

Examining Types of Punishments in Tārīkh-i Bayhaqī with Reference to Iranian Criminal Law

Alireza. Mehrafshan^{1*} 

¹ Assistant Professor, Department of Law, Payame Noor University, Tehran, Iran

* Corresponding author email address: mehrafshana@pnu.ac.ir

Received: 2025-06-07	Revised: 2025-09-14	Accepted: 2025-09-21	Published: 2026-03-01
EDITOR: Tahereh Ebrahimifar  Head of Sociology Department, Faculty of Arts, Helwan University, Cairo, Egypt. Email: Tah.Ebrahimifar@iauctb.ac.ir			
REVIEWER 1: Jeremiah Thuku Thuku  Department of Literary and Communication Studies, Laikipia University, Nyahururu, Kenya. Email: jerethukuthuku@gmail.com			
REVIEWER 2: Shehzad Raj  School of Law, Universiti Geomatika Malaysia, Kuala Lumpur, Malaysia. Email: shehzadraj@geomatika.edu.my			

1. Round 1

1.1. Reviewer 1

Reviewer:

In the introduction, the paragraph beginning “Understanding the dominant types of punishments in that era directs us to ask whether rulers were truly concerned with reforming the offender...” raises important questions, but the research gap is not clearly established. The article should explicitly state how this study advances beyond existing scholarship on Iranian criminal law or historical punishment narratives.

When quoting Bayhaqī—e.g., “So that other daredevils may be curbed and take heed”—it would help to provide context on whether this is Bayhaqī’s own interpretation, a reflection of contemporary legal norms, or merely a narrative device. Without this, the interpretation risks anachronism.

In the paragraph on “Hanging: A Classical or Extended Punishment”, the sentence “as though the harsher the pain inflicted, the sweeter it was for the punisher” risks overgeneralization. Please ground this statement with historical evidence or limit it to Bayhaqī’s descriptions rather than extending it to rulers universally.

The subsection “Harsh Retribution through Mutilation” includes rich description but lacks comparative depth. Adding examples from other medieval societies (e.g., Europe, Abbasid Caliphate) would strengthen the comparative legal analysis.

In several places, such as “Reading Tārīkh-i Bayhaqī occasionally evokes Dante’s Divine Comedy”, the article adopts a literary tone. While engaging, these analogies should be connected explicitly to the legal analysis so the argument does not appear anecdotal.

The discussion of mutilation states: “Yet why the Iranian legislator has dedicated multiple chapters to corporal punishments, particularly mutilation, remains incomprehensible.” This is an important critique. Please support it with reference to specific articles of the Islamic Penal Code to substantiate the claim.

The passage “They placed a sword, a mace, and an axe upon him, ruined him, tied a rope to his leg, and paraded him through the city” is powerful. However, the legal analysis could go further by linking it to Article 20 of the 2013 Islamic Penal Code, which allows publication of verdicts. This would strengthen the historical–modern continuity argument.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The introduction asserts “The similarities between certain punishments of that era—nearly a thousand years ago—and the current laws of our country represent another thought-provoking point.” This is significant but underdeveloped. Please strengthen this argument by giving concrete examples from current Iranian law at this point, rather than postponing them to later sections.

In the subsection “Retribution (Qisās)”, the manuscript alternates between “beheading” and “qisās.” For clarity, define qisās early and consistently distinguish it from general beheading as used for political treason. Readers unfamiliar with Islamic jurisprudence may otherwise conflate the two.

The section on “Detention” is insightful, especially when you write “In modern law, detention is a temporary measure pending further proceedings...”. However, the discussion should be tightened to emphasize how Bayhaqī’s usage anticipates or differs from modern procedural safeguards such as presumption of innocence.

In the subsection “Shahr-band: A Forgotten Term”, the article mentions that the term could be reintroduced. To make this recommendation stronger, consider linking it to the broader debate on localization of legal terminology in Iranian criminal law reform.

The narrative around “Ḥasanak Wazīr’s estates” is detailed but would benefit from explicit comparison to today’s “confiscation” under Iranian law. For example, is coerced acknowledgment still a risk under current procedures? Clarify this connection.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.