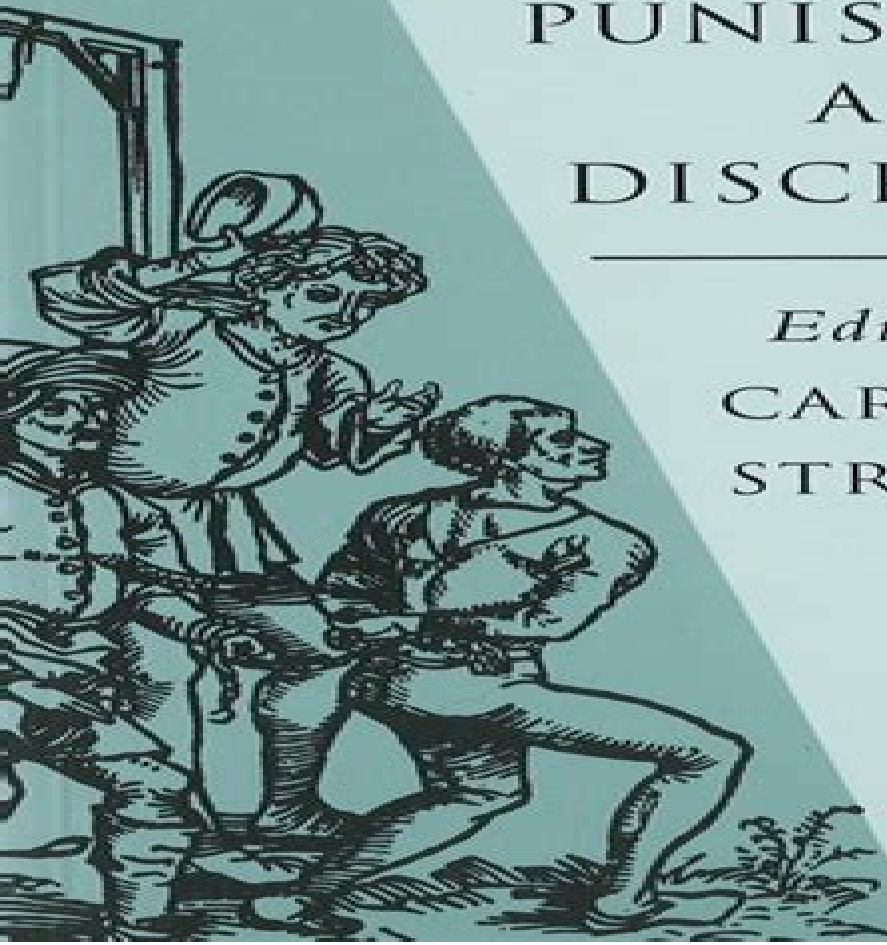


QUALITIES *of* MERCY

JUSTICE,
PUNISHMENT,
AND
DISCRETION

Edited by
CAROLYN
STRANGE



Qualities Of Mercy Justice Punishment And Discretion

Thomas Keymer



Qualities Of Mercy Justice Punishment And Discretion:

