



Undergraduate Honors Theses

---

2020-05-01

## PREVENTATIVE FORCE AND THE RULES OF PROPORTIONALITY

Jacob Price

Follow this and additional works at: [https://scholarsarchive.byu.edu/studentpub\\_uht](https://scholarsarchive.byu.edu/studentpub_uht)

---

### BYU ScholarsArchive Citation

Price, Jacob, "PREVENTATIVE FORCE AND THE RULES OF PROPORTIONALITY" (2020). *Undergraduate Honors Theses*. 140.

[https://scholarsarchive.byu.edu/studentpub\\_uht/140](https://scholarsarchive.byu.edu/studentpub_uht/140)

This Honors Thesis is brought to you for free and open access by BYU ScholarsArchive. It has been accepted for inclusion in Undergraduate Honors Theses by an authorized administrator of BYU ScholarsArchive. For more information, please contact [scholarsarchive@byu.edu](mailto:scholarsarchive@byu.edu), [ellen\\_amatangelo@byu.edu](mailto:ellen_amatangelo@byu.edu).

Honors Thesis

PREVENTATIVE FORCE AND THE RULES OF PROPORTIONALITY

by  
Jacob Price

Submitted to Brigham Young University in partial fulfillment  
of graduation requirements for University Honors

Political Science Department  
Brigham Young University  
April 2020

Advisor: Kendall Stiles

Honors Coordinator: Daniel Nielson

## ABSTRACT

### PREVENTATIVE FORCE AND THE RULES OF PROPORTIONALITY

Jacob Price

Political Science Department

Bachelor of Arts

The thesis examines how a tiered system of proportional rules will provide a better understanding for how to use force outside of a declared conflict. The tiered system provides explicit standards and subprinciples to determine how and when a foreign state can use preventative force on specific targets. The thesis asserts that certain preventative action against immediate and existential threats can be justified, but any demonstration of force cannot continue beyond a threat incident. The thesis evaluates the current demonstrations of force in Mexico, West Africa and situations involving weapons of mass destruction. Through the tiered system, states can proportionally apply direct and indirect force to help prevent incidents while maintaining a higher level of restraint on applying deadly.

## ACKNOWLEDGMENTS

I want to acknowledge the professors and mentors that believed in me. It means a lot that there are people, especially in the Honors and Political Science Department, that will seek to lift, help and serve their students. I am forever grateful for the support that Professor Kendall Stiles and Ryan Davis gave to help prepare this thesis and in my academic endeavors.

## TABLE OF CONTENTS

Title .....	i
Abstract .....	ii
Acknowledgements.....	iii
Table of Contents .....	iv
I. Introduction .....	1
II. Literature Review .....	3
III. Theory .....	7
IV. CASE STUDY: Mexican Cartels .....	16
V. CASE STUDY: Western African Islamic Extremism .....	25
VI. CASE STUDY: CBRNE .....	32
VII. Conclusion .....	37
Bibliography .....	39

## **Introduction**

The rise of international competition as a means of influencing other states motivates the United States to apply its Special Operation Forces (SOF) to prevent situations from escalating to open conflict. The 9/11 terrorist attack illustrates the increased threat that international actors have on states due to the increased access to destructive means and materials. Small preventative forces allow states to quickly react to these threats because of the speed, size, and impact that these groups have on situations (Orr 2018, 14-15). Governments use preventive force to deter other states, but the increased deployment of military units challenges the state's ability to exercise restraint. Circumstances in South America, Africa, and Asia increased the country's reliance on using force to influence these regions due to the increasing potential of actionable threats. The increased access to information, communication, and tools created an even playing field that allows most actors to effectively apply deadly force that could cause significant damage and destabilization (Orr 2018, 32). The United States currently takes a more proactive approach to threat prevention by sending SOF teams to address escalating risks around the world.

The use of military units as a shaping tool raises questions about the role of the military in an undeclared conflict. The military, as a whole, is a force created to engage and destroy the enemies of the United States in armed conflict, but a paradigm shift towards preventative measures creates a new dilemma for policymakers (Orr 2018). Though SOF possesses different qualities than the standard military, these units are now engaging in areas where the use of quick and effective force directly impacts state relationships. This form of influence can lead to escalating international competition into

a direct conflict between actors. The goal of this paper is to define the ethical role of proportionality in applying force in pre-conflict areas.

The paper's main claim will be that different levels of force can be used outside of conflict zones to help shape and support countries as long as the action prevents an escalation of violence. The paper wants to highlight how the principle of proportionality can dictate what types of missions can be performed within these grey zones and evaluate the changing role of preventative force. The paper focuses on how preventative force and proportionality change the applicability of the principle of Last Resort with pre-conflict areas. The biggest issue with the use force is the propensity for an increase in violence when missions or objectives are not achieved by the nation deploying those forces (Long 2016, 38-43). The other major issue with proportionality revolves around providing a framework that can identify when different levels of force can apply to a situation (Brown(b) 2011). The paper will argue that a tiered response system can determine the proportional application of preventative force to non-conflict zones. The paper continues to argue that force should be restricted to immediate and existential threats in which the tiered system would provide guidance for the evolving role of prevention. The paper will conclude with a case study that evaluates the use of preventative force within three different non-conflict zones.

The paper will argue that the US can apply limited force in non-combat zones with the limitations included within the tiered system of the proportional use of force. The paper will continue with a literature review that describes grey zones and incorporate a brief overview of just war principles in the post 9/11 era. The theoretical section will operationalize the principle of proportionality within the tiered system of evaluation and

define the ethical limitations within the different levels. The goal of the theoretical section will be to provide examples of how preventative force can be applied to the current struggles with the Mexican cartels, the African war on Islamic extremism, and the rogue use of weapons with mass destruction. The paper will conclude by examining the importance of operating within the provided framework for both ethical and practical reasons.

### **Literature Review**

The principle of proportionality adequately explains how to ethically respond to threats, but the principle receives little attention on how to articulate an actionable framework for the use of preventative force. The literature review includes some important features within Just War Theory that can provide the latitude to address the role of force outside traditional interpretations of the war. The section will highlight the context, definitions, and some theoretical arguments for each of the main topics within the paper. The section should briefly prepare the reader to identify the ethical questions involving intervention and preventative force within the framework of Just War Theory.

### Just War Theory

Just War Theory attempts to philosophically identify how to ethically declare and conduct a war. Just War Theory provides a rigorous framework to evaluate the ethical application of war on other actors and this theory will provide a shared understanding of the ethical limitations placed on the use of force. This portion of the literature review briefly goes over the role of Just War Theory in western politics and gives a brief summary of its general principles. The main role of this section will be to define the concept of proportionality within pre-conflict situations and provide technical distinctions



between proportionality before declared conflict and the other types of proportionality used in Just War Theory.

The history of Just War Theory began as a religious debate and developed into a philosophy that dictates how and when states should go to war. The theory spread from the Catholic Church to secular institutions when it was adopted by governments and the United Nations uses this framework to evaluate the necessity for any military action against another state (Reiner 21, 2018; Lango 25, 2014). The theory was split into two sections which cover how to justify a declaration of war and how to conduct one's military within an open conflict. The principles within Jus ad Bellum cover how states can righteously declare war on other countries. And, Jus in Bello addresses what specific principles should be used in order to ethically conduct a war against another country.

Jus ad Bellum establishes principles to allow nations to defend themselves through the use of force along with providing higher standards that limit a state's propensity to apply force to situations. Thom Brooks explains that nations, like individuals, possess an inherent right to defend themselves against foreign aggressors (Brooks 1, 2012) The reason for framing the theory around defense is to limit the justification for using war as a means to achieving other national interests. Jus ad Bellum lists seven different characteristics which, if met, a nation could obtain ethical justification for the use of military force. These criteria include the following principles: "Just Cause", "Last Resort", "Reasonable Prospect of Success", "Proportionality", "Right Authority", "Right Intention", and "Public Declaration" (Farrell 17-19, 2013). The use of all seven different principles creates a strict barrier for justifying the use of military force but these principles provide different levels of scrutiny based on their assumed definition.

