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

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Punishment is one of the three stages that is clarified after the analysis of crime and the offender. In fact, precision in the type of restriction on individual liberty (crime) and discernment regarding the persons who fall within this restriction (offender) will be fruitless if they do not correspond to the type of reaction taken and the penalty imposed. The Bayhaqī era was an age of dictatorship and classical subjugation through harsh punishments. However, it is advisable not to be deceived by the seemingly correct functioning of the modern era when examining the criminal flaws of that period. Modern slavery, under the principle of legality of crimes and punishments, can be far more insidious and sophisticated in leading individuals into the abyss of injustice without their awareness. By studying the Bayhaqī era, we aim to reveal and shed light on this plundering of the body and soul of individuals.

Keywords: *punishment, execution, deprivation of dignity, Bayhaqī*

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1. Introduction

Punishment, as a fundamental concept in criminal law, can be examined from various dimensions. One such examination may be the study of the historical background of punishment in significant and authoritative texts. Bayhaqī, with great mastery and without being consciously aware of it, has explained one of today's criminal law concepts in the form of narratives with high literary skill.

Understanding the dominant types of punishments in that era directs us to ask whether rulers were truly concerned with reforming the offender and improving the conditions of society. On the other hand, the human body as the subject of punishment in that period remains an ominous legacy that has been inherited in our current criminal laws. This raises a secondary question: were the rulers of that era and the present legislator afflicted with an inner resentment and imbalance of torment, such that they would subject individuals, framed as offenders, to physical harm under the pretext of justice, deterrence, and exemplarity?

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. The persistence in adhering to a particular intellectual framework and the lack of fundamental change in the forms of punishment is an issue that the present legislator of Iran continues to grapple with. We hope that this research and similar studies will create positive effects in the intellectual space of lawmakers.

If Bayhaqī speaks with compassion in his descriptions of the severe and harsh punishments of that era, it is because he could do nothing else. However, for us, the

possibility exists not only to sympathize with the existence of such inappropriate punishments but also to bring about their transformation within our criminal law. The persistence of punishments such as stoning (rajm), even with the limitations stipulated in the Islamic Penal Code of 2013, carries harmful consequences, reminding us of the account of Ḥasanak the Vizier, in which a handful of rogues were bribed with silver to cast stones.

2. The Harshest Punishments (Corporal)

One of the areas of Bayhaqī's eloquence is his description of corporal punishments, in which he portrays the unresolved wrath of rulers suddenly unleashed upon subjects and enemies. These punishments sometimes appear just, and at other times unjust. In the domain of unjust punishment, Bayhaqī's sympathy regarding Ḥasanak Wazīr becomes visible (Khazanehdarloo & Asgharzadeh, 2019).

2.1. Deprivation of Life

He repeatedly refers to retribution and punishment, presenting it in diverse forms and across different events.

2.1.1. Beheading as a Form of Punishment

Throughout history, due to foreign wars, famine, and the lack of healthcare, large numbers lost their lives, and in periods before the era of legal codification, punishments were often without regulation. Punishment, though violent, targeted the human body itself. This stemmed from the lack of value placed on life and the body in light of the high mortality rate described above (Mahmoudi & Haji, 2023). Execution in this form is seen in several places in *Tārīkh-i Bayhaqī*: "At the hour of Sūrī, the prison reported that several were beheaded, and others were held back" (Bayhaqi, 2021). Bayhaqī even goes further by providing the rationale for punishment, which today would be called general deterrence: "So that other daredevils may be curbed and take heed" (Bayhaqi, 2005).

