

# Worldmaking from the margins: interactions between domestic and international ordering in mid-20th-century India

European Journal of  
International Relations  
2022, Vol. 28(4) 834–858  
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DOI: 10.1177/13540661221115957  
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## Abstract

This article investigates the contribution of decolonising states to the nascent international order emerging after the end of World War II. More precisely, it investigates the Indian contribution to the emerging international human rights regime, focussing on two key contributions: the advocacy for a strong supranational authority endowed with substantial enforcement mechanisms for the realisation of human rights and the equally strong defence of a bifurcation of civil-political and socio-economic rights into two treaties. Both contributions have been largely ignored within International Relations – and where they have been acknowledged, they have been subsumed into either narratives of liberal progress (as in the case of human rights enforcement) or Cold War rivalry (as in the case of a separation of the two Human Rights Covenants). In contrast, this paper seeks to shed light on the agency of Indian diplomats and politicians. It shows how their positions were neither simply replications of pre-existing scripts nor bare executions of superpower preferences. Instead, they were responses to the challenges of becoming a post-colonial state in a still overwhelmingly imperial world. Two challenges stood out: the definition of citizenship in light of internal diversity and a widely dispersed diaspora and the challenge of development against the backdrop of highly unequal global economic relations. In this article, I trace the movement of key protagonists between the Constituent Assembly and the United Nations to show how they were engaged in a project of postcolonial worldmaking, which required the simultaneous transformation of domestic and international order.

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## Keywords

Global order, expansion of international society, decolonisation, human rights, India, Hansa Mehta

## Introduction

A few minutes after midnight on 15 August 1947, Hansa Mehta presented the Indian national flag to the Constituent Assembly. In a symbolically laden moment, the presentation of the saffron, white and green flag with the blue Ashoka wheel placed in the middle marked a moment of transition from colonised country to independent republic. Presented on behalf of the women of India, the flag was first flown over Parliament Building where the Constituent Assembly deliberated the contours of the yet to come postcolonial constitutional order. Hansa Mehta was a key protagonist in this process. As an educator, social reformer and women's rights activist, she was one of the 300 members of the Constituent Assembly; she was also a key representative of her country at the incipient United Nations. In fact, she was part of a broader set of actors who moved back and forth between the Constituent Assembly in India and various fora at the United Nations where the emergent post-war order was negotiated. I take this movement as a starting point for an inquiry into the ways in which the constitution of domestic and international order hangs together to address two gaps in the literature on global ordering. On one hand, most of this scholarship focusses on the central importance of powerful actors (e.g. Adler, 2019; Allan, 2018; Buzan and Lawson, 2015) but neglects the importance of notionally weak postcolonial states in the transformation of international order. On the other hand, those accounts that do recognise the importance of peripheral actors in global ordering processes (e.g. Becker Lorca, 2014; Getachew, 2019; Helleiner, 2016; Reus-Smit, 2013; Sikkink, 2017) pay little attention to the ways in which the positions of postcolonial states are grounded in domestic imperatives. Yet these imperatives are crucial. As I argue in the following, focussing on the domestic grounds of postcolonial worldmaking (Getachew, 2019) further deepens our understanding of the ways in which key protagonists of decolonisation were erudite theorists of conceptually interdependent domestic and international transformations. While often operating in seemingly familiar categories, they endowed these with new and innovative meanings. Bringing these to the fore by analysing how the international transformations they demanded were grounded in the specific predicaments of postcolonial state-building has significant theoretical implications: it decentres our understanding of the emergence and transformation of global order and moves it away from either explicit or implicit reliance on Europe as central reference point for international political theorising. Instead, it shows how the post-war international order was at least partly produced elsewhere as it emerged from the intellectual responses of postcolonial elites to some of the intricate difficulties caused by colonial rule and the resultant predicaments of postcolonial state-making.

To advance this argument, I focus on the Indian case which reverberated widely across the decolonising world in the 1950s and 1960s and ask: (1) how did India seek to shape the emergent international order after World War II, (2) how are these attempts grounded in the domestic concerns of creating a postcolonial democracy and (3) to which

extent do the conceptualisations of both domestic and international order depart from familiar varieties of the liberal script?<sup>1</sup> In short, I argue that the Indian delegation at the United Nations played an important role in the articulation of international human rights, especially in the late 1940s and early 1950s, arguing for a strong supranational authority endowed with substantial enforcement mechanisms for the realisation of human rights as well as the bifurcation of civil-political and socio-economic rights into two treaties. The Indian position was neither the simple expression of superpower rivalry in the case of two separate human rights treaties nor a straightforward antecedent of the liberal international order as it emerged after the end of the Cold War. Instead, it was a response to the challenges of becoming a postcolonial state in a still overwhelmingly imperial world. The definition of citizenship, the overcoming of widespread poverty within highly unequal global economic relations, and the challenge of consolidating the nation after the defeat of the colonial power constitute the domestic context against which the Indian struggle for international transformation unfolded. The constitution of domestic postcolonial order and the parallel attempts at overcoming global hierarchies thus inseparably hang together. Finally, both the postcolonial constitution and the transformed international order envisioned by Indian elites contain core components of the liberal script but are nonetheless not bare derivatives of its (maybe more familiar) enunciations in Western Europe and North America. Instead, Indian elites were the authors of interrelated ideas about domestic and international order that were neither firmly within nor unambiguously outside the liberal script but rather unfolded across its borderlines. After having discussed the recent turn to theorising postcolonial agency and processes of worldmaking from the margins in *International Relations (IR)* ('Dilemmas of postcolonial sovereignty' section), I turn to the articulation of postcolonial domestic order in the Constituent Assembly in India ('India's transformative constitution' section). The following two sections analyse how the articulation of domestic and international order scripts were deeply interwoven. In these sections, I discuss India's demands for enforceable international rights, the advocacy for two separate human rights treaties and the call for an alternative global economic order in light of two domestic concerns: the challenge of defining postcolonial citizenship ('Citizenship and the question of rights at home and abroad' section) and the challenge of development ('Two kinds of rights and the challenge of (global economic transformation' section).

## **Dilemmas of postcolonial sovereignty**

Accounts of the emergence, consolidation and transformation of international orders focus predominantly on the role of powerful actors. While recent scholarship has moved from static notions of international order to more fluid processes of ordering (Bueger and Edmunds, 2021), theories of cognitive evolution (Adler, 2019), cosmological change (Allan, 2018), or the trajectories of macrostructural phenomena in the making of international society since the 19th century (Buzan and Lawson, 2015) have perpetuated rather than overcome this focus on the North Atlantic. In contrast, I turn to the 'power of the powerless' (Havel, 2010) in the processes in which international orders are created, maintained and altered. Drawing on the growing literature on the importance of colonial and postcolonial entanglements in the constitution of international orders (discussed

below), I advance an account of postcolonial worldmaking to capture the deliberate efforts of decolonising actors to shape the social and political worlds they inhabit. While such efforts do unfold across different scales, I develop a narrower understanding of worldmaking as a process in which previously colonised actors seek to simultaneously transform the domestic and international contexts they are navigating.

