

Preventive Defense in Iranian Law

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The defense before a decisive future assault is “preventive defense” that The Iranian legislator and Feqh have not explicitly predicted . Each defense is accompanied by an assault. In preventive defense, assault should be foreseeable and illegal; and the defender has a determined belief in a future assault and that the defense is proportional in respect to that assault. There are two types of preventive defense: Offensive and defensive; in addition to the above mentioned characteristics, each type has its specific features. Repetitive past assaults and inefficiency of reference to the legal authorities by the defender are two specific features of offensive preventive defense; and the specific features of defensive preventive defense are impossibility of resort to police forces and conventionality of defense. So if the defender resorts to preventive defense in order to keep belongings in dangerous and unconventional situation that the necessity in manner of defence requires it, the defender is not guarantor for the damage to aggressor even if in return of an undervalued property, the aggressor dies.

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