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Crime and Publication: Professor Markus Dubber Produces A Spate of Books

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The shelves in Professor Markus Dubber’s O’Brien Hall office are crowded, and he is not helping that problem. In the past two years, Dubber, who directs the Buffalo Criminal Law Center, has published seven books.

They include a casebook and its accompanying teacher’s manual, a monograph in German, and a volume of articles co-edited with a University of Toronto sociological theorist whom Dubber met at a Baldy Center workshop. The Canadian scholar, Mariana Valverde, was in Buffalo to present at the workshop, and they discovered they had common academic interests.

Dubber and Valverde presented a Baldy Center workshop in 2004 that was co-sponsored by the Buffalo Criminal Law Center; it resulted in the book Crime and publication: Varieties on Crime and Law.”

In so doing, he argues that the sense of justice, far from an irrational emotional impulse, is a valuable legal tool.

Finally, “Victims in the War on Crime: The Use and Abuse of Victims’ Rights” (NYU Press, a 2002 publication now out in paperback) provides a critical analysis of the role of victims in the criminal justice system. Examining, among other topics, the “war on crime” and the victims’ rights movement, Dubber shows how victims’ rights can help build a more humane justice system founded on respect for the personhood of both offenders and victims.

Kelman of Stanford Law School, is packaged with a CD that incorporates the annotated Model Penal Code, an analytical structure of American criminal law, and interactive student tutorials. It is published by Foundation Press.

The German-language Einführung in das US-amerikanische Strafrecht has been described as “the first book on the general principles of American criminal law written in German.” Dubber explains that much scholarship on criminal law has come out of Germany, and this book is intended to export American understandings of criminal law back to the Continent.

The Sense of Justice: Empathy in Law and Punishment (NYU Press, a 2002 publication now out in paperback) provides a critical analysis of the role of victims in the criminal justice system. Examining, among other topics, the “war on crime” and the victims’ rights movement, Dubber shows how victims’ rights can help build a more humane justice system founded on respect for the personhood of both offenders and victims.

The New Police Science: The Police Power in Domestic and International Governance is the first in a series from Stanford University Press that Dubber will edit, called “Critical Perspectives on Crime and Law.”

The book examines the history and current use of the state’s power to police its citizens, broadly defined as the power to maximize public welfare — its “peace, order, and good government.” It includes pieces by scholars of law, crimeology, political science, history, sociology and social theory.

It follows on the heels of another book by Dubber on the subject, The Police Power: Patriarchy and the Foundations of American Government. A constitutional and legal history of the modern state’s power to police its citizens, the book examines how modern criminal law reflects the historical power of the householder over his household.

The 1,000-page casebook, American Criminal Law: Cases, Statutes, and Commentary, is accompanied by a teacher’s manual. Dubber notes that the casebook, written with Mark G.

The book grew out of a workshop and a larger conference held at the Law School’s Baldy Center for Law and Social Policy; the papers presented at that conference form the bulk of the volume. Mutua says the idea for the conference began with a class on Critical Race Theory that she taught with Professor Stephanie L. Phillips, who has an essay in the collection.

At issue, Mutua says, are the ways that American culture speaks to African-American men about how “real men” behave: “All men are not privileged the same,” she says. “Men themselves are divided by race, class, ethnicity and religion.”

“Men in general,” she says, “are subject to a hegemonic idea of masculinity that raises the notion of an unachievable ideal man. Individual men, Mutua says, are judged by how close they come to this ideal, which is characterized by a sense of dominance of the environment, work and home. The culturally imposed ideal is of a white, upper-class, propertied man, she said – ‘real men’ who are not feminine, not gay, not boys and not black. And so the very idea of a ‘real man,’ Mutua argues, is inherently racist.

Hand in hand with that cultural racism, she says, is the pressure for black men to demonstrate the aggressiveness and submission of the male ideal. That pressure limits the full expression of men’s individuality, but it also limits the potential of the women in their lives, and for those around them, reinforces negative stereotypes of black men. ‘Black men get stuck in really limited images,’ says Mutua, who in addition to serving as editor wrote the book’s introductory chapter setting out its premises.

Much of Progressive Black Masculinities is devoted to proposals for how to reinvent the ideal of the black man, suggesting new models that transcend the cultural racism and violence of the old ideal. For example, one writer presents an image of the strong black man as measured by the strength of his commitment to his family – a new model that does not confuse dominance for strength.

Other essays deal with the progressive and regressive aspects of hip-hop culture, the problematic aspects of the biblical ideal of the male as the provider, and a very personal piece by Duke University professor Mark Anthony Neal about the challenge of being a pro-feminist, progressivist father of a daughter.

“We all recognize that this world is hard on black men. But we also realize that black men are inter nalizing ideas that are deeply problematic, and we need to go beyond that.”

She also acknowledges that, as a female scholar, she brings an outsider’s sensibility to men’s issues. But she and her husband, Law Professor Makau Mutua, have three sons, and Athena Mutua says the book is personal to her because of them. “What do I do with these sons?” she asks. “What is it that I want to tell them? I want to tell them this. Please be progressive. Please be human.”