

Examining the Effects and Implications of Constitutionalizing Cultural Heritage Rights in the Iranian Legal System

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1. Round 1

1.1. Reviewer 1

Reviewer:

In the Introduction, paragraph three, the claim that Iran “possesses thousands of historical and cultural properties” is too general. The review suggests adding exact numbers or official registry statistics to enhance the empirical strength of the argument.

In the Introduction, paragraph five, the sentence “Another key challenge...is the issue of trafficking in antiquities” appears abruptly. A smoother transition explaining how trafficking relates to constitutionalisation would improve coherence.

Section 1, paragraph on Historical Works, uses the phrase “objects older than one hundred years fall into this category” without referencing the specific statutory or judicial source that defines this criterion. Providing the legal authority would improve academic rigor.

In Section 3, Islamic jurisprudential analysis, the manuscript mentions *ḥaqq al-nās* but does not provide jurisprudential debate or scholarly interpretation supporting its application to cultural property. A more detailed exploration of *fiqh* positions would improve legitimacy.

In the paragraph on international foundations, the discussion lists conventions but does not examine Iran’s compliance record or any known implementation challenges. Without this, the analysis remains descriptive rather than evaluative.

In Section 3, paragraph discussing a “Comprehensive Cultural Heritage Act,” the recommendation is sound but lacks specificity. The authors should mention whether drafts, parliamentary proposals, or policy papers currently exist, as this would improve feasibility analysis.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

In the trafficking subsection, the line “Establishing the perpetrator’s intent can be difficult...” introduces a major criminal-law issue but does not elaborate on debates about mens rea standards. Adding discussion of strict liability, evidentiary burdens, or comparative legal approaches would enhance scholarly depth.

Section 2, paragraph one, states that constitutional attention to cultural heritage is “insufficient,” but does not cite a comparative benchmark. Including examples from constitutions that explicitly integrate heritage rights (e.g., Italy, Spain, India) would strengthen the normative justification.

Section 2, paragraph three, presents economic consequences of non-constitutionalisation but relies on general statements. The argument would benefit from quantitative tourism or heritage-economy data to support claims regarding revenue and development potential.

Section 2, paragraph five, notes that lack of constitutionalisation “threatens sustainability for future generations.” This is an important point but currently lacks engagement with established theories of intergenerational justice or sustainable development law.

Section 3, opening paragraph, identifies three foundations—public law, Islamic jurisprudence, and international law—but does not clarify how conflicts among these foundations are resolved in the Iranian legal hierarchy. The reviewer recommends adding a short subsection explaining doctrinal interactions or conflict-of-laws principles.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.