Record Nr. UNINA9910455303803321 Autore Raustiala Kal Titolo Does the constitution follow the flag? [[electronic resource]]: the evolution of territoriality in American law / / Kal Raustiala Oxford: New York,: Oxford University Press, 2009 Pubbl/distr/stampa **ISBN** 0-19-756241-8 0-19-974566-8 1-282-32827-1 9786612328275 0-19-971958-6 Descrizione fisica 1 online resource (326 p.) Collana Oxford scholarship online Disciplina 342.73/0413 Soggetti Conflict of laws - Jurisdiction - United States Effectiveness and validity of law - United States Exterritoriality Noncitizens - United States Americans - Legal status, laws, etc - United States Electronic books. United States Foreign relations Law and legislation Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Note generali Previously issued in print: 2009. Includes bibliographical references (p. 249-299) and index. Nota di bibliografia Nota di contenuto Territoriality in American law -- Territory and the republic -- The imperial constitution -- The fall and rise of extraterritoriality --America abroad -- The long arm of the law -- Offshoring the war on terror -- Territoriality's evolution. Sommario/riassunto The Bush Administration argued that detainees at Guantanamo should not enjoy constitutional rights because they were held outside American borders. But where do rules about territorial legal limits such as this one come from? Why does geography make a difference for what legal rules apply? The legal and political basis for territorial jurisdiction is poorly understood. In this novel and accessible treatment of territoriality in American law and foreign policy, Raustiala begins by

tracing the history of the subject from its origins in post-revolutionary

America to the Indian wars and overseas imperialism of the 19th century. He then takes the reader through the Cold War and the globalization era before closing with a powerful explanation of America's attempt to increase its extraterritorial power in the post-9/11 world.