

Conceptualizing Criminal Maturity Through Psychology: Reconsidering the Theories of Imami Jurists and Iranian Criminal Law Scholars in the Context of Objectivism and Subjectivism

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1. Round 1

1.1. Reviewer 1

Reviewer:

In the paragraph beginning “The term *rushd* literally means guidance and reaching one’s destination,” the lexical discussion does not sufficiently explain how a general linguistic meaning develops into the specialized concepts of civil and criminal maturity. The author should distinguish systematically among the Qur’anic, jurisprudential, civil-law, criminal-law, and psychological meanings of *rushd*. In particular, the transition from “guidance” or “rectitude” to the capacity to appreciate the social wrongfulness and consequences of conduct requires a defensible interpretive bridge rather than an assertion that the criminal-law meaning is ambiguous.

In the paragraph beginning “Some scholars understand maturity as the possession of reason,” the binary classification of reason into “normal functioning” and “cognitive capacity” is presented without sufficient engagement with competing theories of criminal capacity. The author should distinguish the capacity to understand the nature of conduct, the capacity to appreciate its legal or moral wrongfulness, and the volitional capacity to control conduct. Article 149 of the Islamic Penal Code and the insanity doctrine should be examined alongside Article 91 to determine whether the proposed category of deficient criminal judgment concerns cognition alone or may also include impaired behavioral control.

The paragraph defining insanity, ‘*atah*, intellectual weakness, and *birsam* risks conflating jurisprudential terminology with contemporary psychiatric constructs. For example, the sentence “‘*Atah* means intellectual deficiency, feeble-mindedness, or dullness” relies on terminology that is clinically outdated and potentially stigmatizing. The author should explain that these classical categories cannot be directly mapped onto contemporary diagnoses without methodological caution. A table or

focused analytical paragraph could compare the historical meanings, their legal consequences, and the closest—not necessarily equivalent—concepts in current clinical classification systems.

In the paragraph discussing al-Allamah al-Hilli, the conclusion that “maturity, in al-Allamah al-Hilli’s view, signifies the absence of cognitive impairments” appears stronger than the evidence presented. The author should quote or closely analyze the relevant jurisprudential passage, explain its doctrinal context, and address the competing interpretation attributed to Aghaei Jannat Makan. Because this interpretation supports the article’s broader distinction between possession and development of reason, the reasoning should demonstrate why one reading is preferable through textual, contextual, and systematic evidence.

In the paragraph criticizing forensic medical practice, the sentence “The current practice of forensic medicine, whereby a certificate merely states whether an offender possessed maturity” makes an empirical claim without presenting data. If the author wishes to critique institutional practice, the article should identify the evidentiary foundation, such as a sample of forensic reports, judicial decisions, official guidelines, interviews, or prior empirical studies. The author should also clarify the respective institutional roles of the judge, forensic psychiatrist, psychologist, and social worker, emphasizing that the ultimate legal conclusion belongs to the court while experts provide clinically grounded findings.

In Section C, the author defines maturity as the ability “to understand the social wrongfulness of criminal conduct,” but the expression “social wrongfulness” remains ambiguous. It could refer to moral wrongfulness, legal prohibition, social disapproval, harm to protected interests, or awareness of consequences. The author should formulate an offense-specific legal test and explain how it differs from the standards for insanity, mistake of law, diminished intelligence, and immaturity under Article 91. A clearer test might separately evaluate understanding of the act’s physical nature, its consequences, its legal prohibition, and its serious social or moral wrongfulness.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

In the paragraph beginning “It is evident that Article 91 of the Islamic Penal Code does not adopt this meaning of maturity,” the conclusion is stated too categorically. The discretionary wording of the note to Article 91 does not necessarily demonstrate that maturity is unrelated to mental impairment; it may merely indicate that courts can use evidence other than forensic expertise. The author should analyze the provision using several interpretive methods—textual, systematic, purposive, and jurisprudential—and consider judicial decisions interpreting “the nature of the offense” and “its prohibition.” Relevant Supreme Court precedent, unifying decisions, advisory opinions, or representative trial judgments should be incorporated.

