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Indirect Policing: Its Theory, Mechanism, and Application to Combatting Elusive Perpetrators*

Keisuke Nakao[†]

Abstract: Why do states indirectly police some certain types of transnational perpetrators by using their host governments while directly policing other types? We address this question by identifying the obstacles to deterring transnational perpetrators and by presenting a functional account of how indirect policing can overcome the obstacles. According to our theory, indirect policing can outperform direct policing in light of three advantages inherent in Proxy, who is induced by Defender to police Perpetrators: (a) Proxy can convince Perpetrators of punishments more credibly than Defender (*communicative advantage*); (b) Proxy is more likely to identify Perpetrators and detect what they hold dear (*informational advantage*); (c) Proxy can cripple and punish Perpetrators more effectively (*offensive advantage*). With an eye to associated historical and contemporary incidents, we offer taxonomy of policing in four forms: (i) *proper direct policing*, that is, Defender cripples and/or deters Perpetrators abroad without Proxy's reinforcement (e.g., Combined Task Force 151); (ii) *proper indirect policing*, with which Defender unilaterally induces Proxy toward policing in the latter's domain (U.S. War on Drugs in Colombia and Mexico); (iii) *dual policing*, which combines direct and indirect policing (Operation Inherent Resolve); (iv) *reciprocal policing*, by which two or more states compel each other to police Perpetrators in their own influence (INTERPOL, Budapest Convention).

Keywords: cracker; deterrence; indirect policing; piracy; terrorism; vicarious sanction.

JEL classifications: F51, 52, 53; H56, 77; K42.

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Introduction

In the late fourteenth century, China's Ming dynasty was annoyed by persistent raids by Japanese pirates on the Chinese coast. The successive emperors attempted to crack down on them but ultimately failed, because the pirates were too agile, remote, and hence elusive. In their search for an alternative countermeasure, the Ming dynasty, on several occasions, dispatched an envoy to Japan's secular Muromachi shogunate. In exchange for a tributary status that actually brought enormous economic profits to the Japanese shogunate, China requested Japan to suppress the piracy. Japan's shogunate kept its word.¹ Shortly after the so-called tally trade was initiated between the two countries, piratical activities waned substantially.² This is a practice of *indirect policing* that this article is wholly concerned with.

Instances of indirect policing can also be found in the contemporary period. The increasing consumption of illegal drugs has been a long-standing concern for the U.S. To curb the supply of drugs in an effective manner, the U.S. forged security partnerships with Colombia and Mexico, both of which were major roots and routes of narcotic trafficking (Plan Colombia and Merida Initiative).³ These partnerships aimed at assisting the governments of Colombia and Mexico financially and militarily in their campaigns against drug cartels.⁴

These two episodes suggest that even a superpower has to rely on a third party to wipe out transnational perpetrators if they are harbored beyond her reach. The very reason for her reliance is the third party's influence over transnational perpetrators. However, indirect policing is not always functional.

In her pursuit of Operation Enduring Freedom, for instance, the U.S. has deployed combat drones in Pakistan's Federally Administered Tribal Areas (FATA), Yemen, and Somalia, instead of relying on the sovereign authorities of these regions, to defeat al-Qaeda, Taliban, and their associates.⁵ Despite accumulating collateral damage and accompanying protests from the local populace, the U.S. has still been fixated on the drone tactics there.⁶ In contrast with the indirect form, we call this *direct policing*, whereby the targeted or victimized state herself conducts security campaigns against perpetrators. Recent counter-piracy campaigns to protect merchant vessels off the Somali coast constitute another instance of direct policing (Combined Task Force 151).⁷

¹ So 1975, 4. Japan's shogunate arrested some pirate chieftains and submitted them to the Ming court. Tanaka 2012, 76.

² Mote 1999, 720.

³ For Plan Colombia, see U.S. Government Accountability Office 2008; for Merida Initiative, see U.S. Department of State 2009.

⁴ Evaluations of the partnerships are disputed. For criticism of Plan Colombia, see Isacson 2005; Stokes 2013; of Merida Initiative, see Olson and Wilson 2010; of War on Drugs in general, see Reuter, Crawford, and Cave. 1988.

⁵ Scahill 2013.

⁶ The U.S. is helping to breed a new generation of enemies in Somalia, Yemen, Pakistan, Afghanistan and throughout the Muslim world. Scahill 2013, 104, 177, 518.

⁷ Since the U.N. Security Council Resolution 1816 was adopted in 2008, the Permanent Five and several other states have sent their navies to the Gulf of Aden.

A comparison of indirect and direct policing raises thought-provoking questions, which we will tackle in this article. *Why do we observe indirect policing in some instances but direct policing in others? When does indirect policing outperform direct policing, and vice versa?* To address these questions, we must identify the factors that hamper direct policing and find out how they can be overcome by indirect policing. However, the literature merely posits that indirect deterrence (connoting indirect policing in our language) can work because it exploits a third party's influence—without exploring the sources of its influence.⁸ In contrast, we aim to uncover the black box of indirect policing. Namely, we will pin down the obstacles to direct policing, illuminate the unexplored mechanism of indirect policing, and then illustrate how indirect policing overcomes the obstacles.

To carry out these missions, we take classical (rational) deterrence theory as a baseline framework to conduct our analyses. Building upon the classical theory, we aim to make our theory accessible to scholars in the field and our innovation clear. While acknowledging long-standing criticisms of it, we appreciate the classical theory to be a handy analytical tool as well as a useful policy guide to counteract the Cold-War adversaries.⁹ However, the classical theory becomes deficient in dealing with the so-called “new” threats and other kinds of transnational perpetrators such as terrorist networks, crackers, pirates, drug cartels, and arms smugglers, because they have novel characteristics that the classical theory does not presume. We do not just enumerate these characteristics but also embed them into our theoretical framework to show how they interrupt deterrence. In this sense, we will revitalize the classical theory by adapting it to diversifying threats.

To counteract the diversifying threats, various measures of deterrence have been developed (e.g., deterrence by delegitimization, tailored deterrence), while traditional measures have also been rehabilitated (cumulative deterrence, deterrence by denial).¹⁰ Among them, indirect deterrence is closely related to our indirect policing but with a sharp distinction. *We term it policing to refer to preemption and deterrence.* Preemption means a *proactive counterforce* attack whose impacts are *physical*, while deterrence means a *reactive countervalue* attack with which *psychological* influence is expected.¹¹ In Schelling's words, preemption is an application of *brute force* that aims to cripple adversaries, while

⁸ For indirect deterrence, see Bar 2008; George 2002; Knopf 2012; Smelser and Mitchell 2002; Trager & Zagorcheva 2005/06; Wilner 2011. A synonym for indirect deterrence is expanded deterrence, which “encompass[es] not only those directly involved in a terror plot, but those individuals, governments, or other entities whose material support, cooperation, complicity, or gross negligence enabled an attack.” Colby 2008. A tactic to deter moderate elements within the adversary's system also resembles indirect deterrence. Davis and Jenkins 2002; Davis and Jenkins 2004; Miller 2013; Whiteneck 2005.

⁹ For criticisms of classical deterrence theory, see George and Smoke 1974; George and Smoke 1989; Jervis 1970; Jervis 1976; Jervis 1979; Jervis, Lebow, and Stein 1985; Lebow 1981; Lebow 1984; Lebow 2005; Lebow and Stein 1987; Lebow and Stein 1989; Lebow and Stein 1990; Snyder and Diesing 1977; Stein 1987.

¹⁰ For deterrence by delegitimization, see Long & Wilner 2014; Wilner 2011; for tailored deterrence, see Bowen 2004; Knopf 2008; Morgan 2009; Payne 2001; for cumulative deterrence, see Almog 2004; Feldman 1982: 67; Lieberman 1994; Morgan 2003; for deterrence by denial, see Freedman 2004:36-40; Snyder 1961; Wilner 2011.

