



# Comparative Executive Clemency: The Constitutional Pardon Power and the Prerogative of Mercy in Global Perspective (Routledge Research in Human Rights Law)

By Andrew Novak



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**Comparative Executive Clemency: The Constitutional Pardon Power and the Prerogative of Mercy in Global Perspective (Routledge Research in Human Rights Law)** By Andrew Novak

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.



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### **Review**

**"In *Comparative Executive Clemency*, Andrew Novak skillfully explores executive mercy in the common law world. His analysis ranges from big picture questions (should clemency still be considered merely an "act of grace"?) to more specific controversies (where have posthumous pardons been granted?), and he examines a number of other vital clemency-related issues along the way. In sum, Novak's new book is a well-researched, engaging, and timely study of global clemency practices and trends."** - Jeffrey Crouch, author of *The Presidential Pardon Power*, American University

**"More than anything, the book projects the very true idea that mercy through legally established clemency is a legal construct that exists in a stunning array of places...For the scholar of clemency, Novak's work is worthwhile and clearly set out."** - Mark Osler, University of St. Thomas, *Criminal Law and Criminal Justice Books*, Rutgers

**"Novak's ambitious comparative law project, set out in nine chapters, aims to juxtapose the laws and procedures governing executive clemency across the entire common law world, from Alabama to Zimbabwe...Novak's work prompts plenty of questions and avenues for further clemency research, particularly on the empirical side. And perhaps that is the point: not to end the conversation on comparative executive clemency, but to restart it again after Sebba."** - Daniel Pascoe, City University of Hong Kong, *Asian Journal of Comparative Law*

### **About the Author**

**Andrew Novak** is Adjunct Professor of Criminology, Law, and Society at George Mason University, where he teaches Law and Justice Around the World. He has previously taught African law at American University Washington College of Law. He has written extensively on comparative and international criminal justice issues, including three books: *The Global Decline of the Mandatory Death Penalty: Constitutional Jurisprudence and Legislative Reform in Africa, Asia, and the Caribbean*; *The Death Penalty in Africa: Foundations and Future Prospects*; and *The International Criminal Court: An Introduction*.

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