### *Worldmaking from the margins*

The power of the seemingly powerless has been at the centre of revisionist accounts of the expansion of international society (Bull and Watson, 1985) and critiques of Eurocentric accounts of global order more broadly (Hobson, 2012). These accounts stress the importance of relations between previously neglected actors like European company states and a multitude of polity forms in Asia and Africa during the early modern period (Phillips and Sharman, 2020) as well as the persistence of hierarchies throughout processes of decolonisation in the 20th century (Spanu, 2020). At the same time, they highlight the constitutive effects of colonial encounters on the emergence of modern international order. Arguing against Eurocentric accounts that treat social and economic transformations in Europe in isolation from their broader colonial entanglement, Anievas and Nişancioğlu (2015: 5) have juxtaposed such ‘methodological internalism’ with a sophisticated account of the multiple and recursive interactions between Europe and Mongolia, the Ottoman Empire and subsequently colonies in Asia, Africa and Latin America that were crucial in the making of global capitalism. Similarly, in his critique of the Eurocentric ‘Logic of Immanence’, Hobson (2020) has argued that the emergence of global capitalist modernity remains grossly incomplete without recognition of the agency of non-Western actors who have decisively shaped the global economy both intellectually and materially. Beyond economic agency, Barkawi and Laffey (2006: 329) have shown how also understanding ‘security relations, past and present, requires acknowledging the mutual constitution of European and non-European worlds and their joint role in making history’, for example, in the case of modern European policing practices, which did not emerge in isolation but were decisively formed in colonial encounters (Hönke and Müller, 2012: 387–388).

The constitutive importance of colonial and, later, postcolonial encounters also extends to the conceptual infrastructures of global politics. In these encounters, seemingly peripheral actors decisively shaped central concepts of international order, including notions of human rights (Sikkink, 2017), law (Krisch, 2021) development (Helleiner, 2016) and self-determination. Focussing on the latter, Becker Lorca (2014) has shown how semi-peripheral lawyers from Latin America and Japan who, although not recognised as full members of international society, were nonetheless able to access the highest corridors of international diplomacy, significantly altered the conceptual structure of international law. From the Paris Peace Conference in 1919 to the Montevideo Convention in 1933, their ardent argumentative work transformed dominant understandings of self-determination by dismantling the 19th-century Standard of Civilisation and replacing it with statehood as the criterion for legitimate claims to be recognised as a self-determining entity in the international system. Similarly, moving the focus from Latin America and Japan to Africa and the Caribbean, Getachew (2019) has demonstrated in her

pathbreaking book on 'Worldmaking after Empire' how anticolonial nationalists in the Black Atlantic were not the passive recipients of Westphalian norms but erudite theorists of a postimperial world. Anticolonial demands for national self-determination were therefore not the mere derivative of a European invention but constituted '... a radical break from the Eurocentric model of international society and established nondomination as a central ideal of a postimperial world order' (Getachew, 2019: 11).

While the decisive importance of marginalised actors on the redefinition of sovereignty is well documented, their impact on the emergence of international human rights is contested. One prominent line of historiographical scholarship has argued that international human rights did not emerge with the passing of the Universal Declaration of Human Rights in 1948 but only saw their breakthrough in the 1970s (Moyn, 2012). De-emphasising the importance of human rights in anticolonial struggles, this line of scholarship locates the origins of human rights firmly in the North Atlantic (Hopgood, 2013; Whyte, 2019). In contrast, Burke (2010) and Jensen (2016) have pointed to the 1950s and 1960s as crucial decades for the emergence of international human rights, thereby highlighting not only the agency of diplomats from Asia and Africa but also the overall 'primacy of decolonization as a political force in the evolution of the UN human rights agenda' (Burke, 2010: 4). In the broader historical perspective taken by Reus-Smit (2001, 2011, 2013), decolonisation plays also a central role but is only the latest of multiple consecutive waves in which struggles for individual rights have been the driving force behind the expansion of international society. Like Lorca and Getachew, Reus-Smit has argued that actors at the forefront of anticolonial struggles significantly altered the dominant notions of self-determination by appealing to a transformed understanding of statehood (see also Reus-Smit, 1999). Focussing on the post-war years rather than the interwar period, he shows how the central conceptual tool for the reconfiguration of dominant meanings of self-determination were individual, and in the case of mid-20th-century decolonization for the first time also genuinely *human rights*.<sup>2</sup>

### *The domestic grounds of international theorising*

My argument builds on and seeks to advance this literature on the importance of decolonising states to the emergent international human rights regime and the transformation of global order in the second half of the 20th century more broadly. It focusses on the domestic side of international ordering strategies by decolonising polities, an aspect frequently neglected in revisionist accounts of the expansion of international society as well as global histories of the emergence of human rights (Dasgupta, 2020). The neglect of the domestic side results in incomplete accounts of postcolonial worldmaking for four inter-related reasons. First, for decolonising polities, the basic distinction of IR between domestic hierarchy and international anarchy does not hold as for colonised societies, domestic hierarchies are invariably international. As a political project, decolonisation therefore required the simultaneous transformation of domestic and international hierarchies (Getachew, 2019; Thakur, 2018). This interdependence is missed in accounts that focus exclusively on either the domestic or international side of postcolonial worldmaking rather than on their recursive interactions. Second, precisely because of these recursive interactions, struggles for principles like human rights by postcolonial elites are not

merely abstract and disembodied iterations of international norms. Instead, they are at least partly grounded in domestic imperatives of postcolonial state-building, which required practical answers to a number of intractably difficult questions (two of which I discuss in more detail below: the question of citizenship and the question of development). These imperatives are not exceptional. As postcolonial scholars have long argued, the foundational imagination of international order as the product of sovereign states interacting under anarchy has historically been the exception rather than the rule; it only became genuinely global in the course of decolonisation (e.g. Seth, 2021). The specific predicaments of postcolonial state-building that fed into this process are thus central to the emergence of international order *tout court*.

Third, the predicaments of postcolonial state-building constitute important sites for political theorising on which anticolonial thinkers sought to ‘reconstruct viable political futures in the aftermath of European domination’ (Getachew and Mantena, 2021: 4). In these reconstructive endeavours, they frequently drew on both institutional templates and conceptual vocabularies derived from Europe without producing bare replicas of European originals. As Chatterjee (1993) has famously shown in the case of anticolonial nationalism, ‘the most creative results of the nationalist imagination in Asia and Africa are not posited on an identity but rather a *difference* with the ‘modular forms’ . . . propagated by the modern West’ (p. 5). Similarly, also the ‘outer’ domain of statecraft, considered by Chatterjee to be primarily the place of imitation, was a site of active innovation on which European concepts and institutional modules were creatively transformed. As Kaviraj (2017) has argued, the distinctiveness of postcolonial theorising often lies precisely in the transformations in which concepts of seemingly European origin are translated in light of different circumstances. While these translations constitute important contributions to political theories of global modernity, they are often not recognised as such. Indeed, as Sushmita Nath (2022) has recently argued, one of the main challenges of (international) political theory is ‘. . . to bring to attention non-Western political thought to Western audiences, where the non-West is central to exercises of theory-building and not simply treated as place of exception or contrastive study’ (p. 9). Focussing on the domestic grounds of postcolonial worldmaking helps establishing this centrality by deepening our understanding of the originality and sophistication of political theorising in ‘most of the world’ (Chatterjee, 2004).