Qualities of Mercy Carolyn Strange, 1996 These essays also make an important contribution to current public policy debates If today s move towards unyielding and harsher punishment proceeds including the reinstatement of capital punishment mercy alone will fail to neutralize the inequalities of criminal justice Only profound cultural shifts will have the force to stem the tide of unprecedented punitiveness that we see today *Justice, Mercy, and Caprice* Ian O'Donnell, 2017-11-09 *Justice Mercy and Caprice* is a work of criminal justice history that speaks to the gradual emergence of a more humane Irish state It is a close examination of the decision to grant clemency to men and women sentenced to death between the end of the civil war in 1923 and the abolition of capital punishment in 1990 Frequently the decision to deflect the law from its course was an attempt to introduce a measure of justice to a system where the mandatory death sentence for murder caused predictable unfairness and undue harshness In some instances the decision to spare a life sprang from merciful motivations In others it was capricious depending on factors that should have had no place in the government s decision making calculus The custodial careers of those whose lives were spared repay scrutiny Women tended to serve relatively short periods in prison but were often transferred to a religious institution where their confinement continued occasionally for life Men by contrast served longer in prison but were discharged directly to the community Political offenders were either executed hastily or when the threat of capital punishment had passed incarcerated for extravagant periods This book addresses issues that are of continuing relevance for countries that employ capital punishment It will appeal to scholars with an interest in criminal justice history executive discretion and death penalty studies as well as being a useful resource for students of penology *Uncertain Justice* Frank Murray Greenwood, Beverley Boissery, 2000-10 An exposition of the patriarchal values that lie at the core of criminal law and the class and gender biases that permeate its procedures and applications **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 **Race on Trial** Barrington Walker, 2011-07-01 While slavery in Canada was abolished in 1834 discrimination remained Race on Trial contrasts formal legal equality with pervasive patterns of social legal and attitudinal inequality in Ontario by documenting the history of black Ontarians who appeared before the criminal courts from the mid nineteenth to the mid twentieth centuries Using capital case files and the assize records for Kent and Essex counties areas that had significant black populations because they were termini for the Underground Railroad Barrington Walker investigates the limits of freedom for Ontario s African Canadians Through court transcripts depositions jail records Judge s Bench Books newspapers and government correspondence Walker identifies trends in charges and convictions in the Black population This exploration of the complex and often contradictory web of racial attitudes and the values of white legal elites not only exposes how blackness was articulated in Canadian law but also offers a rare glimpse of black life as experienced in Canada s past *The Death Penalty and Sex Murder in Canadian History* Carolyn Strange, 2020-10-01 From Confederation to the partial abolition of the death penalty a century later defendants convicted of sexually motivated killings and sexually violent homicides in Canada were more likely than any other condemned criminals to be executed for their crimes Despite the emergence of psychiatric expertise in criminal trials moral disgust and anger proved more potent in courtrooms the public mind and the hearts of the bureaucrats and politicians responsible for determining the outcome of capital cases Wherever death has been set as the ultimate criminal penalty the poor minority groups and stigmatized peoples have been more likely to be accused convicted and executed Although the vast majority of convicted sex killers were white Canada s racist notions of the Indian mind meant that Indigenous defendants faced the presumption of guilt Black defendants were also subjected to discriminatory treatment including near lynchings In debates about capital punishment abolitionists expressed concern that prejudices and poverty created the prospect of wrongful convictions Unique in the ways it reveals the emotional drivers of capital punishment in delivering inequitable outcomes *The Death Penalty and Sex Murder in Canadian History* provides a thorough overview of sex murder and the death penalty in Canada It serves as an essential history and a richly documented cautionary tale for the present *Law and Government in England during the Long Eighteenth Century* D. Lemmings, 2011-10-28 Over the long eighteenth century English governance was transformed by large adjustments to the legal instruments and processes of power This book documents and analyzes these shifts and focuses upon the changing relations between legal authority and the English people Violence, Order, and Unrest Elizabeth Mancke, Jerry Bannister, Denis B. McKim, Scott W. See, 2019-05-06 This edited collection offers a broad reinterpretation of the origins of Canada Drawing on cutting edge research in a number of fields *Violence Order and Unrest* explores the development of British North America from the mid eighteenth century through the aftermath of Confederation The chapters cover an ambitious range of topics from Indigenous culture to municipal politics public executions to runaway slave advertisements

Cumulatively this book examines the diversity of Indigenous and colonial experiences across northern North America and provides fresh perspectives on the crucial roles of violence and unrest in attempts to establish British authority in Indigenous territories In the aftermath of Canada 150 Violence Order and Unrest offers a timely contribution to current debates over the nature of Canadian culture and history demonstrating that we cannot understand Canada today without considering its origins as a colonial project

Hunger, Horses, and Government Men Shelley A.M. Gavigan, 2012-10-24 Scholars often accept without question that the Indian Act 1876 criminalized First Nations In this illuminating book Shelley Gavigan argues that the notion of criminalization captures neither the complexities of Aboriginal participation in the criminal courts nor the significance of the Indian Act as a form of law Gavigan draws on court files police and penitentiary records and newspaper accounts and insights from critical criminology to interrogate state formation and criminal law in the Saskatchewan region of the North West Territories between 1870 and 1905 By focusing on Aboriginal people's participation in the courts rather than on narrow categories such as the state and the accused Gavigan allows Aboriginal defendants witnesses and informants to emerge in vivid detail and tell the story in their own terms Their experiences stand as evidence that the criminal law and the Indian Act operated in complex and contradictory ways that included both the mediation and the enforcement of relations of inequality

Judges and Convicts Victor Bailey, 2025-06-19 Uncovering the origins of the new sentencing structure that emerged in the course of the nineteenth century this book travels from the demise of the Bloody Code in the 1830s through the mid century transition from convict transportation to home based penal servitude and on to the remarkable and unprecedented mitigation of sentencing severity in the final two decades of the century By providing such an extended span of analysis this book reveals the discrete stages of development in sentencing policy and practice and particularly the contribution of the small coterie of professional judges at the county Assizes the Old Bailey or Central Criminal Court and the Middlesex Sessions around whose sentencing decisions the study revolves In consequence readers are offered an overarching survey of the nineteenth century trends in sentencing including an account of the struggle between politicians mandarins and judges for supremacy in sentencing along with a detailed explanation of that remarkable mitigation of sentencing severity that ultimately defined a new equation between crime and punishment or the modern sentencing tariff

