

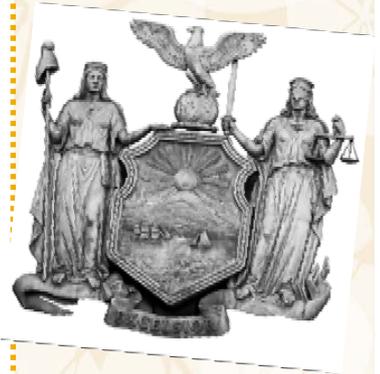


ACADEMIC SEMINAR

Pardon and Parole in New York from the Revolution to the Depression

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The pardon is an act of mercy, tied to the divine right of kings and the prerogative of emperors. When the American colonies rebelled against British rule they also replaced monarchical governance with a republic, where the people would become sovereign. Why did pardoning persist, in spite of the Revolution? This paper addresses that question by focusing on New York. Known as the 'empire state', it granted the governor authority to exercise mercy at his discretion. I trace how this reliance on the chief executive's prerogative survived not only the growing democratisation of politics over the nineteenth century but also the advent of the penitentiary and the introduction of parole. Drawing on previously unexplored evidence held in official pardon registers, clemency case files, reports of prisoners aid associations and parole hearing records, as well as governors' public papers and private correspondence, I highlight controversial cases that exposed the shifting character of discretionary justice. Political pressure to render the use of discretion more certain and less personal grew stronger over the nineteenth century, peaking during constitutional conventions, and it reached its height in the Progressive Era. Yet, New York's legislators left the power to pardon in the governor's hands, where it remains today. Reliance upon and faith in discretion has proven remarkably resilient, even in the state that led the world toward penal modernity.



Speaker: Dr. Carolyn Strange
(Australian National University)

Carolyn Strange is a senior fellow in the School of History, Australian National University. She is a specialist in modern Western legal history. Her most recent books (co-edited) are *Honour Violence and Emotions in History* (Bloomsbury 2015) and *'Honour' Killing and Violence: Theory, Policy and Practice* (Palgrave, 2015). Her forthcoming book, which explores in depth the research and insights in this talk, is *Discretionary Justice: Pardon and Parole in New York, from the Revolution to the Depression* (forthcoming, New York University Press, 2017).

Date 14 April 2016 (Thursday)

Time 3:00 p.m. – 4:30 p.m.

Venue LKK305, Leung Kau Kui Building

Language English