Bringing this originality into our understanding of the emergence and transformation of global order, finally, alters the time and location of progress and political innovation (Çapan, 2020). It provincialises Europe and moves both diffusionist and entangled histories away from the tacit focus on the North Atlantic as the originator of political modernity. Instead, it opens the analytical space to decentre the conceptual infrastructure through which the emergence of international order is usually narrated. At the same time, it shows how international order has not one origin (entangled or not), but many beginnings (Çapan, 2020; Said, 1985). Focussing on the case of India, I analyse one of these beginnings to advance a threefold argument. First, I show how decolonising states were not passive recipients of established Northern proposals but proactive authors of the international order that emerged in the mid-20th century. More specifically, I argue, second, that Indian demands for enforceable human rights are not simply expressions of cosmopolitan preferences but attempts at articulating multifaceted conceptualisations of

postcolonial citizenship. Similarly, the consistent demands for two separate human rights treaties are not mere expressions of the liberal prioritisation of the political over the economic, but attempts at building a democratic polity amid widespread poverty and deep-seated global inequalities. Third, these arguments depart from established narratives of the emergence of liberal international order precisely because they were deeply rooted in domestic predicaments of decolonising polities. Two of these concerns stand out: the challenge of becoming territorial and the challenge of development.

### *Territory and development*

Decolonisation in the 20th century unfolded against the backdrop of the rapidly consolidating norm of territorial sovereignty as the paradigmatic form of political association. In contrast to early modern conceptualisations of sovereignty as spatially elastic and in flux (Benton, 2010), the notion of national self-determination emerging after the First World War firmly connected nation and territory. By the end of the Second World War, the territorial nation-state had become the only viable form of political community with which anticolonial movements could hope to overthrow established forms of colonial domination. Alternative notions of world order (Conrad and Sachsenmaier, 2007) or non-statist and territorially fluid notions of political community such as Gandhi's normative vision of loosely connected yet nonetheless self-governing village republics in India (Mantena, 2012) or Marcus Garvey's extraterritorial notion of Pan-African sovereignty (Shilliam, 2006) had lost political traction before anticolonial movements in Asia or Africa succeeded in claiming independence. While becoming the primary conceptual vehicle through which to articulate claims for self-determination, the consolidated norm of territorial sovereignty also caused significant tensions for many anticolonial movements. The central tension to emerge was between the nation and its alleged homeland. Imprecision in and uncertainty about what constituted both 'a people' and the 'homeland' it was thought to inhabit quickly resulted in a tacit shift from identifying a national people to identifying a national territory (Abraham, 2014: 51).

Defining the nation in terms of territorial extension imposed a number of problems, including both internal cohesion and external extension. Internally, the territorially defined nation invariably produced minorities, i.e. people allegedly not belonging to the nation yet nonetheless inhabiting its territory, subsequently often subjected to violent policies of coercive assimilation or forced displacement (Schulz, 2019). Externally, the act of circumscribing the nation in territorial terms invariably required the severing of long-lasting ties with what then became diaspora communities. Far from being self-evidently given, the territorial definition of the postcolonial states thus produced a number of frictions that emerged from what Abraham (2014) has aptly called the process of 'becoming territorial'. In addition to becoming territorial, decolonising states also had to face the intricately difficult question how political independence could also be translated into economic independence within an international system characterised by severe economic hierarchies and inequalities. In the diagnosis of anticolonial nationalists, such hierarchies and the exploitative structures of colonial rule undermined growth and hindered progress. Domestic concerns of development, and especially the need to address often widespread poverty within short time frames, were therefore intimately connected

to the transformation of international economic structures of subordination. Before culminating in demands for a New International Economic Order in the 1970s, anticolonial leaders from Africa and the Caribbean had elaborated plans for regional federations as response to economic domination (Getachew, 2019: 107–140). A decade earlier, China, India and states from Eastern Europe as well as Latin America had fought at the Bretton Woods Conference for a recognition of the distinct imperatives that emerged for poorer countries from their subaltern position in global economic relations (Helleiner, 2016); a similar line of argument was also advanced by decolonising states in the negotiations of the post-war multilateral trade order (Narlikar, 2020). Overall, between the late 1940s and early 1970s, postcolonial states thus repeatedly sought to significantly alter global economic structures to create the conditions conducive for substantial independence. In the following, I show how some of the efforts were articulated in the language of human rights (see ‘Two kinds of rights and the challenge of (global) economic transformation’ section). Yet, capturing the specificities of this language and the distinct ways in which it exceeds the liberal prioritisation of the political over the economic is also a methodological challenge.

### *Methodology and sources*

Research for this article draws primarily on archival material from the United Nation’s Commission on Human Rights (CHR), the records of the Constitutional Assembly Debates in India and the personal papers of Hansa Mehta at the Nehru Memorial Museum and Library in New Delhi. It thereby pursues a multi-archival approach that deliberately seeks to depart from the dominance of UN sources, which offer a suitable starting point but in themselves remain an incomplete source for accounting for transnational human rights dynamics (Jensen and Burke, 2017: 125). As Quataert (2014: 538) has argued, human rights historiography needs to be more careful in the selection of its

... evidence and sources – who the agents in the study are and whose voices the historian consults and allows to be heard. International human rights history cannot be written credibly from sources that are exclusively and narrowly limited to Western thought and thinkers.

For the reconstruction of Indian arguments at the United Nations, my analysis therefore relies on both the summary records of the Commission of Human Rights and the personal papers of Hansa Mehta. At the UN, I focussed on the period between the adoption of Universal Declaration of Human Rights (UDHR) in December 1948 and the end of the 8th session of the CHR in June 1952. While also material preceding the UDHR was reviewed, the systematic analysis of the summary records focusses on the post-UDHR discussions as the substantive confrontations regarding the future international human rights order, albeit foreshadowed in the first four CHR sessions, supervened to a greater extent afterwards. This sampling frame thus comprises the 5th, 6th, 7th and 8th session of the CHR, going from the 82nd to its 338th meeting. Beyond the minutes of the CHR, other documents cited therein, for example, resolutions by UN bodies and draft proposals issued by the Indian delegation, were also analysed. The examination of CHR summary records was carried out through comprehensive scrutiny of the



interventions of all delegates in each session to avoid confirmation bias. Survival and transfer biases in the Dag Hammarskjöld Library were low. Missing were 12 transcripts between the 202nd and 250th meeting, as well as a few additional meetings where the French version was used in the absence of its English counterpart; there was one occasion where a segment was not accessible (155th meeting), whose first part took place behind closed doors. Most importantly, to reduce possible source biases resulting from the documenting practices of the archiving agent, all relevant sections of the deliberations at the United Nations were cross-read with the personal papers of Hansa Mehta stored in the Nehru Memorial Museum and Library in New Delhi. In those cases where her archive diverged from the summary records, the former was cited to reduce the overt reliance of human rights historiography on metropolitan archives.

