

A Qur'anic Theoretical Framework for End-Oriented Proportionality in Armed Conflicts, with an Emphasis on Imami Jurisprudence

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Abstract

The principle of proportionality in the law of armed conflict prohibits attacks when the expected incidental harm to civilians is excessive relative to the concrete and direct military advantage anticipated. Although this principle is well established, its practical application presents significant challenges: "The determination of military advantage, the estimation of incidental harm, and the definition of "Excessiveness" remain contested." This article investigates the Qur'anic foundations and constraints that govern the limitation of force and explores how these can be structured into an end-oriented analytical framework, drawing on principles from Imami jurisprudence. The study employs a descriptive-analytical methodology, utilizing thematic interpretation of relevant Qur'anic verses, consultation of Qur'anic exegeses and Imami jurisprudential sources, and conceptual comparison with international humanitarian law instruments and literature. The findings demonstrate that the Holy Qur'an does not present the "Principle of Proportionality" as a titled or technical legal rule. Nevertheless, concepts such as transgression, equivalence, justice, equity, repelling aggression, and peace, along with principles including the prohibition of domination, preservation of social order, the no-harm rule, the prohibition of injustice, the prohibition of mutilation, and the immunity of non-combatants, collectively establish a normative framework for limiting the use of force. This framework is structured at three levels: "The grounds for defense, the conduct of defense, and its ends and continuation." The proposed framework does not equate to the technical rule of proportionality nor serve as its substitute; rather, it provides a complementary normative analysis of defense within Islamic sources. The originality of this article lies in this formulation and its systematic comparison with the legal principle of proportionality.

Keywords: Qur'anic Theoretical Framework, End-oriented Proportionality, Armed Conflicts, Imami Jurisprudence, International Humanitarian Law, Legitimate Self-defense.

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Introduction

The principle of proportionality, together with the principles of military necessity, distinction, and humanity, is regarded as one of the fundamental pillars of the law of armed conflict (Melzer, 2016: 18). Under Articles 51(5)(b) and 57(2)(a)(iii) of Additional Protocol I of 1977 and Article 8(2)(b)(iv) of the Rome Statute of the International Criminal Court, an attack is prohibited if it may be expected to cause incidental harm to civilians or civilian objects that would be excessive in relation to the concrete and direct military advantage anticipated. Under the conditions specified, such an attack may also give rise to international criminal responsibility (Dörmann, 2003: 164; Additional Protocol I, 1977, Arts. 51(5)(b), 57(2)(a)(iii); Rome Statute, 1998, Art. 8(2)(b)(iv)).¹

However, the practical application of this rule is complex. The determination of military advantage, estimation of incidental harm, and assessment of "Excessiveness" rely on the judgment of commanders operating under uncertainty.

Scholarly debates in the ethics of war literature persist regarding the appropriate scope and basis for proportionality calculations, as well as which benefits and harms should be considered (Hurka, 2005: 38).² These challenges indicate that the rule is not mathematical but rather evaluative and context-dependent (Sassòli, 2019: 367).

Islamic sources, particularly the verses concerning fighting, set out constraints relating to the grounds for defense, the limits of conduct, and its ultimate purpose. Fighting those who fight against the believers is accompanied by a prohibition on transgression (al-Baqarah:190); permission to defend oneself is linked to having suffered injustice (al-Hajj:39); human dignity, affirmed in the verse "Indeed, We have honored the children of Adam," (al-Isrā':70) informs human conduct as a whole. Fighting is directed toward ends such as repelling corruption (al-Baqarah:251), bringing an end to *Fitna* (al-Anfāl:39), and accepting peace (al-Anfāl:61). Imami jurisprudence has likewise translated these foundations into detailed rulings through principles such as the prohibition of domination, preservation of social order, the no-harm rule, and the prohibition of injustice, the prohibition of mutilation, and the immunity of non-combatants.

The central issue examined in this study is that proportionality under international humanitarian law primarily functions at the level of operational conduct, assessing the relationship between expected incidental harm and anticipated concrete and direct military advantage. In contrast, Qur'anic teachings and Imami jurisprudence approach restrictions on the use of force through principles that address the grounds for defense, the limits of

1. Translation of Article 51(5)(b) of Additional Protocol I: "An attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated." Article 57(2)(a)(iii) imposes the same standard on commanders as an obligation to take precautions in attack. In contrast, Article 8(2)(b)(iv) of the Rome Statute classifies the launching of such an attack, with knowledge of its consequences, as a war crime.

2. Translation of the substance of the cited discussion: In the aforementioned article, Hurka examines proportionality in the ethics of war through an assessment of the good and harm resulting from military action. He and He also address changes in the formulation of proportionality in AI-based decision-support systems. The present article cites these two works solely to illustrate the calculative tendency in critical literature, rather than to reproduce their arguments in full.

defensive conduct, and the ultimate purpose and continuation of such conduct. Therefore, the research question extends beyond whether the Qur'an contains a rule explicitly labeled as the "Principle of proportionality." It investigates whether a coherent Qur'anic-jurisprudential framework for conceptualizing proportionality can be constructed from these principles and how this framework relates to the technical concept of proportionality in humanitarian law.

