

DAIMEON SHANKS-DUMONT

6351 Florio St, Apt A, Oakland, CA 94618
daimeon_shanks@berkeley.edu

APPOINTMENTS	UNIVERSITY OF CALIFORNIA, BERKELEY, SCHOOL OF LAW Doctoral Fellow, Berkeley Center for Private Law Theory, 2024–2025
EDUCATION	UNIVERSITY OF CALIFORNIA, BERKELEY Ph.D. Candidate, Jurisprudence and Social Policy Program, <i>expected</i> May 2026 Emphasis in Legal History & Philosophy of Law, with Distinction in Doctoral Preliminary Exams <i>Committee:</i> Christopher Tomlins (chair), David Singh Grewal, Brian DeLay, Jonathan Simon <i>Dissertation: Sovereign Equality and Extractive Resources Management in World Economic Systems</i> UNIVERSITY OF COLORADO LAW SCHOOL J.D., 2019 Certificate in International Law (with Honors) Certificate in Federal Indian Law (with Honors) University of Colorado Law Review, Associate Editor UNIVERSITY OF OREGON B.A., 2002, Italian and History
TEACHING & RESEARCH INTERESTS	<i>Primary:</i> Criminal Law, Administrative Law, International Law <i>Secondary:</i> Contract Law, Property Law, Federal Indian Law, International Criminal Law, International Human Rights Law, International Dispute Resolution, Legal History, Historiography, Jurisprudence & Theory
ACADEMIC PUBLICATIONS	<i>Godzilla Cinema and the Imaginal Legal History of Ecocide</i> , 36 YALE J.L. & HUMAN. ____ (forthcoming 2025) This article draws post-structural, Lacanian, and hermeneutic philosophy to explore, through the films of Godzilla, a social theory for the study of international law’s history. It argues that just as the “spectacle of atrocity” shapes the identity of international crime, rationalist narratives become hegemonic as legal history because they are most amenable to the written word. By examining the aesthetic and emotive dimensions of legal phenomena captured in moving images, this study demonstrates how historians can cut different slices of context from the mass of historical artifacts to bring novel insight to the social nature of legality. <i>Entrance Fees: Self-Funded Agencies and the Economization of Immigration</i> ,

93 U. COLO. L. REV. 405 (2022)

This article examines the financing structure of the U.S. Citizenship and Immigration Services (USCIS), an administrative agency that is almost entirely funded by fees paid by its users, the applicants and petitioners for immigration benefits. This article tracks the history of user fee funding in the administrative state, and interrogates the fundamental economic and normative justifications for the use of user fees in the immigration context to argue that the USCIS's funding structure is both inapt and ineffective at implementing Congress's immigration policies. Moreover, by effectively shielding the executive branch from budgetary oversight, user fees fund operations that are misaligned with congressional intent, frustrating the constitutional structure of checks and balances and separation of powers principles.

The New Normal: Regulatory Dysfunction as Policymaking, 82 MD. L. REV. 300 (2023) (with Ming Hsu Chen)

Building on an emerging scholarship on internal administrative law, this article looks inside agencies to expose the phenomenon of regulatory dysfunction in policymaking. It describes the structural characteristics and logics associated with irregular policymaking and explains how the exploitation of such irregularities can lead to dysfunction. It then provides a typology of agency responses to irregularities ranging from bureaucratic legalism to bureaucratic rationality. It concludes by assessing the consequences of dysfunctional policymaking for administrative law and scholarship, showing where it makes a difference to reverse the starting presumption of regularity.

The Aesthetics is International Criminal Law, 37 TEMPLE INT'L & COMP. L.J. 23 (2024)

This article is a response to Randle DeFalco's book, *Invisible Atrocities*, arguing that his use of Lon Fuller's analytical philosophy to posit that aesthetics are nothing more than an extra-legal influence on international criminal law necessarily precludes the full critical potential implied by his social constructivist model of norm development. Using historical evidence from the Franco-Prussian War and First World War, the article argues that the recognition of the aesthetic ontology of law opens a whole field of totalizing international criminal law critique, not least of which would be an unmasking of the ideological functions that aesthetics play in determining what (and more importantly, who) are subject to international criminal law's attention.