Hansa Mehta's personal papers, the writings of Lakshmi Pandit (1945, 1956, 1958, 1979), the personal correspondence of Jawaharlal Nehru (1972) and – above all – the records of the Constitutional Assembly Debates constitute the core archive for the reconstruction of the considerations underpinning domestic ordering processes. The 12 volumes of the debates in the Constitutional Assembly were selectively analysed in light of discussions pertaining to questions of citizenship and the separation between enforceable fundamental rights and non-enforceable directive principles.<sup>3</sup> Special attention was also paid to speeches and comments by members of the Constituent Assembly who also represented India in various roles at the United Nations (e.g. Lakshmi Pandit, Hansa Mehta and Krishna Menon). To show how India's struggle for a transformed international order was deeply rooted in domestic concerns, my analysis starts on the ground – with the drafting processes of India's postcolonial constitution.

## **India's transformative constitution**

The emphasis on fundamental rights, universal franchise and secular governance in India's postcolonial constitution appears like a reproduction of familiar elements of liberal constitutionalism. Indeed, several members of the Constituent Assembly argued that the proposed draft constitution was nothing but 'a slavish imitation of the West' (Bahadur, Constituent Assembly, 9 November 1948). Rather than a mere derivative of foreign models, in what follows, I argue that India's constitution was remarkably innovative and original in several respects. Drafted over the course of 3 years between December 1946 and November 1949, it was one of the very few postcolonial constitutions that was not either directly or indirectly drafted by the former colonising powers (Guha, 2008). Instead of relegating the constitution of postcolonial order to a small group of experts deliberating behind closed doors, the Constituent Assembly was comparatively inclusive and transparent. It consisted of 300 elected representatives whose debates were accompanied by a remarkable degree of public attention and scrutiny, turning the Constituent Assembly into a broad though by no means fully representative forum for the negotiation of future postcolonial order (Prakash, 2018: 146). The resulting text was revolutionary in at least two ways. First, it extended universal adult suffrage to a numerous, highly diverse and largely illiterate population. Reconstructing the debates within the Constituent Assembly, Khosla (2020) has recently shown how its members were grappling with nothing less than '... the question of democracy in an environment unqualified for its

existence' (p. 6; see also Kaviraj, 2011: 9–23). Faced with significant uncertainty about the future behaviour of voters, judges and legislators, the creators of the constitution resorted to extensive codification as a strategy for the challenges of becoming a postcolonial democracy. At the most fundamental level, codification sought to establish a common conceptual framework in which future democratic deliberation could take place. The resulting text with its 395 articles has consequently also been characterised as a lawyer's rather than a citizen's constitution (Kaviraj, 2010: 26). From its inception, it was, however, also actively invoked by citizens at the margins of society, as Rohit (De, 2018) has powerfully demonstrated.

Second, the constitution articulated an ambitious vision of social transformation by combining questions of political equality with a scrutiny of deeply entrenched social hierarchies. As Bhatia (2019) has argued, the members of the constitutional assembly '... were clear that "private" structure and private institutions were often sources of domination and authoritarianism, and, therefore, "private regimes of power" had to be tackled *constitutionally*' (p. xxxii, emphasis in the original). While dismantling the colonial system of communal representation organised around religious lines, the Constituent Assembly did reserve quotas for members of the lower castes. It thereby sought to set into motion a broader process of social transformation in which deeply entrenched hierarchies within Indian society would be annihilated. In addition to affirmative action for certain marginalised segments of the population, the constitution also addressed questions of material poverty and deprivation. Complementing the substantial list of fundamental rights in Part III of the constitution, the Directive Principles of State Policy established a number of social and economic rights, including the right to adequate means of livelihood as well as education, health and public assistance in cases of unemployment, old age, sickness and disability as well as in other cases of undeserved want. While designed to guide lawmakers, the Directive Principles are non-justiciable but indicative of the broader aspiration to steer processes of social transformation that had been inscribed into the constitution, which allocated a significant role for the state in the remaking of social relations. This also coincided with substantial emergency powers carried forward from the colonial legal architecture, including the possibility of persecuting critique of the government as sedition and restrictions on fundamental rights. In light of the colonial continuities of these restrictions, one member of the Constituent Assembly laconically remarked that 'many of these fundamental rights have been framed from the point of view of a police constable' (Lahiri, Constituent Assembly Debates, 29 April 1947). The final constitutional text which emerged from almost 3 years of deliberations contained both surprising continuities and significant ruptures with the colonial constitution. It also displayed strong points of convergence (e.g. fundamental rights) but also departures from classical liberal models of constitutionalism (e.g. Directive Principles of State Policy, substantive intake of administrative law).

To trace the ways in which the nascent postcolonial constitutional order in India has been entangled with broader visions of global transformation, I start from an empirical observation. In the late 1940s and early 1950s, several key protagonists move back and forth between the Constituent Assembly in India and various fora negotiating the emergent post-war international order at the United Nations. Lakshmi Pandit was the head of the Indian delegation to the United Nations between 1946 and 1968 and became the first

female President of the UN General Assembly in 1953. Throughout the late 1940s, she also served as representative of the United Provinces in the Constituent Assembly. Second, B.N. Rau served as India's Permanent Representative to the UN (1949–1952) and judge at the International Court of Justice in The Hague (1952–1953). While not an elected member of the Constituent Assembly, he played a key role in drafting the constitution by preparing the first draft version which constituted the basis for further discussion in the Assembly. Finally, Hansa Mehta served as member of the Sub-Committee on Fundamental Rights in the Constituent Assembly. As the President of the All India's Women's Conference, she was a strong advocate for women's rights and had prolific experience of social mobilisation. In the Constituent Assembly, she repeatedly argued for a strong transformative mandate to be enshrined in the constitution that, for her, involved nothing less than the alteration of 'our entire way of national life' (quoted in De, 2018: 173). At the same time, she served as Indian delegate to the Commission on Human Rights at the United Nations in 1947 and 1948 and chaired the Working Group on Implementation; most famously, she changed the language of Article 1 of the Universal Declaration of Human Rights from '[a]ll men are created free and equal' (the wording preferred by Eleanor Roosevelt) to 'all people, men and women', which subsequently entered as 'all human beings are born free and equal' into the final text of the Declaration (Morsink, 1999: 118). Beyond advocating this important change of language, Mehta articulated an ambitious programme of international transformation at the United Nations. In what follows, I first sketch the outlines of this programme and, subsequently, show how it was rooted in domestic concerns emerging from the dilemmas of postcolonial sovereignty.

