



School of Government & Public Policy

***Bianca Freeman:
University of California – San Diego
PhD Candidate presents:***

*Racial Hierarchy and Jurisdiction in U.S. Status of
Forces Agreements*

Abstract: The extraterritorial reach of American law is conditioned by host capacity for impartial judgement. Yet, despite strong civil or common legal practices, the United States withholds jurisdiction from most majority non-white host countries. Why does the United States share jurisdiction under some SOFAs and not others? Why is jurisdiction withheld from some civil and common law host countries? At their core, U.S. SOFAs project a racialized conception of host state capacity for governance over American personnel. It is through the notion of “capacity” that non-white majority host partners are stereotyped as possessing inferior courts and legal values. I demonstrate my argument using two empirical strategies and find that the United States imposes concurrent jurisdiction to govern its interactions with predominantly white host states, allowing these peer countries to try U.S. personnel, while withholding this same right from most non-white host partners, ceteris paribus. Since immunity relies on the premise of inherent difference between peoples and societies, it can affirm prevailing beliefs about racial difference.

Bianca Freeman is a PhD candidate in the Department of Political Science at UC San Diego. She studies the politics of race and international law. Her ongoing work centers the experiences of U.S. military personnel overseas in order to develop and complicate existing explanations about criminal jurisdiction in Status of Forces Agreements (SOFA). Bianca focuses on the extraterritorial application of American law, especially the conditions under which U.S. soldiers are protected from incarceration by the host government. In general, her research agenda investigates the legal and institutional dimensions of SOFA that systematically neglect and punish Black servicemembers and host communities. She anchors much of this work in hierarchy theory, a framework for understanding the relationship between racism and bargains over status between the United States and host countries. It also allows her to consider SOFA as a site of agency where racial bias in criminal jurisdiction, though codified, is contested. Bianca’s research is published in the Annual Review of Political Science.

Wednesday, August 31 at Noon

Via ZOOM

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