

Honors Seminar: CRIM 491/492

Fall 2019 and Spring 2020

Executive Clemency: Comparative, Empirical, and Historical Perspectives

Dr. Andrew Novak



Virtually every legal system in the world has a mechanism for executive clemency, allowing an executive authority to pardon, commute sentences, remit fines, or relieve punishments. These mechanisms vary widely among the countries of the world and even among U.S. states. In some jurisdictions, the executive alone has the power to make the decisions; in others, he or she must consult with a pardon or parole board; in some, the executive is bound by the recommendation of a pardon or parole board; and in a handful, the board alone makes the decision. Why do some jurisdictions grant clemency at extremely high rates? Yet, in other jurisdictions, clemency is virtually nonexistent, even though the legal mechanisms may not vary all that much. At the core, however, is a basic philosophical conundrum: clemency may be subject to political misuse but also serves as a final safety valve in the event of wrongful convictions.

Research on clemency poses several methodological challenges, which we will explore further in this course. Foremost among them is that many jurisdictions do not publicly release complete clemency statistics, complicating the work of the comparative scholar. Even when the numbers of grants and denials are known, few jurisdictions release reasons for decisions, and applicants for clemency may not know why their petitions have been denied. This course will explore the outer boundaries of clemency, such as its relationship to political amnesties for serious human rights abuses, its role in DNA testing and the “innocence revolution,” and its contribution to the global decline of capital punishment and the rise of parole. The course will explore clemency from a variety of different disciplines. Readings will be historical, legal, comparative, philosophical, and/or political in nature.

Course Activities

CRIM 491 and 492 will be an online hybrid. Readings and short online lectures will be done at home, along with a weekly quiz. Class time will be reserved for discussion, scenarios, and collaborative workshops. Some of the online lectures will address the substance of clemency, while others will be about legal, comparative, or empirical methods. The course will be writing and research intensive.

The final project for the first semester will be a “country profile” for a future Clemency Worldwide website. Students will have to select a country, research its legal framework and practice on clemency,

and stay abreast of news articles and other developments in that country. The final project for the second semester will be a poster on any aspect of clemency, which will be presented at a poster session or event at the end of the spring semester.

Course Enrollment

The Criminology, Law and Society Honors Program is open to Criminology, Law and Society majors who show the ability and drive to benefit from intensive study in the honors seminars. There are no formal course or GPA requirements, although the most promising candidates will be students who have taken challenging courses at Mason and who have earned at least a 3.5 overall/cumulative GPA. Students must have permission to participate in this course and are expected to make a one-year commitment to participate in both CRIM 491 and CRIM 492. Students who successfully complete CRIM 491 and 492 with a GPA of 3.5 or above will receive the honors designation in Criminology, Law and Society when they graduate and the letters “RS” will appear on their academic transcripts indicating they have participated in a Research and Scholarship Intensive course. The six credits from these two courses can be applied towards the CRIM electives section of the major and can count toward the criminal justice or the law and society concentration. Fall and Spring course times are still to be determined. Some meetings may take place outside the classroom. General information on the Honors program is available at <http://cls.gmu.edu/undergraduate/honors-research>. If you are interested in registering for this course, please email Andrew Novak at anovak2@gmu.edu.

About the Instructor



Andrew Novak, JD, PhD, is a Term Assistant Professor in the Department of Criminology, Law, and Society, and the author of *Comparative Executive Clemency: The Constitutional Pardon Power and the Prerogative of Mercy in Global Perspective* (Routledge 2016). He has written widely on the death penalty worldwide, especially in Commonwealth Africa. He holds an M.Sc. in African Politics from the London School of Oriental and African Studies, a J.D. from Boston University School of Law, and a Ph.D. in law from Middlesex University London. His current research on comparative executive clemency is funded in part with a grant from the Hong Kong Social Sciences Research Council.