The Ideological Functions of Ecocide, 35 HAGUE Y'BOOK INT'L LAW 179 (2024)

This article presents an ideological and structural critique of the international environmental law concept of sustainable development, as embodied in the emerging international crime of ecocide. As part of a larger movement to use international law to address the ecological crisis, recent proposals to amend the International Criminal Court's statute to include ecocide as a stand-alone offense has generated much debate. However, the default position of each of these

arguments is that it would be, on the whole, a good to criminalize ecocide. This essay begins from a different premise by positing that criminalizing ecocide may paradoxically harm the environmental movement by re-inscribing the ideologies and relations of production which ensure that “business goes on as usual.”

Martens’ Clause and Ambiguity at the Birth of Modern Humanitarian Law, in FRAMING DEVICES AND GLOBAL LEGAL TRADITIONS: FROM THE ANCIENT WORLD TO THE MODERN NATION STATE (Routledge Studies in Comparative Legal History) (Susan Longfield Karr & Laura Culbertson eds., under contract)

This chapter examines the Martens Clause, introduced in the Preamble to the 1899 Hague Conventions and named for Russian jurist Feodor Martens, and which has played an outsized importance in international humanitarian law. As one of international law’s foundational “myths,” it has come to represent the first codified expression that “the laws of humanity and the dictates of public conscience” should be given consideration during armed conflict. However, Martens’ intent in drafting the Clause had little to do with humanitarian concerns. Rather, it was a contest of wills between European powers over the rights and obligations of occupying armies and the qualification of lawful belligerents that inspired Martens’ language. This chapter recovers the events surrounding the drafting of the Martens Clause to expose its shaky foundation as a source of normative legal doctrine. Examining the contexts in which Martens made his declaration serves to expose the difficulties of appealing to its origin as authority, and problematizes the ambiguities of meaning with which it has been vested.

Comment, *From Aspirational to Prescriptive Capacity Building: Post-Conflict States, Rule of Law, and Hybrid International Justice*, 90 U. COLO. L. REV. 1195 (2019)

This comment explores the benefits and drawbacks that are inherent in hybrid international tribunals; specifically, the issues of legitimacy that are prevalent in judicial cultures that suffer from rule of law deficiencies, and the promises of what is termed “aspirational capacity building” to address those deficiencies. Aspirational capacity building refers to the idea that post-conflict states, whose judicial systems have been weakened by conflict, may rebuild their judicial capacities through interactions with hybrid international tribunals. This comment argues that incorporating capacity-building initiatives into hybrid tribunals’ constituent documents would turn the aspirational goals of hybrid justice to tangible prescriptions.

Book Review: *International Law and the Politics of History*, by Anne Orford, 11 COMP. LEGAL HIST. 82 (2023)

This review argues that *International Law and the Politics of History* fundamentally misunderstands the critical potential inherent to the use of history as international legal argument *because* we are all now “post-Realist” lawyers, not in spite of that fact.

Book Review: Robert B. Reich's The System: Who Rigged It, How We Fix It, 1(2)
J. L. & POL. ECON. (2020)

This review argues that *The System* is best understood as a general introduction to US political economy for those new to the subject, written with a clarity of prose and purpose, that provides a broad vantage point from which to see the overall structure of the U.S. political economic system.

SELECTED WORKS
IN PROGRESS

Sovereign Equality and Extractive Resources Management in World Economic Systems (DOCTORAL DISSERTATION)

The dissertation research project is a critical history of the concept of sovereign equality in international law. It is structured as three broad chapters that explore the relationship between natural resources extraction, international commerce, and hierarchy in international relations. The principal thesis is that sovereignty, as a technology of international law, has been used to justify unequal economic relations of trade in modern world economic systems. It is critical inasmuch as it challenges the traditionally-accepted idea that sovereign equality had always been a constituent aspect of the post-Westphalian international society. Rather, the argument is that the modern international legal concept of equality crystallized between the World Wars in the context of Britain's decolonization of Mesopotamia (now Iraq), in response to the transformation of the global commercial energy regime away from coal and towards petroleum. Despite international law's "progress narratives," the formal equality of sovereigns further entrenched unequal relations even as formerly-colonized peoples achieved formal independence.