¹¹ For a discussion on preemption and deterrence, see Freedman 2004, 84-108; Sandler and Siqueira 2006. Preemption and deterrence will be expounded in Section III.

deterrence is a form of *coercion* that aims to threaten them.¹² When indirect policing is adopted, the targeted or victimized state (e.g., Ming China of the lead episode) may not observe which measure between preemption and deterrence is actually deployed by the executor of policing (Muromachi Japan). The state may not care about the means of policing but merely about the consequence. Thus, what is practiced indirectly is not necessarily deterrence but possibly preemption. However, they do not seem to be consciously distinguished in the literature of indirect deterrence. Moreover, what we have observed across the Third World, especially in Afghanistan, Pakistan, and Iraq, since the 9/11 attacks imply *failures of deterrence*—the military has been engaged, and violence exchanged for so long.¹³ Although indirect policing is far from rare, it remains surprising understudied. For these reasons, we espouse “policing” rather than “deterrence” to express what we address throughout the article.

Indirect policing presumes three players: Defender, Proxy, and Perpetrators.¹⁴ Defender is a state government that is targeted or victimized by Perpetrators; Proxy is a state government that hosts Perpetrators; Perpetrators are non-state individuals, networks, and organizations who/which aim to infringe on Defender’s interests transnationally. We say that indirect policing operates if Defender induces Proxy to police Perpetrators. To illuminate the mechanism of indirect policing, we utilize the positive theory of *vicarious sanction* and integrate it with classical deterrence theory.¹⁵

We maintain that indirect policing can be more efficient and effective against transnational Perpetrators than direct policing because Proxy has functional advantages in performing the tasks for policing and also because Proxy is easier for Defender to control than Perpetrators. More precisely, his advantages are (a) credibly threatening Perpetrators (*communicative advantage*), (b) gathering the information of them (*investigative advantage*), and (c) damaging them both physically and psychologically (*offensive advantage*). Proxy’s controllability, on the other hand, can be warranted on the grounds that he is more likely to be rational, communicative, visible, and sensitive to incentives than Perpetrators.

Given the prevalence of transnational policing, we categorize policing into four forms with associated historical and contemporary incidents. Policing is called (i) *proper direct* if it is conducted solely by Defender (e.g., Combined Task Force 151), (ii) *proper indirect* if it is solely by Proxy (Plan Colombia),

¹² Schelling 1966, 2-6.

¹³ Incidents of deterrence failure will be presented in Section V. If they do not constitute complete failures, they amount to partial successes at best. Kroenig and Pavel 2012, 24.

¹⁴ Throughout the article, we assign the feminine pronoun (“she”) to Defender, the masculine one (“he”) to Proxy, and the plural one (“they”) to Perpetrators, respectively.

¹⁵ The positive theory of vicarious sanction explains why an innocent (Proxy in our context) is sanctioned for others’ (Perpetrators’) misdeeds. There are three accounts of vicarious sanction: functional, informational, and preferential ones. Nakao 2011. From among these, we adopt the functional account, which justifies a punishment on an innocent by his capabilities of influencing Perpetrators. Levinson 2003. The preferential account holds that deterrent effects can be expected if punishments are vicariously inflicted on Perpetrators’ families and kinsmen whom they deeply cherish. Namely, this mechanism exploits Perpetrators’ altruistic concerns toward others. Israel’s house demolition tactic against suicide terrorism suits this account. Benmelech, Berrebi, and Klor 2015. Kroenig and Pavel 2012, 27. According to the informational account, if it is impossible to identify Perpetrators, effective deterrence necessitates a punishment on all the suspects or at least some of them selected at random.

(iii) *dual policing* if it is by both Defender and Proxy (Operation Inherent Resolve), and (iv) *reciprocal policing* if it is divisibly and multilaterally fulfilled by several Defender-Proxy states (Budapest Convention). While these four forms are conceptually distinctive, policing in reality can pertain to some two out of the four.

Finally, we sought the possible disadvantages of indirect policing, which include: (x) difficulties with communication caused by Chinese whispers from Defender through Proxy to Perpetrators and Defender's compellence of Proxy; (y) disincentives for policing known as moral hazard and free riding; (z) corruption, tyranny, and consequent destabilization of Proxy's regime, as exemplified by the downfall of pro-U.S. administrations in the Third World.

The rest of the article proceeds as follows. Section I reviews classical deterrence theory and marshals its deficiency when applied to deterring the new threats. It then presents an alternative theoretical framework which, we believe, better serves to ponder and produce countermeasures against a variety of adversaries. Section II enumerates the obstacles that hamper deterrence and maps them onto four archetypal "new" threats (i.e., rogue state, rebel organization, terrorist network, and cracker). Section III describes how indirect policing operates. Section IV elucidates three functional advantages of indirect policing. Section V offers the taxonomy of policing. Section VI speculates on three possible disadvantages of indirect policing. Section VII concludes.

I. Theory of Deterrence against "New" Threats

One of the primary purposes of this article is to develop an informal theory of policing (preemption and deterrence) against adversaries with novel characteristics that are beyond classical deterrence theory's presumption. Nonetheless, our theory is still built upon the classical theory, so that it is accessible to scholars in the field and so that our innovation is contrasted with existing arguments. Before introducing our theory, we briefly review the classical theory and reveal its deficiency in dealing with the so-called "new" threats such as crackers and terrorist networks.

*Classical Deterrence Theory*¹⁶

The simplest form of deterrence postulates two players (Defender and Attacker) and proceeds in the following scenario:

1. *Threatening*. Defender communicates to Attacker the threat of punishment that will precipitate if Attacker infringes on her interests. By doing so, Defender attempts to manipulate Attacker's incentives.
2. *Aggression*. Given Defender's threat, Attacker decides to strike and invade Defender or not.

¹⁶ Early contributors of classic deterrence theory include: Brodie 1959; Ellsberg 1959; Ellsberg 1961; Kahn 1960; Kahn 1962; Kahn 1965; Kissinger 1957; Morgenstern 1959; Morgenstern 1961; Schelling 1960; Schelling 1966; Snyder 1961; Wohlstetter 1959.

3. *Punishment*. Upon Attacker's aggression, Defender inflicts a punitive charge against Attacker. If Attacker rationally makes his decision based on his cost-benefit calculus, he can be deterred if the punishment is sufficiently severe and credible. According to classical deterrence theory, well-functioning deterrence necessitates the following three qualifications for Defender as a deterrer:¹⁷

- *Resolve (Commitment)*. Defender has the resolve to retaliate if deterrence fails.
- *Communication*. Defender can convince Attacker of her resolve and capability of fulfilling the punishment.
- *Capability*. Defender has the means to inflict unbearable damages on Attacker.

While applicable to adversaries of the Cold-War era (i.e., the Soviet Union and her allies), this theory offers poor guidance for designing a countermeasure against the new threats, as demonstrated below.

Updating Classical Deterrence Theory

As we apply the classical theory, a failure of deterring some new threats implies one of the two possibilities: in one, Defender's two tasks above (threatening and punishment) are hampered by some characteristics of the new threats; in the other, an additional task is required to deter them. Neither possibility can be denied, given the new threats' three possible features below:

First, unlike the Cold-War adversaries, the new threats are often so decentralized and/or disorganized that they cannot fulfill their unified will throughout the group or network.¹⁸ That is, even when their leadership is deterred, their peripheral elements may not. Second, they are so obscure that they can hardly be identified and also that what they hold dear ("return address") can hardly be detected. That means, the informational problem hinders deterrence of the new threats. Third, they are so fanatical that they have no or little secular value to hold dear.¹⁹ Namely, they lack the target of punishment. Because of these features, we distinguish the new threats from the Cold-War adversaries by labeling them Perpetrators, instead of Attacker, in the subsequent theoretical context. We assume Perpetrators to be non-state groups or individuals.