### **Citizenship and the question of rights at home and abroad**

In contrast to the strong emphasis on non-interference in domestic affairs with which Indian foreign policy has been closely associated from the mid-1950s onwards, the early engagement of the Indian delegation in the negotiations at the Commission on Human Rights evolved around demands for strong international enforcement mechanisms for the protection of human rights. In May 1949, Hansa Mehta responds to the USSR's rejection of any infringement of national sovereignty that '... the UN is bound to interfere in the affairs of States should it be necessary for the protection of human rights' (CHR, 105th Meeting, 31 May 1949). The precise contours of the kinds of interferences that Mehta envisioned are most explicitly articulated in India's proposal submitted during the 168th Meeting on 25th April 1950. The proposal condenses Mehta's consistent advocacy for a strong international machinery to be put in place for the implementation of human rights. Only such machinery would allow the realisation of Article 1 of the Charter, committing the United Nations to the protection and promotion of fundamental freedoms. Measures of implementation should be separated from the actual Covenant that was being drafted, for two reasons. First, the separate instrument would allow for the gradual further development of international human rights commitments. As Mehta argues,

... we are not thinking in terms of One Covenant only. We have all along said that there will be more than one Covenant. If that is so, then each Covenant need not have provisions for

setting up a separate machinery for Implementation. The same machinery should function in all cases for which a separate instrument would be desirable.

More importantly, a separate instrument would also translate into a significantly extended jurisdiction as

[t]he International machinery for the protection of the Human Rights will not restrict itself to the protection of human rights of the persons in the Covenanting States only, but of the persons belonging to all the states which are members of the United Nations or are under the jurisdiction of the United Nations. (Mehta, 1949: xiv)

At the negotiations, central questions pertained to (a) the form that the body for the implementation of human rights should take, and (b) who was entitled to appeal to this body. For Mehta, measures for implementation should be permanently institutionalised as the high numbers of complains that she anticipates would quickly exceed the administrative capacities of any ad hoc committee only convening in response to individual complaints. Although initially arguing for a judicial body either in the form of extended competences for the International Court of Justice or even a separate court, Mehta in the end limits her proposal to the creation of a conciliatory committee elected by the General Assembly. This committee ought to investigate human rights complaints and, in case the complaint could not be resolved, pass them on to the General Assembly via the CHR. The latter point is further clarified only a few weeks later, on 2 May 1950, when Mehta argued that at the current stage, nothing more than a conciliation committee could be achieved, yet ‘. . . the ultimate aim should be the institution of a judicial body to deal with complaints regarding violations of human rights’ (CHR, 177th Meeting, 2 May 1950). Crucially, these complaints should be able to be brought forward by individuals rather than state parties only. In a loose coalition with other postcolonial states, including Guatemala, Lebanon and the Philippines, India persistently advocated for an individual right to petition in the late 1940s and early 1950s (e.g. CHR, 115th Meeting, 6 June 1949; CHR, 118th Meeting, 8 June 1949). Although these demands for individual rights to petition were persistently rejected by the United States and the Soviet Union throughout the 1950s, they were nonetheless decisive. They laid the foundation for the inclusion of the individual right to petition in the International Convention on the Elimination of All Forms of Racial Discrimination and eventually entered the International Covenant on Civil and Political Rights by way of the first additional protocol. India’s worldmaking efforts thus reverberated beyond the immediate context, in which they repeatedly ran up against the resistance of the Soviet Union, the United States and European colonial powers (Burke, 2010: 59–91).

Mehta’s position on internationally enforceable human rights is closely intertwined with the challenges of constituting an independent polity in a still overwhelmingly imperial world. It extends the principles of India’s freedom struggle in a move of anticolonial solidarity; but it also responds to the specific challenges of ‘becoming territorial’ (Abraham, 2014). Indian nationalists faced the dual challenge of uncertain bases for both nation and territory. Characterised by substantial linguistic, ethnic and religious diversity, the nationalist movement of the Indian National Congress persistently needed to

strike a precarious balance between forging a common identity of the nation to become independent without settling on a single identity trait at the expense of others. Territory promised to offer the most stable basis on which to construct a plural nation inclusive of the multifaceted linguistic, regional and religious claims of belonging. Yet, territory also was unstable. As India became independent on 15 August 1947, its boundaries were uncertain (and have remained so until today), partly because of a contested border with China, partly because of the uncertainties emerging from the partition of colonial India into the postcolonial Republic of India and Pakistan, which produced a non-linear international border (Goettlich, 2019) containing hundreds of Indian enclaves within Pakistani territory and vice versa. At the same time, partition and the violence that accompanied it led to a cross-border movement of approximately 14 million people, crossing the newly established border mainly in the provinces of Punjab in the West and Bengal along the Eastern border (Joyal, 2013: 56).

As uncertainties over both national belonging and territorial demarcations coincided, the question of postcolonial citizenship became a key issue of contention within the Constituent Assembly. In the words of India's first Prime Minister Jawaharlal Nehru, the articles eventually constituting India's postcolonial citizenship regime '... probably received far more thought and consideration ... than any other article contained in this Constitution' (Nehru, Constituent Assembly Debates, 12 August 1949). Central questions were how to accommodate Hindus who had fled from Pakistan into newly independent India as well as how to define the status of Muslims who initially had fled from India to Pakistan (often in the face of severe violence) but subsequently sought return to their previous homes. While these questions took up much debate within the Constituent Assembly, the exclusion of large parts of the diaspora from claims to postcolonial citizenship was significantly less controversial. In 1947, an estimated four million Indians lived across the British Empire as a result of intrainperial migration flows throughout the 19th and the beginning of the 20th century (Joyal, 2013: 54). While the Indian National Congress had repeatedly advocated for the rights of the diaspora by emphasising their status as citizens of empire, upon independence, the principle of *ius soli* became the central foundation for citizenship (Joyal, 2013: 54–55). Despite memoranda submitted from Indians in Ceylon and Malaya, pointing to potential dangers of becoming second-class citizens in their respective countries of residence, the Constituent Assembly decided upon an explicitly territorial understanding of citizenship as they adopted draft Article 5 in 1949.

The territorial definition of citizenship was the only viable response in light of the deep plurality that characterises the postcolonial Indian nation. At the same time, it unavoidably resulted in the exclusion of the Indian diaspora that had emerged from intrainperial migration. This particular legacy of colonial rule and displacement was sought to be addressed through the United Nations and the emergent human rights regime (Khan, 2020: 222; Bhagavan, 2013). India's engagement with and contribution to the institutionalisation of international human rights thus needs to be also read in light of concerns for the Indian diaspora, most prominently in Ceylon, Burma and South Africa. Especially in the case of South Africa, discriminatory practices against the Indian community have been a key concern of the nationalist movement since the 1920s (Thakur, 2017a: 234). Accelerating with the 'Asiatic Land Tenure and Indian Representation Act' in 1946,

which confined Indian ownership and occupation of land to specifically designated areas of urban settlements (hence also called ‘the Ghetto Act’), the treatment of Indians in South Africa became India’s first major campaign at the UN (Thakur, 2017b: 404). To advance their case against the South African government, the Indian delegation developed a multi-layered argumentative strategy (Lloyd, 1990). It pointed to obligations under the 1927 Cape Town Agreement between the two governments, which established the entitlement of Indians ‘prepared to conform to western standards of life’ to remain in South Africa and provided for further consultations between both governments over the implementation of the agreement (Government of India and Government of the Union of South Africa, 1945: paragraphs 2, 7). The Indian position was that especially the latter aspect had been violated by the unilateral legislative changes enacted by South Africa in 1946. At the same time, the Indian delegation combined the emphasis of their special obligation towards the diaspora with claims to universal human rights. The key impetus for this argumentative strategy came, as Khan (2020) has shown in her meticulous reconstruction of the South African case, from the prominent lawyer and former member of the Imperial Legislative Council Tej Bahadur Sapru who argued that although Indians in South Africa were bound by South African law,