2.1.2. Retribution (Qiṣāṣ)

In some passages, the term *qiṣāṣ* is used. Although the result—beheading—is the same, the former usually follows murder and bloodshed, while the latter stems from treason or similar matters. Moreover, with *qiṣāṣ*, the offender meets their penalty without the additional indignity of practices like sending the severed head to the ruler, which was common in beheading. Bayhaqī records: "When Amīr Maḥmūd became aware of this state… he said… inevitably, we must seek this blood so that the slayer of the bridegroom be slain in blood" (Bayhaqi, 2021). He further explicitly uses the word *qiṣāṣ*: "so that retribution may be exacted" (Bayhaqi, 2005). As has been said, the divine legislator's aim in instituting punishments such as *ḥudūd* and *qiṣāṣ* was not to sanctify the penalties, but to protect life, reason, lineage, property, and justice. Thus, corporal punishments are not eternal (Habibzadeh et al., 2024). The fact that today's legislator, a thousand years after Bayhaqī, still emphasizes *qiṣāṣ*, even for bodily members, raises questions. If *qiṣāṣ* is seen merely as vengeance for the victim's kin, such a purpose cannot serve as a solid foundation for this punishment (Pradel, 1994).

2.1.3. Hanging: A Classical or Extended Punishment

Among the most common punishments leading to death was hanging, which, like many other punishments, often involved deprivation of dignity. Its purpose was not merely to eliminate the offender but also to terrify others with extreme severity. In the case of Ḥasanak Wazīr—perhaps the pinnacle of Bayhaqī's narrative mastery—this type of punishment is found. Bayhaqī's compassion in narrating Ḥasanak's case depicts the injustice of punishments at that time (Khazanehdarloo & Asgharzadeh, 2019). In this account, numerous forms of humiliation accompany the punishment: making the convict wear an iron coat before execution, stoning the condemned, leaving the body hanging for seven years, and other acts demonstrating the cruelty of punishments in that period. Violence is a fundamental element of crime, and the more violence inherent in a criminal act, the harsher the punishment required (Mehra, 2019). However, in this case, the accused, Ḥasanak, committed a political crime, and such a degree of reaction is difficult for the reader to accept. Multiple terms were used for hanging, such as "suspending" or "placing on a wooden mount": "If ever sovereignty falls to you, Ḥasanak must be hanged. Inevitably, when the Sultan became king, this man was seated upon the wooden mount" (Bayhaqi, 2005). In Bayhaqī's era, as in many others, imposing the

harshest punishments upon enemies—whether or not they were truly offenders—was considered natural, as though the harsher the pain inflicted, the sweeter it was for the punisher: "The next day, he ordered the gallows raised, and many of the people of Ṭūs were brought there, and the heads of other slain men were gathered and placed at the foot of the gallows" (Bayhaqi, 2021).

2.2. *Harsh Retribution through Mutilation*

Throughout history, there have been numerous cases where corrupt governments used punishment for personal ends, sometimes going to extremes under the pretext of deterrence (Nobahar, 2013). The cutting or destruction of limbs can be considered an instance of such excessive and vengeful severity, sometimes inflicted upon enemies, offenders, protesters, or even suspects and the accused. The presumption appeared to be guilt, with grave consequences. Reading *Tārīkh-i Bayhaqī* occasionally evokes Dante's *Divine Comedy*: "Abandon all hope, you who enter here" (Dante, 2016). This inscription at the entrance of Hell greets Dante before entry, and indeed, the tumult of human life in that era was scarcely less than Dante's inferno.

Bayhaqī refers to several instances of such punishments, for example: "Letters from Talak and the judge of Shiraz, and the informants corroborated them. When the letters reached Lahore, several Muslims who had joined Aḥmad Yār were seized, and an order was issued to cut off their right hands" (Bayhaqi, 2005). A dictator, to display his power, constantly resorted to severe punishments to remind others of his dominance (Farmani Anousheh et al., 2018). In another case, the tragedy was even greater: "And Hārūn al-Rashīd, when Jaʿfar the son of Yaḥyā Barmakī was killed, commanded that he be quartered and his parts displayed on four gallows" (Bayhaqi, 2021). Here, the punishment was both brutal and humiliating, extending its effect even to the survivors.

