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Department of Philosophy and Religious Studies

### MA thesis: supervisor's report

The student's name: Jana Vondráková

The title of the thesis: Death Penalty: The Problems of Retributive Justice Approach

The supervisor: Matej Cívik

#### I. Formal criteria

	yes	partially	no
<b>1. The overall project:</b> - the thesis corresponds to the proposed topic - the topic is outlined adequately and not overly broadly	x		
<b>2. Methodical and systematic quality</b> - the text is logically and clearly structured	x		
<b>3. Introduction and conclusion</b> - the introduction duly states the aims and projected steps of the thesis, the state of the arts in the chosen topic, and the key works of existing scholarship - the conclusion adequately summarizes and evaluates the problem, and states the author's position and contribution	x		
<b>4. The author met all the formal requirements of a Master's Thesis:</b> - statement of the topic, the declaration, Introduction, the body of the work, Conclusion, Summary - word count/number of pages is appropriate	x		

#### *Further comments*

The thesis meets all the formal criteria. It is clearly structured, of sufficient length, and uses tools, arguments and methodology typical for a work in political philosophy.

**II. Contents-related criteria****yes   partially   no**

	<b>yes</b>	<b>partially</b>	<b>no</b>
1. The thesis shows the author's comprehension of the problem	<b>x</b>		
2. <b>Cohesion and continuity of the text:</b> - is satisfactory - the argumentation is adequate and does not lack foundation		x	
3. The thesis works with <b>relevant resources</b>		x	
4. <b>Working with resources:</b> - the thesis clearly shows that the author has worked with relevant academic literature and theses and arguments presented there - the author properly introduced their referred resources, compared, paraphrased, and cited them - clearly distinguished their own ideas and claims from those made by the cited authors		x	
5. The thesis is a <b>philosophical text:</b> - the author proved to be able to work analytically with concepts and ideas - the author did not only summarise or retell (in different words) the used resources - the thesis is not overburdened with non-philosophical (biographical, historical, etc.) contents	x		
6. The thesis shows the <b>author's own contribution and individual framing</b> of the topic	x		

*Further comments*

The aim of the thesis is to argue that "capital punishment is inhumane, unethical, and no state institution should have the right to end a life of any citizen". In this respect, the thesis has a clear topic and takes an important argumentative stance. The arguments presented in the thesis are coherent, the discussion of individual authors and their arguments is precise enough, the reader always knows where the arguments are heading. In this respect, the thesis presents a coherent and relatively complex philosophical position.

The problem with the thesis, as I see it, is that it contains very little discussion on capital punishment and also very little engagement with current literature. As it is structured, it contains three parts that are somewhat unrelated and fail to build on one another. The first part discusses the nature of moral agency, the theories of moral luck by Nagel and Williams, and strawsonian "reactive attitudes". However, while the nature of moral agency and free will CAN have an important role in specifying a philosophical position arguing that "capital punishment is inhumane,

unethical, and no state institution should have the right to end a life of any citizen”, these implications are not spelled out.

The same is true for the second part. The position of Thomas Aquinas, Thomas Hobbes and Immanuel Kant are sketched, but there is little more detailed analysis of their respective positions – and neither does the historical analysis play an important role in the final chapter.

The final chapter itself (“Contemporary discussion against capital punishment”) contains several interesting arguments, including discussion of retributive justice and an elaboration of arguments by Beccaria and Voltaire.

The chapter would, in my opinion, benefit immensely by taking on board contemporary philosophical discussions of capital punishment (I mention some sources in the section “Further Recommendations” of this report.

All in all, the thesis is a flawed philosophical text – it does not hold together very well and has some gaps in its argument. Nonetheless, it presents enough philosophical arguments in a way that is coherent and precise, that it fulfills the expectations on a text of this type.

### III. Language and grammar

yes    partially    no

	yes	partially	no
1. The thesis is flawless <b>grammatically and stylistically</b> and in other related respects (such as avoiding typos or unfinished sentences)	x		
2. The thesis is written in a proper <b>academic language</b>	x		
3. <b>Terminology</b> - the thesis uses its terminology with comprehension - it uses its terminology as needed and introduces its terms as needed	x		
4. <b>References, citations and notes</b> - referencing is adequate - the thesis uses a suitable citation format and sticks with it - footnotes/endnotes are used properly	x		
5. <b>Citing</b> - citations are neither too scarce nor overexcessive - quotations are sensibly chosen and illuminating	x		
6. <b>Graphics</b> - the thesis uses a suitable font, style of TOC, headings, paragraph styles, and so forth	x		

#### *Further comments*

The thesis is generally well written and understandable, it cites its sources and uses relevant philosophical terminology skillfully and coherently.

**IV. Resources used**

	yes	partially	no
1. a sensible and topic-adequate selection of primary texts		x	
2. a sensible and topic-adequate selection of secondary resources		x	

*Further comments*

The thesis uses enough philosophical resources, it cites and works with them well. Nonetheless, it would benefit from a much deeper selection of contemporary works on capital punishment.

**Further recommendations:**

What I consider the most problematic aspect of the thesis is the fact that it does not work with the recent philosophical literature on death penalty.

For example books like Kramer's "The Ethics of Capital Punishment" (OUP, 2011) or Bedau and Cassel's "Debating the Death Penalty" (OUP 2005), or other contributions, are not mentioned. To improve the project, it would have to be much better rooted in contemporary literature.

And improved version of the thesis would also better connect the individual insights (from moral psychology or the history of philosophy) to the final argument.

**Cooperation between the student and the supervisor:**

We had several productive discussions concerning the thesis early on. The cooperation afterwards was perhaps less intense than I would have preferred.

**Overall evaluation:**

The thesis is fit for defence: yes

Suggested grade: C

### **Proposed questions and topics for the defence discussion:**

The precise nature of the connection between the first chapter (discussions of moral psychology, moral luck and reactive attitudes) and the main conclusion of the thesis "capital punishment is inhumane, unethical, and no state institution should have the right to end a life of any citizen" should be made clear.

The defendant should elaborate how should the conclusions of Williams, Nagel or Strawson influence our view on capital punishment.

The first argument against capital punishment cites EU legal documents, claiming that "The death penalty is incompatible with human dignity and the inalienable right to life. It violates the right to live free from torture or cruel, inhuman or degrading treatment or punishment. There is no evidence to suggest that it acts as a deterrent to crime." This is, of course, a legal position. What would be a philosophical response to somebody who would claim that they do not believe in "human rights" – that such rights are just a lawyer's invention with no real existence?

In Pardubice, 1. 12. 2024

supervisor