Many scholars argue over the degree to which these principles should be applied to quarrels between states. Brooks asserts that if there exists “any likelihood” that a situation meets all seven criteria, the theory will deem it ethical to use military force on another nation (Brooks 90, 2012). But such probabilities of meeting these requirements mean that any state would only use the loosest definitions of each criterion to justify the application of the military to different situations. The loose interpretation of principles removes the role of restraint on the user. Without a strict and specific interpretation, the rules will not protect the user from unjust uses of force nor limit one’s own behavior. The lack of applying a specific standard or level of scrutiny to each of the criteria makes it difficult to hold states accountable to these principles (Kemp 1988, 60). A standard threshold would eliminate the use of war based solely on the likelihood of a situation to develop into war. The purpose of this philosophical undertaking will be to increase the difficulty of the use of violence to influence others or prevent war.

International actors might be morally justified to declare war but starting a war does not mean that a state can use any form of force to resolve the conflict. The ethical use of military force includes regulating what kind of actions are considered appropriate in a state of conflict. The ethical way to conduct war is outlined in five specific principles. These principles include: “Proportionality”, “Noncombatant immunity or discrimination”, “prisoner of war protections”, “No mala en se means (banned weapon use)”, and “Adherence to any other international obligations or treaties” (Farrell 19-20, 2013). These principles place limits on the tools and methods that could be employed within a combat environment. But, the restrictions beg the question of what is considered inappropriate and excessive within a life and death competition?

The restrictions placed on participants to limit the use of excessive means to gain a specific outcome provide clarity for actors in declared conflicts, but some scholars believe that these principles are ineffective when dealing with unconventional combatants. The rise of unconventional conflicts strains the ability for nations to involve their military forces to fix problems in the world (Dubik 8, 2016). Most scholars want to bring about alternative principles or a reconstruction of Just War Theory to address the philosophical issues that come about as war becomes increasingly complex. The limits within Jus ad Bellum and Jus in Bello struggle to prevent and end the armed conflict with unconventional aggressors (Buchanan 2006). The answer lies beyond the current understanding of Just War Theory and the paper reconsiders what should be done before states consider the use of violence to resolve issues.

#### Cosmopolitan Theory of Just War

The Cosmopolitan Theory of Just War justifies intervention and preventative action due to an inherent obligation to protect human rights because rights ensure that everyone enjoys the basic safety and freedom to live within this world. The protection of basic rights outweighs the sovereignty of states because rights provide the means to guarantee humane and equal treatment for all people, regardless of their circumstances. Reiner and others find the need for an ethical means to intervene in humanitarian crises in order to protect people (Reiner 10-11, 2018). The cosmopolitan perspective identifies a responsibility to protect people and that military intervention would be necessary to prevent the loss of rights and/or being subjected to inhumane circumstances (Fabre 2008, 966; Steinhoff 2014). The author emphasizes the inherent obligation that people have to each other and the need to reinterpret Just War Theory through the context of a global

community (Lango 25, 2014). Part of that obligation and responsibility to protect people from injustice and suffering comes from the shared identity that everyone possesses. The use of preventative force allows for the world community to both protect its members and establish a shared identity around equality and justice. The cosmopolitan theory allows for more flexibility in dealing with security issues around the world, but it raises issues about how to limit the use of military force to solve world issues?

The cosmopolitan theory provides latitude for such actions, and the paper will identify specific requirements for different forms of intervention and the use of military force outside of conflict areas. The cosmopolitan perspective identifies important questions about justifying force, and the paper will create structured limits on the type of intervention that the military can use within humanitarian crises. The main issue with the recent explanations of Just War Theory revolve around the actual operationalization of the limitations placed on the use of force. The paper will operationalize the principle of proportionality on the use of force in preventative, humanitarian, and grey zone issues. The explicit application of limitations remains the biggest issue within adapting these philosophical principles into organizations like Special Operations. The operationalization of proportionality will provide clear thresholds and parameters for ethical action within these difficult situations.

### **Three-Tiered Proportionality**

The three-tiered proportionality test actively evaluates the need for violence across a sliding scale that allows for states to respond to a variety of potential threats. The paper argues that the principle of Last Resort fails to address the nuances of modern threats within uncertain environments and the repurposed definition of proportionality

can sufficiently reduce and control the use of rapid force within these complex areas. The tiered proportional system will demonstrate clear limitations for applying force and explain why proportionality provides the best process for escalating responses to the potential employment of violence.

The role of last resort dramatically changed over the last few decades due to technology, politics, and opportunity found with international relations. The increased efficiency of technology altered the speed of communication and the effectiveness of weapons, both of which caused states to consider more proactive responses to competitive action on the world stage (Orr 2018, 32). The changes within all three of these areas mentioned above have illustrated the diminished ability for states to react to threats. Instead of mobilizing armies, countries face threats of terrorism, direct challenges to authority that challenges the legitimacy of states, and rapid deployment of mass casualty weapons (Orr 2018; Brown 2013, Schulte 2008). The principle of last resort slowly changed due to the balancing effect that technology has on methods of force. Modern states do not face clear, identifiable threats. Technology decreased the level of certainty in identifying combatants and increased the levels of risk that states must assume when dealing with these complex threats (Adams and Goodman 2018). Tiered proportionality provides an alternative solution for addressing the modern challenges associated with the new types of threats associated with modern technology. The principle of last resort slowly died within the years between the Persian Gulf War and the Wars in Iraq and Afghanistan. Bad actors increasingly relied on technology and indirect competition as a means to challenge states and slowly distance themselves from conventional means for addressing grievances. Connectivity and accessibility have

democratized coercive power by providing immediate access to harmful tools. Instead of following international norms for the use of force, groups have relied on unconventional methods of force and communication to effect changes. The deterioration of the state's monopoly on the use of force caused sovereigns to engage in alternative forms of control over their affairs and relationships within the international community (Correa Cabrera, Keck, and Nava 2015). With increased access (due to technology), anyone can create and employ modern weapons at extreme magnitudes and these coercive resources challenge the concept of states waiting for signs of aggression. The slow erosion of conflict boundaries officially came to an end when the Twin Towers fell.

The paper argues that states should be allowed to employ proactive force to deter and destroy threats based on a proportional response system. The paper limits itself to the use of small and quick responses to crises and will not address large scale operations to deter threats. The tiered system focuses on the sudden appearance of threats and not prolonged challenges that might exist between states and/or actors. The tiered response system can help provide ethical guidance to the different activities that can be performed based on the relative size, speed, and impact that an aggressor may pose on people and property. The principle of proportionality focuses on applying force equivalent to the speed and impact of the potential threat on third parties and/or one's own nation. The ultimate purpose of the system will be to eliminate any form of direct violence onto any target that does not present significant capabilities and intentions to carry out threats (Adams and Goodman 2018). The tiered system argues that only under extreme cases, should governments use preventative force outside of prolonged engagements (Orr 2018,

14). These extreme situations will be generally outlined in this section, but a contextual explanation will follow in the case study.

The tiered system includes explicit requirements that would limit the application of violent force because the use of proportional force would require states to solely engage threats according to their level of capability. The system highlights a sliding scale of force that a government should use with threats and places serious thresholds that require reasonable certainty about the situation and the target. The system includes principles and thresholds to identify when states can resort to violence to address a threat. The tiered system outlines three distinct categories that could occur before a situation escalates into conflict.

1. There exists competing interest within the region which does not put lives or property at risk. This tier includes situations where political and economic changes occur without causing systematic violence.
2. There exist relative violence and instability in the area, but no immediate existential threat puts populations or strategic property at risk of being destroyed.
3. Only when an existential threat which will result: (1) The death of a significant number of people and/or the immediate destruction of property that could negatively affect a majority of people in the area and (2) the damage would not be recovered or restored within a specific timeframe can states employ rapid violence.