Another harsh punishment was blinding: "And Amīr Raḍī came to Bukhara… and he seized his uncle ʿAbd al-ʿAzīz, confined him, and filled both his eyes with camphor until he was blinded" (Bayhaqi, 2005). Bayhaqī adds: "Then he said, the great art is that there will be a Day of Reckoning, with a just Judge who will exact justice for the oppressed from these oppressors. Otherwise, many hearts and livers would have been torn apart" (Bayhaqi, 2021). He also mentions another form of blinding by burning with a hot iron rod: "And after one week, he was branded and sent to Bukhara" (Bayhaqi, 2005). This recalls what Islamic jurisprudence prescribes for a negligent watchman in a homicide (Nozari Ferdowsieh et al., 2022). There is no doubt about the primitive nature of such punishments, yet why the Iranian legislator has dedicated multiple chapters to corporal punishments, particularly mutilation, remains incomprehensible. Sooner or later, such laws will change, just as many other provisions once thought immutable have changed.

2.3. *Flogging and Beating*

These were two of the most common punishments, though beating was more frequently mentioned in *Tārīkh-i Bayhaqī*. In regard to flogging, sometimes the punishment was applied in special ways: "And finally, they struck Bū al-Muẓaffar with a thousand lashes on the *ʿuqābīn*" (Bayhaqi, 2005). Apparently, *ʿuqābīn* were two tall wooden poles to which convicts were bound, and since their tops were shaped like eagles (*ʿuqāb*), the name was derived. The word appears many times in *Tārīkh-i Bayhaqī*, and in the cited passage, it was even interpreted as an iron lash (Bayhaqi, 2021). The number of lashes sometimes reached one thousand, unlike today's Iranian laws, where the maximum is eighty in cases of *ḥadd*: "The Amīr said, were it not for this chamberlain's intercession, I would have commanded your beheading. Now each of you must be struck with a thousand lashes so that you may beware henceforth" (Bayhaqi, 2021).

The ruler's discretion to substitute flogging for execution demonstrates the individualistic nature of the system, where the nature of the crime did not determine the punishment; rather, the ruler's will was decisive.

As for beating, the word *ḥadd* is sometimes directly used, probably referring to a Sharīʿa-prescribed punishment: "They beat him with sticks, but less than the *ḥadd*… and other penalties were according to Sharīʿa, as the judges decreed" (Bayhaqi, 2005). At times, torture and punishment were indistinguishable, and beating was employed to extract confessions: "Strike him with a thousand servant's blows until he confesses" (Bayhaqi, 2021). The number of strikes varied: one, twenty, five hundred, or even a thousand—"as when they once struck him with a thousand blows" (Bayhaqi, 2005). Beating could also serve as a threat: "Aḥmad said, my lord is patient and generous, otherwise he would have spoken with the stick and the sword" (Bayhaqi, 2021).

Fortunately, the current legislator has confined itself to flogging in the Penal Code, and beating is no longer included. Yet, the futility of flogging as a deterrent and humiliating punishment is evident. A striking contradiction remains in Iranian law: while moving toward modern alternatives such as imprisonment, the persistence of flogging is still insisted upon.

3. Punishments Depriving and Restricting Liberty

In deprivative punishments, two concepts—imprisonment and detention—are noted; in restrictive punishments, exile is pertinent.

3.1. Deprivation of Liberty

Imprisonment and detention are frequently used terms in *Tārīkh-i Bayhaqī*. As noted, in earlier times, when a person was not deemed deserving of execution and, for any reason, was not to be flogged, imprisonment was imposed instead (Elham et al., 2017). In meaning, these two terms differ, and it appears that—perhaps unintentionally—*Tārīkh-i Bayhaqī* reflects this distinction, although at times the word "detention" in that period conveyed the same sense as imprisonment, as will be shown.

3.1.1. Imprisonment

In modern law, the aim of imprisonment is not merely deprivation of liberty; rather, it is the offender's reform and normalization (Saeedi Abueshaghi et al., 2024). This aim was not contemplated in Bayhaqī's time, and the passages cited below lead to this understanding. Moreover, several terms synonymous with imprisonment are used, which are worth noting.