The present study is classified as fundamental research and employs a descriptive-analytical methodology. The research process involves: "Identifying and classifying verses related to fighting, defense, transgression, equivalence, justice, equity, repelling aggression, peace, and the objectives of fighting based on their conceptual relationships; examining the normative implications of these categories through selected Qur'anic commentaries; comparing the Qur'anic findings with principles of Imami jurisprudence and the technical rule of proportionality in humanitarian law; and presenting the results in a three-level model." The article proceeds by reviewing the literature and clarifying key concepts, then analyzing proportionality in the law of armed conflict, its Qur'anic foundations, relevant jurisprudential principles, the comparative analysis, and the proposed model.

1. Literature Review

Previous studies can be divided into two categories. The first consists of general works on the principle of proportionality and the rules governing Jihad. Mahmoudi et al. (2021 AD/1400 SH) examined proportionality in relation to the principles of military necessity and distinction, from the perspective of environmental protection. In the field of Islamic jurisprudence, Amid Zanjani (2009 AD/1388 SH) and Mesbah Yazdi (2013 AD/1392 SH) provided descriptive accounts of the rules governing Jihad and the Qur'an's legal and political foundations. The limitation of this category is that these studies have either remained confined to treaty frameworks and positivist approaches to international law or presented jurisprudential teachings without conceptually connecting them to contemporary challenges in international humanitarian law.

The second category comprises more specialized and recent studies and can itself be divided into two strands. The first focuses on emerging technologies. Ala'ifard et al. (2024 AD/1403 SH), Navari and Khalifeh (2025 AD/1404 SH), and Abbasi and He (2026) examined proportionality in the contexts of artificial intelligence, autonomous weapons, and cyber operations. These studies focus on technical dimensions and do not address the question of proportionality's normative foundations. The second strand consists of case studies. Ghalandari Shamami and Sobhani (2025 AD/1404 SH), as well as Tabibzadeh and Zeinoddini (2023 AD/1402 SH), examined proportionality and human shields in the Gaza war, while Mohammadpour and Harsani (2025 AD/1404 SH) assessed the criterion for identifying a military objective in a specific incident. These studies have relied on the conventional "Harm-advantage" criterion as the basis for their assessments and have not drawn on the interpretive and Ijtihād-based potential of Islamic sources.

A review of prior research reveals that most studies have either explained the principle of proportionality within international humanitarian law or examined the general foundations of warfare and defense in the Qur'an and Islamic jurisprudence. The formulation of the

relationship between these two domains within a multilevel, end-oriented analytical framework has received comparatively little attention. This study addresses this gap while preserving the conceptual distinction between the technical rule of proportionality and its Qur'anic-jurisprudential foundations.

To the best of the author's knowledge, three gaps can be identified. First, the relationship between the Qur'anic ends of defense, repelling aggression, warding off corruption, and bringing *Fitna* to an end, and the assessment of proportionality has not been systematically analyzed. Second, the constraining role of jurisprudential principles such as the prohibition of domination, preservation of social order, the no-harm rule, and the prohibition of injustice has not been examined collectively within a unified structure. Third, no clear comparison has been undertaken between the legal rule of proportionality and the limits on the use of force discussed in Imami Qur'anic exegesis and jurisprudence.

The originality of this study does not rest on asserting that the principle of proportionality, under the same title and structure, historically existed in the Qur'an or Imami jurisprudence. Instead, it is found in the analytical formulation of the relationship among the three identified levels and in demonstrating the capacity of Qur'anic and jurisprudential principles to explain the proportionality of defensive actions within an end-oriented framework. Accordingly, the study differentiates between the "Technical rule of proportionality" in international humanitarian law and the "Normative framework of proportionality" derived from Qur'anic and jurisprudential sources.

2. Conceptual Clarification

The title of this article comprises four components: proportionality, ends, armed conflicts, and theoretical framework. To ensure that these terms are used consistently throughout the text, each is explained on the basis of its established and documented definition, after which the relationship among the concepts of "Principle," "Theoretical Framework," and "Model" is clarified.

2.1. Proportionality

Lexically, proportionality is the verbal noun of the sixth-form Arabic verb derived from the root (*n-s-b*), denoting a relationship or correspondence between two things (Ibn Manẓūr, 1993 AD/1414 AH: s.v. "*n-s-b*"; Jawharī, 1956 AD/1376 AH: s.v. "*n-s-b*"). In the law of armed conflict, however, the term has a specific technical meaning and does not simply refer to balance or harmony in the general sense. Under Article 51(5)(b) of Additional Protocol I and Rule 14 of the International Committee of the Red Cross's study on customary international humanitarian law, proportionality means the prohibition of an attack expected to cause incidental harm that would be excessive in relation to the concrete and direct military advantage anticipated (Additional Protocol I, 1977, Art. 51(5)(b); Henckaerts & Doswald-Beck, 2005, Rule 14). According to the Commentary on Additional Protocol I, the anticipated military advantage must be concrete and direct, and the assessment must be made at the time the decision to launch the attack is taken (Sandoz et al., 1987: 684).

A distinction must be drawn between two applications of proportionality in international law. The first is proportionality under the *jus ad bellum*, or the law governing the resort to

force, which assesses the relationship between a defensive response and the aggression to which it responds. The second is proportionality under the *jus in bello*, or the law governing the conduct of hostilities, which assesses incidental harm in relation to the military advantage anticipated from an attack (Gardam, 2004: 59-84).

Consequently, the lawfulness of the grounds for resorting to force and the lawfulness of the manner in which force is used are two distinct questions. The existence of lawful grounds for resorting to force must not be taken to justify disproportionate conduct during an armed conflict. This distinction is important for the present article because the Qur'anic verse "So whoever transgresses against you, transgress against them in the same measure as they have transgressed against you" (al-Baqarah:194) is more closely related to the first application. In contrast, the rules concerning the immunity of non-combatants and the prohibition of unnecessary harm are associated with the second.