. . . [t]hose laws affect the fundamental human rights of Indian subjects there and as the home of origin of their ancestors and of many of those Indians is India, the Indian Government are under an obligation, moral and political, to see to it that they are treated properly, fairly, justly and consistently with the Charter of the United Nations. (quoted in p. 216)

At the same time, Sapru also ‘. . . advised that it would be disastrous to argue this as a case in a court of law’ (quoted in Thakur, 2017b: 405). Following this line of argument, the Indian delegation rejected proposals by the South African government to bring the case before the International Court of Justice to determine whether it fell within the domestic jurisdiction of South Africa under Article 2(7) of the UN Charter. Instead, they sought to present their case under Article 10 and 14 of the Charter, which enables the General Assembly to ‘discuss any questions or any matters within the scope of the present Charter’ and ‘recommend measures for the peaceful adjustment of any situation . . . resulting from a violation of the . . . Purposes and Principles of the United Nations’ (UN Charter, pp. 4–5), which included references to human rights in Articles 1(3) and 55. After several rounds of intense debates in the joint legal and political committees as well as in the General Assembly (Lloyd, 1990), the resolution on the ‘Treatment of People of Indian Origin in the Union of South Africa’ won a two-thirds majority against South Africa on 8 December 1946. Tabled by France and Mexico but endorsed by India, the resolution noted that ‘the treatment of Indians in the Union should be in conformity with the international agreements concluded between the two governments and (with) the relevant provisions of the Charter’ (UN General Assembly, 52nd Meeting, 8 December 1946). As Vineet Thakur has shown, this was only a ‘watered-down’ version of India’s initial resolution, which proposed that ‘the Union Government’s discriminatory treatment of Asiatics in general and Indians in particular on the ground of their race constituted a denial of Human Rights and fundamental freedom is contrary to the Charter’ (quoted in Thakur, 2017b: 406). Although omitted from the final resolution, human

rights figure prominently in India's first significant political success at the United Nations.

This political success was subsequently turned into demands for a new international legal architecture at the Commission on Human Rights. Underlying these demands were again not only the internationalist aspirations of the nascent postcolonial state but also concerns for Indian diaspora communities. Yet, the extent to which the latter could be openly addressed within the Commission on Human Rights was uncertain and subject of careful diplomatic calibration. Before the opening of the first session of the Commission, Nehru conveyed to Mehta via Girja Bajpai (1947),

We have recently had to face discrimination in South Africa, and in Ceylon and East Africa we are having difficulties. I do not think that we can raise these specific issues in the Human Rights Commission, though reference might be made to them in courts of arguments. (p. i)

Focussing on the latter part of Nehru's instructions, Mehta strongly focusses on the predicaments of the Indian diaspora in South Africa and beyond to make her case for enforceable human rights. To convey the urgency, I quote at length from her personal record. Responding to the reluctance of the USSR and the United Kingdom to deliberate an 'adequate machinery' for the enforcement of human rights, Mehta argues in the second meeting of the Commission on 27 January 1947:

. . . we in India have been assailed with a problem of exceptional magnitude for reasons which are beyond our control. After the abolition of slavery in 1832 by Britain and the abrogation of Code Noir by France, large numbers of Indians had been taken away from India, under the joint aegis of British and other colonial governments concerned, and transplanted in various parts of the world. Today we have four million Indians residing abroad, as communities especially created at the request and for the benefit of the governments of the countries concerned. These Indian communities are in British Guiana, Trinidad and Jamaica and Surinam (Dutch Guiana) in the Caribbean. We have vast communities of Indians not only in South Africa, but also in the British colony of Kenya, the British protectorate in Uganda, in Tanganyika now under the United Nations' trusteeship, the British protectorate of Zanzibar and the British colony of Mauritius. . . . There are two and one-half million Indians in Burma, Ceylon, and Malaya put together. Even in distant Fiji of the South Pacific system we have 100,000 Indians, which is becoming the majority community in that group of islands. It will readily be seen that in almost all of these countries where Indians are settled today as the result of their transplantation, which I repeat was not at the behest of the people of India, during the past one hundred years, and which constitute populations, created, I repeat again, for the benefit of the governments of the countries concerned, there have arisen numerous cases of denial of rights both in law and equality due to administrative practices. Additional to this denial of rights, *there are complicated questions like nationality and citizenship . . . which have got to be straightened out within the meaning of the terms of reference of the Human Rights Commission and of the principles and purposes of the charter of the United Nations.* (Mehta, 1947: iv, emphasis mine)

In her speech, Hansa Mehta stresses the moral and political obligations of the Indian government towards the Indian diasporas around the world by repeatedly referring to both in the first-person plural 'we'. Emphasising the colonial roots of the current predicament, she criticises the British reluctance to embark on deliberations about possible

enforcement mechanisms, which she identifies as a central element in the protection of the Indian diaspora in South Africa and beyond.

Mehta's struggle for enforceable human rights at the United Nations is part of broader attempts to protect Indians abroad and thus not included in the territorial foundations of postcolonial citizenship. These attempts combined the advocacy for enforceable transnational rights at the United Nations with further multilateral negotiations in the context of the Commonwealth and the Asian Relations Conference (1947) as well as bilateral support extended to individual diaspora communities (Khan and Sherman, 2021). As part of this broader set of strategies, the Indian arguments for enforceable human rights delineated above are not abstract and disembodied iterations of universal norms. Instead, they are firmly grounded in the dilemmas of postcolonial state-building in a world deeply shaped by the persistence of imperial hierarchies. Within these hierarchies, human rights become part of the language of postcolonial citizenship, not as passive reception of ideas devised elsewhere, but as 'concrete universals' (Getachew and Mantena, 2021: 9) through which Indian nationalist leaders imagined postcolonial futures. Yet, the question of citizenship was not only a legal one. It was also the deeply practical one of realising the egalitarian principles enshrined in the constitution in the face of persistent social and economic disparities.<sup>4</sup> Again, unmaking highly unequal economic relationships and their social manifestations was both a domestic and international challenge; and again, both challenges were addressed both in the Constituent Assembly and at the United Nations.

