

CIJI DODDS

PROFILE SUMMARY:

Ciji Dodds is an Assistant Professor at Albany Law School. Her research and teaching interests include gender and the law, feminist legal theory, peace studies, race and the law, critical race theory, immigration law, contracts, and legal writing. Ciji's research focuses on the intersection of Johan Galtung's violence typologies and the legal system, with an emphasis on manifest and latent structural violence. Utilizing an interdisciplinary approach, she seeks to (1) reconceptualize the legal definition of violence; (2) analyze the sources, forms, and functions of laws to ascertain the existence or nonexistence of pathological structural violence within established and emerging legal frameworks; (3) reimagine legal remedies for victims of structural violence; and (4) explore the tension between law-conforming and nonconforming behavior that emerges when individuals are forced to confront structural violence. Ciji Dodds is the co-founder and co-director of The Institute for Racial Justice Research and Advocacy.

ACADEMIC EXPERIENCE

Albany Law School, *Assistant Professor* 2019 – Present

Principal Subjects: Introduction to Lawyering; Race and the Law; Introduction to Critical Race Theory.

UDC David A. Clarke School of Law, *Adjunct Professor* 2014 – 2019

Principal Subjects: Lawyering Process and Appellate Advocacy.

Institute for Racial Justice Research & Advocacy, Co-Founder & Co-Director 2020 – Present

Research Activities: The Institute was established to examine and dismantle racial prejudice and inequality in the law through research, advocacy, and community education.

EDUCATION

Howard University School of Law, Washington, DC

J.D., *cum laude* (top 10%), 2009

Honors: Howard University Board of Trustees Scholarship; Womble, Carlyle, Sandridge, & Rice, LLP Scholar

Senior Editor, *Human Rights and Globalization Law Review*

University of North Carolina at Chapel Hill, Chapel Hill, NC

B.A. in Journalism & Mass Communication and African American Studies, 2006

Honors: Dean's List; Pearl Cavin Scholar

FORTHCOMING LEGAL SCHOLARSHIP

In Fear of Black Revolutionary Contagion and Insurrection: Foucault, Galtung, and the Genesis of Racialized Structural Violence in American Foreign Policy and Immigration Law. _____MICHIGAN JOURNAL OF RACE AND LAW_(2021).

Utilizing Michel Foucault's theory of discipline and punishment and Johan Galtung's theory of structural violence, I posit that the exercise of state-sanctioned discipline and punishment in furtherance of White supremacy constitutes racialized structural violence. This article contributes to the current public discourse concerning the role White supremacy plays in America by establishing a new construct that can be used to dissect the nature of racial oppression: racialized structural violence. Furthermore, this article analyzes the genesis and construction of racialized structural violence in American foreign policy and immigration law using America's response to the Haitian Revolution as a case study. When combined, akin to discipline, American foreign policy and immigration law is a complex bundle of power technologies designed to evoke docility from nations deemed "inferior." Both allow America to engage in dissociative racism. Over time, America's "right" and power to discipline and punish Black and Brown nations has been normalized as a rational function of our global society.

The Rule of Capture (work-in-progress)

INVITED LECTURES AND PRESENTATIONS

Upcoming: Presenter, AALS Annual Meeting 2022, *Teaching Abolition Across Systems and Institutions*, AALS Section on Civil Rights

Moderator, *In the Crosswalk: The Intersection of COVID, Race, Technology, and the Law*, a panel held during the Albany Law School Journal of Science and Technology Symposium on November 4, 2020.

Moderator, *A Voting Rights Discussion: Celebrating 100 Years of Women's Right to Vote and the Ongoing Challenges*, a panel presented by the ALS chapter of the American Constitution Society on October 22, 2020.

Panelist, *Systemic Racism in the United States*, held for the Albany County Bar Association on July 23, 2020.

Moderator, *Albany Law School Townhall: Systemic Racism*, held on June 4, 2020.

Keynote Lecture, *The Fox that Resisted Arrest*, for the Albany College of Pharmacy and Health Sciences Black History Month Celebration on February 20, 2020.

Panelist, *From Panopticism to Optimism: Re-imagining (Class) Freedom*, a panel held during the annual Class Crits conference at Western New England, School of Law on November 15, 2019.

ACADEMIC SERVICE

Member of the Executive Committee, AALS Civil Rights section, 2020 to present.

Member of the Executive Committee, AALS Minority Groups section, 2020 to present.

Member of the Executive Committee, AALS Children and the Law section, 2020 to present.

Member, Long-Range Planning Committee, elected 2021 to present.

Member, Harassment Committee, 2020 to present.

Faculty Advisor, Black Law Students Association, 2020 to present.

Member, Admissions Committee, 2019 to 2021.

Member, Student Affairs Committee, 2019 to 2020.

PROFESSIONAL LEGAL EXPERIENCE

The Dodds Firm, Washington, DC 2015 – 2019
Principal

Kelley Drye and Warren, LLP, Washington, DC 2013 – 2015
Corporate & Real Estate Associate

DC Office of the Attorney General, Washington, DC 2012 – 2013
Assistant Attorney General

Womble Carlyle Sandridge & Rice, LLP, Washington, DC 2009 – 2012
Now: Womble, Bond, Dickinson
Real Estate Associate

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RESEARCH AGENDA

My research focuses on the intersection of Johan Galtung's violence typologies and the legal system, with an emphasis on manifest and latent structural violence. Utilizing an interdisciplinary approach, I aim to (1) reconceptualize the legal definition of violence, and concomitantly, structural violence; (2) analyze the sources, form, and function of law in order to ascertain the existence or nonexistence of pathological structural violence within established and emerging legal frameworks; (3) reimagine legal remedies for victims of structural violence; and (4) explore the tension between law-conforming and nonconforming behavior that emerges when individuals are forced to confront structural violence.

