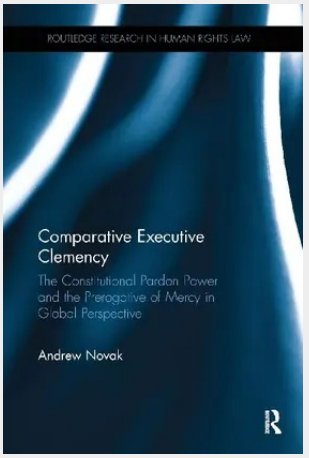
Novak

Comparative Executive Clemency



Virtually every constitutional order in the common law world contains a provision for executive clemency or pardon in criminal cases. This facility for legal mercy is not limited to a single place in modern legal systems, but is instead realized through various practices such as a law enforcement officer's decision to arrest, a prosecutor's decision to prosecute, and a judge's decision to convict and sentence. Doubts about legal mercy in any form as unfair, unguided, or arbitrary are as ubiquitous as the exercise of mercy itself. This book presents a comparative analysis of the clemency and pardon power in the common law world. Andrew Novak compares the modern development, organization, and practice of constitutional and statutory schemes of clemency and pardon in the United Kingdom, United States, and Commonwealth jurisdictions. He asks whether the bureaucratization of the clemency power is in line with global trends, and explores how innovations in legislative involvement, judicial review, and executive consultation have made the mercy and pardon procedure more transparent. The book concludes with a discussion on the future of the clemency and pardon power given the decline of the death penalty in the Commonwealth and the rise of the modern institution of parole. As a work concerned with the practice of mercy in the common law world, this book will be of great interest to researchers and students of international and comparative criminal justice and international human rights law.

This book provides a comparative constitutional analysis of executive clemency, with a focus on death penalty cases. Comparative executive clemency has never been the subject of a full-length comparative constitutional analysis, and the breadth of jurisdictions contained in this book-encompassing the entire English-speaking world-provides a full range of cultural and political variations in the level of deference given to executive decision-making.

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