

PARDONS

**JUSTICE,
MERCY,
AND THE
PUBLIC
INTEREST**

KATHLEEN DEAN MOORE

Pardons Justice Mercy And The Public Interest

Claudia Card



Pardons Justice Mercy And The Public Interest:

Pardons Kathleen Dean Moore, 1997-07-03 In *Pardons* Kathleen Dean Moore addresses a host of crucial questions surrounding acts of clemency including what justifies pardoning power who should be pardoned and the definition of an unforgivable crime Illustrating her arguments with rich and fascinating historical examples some scandalous or funny others inspiring or tragic Moore examines the philosophy of pardons from King James II's practice of selling pardons for two shillings through the debates of the Founding Fathers over pardoning power to the record low number of pardons during recent U S administrations Carefully analyzing the moral justification of clemency Moore focuses on presidential pardons revealing that over and over again after the Civil War after Prohibition after the Vietnam War and after Watergate controversies about pardons have arisen at times when circumstances have prevented people from thinking dispassionately about them Her groundbreaking study concludes with recommendations for the reform of presidential pardoning practices

Pardons Kathleen Dean Moore, 2023 This text explores the issues surrounding acts of clemency what justifies pardoning who should be pardoned and the definition of an unforgivable crime Several historical case studies are taken as examples of the use and misuse of clemency

Theaters of Pardoning Bernadette Meyler, 2019-09-15 From Gerald Ford's preemptive pardon of Richard Nixon and Donald Trump's claims that as president he could pardon himself to the posthumous royal pardon of Alan Turing the power of the pardon has a powerful hold on the political and cultural imagination In *Theaters of Pardoning* Bernadette Meyler traces the roots of contemporary understandings of pardoning to tragicomic theaters of pardoning in the drama and politics of seventeenth century England Shifts in how pardoning was represented on the stage and discussed in political tracts and in Parliament reflected the transition from a more monarchical and judgment focused form of the concept to an increasingly parliamentary and legislative vision of sovereignty Meyler shows that on the English stage individual pardons of revenge subtly transformed into more sweeping pardons of revolution from Shakespeare's *Measure for Measure* where a series of final pardons interrupts what might otherwise have been a cycle of revenge to later works like John Ford's *The Laws of Candy* and Philip Massinger's *The Bondman* in which the exercise of mercy prevents the overturn of the state itself In the political arena the pardon as a right of kingship evolved into a legal concept culminating in the idea of a general amnesty the Act of Oblivion for actions taken during the English Civil War Reconceiving pardoning as law giving effectively displaced sovereignty from king to legislature a shift that continues to attract suspicion about the exercise of pardoning Only by breaking the connection between pardoning and sovereignty that was cemented in seventeenth century England Meyler concludes can we reinvigorate the pardon as a democratic practice

Discretionary Justice Carolyn Strange, 2016-12-20 The pardon is an act of mercy tied to the divine right of kings Why did New York retain this mode of discretionary justice after the Revolution And how did governors use of this prerogative change with the advent of the penitentiary and the introduction of parole This book answers these questions by mining previously unexplored

evidence held in official pardon registers clemency files prisoner aid association reports and parole records This is the first book to analyze the histories of mercy and parole through the same lens as related but distinct forms of discretionary decision making It draws on governors public papers and private correspondence to probe their approach to clemency and it uses qualitative and quantitative methods to profile petitions for mercy highlighting controversial cases that stirred public debate Political pressure to render the use of discretion more certain and less personal grew stronger over the nineteenth century peaking during constitutional conventions and reaching 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 Unlike previous works that portray parole as the successor to the pardon this book shows that reliance upon and faith in discretion has proven remarkably resilient even in the state that led the world toward penal modernity

