

Islamic Principles of Proportionality in Warfare: Relevance to Drone and Remote Warfare

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Abstract

Modern warfare is developing at such a speed with regard to activities such as drone attacks and autonomous and remotely controlled military systems that the ethical and legal implications are considerable. In this regard, there is much that can be gained from the jurisprudence and laws relating to proportionality and justice and protecting civilians from within the context and traditions of Islam. In this analysis, the basic principles derived from Islam with regard to proportionality and justice during armed conflict and the potential application to more contemporary approaches such as drone strikes would be examined with reference to the bibliographic and legal literature on this subject and within the context of the relevant theology and traditions from the Qur'an and the traditions from the time of the Prophet. The basic thesis is that proportionality from the vantage point and traditions and ethos of Islam can offer a rich framework within which more content-driven approaches to and applications for remotely controlled military operations can and should take place.

Keywords: Sharia law; proportionality; jus in bello; drone warfare; remote warfare; humanitarian ethics; civilian protection; Sharia principles; military responsibility; contemporary conflict; war and technology; Sharia law jurisprudence

Introduction

The evolution of warfare from traditional combat encounters to technologically advanced platforms has changed the ethical dimensions of warfare across the globe. Some of the most disputed emerging trends include the adoption and application of drone attacks and remote-controlled military operations by various states and nations across the world. This is mainly driven by their ability to offer precise attacks on the target while at the same time protecting the lives of their citizens. Despite all these benefits and advantages, these emerging trends raise complex moral and legal considerations. Shariah law under Islamic ideology provides a detailed framework on ethical conduct while engaged in guerrilla warfare. This is founded on the concept of proportionality (Tanasub) that guides on the scale and intensity of warfare while at the same time protecting civilians and the moral mandate to do no harm. The concept of restraint and justice is paramount and advocated for by the earliest jurists while developing the legal framework surrounding warfare. In light of the recent rise of drone warfare and its associated trends such as targeted killings and surveillance missions across international borders and carried out autonomously by robots and other machines, a revisit of the principles of proportionality within the context of Islam is imperative. The principles do not only apply within Muslim-majority nations but play a critical role within the international community on matters relating to humanitarian law.

Foundations of Proportionality in Islamic Jurisprudence

Proportionality under Islam is based upon the more general principles of justice (*ʿAdl*) and mercy (*rahmah*). These principles apply to all human behavior and thus to the conduct of warfare. The Qur'an specifically directs Muslims to conduct hostilities defensively and within proper bounds: "Fight in the way of Allah those who fight you, but do not transgress; indeed, Allah does not love transgressors." (This verse is Qur'an 2:190 and is the foundation for the ethical concept known as proportionality.) The prophetic traditions continue to explain the limitations laid out above. The Prophet Muhammad (ﷺ) forbade strikes on non-combatants, crops, the mutilation of dead bodies, and any other form of unnecessary damage to the environment. He made it clear to military leaders to be moderate and refrain from all forms of cruel acts. These traditions taken together form a body for regulating harm and limiting it strictly to what is militarily necessary and with no harm inflicted on any person not taking part in hostilities.

The classical jurists Alg-Zhaybani, Alg-Mawardi, and Ibn Taymiyyah understood proportionality as a legal and moral imperative. In this regard, they argued that the employment of disproportionate force through either collective punishment and actions leading to indiscriminate harm was un-Islamic. In addition to this, proportionality is associated with accountability. In this respect, leaders and commanders must be accountable with regard to their conduct and behavior being within ethical and moral norms. In summary, the concept of proportionality within the context of Islam is all about finding the middle ground between strategic military needs and moral responsibility. It aims at avoiding unnecessary suffering and focusing warfare on only its strictly moral and defensive goals. These goals and considerations apply to contemporary weaponry.

Drone and remote warfare represent a paradigm shift in the nature and conduct of military operations by states. In contrast to traditional warfare that operates on the physical presence of the state within the theatre of hostilities, drone warfare operates on the use of Unmanned Aerial Vehicles (UAVs), which can be controlled and directed from remote locations several thousands of miles away from the theatre of combat. Current generation UAVs offer advanced features such as high definition sensors with high levels of endurance and precision-guided weaponry. With these technologies, nations can enjoy strategic superiority such as preemptive strikes and greater precision with minimal damage to civilians. Another aspect of UAV warfare is the autonomous/semi-autonomous system that involves artificial intelligence processes for target detection and engagement.