Whenever the term "Principle of Proportionality" appears on its own in this article, it refers to the technical rule governing the conduct of hostilities. By contrast, references to proportionality in Islamic sources denote the broader concept of "Calibrating the use of force according to necessity." Accordingly, the term proportionality is used in this study at two levels: first, in its technical legal sense under international humanitarian law; and second, in the broader sense of the normative framework proposed by this study for limiting the use of force. Failure to distinguish between these two levels may lead to confusion between an established legal rule and the analytical formulation advanced by this research.

2.2. Ends

Lexically, ends refer to the conclusion or ultimate limit of anything (Ibn Manẓūr, 1993 AD/1414 AH: s.v. "*gh-y-a*"). In this study, an end refers to the desired normative state that legitimizes a defensive action and determines its direction and limits, such as repelling aggression, warding off corruption, and restoring a just peace. An end is not identical to a "Military Objective" or "Military Advantage." Military advantage refers to a specific operational outcome anticipated from an attack (Sandoz et al., 1987: 684). In contrast, an end indicates the ultimate normative and value-oriented direction of the overall defensive action. Capturing a bridge, for example, may constitute an operational objective, but repelling aggression is an end that may confer legitimacy on that objective or deprive it of legitimacy. In this study, therefore, an end is distinguished from a "Military Objective": the latter refers to the immediate object of a military operation, whereas the former concerns the desired normative state in light of which the legitimacy and continuation of defensive action are assessed.

2.3. Armed Conflicts

Under Common Article 2 of the 1949 Geneva Conventions, an international armed conflict is any armed conflict between two or more States. A non-international armed conflict, as described in Common Article 3 and the Appeals Chamber's judgment of the International Criminal Tribunal for the former Yugoslavia in *Prosecutor v. Tadić*, involves protracted armed violence between governmental authorities and organized armed groups, or between such groups within a State (Geneva Conventions, 1949, Common Arts. 2-3; *Prosecutor v.*

Tadić, 1995, para. 70).¹

In jurisprudential sources, this same domain is addressed through terms such as fighting, Jihād, defense, war, and rebellion, each of which is subject to its own specific rulings and conditions. The concept of armed conflict is used in this study solely to define the subject matter under discussion. It does not imply that the rules governing all types of armed conflict are identical; rather, the rules and sources applicable to each category are considered as appropriate.

2.4. Theoretical Framework, Principle, and Model

In its commonly accepted definition, a "Theory" is a set of interrelated concepts, definitions, and propositions that provides a systematic view of a phenomenon by specifying the relationships among variables (Kerlinger, 1986: 9).² In law, however, a "Principle" is a rule or norm that directly regulates conduct. These two levels are not identical, and the present article clarifies its position precisely at this point.

First, the "Principle of Proportionality" is the technical rule governing the conduct of hostilities. This article neither modifies that rule nor claims that it appears in the Qur'an under the same title. Second, the "Qur'anic Theoretical Framework for End-Oriented Proportionality" is a term used to designate the analytical system constructed by the researcher through the integration of Qur'anic foundations and jurisprudential principles. It is neither a legal principle nor a theory that exists in traditional texts under this name. The adjective "Qur'anic" refers to the origin of its foundations, not to a claim that the Qur'an itself presents such a structure using this terminology. Third, the "Model" is a structural representation of this framework at three levels. Fourth, the term "Formulation" in this article means organizing existing materials into a new structure, rather than reconstructing something that previously existed in precisely the same form. For this reason, the term "Reconstruction" is not used, and "Theory" and "Principle" are not used interchangeably in the following sections.

Accordingly, in this study, a "Principle" refers to a normative rule or criterion governing the restriction of conduct; a "Theory" denotes a coherent structure of concepts and relationships proposed to explain a phenomenon; and a "Model" is a concise representation of the relationships among the components of a framework. Thus, the term "Theoretical Framework" in this article refers to the proposed analytical structure of the study, rather than asserting the historical existence of a theory bearing this title in Islamic sources.

In light of these clarifications, the operational definition of the proposed framework is as follows: the Qur'anic Theoretical Framework for End-oriented Proportionality is a set of concepts and principles derived from the Holy Qur'an and Imami jurisprudence that assesses

1. Translation of the substance of paragraph 70 of the Tadić judgment: An armed conflict exists whenever there is resort to armed force between States, or protracted armed violence between governmental authorities and organized armed groups, or between such groups within a State.

2. Translation of the substance of the definition: A theory consists of a set of interrelated constructs (concepts), definitions, and propositions that, by specifying relationships among variables, provides an organized view of phenomena for the purpose of explaining and predicting them.

the legitimacy of the use of force in defense at three levels: the grounds for defense; the limits and manner of defensive conduct; and the consistency of the continuation of defense with its intended ends. This framework does not reject the assessment of harm in relation to military advantage; rather, it incorporates additional levels of analysis alongside it.

