




OPEN PEER REVIEW

# Retributive Criminal Justice and Recidivism

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## 1. Round 1

### 1.1. Reviewer 1

Reviewer:

The claim “Penal prevention is primarily criminal in nature and falls under the jurisdiction of the judiciary” is somewhat vague. Clarify whether this refers to substantive or procedural criminal law, and how it interfaces with rehabilitative frameworks.

The use of the phrase “security has been interpreted as...” should be accompanied by more than one reference. A broader literature review on the sociological and legal interpretations of “security” could enhance this section.

The article states “Defining the shared elements of recidivism is the only reliable basis...” without engaging sufficiently with international definitions (e.g., UNODC, OECD). Including these would provide a more robust comparative foundation.

The example of converting a fine back into imprisonment is illustrative but may not reflect current Iranian legal procedure. Update or clarify the legal relevance of this practice in the post-2013 Penal Code era.

The claim “Punishment aggravation for repeat offenders is not grounded in justice but in social utility” is conceptually important but contentious. Consider including philosophical or criminological counterarguments (e.g., retributive theory) for balance.

The sentence “The unanswered question remains: justice for whom...” is strong rhetorically but lacks analytical depth. Elaborate on how restorative justice reallocates justice between state, victim, and community, with examples.

The term “shareholders of crime” is used effectively but should be introduced with theoretical background—possibly from Howard Zehr or Braithwaite’s frameworks—before application.

The claim “restorative justice reflects a relatively successful real-world experience...” is persuasive but unsupported. Add concrete examples from pilot programs or international models (e.g., Canada, New Zealand) to validate the argument.

The article outlines types of deterrence but lacks critical analysis of their empirical support. For instance, is “partial deterrence” a recognized model in contemporary literature? Cite recent debates in criminology.

Authors revised the manuscript and uploaded the document.

## 1.2. Reviewer 2

Reviewer:

The statement “Recidivists... endanger public order...” is accurate but overly general. It would be beneficial to provide statistical evidence or case studies to illustrate the claim that repeat offenders form the “majority of criminal justice clients.”

The sentence “if the punishment imposed is less than the severity of the offense, the principle of criminal justice is called into question” is compelling, but it requires clarification regarding how severity is assessed and by whom (judge, legislature, or public opinion?).

The interpretation of “aggravation as prohibition on sentence mitigation” needs elaboration. Is this view upheld by Iranian courts? A judicial precedent or doctrinal support would strengthen this claim.

The use of “relational justice” as a synonym for restorative justice is insightful, but more discussion is needed on the distinction between the two concepts in the literature.

The conclusion drawn from Hadadi et al. (2021) would benefit from further analysis. What legislative reforms have actually been proposed or implemented in response to the findings mentioned?

The sentence “Despite intensified penalties... recidivism has increased” presents a critical contradiction. Consider exploring this paradox in more depth, possibly with reference to deterrence theory limitations.

Authors revised the manuscript and uploaded the document.

## 2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.