of space in creating opportunities to more fully and effectively comply with established strictures of just war is one clear element of that. The intimacy drones create may enhance discrimination and proportionality – although not always – because of the specificity, precision and clarity of the space they create around targets. Within dronespace, the fog of war lifts, although always only in part,

creating a spatial realm in which, across thousands of miles, the operator comes almost face-to-face with their target. The illusion of proximity – lost through previous technological manifestations of distance – is restored by drones and granted a temporal extension that is unavailable through other systems, such as manned aircraft.[75] This space is radically asymmetrical, explaining the illusory proximity it creates, because the target has no role within it. Their ability to exercise meaningful autonomy as a human subject and to reciprocate within dronespace is effectively nullified by the spatial relationship of distant intimacy. Drones agglomerate spatial factors just war theory accommodated singly, but in combination they reveal the extent of the spatial challenge facing just war theory. Portraying distant intimacy in these terms is to comply, at least broadly, with positive portrayals of drones outlined earlier in this paper.[76] That is a conscious choice: taking seriously claims about drones as more ethical weapons enables a focus on the spatial dimension that is my principal concern. Bracketing out, in effect, debates over whether drones fulfil the claims made for them, which I have substantially reproduced, nevertheless downplays a crucial element of ethical assessment. However, that work operates within the conventional spatial logic I have argued drones transcend. Destabilizing the positive portrayal of drones through critique of the absence of conscious spatial analysis does not undermine more conventional critiques. It, hopefully, augments and enhances them. The critical trend in political geography counsels us to question and challenge political spaces concealed by conventional representations, as well as those revealed. The absence of a spatial dimension of just war theory means critical engagement with the distant intimacy of dronespace is necessary to uncover other ethically significant dimensions of the phenomena. Thus my claims do not comprehensively reveal the spatial dimension of the ethics of drones or the insights to be gained through an explicit spatial dimension within just war theory.

CONCLUSION

Distant intimacy is a durable and expanding phenomenon. The number of targeted killings by the United States has declined since 2012, but the number of governments investing in drone technologies and the capabilities of drones deployed by existing possessing states (and non-state actors) are expanding rapidly.[77] Integrating drones into wider ISR technologies and the growing autonomy of such systems reinforces the ubiquity of the spatial challenge. I have argued that the established, and implicit, account of space within just war theory is ill-suited to effective identification and assessment of the ethical challenges this form of violence represents. Space as a condition of the possibility of ethics is not neutral or natural, but constructed and highly political. Critical political geography offers useful tools for just war theory both to recognize and engage with the spatial dimension of drone strikes, helping

reveal the nature and extent of the asymmetry of the ethical relationship between operators and their target.

War has always been a technologically mediated activity, and the ability of modern ISR systems to reverse the previously settled relationship between increased distance and reduced intimacy in itself presents novel challenges, such as the mental health effects on drone operators. What has not yet been so effectively understood, though, is how dronespace constructs the ethical subjectivity of targets in a way that simultaneously appears to hold out the promise of greater respect and protection for their rights through improved discrimination and proportionality, while simultaneously rendering them utterly, even uniquely, dependent for their subjectivity on the political, cultural, technological and military perspective of those who hold them in their sights.

Notes

1 The term is also the title of a 2013 book by Joseph Epstein and Frederic Raphael, subtitled 'a friendship in the age of the internet'. Their use is obviously dissimilar from mine.

2 The term 'drones' is disliked by many. Alternatives, such as Unmanned (or Uninhabited) Aerial Vehicles (or Systems), or Remotely Piloted Vehicles (or Systems) and a range of others have merits, in that they better capture important aspects of these technologies. However, I use 'drones' because the term is virtually ubiquitous.

3 Drones have existed for almost a century, although operational deployment of armed drones only began during World War Two, which also initiated their use for reconnaissance. Zaloga, cited in Asa Kasher and Avery Plaw (2013), 'Distinguishing Drones: an exchange', in Bradley Jay Strawser (ed.), *Killing by Remote Control: the ethics of an unmanned military,* Oxford: Oxford University Press, 49.