3. The Principle of Proportionality in the Law of Armed Conflict

The principle of proportionality is interconnected with the principles of distinction, military necessity, and precautions in attack, and together these principles establish the normative structure of the law of armed conflict (Dinstein, 2022: 154; Henckaerts & Doswald-Beck, 2005, Rule 14). The principle of distinction (Article 48 of Additional Protocol I; Legality of the Threat or Use of Nuclear Weapons, 1996, para. 78) defines the boundaries of lawful targeting. Military necessity, within the framework of the rules governing armed conflict, refers to the necessity of taking action to achieve a legitimate military objective; it does not, in itself, authorize departure from the prohibitions and restrictions imposed by international humanitarian law (Hayashi, 2010: 41). Proportionality occupies an intermediate position between these principles and assesses probable incidental harm in relation to military advantage (Byron, 2009: 193). A serious violation of this rule is criminalized under the Rome Statute (Rome Statute, 1998, Art. 8(2)(b)(iv)).

In this respect, it is essential to distinguish among four concepts. The principle of distinction determines what may lawfully be targeted; military necessity concerns the need to act in order to achieve a legitimate military objective; proportionality assesses the relationship between expected incidental harm and the anticipated concrete and direct military advantage; and precautions in attack concern the measures that must be taken to reduce harm to civilians.

The International Committee of the Red Cross's study of customary international humanitarian law considers this rule applicable in both international and non-international armed conflicts. It requires commanders to conduct a reasonable, *ex ante* assessment of the effects of an attack (Henckaerts & Doswald-Beck, 2005, Rule 14). The Commentary on Additional Protocol I and the Harvard Program on Humanitarian Policy and Conflict Research's Manual on International Law Applicable to Air and Missile Warfare maintain that military advantage must be concrete, direct, and foreseeable in the near future, and that remote strategic objectives cannot justify incidental harm (Sandoz et al., 1987: 684; HPCR, 2010: 92). Persian-language legal scholarship has likewise characterized proportionality as a defensive rather than punitive instrument for restraining violence and balancing defensive action against the level of threat (Falak, 2016: 248; Kenani & Siah Rostami, 2004: 170).

From the perspective of its philosophical foundations, the principle of proportionality has been influenced by the ethics of war and the just war tradition, seeking to balance the right of defense with humanitarian considerations (Walzer, 2015: 129). As Hayashi explains, the use of force must, on the one hand, be necessary to achieve a military objective and, on the other, must not exceed the limits imposed by the protection of human dignity (Hayashi, 2010: 43).¹

1. Translation of the substance of the cited discussion: The relationship between military necessity and humanity in the law of armed conflict is complementary. Force is permissible only to the extent necessary to achieve a legitimate military objective, while humanitarian considerations impose limits on its use.

Two predominant approaches can be identified in interpretations of proportionality. The restrictive approach treats proportionality as a constraint designed to limit the human consequences of war and prohibits any attack whose incidental harm would be excessive in relation to the anticipated military advantage (Sassòli, 2019: 370; Sandoz et al., 1987: 678). One weakness of this approach is that it does not provide a criterion for assessing the effectiveness of defensive action in bringing aggression to an end. This becomes problematic in asymmetric warfare and in cases involving the use of human shields (Henckaerts & Doswald-Beck, 2005, Rule 14).

The balancing approach, by contrast, treats proportionality as a case-specific process of balancing military necessity against humanitarian considerations and entrusts the assessment to a reasonable commander operating under the circumstances of the particular operation (Dinstein, 2022: 161; Sandoz et al., 1987: 684). The flexibility of this approach has sometimes led to ambiguity concerning the limits of proportionality (Byron, 2009: 193-194).

In this article, these two labels are used as analytical categories for classifying the literature, not as a formal and universally accepted taxonomy within international humanitarian law. Both approaches conduct their assessments primarily at the level of military conduct, relying on the anticipated effects of an attack. The third approach proposed in this article, which must be emphasized as an analytical proposal rather than an established approach in humanitarian law, adds another level of analysis at this point. In addition to assessing harm and advantage, it asks whether the grounds for defense have been established, whether the manner of defense remains within the limits of necessity and justice, and whether the continuation of the action remains directed toward the legitimate ends of defense.

4. Qur'anic Foundations for Restricting the Use of Force

The analytical approach adopted in this section involves directly deriving normative implications from Qur'anic verses and then examining how these implications are explained in Qur'anic exegesis and Imami jurisprudence. Accordingly, the technical concept of proportionality in international law is not imposed on the Qur'anic text as a criterion at this stage; it is employed only in the comparative analysis.

4.1. Semantic Analysis of Key Terms

The Holy Qur'an does not articulate the principle of proportionality as a distinct technical term. Nevertheless, a set of concepts relating to the prohibition of transgression, equivalence, justice, and the ends of defense provides a basis for formulating normative constraints on the use of force.

The first term, transgression, derives from the root (‘*d-w*) and means exceeding a limit (Rāghib Iṣfahānī, 1991 AD/1412 AH: 554). The limit intended in the verses concerning fighting is not merely a material or numerical boundary; rather, it is a normative limit that determines the legitimacy of defensive conduct. In the verse, "Fight in the way of Allah those who fight you, but do not transgress," (al-Baqarah:190) the prohibition of transgression immediately follows the permission to fight. This indicates that authorization to defend one does not remove the constraints governing conduct.

The second term is like or equivalent and equivalence. In the verse, "Whoever

transgresses against you, transgress against them in the same measure as they have transgressed against you," (al-Baqarah:194) the qualification "In the same measure" restricts the scope of the response. In this context, equivalence does not mean numerical or mechanical equality; rather, it denotes a normative relationship between aggression and the response to it. Ṭabrisī also observes that the expression "Transgress against them" is used in reference to the defender's response as a form of verbal correspondence and should not be interpreted as legitimizing reciprocal aggression or revenge (Ṭabrisī, 1962 AD/1372 AH: 2, 509). In this sense, equivalence constitutes one of the Qur'anic foundations for constraining a response and is structurally comparable to proportionality under the law governing the resort to force.