## **Two kinds of rights and the challenge of (global) economic transformation**

Both in India and internationally, the question of social and political rights was subject of intensive controversies. In the end, deliberations in the Constituent Assembly and at the United Nations resulted in a strong distinction between civil and political rights, on one hand, and social and economic rights, on the other (in case of the former, this took the form of a distinction between justiciable fundamental rights and non-enforceable Directive Principles of State Policy; in case of the latter, it took the form of two separate covenants for each class of rights). Importantly, together with Lebanon and leading Western states, India was a strong proponent of the separation of different rights into separate treaties (Reus-Smit, 2001: 532).<sup>5</sup> There are thus strong links between the results of the debates in the Constituent Assembly and the position assumed by the Indian delegation in international negotiations. Yet, these links have remained unexplored in both IR scholarship on the emergence of the international human rights regime and socio-legal inquiries into the drafting of the Indian constitution alike. In the case of IR scholarship, Reus-Smit has noted the parallel between the Indian constitution and the international demand for a two-tiered rights system but not embarked on a deeper inquiry into the recursive interactions between domestic and international transformations advanced by people like Hansa Mehta. Instead, he treats the call for two international covenants simply as an extension of the Indian constitution whose underlying logic was a relative prioritisation of different sets of rights (Reus-Smit, 2013: 183). In contrast, Khosla (2020) argues that the separation between enforceable fundamental rights and non-enforceable



Directive Principles was not a matter of such prioritisation. Instead, it was part of a domestic endeavour to design the constitution as a pedagogical device directing future bureaucrats, judges, policy makers and, above all, postcolonial citizens. Whereas Reus-Smit underplays the domestic drivers of international engagement, Khosla isolates domestic controversies from the international ramifications in which they take place. In what follows, I argue, *pace* Khosla, that paying closer attention to the argumentative structure advanced by protagonists like Mehta in their role of diplomats helps our understanding of the Indian constitutional design and, *pace* Reus-Smit, that postcolonial worldmaking at the United Nations was deeply rooted in domestic concerns.

At the United Nations, the Indian delegation rejects the inclusion of social and economic rights within a single covenant as the material constraints faced by poorer countries would undermine their ability to ensure the realisation of such rights and, therefore, also undermine their accession to the treaty as a whole although they otherwise ‘would have ratified eagerly’ (CHR, 131st Meeting, 16 June 1949). In the case of India, Mehta (1949) argues,

. . . we have to build up our depleted finances and cannot undertake obligations which will involve a large expenditure. . . [T]he wealth of India has been drained to build up the prosperity of other countries. So, though we may have desire to implement these rights as early as humanly possible, I am afraid that if they are included in the present Covenant, my country may not be able to ratify it. (p. xvi)

This line of reasoning also informed the draft resolution that India submitted to the CHR 2 years later by explicitly pointing to the parallels between the domestic constitution of India and the international human rights architecture she envisioned. Advocating for a strict separation between both sets of rights, she is reported to have argued,

The first paragraph of the preamble had been conceived so as to conform to the constitutional position in her country, where civil and political rights were justiciable, whereas economic, social and cultural rights were not . . . As the representative of a country which had been the birth-place of Buddha and of Gandhi, she could not admit the charge that her proposal consisted a betrayal of human rights. (CHR, 248th Meeting, 18 May 1951)

While the resolution found support from Denmark and Greece as well as the United Kingdom and the United States, it was rejected by 11 members of the CHR (Chile, China, Egypt, France, Guatemala, Lebanon, Pakistan, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia) with Australia abstaining. Both the vote and the debate that preceded it clearly bear the imprints of intensifying Cold War rivalry between the United States and the USSR. Yet, in what follows, I argue that they are nonetheless not reducible to it, least in the case of the Indian argument for two separate treaties.

Hansa Mehta’s initial reference to the structure of India’s domestic constitution is central here. As argued above, the Indian constitution combines a substantial list of justiciable fundamental rights with a comprehensive emphasis on non-enforceable welfare rights laid out in the Directive Principles. These principles are binding on the

government yet not enforceable before a court of law. As Khosla (2020) has shown, the call for the inclusion of binding yet non-enforceable welfare rights in the form of Directive Principles of State Policy is remarkable not so much for its emphasis on non-enforceability, but for its call to codify these principles at the highest possible legal level, the constitution. The puzzle, in other words, is not why socio-economic rights were understood as distinct from civil and political rights, but why they were included in the constitutional text in spite of their non-justiciability. Khosla persuasively explains this with regard to overarching concerns about the possible directions the elected representatives might take after the introduction of universal franchise. Rather than simply trusting in the exercise of legislative power, the drafters of the constitution sought to enshrine specific guidance for future socio-economic transformation in the document. At the same time, they also implicitly acknowledged the limited capacities that the state might have to ensure the realisation of welfare rights in the face of widespread destitution. To overcome this destitution, not only domestic hierarchies had to be dismantled (as in the case of affirmative action for Dalits), but also the exploitative economic relations between the former colony and the erstwhile imperial centre needed to be undone. It is against this imperative of broader international transformation that the distinction into two different set of rights needs to be read. The separation between two sets of rights within the Indian constitution, and a projection of this bifurcation to the international level, was combined with simultaneous attempts to restructure global economic relations. As the realisation of social and economic rights in practice was dependent on broader processes of development, and as development could not be an exclusively domestic concern but unfolded within historically grown international economic structures, there was also an international obligation to support the realisation of social and economic rights in the decolonising world.

The Indian position in the Commission on Human Rights thus needs to be contextualised with India's broader advocacy at the United Nations and, in particular, at the Economic and Social Council. At the Council, V.K.R.V. Rao served as Indian representative on the Sub-Commission on Economic Development between 1947 and 1950, where he advocated the creation of what he termed 'United Nations Economic Development Administration'. Reflecting on his efforts at the UN in the in-house journal of the Indian Ministry of External Affairs, Rao (1952) points to the significant opposition his proposal had faced from developed states while gaining momentum among a group of developing countries. At the heart of his proposal stood a technocratic vision of development with significant redistributive implications. Highlighting the importance of capital investments in Asia, Africa and Latin America, Rao contemplates three possible sources of investment: private, intergovernmental and international. He strongly criticises proposals aimed at private or intergovernmental capital infusions, because these would always remain captured by particular (private or governmental) interests. Private investment, unavoidably driven by the motif of profit or '... various non-economic considerations such as racial political affinities, imperial ties, geographic proximity' (Rao, 1952: 239) would therefore be ill-suited to fund developmental projects as intergovernmental loans, which would unavoidably be hijacked by political considerations.

Identifying international agencies as the only 'sound way of approaching the problem' (Rao, 1952: 241), he is nonetheless fiercely critical of the International Bank for

Reconstruction and Development (IBRD) for its insufficient funds, high interest rates and overt focus on European reconstruction. More fundamentally however, he criticises the agency for persistently adhering to what he calls ‘banking principles’ and argues that as a consequence of this adherence, the bank was structurally bound to fail to address the challenges faced by underdeveloped countries. Written in 1952, Rao’s critique of the ‘banking principles’ of the IBRD and its underlying principles reflects the growing disillusionment with the trajectory the Bretton Woods system had taken. Despite being officially represented by the colonial Government of India, Indian nationalists, particularly through kindred Reserve Bank of India officials, had been able to introduce a clear developmentalist orientation to the IBRD at the Bretton Woods Conference in 1944. Cooperating with delegations from China, Eastern Europe and Latin America, India successfully ‘called attention to the distinctive needs of poorer countries within the international financial system’ (Helleiner, 2016: 201), for example, by demanding that the IBRD gave equal consideration to development and reconstruction programmes. With the retreat of the United States from the modest yet nonetheless clearly discernible developmentalist aspirations of the Bretton Woods institutions towards the end of the 1940s, India and the Latin American delegations that were at the conference increasingly sought alternative pathways for the transformations of global economic relations at the United Nations (Helleiner, 2016: 212).

