




OPEN PEER REVIEW

Bioethics and the Death Penalty: The Transition from Retributive Criminology to Critical Criminology in Light of Expanding International Prohibitions

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1. Round 1

1.1. Reviewer 1

Reviewer:

In the introduction paragraph beginning “Within the sphere of international law, a profound transformation is underway,” the argument assumes a linear progression toward abolition, yet does not engage with countervailing empirical realities (e.g., persistence of executions in major jurisdictions); incorporating a brief acknowledgment of resistance trends would strengthen analytical balance and avoid teleological bias .

In the paragraph “At the same time, in the field of criminology, the traditional retributive paradigm...,” the claim that deterrence “has been found to lack serious credibility” is asserted without immediate citation or empirical illustration; you should introduce at least one representative quantitative study or meta-analysis at this point rather than deferring evidence to later sections, to maintain argumentative continuity .

In subsection 3-1(A), the discussion of Kant is simplified; you should engage more rigorously with Immanuel Kant’s original argument in the *Metaphysics of Morals*, particularly his claim that capital punishment respects rational agency, to avoid constructing a straw-man version of retributivism .

In subsection 3-1(B), the empirical critique of deterrence—“no statistically significant advantage”—requires methodological clarification; specify whether this refers to cross-national comparisons, time-series analyses, or econometric models, and acknowledge the ongoing scholarly dispute in this area .

In subsection 3-2, the comparison “is beheading by judicial order ethically different from beheading with a knife out of personal hatred?” is rhetorically powerful but risks oversimplification; you should address distinctions in legitimacy, procedural justice, and collective authorization to avoid collapsing legal and moral categories .

In section 4, the claim that punishment is “the executive arm of a broader political project” aligns with critical criminology, but you should explicitly reference key theorists (e.g., Foucault, Garland) to situate the argument within established literature rather than presenting it as a general claim .

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

In the paragraph posing bioethical questions—“where is the moral boundary of sovereign power to punish?”—the transition from descriptive to normative analysis is abrupt; you should explicitly signal the shift in epistemological stance (from legal-analytical to moral-philosophical reasoning) to avoid conflating doctrinal analysis with ethical argumentation .

In section 2 (“Theoretical Framework”), the sentence “the bioethical paradigm... redefines the death penalty not merely as a matter of Islamic jurisprudence or domestic criminal law” introduces Islamic jurisprudence but does not systematically integrate it later; given the stated relevance to Iran, a structured subsection comparing bioethical and fiqh-based perspectives would significantly enhance coherence .

In subsection 2-1(A), the claim “this right is not absolute” is doctrinally accurate but insufficiently nuanced; you should distinguish between derogability under Article 4 ICCPR and limitations under Article 6, as well as clarify the debate on whether the right to life is evolving toward a jus cogens norm prohibiting capital punishment .

In subsection 2-1(B), the statement “the suffering caused by awaiting execution... may itself constitute psychological torture” would benefit from engagement with the jurisprudence of the European Court of Human Rights, particularly cases like Soering, to substantiate the doctrinal claim rather than presenting it as purely theoretical .

In subsection 2-1(C), the assertion that execution “effectively negates that person’s inherent dignity” is philosophically strong but one-sided; you should briefly address retributivist counterarguments (e.g., Kantian dignity as accountability) to demonstrate critical engagement rather than normative presupposition .

In section 2-2, the phrase “gradual transition from the traditional retributive paradigm toward the dominant bioethical paradigm” risks overstating consensus; you should qualify the term “dominant” and provide empirical indicators (e.g., number of abolitionist states, treaty ratifications) earlier in the paragraph to support the claim .

In the paragraph discussing Article 6 ICCPR, the statement that it “paved the way toward abolition” is interpretive; you should clarify whether this is based on travaux préparatoires, Human Rights Committee General Comments, or scholarly interpretation, to avoid ambiguity in legal reasoning .

In section 3, the sentence “deep cracks appear in their theoretical basis” is rhetorically effective but analytically vague; you should specify which dimensions (normative coherence, empirical validity, or internal consistency) are being critiqued to enhance conceptual precision .

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.