The concepts of justice and equity underpin this balancing process: "Justice primarily denotes the normative standard, while equity refers to its realization in practice." Three other terms, repelling or warding off, corruption, and peace, indicate the ends of defense. The Qur'an states, "Were it not that Allah repels some people by means of others, the earth would have been corrupted," (al-Baqarah:251) and "If they incline toward peace, then incline toward it." (al-Anfāl:61) Once the grounds for fighting cease to exist, the continuation of war loses its justification.

4.2. Constraints and Ends of Fighting in the Qur'anic Verses

Three constraints are particularly prominent in the Qur'anic verses concerning fighting. The first is the prohibition of transgression, which preserves the legitimacy of defense only so long as the prescribed limits are not exceeded (Ṭabāṭabā'ī, 1996 AD/1417 AH: 2, 61; Ṭabrisī, 1962 AD/1372 AH: 2, 498).

The second is the connection between permission to fight and the experience of injustice. In the verse, "Permission to fight is granted to those who are being fought, because they have been wronged," (al-Ḥajj:39) injustice constitutes the cause for which defensive action is legislated. Consequently, an action that itself produces further injustice undermines its own basis of legitimacy.

The third is the inherent dignity of human beings, affirmed in the verse, "Indeed, We have honored the children of Adam." (al-Isrā':70) This principle is not confined to peacetime; it also requires conduct during war to remain within the limits of necessity and justice (Ṭabāṭabā'ī, 1996 AD/1417 AH: 13, 156).

Alongside these constraints, the Qur'an makes the continuation of fighting conditional upon the achievement of certain ends. The most important of these is the removal of *Fitna*: "Fight them until there is no more *Fitna*." (al-Baqarah:193) In this context, *Fitna* does not refer merely to differences in belief; rather, it denotes a condition that undermines just order and religious freedom (Ṭabāṭabā'ī, 1996 AD/1417 AH: 2, 63). Al-Baqarah:251 likewise identifies the prevention of corruption as the rationale for defense. The continuation of military operations is therefore consistent with these foundations only when it serves to eliminate *Fitna* and prevent corruption, rather than becoming a cause of their further spread. These ends are not identical to "Military Advantage" under the legal rule of proportionality. Military advantage refers to a specific operational outcome anticipated from an attack, whereas an end indicates the normative direction of the overall defensive action. Accordingly,

introducing the element of ends does not alter the technical definition of proportionality; it simply provides a complementary level of normative analysis for examining defense in Islamic sources.

4.3. Epistemological Foundations of the Framework

The relationship among these concepts yields four foundations for the proposed framework. The first is the primacy of divine legislation and the supremacy of justice. Within the Qur'anic framework, the legitimacy of force does not derive from the will of the state or its military interests; rather, justice is the ultimate criterion for evaluating defensive conduct. No military necessity can suspend the ethical and normative limits established by Islamic law (Mesbah Yazdi, 2013 AD/1392 SH: 145).

The second is the unity of jurisprudence and ethics. The prohibition of transgression, the exhortation to peace, and the emphasis on justice demonstrate that compliance with ethical limits is an integral part of the ruling governing fighting, not an external qualification. Principles such as the prohibition of injustice, the prohibition of mutilation, and the immunity of non-combatants in Imami jurisprudence represent further jurisprudential elaborations of this foundation (Amid Zanjani, 2009 AD/1388 SH: 3, 112).

The third is human dignity and individual responsibility. The verses "Indeed, We have honored the children of Adam" and "No bearer of burdens shall bear the burden of another" indicate that merely belonging to the enemy's side does not justify attacking an individual. Lawful targeting is therefore restricted to those who play a direct role in the hostilities (Taskhiri, 2005 AD/1426 AH: 85).

The fourth is the purposive nature of fighting. The legitimacy of defense must be assessed not only at its outset but throughout every stage of the operation, in light of the ends of repelling aggression, preventing corruption, and restoring a just peace.

5. Imami Jurisprudential Principles in Formulating the Framework

The question addressed in this section is whether the Qur'anic structure outlined above has been extended within the system of legal reasoning in Imami jurisprudence. Early and later jurists have invoked general principles to articulate the limits and constraints governing the use of force (Ṭūsī, 1967 AD/1967 AD/1967 AD/1387 AH: 2, 4-12; Najafī, 1842 AD/1842 AD/1262 AH: 21, 10-15; Narāqī, 1994 AD/1415 AH: 14, 94-98).

These principles can be divided into two groups: "Those that regulate the objectives and scope of legitimate defense, and those that specify the constraints on conduct and means during hostilities. Clearly, none of these principles was formulated in jurisprudence as a "Principle of Proportionality"; their use in this article is analytical."

5.1. Principles Governing the Objectives and Scope of Defense

The principle of the prohibition of domination is grounded in the verse, "And Allah will never grant the disbelievers a way over the believers." (al-Nisā':141)

There is disagreement concerning the scope of this verse. Some exegetes have interpreted it as referring to the denial of domination in the Hereafter or the denial of an evidentiary argument, and have expressed reservations about applying it to the operational rules of

warfare (Ṭabrisī, 1952 AD/1372 AH: 3, 198). The majority of jurists, however, have relied on the generality of the verse to interpret it as prohibiting all forms of foreign legislative and legal domination (Najafī, 1842 AD/1262 AH: 21, 15; Narāqī, 1994 AD/1415 AH: 14, 95).