The tiers identify how proportionality can be operationalized into international relations by creating a framework to evaluate crises. The three tiers represent a general

grading system to evaluate situations within pre-conflict zones, and the system provides clear thresholds for measuring a situation's progression towards conflict. The system provides an intrinsic definition of what it means to proportionally respond to international competition by narrowing the threat of danger to definitions on time, size, and impact of the threat. By identifying the threat level, states can appropriately determine what type of actions could be taken in order to address threats. Proportional force on a threat is determined by the relationship between the time of response a nation has to address the threat and the impact that the incident would have on a third party and/or one's own nation. With increased capability and willingness comes a possibility for states to use more lethal action to prevent catastrophe. Within this framework, many current operations would be considered unethical due to the use of violence in situations outside of extreme severity.

The tiered proportionality response produces two major challenges to its theoretical application due to its limitations and its operationalization of criteria. These two challenges highlight important nuances in applying proportionality to the use of force. The tiered system reduces the coverage that the military has on responding to humanitarian issues by emphasizing limits on the time it takes for a situation to develop. The restriction to immediate and existential threats also creates an ethical dilemma of enforcing ethical means instead of emphasizing results. The system desires positive results but recognizes that the means protect actors from additional burdens that accompany unethical behavior. The other challenge with the tiered system entails selecting adequate definitions that both limits yet enables states to apply military force to stop immediate existential threats found around the world (Lohaus 2016, Burgos 2018).



These two issues will be discussed further within this section with the purpose of addressing their theoretical stipulation. Further discussion and application will be presented in the case study in order to demonstrate the method of evaluating grey zone situations.

Operationalizing the definitions of immediate and existential creates clear identifiers for states to measure the severity of a situation and assign an appropriate response that correlates with the size, speed, and impact of a threat. The tiered system above asserts that existential means that any action that would cause enough damage to permanently affect the subject in which it would not be able to recover from its losses (Brown(c) 2011). So, an existential attack must debility state to the point where only assistance could prevent and/or restore the losses within a generation (15 years) of time. The extremity of the threat depends on context, but the magnitude of the impact needs to equal to actions that could justify a declaration of war. A state's response must correlate to the size and the proportion that the threat. The greater the impact, the more latitude a state has in addressing the situation. The three factors of size, recovery, and impact provide the necessary benchmarks to measure the severity of an event, but severity does not justify the initiation of force within grey zones.

The incorporation of immediacy, or a time frame limitation, helps distinguish the difference between when a state can use military force or if the state should make a more formal declaration of war. Immediately, in terms of grey zone activity, is measured by the rate of distribution, implementation, and destruction a weapon or force has on people or property (Schulte 2008; Lohaus 2016, 86-87). The factor of time allows leaders to identify the necessary response speed to stop an existential threat. Proportionality would

prevent the use of rapid force if the existential threat does not impose an immediate danger. A soft timeframe should include ways to gauge the ability and capacity of an actor by distinguishing the difference between threats as an event versus a continuous competitive state. A continuous state of competition does not merit the use of quick force due to the longevity and lack of precision. Threats as an event allow for rapid force to produce results and isolate the use of force to a moment rather than creating a perpetual phase of violence. A threat that persists longer than a moment or instance requires a different approach and not any use of quick force. Limiting the immediacy to an event rather than a situation will provide a soft threshold for other institutions to act on the situation while providing explicit limitations for the use of preventative force on immediate threats.

By limiting immediacy to an event allows for Just War principles to occur in normal situations while creating an ethical opening for the use of force against immediate and existential threats. The rule highlights the distinction of time that applies to proportionality. The tiered system focuses on fast and impactful threats which, by their nature, remove the ability to consider other alternatives outside the use of rapid force (Whitman 2006, 28; Yarger 2013, 31). The intention of the rule is to provide a limitation to the use of rapid force on targets by forcing a state to consider alternative methods for situations that have no immediate impact. The tiered system strictly addresses immediate threats, in terms of an event, and defers further evaluation of other forms of intervention to other theoretical guidelines, preferable Just War Theory. Slow-moving threats and persistent issues do not merit rapid force because they fail to meet the immediacy requirement found within the three-tiered system. Threats that fail to meet these criteria

mentioned above would result in applying the basic principles of Just War Theory to the situation because the circumstance requires other forms of force to be taken against a threat.

In the case of a slow-moving threat, the immediacy distinction helps illustrate the progression of violence in grey zones, and these issues illustrate the role of the tiered proportionality system within a Just War evaluation. The tiered system explains how competition converts into conflict by measuring threats on a sliding scale. Competition, as mentioned above, occurs when actors challenge each other through means other than direct military action (Orr 2018, 3-5). Competition turns into a conflict when sustained violence occurs and there has been no implementation of Just War Principles by any of the actors (Orr 2018, 3-5). Formal declarations turn conflict into war, which includes more formal factors like defining what constitutes an enemy combatant and a formal recognition of the conflict on both sides (Orr 2018, 3-5). The distinction between each of the terms illustrates the progression of violence which would warrant the use of proportional force based on the severity of the situation. The tiered system only focuses on everything below the level of conflict. Further escalation requires Just War Theory and other ethical programs to be incorporated into determining the right use of force within a situation. Different ethical frameworks should be applied to more systemic demonstrations of force. The tiered proportionality system should only address the ethical behavior of force within certain events that pose significant impacts on people and property.

Though the tiered system provides clear guidance on the use of force in grey zones, it structurally defers to other ethical frameworks to address the possibility of using

military intervention within other crises. The tiered proportionality system poses three major points of conflict for ethicists. The tiered system does not justify the use of force on systematic repression, it removes the ability for SOF units to capture/kill high-value targets outside of conflict areas and not giving permission for states to destroy organizations that produce structural violence. These three issues are considered to be major ethical challenges that need to be addressed, but the tiered system prevents the use of rapid force as a tool to stop these injustices. The case study will address all three situations and provide further information on the appropriate use of force within these situations. The theory does not condone these actions but recognizes a need to impose restraint on the use of deadly force, especially as a preventative measure. The general response to these issues revolves around applying an evaluation of immediacy and the impact of these threats on the world. When addressing these issues, the case study highlights different thresholds that act as key indicators for determining the use of force within a given situation.

Within the tiered system, only the third tier justifies the use of violent action, but the other tiers include additional subprinciples to regulate unethical behavior that appears when providing support and assistance. The framework inherently is averse to the use of violence and requires a significant level of certainty about the nature of the threat. The military force should only be used to protect states from existential threats that would result in its extermination or paralysis (Brown 2013). Especially with the rise in executable threats, direct action should only be permitted in grey zones if the results of the threat pose an imminent danger to people and property. Anything more or less does

not require violence or states should consider a more formal escalation of force through the use of Just War Theory in order to eliminate an explicit enemy.

Proportionality within this tiered system can limit the use of force outside of war within our modern era by reducing a state's reliance on this tool to influence others. The US and other nations have failed to draw clear lines for justifiable force, especially in grey zone situations. Through examining three different scenarios where force has been applied outside of declared conflict, the paper will demonstrate how the tiered system resolves the ethical issues involved with using preventative force outside of war.

### **Case Study**

The case study will examine three different situations in which the use of rapid force might be employed. Each situation will begin with a brief summary of the recent events within the area and prescribe situational ranking within the tiered system. The main portion of this section will be to demonstrate how proportionality within the tiered system can produce limitations on the use of rapid force. The paper uses Special Operations as a motif of rapid force throughout the paper due to the nature of the unit within the US military, but the rules extend to other organizations that can be used as a rapid force. Each section will highlight some challenges that the tier system experiences within the given scenario. The potential issues with the tiered system will be addressed by applying sub principles of proportionality to the situation. The sub principles help operationalize proportionality within the situation and provide a definitive resolution to the situational issue. The section will also highlight activities and actions that are permitted within different scenarios. The section will end by highlighting the reasons for limiting the use of force within the given scenario.