The first point concerns the place of imprisonment, which, according to *Tārīkh-i Bayhaqī*, was often a fortress; in one passage, two such fortresses are named: "And the other princes, together with the women's quarters, were taken at night to the fortresses of Nāy-i Masʿūdī and Dīdī" (Bayhaqi, 2021). It has been reported that the Nāy fortress was where the poet Masʿūd-i Saʿd-i Salmān was imprisoned for a time (Bayhaqi, 2021). Elsewhere we read: "Ṭāhir was taken to Hindustan and detained in the fortress of Gīrī; others were taken to Sarakhs and detained in prison; and Bū Naṣr took care to ensure that Bū al-Muẓaffar was treated well, and he remained imprisoned for a year… until he was released" (Bayhaqi, 2005). Here, "detention" carries the same meaning as imprisonment, and the term "release" from prison—still common today—was already in use. In another place, the expression "military fortress" is used explicitly for incarceration, dispelling any doubt about a distinction between a military stronghold and a place for holding prisoners: "So that the learned master Abū al-Qāsim Aḥmad ibn al-Ḥasan, who had been detained in the military fortress, might come to Balkh" (Bayhaqi, 2005).

At times, imprisonment substituted for other punishments, such as flogging and beating: "As the high command required, I poured water upon the fire so that the mat-maker and his son were not beaten, three hundred thousand [coins] were taken, and they were detained in prison" (Bayhaqi, 2005).

Regarding the fate of Bū Sahl Zūzanī, Bayhaqī interestingly notes the place of his imprisonment as Hindustan: "And in the end, in the days of Mudūdī, because Bū Sahl Zūzanī had been ill-disposed toward him, he threw him into a fortress in Hindustan" (Bayhaqi, 2021). At times, the word *ḥaras* (guards) is used for prison: "And they were taken to the *ḥaras*" (Bayhaqi, 2005). It is also used when describing the punishment of a person who had committed corruption: "The Amīr ordered that this accursed corrupter, who had committed so much mischief and shed blood unjustly, be detained with the other corrupters in the *ḥaras*" (Bayhaqi, 2021). Another contemporaneous term—spelled with *ṣād* then, and with *sīn* today—used to mean imprisonment is *qafṣ* ("cage"): "And in my youth I fell into the *qafṣ*, and errors occurred, until I fell and rose again, and saw much harshness and gentleness" (Bayhaqi, 2005).

Given the volume of imprisonment instances in *Tārīkh-i Bayhaqī*, one might infer—besides the criticisms of corporal punishments—that resorting to incarceration and inclining toward confinement in lieu of widespread corporal penalties was, in a sense, a distinctive feature of that era. Yet this is only one side of the coin; the other is why there was such a magnitude of offenses—most of them political—requiring the ruler to impose punishment, whether corporal or custodial. In effect, criminality of conduct functioned as a primary rule; especially when combined with hostility toward the government, the conviction of the accused became virtually inevitable.

3.1.2. Detention

Today, when we speak of an order for temporary detention, the most severe form of custodial order comes to mind. In practice, the court restricts the accused's freedom of movement for a limited period to ensure access to the accused (Khaleghi, 2015). In *Tārīkh-i Bayhaqī*, a similar (perhaps unintended) distinction between detention and imprisonment appears in some cases: "They seized his residence and detained his son together with his scribe" (Bayhaqi, 2005). In this context—considering the lengthy surrounding passage—the meaning conveyed is that of holding the person temporarily, i.e., detention. Likewise: "They informed the Amīr, who ordered that the guard tent be kept ready, and all were detained" (Bayhaqi, 2005).