If this principle were applied without qualification, it might be used to justify any means and any degree of violence in order to eliminate domination. The response to this concern is that *Sabīl* denotes a means or avenue of domination, and the defender's legitimate objective under Islamic law is solely to close that avenue. An action that exceeds what is necessary to eliminate domination creates a new form of domination and aggression. Allamah Ṭabāṭabā'ī likewise situates the principle of the prohibition of domination within the broader framework of justice and proportionality (Ṭabāṭabā'ī, 1996 AD/1417 AH: 5, 118-124). Consequently, the criterion of proportionality under this principle becomes "Taking the minimum action necessary to eliminate domination." (Ḥakīm, 1995 AD/1416 AH: 1, 210-215) The rule of preserving the social order is also related to the ends of defense. Its relationship with proportionality is neither direct nor technical; rather, it is relevant insofar as a defensive action undertaken to eliminate a threat must not itself create a more extensive harm or cause more serious disruption to public order. There is disagreement concerning the nature of this rule: some regard it as a jurisprudential rule, while others consider it a rational judgment endorsed by Islamic law. Nevertheless, there is no doubt about the necessity of safeguarding the integrity of society (Najafī, 1842 AD/1262 AH: 21, 14-15; Narāqī, 1987 AD/1408 AH: 535-542; Khomeini, 2000 AD/1421 AH: 2, 464). This foundation is consistent with the verses concerning the repelling of aggression (al-Baqarah:251; al-Ḥajj:40). Accordingly, under the rule "Necessities must be assessed in proportion to their extent," the use of force is permissible only to the extent necessary to remedy the disruption of the social order. The preservation of the social order is itself subject to other Islamic legal standards and does not authorize unlimited violence (Muṣaffar, 2009 AD/1430 AH: 2, 245-248).

The rule of the prohibition of harm is based on the hadith "There shall be neither harm nor the infliction of harm in Islam." (Ḥurr 'Āmilī, 1684 AD/1104 AH: 25, 430) Legal theorists do not agree on how this hadith should be interpreted. *Shaykh Anṣārī* considers it to have precedence over primary legal proofs (Anṣārī, 1998 AD/1419 AH: 3, 423-435), whereas Akhound Khorasani interprets it as negating rulings that entail harm (Khorasani, 1978 AD/1409 AH: 380-385).

Regardless of this disagreement, the rule has a dual function: "The rule of non-harm component legitimizes the right to repel harm resulting from aggression. In contrast, the prohibition of inflicting harm component prevents defense from becoming retaliatory conduct or exceeding the limits of necessity. Defense that exceeds the threshold of necessity constitutes the infliction of harm and is not covered by the primary proofs authorizing defense (Narāqī, 1987 AD/1408 AH: 265-272; Fazel Lankarani, 1986 AD/1407 AH: 112-116).

5.2. Rules Governing Defensive Conduct

The first rule governing conduct is the prohibition of injustice and the obligation to uphold justice even in dealing with the enemy. Its Qur'anic basis is the verse: "And do not let the

hatred of a people cause you to depart from justice. Be just; that is nearer to righteousness." (al-Mā'idah:8) According to Allamah Ṭabāṭabā'ī's analysis, this verse indicates that injustice is intrinsically reprehensible and that the obligation to uphold justice does not lapse in a state of hostility (Ṭabāṭabā'ī, 1996 AD/1417 AH: 5, 276-279). The owner of *Jawāhir* likewise considers a response that exceeds what is necessary to repel danger to be unjust and prohibited (Najafī, 1842 AD/1262 AH: 21, 54-60). On this basis, exercising restraint in defense constitutes an extension of justice onto the battlefield.

The prohibition of mutilation and cruel treatment establishes the limits on the means by which force may be used. Its basis lies in numerous narrations and in the conduct of the Prophet Muḥammad and Imam Ali, both of whom instructed their troops accordingly (Ḥurr 'Āmilī, 1684 AD/1104 AH: 15, 58-60). Citing these sources and emphasizing human dignity (al-Isrā':70), jurists have prohibited mutilation, torture, degrading treatment, and unnecessary suffering (Ṭūsī, 1967 AD/1387 AH: 2, 16; Najafī, 1842 AD/1262 AH: 21, 63). Thus, even when the underlying act of defense is legitimate, methods that go beyond what is operationally necessary to incapacitate the attacking force are not religiously authorized. The immunity of non-combatants is the most tangible manifestation of the limits on targeting in Imami jurisprudence. Its Qur'anic basis is the aforementioned verse al-Baqarah:190, while the *Nahj al-Balāghah* also contains the instruction, "Fight only those who fight you." (Nahj al-Balāghah, 2000 AD/1379 SH: Letter 12)

Jurists have accepted the general prohibition against attacking those who do not participate directly in hostilities. However, detailed rulings and exceptions have been discussed in emergencies, such as when enemy forces use non-combatants as human shields (Muḥaqqiq Ḥillī, 1277 AD/676 AH: 1, 334-338; Shahīd Thānī, 1992 AD/1413 AH: 3, 22-26; Khomeini, 1984 AD/1363 SH: 1, 482-485). The criterion for the permissibility of fighting is actual participation in hostilities, not mere citizenship or religious belief. Consequently, extending the use of force to non-combatants exceeds the permissible limits and constitutes transgression.