Among the three features above, the informational problem in particular indicates that Defender must conduct an additional task for deterrence—*investigation*—to identify the culprit and find out what he holds dear.²⁰ Accordingly, Defender must thus possess an additional qualification—well-functioning

¹⁷ For the qualifications for a deterrer, see Bowen 2004, 59; Harvey 1998; Lebow 1981, 85-89; Levy 1988, 486; Wilner 2011, 31. The qualifications are closely associated with the following four variables: (i) balance of military forces; (ii) balance of interests; (iii) reputation or behavior in past crises; (iv) signaling behavior. Huth 1999. For further discussions on (i), see Huth and Russett 1988; Mearsheimer 1983; on (ii), see Danilovic 2001; on (iii), see Huth 1997; on (iv), see Fearon 1997.

¹⁸ Terror movements do not need even a leadership. Miller 2013; Sageman 2004, 167, 172-173; Sageman 2008.

¹⁹ For return address, see Betts 2002; Knopf 2008, 229; Trager and Zagorcheva 2005/06, 87; Wilner 2011, 4. Even fanatical terrorists may have return addresses. Steinberg 2001. If the law of talion ("an eye for an eye") holds, targets of punishment should be restricted to secular value. A deterrer would suffer a backfire if an adversary's divine value is disgraced.

²⁰ Investigation should be fulfilled between (2) aggression and (3) punishment in the scenario of classical

intelligence.²¹ The informational problem is one of the primary concerns for deterrers of the new threats but is abstracted away from the classical theory.

Moreover, for Defender to implement the three tasks above, three qualifications for Perpetrators as deterrees are also needed, as listed below:

- *Unity*. Perpetrators are well-centralized and organized that they can make and fulfill a collective decision as if they were a unitary actor.
- *Visibility*. Perpetrators retain a certain degree of transparency in that if aggression takes place, Perpetrators will be identified with sufficient likelihood, and their return addresses detected.
- *Return address*. Perpetrators have a value to hold dear that is sizable and damageable.

These qualifications were largely overlooked during the Cold-War era, presumably because the then targets of U.S. deterrence were almost exclusively the Soviet Union and its allies, which trivially met these qualifications. However, the qualifications have drawn attention in recent decades, because scholars and policymakers shifted their attention from the Cold-War adversaries to more diverse threats, whose novel characteristics nullified traditional deterrence tactics.

Updated Deterrence Theory in Summary

At bottom, *our theory dictates to the deterrer three tasks—threatening, investigation, and punishment. To do them, the deterrer must satisfy four qualifications—resolve, communication, intelligence, and capability—while the deterree must also satisfy three qualifications—unity, visibility, and return address.* We next investigate the new threats' characteristics that impair their qualifications as deterrees.

II. Obstacles to Deterring “New” Threats

While there are no academic definitions of the “new” threats, they commonly include “rogue” states, rebel organizations, terrorist networks, and crackers (i.e., malicious hackers).²² By analyzing their novel characteristics, we address why some of them are difficult to deter.

Below we itemize the new threats' characteristics that disqualify them as deterrees and hence hamper Defender's three tasks for deterrence.²³

- *Agility*. Perpetrators moving and roving agilely (e.g., rebels and terrorists waging a guerrilla war) may not be easily detected and grasped. Agility also raises the cost of punishment by expanding the risk of collateral damages (as with hellfire missiles launched from combat drones flying in Pakistan).
Obstructive to: investigation; punishment.

deterrence theory.

²¹ Bowen 2004, 68; Gray 2003, 453; Levy 1988; Wilner 2011, 31.

²² For discussion on the “new” threats, see Lupovici 2010.

²³ While the qualifications for the deterree are derived in theory, the new threats' characteristics are cataloged in the practical context.

- *Easiness of perpetration.* As the cost of perpetration falls, it can be more escalated. To the extreme, it is committed without deliberation (e.g., a cracker’s tapping of F5 for Denial-of-Service attacks). Obstructive to: punishment.
- *Geography.* Some Perpetrators are protected by geographic barriers. They may hide themselves in the depth of forests, caverns, or mountains. Obstructive to: investigation; punishment.
- *Intrinsic value.* A disparity in value between Defender and Perpetrators can cause errors in communication and mistakes in choosing a punitive target.²⁴ Moreover, Perpetrators are immune to the threat of punishment if they have no tangible value to hold dear.²⁵ Obstructive to: threatening; investigation; punishment.
- *Language.* The difference of language between Defender and Perpetrators can provoke a failure in threatening unless a diplomatic or other channel of communication is established. It may also hinder investigation. Obstructive to: threatening; investigation.
- *Plurality.* In light of a number of (potential) Perpetrators with similar characteristics such as crackers, it is difficult for Defender to identify the true culprit among them. Different threats to different targets can cause confusion as to who is really threatened.²⁶ Obstructive to: threatening; investigation.
- *Foreign sovereignty.* Defender is hampered from conducting an investigation and imposing a punishment if Perpetrators are harbored in foreign territory.²⁷ Obstructive to: investigation; punishment.
- *Lack of C3 system.* The system of command, control, and communication functions to carry through Perpetrators’ unified will. Without it, some members of Perpetrators’ group may act against the will of their leadership. Some terrorist networks, including al-Qaeda, appeared to lack the system. Obstructive to: threatening.
- *Lack of representative.* A representative is needed for both external and internal relations. Externally, he is to receive the threat of punishment hurled by Defender. Internally, he may assume the leadership in a group to integrate its members’ opinions and make a collective decision. Obstructive to: threatening.

Their effects on the three tasks for deterrence are summarized in Table 1.²⁸ Mapping of the characteristics onto the four archetypal adversaries (i.e., “new” threats) is shown in Table 2.²⁹ The

²⁴ Deterrence requires the deterrer’s understanding of how a deterrent message is perceived by the deterree. Bowen 2004. Cultural homogeneity helps to minimize errors of interpretation. Hechter 1987, 178.

²⁵ Gray 2003; Payne 2003; Trager and Zagorcheva 2005/06.

²⁶ This confusion is also regarded as a shortcoming of tailored deterrence. Knopf 2008.

²⁷ Bowen 2004. Even the most elusive terrorists require permissive state environments. Gray 2003, 453. A state may also passively sponsor terrorism. Byman 2005. Though it is not a case of transnational perpetration, PRC’s recent covert campaign to hunt down Chinese fugitives in the U.S. (Operation Fox Hunt) infuriated the Obama administration. Mazzetti and Levin 2015.

²⁸ Because we build our theory on rational-choice grounds, we intentionally put aside Perpetrators’ irrationality,

information in Tables 1 and 2 is further sorted out for each adversary in Table 3, revealing which adversaries are difficult to deter and reasons therefor. According to Table 3, terrorist networks and crackers are presumably much less likely to be deterred than rogue states and rebel organizations, because the former embrace more critical characteristics than the latter.

Note that the effects of these characteristics on deterrence are determined not solely by Perpetrators per se but by their relations to Defender as a deterrer. That means, these effects can be weakened if the deterrer is replaced with another party. On these grounds, indirect policing has a potential for deterring or policing elusive Perpetrators when they are deemed directly undeterrable.

[Insert Table 1.]

[Insert Table 2.]

[Insert Table 3.]

III. Mechanism of Indirect Policing

Given the obstacles to deterrence above, it is critical to ask how to overcome them. We maintain that indirect policing has a potential for doing so. To show this, below we delineate the mechanism of indirect policing.

