

Christopher A. Casey, 2020. *Nationals Abroad: Globalization, Individual Rights, and the Making of Modern International Law*. Cambridge: Cambridge University Press. 316 pp. £29.99 Hardback ISBN 978-1108489454.

When was international law “made,” and what are its origins? The question has interested scholars for ages. If the importance of the once ubiquitous Peace of Westphalia has now largely been relegated, the 19th century has become an important focal point to craft stories about the making of international law. This is also the starting point of Christopher Casey’s monograph, which explores the legal effects of the tension created by growing mobility of people starting from the 1850s on the one hand, and the immobility of states and their territory on the other hand. The book traces how this conflict created modern international law, from the rights of foreigners up until the current regime where some private interests, for example of foreign investors, are better protected than others.

Casey’s argument proceeds in three parts. In the first part of the book, Casey zooms in on the period 1850–1914, the golden age of international law. The first chapter discusses the origins and development of diplomatic protection, the legal process whereby a state can protect its nationals abroad, during the first age of globalization. It includes an original account of the Don Pacifico affair, a classic example of gunboat diplomacy in which the British government used its navy against Greece in defense of one of its citizens’ interests. In chapter two, Casey follows up on the consequences of the globalization of commerce, and its effects on the law of nationality, by showing how global migration patterns led to a web of allegiance, dual nationality, and a transatlantic divide on which persons “belonged” to which state. Casey convincingly shows how, the many efforts of scholars and congresses notwithstanding, the concepts of nationality and allegiance were essentially broken by the dawn of the first world war.

The second part of the monograph focuses on the period 1919 to 1939, particularly the role of the League of Nations. As a result of the recent centenary of the League’s creation, research on this organization is booming. For this part, Casey discusses three case-studies of attempts to internationalize protection. Using the very extensive League archives, he deals in turn with the role of minorities, individuals and refugees, and businesses and investors. Closely linked to the carve-up of the central European empires, minorities with strong backers such as Germany were a continuous source of debate in the Interbellum. Although another round of scholars and League conferences took a second bite of the apple to try and solve the nationality problem, political and legal disagreements (for example, on using the principle of *ius sanguinis* or *ius soli*) meant these efforts largely failed. In an era of growing nationalism, states could simply not agree as to who fell under their respective influence and protection. The fourth chapter discusses a novel problem after 1918, namely the massive increase in stateless persons and refugees. This was of course closely linked to the rise of “passportization,” a stark contrast to the 19th century world of more liberal migration regimes. The chapter zooms in on the Nansen passport, the fascinating program whereby stateless, mostly Russian, refugees received a form of identity document by the League of Nations. In the end, these and other programs, such as the failed attempts to give individuals standing before the Permanent Court of International Justice (the predecessor of the International Court of Justice), only had a limited measure of success, as states jealously guarded issues related to nationality. Some groups were however more successful in escaping the grasp of the state, as chapter five shows. Casey discusses the rather successful attempts by business groups such as the International Chamber of Commerce and foreign investors in protecting their interests without the need for diplomatic protection, and in mobilizing the League of Nations for their efforts.

Finally, in a significantly shorter third part, Casey addresses the international legal world after 1945. Nationality experienced relative decline as a basis for protection, and the framework of human rights gradually came to fruition during this period. Be that as it may, this evolution has remained partial, and some interests have received a stronger measure of protection than others. Chief among those is the protection of property, set out by referring to the New York and ICSID Conventions. In short, having started out in the 19th century with states creating a legal framework to protect their nationals abroad, we currently find ourselves with a largely individualist, but unevenly developed system for the international protection of individual rights.

What immediately garners attention is Casey's impressive research in preparing this monograph. For each two pages of text, one page of endnotes, often containing fascinating micro stories, is provided. The consulted secondary sources contain a wealth of not only references to international law scholars,

but equally to the field of international relations, global history and economics. It is particularly admirable that the author has conducted research in different archives in no less than five (Western) countries, and has gone well beyond the Anglosphere. Likewise, the author, who has a background in both law and history, shows that he can adequately deal with many (of what are now) sub-regimes of international law. A slight criticism could be that the third part of the monograph (post-1945) feels a bit more rushed than the other two parts, and that historians still need to wade through many of the primary sources to be able to pass final judgment (for example, whether investment treaties have led to a decline of diplomatic intervention by states is not conclusive, and the role of the International Chamber of Commerce is also very little researched). Likewise, a clearer positioning within the state-of-the-field and a note on the primary sources (and their limitations) could have been useful for the introduction. These minor points notwithstanding, anyone with an interest in the history of the relationship between states and individuals, and its legal ramifications, will find much of interest in this thoroughly researched monograph.