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Markus Dubber

Raises profile of Criminal Law program

Professor Markus D. Dubber, director of UB Law School's Criminal Law Center and editor of the *Buffalo Criminal Law Review*, was recently elected to the prestigious American Law Institute, which consists of judges, lawyers and legal educators from across the United States as well as some foreign countries. He was selected on the basis of professional achievement and his interest in improving the law and its administration. Said UB Law Dean Nils Olsen: "Election to the American Law Institute is a significant honor, one that Markus richly deserves."

In addition to his professional recognition by the ALI, Dubber also saw two significant books published this summer: *Victims in the War on Crime: The Use and Abuse of Victims' Rights* (NYU Press) and an innovative new textbook on criminal law, *Model Penal Code* (Foundation Press).

Dubber says two phenomena have shaped U.S. criminal law for the past 30 years: the so-called war on crime and the victims' rights movement. "As incapacitation has replaced rehabilitation as the dominant ideology of punishment, reflecting a shift from an identification with defendants to an identification with victims," Dubber says, "the war on crime has victimized offenders and victims alike."

"What we need instead," he argues, "is a system that adequately recognizes both victims and defendants as persons."

Victims in the War on Crime provides a critical analysis of the role of victims in the criminal justice system as a whole. After offering an original critique of the U.S. penal system in the age of the crime war, Dubber undertakes a comparative reading of U.S. criminal law and the law of crime victim compensation. The book concludes with a proposal for a wide-ranging revision that takes both victims and offenders seriously.

Uncovering the legitimate core of the victims' rights movement from beneath layers of bellicose rhetoric, Dubber

demonstrates how victims' rights can help us build a more evenhanded criminal justice system after the frenzy of the war on crime has died down.

Dubber's textbook, *Model Penal Code*, is an ambitious and thoughtful attempt to work out the principles of U.S. criminal law in a systematic way. By highlighting the code's conceptual structure, the book

helps students to navigate the code's often complex provisions and teachers to unlock its full educational potential. That potential has too often been obscured by a fragmented discussion of sections of the code that deal with a variety of individual topics.

By treating the Model Penal Code as a *code*, the book also teaches students how to handle criminal statutes. After all, Dubber notes, contemporary criminal law is predominantly statutory law, even in the few jurisdictions that did not recodify their criminal law in response to the code's publication in 1962.

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