Indirect policing presumes three players: Defender, her Proxy, and Perpetrators. While Defender is almost always a sovereign state, Proxy can be more flexibly chosen, but to avoid divergence of discussion, we restrict our scenarios such that *only the state government hosting Perpetrators assumes Proxy*.³⁰ The three players interact as follows:

Phase I: Inducement

In Phase I, Defender induces Proxy to police Perpetrators. This inducement can be either positive (by reward) or negative (by punishment). By reward, Defender remunerates Proxy for his efforts as long as Proxy successfully polices Perpetrators. By punishment, Defender precipitates a penalty if (and only if)

which is apparently another causal factor of deterrence failure. (Imagine drug-addicted rebel leaders in the Sierra Leone Civil War during the 1990s). Irrationality undermines deliberate decision-making and accurate communication.

²⁹ A caveat is that this mapping must remain coarse, as the four threats are merely archetypal. More detailed investigation is needed to apply the mapping to more specific adversaries.

³⁰ For the host state's roles and influence, see Carter 2012; Heymann 2001/02. An example of non-state Proxy is pre-modern privateers who were authorized by a government (with a letter of marque) to raid enemy vessels and hunt pirates. Captain Kidd was typical of them. Konstam 2002, 128-129; Zacks 2002, 7-22. Candidates for Proxy, other than a sovereign state, include religious authorities (e.g., ulama, rabbi), local leaders (chieftain, clan head, emir, lord, patriarch, raja), patrons, peers, or kinsmen who can exert some influence on Perpetrators. For discussion on Proxy candidates, see Colby 2008; Davis and Jenkins 2002; Davis and Jenkins 2004. Whiteneck 2005.

Proxy refuses or fails to police Perpetrators.³¹ Practically, Defender may combine sticks and carrots for effective inducement.

Phase II: Policing

In Phase II, as induced by Defender, Proxy attempts to police Perpetrators. Policing is conducted in two ways. One is to *preempt* any culpable behavior by depriving Perpetrators of their means. The other is to *deter* them by threats of punishment. By preemption, force, or another kind of tactically offensive measure, is engaged *prior to* perpetration so as to make Perpetrators *incapable* of wrongdoings although they are *willing*. In contrast, by deterrence, force is wielded *posterior to* perpetration so as to make Perpetrators *unwilling* although they are still *capable*. To stress the distinction, *preemption is a proactive and physical measure, whereas deterrence is a reactive and psychological one*. In Schelling's words, preemption is an application of *brute force*, while deterrence a form of *coercion*.³² Preemption *cripples* Perpetrators (with what military strategists call a *counterforce* operation), while deterrence *threatens* them (with a *countervalue* operation). Preemption destroys the Perpetrators' *means* while deterrence manipulates their *will*. While preemption and deterrence are conceptually distinct, they can overlap in practice when a second strike is expected. In such a case, one can prevent the second strike by the current culprit and simultaneously deter others' challenges through the demonstration effect. We term it *policing* to refer collectively to preemption and deterrence, while distinguishing them explicitly in Table 4.

[Insert Figure 1.]

[Insert Table 4.]

Preemption vs. Deterrence

The distinction between preemption and deterrence has been neglected in the context of indirect deterrence, possibly because they are often indistinguishable to Defender; that is, Defender may not

³¹ In particular, negative inducement by threats of force is termed "compellence." Schelling 1966, 69-78.

³² Schelling 1966, 2-6. While Schelling's discussion is constrained to the application of force, preemption and deterrence can often work even without violent means. For preemption, Perpetrators can be made incapable if Proxy stops supplies or other kinds of assistance to them. Bar 2008; Byman 2005; Colby 2008; Miller 2013; Smelser and Mitchell 2002; Whiteneck 2005. For deterrence, Proxy can influence Perpetrators' behavior by the threat of expulsion, economic sanction, or deprivation of privilege. Another theoretical option is to deter Perpetrators positively (i.e., by rewarding their non-action). For instance, successive Chinese dynasties—notably, the Hun after its defeat at Baideng in 200 BC and the Song after the Chanyuan Treaty of 1005 AD—paid indemnity or tribute to northern nomads to prevent their raids and invasion. Chang 2007, 140-141; Mote 1999, 123-124. However, such pacific countermeasures may create adverse incentives for Perpetrators and cause undesired consequences. For instance, paying ransom to kidnappers can save the hostage at the current incident but may fuel more kidnappings in the future. This is why the U.S. and several other democracies have long upheld the "no ransom" policy. Dutton and Bellish 2014.

observe whether Proxy adopts preemption or deterrence. Consequentialist Defender may not heed the means of policing but the fact that perpetration ceased anyway.³³ Neither may scholars of deterrence be attentive to the distinction. However, the distinction is of importance because they have inherent drawbacks and thus function in different environments.³⁴ One of deterrence's drawbacks is its reliance upon enemy psychology. A deterrer can never be 100% sure that his determination of Perpetrators' return addresses is correct. His estimate of their decision calculus might be also wrong. If Perpetrators lack the return addresses, deterrence is futile, but preemption can be a more promising option. Moreover, deterrence necessitates communication, while preemption does not. Communication can be noisy and mistaken between parties with divergent values. On the other hand, preemption also has some drawbacks. One is procedural constraints associated with domestic politics, laws, and ethics that must be cleared before forces are engaged. Because preemption hastily exerts violence, the decision to resort to it must be deliberate. Another drawback is the possibility of reprisal that may arise as a consequence of preemption. Moreover, preemption requires the detection of force, instead of value, as targets.

In sum, given the failures of deterrence and resulting exchanges of violence across the Third World,³⁵ it appears nonsensical to unconditionally favor deterrence against preemption. Even for terrorists' acquisition and use of WMD against which deterrence seems successful at least so far, a preemptive measure will possibly be an urgent requirement in the future. Reliance solely on deterrence always has a certain amount of risk and can cause great danger.

IV. Advantages

In light of Perpetrators' obstructive characteristics,³⁶ Defender can hardly fulfill the three tasks for deterrence. It then makes sense for Defender to rely on a third party (Proxy) who is in a better position to influence Perpetrators. There appears indirect policing as a serious choice. Although the literature finds the merit of indirect deterrence in the third party's influence, the sources of the influence have not been elucidated in a systematic manner.³⁷ By exploiting the positive theory of *vicarious sanction*, we offer a functional account of why Proxy can be more influential on Perpetrators than Defender and more fundamentally why indirect policing can outperform direct policing (which includes direct deterrence).

Below we explore the sources of influence that are closely associated with the three tasks for deterrence.

³³ The problem of unobservable behavior is what economists call "moral hazard" discussed in Section VI. As to the lead episode about Japanese piracy, China's Ming government seemed indifferent to how Japan's shogunate stopped the piracy in question.

³⁴ Schelling 1966, Ch.1.

³⁵ Section V studies failures of deterrence in the Third World.

³⁶ Section II.

³⁷ To be fair, some scholars address Proxy's informational advantage (that we explain below), while others emphasize Proxy's capabilities of stopping assistance or supplies to Perpetrators. However, unlike us, they do not offer a rational-choice account of indirect deterrence. For informational advantage, see Gray 2003, 453-454; Heymann 2001/02, 36. For assistance and sponsorship, see Bar 2008; Byman 2005; Colby 2008; Miller 2013; Smelser and Mitchell 2002; Whiteneck 2005.

Proxy as a Liaison: Communicative Advantage

Proxy has the advantage of communicating with Perpetrators, which can be explained a threefold manner. The first argument concerns the credibility of threats. As a sovereign state of the region, Proxy may enact criminal laws and strengthen enforcement agencies to prepare and enable various kinds of punishments in an *explicit and consistent* manner. *A criminal justice system strongly signals Proxy's commitment to the enforcement of laws.* These threats by laws are naturally more credible than threats by Defender, whose forces are distanced from Perpetrators in peacetime and mobilized only in an *ad hoc* manner to carry out punishments. From a more theoretical standpoint, because Proxy has presumably experienced long and dense relationships with Perpetrators, Proxy has a strong incentive to develop and maintain his reputation among Perpetrators, and this *reputation effect* can contribute to the credibility of his threats.³⁸ The second regards the channel to hurl threats. Proxy can make use of the local media to publicize the conditions and severity of punishments. Moreover, when threatening Perpetrators, Proxy can evade some obstacles caused by Perpetrators' characteristics—especially those of intrinsic value and language—that Defender cannot. (The list of Perpetrators' characteristics obstructive to each deterrence task appears in Table 5.) This is because Proxy, as their host, plausibly shares the same or similar ascriptive backgrounds with Perpetrators.