Another interesting usage is the verb "to apprehend," which appears sparingly in *Tārīkh-i Bayhaqī*: "And within an hour, a group of them were seized and apprehended" (Bayhaqi, 2021). This reflects a measure preceding formal detention—akin to what appears in several provisions of today's Code of Criminal Procedure—followed by delivery to prosecutorial or juvenile authorities. In another passage, "seizing" and "detaining" appear together, again indicating temporary holding: "The Amīr commanded stealthily that Bū Ṭalḥa Shiblī be taken and detained; all he had was confiscated; then they flayed his skin, and when the barber's razor reached the edge, he departed this life—may God have mercy upon him" (Bayhaqi, 2021). From the temporary holding, the subsequent confiscation and flaying can be inferred.

In modern law, detention is a temporary measure pending further proceedings; in that time, detention seems to have been a shorter-term holding compared to imprisonment. The crucial difference between detention then and now concerns the presumption of innocence: due to the absence of the presumption's rule, once a person was apprehended, he awaited the ruler's command rather than judicial review (Qarjehlou, 2007).

3.1.3. "Shahr-band": A Forgotten Term

Compulsory residence—also called exile—functions as a restriction on liberty. It appears today among the complementary punishments in Article 23 of the Islamic Penal Code of 2013, and as one of the four principal punishments for *muḥāraba* in Article 282 (Ardabili, 2015). After this clarification, it should be noted that *Tārīkh-i Bayhaqī* refers only twice to a term that today would be rendered as exile or compulsory residence: *shahr-band* ("city-bound"). "And this was a pretext such that Yūsuf might remain for a while out of his sight and the army's, and be at Qaṣdār as though *shahr-band*, with captains set over him" (Bayhaqi, 2021). Elsewhere: "He ordered Aḥmad Arslān to be bound there and taken to Ghaznīn so that the garrison captain Bū ʿAlī might send him to Multān, such that he be *shahr-band* there" (Bayhaqi, 2005).

For purposes of social defense, the legislator may be compelled to imprison or exile offenders for a short time—a measure termed "temporary incapacitation"—and if such incapacitation is permanent, it is called execution (Alizadeh et al., 2022). It would be preferable for the legislator to maintain terminological consistency: the use of "exile" in one place and "compulsory residence" in another is not ideal. Moreover, given the existence of a fully Persian term such as *shahr-band*, a return to indigenous terminology could be considered.

4. Financial Punishments

Bayhaqī refers to financial punishments in various places, sometimes narrating the matter in such a way that it seems as though a grave injustice has been inflicted upon the person subjected to it. In the story of Ḥasanak Wazīr, for example, the reader is strongly led to perceive that what befell him was an injustice carried out by a group of people against the life, property, and dignity of a great man (Talebian & Amin, 2018). Bayhaqī provides multiple narratives of confiscations of people's property. In the Iranian legal system, fines and confiscation of property are its manifestations, and the legislator increasingly expands their application—especially monetary fines—particularly after the passage of the Law on Reducing Discretionary Imprisonment Sentences. Both instances are seen in *Tārīkh-i Bayhaqī*.

4.1. Confiscation

By definition, confiscation is the state's acquisition of all or part of the convict's assets pursuant to a judicial decision (Ardabili, 2015). In *Tārīkh-i Bayhaqī*, a similar concept appears, though not necessarily pursuant to a judicial ruling but more often by the ruler's order. The notion of confiscation is expressed in two ways:

sometimes explicitly by using the word *muṣādara* (confiscation), and sometimes without the word, but through Bayhaqī's narrative, the meaning is evident.

In the first sense, examples abound. For instance: "And Bū Sahl Zūzanī was in their midst, managing everything, and confiscations, settlements, buying and selling people—all he did" (Bayhaqi, 2005). Here, confiscation denotes penalty or indemnity. Elsewhere: "And they seized all the associates of the great master and confiscated them, though the sermon was still in his name" (Bayhaqi, 2005).

As in most cases, Bayhaqī praises those who encounter unjust punishment, once more remarking: "Thus, this free man lost a great fortune and splendid wealth, fell into the hands of the Turkmans, endured great hardships, and was subjected to another confiscation, until he was finally released" (Bayhaqi, 2021).