Mass Pardons in America Graham Dodds, 2021-08-10 Again and again in the nation's history presidents of the United States have faced the dramatic challenge of domestic insurrection and sought ways to reconcile with the rebels afterward This book is the first comprehensive study of how presidential mass pardons have helped put such conflicts to rest Graham G Dodds examines when and why presidents have issued mass pardons and amnesties to deal with domestic rebellion and attempt to reunite the country He analyzes how presidents have used both deeds and words proclamations of mass pardons and persuasive rhetoric in order to foster political reconciliation The book features in depth case studies of the key instances of mass pardons in U S history beginning with George Washington's and John Adams's pardoning participants in armed insurrections in Pennsylvania in the 1790s In the nineteenth century James Buchanan Benjamin Harrison and Grover Cleveland issued pardons to Mormon insurrectionists and polygamists and Abraham Lincoln and Andrew Johnson pardoned Confederates both during and after the Civil War Most recently Dodds considers Gerald Ford's clemency and Jimmy Carter's amnesty of Vietnam War resisters Beyond exploring these events *Mass Pardons in America* offers new perspectives on the president's pardon power unilateral presidential actions and presidential rhetoric more broadly Its implications span fields including political history presidential studies and legal history

Globalizing Justice for Mass Atrocities Chandra Lekha Sriram, 2013-05-13 This major new study examines the developing practice of universal jurisdiction as well as the broader phenomenon of globalizing justice and its ramifications With a detailed overview of the contemporary practice of universal jurisdiction it discerns three trends at work pure universal jurisdiction universal jurisdiction plus and non use It also argues that these disparities in practice should raise serious concerns as to the legitimacy and perceived legitimacy of such globalized justice It then turns to a further consideration that of globalized justice precisely because it takes place far from the locus of the crime and is therefore externalized and may fail to achieve many of its putative goals In addition this is a key assessment of civil accountability through the use of the Alien Tort Claims Act in the United States It details how the use of civil penalties may offer new avenues for redress particularly with relation to group accountability whether that of armed groups or of corporations However it balances this approach to

accountability with recognition of certain flaws within externalized criminal accountability This study also focuses on mixed tribunals or other methods of internationalized justice as viable alternatives which may avoid some of the problems with external justice but are themselves far from perfect Mixed or hybrid tribunals in East Timor and Sierra Leone represent different models of hybrid justice and provide the reader with excellent examples of these new forms of justice in action This book will be of great interest to all students and scholars of human rights international law and political science

The Presidential Pardon Power Jeffrey Crouch, 2009-05-26 Until President Gerald Ford pardoned former president Richard Nixon for the Watergate scandal most members of the public probably paid little attention to the president's use of the clemency power Ford's highly controversial pardon of Nixon however ignited such a firestorm of protest that fairly or unfairly it may have cost him the presidency in 1976 Ever since presidential pardons have been the subject of increased scrutiny and the focus of news media with a voracious appetite for scandal This first book length treatment of presidential pardons in twenty years updates the clemency controversy to consider its more recent uses or misuses Blending history law and politics into a seamless narrative Jeffrey Crouch provides a close look at the application and scrutiny of this power His book is a virtual primer on the subject covering all facets from its background in English law to current applications Crouch considers the framers vision of how clemency would fit into the separation of powers as an act of grace or a check on injustice then explains how the president and Congress have struggled for supremacy over the pardon power with the Supreme Court generally deferring to the executive branch's desire for its broadest possible application Before the modern era presidents rarely interfered in the justice system to protect aides from prosecution and Crouch examines some of the more controversial pardons in our history from the Whiskey rebels to Jimmy Hoffa In the wake of Watergate he shows the use of presidential pardons has become more controversial Crouch assesses whether independent counsel investigations and special prosecutors have prompted the executive to use the pardon as a weapon in interbranch political warfare He argues that the clemency power has been misused by recent presidents who have used it to protect themselves or their subordinates or to reward supporters And although he concedes that Ford's pardon of Nixon reflected the framers concerns about preserving government in a time of crisis he argues that more recent cases involving the Iran Contra conspirators commodities trader Marc Rich and vice presidential chief of staff Scooter Libby have demonstrated a disturbing misapplication of power In fleshing out these misuses of clemency Crouch weighs the pros and cons of proposed amendments to the pardon power one of the few powers that are virtually unlimited in the Constitution The Presidential Pardon Power takes up a key issue in debates over the imperial presidency and urges that public and scholars alike pay closer attention to a dangerous trend