I have chosen to center my research at the intersection of peace studies, gender, race, and the law because I view the U.S. legal system as a violent structure. Consistent with Galtung's theories, whether the architects of our legal system intended for it to function as violent structure is irrelevant. So long as the legal system oppresses and marginalizes individuals, it is violent and needs to be abolished and reconstructed. Additionally, my research examines canonical cases and the extent to which the laws and legal principles for which they stand have transcended their assigned areas of law and have been discretely used to sustain societal structures of inequality and oppression.

Current Projects

I. In Fear of Black Revolutionary Contagion and Insurrection: Foucault, Galtung, and the Genesis of Racialized Structural Violence in American Foreign Policy and Immigration Law

Forthcoming in the Michigan Journal of Race and Law, Fall 2021

This article investigates the power relation between the political anatomy of the Black soul and non-somatic expressions of white supremacy-based violence. Utilizing Michel Foucault's theories of discipline and punishment in conjunction with Johan Galtung's theory of structural violence, I posit that the exercise of state-sanctioned discipline and punishment in furtherance of white supremacy constitutes racialized structural violence. Thus, this article contributes to the current public discourse concerning the role white supremacy plays in America by establishing a new construct that can be used to dissect the nature of racial oppression.

Furthermore, this article analyzes the genesis and construction of racialized structural violence in American foreign policy and immigration law using America's response to the Haitian Revolution as a case study. When combined, akin to discipline, American foreign policy and immigration law is a white supremacy-oriented, complex bundle of power technologies designed to evoke docility from Black and Brown nations. Both allow America to engage in dissociative white supremacy. Overtime,

America's "right" and power to discipline and punish Black and Brown nations has been normalized as a rational function of our global society.

II. *The Rule of Capture* (work-in-progress)

This article examines the convergence of *Pierson v. Post* and policing. I argue that the rule of capture has been used to legitimize police brutality and the extrajudicial killing of people of color by the police. I examine the origins and evolution of policing and assert that policing was designed to protect individual and societal property interests in the bodies of people of color. Property interests are not reduced to the valuation of an enslaved person or the valuation of an individual in the prison industrial complex but also includes non-monetized forms of social, cultural, and psychological capital. The property interest is a result of the dehumanization of persons of color as animalistic sub-humans and the corresponding criminalization of blackness. Thus, policing originated from the notion of the need to hunt Black people, (E.g. <https://www.nytimes.com/2019/12/06/nyregion/nyc-police-subway-racial-profiling.html>), and continues to function as such today. Governed by the rule of capture, policing forces people of color to navigate an alternative society that is defined by the omnipresence of latent violence, which is manifested as the concentrated, underlying potential for state-sanctioned, imminent violence that is calculated to kill.

III. *From Girls to Bitches: Negligent Title IX Enforcement & the Consequences of Sexual Structural Violence*

I will discuss some of my research on this topic at the presentation that I will give at the 2022 AALS Annual Conference – *Teaching Abolition Across Systems and Institutions*.

This article will analyze the intersection of race, gender, and the negligent enforcement of Title IX, arguing that racialized sexual structural violence, which is rooted in misogynoir, has been absorbed into America's educational system. Racial disparities in Title IX compliance and enforcement has resulted in the normalization of sexual harassment and sexual assault ("sexual violence") of Black girls. In school sexual violence cases where Black girls are the victims, administrators are less likely to characterize incidents as forms of sexual violence, and more likely to characterize them as standard disciplinary issues where both parties are presumed equally culpable.

This article will make three interrelated claims. First, weak or nonexistent Title IX enforcement is a consequence of racism, which can be best understood using Galtung's A-B-C Conflict Triangle. Research demonstrates that administrators routinely masculinize and defeminize Black girls, deeming them unworthy of protection. These biases have historical and legal roots. To be clear, I do not believe in unconscious racial bias. Left unprotected, Black girls are more likely than any other group to physically defend themselves against sexual violence and more likely to be deemed the aggressor as a result. This subjects them to disciplinary and sometimes criminal consequences that can significantly diminish their life chances. A feedback loop is created whereby racism impacts an administrator's response to claims of sexual violence, the victim reacts to the administrator's response by engaging in anti-social behavior to either protect herself or as an attempt to be heard, and the victim's anti-social behavior reaffirms the administrator's biases.

Second, when administrators fail to invoke Title IX's protections and remedies in sexual violence cases, administrators become conduits for direct personal violence and instruments of structural violence. This gives rise to an acute, multidimensional form of sexual violence that disproportionately impacts Black girls. Beyond manifest personal violence and latent personal violence, the victim is exposed to two additional dimensions of violence: manifest sexual structural violence and latent sexual structural violence. Third, this article argues that the combined trauma of sexual violence, neglect, unduly harsh discipline, and the perceived loss of agency over one's future, creates a hostile and toxic educational environment for the victim, which may cause negative neuroplasticity. I conclude that Title IX compliance and enforcement mechanisms must be reformed, and I present potential amendments to Title IX's requirements and remedies. I propose that legal policies be reoriented to consider the full scope of the consequences of childhood sexual violence.