The third concerns the necessity of communication. While communication of threats is needed for deterrence, it is redundant for preemption. Hence, to contain Perpetrators who lack the means of communication (i.e., C3 system and representative), preemption seems a more favorable option than deterrence. However, preemption is often constrained by domestic politics, ethics, and laws.³⁹ In addition, because preemption by Defender necessarily violates Proxy's sovereignty, preemption is more difficult for Defender than for Proxy. For these reasons, preemption is a realistic option for Proxy but not for Defender in many occasions, implying that indirect policing is more versatile than direct policing. To be fair, indirect policing still requires communication between Defender and Proxy, but because of the formal, diplomatic channel between them, Defender's threats to (or inducement of) Proxy should be much easier and more credible than her direct threatening of Perpetrators.

[Insert Table 5.]

Proxy as a Detective: Informational Advantage

To make a threat of punishment credible, a deterrer must be capable of investigation—identifying the true culprit among (potential) Perpetrators and finding out what he holds dear. This investigation is

³⁸ With the reputation effect, even cheap talk can be a credible threat. Sartori 2007.

³⁹ Section III.

difficult for Defender if Perpetrators possess the obstructive characteristics (Table 5). Namely, Defender will be prevented from gathering the information if Perpetrators are numerous, agile, holding an intrinsic value system, using a different language, and protected by geographic barriers and foreign sovereignty. However, this informational problem can be alleviated if Defender delegates the task to Proxy, who is closer to Perpetrators so as to monitor them more efficiently. In light of proper Proxy (i.e., a well-functioning host government), at least the obstacles associated with language, geography, and foreign sovereignty can be substantially reduced or eliminated.

With indirect policing, Defender does not have to identify the culprit by herself; she merely has to determine Proxy in charge and attribute the culprit's misdeed to Proxy. The culprit then is to be identified and punished by Proxy instead. If international norms and laws stipulate that the host government is in charge, it suffices that Defender finds out the state where Perpetrators reside and lets its government police them. In this sense, *by adopting indirect policing, Defender can reduce the identification problem to the attribution problem.* In the context of indirect policing, identification is not synonymous to attribution. Given Proxy's informational advantage, attribution demands much less efforts than identification.

Proxy's advantage also naturally pertains to detecting Perpetrators' return addresses. While Perpetrators' value system could be difficult for Defender to comprehend due to cultural, historical, political, or religious cleavages, it might not be so for Proxy who shares similar ascriptive backgrounds with Perpetrators. This distance in value can affect the cost and accuracy of detecting the target of punishment.

Proxy as an Executor: Offensive Advantage

Proxy also has the advantage for both preemption and punishment. Because Proxy is geographically close to Perpetrators, he may fulfill both preemptive and punitive operations effectively and efficiently. In contrast, Defender plausibly suffers physical obstacles.

Defender can also be constrained by foreign sovereignty if Perpetrators are stationed in another country's territory. Especially, Defender's preemption directly on foreign Perpetrators tramples down the host state's sovereignty and can naturally invite political hardships such as protests from the local populace and counterattacks by Perpetrators.⁴⁰ Thus, in many instances, preemption is not politically feasible for Defender. Nonetheless, Defender can still resort to preemption if she delegates the task to Proxy.⁴¹ By doing so, Defender may circumvent political damages that preemption generates. Preemption by the government of the region at stake (Proxy) can be perceived as more legitimate than preemption by an outsider (Defender).

⁴⁰ U.S. drone campaigns in Pakistan's Federally Administered Tribal Areas have infuriated citizens. Section V.

⁴¹ The aerial application of chemicals, as induced by the U.S., to eradicate coca plants in Colombia can be regarded as an instance of indirect preemption. Section V.

An analogy to this task delegation can be found in NATO's "nuclear sharing" in Europe.⁴² The U.S. deploys tactical nuclear weapons in some NATO member states (Belgian, Germany, Italy, and Netherlands). The U.S. controls the weapons in peacetime, but once a crisis approaches, it delegates to the NATO members the fatal decision to explode a weapon in the European continent. In doing so, the U.S. intends to transfer the responsibility for the nuclear explosion to states of the continent.

Proxy is also advantageous for imposing punishments. By stipulating punishments in criminal laws, Proxy can impose various kinds of punishments in a systematic manner.⁴³ His punishment can be cheap but effective. An example of such a punishment is deprivation of citizenship, as in the case of Osama Bin Laden, who was purged by the Saudi government. Various punishment options enable what strategists call "graduated deterrence."⁴⁴ Even when deterrence fails in an early stage, Proxy can still retain options of severer punishments to deter escalation of perpetration.

On the contrary, Defender must face difficulties with imposing punishments because of the physical distance. A punishment farther away from its target takes more cost and time. Such "off-shore" deterrence is known to be much less effective, because the cost of mobilizing forces casts doubt on the credibility of threats and also because tardy punishments are not so threatening for impatient or present-minded deterrees.⁴⁵

Superiority of Indirect Policing

For the reasons above, even when direct policing is difficult for Defender, she can still police Perpetrators by controlling Proxy if he possesses the three functional advantages delineated above. In addition, because Proxy is more likely to be rational, communicative, visible, and sensitive to incentives than Perpetrators, Proxy is presumably easier for Defender to handle than Perpetrators, indicating another rationale for indirect policing. To summarize, indirect policing enables Defender to amplify her influence on Perpetrators by exploiting Proxy's functional advantages.

V. Taxonomy of Policing with Associated Incidents

The practice of policing transnational Perpetrators can be categorized into four forms. We delineate them with associated historical and contemporary incidents.

Proper Direct Policing

⁴² Schofield 2014.

⁴³ By threats of cheap but effective punishments such as ostracism and boycotting, even non-state Proxy such as peers and kinsmen can influence Perpetrators. In fact, informal social groups exert various kinds of punishments to discipline members. Hechter 1987. Nakao 2011.

⁴⁴ For graduated deterrence, see Buzzard 1956; Freedman 2004, 35; Nitze 1956.

⁴⁵ While the immediate or short-term balance of forces favors the defender, the long-term balance of forces does not. Huth and Russett 1988.

If there is no reliable candidate for Proxy, Defender has no other option than policing Perpetrators on her own, or she must tolerate them. The U.S. drone strikes against al-Qaeda, Taliban, and other terrorist groups in Pakistan's Federally Administered Tribal Areas, Yemen, and Somalia since 2002 largely fall in this category.⁴⁶ So does the command targeting Osama bin Laden (Operation Neptune Spear). We group these instances of policing solely by Defender into what we call *proper direct policing*. This form of policing is often conducted by multiple Defenders, as found in anti-piracy campaigns off the Somali coast since 2008 (Combined Task Force 151).