## Mexican Cartels

The Mexican Cartels have noticeably expanded their influence within the region and the United States wants to counterbalance the effects of their illicit activities. The US's employment of vast resources to challenge the influence of cartel activity and the growing violence raises ethical questions about the use of force (Morris 2013; Bonner 2012; Farwell and Arakelian 2014, 49-50). The way the US presents options for the use of force highlights an underlying concern about the proportionality of their actions in relation to the threat. The United States seeks further involvement in the situation because the US government sees cartels as destabilizing agents, and major sources of unethical activities (Farwell and Arakelian 2014, 46). The US perceives this kind of competition as a legitimate excuse for applying multidimensional pressure to check the influence of cartels. The use of rapid force would only be a part of the entire strategy to deal with the threat that the cartels impose.

The depth of cartel influence on politics and economics increases the likelihood that the US will escalate its police efforts to incorporate a more militaristic approach. The recent events involving the Sinaloa Cartel's ability to repulse the Mexican military illustrates the power and determination that this alternative influence has on regional and international politics (Bonner 2012, 13). The demonstration of force compels politicians, policymakers, and academics to reconsider the effectiveness of their current policies (Long 2016, 44). The escalation of violence and increasingly direct competition against state authority raises questions about the use of foreign forces as tools to directly attack and/or influence the political and economic climate within Mexico. The US continues to

offer its support to Mexico as the US begins to consider the risk that cartels have on both people and property.

The cartels' direct impact on local and foreign populations challenge the methods of using rapid force because the cartel organization goes beyond a single incident or threat. The cartel's ability to challenge the authority and legitimacy of governments through a variety of means poses a direct threat to a nation (Grayson 2009). The use of rapid force could produce some relief within some situations, but the threat goes beyond any single event or person. The US employed its Special Operations units to Mexico as a means to assist Mexico's efforts to reduce the influence of these organizations. The Special Operations units possess the ability to provide a direct impact on a situation, but can military force adequately address the underlying issues of this situation? What is the proportional response to cartel activity?

Within the tiered system, the situation receives a rating within the first category because cartels do not pose the capability or the intent to immediately harm a significant number of people and property. The cartel situation occasionally develops into a tier two-issue, but cartels do not benefit from continued instability. Though violence is a frequent tool employed against the government, any destruction or death is a side product of the business (Morris 2013, 33). Cartels react negatively to economic pressures and rely on stability within the regions where they produce and distribute their goods. Even when the cartels repulsed the military, the isolated situation did escalate to affect large groups of people or property. The lack of motivation to produce significant harm creates a barrier for any application of military violence on the issue. Cartel activity is more parasitical than detrimental because they rely on the very system they subvert. So, Cartels will not

create any incident that poses an immediate existential threat because they use the current system to support their activities. The lack of an immediate existential incident limits military involvement to training, advising, and assisting the Mexican government in their efforts to fight Cartel violence.

The two big challenges within this case come from determining what role does advising, assisting and training have on the situation and when does destabilization of a government warrant military intervention? The use of explicit definitions and applying the concepts of existential and immediate to the situation provides the necessary limitations on rapid force within Mexico. Extrapolating the meaning of existential and immediate allows all actors, regardless of the level of commitment, to impose restraint in dealing with the challenges associated with cartels. Definitions highlight explicit requirements and limitations on permissible action within the situation and the tier system allows for the government to proportionally address the changes within the situation. Assigning specific meaning to existential, immediate, and permissible actions allows for actors to identify the limitations and qualifications for rapid force.

Defining the roles and the limitation on the use of force exposes the concerns about what would be considered military force, even if not directly applied to a competitive target. All of these terms possess a latitude of interpretation within the government and the military and the goal is to provide some shared understanding about specific concepts that involve the use of force. The purpose of these definitions will be to identify how force can be employed in these areas. The lack of centralizing the definitions of the three roles mentioned above creates an ethical grey area for operations in undeclared conflict zones (Lohaus 2016, Yarger 2013). The three roles tend to blend



together and sometimes incorporate accidental demonstrations of force. The lack of clarity results in the potential escalation of violence or accidental violation of ethical values. The limitations will include evaluating intentions and consequences that occur due to the new rule (Cole 2011,177). Justification for these definitions will put into context the dilemma of Mexican Cartels and will be presented in terms of proportional escalation of force through direct and indirect means.

The role of advising means that the US government can help plan, provide expertise and judgment in support of Mexican interests (Farwell and Arakelian 2014, 48-50; Burgos 2018). The activity of advising requires a limited presence of US armed personnel, mostly likely Special Operations. Additionally, advising is limited to an exchange of ideas and information between leadership and this role does not extend down to subordinate levels of activity. This role does not include the employment of resources beyond the educational and instructional guidance to senior leaders (Priest 2013). The ultimate decision to use material or violence will be left up to the foreign government's discretion which means that the foreign government will take full responsibility for what happens in the situation. The advisors will not be directly engaged in any position that would insight or provoke violence upon any US personnel.

Applying this to the Cartels, Special Operations Groups can mentor and provide guidance to leaders on who, what, where, when, and how to address the influence of the cartels. But, the advisory role (and all other roles under tier one and two) will not be able to engage in any direct action due to the threat's lack of immediacy and impact. This and other activities that will soon be discussed illustrate the indirect role that foreign governments can have on the use of force. The tier system removes the obligation of

preventative force from foreign actors within tier one and two because both tiers lack any possibility for a singular event that could cause permanent or significant damage to a nation. Indirect forms of force and influence can be provided through these three roles because each of these roles can be adjusted according to the severity of the situation. The limitations on these roles will prevent accidental uses of force and/or an escalation of conflict involving the US within the situation.

The reason for limiting participation within this scenario results in providing a proportional response to the situation. There is no imminent threat to a significant number of people or property and cartels do not plan to radically alter the current state of affairs. Though cartels engage in many unethical activities, it does not require armed conflict or intervention by foreign governments. Speaking ethically, proportional responses to cartel crime would fall under police action or other means of influencing. Alternative methods of influencing will not be discussed here. The main purpose is to highlight the lack of impact and immediacy of harm to the US and other nations. What course of action Mexico decides to pursue will be left to their political leaders but, for the US, applying military force would accelerate violence instead of preventing further issues. Responding to Cartel activities requires more than just a quick demonstration of force. The issue of force does not seem as apparent within the advisor role of Special Operations, but the following terms will present possibilities of US exposure to direct action.

The concept of training foreign forces includes teaching, demonstrating, and rehearsing concepts within a non-combative situation (Dean et al. 2012; Priest 2013). Training can be taken further by allowing on-the-objective teaching in which US special operations would be part of the mission, but the concept of training within a tier-one or

two scenarios should bar any possibility of direct contact with possible hostile individuals and/or organizations. There is merit in providing training during operations, but, the US is ethically barred from putting US personnel into potentially violent situations. The goal of training is to transfer expertise so that others may address the issue. The purpose of training is to raise the technical and tactical proficiencies and those two purposes do not require putting US units in compromising or dangerous situations (Bonner 2013, 14-15). The limitation on training allows for indirect assistance on the cartel issue by raising the capability level of the police and military forces. The goal of this action is to keep the situation in a competitive state and to increase stability, not to increase US participation. Training provides usable knowledge for Mexico to address the rise of Cartel violence without involving US soldiers.

Along with training, military assistance is defined as providing intellectual, physical and material support for operations without directly engaging in activities that produce or entice military direct action on an objective or individual (Dean et al. 2012; Priest 2013). Same as the concepts above, it removes operators from being responsible for the use of force and preventing any situation where ethical norms could be violated. Assistance within a tier-one or two situations only allows the US to assume a supporting role within the contested areas. Supporting roles facilitate and supply Mexican Operations and indirectly influence the use of force by the host nation. Assistance can be a tool for the Mexican Government to use but should not be a means for intervention. A proportional response allows for assistance, training, and advising without direct involvement because Mexican Cartels' influence extends beyond its border. Both groups extended their influence beyond the confines of Mexico which means that each group

directly or indirectly is receiving support in order to gain or maintain its control (Morris 2013). The international nature of the situation allows for groups to pick sides, but the lack of immediate existential impacts prevents foreigners from directly involving themselves. Each of these definitions helps provide a framework for a proportional response and restraint on the use of force while allowing governments to contribute to situations.