When Should Law Forgive? Martha Minow, 2019-09-24 Martha Minow is a voice of moral clarity a lawyer arguing for forgiveness a scholar arguing for evidence a person arguing for compassion Jill Lepore author of *These Truths* In an age increasingly defined by accusation and resentment Martha Minow makes an eloquent deeply researched argument in favor of

strengthening the role of forgiveness in the administration of law Through three case studies Minow addresses such foundational issues as Who has the right to forgive Who should be forgiven And under what terms The result is as lucid as it is compassionate A compelling study of the mechanisms of justice by one of this country s foremost legal experts *The Atrocity Paradigm* Claudia Card,2002-09-12 What distinguishes evils from ordinary wrongs Is hatred a necessarily evil Are some evils unforgivable Are there evils we should tolerate What can make evils hard to recognize Are evils inevitable How can we best respond to and live with evils Claudia Card offers a secular theory of evil that responds to these questions and more Evils according to her theory have two fundamental components One component is reasonably foreseeable intolerable harm harm that makes a life indecent and impossible or that makes a death indecent The other component is culpable wrongdoing Atrocities such as genocides slavery war rape torture and severe child abuse are Card s paradigms because in them these key elements are writ large Atrocities deserve more attention than secular philosophers have so far paid them They are distinguished from ordinary wrongs not by the psychological states of evildoers but by the seriousness of the harm that is done Evildoers need not be sadistic they may simply be negligent or unscrupulous in pursuing their goals Card s theory represents a compromise between classic utilitarian and stoic alternatives including Kant s theory of radical evil Utilitarians tend to reduce evils to their harms Stoics tend to reduce evils to the wickedness of perpetrators Card accepts neither reduction She also responds to Nietzsche s challenges about the worth of the concept of evil and she uses her theory to argue that evils are more important than merely unjust inequalities She applies the theory in explorations of war rape and violence against intimates She also takes up what Primo Levi called the gray zone where victims become complicit in perpetrating on others evils that threaten to engulf themselves While most past accounts of evil have focused on perpetrators Card begins instead from the position of the victims but then considers more generally how to respond to and live with evils as victims as perpetrators and as those who have become both **After Injury** Ashraf H.A. Rushdy,2018-05-01 *After Injury* explores the practices of forgiveness resentment and apology in three key moments when they were undergoing a dramatic change The three moments are early Christian history for forgiveness the shift from British eighteenth century to Continental nineteenth century philosophers for resentment and the moment in the 1950s postwar world in which British ordinary language philosophers and American sociologists of everyday life theorized what it means to express or perform an apology The debates that arose in those key moments have largely defined our contemporary study of these practices **Federal Probation** ,1990 **Encyclopedia of Prisons and Correctional Facilities** Mary Bosworth,2005 Are included Annotation 2004 Book News Inc Portland OR booknews.com **Executive Clemency** Daniel Pascoe,Andrew Novak,2020-07-30 Nearly every country in the world has a mechanism for executive clemency which though residual in most legal systems serves as a vital due process safeguard and as an outlet for leniency in punishment While the origins of clemency lie in the historical prerogative powers of once absolute rulers modern clemency laws and practices have evolved to be enormously varied This

volume brings comparative and empirical analysis to bear on executive clemency building a sociological and political context around systematically collected data on clemency laws grants and decision making Some jurisdictions have elaborate constitutional and legal structures for pardoning or commuting a sentence while virtually never doing so while others have little formal process and yet grant clemency frequently Using examples from Asia Europe Latin America the Caribbean and the USA this comparative analysis of the law and the practice of clemency sheds light on a frequently misunderstood executive power This book builds on existing academic scholarship and expands the limited geographical scope of prior research which has tended to focus on North America the UK and Australia It relays the latest state of knowledge on the topic and employs case studies doctrinal legal analysis historical research and statements by clemency decision making authorities in explaining why clemency varies so considerably across global legal and political systems In addition it includes contributions encompassing international law transitional justice and innocence and wrongful convictions as well as on jurisdictions that are historically under researched The book will be of value to practitioners academics and students interested in the fields of human rights criminal law comparative criminal justice and international relations

Political Forgiveness P. E. Digeser, Peter Digeser, 2001 It centers on the capacity of victims and creditors to release transgressors and debtors from their moral and financial debts If justice is a matter of receiving one's due he says then political forgiveness entails releasing one's due Nevertheless political forgiveness remains connected to justice in important ways