Proper Indirect Policing

Proxy for indirect policing must be capable of controlling Perpetrators but still within Defender's influence. This condition is plausible when Proxy is a sovereign state substantially less powerful—very often economically and militarily—than Defender. One instance of what we label *proper indirect policing* is the U.S. prosecution of the War on Drugs in Colombia and Mexico during the 2000s (Plan Colombia and Merida Initiative).⁴⁷ Honoring these states' sovereignty, the U.S. refrained from her own military engagement in their territory, but it instead focused on supporting the governments of Columbia and Mexico to eradicate drug cartels nested there. The U.S. assistance of the Philippine government in fighting Moro Islamic Liberation Front, Abu Sayyaf, Jemaah Islamiyah, and other insurgent groups is another instance (Operation Enduring Freedom - Philippines), where the U.S. involvement is limited to financing, advising, training, and equipping the Armed Forces of the Philippines.⁴⁸

Dual Policing

Defender may fight Perpetrators jointly with Proxy. That is, Defender combines direct and indirect policing for more efficacy. This *dual policing* is likely when Proxy is cooperative but incapable of fighting alone. For instance, the coalition of the willing, consisting of the U.S. and her allies, initiated air raids on ISIL in 2014 but remained deliberate in provoking battles on the ground. This Operation Inherent Resolve is naturally interpreted as the coalition's attempt to eradicate the ISIL leadership, but it can also be taken as the coalition's reinforcements for the Iraqi Security Forces and the Kurdish militia in their fights against ISIL. The Operation thus includes both direct and indirect features. Another instance of dual policing can be found in Israel's policies toward the Palestinian Authority and Arab terrorists after the Second Intifada. Israeli Prime Minister Ariel Sharon harshly suppressed the insurgency, but

⁴⁶ The first drone strike outside Afghanistan targeted the Yemeni al-Qaeda in 2002. Scahill 2013, 78.

⁴⁷ Long before Plan Colombia, successive U.S. administrations have assisted the Colombian government in prosecuting the War on Drugs (e.g., Andean Initiative of 1990), but its assistance was punctuated when the Colombian government was uncooperative, notably when Ernesto Samper (implicated in the Proceso 8000 scandal) was in power. This change of U.S. attitude toward Colombia indicates that the U.S. attempts to manipulate Colombia's anti-drug policies through incentives.

⁴⁸ Joint Special Operations Task Force - Philippines 2011: "U.S. forces are temporarily deployed to the Philippines in a strictly non-combat role to advise and assist the Armed Forces of the Philippines."

meanwhile he pressured Palestinian President Yasser Arafat to stop it by conditioning the negotiation for peace on the cessation of terrorist attacks.⁴⁹ The lead episode about China and the Japanese pirates in the Medieval era also illustrates dual policing. While China's Ming government repeatedly requested Japan's shogunate to control the pirates,⁵⁰ China herself fought and effectively defeated them in 1419, after which the Japanese piratical activities declined drastically.⁵¹

Note that the three forms of policing listed above are conceptually distinctive, but their boundaries are practically ambiguous. As the incidents below imply, Defender often controls the degree of her direct involvement, depending on how effectively Proxy can police Perpetrators. In its pursuit of Operation Enduring Freedom, for instance, the U.S. has deliberately chosen the extent of its own military engagements, based on the power of the local authorities and the severity of insurgency. Its engagement is intensive in Yemen and Somalia—as exemplified by the deployment of combat drones—but very moderate in the Philippines—as restricted mainly to advising and training.⁵² In addition, the gradual withdrawal of U.S. troops from Iraq and Afghanistan, as the regional security stabilizes, can be interpreted as the transition from dual policing to a proper indirect one in our language.⁵³ The subsequent re-deployment of the U.S. Air Force to counter the rise of ISIL in Iraq and Syria can also be seen as the transition in reverse. It is not very meaningful to ask when the transition is complete. It is rather a matter of degree to balance between direct and indirect policing.⁵⁴

Reciprocal Policing

If Perpetrators are dispersed across several states, international cooperation is urgently required to police them, because every state has severe legal, physical, and economic constraints in fighting abroad. It thus makes sense that these states establish a mechanism of *reciprocal policing* to enhance security. As a state joins the mechanism, it is liable for protecting other states from transnational perpetration originating from its domain, while being protected by other states elsewhere.⁵⁵ Namely, each state assumes the roles

⁴⁹ Miller and Wines 2002.

⁵⁰ Japan's shogunate had originally refused China's requests during his civil strife and initiated a piracy expedition only after the shogunate achieved its political reunification, suggesting that Proxy's local influence is one of the critical determinants in shaping the form of policing. So 2004, 3-4. China's diplomacy ultimately worked. Tanaka 2012, 76.

⁵¹ Tanaka 2012, 77.

⁵² In Yemen, the U.S. adopted indirect measures as well as direct ones. Scahill 2013, 65, 234-236, 322, 386. Even in Somalia, the U.S. aided the government that failed long ago. Scahill 2013, 476. Nonetheless, we regard these instances as proper direct policing, because direct policing overwhelms the indirect form there.

⁵³ U.S. commitments to these states are articulated in the U.S.-Iraqi Strategic Framework Agreement of 2011 and the U.S.-Afghanistan Strategic Partnership Agreement of 2012. See U.S. Department of State 2013 for the former; White House 2012 for the latter.

⁵⁴ Even in Colombia, to whose Plan we assigned proper indirect policing, the U.S. sent its soldiers to the frontline to rescue C.I.A. employees kidnapped by FARC. Forero 2003.

⁵⁵ Suppose there are N states, each of which contain M Perpetrators in her domain. Without any coordination across states, every state must be cautious not only about M Perpetrators domestically but also about $(N-1)M$ Perpetrators abroad. If it costs c_D (c_F) to police a domestic (foreign) Perpetrator, the security cost for a state amounts to Mc_D

of Defender as well as Proxy. This mechanism can work if a defecting state is subject to exclusion or other forms of penalty. An instance of reciprocal policing is the U.N. Security Council Resolution 1540, which mandates all the member states to establish legal and regulatory measures against the proliferation of weapons of mass destruction.⁵⁶ Other variants of reciprocal policing can be found in INTERPOL, Five Eyes,⁵⁷ Budapest Convention,⁵⁸ Shanghai Cooperation Organization,⁵⁹ and Cyber War Limitation Treaty (CWLT).⁶⁰ Retrospectively, the notorious U.S. Fugitive Slave Laws of 1793 and 1850, which materialized the protection of the slave ownership nuanced in Article IV of the U.S. Constitution,⁶¹ also played a similar role. That is, they facilitated inter-state coordination in capturing and returning escaped slaves to their owners.

VI. Disadvantages

Though we have so far emphasized the advantages of indirect policing, it also has several potential disadvantages, which would not arise if Defender could directly police Perpetrators.

Difficulties in Communication

The first disadvantage lies in the difficulties associated with communication. Indirect policing relies on Defender's inducement of Proxy in Phase I, but other things being equal, inducement is presumably more difficult than deterrence, because unlike deterrence inducement must specify the "when," "what" and "how" of the demanded behavior.⁶² This complexity of message could cause a failure in communication. Moreover, indirect deterrence (but not indirect preemption) necessitates two-phase communication—from Defender to Proxy and from Proxy to Perpetrators. This "Chinese whispers" form of

$+(N-1)Mc_F$. In contrast, with reciprocal policing, each state can concentrate only on M Perpetrators at the cost reduced to Mc_D . This simple algebra shows the efficiency of reciprocal policing.

⁵⁶ The Resolution was unanimously enacted on April 28, 2004. U.N. Security Council 2004. The Proliferation Security Initiative of 2003 is a similar but less formal initiative. Auerswald 2006/2007.

⁵⁷ Five Eyes is an Anglo-Saxon intelligence alliance, comprising the U.S., the U.K. Canada, Australia, and New Zealand.

⁵⁸ Drawn up by the Council of Europe, the Budapest Convention is the first international treaty on cybercrime (effective July 1, 2004).

⁵⁹ The Shanghai Cooperation Organization was founded by China, Russia, Kazakhstan, Kyrgyzstan, and Tajikistan in 2001 to promote regional security in Eurasia. Its members share their concerns about terrorism, separatism, extremism, and cross-border crimes. Shanglin 2006.