Sometimes the meaning of confiscation broadens, extending even to those who had committed no crime; when the Sultan faced a fiscal shortfall, he openly ordered the confiscation of ordinary people's property: "When we fall short in expenses and revenues, necessity requires resorting to confiscations, settlements, assaults, and the granting and taking of provinces. Let no one reproach us, for it is by necessity" (Bayhaqi, 2005).

Other examples show confiscation without using the explicit term, but the meaning is clear in even more painful ways: "When the session broke, the Amīr said to the master, you must sit beneath the awning, for Ḥasanak will be brought there with the judges and assessors, so that what he purchased may all be conveyed in our name, with witnesses attesting against him" (Bayhaqi, 2021).

As Bayhaqī further elaborates, all of Ḥasanak Wazīr's estates, accused of Qarmaṭī heresy, were taken from him with his own coerced acknowledgment. Bayhaqī records the text of the deed: "And in the deed was written all the possessions and properties of Ḥasanak, wholly for the Sultan; each estate was read aloud to him, and he admitted to selling it of his own free will and desire" (Bayhaqi, 2005). Every jurist understands, however, what "free will and desire" means at the foot of the gallows.

Through this narration, Bayhaqī depicts the body, pain, suffering, and subjugation of man by power. Sultan Masʿūd's method of binding the accused and broadcasting his authority throughout the lowest layers of society exemplifies a disciplinary technique in Iran's legal history (Zolfagharkhani, 2019).

In another instance, Bayhaqī describes confiscation of the second type: "They seized his residence and detained his son and scribe" (Bayhaqi, 2005). Here, the seizure of a home corresponds to confiscation in modern law. With beautiful subtlety, Bayhaqī continues the tale of Ḥasanak using words that outwardly suggest a fair legal proceeding but in reality describe confiscation, usurpation, and outright robbery: "And the silver they had designated was taken, and witnesses recorded it, and the judge entered it into the record in session, and the other judges as well, according to custom in such cases" (Bayhaqi, 2005).

4.2. Monetary Fines

Only in a few cases does *Tārīkh-i Bayhaqī* record the imposition of indemnity or what today would be termed a monetary fine, which in its time was remarkable. In one case, where a thousand blows of the staff were to be administered, leniency was shown, and instead, a set amount of money was demanded, thereby sparing the individual from beating: "Although the lord Sultan had ordered that you and your son each be struck a thousand times with the *ʿuqābīn*, I took pity on you and spared you the beating. You must pay five hundred thousand dinars and redeem the blows; otherwise, if the command proceeds quickly, you may suffer both the blows and the loss of wealth" (Bayhaqi, 2021).

Here, a form of sentence conversion—recognized today—occurred, but not for the benefit of the accused. Rather, it was the Sultan's personal whim at that moment. In such a penal system, the goals we now ascribe to punishment were never considered.

Monetary fines are now a rapidly expanding sanction in Iranian law. Just as once the legislator insisted excessively upon imprisonment and flogging, so now there is an extreme and uncontrolled drift toward monetary penalties. This excess, especially visible in legislation after 2013, should be tempered by a balanced approach.

5. Three Issues: Public Execution, Deprivation of Dignity, and Torture

Three issues remain in the discussion of punishments, though they have been mentioned sporadically in earlier

sections. These are: public execution, deprivation of dignity, and torture.

Instances of public executions appear in *Tārīkh-i Bayhaqī*, seemingly intended to instill fear and terror among the public—what is now termed general deterrence. In contrast, Article 499 of the Iranian Code of Criminal Procedure prohibits public executions except in very specific cases. In Bayhaqī's era, however, public execution was widespread. In the story of Ḥasanak, for instance, we read: "In the city of the Caliph, he ordered the gallows set up near the Musallā of Balkh, below the city walls, and the people gathered there" (Bayhaqi, 2021). In another passage highlighting the public nature of the punishment: "The executioner bound him firmly, the ropes descended, and they cried out, 'Stone him!' But no one raised a hand to throw a stone, and all wept bitterly, especially the people of Nishapur" (Bayhaqi, 2005).