4 E.g. Medea, Benjamin (2013), *Drone Warfare: killing by remote control (revised and updated edition)*, London: Verso. Congressional Research Service (2010), *Rise of the Drones: unmanned systems and the future of war*, Ann Arbor, MI: Nimble Books. Washington Post (2013), *Permanent War: rise of the drones*, New York, NY: Diversion Books.

5 E.g. Alston, Philip (2010) *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions; Addendum: study on targeted killings',* Geneva: United Nations; Derek Gregory (2011), 'From a View to a Kill: drones and late modern war', *Theory, Culture, Society* 28 (7-8): 203; Kyle Grayson (2012), 'Six Theses on Targeted Killing', *Politics* 32 (2): 201-2. Whilst acknowledging the importance of this line of criticism, I do not address it in any further detail as I lack necessary legal expertise to contribute usefully to the debate.

6 Kasher and Plaw, 'Distinguishing Drones': 49.

7 E.g. Jürgen Altmann (2013), 'Arms Control for Armed Uninhabited Vehicles: an ethical issue', *Ethics and Information Technology* 15 (2): 140.

8 For discussion of asymmetry of this sort see Bradley Jay Strawser (2010), 'Moral Predators: the duty to employ uninhabited aerial vehicles', *Journal of Military Ethics* 9 (4): 355-61.

9 Mark Coeckelbergh (2013), 'Drones, Information Technology, and Distance: mapping the moral epistemology of remote fighting', *Ethics and Information Technology* 15 (2): 90.

10 Coeckelbergh, 'Drones': 89-94.

11 Jean L. Otto and Bryant J. Webber (2013), 'Mental Health Diagnoses and Counselling Among Pilots of Remotely Piloted Aircraft in the United States Aircraft', *Medical Surveillance Monthly Report* 20 (3): 3-8.

12 Strawser, 'Moral Predators'.

13 Kasher and Plaw, 'Distinguishing Drones'. The concept of an 'enemy civilian' is oxymoronic within much just war theory, which seeks to define and defend the innocence of all civilians, irrespective of their citizenship or membership of a non-state political community against which military action is being taken (Kasher's example is the use of drones by the Israeli government against Palestinian armed groups operating in densely populated urban environments). Civilians are not the 'enemy'. Kasher's account sees it as morally necessary for the Israeli state to deploy drones to protect military personnel at increased cost to Palestinians who have failed to respond to warnings to leave specified areas, or who allow an environment to persist in which Palestinian militants can plan or conduct operations against Israel, or who offer support to causes and practices espoused by Palestinian groups who advocate violence against Israel as part of their political programme.

14 Leo Kelion (2013), 'Empty F-16 jet tested by Boeing and US Air Force', BBC News. Available at http://www.bbc.co.uk/news/technology-24231077 Last accessed 10.01.2014.

15 Kasher and Plaw, 'Distinguishing Drones': 47-8.

16 For a rejection of the force of this argument see Strawser, 'Moral Predators': 358-60.

17 E.g. Strawser, 'Moral Predators'.

18 E.g. Avery Plaw (2013), 'Counting the Dead: the proportionality of predation in Pakistan', in Bradley Jay Strawser (ed.), *Killing by Remote Control: the ethics of an unmanned military,* Oxford: Oxford University Press, 126-53.

19 Coeckelberg, 'Drones'.

20 The term is also used in Ian G. R. Shaw (2013), 'Predator Empire: the geo-politics of US Drone Warfare', *Geopolitics* 18 (3): 550, although he does not develop the concept to any great extent. Similarly, Derek Gregory (2011a), 'From a View to a Kill: drones and late modern war', *Theory, Culture, Society* 28 (7-8): 200-3 also invokes the notion, although principally in terms of the intimacy established between drone operators and ground troops they support, and within the concept of a 'scopic regime', which takes the idea in a related, but dissimilar, direction from that considered here.