The Philosophy of Forgiveness - Volume IV Gregory L. Bock, 2019-04-01 The Philosophy of Forgiveness Volume IV Christian Perspectives on Forgiveness is a collection of essays that explores different Christian views on forgiveness Each essay takes up a different topic such as the nature of divine forgiveness the basis for forgiving our enemies and the limits of forgiveness In some chapters the views of different philosophers and theologians are explored figures such as St John Climacus Bonaventure and Nietzsche In other chapters the concept of forgiveness is analyzed in light of historical events such as the Nickel Mines shooting the Charleston shooting and the Armenian genocide The contributors to the volume come from different backgrounds including philosophy theology and psychology The essays are written for scholars in the humanities social sciences and theology as well as graduate students and upper division undergraduate students

Death Penalty Cases Barry Latzer, 2002-11-15 Death Penalty Cases provides an unbiased collection of seminal death penalty cases in the United States It offers full but carefully edited excerpts from 25 different US Supreme Court cases along with helpful introductory materials specially prepared by the editor It also includes the latest statistical data on capital punishment and a useful sampling of death penalty statutes Together this material is invaluable for a full understanding of this fascinating subject Without taking sides on this controversial issue the author illuminates the arguments and presents the cases that form the framework for US law on capital punishment The keen selection of the material and the quality and extent of the commentary make this unique textbook a superb resource and an outstanding educational tool Carefully edited excerpts from

25 landmark US Supreme Court cases Outstanding original interpretation and analysis from the author A wealth of impartial material on ethics and historical controversies **Merciful Judgments and Contemporary Society** Austin

Sarat,2011-10-31 *Merciful Judgments and Contemporary Society* Legal Problems Legal Possibilities explores the tension between law's need for and dependence on merciful judgments and suspicions that regularly accompany them Rather than focusing primarily on definitional questions or the longstanding debate about the moral worth and importance of mercy this book focuses on mercy as a part of and problem for law This book is a product of the University of Alabama School of Law symposia series on Law Knowledge and Imagination It explores the ways law is known and imagined in a diverse array of disciplines including political science history cultural studies philosophy and science In addition books produced through the Alabama symposia explore various conjunctions of law knowledge and imagination as they play out in debates about theory and policy and speak to venerable questions as well as contemporary issues *The Encyclopedia of American Law* David A.

Schultz,2014-05-14 There's an old saying Ignorance of the law is no excuse for breaking it Yet for most people *Killing as Punishment* Hugo Adam Bedau,2004-03-11 Hugo Bedau has commanded a long and distinguished career as one of the most widely respected opponents of capital punishment His work has addressed a variety of perspectives in the death penalty debate from execution of the innocent to the philosophical and moral grounds for abolition Now his essays from the last fifteen years appear together in one volume More than simply a collection of previously published articles *Killing as Punishment* represents a unified interdisciplinary inquiry into several of the major empirical and normative issues raised by the death penalty The essays have been revised and updated to survey the current state of the death penalty against the background of the past half century and are divided along two major axes one detailing a range of facts raised by the controversy over capital punishment the other presenting a critical evaluation of the subject from a constitutional and ethical point of view Drawing on his encyclopedic knowledge of the field Bedau addresses topics that include strong public support for the death penalty wrongful convictions in capital cases the disappearance of executive clemency constitutional arguments surrounding t *Encyclopedia of Ethics* Lawrence C. Becker,Charlotte B. Becker,2013-10-18 The editors working with a

team of 325 renowned authorities in the field of ethics have revised expanded and updated this classic encyclopedia Along with the addition of 150 new entries all of the original articles have been newly peer reviewed and revised bibliographies have been updated throughout and the overall design of the work has been enhanced for easier access to cross references and other reference features New entries include Cheating Dirty hands Gay ethics Holocaust Journalism Political correctness and many more

Reviewing **Pardons Justice Mercy And The Public Interest**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is really astonishing. Within the pages of "**Pardons Justice Mercy And The Public Interest**," an enthralling opus penned by a very acclaimed wordsmith, readers embark on an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve in to the book is central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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