Punitive War: A History of the Legal-Rational Myths of Domestic and International Punishment (JOB TALK PAPER)

This article presents a conceptual history of punitive war, understood as the use of force in international relations to punish the violation of international norms on behalf of the international community as such. This article identifies five "legal-rational myths" that operate at the international level to justify war as punishment, and relates them to their domestic-law counterparts, emphasizing both their common bases in theories of punishment, and their diverse institutional expressions. Their durability is demonstrated through the examination of recent armed conflicts, wherein the vocabularies of punishment have saturated contemporary legal discussions on the use of force.

Geopolitical Administration

This paper contends that the renewed visibility and significance of recent executive interventions in the economy is associated with the United States' position in the international order. It offers a historical-institutional analysis of early executive-led interventions in the economy during the early republic era to achieve geopolitical ends. The study's overarching aim is to motivate a sustained focus on the international determinants of domestic administrative practices,

which has largely been ignored in recent and classic administrative law scholarship.

Separation of Purposes: Administrative Governance and the Logics of Police

This paper explains the recent turn in American political economy toward industrial policy by framing the Executive Branch as serving a purpose external to its constitutional remit: the purpose of *police*, understood in its historical context as a paradigm of social ordering for the public good. It argues that police purposes are grounded in the concepts of inherent sovereignty and *raison d'état*, and that although the executive has served police purposes since the founding, the logics that stand at the back of these purposes have been hidden for two historically-contingent reasons: the hegemony of the *law* paradigm that eclipsed that of police, and the Constitution's dual identity as both a social compact and an international treaty between the several states.

PROFESSIONAL
EXPERIENCE

Research Assistant to Professor Brian DeLay, University of California, Berkeley, Department of History, 2023–2024

Research Assistant to Professor Dylan Penningroth, University of California, Berkeley, School of Law, 2019–2020

Legal Assistant to Chair of the ILC, Eduardo Valencia-Ospina, U.N. International Law Commission, United Nations, New York & Geneva, 2018

Research Assistant to Professor Ming Hsu Chen, University of Colorado Law School, 2018–2019

Student Attorney, American Indian Law Clinic, University of Colorado Law School, 2017–2018

Research Assistant to Professor Kristen Carpenter, University of Colorado Law School, 2017–2018

TEACHING
EXPERIENCE

Instructor, University of California, Berkeley, Legal Studies Department
International Law and International Relations, Summer 2021, 2023–2025

Graduate Student Instructor, University of California, Berkeley, Legal Studies Department

Aims & Limits of Criminal Law, Spring 2023, 2024

Policing & Society, Fall 2022, 2023

Supreme Court and Public Policy, Spring 2021, 2022

Crime and Criminal Justice, Fall 2021

Human Rights and the Native Experience, Fall 2020

Teaching Assistant to Professor Ming Hsu Chen, University of Colorado Law School

Legislation and Regulation, Fall 2018

SELECTED
ACADEMIC
PRESENTATIONS

PRESENTER/PANELIST

Geopolitical Administration

Law & Society Association Annual Meeting, Panel Presentation: *Colonial Legalities: Law, Political Economy, and Indigenous Rights*, Chicago, IL, May 2025

Junior International Law Scholars Association Annual Meeting, Maurer School of Law, Dec. 2024

Jurisprudence and the G-Man: What Godzilla What Godzilla Can Teach Us about Global Anxieties, International Law, and Social Reality

W.G. Hart Workshop 2024: Historicizing Jurisprudence: Person, Community, Form, Institute of Advanced Legal Studies, University of London, United Kingdom, June 2024

Junior International Law Scholars Association Midyear Meeting, online, Aug. 2024

Sovereignty as Oil

Junior International Law Scholars Association Annual Meeting, Cornell Law School, Jan. 2024

The Enduring Legacy of Indigenous Violence in California History

Law & Society Association Annual Meeting, Roundtable Session: *Hidden American Atrocities*, Denver, CO, Apr. 2024

Wirkungsgeschichtliches Bewusstsein, or: the Consciousness of the History of Effects

Jurisprudence and Social Policy Program Forum, University of California, Berkeley, Oct. 2023

The Image of the Franc-Tireur in First World War German Reprisal Regimes

American Society of International Law Midyear Meeting, Panel Presentation: *Invisible Atrocities*, Miami, FL, Nov. 2022