6. Comparative Analysis: Common Ground and Points of Difference

A comparison of these two systems should begin with their points of convergence, since only on this basis can their differences be properly assessed. Four areas of common ground can be identified. First, neither system treats the use of force as unrestricted; both establish limits on it: "International humanitarian law prohibits disproportionate attacks, while Islamic sources prohibit transgression. Second, both systems protect persons who do not participate in hostilities through the principle of distinction and the immunity of non-combatants. Third, both link the use of force to necessity: through the principle of military necessity in one system, and through the rule "Necessities are to be limited to the extent required by them" and the requirement to limit action to the minimum necessary in the other. Fourth, neither system treats the assessment as a mathematical equation; rather, both leave it to judgment based on the circumstances."

Several foundational and structural differences must be added to this common ground. The first concerns the underlying basis: the rule of proportionality in international humanitarian law derives from treaties and State practice recognized as customary law,

whereas Islamic principles are grounded in divine legislation and justice. The second concerns the applicable criterion: international humanitarian law explicitly assesses "Incidental harm in relation to military advantage," whereas no criterion formulated in precisely the same terms can be found in Imami jurisprudence. The latter focuses on prohibiting the targeting of non-combatants and restricting action to what is necessary. Incidental harm is addressed primarily in discussions such as those concerning the use of human shields, on which jurists disagree. This point must be acknowledged candidly: "Imami jurisprudence does not contain an exact equivalent of the proportionality rule as a distinct, independent rule. It is precisely here that the proposed framework serves an analytical function, transforming a dispersed body of principles into a structured framework."

The third difference concerns the level of assessment: international humanitarian law assesses proportionality in relation to an individual attack, primarily before it is carried out, whereas the proposed framework also reassesses the continuation of defense in light of its ends. The fourth concerns the relationship between the grounds for resorting to force and conduct during hostilities. International law maintains a distinction between the law governing the resort to force and the law governing conduct in armed conflict, presupposing the equal application of conduct rules to the parties. This article does not oppose that distinction; rather, it offers an independent, internal Islamic analysis in which the grounds for defense, the conduct of hostilities, and their ends are interconnected.

Table 1. Comparison of the Rule of Proportionality in the Law of Armed Conflict and the Proposed Qur'anic–Jurisprudential Framework

Component	Law of Armed Conflict (Rule of Proportionality)	Proposed Qur'anic–Jurisprudential Framework
Nature	A legal rule governing attacks	An analytical normative framework
Subject	A specific attack	The grounds for defense, conduct, and continuation of defense
Principal criterion	Expected incidental harm in relation to the concrete and direct military advantage anticipated	Justice, prohibition of transgression, equivalence, necessity, protection of non-combatants, and the ends of defense
Time of assessment	Primarily before an attack, on the basis of available information	At all three levels and throughout the duration of defense
Civilians	A central component of the assessment of incidental harm	Immunity and prohibition of attacks against those who have no direct role in hostilities
Necessity	An independent but related principle	An internal constraint on all components (the minimum necessary)
Legitimacy of initiating war	Distinct from the rules governing conduct	The grounds for defense constitute the first level of the framework
Ends	Not an independent criterion in the technical definition of proportionality	A complementary element determining the direction and continuation of defense
Type of assessment	Legal, context-dependent, and non-mathematical	Normative and multi-level
Relationship	A shared core in limiting harm and the use of force	An analytical extension beyond the technical rule

The comparison shows that the two systems overlap in their efforts to limit the use of force, account for its human consequences, and prohibit exceeding permissible limits. However, they are not identical in their foundations, scope, or structure. The legal rule of proportionality is technical, governing attacks, whereas the proposed framework encompasses a broader set of normative foundations addressing the grounds, conduct, and ends of defense.

7. A Three-Level Model of the Qur'anic Theoretical Framework for End-Oriented Proportionality

The preceding discussion yields seven normative components arranged across three levels. The first component is the existence of legitimate grounds for defense. The verse "Permission [to fight] is given to those who are fought because they have been wronged" (al-Ḥajj:39) grounds the legitimacy of force in the actual occurrence of aggression or injustice. Until such grounds arise, there is no initial basis for resorting to force (Ṭabāṭabā'ī, 1996 AD/1417 AH: 14, 380384; Qurṭubī, 1985 AD/1364 SH: 12, 65-70). The second component is the primacy of justice at every stage. Verses 5:8 of the Qur'an demonstrate that justice is not merely an objective of war but a criterion governing all conduct during hostilities; neither considerations of expediency nor prior enmity authorize departing from it (Ibn 'Āshūr, 1984: 6, 135-140; Ṭabāṭabā'ī, 1996 AD/1417 AH: 5, 276-279).