Regarding deprivation of dignity, it must be said that every punishment inherently deprives the offender of social standing. Yet at times the legislator explicitly prescribes punishments aimed at dishonor, supplementary to the main penalty—for example, the hanging of a placard at the crime scene, as stipulated in Article 2 of the Law on Governmental Discretionary Punishments of 1988, or Article 20 of the Islamic Penal Code, which permits publishing the conviction in the media (Ardabili, 2015). Similarly, in Bayhaqī's era we find punishments depriving offenders of dignity: "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" (Bayhaqi, 2021). Given the lack of distinction then between principal and supplementary punishments, it is possible that parading an offender through the city was considered the main punishment. Elsewhere, Bayhaqī notes: "When the Khwārazmshāh heard, it was reported that an uproar arose in the city, for they had tied a rope to his leg and were dragging him" (Bayhaqi, 2005).

At times, public execution and dishonor overlapped, making it difficult to distinguish between them. Parading offenders seems to have been common: "Arrows flew left and right toward the elephant until they riddled the man… He fell from the elephant and died, and the rabble tied a rope to his leg, dragged him through the city, and shouted" (Bayhaqi, 2021). Another form of dishonor was sending the severed head of the offender to the governor, ruler, or commander, or mounting the heads on poles: "The heads of nearly two hundred slain were fixed on poles as a lesson" (Bayhaqi, 2005).

Finally, torture must be addressed. In the absence of modern criminal principles at that time, torture was perhaps regarded as part of punishment and a common practice. The prohibition of torture was raised centuries later by figures such as Beccaria. In *On Crimes and Punishments*, he wrote: "The torture of the accused during trial is a sanctioned cruelty, customary among many nations" (Beccaria, 1995).

In some parts of *Tārīkh-i Bayhaqī*, torture is explicitly mentioned: "He ordered punishments carried out by flogging, amputations, and tortures" (Bayhaqi, 2021). Here, torture may mean the imposition of pain and suffering upon the offender. Similarly: "They brought the *ʿuqābīn*, the whips, and the instruments of torture, the executioner came, and harsh messages were conveyed from the great master" (Bayhaqi, 2005). In this case, torture seems to refer to the tools themselves.

Elsewhere, torture is implied indirectly in the extraction of confessions, a practice now forbidden under Article 38 of the Constitution of Iran. Bayhaqī recounts: "Then a shoemaker was seized in the Amu passageway, suspected, and demands were made of him, and he confessed that he was a spy for Bughrākhān" (Bayhaqi, 2005). The word *muṭālibat* (demands) may here denote interrogation by torture. In Iranian law, Article 578 of the Penal Code (Discretionary Punishments section) prescribes penalties for torturing an accused person. In practice, however, Article 578 is rarely enforced. Given the judiciary's duty under Article 156 of the Constitution to prevent crime, it would be advisable for it to address violations in this area more seriously.

6. Conclusion

Considering what has been discussed in this study regarding *Tārīkh-i Bayhaqī*, several findings and interpretations can be highlighted. First, it appears that during that era, under the dominance of an all-encompassing authoritarian government, no concept of offender reform existed in the minds of rulers. The main objective was to eliminate the offender, who was often also regarded as an enemy. Sometimes the ruler granted a "favor" by arranging for what was considered an easier form of death, such as hanging, while at other times, for the purpose of spreading fear among the general public, far more brutal methods were employed.

It seems that the absence of a coherent intellectual framework and the presence of mental vacillation and imbalance—both in that era and in any period where rulers were afflicted with such instability—drove them to unleash every possible form of violence upon the body and soul of the offender, especially in political and religious crimes. Yet occasionally, after much intercession, the ruler would pardon the accused, as a way of displaying his own magnanimity.