⁶⁰ Clarke and Knake 2010, 270: "Non-state actors will be a problem for cyber arms control, but CWLT should shift the burden of stopping them to the states party to the convention. Nations would be required to rigorously monitor for hacking originating in their country and to prevent hacking activity from inside their territory." CWLT remains hypothetical yet but is an apparent application of our reciprocal policing to fighting cyber-crimes.

⁶¹ Fugitive Slave Clause in Article IV: "No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due."

⁶² Schelling 1966, 72-73. He used the term 'compellence' instead of 'inducement.' With the diplomatic channel between Defender and Proxy taken into account, communication between them can cause an advantage, disadvantage or even both, depending on their relations.

communication does not just make deterrence more difficult but also consumes more time for it to operate.⁶³ This tardiness could also be problematic if the purpose of deterrence is to buy time.⁶⁴

Disincentives for Policing

The second disadvantage is the disincentives for policing. When Defender cannot directly monitor Proxy's policing effort and behavior, he would be tempted to shirk his policing in the hope that the shirking would not result in Defender's sanction ("moral hazard"). Unverifiability of compliance is one of the major reasons that the U.S. has been a consistent opponent of cyber arms control.⁶⁵ The disincentive problem would also be relevant when several states conduct reciprocal policing, where each state enjoys only a fraction of its own contribution ("free-rider problem").⁶⁶ As with Five Eyes, a selective membership might alleviate this problem.

Destabilization of Proxy's Regime

The third disadvantage concerns the possibility that Defender's intervention causes political turmoil in Proxy's state. Defender's ample aids to Proxy (to ensure positive inducement) may merely corrupt the ruler to satisfy his personal greed, sacrificing public needs. (Recall Mobutu Sese Seko's "Versailles of the Jungle" in Congo or Imelda Marcos' thousands of pairs of shoes in the Philippines.)⁶⁷ Defender's pressures on Proxy toward policing (as negative inducement) may also make the ruler tyrannical enough to wipe out his political enemies brutally.⁶⁸ Both corruption and tyranny possibly provoke hostile reactions from citizens. If the ruler continues to abuse his power for his own ends, his populace may become discontented and even question his legitimacy. As Proxy's administration loses civilian support, it could be replaced by an anti-Defender junta, ideologist party, or extremist organization, resulting in Defender's loss of influence there. In fact, the U.S. experienced the downfall of its sympathizer administrations and the rise of its challengers in the third world—Iraq,⁶⁹ Cuba,⁷⁰ Libya,⁷¹ South

⁶³ If Proxy uses a preemptive measure (with the exertion of brute force), communication would not take place in Phase II.

⁶⁴ George and Smoke 1989, 182.

⁶⁵ Clarke and Knake 2010, 219. During the Cold War, the Soviet Union agreed to a multilateral ban on biological weapons, but then secretly went on to create a massive biological weapons arsenal that the United States did not detect. Clarke and Knake 2010, 222.

⁶⁶ Similarly, collective-actor deterrence may suffer buck passing. Morgan 2003, Ch.5; Morgan 2009.

⁶⁷ According to the U.N. Monitoring Group on Somalia, weapons and ammunition supplied by the U.S. to the Somali government were sold for cash and ultimately fell into the hands of the terrorist organization, al Shabab. Scahill 2013, 476.

⁶⁸ Abuses of human rights were reported in operations of Plan Colombia and Merida Initiative. Olson and Wilson 2010. One might also consider Operation Condor of the 1970s, in which right-wing juntas aimed to eradicate communists in several South-American states.

⁶⁹ After the 7.14 Revolution of 1958, Iraq, once friendly to the West, began to approach the Soviet Union.

⁷⁰ The Cuban Revolution of 1959 realized Fidel Castro's communist regime.

⁷¹ Opposing the monarchy's friendship with the West, Islamic socialist Muammar Gaddafi abolished the monarchy in the 1969 coup d'état.

Vietnam, Iran,⁷² Nicaragua,⁷³ Grenada,⁷⁴ Egypt,⁷⁵ and Somalia,⁷⁶ all of which once adopted pro-U.S. policies more or less.⁷⁷

In sum, the disadvantages of indirect policing are difficulties in communication, disincentives for policing, and destabilization of Proxy's regime caused by corruption and tyranny. Those factors potentially constrain indirect policing's applicability and undermine its effectiveness.

VII. Conclusion

Classical deterrence theory holds that deterrence by punishment comprises threatening and punishment. To execute these tasks, the targeted or victimized state (Defender) must satisfy three qualifications—resolve, communication, and capability—according to the theory. Despite long-standing criticisms, the classical theory has been upheld by a group of scholars as useful policy guidance for liberal democracies to confront their Cold-War adversaries.⁷⁸ However, the theory becomes deficient when it is applied to “new” threats (Perpetrators), who have novel characteristics that the classical theory does not presume. Deterrence of the new threats is often difficult, because they are too disorganized to fulfill their unified will, too obscure to be identified and detected, or too fanatical to have secular value. Among these three features, obscurity in particular implies that Defender must find out Perpetrators and their values before executing punishment. Defender thus needs an additional qualification—intelligence. In sum, *deterrence of the new threats must comprise three tasks—threatening, investigation, and punishment—which accordingly mandate four qualifications for deterrers—resolve, communication, intelligence, and capability—as well as three qualifications for deterrees—unity, visibility, and return address* (Table 5). Defender's three tasks for deterrence can be hampered by the new threats' characteristics—agility, easiness of perpetration, foreign sovereignty, geography, intrinsic value, language, and plurality as well as the lack of C3 system and representative—that impair the qualifications for deterrees (Table 1). Mapping of these characteristics onto various types of threats informs us whether they are deterrable by punishment (Tables 2 and 3) and also guides us in finding a suitable

⁷² The Iranian Revolution of 1979 purged the secular emperor and brought about the anti-American Shi'a regime.

⁷³ The Nicaraguan Revolution of 1979 resulted in the collapse of the pro-American Somoza dynasty. The Soviet-oriented Sandinistas (FSLN) took power and even supported the left-wing guerrilla organization (FMLN) in El Salvador.

⁷⁴ By the 1979 coup d'état, a pro-Soviet administration was inaugurated in Grenada, inviting the U.S. invasion in 1983.

⁷⁵ Egyptian president Anwar Sadat, who settled the Israel-Arab conflict at Camp David in 1978 was assassinated by the Islamic Jihad in 1981. Unlike other instances, however, his successor—Hosni Mubarak—sided with the U.S., maintaining Sadat's secularism.

⁷⁶ With U.S. assistance, Somalia's Barre administration fought Soviet-oriented Ethiopia in the Ogaden War, but after losing the War, Barre was expelled in 1991.

⁷⁷ It is apparently too hasty to attribute these regime changes solely to U.S. intervention, but at the same time, it is probably too naïve to deny the U.S. influence in these regions.

⁷⁸ Proponents and those in favor of deterrence include: Achen and Snidal 1989; Danilovic 2001; Harvey 1995; Harvey 1998; Huth 1988a; Huth 1988b; Huth 1990; Huth and Russett 1984; Huth and Russett 1988; Huth and Russett 1990; Huth and Russett 1993; Lieberman 1994; Signarino and Tarar 2006.

countermeasure against them. We hope that our theoretical framework will contribute to the future discussion on how to counteract diversifying threats.

With recognition of the novel characteristics inherent in the new threats, we maintain that the obstacles to deterring them can be overcome if Defender—instead of directly deterring Perpetrators—makes use of a third party (Proxy) who is in a better position to influence Perpetrators.⁷⁹ We call these tactics by Defender *indirect policing* rather than indirect deterrence on the grounds that policing consists of preemption and deterrence (Table 4), but Defender may not observe which measure is at work.