The third component is compliance with necessity. The combined implications of the verses on fighting and rules such as the "Rule of Non-Harmand" the prohibition of transgression indicate that defense is legitimate only to the extent necessary to repel aggression (Anṣārī, 1998 AD/1419 AH: 3, 423-435; Narāqī, 1987 AD/1408 AH: 265-272). The fourth component is the protection of human dignity, which is not forfeited even during combat. On this basis, jurists have prohibited mutilation and torture (Najafī, 1842 AD/1262 AH: 21, 63; Ḥurr 'Āmilī, 1684 AD/1684 AD/1104 AH: 15, 58-60). The fifth component is the prohibition against exceeding the limits of defense. The prohibition of transgression does not apply only to initiating hostilities; it also encompasses exceeding permissible limits in the methods and means of warfare. The sixth component is an orientation toward ends. On the basis of the verses concerning the removal of fitna, the repelling of corruption, and the protection of the oppressed (al-Baqarah:251; al-Ḥajj:40; al-Nisā':75), this component makes the continuation of defense contingent upon its remaining consistent with the ends for which fighting has been legislated. The seventh component is deterrence, based on the verse "Prepare against them whatever force you are able to muster," (al-Anfāl:60) with the qualification that defensive preparedness remains part of the logic of defense insofar as it serves to prevent war and repel aggression (Ṭabāṭabā'ī, 1996 AD/1417 AH: 9, 115-120). These three levels are not components of the technical definition of the rule of proportionality in international humanitarian law. Rather, they constitute the three levels of the normative framework proposed in this study for analyzing the limitation of the use of force.

Table 2. Three-Level Model of the Qur'anic Theoretical Framework for End-Oriented Proportionality

Level	Components	Qur'anic Basis	Jurisprudential Rules	Function
1. Grounds for defense	Legitimate grounds (1)	Al-Ḥajj:39	<i>Lā ḍarar; nafy al-sabīl</i>	Establishing the initial basis for defensive action
2. Defensive conduct	Justice (2), necessity (3), human dignity (4), prohibition of transgression (5)	Al-Mā'idah:8; al-Baqarah:190 and 194; al-Isrā':70	Prohibition of injustice, prohibition of mutilation, immunity of non-combatants, <i>al-ḍarūrāt tuqaddar bi-qadrihā</i>	Determining the limits and manner of the use of force
3. Ends and continuation	End-orientation (6), deterrence (7)	Al-Baqarah:193 and 251; al-Anfāl:60-61; al-Nisā':75	Preservation of the social order; <i>nafy al-sabīl</i>	Assessing whether defense should continue or cease

These seven components do not operate independently of one another. Legitimate grounds constrain the initiation of defense; end-orientation and deterrence determine its direction and termination; and the four intermediate components define the defender's permissible conduct during hostilities. Accordingly, in the proposed framework, proportionality is less a mathematical equation for the reciprocal distribution of harm than a legal–ethical mechanism that evaluates the legitimacy of defense from the emergence of its grounds until the threat has ceased. It should be clear that this account describes the proposed framework and does not make a claim about existing international humanitarian law.

To illustrate how the framework operates, consider a hypothetical attack against a dual-use facility serving both military and civilian purposes. A legal assessment of proportionality asks whether the expected incidental harm would be excessive in relation to the concrete and direct military advantage anticipated. The proposed framework adds three further questions: Do the grounds for defense still exist? Do the methods and means of attack exceed what is necessary to incapacitate the attacking force, and do they target non-combatants? Finally, does the continuation of this series of operations still serve to repel aggression, or does it instead lead to the spread of corruption? This hypothetical example is intended solely to illustrate how the model works.

The proposed framework also has limitations. It does not claim to replace or revise the technical definition of proportionality in international humanitarian law, nor does it reject the distinction between the law governing the resort to force and the law governing conduct in armed conflict. The three-level structure is also the author's analytical formulation; it should not be assumed that jurists themselves organized the aforementioned rules in this particular way. Moreover, some of the rules employed, including the preservation of the social order and the prohibition of domination, are themselves disputed in terms of their nature and scope. The conclusions yielded by the model therefore depend, to some extent, on how these rules are interpreted.

Conclusion

This study examined the foundations and limits of proportionality in the Qur'an and Imami jurisprudence and compared them with the technical concept of proportionality in international humanitarian law. The findings indicate that the Noble Qur'an does not present the "Principle of Proportionality" under this title or in the form of a technical rule. Nevertheless, the prohibition of transgression, equivalence in response, justice, equity, the repelling of corruption and the inclination toward peace collectively provide a normative foundation for assessing the limits of force across three dimensions: the grounds, conduct, and end of defense. The rules of the prohibition of domination, preservation of the social order, and the rule of non-harm help clarify the ends and limits of defense. In contrast, the prohibition of injustice and mutilation and the immunity of non-combatants help determine the limits of permissible conduct. These rules are not identical to the rule of proportionality in either terminology or function; in this article, they are treated as complementary elements of a broader normative system.

The comparison revealed that the two systems share a common core in limiting the use of force, protecting those who do not participate in hostilities, and linking the use of force to necessity. However, they differ in their foundations, criteria, and levels of assessment. The proposed framework neither replaces the technical definition of proportionality nor claims conceptual equivalence with it. Rather, it offers a comparative and normative formulation of the capacities inherent in existing Qur'anic and jurisprudential sources. The analysis also clarified that "Theoretical Framework," "Principle," and "Model" are three distinct concepts in this article: "The principle of proportionality is a legal rule; the theoretical framework is an analytical structure derived from Qur'anic and jurisprudential foundations; and the three-level model is a structured representation of that framework." The study's principal contribution is this three-level model, which organizes dispersed foundations into a coherent structure and makes it possible to examine the grounds for defense simultaneously, the limits of defensive conduct, and the ends governing its continuation. This formulation may provide a basis for future research on the relationship between Imami jurisprudence and international humanitarian law, as well as on contemporary challenges in regulating the use of force, including autonomous weapons and the use of human shields. Applying the model to a specific case and examining contemporary jurists' views on *tatarrus* and incidental harm are among the avenues for further research.

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