The Aesthetics is International Criminal Law

Jurisprudence and Social Policy Program Forum, University of California, Berkeley, Oct. 2022

The Ideological Functions of Ecocide

Deconstructing International Law Conference, Maastricht University, The

Netherlands, Apr. 2022

Regulatory Dysfunction as Policy Tool (with Ming Hsu Chen)

Power in the Administrative State Workshop, online, Nov. 2021

Entrance Fees; Self-Funded Agencies and the Economization of Immigration

Law & Society Association Annual Meeting, Roundtable Session:
Re-Imagining Citizenship, online, Apr. 2021

UC Davis Global Migration Center Workshop, University of California,
Davis, Oct. 2020

INVITED DISCUSSANT/COMMENTATOR

From Guns to Scalpels: Reproductive Violence and the (In)Visibility of Genocide
by Anthony Ghaly

Jurisprudence and Social Policy Program Gateway Conference, Apr. 2024

An International Prosecutor by Cody Corliss

Junior International Law Scholars Association Annual Meeting, Cornell Law
School, Jan. 2024

Invisible Atrocities by Randle DeFalco

Symposium Workshop for *Invisible Atrocities*, University of Miami School
of Law, Nov. 2022

The Critique of Legal Ideology by Justin Desautels-Stein

Kadish Workshop in Law, Philosophy, and Political Theory, University of
California, Berkeley, Mar. 2022

INVITED SPEAKER/GUEST LECTURER

International Environmental Law and the Crime of Ecocide

International Criminal Law, William S. Richardson School of Law–
University of Hawai'i at Mānoa, Dec. 2, 2021

SELECTED AWARDS & HONORS

Outstanding Graduate Student Instructor Award, University of California,
Berkeley, 2024

Selznick Graduate Fellowship, University of California, Berkeley, 2019–2024

Dean's Fellowship, University of Colorado School of Law, 2017

International Public Service Fellowship, University of Colorado Law School,

2018

SELECTED SERVICE
& ACTIVITIES

President, Law and Society Graduate Association, University of California, Berkeley, 2024–2025

Moderator & Co-Organizer, Jurisprudence and Social Policy Program Forum, University of California, Berkeley, 2024–2025

Co-Organizer, Jurisprudence and Social Policy Program / Berkeley Law Academic Placement Committee Research Agenda Workshop, University of California, Berkeley, 2023–2024

Co-Organizer, Jurisprudence and Social Policy Program “Hidden Curriculum Series,” University of California, Berkeley, 2022–2023

Jessup International Moot Court Competition Team, University of Colorado Law, 2017–2019

Co-President, Doman Society of International Law, University of Colorado Law School 2018–2019

Doman Amici Peer Program, L.L.M./M.S.L. Student Liaison, University of Colorado Law School, 2018–2019

PROFESSIONAL
ASSOCIATIONS

Colorado Bar (active)

American Society of International Law (ASIL), 2017–present

American Society for Legal History (ASLH), 2019–present

Law and Society Association (LSA), 2019–present

Association for the Study of Law, Culture, and the Humanities (LCH), 2022–present

UC Berkeley Industrial Policy Working Group, 2023–present

UC Berkeley History of Jurisprudence Working Group, 2024–present

REFERENCES

Christopher Tomlins

James W. and Isabel Coffroth Distinguished Professor of Jurisprudence
Jurisprudence and Social Policy Program, School of Law
University of California, Berkeley
2240 Piedmont Avenue
Berkeley, CA 94720
ctomlins@law.berkeley.edu

David Singh Grewal
Professor of Law

Jurisprudence and Social Policy Program, School of Law
University of California, Berkeley
225 Bancroft Way
Berkeley, CA 94704
david.grewal@berkeley.edu

Brian DeLay
Preston Hotchkis Chair in the History of the United States
Department of History
University of California, Berkeley
3229 Dwinelle Hall
Berkeley, CA 94720
delay@berkeley.edu

Jonathan Simon
Lance Robbins Professor of Criminal Justice Law
Jurisprudence and Social Policy Program, School of Law
592 Simon Hall
Berkeley, CA 94720
jsimon@law.berkeley.edu