By the turn of the twentieth century New York State led the world in introducing two hallmarks of modern penal administration: the indeterminate sentence and parole. Progressive penologists championed these tools as scientific means to treat the criminal by rewarding reform and encouraging social adjustment. Historians have debunked their claims by showing how ‘psy’ professionals and social scientists applied their expertise to impose new demands of normalcy and to extend, rather than limit, the state’s carceral reach. However, the historiographical focus on the leading edge of change, and the most grandiose of Progressives’ penal designs, has overshadowed analysis of parole’s primary purpose: to manage the early release of prisoners and to liberate them under supervision in anticipation of their successful social integration. More significantly, historians’ attraction to novel modes of discretionary justice has diverted attention from what persisted: the governor’s power to pardon. Until 1930 parole and pardoning were administered separately, under statutes and the state’s Constitution; yet their operations were entwined. Parole board hearing records and clemency case files hold evidence that challenges the standard account of modern discretionary justice and helps to correct the misconstrued picture of parole’s replacement of pardoning. In Progressive Era New York, the governor’s pardon and institutional parole operated in an uneasy partnership, creating fresh challenges as well as opportunities for prisoners seeking early release.

Carolyn Strange is Graduate Director in the School of History, RSSS. She has published extensively in the fields of criminology and criminal justice history in modern Canada, the U.S. and Australia. She is currently completing a book manuscript on the history of discretionary justice in New York, from the Revolution to the Depression.