The other main issue with Cartels involves the role that the US has on applying military force on unstable states. Though the US has advocated the use of force to prevent escalating issues, instability within states occurs for reasons that cannot be solved by foreign intervention or simple changes in power (Vallings and Moreno-Torres 2005, Lauer 2019, 108-109). In order to not introduce the additional topics, the paper asserts that the purpose of proportionality is to limit and reduce the acceptable use of violent force on any state or non-state entity. Intervention requires more formal avenues of participation that can be highlighted in Just War Theory because intervention requires a sustainment process. The tier system does not focus on rehabilitating or prolonged engagements, but preventative action would be considered within the framework. The tiered framework defends the role of prevention in as much as the efforts are quick and isolated to a specific incident. Proportional responses require an equivalent escalation of force, and preventative action could occur if the threat causes immediate and substantial damage to people and property. The section on weapons of mass destruction will provide more context on how prevention would work with the use of rapid force within the tiered framework.

Within the Mexican Cartel scenario, the institution neither causes an immediate significant loss of life or damage to property. The lack of immediacy prevents the use of rapid force because the threat will not occur within a timeframe that prevents policymakers from considering alternative responses (Farwell and Arakelian 2014). Cartel Violence, over time, produces a noticeable loss of life within Mexico but the violence will not radically increase, threatening major populations or directly causing the destruction of property. The prolonged situation fails to identify any specific incident that would justify preventative force in order to protect people and property.

The negative effects of cartel violence and its influence is not overlooked, but in terms of applying rapid force, the issue cannot justify direct military involvement. The use of US military force does not proportionally correspond to the organized crime that the Mexican Cartels produce (Carpenter 2019). The lack of immediate existential threats places serious limitations on the reliance on violence as the answer because cartel violence is reactionary (Carpenter 2019). Cartels use of violence as a means of response because cartels react to threats. Without the immediacy or scale of destruction, violence can be avoided within this situation. The cartel problem requires the use of alternative approaches like sanctions, economic barriers, police actions, NGO work and other organizations to address this issue (Wattenbarger 2019, Carpenter 2019, Morris 2013). So, applying a team of Special Operators to kill/capture leaders in the cartel is an overly aggressive tactic for the issue at hand and the responsibility for this issue should be transferred to other institutions.

The implications for this section on Mexican Cartels include revising or removing Special Operations from participating in direct action activities in Mexico and need to

create significant barriers to the application of violence with problems found within tier one or two. The application of proportionality to an unstable grey zone illustrates the gradual increase in activity that can be taken by armed forces within the competitive region (Lauer 2019, 104-105). It also creates a higher threshold for applying force on competitive situations. Though I do not advocate for their activities, it remains ethically intolerable to use violence as a means to prevent or destroy the cartels in Mexico.

### West African Islamic Extremism

In West Africa, an increasing rise in religious extremism and instability challenges sovereignty within the region. Groups like Boko Haram, AQIM, Al-Shabaab, and other groups established organizations that use the different types of social divisions within the region to promote Islamic fundamentalism (Friend 2018). These groups seek to undermine the authority of states in the region and the United States believes these groups are exacerbating crises within the Western Africa region (Burgos 2018, 111). The growing instability and violence encourage conflict over the methods used to solve the region's growing economic and political inequality (Cormier 2017; Friend 2018). The instability and lack of control by the formal governments caused countries like the United States and France to send Special Operation units into the region to help build the state, counter-terrorist activity and put down insurgencies within the region.

The United States employs its military forces to help strengthen internal defenses and the government's ability to respond to the terror groups within the region. Special Operation forces currently incorporate diplomatic, and military skills in an effort to combat the growing strife within the region. These units advise, train, and assist governments in reducing internal threats by strengthening the capacity of the government

to respond to issues. Even with the support of the United States, the terrorist organizations caused over 2 million people to migrate away from their homes and the West felt obligated to increase its commitment to resolving the crisis (Burgos 2018, 111-112). Even with the introduction of small amounts of force, the West African extremism exemplifies how the use of force does not resolve complex international crises and it raises concerns about the ethics of applying force during times of instability.

The West African situation falls is a tier two scenario on the proportionality scale and the growing crisis contains elements that could escalate the issue to the highest tier. The situation requires a contextual analysis to determine which threats within the region would need the use of force to prevent further issues. Not every nation in West Africa faces an existential threat to their infrastructure or population (Cormier 2017). Most states in the region would fall under the category defined by unstable states and small-scale violence. Other states, like Nigeria and Mali, could warrant a greater response due to the type of threats that the terror organizations make on major ethnic and religious groups (Cormier 2017). Threats against portions of society can pose an immediate existential impact and the use of rapid force might be necessary to prevent significant damage. The situation could also warrant the implementation of traditional Just War Theory to justify more protracted uses of force. The major issue within this section revolves around determining whether quick force or protracted war provides the best ethical solution.

Within West Africa, the tiered proportionality system addresses three distinct areas of concern which include identifying the threshold for applying violence, the role of force in humanitarian issues, and when a state should stop using force within a situation.

These three areas highlight the transitional concerns for applying force outside of declared conflict. This section is concerned about a state's ability to determine the necessity and the type of force to be applied to growing threats. The goal of this section will be to highlight the transition point between different methods of force and identifying if force is necessary for the situation. Concerning extremism in Africa, in most states, there are no immediate threats to large populations or risk of severe damage to property, specifically infrastructure and economically valuable property (Friend 2018; Ademola-Adelehin and Smith 2018). The states that experience a higher tier two or low tier-three crisis are Mali and Nigeria (civil wars and other crises exist but will not be addressed). These two states possess higher risks for violence and have already experienced a significant loss of life, damage to property, and forced migration.

Mali and northern Nigeria exemplify crises that experience aspects from both a tier-two and tier-three situation due to the occasional threat that poses a significant risk on people and property. Nigeria and Mali are locations where states or other international actors are experiencing the transition from competition to open conflict between major actors. This grey zone reflects the point in which rapid force might be considered as part of a temporary solution for the issues within the region but this transition phase struggles to identify justifications for a formal declaration of war or some recognition of prolonged conflict (Orr 2018; Toner 2010; Schulzke 2013). The transition to the use of force can only occur if the risk of a threat has both immediate and existential impacts on the people and property within the state.

Within the tiered framework, the transition from passive assistance to active military action occurs when the state can identify an actor's capability and intent to



destroy people and property. This part of proportionality directly links into the other aspects of Just War Theory but, to prevent an expanded examination of other Just War principles, the paper will focus on the sub principles of corresponding responses and the intent of the threat. Both subprinciples highlight a need to impose attitudes of proportionality on the use of force. These subprinciples highlight an important check on rapid force activities by illustrating a specific intent through the creation of clear goals and applying an equivalent response to the situation (Orr 2018; Kemp 1988, 66). The principle of intent forces organizations to create specific goals and limits on the application of force by requiring policymakers and politicians to consider the outcomes of violence within the situation (Long 2016; Rubright 2016, 137). Foreign actors need to consider the use of more explicit plans for the use of force because goals give the use of force meaning and limits. Without identifying the desired result, force loses its ethical legitimacy because policymakers failed to connect the means to the ends for their preventative action. Goals provide limits on the application by signal a specific end to the use of force. The use of goals operationalizes the intent for the units that will be applying rapid force. Intent allows for units to recognize the meaning behind the limits placed on the means and ends of within the grey zone.

