

## **Dimensions of Justice: Ethical Issues in The Administration Of Criminal Law**

Written by William C. Heffernan  
Jones & Bartlett Learning Inc., 2015.

Reviewed by Tara Harrison<sup>1</sup>

According to Heffernan, *Dimensions of Justice* offers readers “a chance to think more carefully about what they may have long taken for granted” (pg. xv). This book focuses on subjects essential to the nature of crime and delinquency, victimization, equal opportunity under law and the role played by forgiveness in the justice process (pg. xv). This textbook is comprised of fifteen chapters which examine topics including appropriate responses to wrongdoing (4), determining the scope of personal freedom (10), restorative justice (12), and the death penalty (14). Accompanying each chapter are recommendations for further readings as well as additional information about selected topics.

As early as 1750 BC, individuals were using punishment to create a deterrent effect. In fact, the first known reference of an ‘eye for eye’ can be found in the *Code of Hammurabi* which states that, “If a man should blind the eye of another man, they shall blind his eye” (pg. 74). The relationship that exists between punishment and deterrence is explored thoroughly within Chapter 4. It is there that Heffernan discusses retribution and the means by which punishments are determined. To a large extent, this process is driven by the criminal act itself. For example, intentional wrongdoing occurs when an individual seeks to harm another whereas reckless wrongdoing takes place when a person knows that his/her actions could cause harm but continues nonetheless. These types of gradations are used to determine the severity of punishments awaiting transgressors. Generally, as the level of intent increases so too does the severity of punishment imposed. An individual who commits murder is considered more culpable therefore, more deserving of a harsh punishment than an individual whose recklessness results in a loss of life – even though the outcome of each act is identical.

Chapter 10 focuses on issues regarding privacy and personal freedom. It is here that the author asks whether the law should “prohibit practices that don’t cause harm” (pg. 186)? Heffernan uses the life of Kody Brown to explore this intriguing question. Readers may recognize Brown from the popular American television show *Sister Wives*. While Brown practices polygamy he has entered into only one state-sanctioned marriage. His other wives are merely the products of “spiritual unions” (pg. 186). This practice raises questions about harm, decriminalization and enforcement activities. There are those whom argue that Brown’s actions are harmless and consensual and therefore, should not be prohibited. Arguments of this nature are being used to

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reverse long-standing prohibitions against drug use and gambling in numerous jurisdictions worldwide.

Chapter 12 examines restorative justice. The purpose of restorative justice is to have “offenders take responsibility for their actions” by encouraging them to provide compensation to those they have harmed (pg. 228). Heffernan suggests that offenders who take part in restorative processes have an easier time rehabilitating themselves because they are forced to acknowledge their mistakes. However, Heffernan acknowledges that restitution may prove problematic. While restitution requires offenders to reimburse victims for financial losses it may also provide an incentive for continued criminality due to financial strain. Individuals interested in the justice system should become familiar with this chapter since restorative justice is gaining increased attention in English-speaking countries worldwide.

Chapter 14 explores the issue of capital punishment. This topic has sparked debate dating back to antiquity. In America, eighteen states have abolished its use. Increasingly, citizens raise questions about this practice. Some feel that the primary purpose of the government is to protect life, not take it. Questions have also been raised about the constitutionality of the death penalty. Opponents of execution claim that the Constitution protects against cruel and unusual punishments. Heffernan makes reference to the 2002 American case of *Atkins v. Virginia* where “the Court held that people suffering severe mental retardation cannot be executed” and the 2005 American case of *Roper v. Simmons* in which “the court exempted offenders who committed their crimes while under the age of 18” (pg. 276).

Heffernan does an exceptional job presenting topics which are not comprehensively covered in other texts. Students and educators alike will benefit from the examples that are built into the structure of each chapter. These examples prove enlightening when considering the depth of controversial issues. Each issue is considered from numerous perspectives, giving the reader an unbiased presentation. This proves beneficial since it allows readers to view these affairs in a more informed and comprehensive manner. This is an incredibly insightful textbook because it provides readers with information on issues and practices essential to a full appreciation of law. Additionally, readers will gain a better understanding of the challenges that are now plaguing the United States justice system. Furthermore, readers are directed toward supplemental resources to facilitate an appreciation for the contemporary nature of crime and punishment. Any student studying jurisprudence or criminology will find Heffernan’s approach to be both refreshing as well as informative. *Dimensions of Justice* is sure to become the text by which all similar publications are judged.