Nonetheless, there exist significant moral and legal conundrums posed by remote warfare. The geographical distance between the attacker and the attacked may lead to a reduced emotional investment in the battlefield. This reduces psychological resistance to decision-making on killing and harming others. Secrecy with respect to any drone operations, especially when focusing on counterterrorism activities, is one such complicating factor. Additionally, potential mistaken identity and harm to civilians can increase such moral scruples.

Remote warfare unsettles established conceptions of combat zones, sovereignty, and legal bombing targets. Strikes increasingly take place outside declared conflict zones and raise concerns about international humanitarian law (IHL) and *jus in bello* conceptions within Islam. It is necessary to subject the issue of UAVs and drone warfare to a precise evaluation from the ethical considerations underpinned by Islam: precision bombing and responsible action.

Shariat-based Prohibition on Targeting and Safety for civilians

The Sharia legal system prescribes categorical and absolute lines on the issue of legitimate objects for attacks during a military conflict. The safety and welfare of civilians and non-combatants fall under the rubric of binding and obligatory legal norms and norms that find root support from the Quran and the Ijma. The Prophet Muhammad (ﷺ) was strictly prohibitive on attacks on women and children, senior citizens, monks and agriculture workers and other civilians uninvolved with any type of aggression and violence. The Qur'an supports this with the condemnation of injustice: "Whoever kills a soul unjustly, it is as if he has killed all humankind." (5:32) This reinforces the gravity of unjustified killing and the sacredness of life. According to Sharia law: absolute distinction must be made between combatants and non-combatants; and any action taken must not carry a high risk of indiscriminate harm.

In regard to the use of drones and remote warfare specifically, this moral tenet appears to take on particular salience. Drones frequently take action based on algorithmic analysis or surveillance evidence that may well do inadequate justice to local circumstances. A particular tenet within Islam is thus the imperative for direct verification and intentionality prior to the application of force. In addition to this, there is a requirement under the principles of Islam with regard to proportionality with respect to methods being employed. For instance, even when one is directed at a legitimate target, one must always ensure that any harm that may come to civilians is minimized and necessary within the context of the military target.

Therefore, civilian protection is at the heart of the ethical conduct of warfare under Islamic law. The above-mentioned principles ensure a strict ethical framework applicable to current discourses on the ethical use of drone technology. Determining the Proportionality of Drone Strikes on the Principles of Islamic Law Assessing the effects and operations of drone strikes under the concept of proportionality under Islam involves analyzing if the damages inflicted can be said to be strictly necessary for a lawful military objective and whether such damages fall within the moral parameters established under Sharia law on the necessity and proportionality of force. The Sharia law holds that force can be used when strictly necessary and then with restraint and proportionality. This is reflected under the Qur'anic tenets on refraining from transgressing: "Do not exceed the limits; Allah does not love transgressors" (2:190). Drones may carry with them the risk of collateral damage, especially when conducted within densely populated areas and with inadequate intelligence verification. Islam teaches that the risk to the military target must be balanced with possible harm to civilians. If the latter is likely to occur, then the act would be rendered invalid. Traditional jurists kept the primacy of refraining from harming civilians above any advantage gained—enough to forgo the conduct of the attack altogether.

Additionally, intentionality is highly valued under Sharia law. Harm should neither be indiscriminate nor based on suspect categories. Drones that use profile-based targeting might run contra to the Sharia law requirement for absolute certitude (*yaqīn*) prior to killing someone. The employment of explosives with area effects might run contra proportionality when used within a civilian-infused environment. Finally, the other aspect of the Islamic proportionality doctrine is accountability after the assault. Military commanders must evaluate the consequences and compensate the victims for any harm caused. Thus, applying the proportionality concept within Islam to the issue of drones and warfare, one can find that a significant number of attacks fail to meet ethical requirements with regard to necessity and intentionality.