Judges and Convicts The Principles and Patterns of Criminal Sentencing in Victorian England will be of great appeal to students and scholars of history law criminology and sociology particularly to those with an interest in the history of the criminal trial the judiciary punishment and sentencing

The Manly Modern Christopher Dummitt, 2011-11-01 How did one act like a modern man in postwar Canada With a great deal of difficulty During the Great Depression and Second World War many men were first out of work and then away from their families After the war came attempts to re establish the traditional gender hierarchy by emphasizing men's modernity allegedly superior rationality and ability to handle risk but the strategy had contradictory repercussions

The Manly Modern Masculinity in Postwar Canada traces the history of what

happened when men's supposed modernity became one of their defining features Through a series of case studies covering such diverse subjects as car culture mountaineering war veterans murder trials and a bridge collapse Christopher Dummitt argues that the very idea of what it meant to be modern was gendered A strong current of anti modernist sentiment bubbled just beneath the surface of postwar masculinity creating rumblings about the state of modern manhood that ironically mirrored the tensions that burst forth in 1960s gender radicalism The first major book on the history of masculinity in Canada The Manly Modern will appeal to scholars and students in history gender studies and cultural studies as well as to readers interested in the history and social construction of gender

The Death Penalty's Denial of Fundamental Human Rights John Bessler, 2022-12-15 The Death Penalty's Denial of Fundamental Human Rights details how capital punishment violates universal human rights to life to be free from torture and other forms of cruelty to be treated in a non arbitrary non discriminatory manner and to dignity In tracing the evolution of the world's understanding of torture which now absolutely prohibits physical and psychological torture the book argues that an immutable characteristic of capital punishment already outlawed in many countries and American states is that it makes use of death threats Mock executions and other credible death threats in fact have long been treated as torturous acts When crime victims are threatened with death and are helpless to prevent their deaths for example courts routinely find such threats inflict psychological torture With simulated executions and non lethal corporal punishments already prohibited as torturous acts death sentences and real executions the book contends must be classified as torturous acts too

Poetics of the Pillory Thomas Keymer, 2019 This volume explores literary censorship from 1660 to 1820 and examines the relationship between pervasive literary modes of the long eighteenth century and the control of seditious libel and punishment in the public pillory

Whores and Highwaymen Gregory J. Dunston, 2012 A huge work of reference A fresh perspective on a crucial time for courts policing and punishment Shows how individuals concerned parties and vested interests drove many of the era's developments A colourful account which captures the essence of the period Running to nearly 700 pages this comprehensive work on the development of summary jurisdiction early policing and the emergence of London's embryonic modern criminal justice system looks at every aspect of these topics from numerous perspectives and across the eighteenth century The whores and highwaymen of Gregory Dunston's title are just some of the dubious characters met within this absorbing work including thief takers trading justices an upstart legal profession whose lower orders developed various ways to line their own pockets and magistrates and clerks who often preferred dealing with those cases which attracted fees The book shows how little was planned by government or the authorities and how much sprang up due to the efforts of individuals so that the origins of social control particularly at a local level had much to do with personal ideas of morality class boundaries and perceived threats serious and otherwise Based on news reports Old Bailey and local archives and other solid records the book weaves a compelling picture of a critical time in English history through the voices of contemporary observers as well as the best of

writings by experts ever since At its broadest point the book spans the period from the Glorious Revolution to the early 1820s It falls into three parts Crime and the Metropolis including Metropolitan crime attitudes to crime and policing explanations for crime and criminal law and procedure Policing including policing the metropolis constables the watch beadles the role of the military and the detection of crime Justice including the magistracy and its work ways of prosecution trial in the lower and higher courts and the penal regimes of the day Whores and Highwaymen concentrates on the Metropolis but also compares other parts of England and Wales Author Gregory Durston MA DipL LLM PhD of the Middle Temple and Lincoln s Inn Barrister studied history for his first degree before turning to the law He is currently Reader in Law at Kingston