A challenge for the sub principle of intent might be the creation of an overzealous or ambiguous policy that extends the use of force beyond a specific threat. The second sub principle of corresponding response would prevent any unethical goal by imposing additional limitations on the method of force. The corresponding response principle requires that any use of force not exceed the force being used by the threatening entity (Brown(c) 2011, 224). In this case, the military would create boundaries that limit the use

of excessive instruments or methods of force that do not correspond to the situation. In Africa, that would mean that the use of force should not extend beyond eliminating the possibility of an existential incident within the country

The second and third major issues within this African example highlights the role of humanitarian intervention and the role of military force. Humanitarian intervention receives lots of attention in academic literature that will not be introduced here. The paper will only address the role of rapid force within humanitarian crises. The tiered proportionality system, generally, requires that militaries stay away from economic and political crises because these issues require more resources and expertise found outside of its institution (Cormier 2017). Humanitarian issues, generally, do not require the use of quick military force (usually performed by Special Operations units), because these crises develop over a significant period of time and would involve more than just a quick military strike on a target. Only when a crisis involves an entity's immediate destruction of people and/or strategic property can the US apply force proportional to the threat level within the situation.

In West Africa, the humanitarian crises in northern Nigeria and Mali resulted in a persistent threat against ethnic and religious groups. Boko Haram and AQIM directly caused the flight of over 2 million people due to its violent intentions. Boko Haram also has attacked other strategic economic properties that jeopardize the economic and physical safety of other people (Onuoha 2010; 58-60). The organizations' effect on people and property verges on creating permanently damaging the state because the terror organizations jeopardize the safety and sustainability of major portions of the population. Both groups are in a transitional phase (from the second to the third tier) on the

proportionality system. The negative impact on people and property begs the question of what is the threshold between the two tiers?

The existential threshold for applying force can be determined through two questions: “Will the action result in significant damage to people and property” and “can the society recover or replace the asset without significant difficulty”? The first question highlights the basic tenets of within Tier 3 and has been discussed above. The second question requires deeper reflection because ethnic groups and states do not possess the same abilities to overcome the loss. In the case of Africa, the loss of 1000 people (though horrific) can be recovered in time without significant issues, but the loss of 10,000 within a specific region would create a lasting impact on the effectiveness of the community for a significant amount of time. The same goes for strategic property loss, if the property loss would be difficult to restore or recover, then a threat of its destruction would be an existential threat to the community and state.

To define a community’s loss threshold is both difficult and subjective. Difficulty to recover can mean many things but, within the context of using rapid force, any act that results in a community’s inability to recover the asset, whether people or property, within a generation (15 years) of time is considered an existential crisis (Buchanan 2006, 18-19). This definition prevents the possibility of violent escalations over small acts of destruction but gives enough weight to justify extreme countermeasures against acts of atrocity (Brown(b) 2011, 222). This measurement is relative to the situation and circumstance, but the general rule for these crises is that recovery outweighs the need for force. Any incident or capability that creates existential levels of destruction would

qualify for considering the use of quick force if the force results in reducing the threat level back to a lower tier.

The last main issue within the African example highlights discrepancies over when a state should end its use of force or whether the issue should be upgraded to a declared conflict zone. Within the example, determining whether military action should end or escalate is determined by the immediacy and persistence of the threat (Reiner 2018). If the threat persists after the use of rapid force, the use of traditional Just War Theory can resolve the ethical issues of starting and conducting war. If the situation requires a continuous to use military force, then states need to transition the situation into a declared conflict zone. Using the traditional Just War principle will permit for a state's ethical entrance into the area and allow for additional resources to be applied to the situation (Reiner 2018). The continuation of violence changes the grey zone into a conflict area. This transition changes the ethical context for imposing external force which means that the tiered system would not apply.

If the terror group lacks the ability to carry out the existential threat, the foreign state (US) should relinquish power back to the host nation. The lack of existential threats means that the situation devolved to one of the lower tiers. A de-escalation of violence removes the US's ethical justification for applying force. The devolution of force does not remove the ability to influence host nation activities, it just bars them from using violence as a policy tool because the ability of the enemy to cause harm has been reduced to manageable levels. So, proportionally, the US cannot use force against an entity that does not pose an immediate significant threat to the state.

The implications of this section conclude that the US may use rapid force in some states that experience an immediate existential threat to people and property. The threshold creates a clear barrier that policymakers can use to use force after identifying the intent and the corresponding level force. Within this example, the US can use force to help reduce the possibility of an existential incident within a humanitarian crisis, but the use of general force would be subjected to other ethical models. The tiered system also signals to the host nation their responsibilities and roles within these situations by limiting how foreign nations apply force. The tiered system illustrates how the proportional use of force progressively changes within a complex situation. The situation also demonstrates the limits of the tiered ethical framework within conflict and this section illustrates the joint roles that other ethical models have in helping regulate behavior.

#### CBRNE Weapons (Chemical, Biological, Radiological, Nuclear, and Electronic)

The threat of weapons of mass destruction creates an existential risk to a state's survival and, under these threats, states possess extreme discretion over the use of force. The increased access to these kinds of weapons requires a proportional framework for applying force against organizations and people that threaten to use these instruments. This section will examine why states respond differently to aggressive states versus aggressive non-state actors. This part of the study claims that a state can use extreme force when and if other actors actively consider using these types of weapons to harm others in the international community (Brown(c) 2011, 217; Brown 2013, 218-219). The biggest concerns with this section are the issues with the proportional force on actors and the problem of possession.

CBRNE weapons produce irreversible impacts on the world and states need a predetermined plan to address these threats when they appear. The lack of forewarning and the irreversible effects of these mass casualty weapons means that states will have to act without complete certainty about who or what is behind the creation of the weapon (Buchanan 2006, 8). The use of CBRN weapons can easily escalate and sidestep the ability for governments to consider approaches to these situations (Buchanan 2006, 8). This scenario requires a predisposition to act upon identifying entities with this threat capability which means that proportional force must be prescribed before the identification of the threat.

The impact of these weapons means that the principle of last resort loses relevance to this situation and that the tiered proportionality system must outline the correct quantity of force necessary for addressing the threat. CBRNE weapons make the principle of last resort obsolete because these weapons possess the immediate and existential impacts that cannot be countered by other instruments. Last resort only harms the recipient of this type of violence because it imposes a reactionary behavior to violence (Brown 2013, 219). Under these extreme circumstances, only the tiered proportionally system can provide ethical guidance for efforts to stop entities with these weapons. The proportionality system allows governments to use quick and decisive force to prevent the occurrence of these threats. The system also presents limitations on excessive force through the sub principle of necessary response. The tiered system justifies the use of force because this type of threat produces harms that exceed all other forms of harm. The sub principle of necessary response illustrates the obligation that states have to eliminate threats of ultimate harm.

The sub principle of necessary response allows the use of extreme force to prevent the employment and/or the possession of such weapons because everyone shares the obligation to eliminate threats of ultimate harm. The two main issues with this sub principle stem from the identity of the actor and the level of force. These two issues face concerns about equality in relation applying force and the equal treatment of aggressors (Toner 2010). Under extreme circumstances, ethical violations occur through the lack of forethought and planning in attempts to address these concerns. The immediacy of these threats requires a carefully planned course of action to allow for a streamlined response when these threats actualize on the world stage. The type of actor affects the response due to the nature of the decision process and the immediacy of employing the weapons (Schultze, 2008; Buchanan 2006). These different aspects alter how force is applied and a better understanding of the capabilities of each type of actor will demonstrate the necessity for the different treatments.

Concerning the treatment of state and non-state actors, generally, the US treats state actors differently than non-state actors because of the relative efficiency of employing the weapon by non-state actors. Though both actors require the same level of expertise to make and deploy the weapon, proportionality in relation to the speed and efficiency of each actor determines the level of response necessary to fix the situation. Efficiency can be defined in terms of decision making and the probability of execution. State actors possess inherent barriers for using CBRNE weapons due to the political nature of decision making which creates the disparity of treatment between the two types of actors. With state actors, the use of CBRNE weapons requires permissions and processes in order to make the weapon become available for use. The very acquisition of these

weapons increases the international attention on the state's creation and maintenance of this capability (Younger 2000). International attention creates additional pressure to resist the use of these weapons. The legal, bureaucratic, and political nature of these weapons also forces leaders to consider second and third effects on the use of these weapons (Sagan 1996). The assurance of retaliation prevents most state actors from using these weapons on other states and, even if states can overcome this barrier, the delivery system of the weapon could be easily identified.