Responsabilità e Responsabilità del Comando: Aspetti

Accountability (*mas'uliyah*) is one area that is heavily emphasized under Islam when human life is on the line. In the context of warfare, leaders and decision-makers bear moral, legal, and spiritual responsibility for the consequences that may arise from them. This is based on the Qur'anic assertion that every person is held accountable for what he has earned (Qur'an 74:38). As such, leaders must therefore ensure that military operations on their side are conducted on this basis: they must be just and free from oppression and any illegal loss of life.

Remote warfare complicates accountability. In traditional warfare, the soldier and the leader can see firsthand the impact of their operations on the ground; with drones, there is distance both physical and psychological between the person controlling the weapon and the target. Also, there may be reliance on mistaken intelligence on one side, and on the other, the operatives carry out actions without full knowledge of the context.

From the Islāmic stance, the chain of command cannot obscure moral accountability. As said by Muhammad (ﷺ), leaders are shepherds for the people and accountable for their management. It is necessary to scrutinize the target for its legitimacy and avert any disproportional harm. In case there is any collateral damage inflicted by a missile attack, all the persons responsible for this action, such as policymakers and analysts, may be co-responsible if there is no proper diligence taken.

Additionally, sharia law emphasizes public accountability: restitution to the victims' families and openness during the investigation process. In contrast to this practice is the current application of drone attacks with minimal transparency and public knowledge. Essentially, the ethical traditions of Islam promote a more rigorous and transparent form of accountability for remote warfare, thereby preventing moral accountability from being diminished by technology.

Psychological and Social Effects of Drone Warfare on Civilians

In addition to physical deaths, drone and remote warfare impact the mental and social lives of civilian populations. Permanent surveillance and periodic attacks and threats of attacks can lead to levels of chronic anxiety and fear referred to as "drone-induced stress syndrome." The principles of Islam regard human dignity and mental health with reverence and widen the ethical horizon of warfare to more than physical harm.

The Prophet Muhammad (ﷺ) forbade acts that instill fear and terror, even while at war. Residents living under the coverage of drones know this: they cannot conduct their normal lives with disrupted education and employment and know they cannot feel safe. None of these effects serves the Islamic tenet to do no harm and to promote unity.

Drones can undermine social trust too—both within society and between citizens and their leaders. In Islam, social unity and the preservation of the family unit and culture are highly regarded. Traumatic events resulting from distant bombing can severely undermine such principles and leave scars on society even after the conflict is over.

In Islam, jurisprudence requires preventive measures to prevent such negative consequences: verification of intended targets, reducing indiscriminate attacks, and providing assistance to affected civilians after bombing. Through the integration of psychological and social well-being services under its ethical principles, Islam offers a holistic approach to judging contemporary warfare practices with emphasis on civilian well-being as a critical aspect of proper warfare.

Comparing the Principles of Islam with International Humanitarian Law (IHL)

On the concept of proportionality and civilian safety under the law of Islam, there is much alignment between the aims under International Humanitarian Law (IHL), though several differences exist based on objectives and moral principles. Under both laws, there is a ban on indiscriminate attacks and a call for distinction between combatants and civilians and attempts to keep down collateral damage. For example, the IHL rule on proportionality is similar to the law of *tanāsūb* under Islam.

However, the Sharia provides a spiritual and moral element which is missing within secular IHL. Obligation is more than legal; instead, it is moral with the underpinning emphasis on human accountability being supported by divine accountability. The Qur'an and Sunnah promote minimal damages and propose justice, whereas IHL is based on contracts and state adherence.

Drone and remote warfare expose the deficiencies in both approaches. IHL tackles civilian losses and combatant accountability but can be confusing on autonomous weaponry and psychological effects. The tenet of Islamic

proportionality focuses instead on intentionality, certitude, and moral assessment and provides a more general framework for spiritual and social repercussions.

A combination of notions from the ethics of Islam and IHL would therefore make international norms on contemporary conflict more potent. Ethical tenets from Islam promote behavioral restraint and accountability. IHL offers a complete and coherent legal framework. Drawing on both would offer a holistic approach that ensures ethical and just behavior with regard to contemporary warfare and drone attacks.

