

A Theory of *Jus in Bello* Proportionality

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In this draft chapter, I argue that an attack that inflicts harm on civilians is *jus in bello* proportionate only if it prevents substantially greater future harm to the attacking force or its civilians over the remainder of the conflict. This account of *jus in bello* proportionality does not compare incommensurable and imprecisely comparable values, only immediate losses to civilians and future losses to civilians and to attacking forces. In addition, this account applies symmetrically to all parties to an armed conflict, independently of the *jus ad bellum* morality and legality of their use of military force. Attacks that are disproportionate under this account are morally impermissible when carried out by just combatants, and disproportionate attacks carried out by unjust combatants are morally worse than proportionate attacks carried out by unjust combatants. It follows that both just and unjust combatants have decisive moral reasons to avoid attacks that are disproportionate under this account, and the law would guide soldiers well by prohibiting such attacks.