This reflects a binary, zero-sum society in which any form of criticism—constructive or otherwise—was met with the harshest punishments, because the ultimate decision-maker was the ruler, who was often addressed as if he were divine. When one is placed in the seat of God, it is assumed that he is flawless and thus cannot be criticized. Whatever the Sultan did was regarded as inherently just and correct, even if it meant flaying an offender alive.

Therefore, we witness that first the body, then the mind (through imprisonment), and later the offender's property and liberty (through exile), became the objects of punishment. There was no real proportion between the crime committed, the harm caused, and the punishment imposed.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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References

Alizadeh, H., Nikkhah Saranaghi, R., Javadi, M., & Seyyed Isfahani, H. (2022). The dream of depenalization of imprisonment to the aspects of deterrence and non-punishment in light of the 2020 law reducing the discretionary prison sentence. *Criminal Law and Criminology Research*, *10*.

Ardabili, M. A. (2015). *General Criminal Law* (Vol. 3). Mizan Publishing.

Bayhaqi, M. H. (2005). *Tarikh-e Bayhaqi*. Hirmand Publishing.

Bayhaqi, M. H. (2021). *Tarikh-e Bayhaqi*. Sokhan Publications.

Beccaria, C. (1995). *On Crimes and Punishments*. https://doi.org/10.1017/CBO9780511802485.006

Dante. (2016). *The Divine Comedy (Inferno)*. Amirkabir Publications.

Elham, G., Vatani, A., & Hasanzadeh, M. (2017). The necessity of limiting prison sentences by emphasizing the difference between habs and sijn in jurisprudential sources and literature. *Journal of Social Jurisprudence*, *6*.

Farmani Anousheh, N., Zumurudi, H., Akbari, M., & Golchin, M. (2018). A critique of the interaction of power and knowledge (criminology and punishment) in some Persian prose texts with a Foucaultian approach. *Literary Text Research*, *22*.

Habibzadeh, M. J., Maldaar, M. H., & Hasanzadeh Khabbaz, S. N. (2024). A critical inquiry into corporal punishments in light of a functionalist reading of the four sources of Islamic law in the contemporary world. *Criminal law and Criminology Studies*(1).

Khaleghi, A. (2015). *Criminal Procedure* (Vol. 1). Shahr-e Danesh.

Khazanehdarloo, M. A., & Asgharzadeh, M. (2019). A re-reading of the tragic events in Tarikh-e Bayhaqi based on the characteristics of Aristotelian and Brechtian theater. *Literary Text Research*(81).

Mahmoudi, J., & Haji, A. (2023). The evolution of punishments in light of changing cultural values during the Constitutional era. (pp. 232).

Mehra, N. (2019). The effect of crime characteristics on sentencing. *Journal of Legal Research*, *22*. https://doi.org/10.29252/lawresearch.22.88.63

Nobahar, R. (2013). An inquiry into the foundations of the Hudud-Ta'zir classification in Islamic criminal jurisprudence. *Journal of Legal Research*, *16*.

Nozari Ferdowsieh, M., Rostami Ghafasabadi, A., & Jahani, M. H. (2022). A jurisprudential re-examination of the criminal liability of an unseen supervisor in a deliberate homicide crime. *Research on Islamic Jurisprudence and Law*, *18*.

Pradel, J. (1994). *History of Criminal Thought*. Shahid Beheshti University Publications.

Qarjehlou, A. (2007). *Circumstances and evidence in Iranian and English criminal law* Shahid Beheshti University].

Saeedi Abueshaghi, M., Bahmanpoury, A., & Jokar, S. M. (2024). A comparative evaluation of imprisonment in modern

criminal law and Imami jurisprudence. *Islamic Law Research Journal*(63).

Talebian, Y., & Amin, N. (2018). An analysis and review of 'discourse-oriented structures' in Abolfazl Bayhaqi's narrative of 'Hasanak Wazir's story'. *Literary Text Research*, *22*.

Zolfagharkhani, M. (2019). Torture and punishment in Tarikh-e Bayhaqi: A study of the story of Hasanak Wazir based on Michel Foucault's theories. *Persian Prose Research, New Series*.