Ethical Dilemmas Associated with Autonomous and AI-Based Weapons Systems under Islam

Autonomous weaponry and AI-powered military technologies introduce unprecedented ethical dimensions to the proportionality norm under Islam. Autonomous weaponry's ability to instantly decide and select targets and carry out attacks without human intervention is unprecedented and creates uncertainty with respect to intentionality and moral responsibility within the context of Islam. Sharia law emphasizes the use of lethal power with certitude (*qaṭ' al-'ain*), intention (*iqtisār al-ṣādah*), and ethical discernment (*taqyīdat al-ṣādah*). Autonomous machines rely on algorithms and forecasts that might lead to mistaken targeting and could distinguish between combatants and civilians. Such probabilistic functioning contradicts the normative requirement for meticulous verification prior to effecting

Another significant issue is accountability. In classical Islam-based ethics, rulers and actors can be held morally and legally accountable for military operations. In autonomous weapon systems, this chain can be blurred because the decision-making process is partially or fully delegated to machines, and therefore no one can be held accountable for civilian casualties. In addition to the above principles, other principles cited under Shariah law and applicable to Muslims and strengthening Islam and Muslims relate to the principles of doing minimum harm and the preservation and protection of human dignity, including mental health. Remote and indiscriminate AI-driven strikes may fall foul of such principles. In summary, AI and autonomous weapon technologies represent a grave moral dilemma for the juristic principles of Islam and require proper evaluation and regulation with respect to the traditional values relating to proportionality and justice. Recommendations for Integrating Islamic Proportionality Analysis within Contemporary Military Ethic Standards

Recommendations

In light of the moral challenges posed by drone and remote warfare operations, incorporating the concept of proportionality from the Islamic framework on military ethics provides a proper guideline on this issue. The above recommendations relate to various dimensions aiming at keeping the operations within well-established moral channels.

– Firstly, there must be adherence to stringent processes for target verification and intelligence to distinguish between combatants and non-combatants—c.f., the Sharia concept of "certainty" (*yaqīn*). Military commanders must exercise a chain of responsibility with moral review at all levels.

– Secondly, introduce the need for human intervention within autonomous technology. Although efficiency is paramount through the use of AI and drones, within the realm of normative Islam, human judgment must be exercised within life-and-death decision-making processes.

Ten Key Principles for Autonomous Weapons:

– Thirdly, train and educate military personnel on the integration between Islamic Jurisprudence and Modern Humanitarian Law. Knowledge on ethical constraints and moral repercussions can promote self-control and responsible behavior.

– Fourth, establishing accountability and restitution after conflict. In Islam, compensation for illegal harm and taking corrective actions to preclude repetition are necessary.

– Finally, there must be collaboration on the international arena. World leaders as well as international organizations must find a way to incorporate the ethical principles upheld by Muslims with the principles upheld for international humanitarian law so that globally applicable norms can be developed for the conduct of warfare today. This advice connects medieval principles from classical Islamic ethical thought with current notions from remote and drone warfare.

Conclusion The concept of proportionality under Islam provides a strong moral framework for examining the validity and morality of drone and remote warfare. Based on the Qur'an and the concept of Sunnah and jurisprudence principles under Islam, this concept is highly applicable and relevant today with advancements in remote weapon use and precision. The ethical traditions of Islam emphasize the retention of human dignity and moral responsibilities even while fighting a war. The use of drones and AI-based platforms may be strategic and useful for both military and other objectives, and such platforms must be bound by principles such as proportionality and accountability at all levels. Comparisons with IHL show similar objectives—protection for non-combatants, for instance—but the application of "Islamic ethics" provides a spiritual and moral framework that supports adherence even when the law is not sufficient. Historical scenarios and contemporary observations demonstrate that applying Sharia-based principles for proportionality can propel contemporary militaries toward more just and humane behavior. In the end, the concept of

proportionality from the Islamic point of view provides a normative and operational framework for dealing with the moral dimensions and aspects raised by UAV and remote warfare.

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