BUCHBESPRECHUNGEN / BOOK REVIEWS

Cait Storr, **International Status in the Shadow of Empire: Nauru and the Histories of International Law**, Cambridge University Press, Cambridge 2020, 318 pages, £85, ISBN: 9781108682602

Storr's book on Nauru has "political intentions" (p. 38), and although it bears the word "histories" in its title, the concerns of the author are wholly related to the present. Grand terms and issues are evoked: TWAIL, "global justice and equality" (p. 38), "Weberian Marxist sensibilities" (p. 24), "imperial continuities" (and "dismantling" them, p. 10; 44; 245), as well as the present policies of the former colonial overlord Australia with regards to the Island of Nauru (with the notorious asylum seeker detention centers, p. 3; 252), etc.

Originally written as a doctoral thesis at the University of Melbourne following a "brief consultancy" as a law student on a "temporary, UN-funded position" for the Parliament of Nauru in 2009 (p. xi), the book aims to demonstrate that it "no longer makes sense to think of Nauru as an anomaly in the international order …, Nauru was what was." (p. 7) The first sentence of the first chapter explicitly repeats this "premise that the Republic of Nauru is not anomalous to the contemporary international legal order but deeply symptomatic of it" (p. 9). However: Why should Nauru be an anomaly and to whom? Who said so and why does this matter? And given that this book so strongly relies on an alleged "anomaly"-paradigm (I recognised the term at least seven times, yet without reference to indicate against whom the book is arguing), how does the author define an "anomaly", and is there, to her, a normality in (contemporary? or various historical?) international legal order(s)? Moreover, why are such judgmental terms necessary to better understand the historical process the author aims to analyse – four shifts in Nauru's status that prove "imperial continuities"?

The book's structure is rather conservative, as it is divided according to a time-tested colonial timeline indicating the "shift[s] in the international status of Nauru" (p. 39) – as seen from the European halls of power: "1 - International Status, Imperial Form: Nauru and the Histories of International Law; 2 - From Trading Post to [German] Protectorate, 1888; 3 - From Protectorate to Colony to Mandate, 1920; 4 - From Mandate to [Australian] Trust Territory, 1947; 5 - From Trust Territory to Sovereign State, 1968; 6 - After Independence: Sovereign Status and the Republic of Nauru." Why is there no chapter on the pre-colonial status? Did international (power) relations in Nauru commence with the arrival of Europeans?

While – *ex negativo* – normality is being invoked as a certain state under (20th century?) international law, the book operates with another problematic terminology: "marginality". Storr claims that her decision to analyse imperial administrations and the post-colonial independence of a state – Nauru, "habitually regarded as marginal or anomalous within the international order" (again: by whom?) – is "a methodological and a political" choice

(p. 26). Given that Nauru, as the book's bibliography demonstrates, is certainly no historiographic or political No man's land and considering the efforts of many in the field of international legal history to go well beyond the realms of the *ius gentium europaeum* (also with regard to concrete spaces – oft-cited key concepts over the last twenty-odd years were "provincialising Europe" and "decentering"), one wonders what is particularly "political" about publishing a book on Nauru in 2020. Many have done so before. And what might readers from academic fields such as (comparative) Area Studies think about such claims? What does this claim say about the state of academic international legal scholarship when an author apparently feels an urge to be almost apologetic about her or his choice of research?

Apart from such problematic exercises in juxtaposing 'normality vs marginality', the self-characterisation as delivering a Weberian interpretation of jurisdiction and administration cannot convince. An analysis does not become automatically "Weberian" (pp. 17-22) once it touches upon (imperial) bureaucratic forms. The superficial references to Max Weber (the bibliography cites one (!) book, Webers' *Protestant Ethic*, having little to say about [imperial] administration) and his arguments about "processes of bureaucratisation" from secondary and tertiary literature add up to little more than name-dropping. Any admiration for the 'big man' of the humanities notwithstanding, social science and historical research on bureaucratisation processes have certainly evolved over the last 100-odd years. For example, Storr's analysis of the bureaucratic continuities from colonial to independent Nauruan structures of governance and administrative forms of acting and planning could have massively profited from the inclusion of the path-breaking research of historian Frederick Cooper.

The content of chapters 2 to 6 is based on readily available literature and is not going to surprise any expert of Micronesian history, German colonial history, the mandate system, or Australia's sub-imperialism. The sub-chapters on the idea and practice of the "(colonial) protectorate" could well have profited from recent historical research but they are limited to summarising a few contemporary legal scholars (pp. 62-66). The book sets out to detail (at times) competing logics of empire and capital, or imperial rivalries about the exploitation of land and labour; in particular the phosphate reserves in Nauru, which have been almost entirely depleted since the 1980s. Strangely enough, chapter 6 concerning the "sovereign status" is by far the shortest, consisting of 15-odd pages; even though these decades in contemporary history are the least explored in literature to date. It is here that the book could have made a significant *new* contribution. For example, it is mentioned that Nauru's "independent status itself has become the resource the Republic seeks to rent" (p. 256). As a full member of the United Nations and with "normal" (no "anomaly" here!) voting rights, Nauru finds itself courted by the People's Republic of China and the Republic of China (RoC, Taiwan), constantly competing for Nauru's recognition (and so are, with Russian financial support, the Georgian break-away regions of Abkhasia and South Ossetia). Wouldn't it have been apposite to highlight in far more detail this "right to recognise" under international law in order to show Nauru as an *actor* in international

politics capable of using its sovereignty to its own advantage by playing the PRC and RoC against each other? As understandable as it is to focus on "imperial continuities" (p. 261, from German company protectorate to the "modern conflation of public and private authority", p. 259) – does the body politic of Nauru not deserve to be depicted with agency, as more than a receiver of financial aid, of (new) international status or of support from the UN in formulating a "modern" constitution etc.? There is a certain disproportionality in the narrative of this book, seeing that the recounting of Bismarck's colonial "reluctance" (p. 48, based on decades-old literature) or the legal structuring of the sixteenth century Hansa (pp. 52 sq.) take up more space than Nauru's active attempts to profit from its "independent status" as a "resource". Storr is aware that few citizens of Nauru speak in her book (p. 38) – any historian of international law is aware of the "source problem" and it has almost become a ritual to deplore it. But given that Storr is relating her analysis decidedly to the present – and highlighting this fact as "political" – it seems unclear why she did not bother to seek the active voice of those she analyses in the present tense.

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