To explain why indirect policing can outperform direct policing, we offer a functional threefold account of Proxy's influence:

- (a) As a *liaison*, or a conveyer of threats, Proxy can convince Perpetrators of the terms and severity of punishments more credibly than Defender (*communicative advantage*). With a criminal justice system, Proxy can demonstrate his commitment to punishments in an explicit and consistent manner, while Defender must mobilize forces in an ad hoc manner to precipitate her punishments. Proxy also has several other sources of the communicative advantage, among which is his use of the local media.
- (b) As a *detective*, or a monitor of Perpetrators, Proxy is better at identifying Perpetrators and finding out what they hold dear (*informational advantage*).⁸⁰ With indirect policing, Defender no longer has to identify Perpetrators on her own, but she merely has to determine Proxy to which she attributes Perpetrators' misdeeds. Proxy then takes charge of identifying Perpetrators. In this sense, *indirect policing reduces Defender's identification problem to her mere attribution problem*.
- (c) As an *executor*, or an enforcer of rules, Proxy can cripple and punish Perpetrators more effectively and more efficiently (*offensive advantage*). By delegating preemptive and punitive operations to Proxy, Defender can circumvent political hardships that these operations may provoke such as protests from the local populace and reprisal by Perpetrators.

By utilizing Proxy's functional advantages outlined above, Defender can indirectly police Perpetrators whom she cannot police directly.

With an eye to associated historical and contemporary incidents, we offer a taxonomy of policing in four forms: (i) *proper direct policing*, that is, Defender preempts and/or deters perpetration abroad without a third party's reinforcement (e.g., U.S. drone strikes in Pakistan, Yemen, and Somalia, Operation Neptune Spear, Combined Task Force 151); (ii) *proper indirect policing*, by which Defender induces Proxy to police Perpetrators (Plan Colombia, Merida Initiative, Operation Enduring Freedom - Philippines); (iii) *dual policing*, which combines direct and indirect policing (Operation Inherent Resolve; Israel-Palestine

⁷⁹ Proxy does not have to be the state which hosts Perpetrators but can be flexibly chosen. See Section III.

⁸⁰ In contrast, the informational problem can be a serious drawback in tailored deterrence—customization of deterrence measures in accordance with an adversary's objectives, capabilities, and characteristics as well as situation (urgency) and moral obligation—which necessitates detailed information about the adversary. Bowen 2004. Knopf 2008. Morgan 2009. Morgan 2012.

relations after the Second Intifada, Medieval China-Japan alliance against Japanese pirates); (iv) *reciprocal policing*, in which each state plays the roles of Defender as well as Proxy (e.g., INTERPOL, Five Eyes, Budapest Convention, Shanghai Cooperation Organization, U.S. Fugitive Slave Laws).

Despite its functional advantages, indirect policing is no panacea. It has at least three distinct disadvantages articulated as follows: (x) difficulties in communication regarding compellence and Chinese whispers; (y) disincentives for policing (commonly known as moral hazard and free-rider problem); (z) destabilization of Proxy's regime caused by corruption and tyranny. Reverting to the question of when indirect policing outperforms its direct counterpart, we maintain that the relative success of indirect policing hinges on which advantages or disadvantages are critical in its operation. The pros and cons of each counter-perpetration policy should be fairly assessed when policymakers adopt one among alternatives.

As we have shown, indirect policing is far from rare in history but has been largely neglected in the literature. We shed light on its mechanism and build its informal theory upon empirical grounds. With the rise of transnational perpetrators—a trend that, we believe, is very likely to continue in the future—indirect policing should be theoretically more refined, empirically more scrutinized, and perhaps practically more institutionalized.

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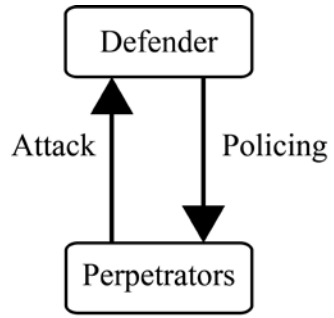
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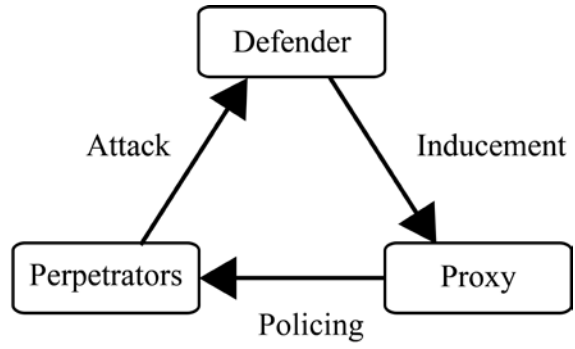
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(a) Direct Policing



(b) Indirect Policing

Figure 1. Graphical comparison between direct and indirect policing

Table 1. *List of characteristics and their hampering effects on deterrence tasks*

	Threatening	Investigation	Punishment
<i>Agility</i>	—	○	○
<i>Easiness of perpetration</i>	—	—	○
<i>Foreign sovereignty</i>	—	○	○
<i>Geography</i>	—	○	○
<i>Intrinsic value</i>	○	○	○
<i>Language</i>	○	○	—
<i>Plurality</i>	○	○	—
<i>Lack of C3 system</i>	○	—	—
<i>Lack of representative</i>	○	—	—

Table 2. *List of characteristics and their possessors*

	<i>Rogue state</i>	<i>Rebel organization</i>	<i>Terrorist network</i>	<i>Cracker</i>
<i>Agility</i>	—	○	○	—
<i>Easiness of perpetration</i>	—	—	○	○
<i>Foreign sovereignty</i>	—	—	○	○
<i>Geography</i>	—	○	○	—
<i>Intrinsic value</i>	—	—	○	—
<i>Language</i>	—	—	○	○
<i>Plurality</i>	—	—	—	○
<i>Lack of C3 system</i>	—	—	○	—
<i>Lack of representative</i>	—	—	○	—

Table 3. *Anatomy of four archetypal adversaries*

	<i>Rogue state</i>	<i>Rebel organization</i>	<i>Terrorist network</i>	<i>Cracker</i>
Threatening (channel)	— (Diplomatic)	— (Mediator)	Intrinsic value, language, lack of both C3 system and representative (media)	Language, plurality (media)
Investigation (identification)	— (Known)	Agility, geography (relatively easy)	Agility, foreign sovereignty, geography, language (difficult)	Foreign sovereignty, language, plurality (very difficult)
Punishment (target)	— (Ruling faction)	Agility, geography (comrades)	Agility, easiness of perpetration, foreign sovereignty, geography, intrinsic value (very limited)	Easiness of perpetration, foreign sovereignty (self)
Deterrability	Plausible	Plausible ¹	Unlikely	Unlikely

¹ Even if it is possible, deterrence might not be preferred by Defender due to the commitment problem. Fearon 1995; Powell 2006.

Table 4. Two forms of policing

	<i>Preemption</i>	<i>Deterrence</i>
Method	By crippling (brute force)	By threatening (coercion)
Timing of using force	Prior to perpetration (proactive)	Post perpetration (reactive)
Target of force	Means of perpetration (counterforce)	Value held dear (countervalue)
Expected influence	Physical	Psychological
Demerits	Political, legal, moral constraints, possibility of reprisal	Necessity of communication and return address

Table 5. Correspondence among tasks, qualifications, and characteristics

<i>Defender</i>		<i>Perpetrators</i>	
Task	Qualification for deterrer	Qualification for deterree	Obstructive characteristics
Threatening	Communication, resolve	Unity	Intrinsic value, [*] language, [*] plurality, lack of both C3 system and representative
Investigation	Intelligence	Visibility	Agility, foreign sovereignty, [*] geography, [*] intrinsic value, [*] language, [*] plurality
Punishment	Capability, resolve	Return address	Agility, easiness of perpetration, foreign sovereignty, [*] geography, [*] intrinsic value

Note: Characteristics with asterisk (*) are potentially overcome by indirect policing.