21 For critique see Alison Williams (2011), 'Enabling Persistent Presence? Performing the Embodied Geopolitics of the Unmanned Aerial Vehicle Assemblage', *Political Geography* 30: 381-390.

22 Coeckelbergh, 'Drones': 93-6.

23 Strawser summarises these claims well, 'Moral Predators', 351-3. Discussion of the size of support teams is in Gregory, 'From a View to a Kill': 193-5.

24 Grayson, 'Six Theses': 121.

25 Steve Niva (2013), 'Disappearing Violence: JSOC and the Pentagon's new cartography of networked warfare', *Security Dialogue* 44 (3): 186-7.

26 For critique of the reduced collateral damage claims of 'networked warfare' operations, see Niva, 'Disappearing Violence': 191, 193; Grayson, 'Six Theses': 125-6. For discussion of software systems used to model collateral damage consequences of different weapons systems see Neta C. Crawford (2013), 'Bugsplat: US Standing Rules of Engagement, international humanitarian law, military necessity, and noncombatant immunity', in Anthony F. Lang, Jr., Cian O'Driscoll and John Williams (eds), *Just War: authority, tradition and practice,* Washington, DC: Georgetown University Press, 231-50.

27 Grayson, 'Six Theses': 121.

28 Grayson, 'Six Theses': 125.

29 Coeckelbergh, 'Drones'.

30 E.g. Gregory, 'From a View to a Kill': 201-3.

31 Coverage of drone operations aiming to quantify the extent of civilian casualties and the reasons for them, as well as the longer-term effects of drone strikes, are available from sources including, Bill Roggio and Alexander Mayer (undated), 'Charting the Data for US Airstrikes in Pakistan, 2004-14', available at: http://www.longwarjournal.org/pakistan-strikes.php Accessed 17.01.2014; New America Foundation, *Drone Wars Pakistan,* available at: http://natsec.newamerica.net/drones/pakistan/analysis Accessed 17.01.2014; Bureau of Investigative Journalism, *Covert Drone War,* available at: http://www.thebureauinvestigates.com/category/projects/drones/ Accessed 17.01.2014 and in reports such as International Human Rights and Conflict Resolution Clinic (Stanford Law School) and Global Justice Clinic (NYU School of Law) (2012), '*Living Under Drones: death, injury, and trauma to civilians from US drone practices in Pakistan.* Available at: http://www.livingunderdrones.org/ Accessed 17.01.2014.

32 Ben Emmerson (2013), *Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism*, 18 September, 2013 document A/68/389 available at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N13/478/77/PDF/N1347877.pdf?OpenElement Accessed 24.10.2013

33 Plaw, 'Counting the Dead'.

34 E.g. Emmerson, *Report.*

35 John Williams (2008), 'Space, Scale and Just War: meeting the challenge of humanitarian intervention and trans-national terrorism', *Review of International Studies* 34 (4): 592.

36 E.g. Gearóid Ó Tuathail (1996), *Critical Geopolitics: the politics of writing global space,* London: Routledge; Marcus Power and David Campbell (2010), 'The State of Critical Geopolitics', *Political Geography* 29: 243-6.

37 Derek Gregory (2011), 'The Everywhere War', *The Geographical Journal* 177 (3): 239.

38 Niva, 'Disappearing Violence': 186.

39 Niva, 'Disappearing Violence': 196.

40 Stuart Elden (2013), 'Secure the Volume: vertical geopolitics and the depth of power', *Political Geography* 34 (1): 35-51.

41 Gregory, 'The Everywhere War': 239.

42 Gregory, 'The Everywhere War': 245-7.

43 Coeckelbergh, 'Drones'.

44 Mary Ellen O'Connell (2010), 'Unlawful Killing With Combat Drones: a case study of Pakistan, 2004-2009', Notre Dame Law School Legal Studies Research Paper No. 09-43: 13-21. Available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1501144 Accessed 22.01.2014.

45 E.g. Noam Lubell and Nathan Derejko (2013), 'A Global Battlefield? Drones and the geographical scope of armed conflict', *Journal of International Criminal Justice* 11: 65-88.

