

A Comparative Study of Concentration in Iranian and French Civil Procedure and Its Role in Balancing Judicial Justice with the Speed and Order of Proceedings

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1. Round 1

1.1. Reviewer 1

Reviewer:

In the introductory paragraph beginning with “Civil proceedings in contemporary legal systems face two fundamental imperatives,” the authors provide a broad theoretical overview but fail to clearly identify the specific research gap in Iranian scholarship. The introduction explains the importance of concentration but does not adequately demonstrate what aspect of the Iranian or French literature remains unresolved. The manuscript would substantially benefit from a dedicated analytical paragraph identifying deficiencies in prior comparative studies, doctrinal ambiguities, or inconsistencies in judicial practice that justify the novelty of this research.

The sentence “In French law, the principle of concentration was formally incorporated into the legal system in 2006 through the well-known ruling of the Plenary Assembly of the Court of Cassation” requires substantially deeper doctrinal analysis. The article cites the event but does not explain the Césaréo doctrine, the procedural implications of the ruling, or the jurisprudential controversy surrounding the concentration of means (concentration des moyens). A peer-reviewed comparative legal article should analyze the precise legal reasoning of the Court of Cassation and explain how the doctrine transformed res judicata and procedural admissibility in French civil litigation.

The discussion concerning Article 199 of the Iranian Code of Civil Procedure is underdeveloped. The manuscript repeatedly emphasizes judicial flexibility and truth-seeking but does not sufficiently analyze the doctrinal tension between inquisitorial judicial authority and party autonomy in Iranian procedure. The authors should clarify whether Article 199 creates a quasi-inquisitorial procedural structure or merely grants supplementary evidentiary discretion to judges. The absence of a conceptual distinction weakens the comparative dimension of the study.

The research questions stated in the introduction are relevant; however, the article lacks an explicit methodology section explaining how the comparative analysis was conducted. The manuscript merely states that a “descriptive-analytical and comparative method” was used, but it does not clarify the criteria for legal comparison, the selection logic of France as the comparator jurisdiction, or the analytical framework employed. The article should specify whether the comparison is functional, structural, doctrinal, or jurisprudential in nature.

The section entitled “Conceptual and Theoretical Foundations of the Principle of Concentration in Civil Procedure” contains several repetitive definitions that reduce analytical precision. For example, the phrase “Beyond a technical rule, this principle is a normative requirement...” appears multiple times with minimal variation. The authors should reduce redundancy and instead devote more space to conceptual distinctions between concentration of means, concentration of claims, concentration of evidence, and procedural preclusion. Greater terminological differentiation would improve doctrinal clarity.

The comparison between the French *juge de la mise en état* and the proposed strengthened role of Iranian judges is insufficiently elaborated. The article should explain the institutional competencies, procedural powers, and case-management authority of the French preparatory judge and assess whether such a procedural role is realistically transferable into the Iranian judicial structure. The current discussion remains too abstract.

The conclusion section repeats substantial portions of earlier discussions rather than synthesizing the study’s findings at a higher analytical level. For example, the paragraph beginning with “Compared with France, where the principle of concentration is implemented contractually...” largely reiterates earlier comparative observations. The conclusion should instead emphasize the article’s original contributions, normative implications, and proposed pathways for legislative reform.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The subsection “1-2-1. Concentration of Evidence and Grounds” correctly identifies the importance of evidentiary concentration, but the article fails to distinguish between evidentiary preclusion and procedural waiver. These concepts are not synonymous in comparative civil procedure. The authors should explain whether failure to present evidence results in waiver, forfeiture, inadmissibility, or procedural estoppel in French law and whether Iranian law contains functional equivalents. This distinction is essential for comparative accuracy.

The discussion of appellate concentration in French law is incomplete because the article does not analyze the procedural consequences of the 2017 and 2019 reforms in sufficient depth. The statement that “short time limits were established” is descriptive rather than analytical. The paper should discuss how these reforms altered appellate admissibility standards, strengthened judicial case management, and affected litigants’ procedural rights. Empirical or jurisprudential examples from appellate practice would strengthen the argument considerably.

The article repeatedly refers to “substantive justice” and “procedural justice,” yet these concepts are not theoretically defined. Since the entire thesis of the manuscript depends on balancing these two values, the absence of conceptual clarification is a major weakness. The authors should engage with procedural justice theory, access-to-justice scholarship, or legal philosophy literature to define these terms with greater precision. Without this clarification, the balancing framework remains largely rhetorical.

The comparative section discussing Germany and England is overly brief and insufficiently supported. The manuscript states that Germany adopts stronger first-instance concentration while England relies on judicial case management, but these assertions are not accompanied by statutory references, doctrinal scholarship, or procedural examples. Since comparative references to third jurisdictions are used to contextualize France and Iran, they require proper analytical substantiation rather than cursory mention.

The manuscript frequently cites “procedural loyalty” as a complementary principle in French law, but it never explains its doctrinal content. The article should clarify whether procedural loyalty refers to good-faith litigation conduct, abuse-of-process

prevention, cooperative litigation obligations, or ethical duties of disclosure. Because procedural loyalty is central to modern French procedural reforms, the absence of a doctrinal explanation weakens the theoretical sophistication of the article.

The subsection “2-2. The Effects of the Principle of Concentration on Procedural Efficiency and Reduction of Delay in Comparative Systems” contains several broad claims regarding efficiency improvements but provides no empirical evidence. Statements such as “the concentration of evidence and claims has reduced the duration of first-instance proceedings” should be supported by statistical studies, judicial performance reports, or empirical procedural scholarship. Without evidentiary support, these conclusions remain speculative.

The manuscript would benefit from a more critical examination of the risks associated with excessive concentration. Although the article briefly mentions threats to the right of defense, it does not sufficiently analyze scenarios involving unequal access to legal counsel, informational asymmetry, or economically weaker litigants. Excessive procedural concentration may disproportionately disadvantage vulnerable parties, and this issue deserves dedicated analysis within the framework of procedural fairness.

The section addressing Iranian procedural challenges correctly identifies delay and inconsistency in judicial practice, but it does not adequately distinguish between structural causes and doctrinal causes. For example, high caseloads, judicial shortages, and technological limitations are institutional problems, whereas lack of concentration and excessive judicial discretion are doctrinal or legislative problems. The article should analytically separate these categories to avoid causal oversimplification.

The sentence “cases that could have been concluded within a few months sometimes last several years” is problematic because it lacks evidentiary support. Such assertions require either official judicial statistics, scholarly empirical studies, or documented examples from Iranian court practice. The article should avoid unsupported generalizations and instead ground these claims in verifiable data.

The proposed domestic model for Iran is conceptually promising, but the legislative proposals remain underdeveloped. The article suggests introducing inadmissibility sanctions and stronger concentration requirements, yet it does not explain how these reforms would interact with constitutional guarantees of access to justice and the jurisprudential foundations of truth-seeking in Iranian law. The authors should address the constitutional compatibility of their proposed reforms more explicitly.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.