University Writing the History of Emotions Ute Frevert,2024-02-22 Emotions make history and they have a history They influence historical events such as revolutions riots and protest movements At the same time they are shaped by historical experiences tied to family upbringing educational and cultural institutions work and the home Writing the History of Emotions shows how emotions like love trust honour pride shame empathy and greed have impacted historical change since the 18th century and were themselves dependent on social political and economic environments Importantly this book provides a timely exploration of racialized gendered class based notions of emotions This exciting addition to Bloomsbury s successful Writing History series analyses how emotions matter in and to history and how they are themselves objects of history Here leading scholar Ute Frevert eschews a traditional chronological history of emotions in favour of an innovative collection which transgresses time periods to illustrate the different emotional meanings one particular material object has had throughout history This book sheds light on how emotions have been used instrumentalised and manipulated both to propel and suspend democratic politics In doing so it opens a rich new avenue of research for the history of emotions

Westward Bound Lesley Erickson,2011-08-01 *Westward Bound* debunks the myth of Canada s peaceful West and the masculine conceptions of law and violence upon which it rests by shifting the focus from Mounties and whisky traders to criminal cases involving women between 1886 and 1940 Erickson s analysis of these cases shows that rather than a desire to protect official responses to the most intimate or violent acts betrayed an impulse to shore up the liberal order by maintaining boundaries between men and women Native people and newcomers and capital and labour Victims and accused could only hope to harness entrenched ideas about masculinity femininity race and class in their favour This fascinating exploration of hegemony and resistance in key contact zones draws prairie Canada into larger debates about law colonialism and nation building Isolation Alison Bashford,Carolyn Strange,2003-09-02 This book examines the coercive and legally sanctioned strategies of exclusion and segregation undertaken over the last two centuries in a wide range of contexts The political and cultural history of this period raises a number of questions about coercive exclusion The essays in this collection examine why isolation has been such a persistent strategy in liberal and non liberal nations in colonial and post colonial states and why practices of exclusion proliferated over the modern period precisely when legal and political concepts of

freedom were invented In addition to offering new perspectives on the continuum of medico penal sites of isolation from the asylum to the penitentiary Isolation looks at less well known sites from leper villages to refugee camps to Native reserves

Nineteenth-Century Crime and Punishment Victor Bailey,2022-07-30 This four volume collection looks at the essential issues concerning crime and punishment in the long nineteenth century Through the presentation of primary source documents it explores the development of a modern pattern of crime and a modern system of penal policy and practice illustrating the shift from eighteenth century patterns of crime including the clash between rural custom and law and punishment unsystematic selective public and body centred to nineteenth century patterns of crime urban increasing and a metaphor for social instability and moral decay before a remarkable late century crime decline and punishment reform minded soul centred penetrative uniform and private in application The first two volumes focus on crime itself and illustrate the role of the criminal courts the rise and fall of crime the causes of crime as understood by contemporary investigators the police ways of knowing the criminal the role of moral panics and the definition of the criminal classes and habitual offenders The final two volumes explore means of punishment and look at the shift from public and bodily punishments to transportation the rise of the penitentiary the convict prison system and the late century decline in the prison population and loss of faith in the prison

Prosecuting Homicide in Eighteenth-Century Law and Practice Drew D. Gray,2020-02-19 This volume uses four case studies all with strong London connections to analyze homicide law and the pardoning process in eighteenth century England Each reveals evidence of how attempts were made to negotiate a path through the justice system to avoid conviction and so avoid a sentence of hanging This approach allows a deep examination of the workings of the justice system using social and cultural history methodologies The cases explore wider areas of social and cultural history in the period such as the role of policing agents attitudes towards sexuality and prostitution press reporting and popular conceptions of honorable behavior They also allow an engagement with what has been identified as the gradual erosion of individual agency within the law and the concomitant rise of the state Investigating the nature of the pardoning process shows how important it was to have friends in high places and also uncovers ways in which the legal system was susceptible to accusations of corruption Readers will find an illuminating view of eighteenth century London through a legal lens **An**

Uncertain Age Paul Ocobock,2017-03-27 In twentieth century Kenya age and gender were powerful cultural and political forces that animated household and generational relationships They also shaped East Africans contact with and influence on emergent colonial and global ideas about age and masculinity Kenyan men and boys came of age achieving their manhood through changing rites of passage and access to new outlets such as town life crime anticolonial violence and nationalism And as they did the colonial government appropriated masculinity and maturity as means of statecraft and control In **An Uncertain Age** Paul Ocobock positions age and gender at the heart of everyday life and state building in Kenya He excavates in unprecedented ways how the evolving concept of youth motivated and energized colonial power and the movements

against it exploring the masculinities boys and young men debated and performed as they crisscrossed the colony in search of wages or took the Mau Mau oath Yet he also considers how British officials own ideas about masculinity shaped not only young African men s ideas about manhood but the very nature of colonial rule An Uncertain Age joins a growing number of histories that have begun to break down monolithic male identities to push the historiographies of Kenya and empire into new territory

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