46 Gregory, 'The Everywhere War': 247.

47 Grayson, 'Six Theses': 122.

48 Gregory, 'The Everywhere War': 242.

49 Niva, 'Disappearing Violence': 196.

50 Michael J. Boyle (2013), 'The Costs and Consequences of Drone Warfare', *International Affairs* 89 (1): 1-29.

51 Gregory, 'The Everywhere War': 240-42.

52 Grayson, 'Six Theses': 124-5.

53 Williams, 'Enabling Persistent Presence'.

54 Coeckelbergh, 'Drones': 93.

55 E.g. Noam Zohar (2004), 'Innocence and Complex Threats: Upholding the war ethic and the condemnation of terrorism', *Ethics* 114: 734-51; Larry May (2005), 'Killing Naked Soldiers: distinguishing between combatants and non-combatants', *Ethics & International Affairs* 19 (3): 39-53; Jeff McMahan (2005), 'Just Cause for War', *Ethics & International Affairs* 19 (3): 1-21; Uwe Steinhoff (2012), 'Killing Them Safely: extreme asymmetry and its discontents', in Bradley Jay Strawser (ed.), *Killing by Remote Control: the ethics of an unmanned military,* Oxford: Oxford University Press, 179-209.

56 Walzer, Michael (2006), *Just and Unjust Wars: a moral argument with historical illustrations (4th edition),* New York, NY: Basic Books.

57 Not that this has necessarily prevented people from attempting to surrender to drones. The best known example is of Iraqi forces in the 1991 Gulf War. In this case, surrendering to a drone was even more implausible as the operator was aboard the USS Wisconsin, several miles offshore. http://www.navy.mil/navydata/fact_display.asp?cid=1100&tid=2100&ct=1 (accessed 21.07.2014)

58 Strawser, 'Moral Predators': 355-8.

59 Strawser, 'Moral Predators': 357.

60 Coeckelbergh, 'Drones': 94-6.

61 Uwe Steinhoff (2006), 'Torture: the case for Dirty Harry and against Alan Dershowitz', *Journal of Applied Philosophy* 23 (3): 337-53.

62 Paul W. Kahn (2013), 'Imagining Warfare', *The European Journal of International Law* 24 (1): 218-21, 223-4.

63 E.g. Strawser, 'Moral Predators': 356.

64 McMahan, 'Just Cause for War'; Jeff McMahan (2006), 'On the Moral Equality of Combatants', *Journal of Political Philosophy* 16 (2): 227-44.

65 McMahan, 'On the Moral Equality'.

66 Strawser, 'Moral Predators'.

67 Shaw, 'Predator Empire': 545-9.

68 Shaw, 'Predator Empire': 543-5; Boyle, 'Costs and Consequences': 21; International Human Rights and Conflict Resolution Clinic, *Living Under Drones*.

69 Shaw, 'Predator Empire'.

70 Strawser, 'Moral Predators': 355-8; Gregory, 'A View to a Kill': 205-6.

71 E.g. Strawser, 'Moral Predators'.

72 E.g. Daniel Brunstetter and Megan Braun (2011), 'The Implications of Drones on the Just War Tradition', *Ethics & International Affairs* 25 (3): 337-58.

73 E.g. Whitley Kaufman (2005), 'What's Wrong with Preventive War? The Moral and Legal Basis for the Preventive Use of Force', *Ethics & International Affairs* 19 (3), 23-38.

74 Daniel Brunstetter and Megan Braun (2013), 'From *Jus ad Bellum* to *Jus ad Vim:* Recalibrating our understanding of the moral use of force', *Ethics & International Affairs* 27 (1): 87-106.

75 Coeckelbergh, 'Drones': 95.

76 For critique see Boyle, 'Costs and Consequences'.

77 David Hastings Dunn (2013), 'Drones: disembodied aerial warfare and the unarticulated threat', *International Affairs* 89 (5): 1240-1.