With state actors, rapid force may be used in isolated attacks on facilities and personnel that exhibit behavior that would result in their use, but history demonstrates that state actors generally moderate their attitudes once they achieve these capabilities. The increased intellectual and technological capabilities to create and store these weapons historically correlates with a more defensive use of these weapons (Younger 2000, Sagan 1996). Countries with nuclear weapons tend to not go to war with each other and certainty will not use these weapons unless the other side uses them. The historical record of state actors' behavior with these weapons makes it unlikely that any force will be necessary. But, in the case of irresponsibility, other states can employ force to destroy the capabilities in isolated attacks. Once the capabilities are neutralized, then the violence stops because the existential threat is gone. State actors, generally, face international, domestic, historical and technical barriers that help deter the use of CBRNE weapons.

Non-State actors do not use the same regulation on their employment of CBRNE weapons and can more effectively maneuver their weapons compared to state actors. The centralized decision process and deliberate planning make non-state actors the most likely actors to create an existential crisis for nations when involving these kinds of



weapons (Younger 2000). Non-state actors lack external oversight which means that the barriers of consideration and decision making do not affect their ability to employ the weapon. Non-state actors do not have the same limitation that state actors inherit which means that non-state actors are the most likely entities to be exposed to military force. The use of force on non-state actors creates an additional issue of collateral damage because nonstate actors inherently reside in closer proximity to civilian populations than state actors.

The main issue with using force to destroy these weapons revolve around collateral damage. The reason for using rapid force is to prevent escalation or an occurrence of an existential crisis. So, the general rule is to seize or destroy the weapon before it is employed. The need to destroy these weapons may cause collateral damage to structures and people. Within this situation, the best way to limit collateral damage is to employ Special Operations units to the site in order to verify the destruction and/or seizure of the weapon (Brown 2013, 219). CBRNE situations possess the potential to harm large populations and strategic property and, by forcing a human response to these situations, real verification can ensure that the production and method of distribution for the weapon are terminated. Bombing locations and personnel do not guarantee that weapon production stops and bombs affect more than just the site of the weapon (Harbour 2011, 237-238). Proportionality limits the acceptable costs of innocent lives and bombs produce uncontrollable impacts on the objective and the surrounding environment (Steinhoff 2014, 35-36; Cole 2011, 177). By emphasizing a human response, states can prevent excessive collateral damage and verify the destruction of the weapon, but paper recognizes that some situations require alternative methods. The goal for any use of force

is to first, destroy the weapon and second, reduce the level of collateral damage. The US already employs this general strategy and it answers the basic ethical concerns for responding to these types of threats.

The major claim of this section is the necessity of controlled force because, even in extreme circumstances, it is everyone's obligation to prevent unfettered violence or accidental ethical violations. CBRNE and other tier-three scenarios present a unique challenge because it requires active searching unlike other existential threats (Shulte 2008, 22-24). The relative speed in the creation process and the rapid employing CBRNE weapons would require more resources and cooperation between states due to the spillover effects these weapons have. Tier three scenarios provide authorization for nations to act unilaterally in order to destroy this kind of weapon for the sake of the international community (Lucas 2003, 125-126). The existential quality of this issue within the topic of CBRNE falls under the right to actively self-defend one's nation if the means and motives for using these weapons are not apparent (Bellamy 2009, 233). The tiered proportional system provides the best response to this crisis and, without a definitive ethical framework, extreme force and accidental violations of ethics would be commonplace within this section of the case study.

## **Conclusion**

The case study brought clarity to the principle of proportionality and helped give context for the use of rapid force within grey zones. The context of Mexico, Africa, and CBRNE situations provide examples for applying a proportionality framework and its sub principles to real-world scenarios. The study highlights the need for more restraint within the current policies in the United States in order to help prevent the escalation of

violence (Orr 2018, 14). The tiered system allows proportional force to be applied to incidents that could cause immediate existential damage.

The proportional system illustrates important features that allow states to use force outside of war by identifying a method of evaluating risks. The goal of imposing the tiered proportionality system is to reduce the use of rapid force. Proportionality ultimately emphasizes control over one's action in relation to the situational understanding (Brown 2003, 184; Orr 2018, 18). The new system operationalizes the ethical principle into an actionable approach to threats and provides explicit instructions on how and when force should be considered outside of declared combat zones. It both enables and limits rapid force by identifying specific principles to govern action and uses examples to demonstrate how the new system would be incorporated into modern situations. The application of the tiered system should alter the activity within grey zones and de-escalation of conflict within those regions. The new interpretation of proportionality addresses the changes to modern war and provides a way to better apply ethical principles to the changing nature of the conflict.

The case study provides good grounds for the principle of proportionality but a further investigation into the evolution of proportionality throughout the different phases of conflict would provide insight into the ethical roles that leaders have when suggesting the use of violence as a policy option. Proportionality remains a difficult principle to articulate due to the contextual nature of its application and further explanations would create clear guidance for ethical responses to future competition, conflict, and warfare between international actors.

## Bibliography

- Adams, Michael J., and Goodman, Ryan. 2018. "Reasonable Certainty" vs "Near Certainty" in Military Targeting-What the Law Requires." -02-15T13:39:38+00:00 (accessed Apr 29, 2020). <https://www.justsecurity.org/52343/reasonable-certainty-vs-near-certainty-military-targeting-what-law-requires/>.
- Ademola-Adelehin, Olubukola, and Katie Smith. 2018. "The US and Nigeria have an opportunity to build stability. Here's why their leaders should take it." May 1, (accessed Nov 17, 2018). <https://thehill.com/blogs/congress-blog/foreign-policy/385643-the-us-and-nigeria-have-an-opportunity-to-build-stability>.
- Bellamy, Alex J. 2009. "When is it Right to Fight? International Law and Jus ad Bellum." *Journal of Military Ethics* 8, no. 3: 231-245, <http://www.tandfonline.com/doi/abs/10.1080/15027570903230299>.
- Bonner, Robert C. 2012. "The Cartel Crackdown: Winning the Drug War and Rebuilding Mexico in the Process." *Foreign Affairs* 91, no. 3: 12-16, <http://www.jstor.org/stable/23217962>.
- Brown, Davis. 2011b. "INTRODUCTION: THE JUST WAR TRADITION AND THE CONTINUING CHALLENGES TO WORLD PUBLIC ORDER." *Journal of Military Ethics* 10, no. 3: 125-132, <http://www.tandfonline.com/doi/abs/10.1080/15027570.2011.613161>.
- Brown, Davis. 2011c. "PROPORTIONALITY IN MODERN JUST WAR THEORY: A TORT-BASED APPROACH." *Journal of Military Ethics* 10, no. 3: 213-229, <http://www.tandfonline.com/doi/abs/10.1080/15027570.2011.608496>.
- Brown, Gary. 2003a. "Proportionality and Just War." *Journal of Military Ethics* 2, no. 3: 171-185, <http://www.tandfonline.com/doi/abs/10.1080/15027570310000667>.
- Buchanan, Allen. 2006. "Institutionalizing the Just War." *Philosophy & Public Affairs* 34, no. 1: 2-38, <https://www.jstor.org/stable/3557973>.
- Burgos, Russell A. 2018. "Pushing the easy button: special operations forces, international security, and the use of force." *Special Operations Journal* 4, no. 2: 109-128, <http://www.tandfonline.com/doi/abs/10.1080/23296151.2018.1522754>.
- Carpenter, Ted G. 2019-11-13T09:18:18-0500. "U.S. Military Assistance Cannot Fix Mexico's Cartel Mayhem." 2019-11-13T09:18:18-0500 (accessed Apr 18, 2020). <https://www.cato.org/publications/commentary/us-military-assistance-cannot-fix-mexicos-cartel-mayhem>.
- Cole, Darrell. 2011. "WAR AND INTENTION." *Journal of Military Ethics* 10, no. 3: 174-191, <http://www.tandfonline.com/doi/abs/10.1080/15027570.2011.608493>.
- Cormier, Dan. 2017. "HOW IGNORING SOCIAL COHESION WEAKENS THE FIGHT AGAINST EXTREMISTS.", -09-22T06:00:36+00:00. Accessed Nov 17, 2018. <https://warroom.armywarcollege.edu/articles/war-military-assistance-and-social-cohesion/>.