The same paragraph contains a serious calendrical and legal ambiguity in the sentence stating that persons “17 years, 5 months, and 22 days old under the Gregorian-equivalent solar calculation are treated as adults.” The arithmetic, calendar system, and legal basis should be verified and presented clearly. The author must distinguish complete lunar years, Solar Hijri years, and Gregorian years and explain precisely how 18 lunar years are converted. More importantly, the argument should engage with the legality principle and interpretation in favor of the accused before adopting a calculation that narrows the protective scope of Article 91.

In the paragraph addressing puberty as a criterion, the statement that “age must necessarily take precedence over physiological signs” is insufficiently supported and may contradict the subsequent claim that age is only a rebuttable presumption of puberty. The author should clarify whether this is a description of existing Iranian law, a practical recommendation, or a normative conclusion. The discussion should also address the unequal ages of puberty for girls and boys under Article 147 and evaluate whether this distinction is compatible with contemporary developmental evidence, equality considerations, and Iran’s obligations under the Convention on the Rights of the Child.

In the paragraph stating that “Article 92 of the Islamic Penal Code also treats puberty alone as the criterion of criminal maturity in matters of diyah,” the statutory reference and resulting legal proposition should be checked carefully. The author should quote the relevant provision, explain its interaction with Articles 145–147 and the rules governing children and adolescents, and distinguish responsibility for an offense from financial liability for diyah. The qualification “assuming that

diyyah is classified as a criminal-law matter” signals an unresolved doctrinal issue; this should be analyzed directly rather than left parenthetically.

The paragraph stating that an offender under 18 “may receive a ḥadd punishment if the offender is not affected by a mistake of law or fact and possesses maturity and intellectual development” requires closer adherence to the language of Article 91. The provision refers to failure to understand the nature of the committed offense or its prohibition, or uncertainty concerning maturity and intellectual development. The author should determine whether these are separate grounds or overlapping concepts, identify who bears the evidentiary burden, and explain the legal consequence of judicial doubt. The analysis should also address whether Article 91 applies automatically or only after the defense raises the issue.

In the lengthy developmental-psychology paragraph beginning “The analysis of Article 91 ... raises the question of why the age of 18 was selected,” several neuroscientific claims require updated and more authoritative evidence. Assertions such as neural-cell production being “completed approximately one month before birth” and brain systems becoming sufficiently developed only after adolescence oversimplify neurodevelopment. The author should replace textbook-level generalizations with current peer-reviewed neuroscience, acknowledge that maturation continues into early adulthood, and avoid inferring a precise legal threshold directly from group-level neurological findings. The relationship between neuroscience and normative criminal responsibility must be explained rather than assumed.

The paragraph beginning “Another question concerns how maturity and intellectual development should be determined” assigns forensic medicine the task of assessing “the physiological development of the adolescent’s brain cells” and determining whether “neurological development had been completed.” This recommendation is not clinically or forensically operational in ordinary cases. There is no routine examination capable of retrospectively measuring the completion of an individual adolescent’s neural development at the time of an offense. The author should propose a realistic multidisciplinary assessment involving developmental history, adaptive functioning, psychiatric examination, neuropsychological testing where indicated, offense-specific reasoning, susceptibility to peer influence, and collateral information.

The examples in that same paragraph—particularly asking whether an adolescent would “choose to kill their father or their mother”—lack demonstrated validity and should not be proposed as indicators of criminal maturity. A response to a hypothetical moral dilemma cannot, by itself, establish the cognitive capacities relevant to a particular offense. Similarly, the suggestion that elevated androgen levels may help determine maturity in a rape case risks biological reductionism and an unsupported association between hormones, sexual violence, and legal culpability. These examples should be removed or replaced with validated forensic assessment domains and empirically supported methods.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.