- Correa-Cabrera, Guadalupe, Michelle Keck, and Jose Nava. 2015. "Losing the monopoly of violence: the state, a drug war, and the paramilitarization of organized crime in Mexico (2007-10)." *State Crime Journal* 4: 77+,  
<https://link.gale.com/apps/doc/A419535414/AONE?u=byuprovo&sid=AONE&xid=d3a9671e>.
- Dean, William, et al. 2012. *Mexican cartels*. Cambridge, MA: ABC-CLIO.
- Dorn, A. Walter. 2011a. "THE JUST WAR INDEX: COMPARING WARFIGHTING AND COUNTERINSURGENCY IN AFGHANISTAN." *Journal of Military Ethics* 10, no. 3: 242-262,  
<http://www.tandfonline.com/doi/abs/10.1080/15027570.2011.608499>.
- Fabre, Cecile. 2008. "Cosmopolitanism, Just War Theory, and Legitimate Authority." *International Affairs (Royal Institute of International Affairs 1944-)* 84, no. 5: 963-976, <https://www.jstor.org/stable/25144931>.
- Farwell, James P., and Darby Arakelian. 2014. "War on Our Doorstep; Not a Mere Crime Problem." *Strategic Studies Quarterly* 8, no. 1: 40-54,  
<http://www.jstor.org/stable/26270604>.
- Friend, Alice H. 2018. "The Evolution of U.S. Defense Posture in North and West Africa. "August 15, (accessed Nov 17, 2018). <https://www.csis.org/analysis/evolution-us-defense-posture-north-and-west-africa>.
- Harbour, Frances V. 2011. "REASONABLE PROBABILITY OF SUCCESS AS A MORAL CRITERION IN THE WESTERN JUST WAR TRADITION." *Journal of Military Ethics* 10, no. 3: 230-241,  
<http://www.tandfonline.com/doi/abs/10.1080/15027570.2011.608497>.
- Kemp, Kenneth W. 1988. "Just-War Theory: A Reconceptualization." *Public Affairs Quarterly* 2, no. 2: 57, <https://search.proquest.com/docview/1839796117>.
- Lauer, G. Stephen. 2019. "Broken Windows: Special Operations and Clausewitz-Theory, Politics, and State Military Violence in the Limited Wars of the Twenty-first Century." *Special Operations Journal* 5, no. 2: 103-110,  
<http://www.tandfonline.com/doi/abs/10.1080/23296151.2019.1674047>.
- Lohaus, Phillip. 2016. "Special Operations Forces in the Gray Zone: An Operational Framework for Using Special Operations Forces in the Space Between War and Peace." *Special Operations Journal* 2, no. 2: 75-91,  
<http://www.tandfonline.com/doi/abs/10.1080/23296151.2016.1239989>.
- Long, Austin. 2016. "The Limits of Special Operations Forces." *PRISM* 6, no. 3: 34-47,  
<https://www.jstor.org/stable/26470463>.
- Lucas, George R. 2003. "The Role of the 'International Community' in Just War Tradition--Confronting the Challenges of Humanitarian Intervention and Preemptive War." *Journal of Military Ethics* 2, no. 2: 122-144,  
<http://www.tandfonline.com/doi/abs/10.1080/15027570310000261>.

- Martin, Grant. 2014. "Zero dark-squared: Does the US benefit from more Special Operations Forces?" *International Journal* 69, no. 3: 413-421, <https://www.jstor.org/stable/24709326>.
- Morris, Evelyn Krache. 2013. "Think Again: Mexican Drug Cartels." *Foreign Policy*, no. 203: 30-33, <http://www.jstor.org/stable/24576001>.
- Onuoha, Freedom C. 2010. "The Islamist challenge: Nigeria's Boko Haram crisis explained." *African Security Review* 19, no. 2: 54-67, <http://www.tandfonline.com/doi/abs/10.1080/10246029.2010.503061>.
- Orr, Scott W. 2018. *JUST WAR THEORY RELOADED: THE ETHICS OF SOF IN MODERN CONFLICT* Monterey, CA; Naval Postgraduate School. [https://www.openaire.eu/search/publication?articleId=od\\_\\_\\_\\_\\_2778::fdcc275bf0ce531c8f593f6da599cc6a](https://www.openaire.eu/search/publication?articleId=od_____2778::fdcc275bf0ce531c8f593f6da599cc6a).
- Priest, Dana. 2013. "U.S. role at a crossroads in Mexico's intelligence war on the cartels." *Washington Post*, -04-27T08:22-500 (accessed Apr 18, 2020). [https://www.washingtonpost.com/investigations/us-role-at-a-crossroads-in-mexicos-intelligence-war-on-the-cartels/2013/04/27/b578b3ba-a3b3-11e2-be47-b44febada3a8\\_story.html](https://www.washingtonpost.com/investigations/us-role-at-a-crossroads-in-mexicos-intelligence-war-on-the-cartels/2013/04/27/b578b3ba-a3b3-11e2-be47-b44febada3a8_story.html).
- Reiner, J. Toby. 2018. *NEW DIRECTIONS IN JUST-WAR THEORY*. Carlisle Barracks, PA: US Army War College.
- Rubright, Richard. 2016. "The U.S. Strategic Paradox, Third-Party Proxies, and Special Operations Forces." *Special Operations Journal* 2, no. 2: 135-145, <http://www.tandfonline.com/doi/abs/10.1080/23296151.2016.1239986>.
- Sagan, Scott D. 1996. "Why Do States Build Nuclear Weapons? Three Models in Search of a Bomb." *International Security* 21, no. 3: 54-86, <http://www.jstor.org/stable/2539273>.
- Schulte, Paul. 2008. "Just Wars of the Future? Applying Just War Theory to Twenty-First Century Rogue Regimes." *The RUSI Journal* 153, no. 4: 18-27, <http://www.tandfonline.com/doi/abs/10.1080/03071840802386158>.
- Schulzke, Marcus. 2015. "The contingent morality of war: establishing a diachronic model of jus ad bellum." *Critical Review of International Social and Political Philosophy* 18, no. 3: 264-284, <http://www.tandfonline.com/doi/abs/10.1080/13698230.2013.829330>.
- Steinhoff, Uwe. 2014. "Just Cause and 'Right Intention'." *Journal of Military Ethics* 13, no. 1: 32-48, <http://www.tandfonline.com/doi/abs/10.1080/15027570.2014.908647>.
- Toner, Christopher. 2010. "The Logical Structure of Just War Theory." *The Journal of Ethics* 14, no. 2: 81-102, <https://www.jstor.org/stable/20728523>.
- Vallings, Claire, and Magui Moreno-Torres. 2005. DRIVERS OF FRAGILITY: WHAT MAKES STATES FRAGILE? <http://ageconsearch.umn.edu/record/12824/>.

Wattenbarger, Madeleine. 2019. "Mexico's President Says the War on Drugs Is Over. Not All Mexicans Agree.", -04-17T13:25:27+00:00 (accessed Apr 18, 2020). <https://www.thenation.com/article/archive/amlo-drugs-cartels-war/>.

Whitman, Jeffrey P. 2007. "Just War Theory and the War on Terrorism: A Utilitarian Perspective." *Public Integrity* 9, no. 1: 23-43, <http://www.tandfonline.com/doi/abs/10.2753/PIN1099-9922090102>.

Yarger, Harry R. 2013. *21st century SOF*. JSOU report. Vol. 13-1. MacDill Air Force Base, Florida: The JSOU Press. <http://www.dtic.mil/docs/citations/ADA591817>.

Younger, Stephen M. 2000. *Nuclear Weapons in the Twenty-First Century*: Los Alamos National Laboratory.