At the United Nations, Rao anticipated much later ideas about human development by arguing that social and economic development are invariably connected; and investments in the former unavoidably follow a different logic than investments in the latter. Understood more comprehensively, development requires

. . . investments necessary for the promotion of health, education and housing – the human overhead capital – and of transport, communications, power and public utilities – the economic overhead capital. These projects provide little or no yield in foreign exchange, usually furnish in the short run and also generally require a considerable period before their yield can be realised in financial terms because their benefits are derived from the more balanced development of the economic activities which utilize their services. (Rao, 1952: 253)

To realise this comprehensive notion of development, he proposes the creation of an UN development agency, which ought to depart in three crucial ways from the *modus operandi* of the existing international agencies at the time: its central task was the facilitation of investments in housing, public health care and education. The facilitations of investments ought to be facilitated by loans at significantly lower interest rates than those offered by the IBRD and include subsidies, if necessary as the ‘. . . terms of repayment will be liberal and the interest charged may be only nominal’ (Rao, 1952: 246). Finally, while nominally funded by member states, Rao (1952) proposes that those ‘. . . countries now receiving assistance from the United States under European Recovery Plan may be asked to make special contributions after the completion of their economic recovery by 1952’ (p. 246). In combination, Rao’s proposal has significant redistributive consequences as subsidised loans for underdeveloped countries ought to be provided by the United States and, above all, the European colonial powers. These loans, in turn, ought to fund necessary investments in the basic social infrastructures needed to facilitate the

realisation of the kinds of social and economic rights – especially to health, housing and education – that Hansa Mehta considered to be equally important yet not enforceable via the same mechanisms as civil and political rights. The demands for substantial restructuring of global economic relations are thus closely tied to the advocacy for enforceable individual rights; taken together, they amount to a deeply transformative agenda, in which domestic and global worldmaking become inseparably entangled.

## Conclusion

The Indian delegation significantly shaped the international order emerging after 1945. Acting in concert with other decolonising states, they sought to equip human rights with strong international enforcement mechanisms, fought for an individual right to appeal in case of human rights violations, and advocated for the separation of different classes of rights into different treaties. While seemingly familiar, the proposal for international order advanced by Indian diplomats and politicians are neither reducible to Cold War rivalries nor liberal teleologies. Instead, they are strongly grounded in domestic imperatives emerging from the challenges of constituting a postcolonial polity in an overwhelmingly imperial world. These challenges included the coherent definition of postcolonial citizenship in light of both internal diversity and a widespread diaspora abroad as well as the facilitation of economic development under conditions of mass democracy amid widespread poverty. Against the backdrop of these challenges, the struggle for enforceable international human rights becomes part of a complex and multi-layered articulation of postcolonial citizenship. At the same time, the bifurcation of different rights into separate covenants exceeds the liberal prioritisation of the political over the economic and becomes a response to the challenge of constituting a democratic postcolonial polity against the backdrop of gross domestic and international inequalities. As I have argued, turning attention to the domestic grounds on which India's international positions were devised is crucial yet frequently omitted in extant accounts of global order, even those that do include a focus on the margins. These grounds form an integral part of overarching efforts of postcolonial worldmaking, in which both domestic and international hierarchies are sought to be transformed simultaneously.

The aim of this article has been to highlight the recursive interactions and the conceptual interdependence between the domestic and the international dimensions of postcolonial worldmaking, not to romanticise either one of them. Domestically, the nascent postcolonial state in India frequently resorted to severe amounts of violence to encounter the myriad challenges it faced. The integration of Princely states as in the case of Hyderabad (Sherman, 2007), communist-led violent peasant uprisings in Telangana and West Bengal (Parashar, 2019), the escalating conflict in Kashmir, and violent protests by the urban workforce in the late 1940s (Ahuja, 2020) were all encountered with the full deployment of the coercive powers of the incipient postcolonial state. The peaceful image projected abroad strongly contrasted with the violence deployed inside whereby the former also served to deflect the latter (Thakur, 2018). Internationally, the aspiration for global transformation through the institutionalisation of enforceable individual rights and a substantial restructuring of economic relations similarly did not fully materialise in the ways hoped for by the Indian delegation. Nonetheless, the Indian proposals resonated

widely across the decolonising world. They became part of a global repertoire of resistance, constituting a ‘maximal utopia’ (Moses et al., 2020) that encompassed postcolonial self-determination, individual rights and the aspiration for a more egalitarian global economic order. While the ‘Battle of International Law’ (Dann and von Bernstorff, 2019) in the 1950s and 1960s between decolonising states and the erstwhile colonial powers was ultimately lost, the worldmaking processes analysed above open new perspectives on the emergence of the post-war order. As I have argued, postcolonial actors not only decisively shaped this order but did so in light of domestic predicaments, to which they generated erudite and novel answers, which exceed the liberal understandings of human rights and global order prevalent in the North Atlantic.

### Acknowledgements

I would like to thank Philipp Dann, Vikram Narayan, Jahnavi Sindhu, Ummu Salma Bava, Amit Prakash, Andrew Hurrell, Thomas Risse, Eva Magdalena Stambøl, Luis Aue, Susan Bergner, Ana Werkstetter Caravaca and Hannah-Aeterna Borne for their comments on earlier drafts of this article; very special thanks go to Uday Vir Garg and Martin Vallejo Rodríguez for their thoughtful feedback and outstanding research assistance. Earlier versions of the manuscript were presented at ISA 2021 and the SCRIPTS Regional Conference Asia 2022, and I am grateful to the participants in these fora, especially the discussants Audie Klotz and Alac Stone Sweet, for their comments and suggestions. Many thanks also to the *European Journal of International Relations* editors and anonymous reviewers for their very helpful and constructive comments, which greatly improved the manuscript.

### Funding

Research for this contribution is part of the Cluster of Excellence “Contestations of the Liberal Script” (EXC 2055, Project-ID: 390715649), funded by the Deutsche Forschungsgemeinschaft (DFG, German Research Foundation) under Germany’s Excellence Strategy.

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### Notes

1. Börzel and Zürn (2020: 5) define the liberal script as a body of ‘. . . descriptive and prescriptive knowledge about the organization of society . . . based on the core principle of individual self-determination’.
2. The previous waves of expansion discussed by Reus-Smit were also based on claims for individual rights yet these claims remained limited to only a fraction of humanity.
3. The volumes are electronically available at <https://www.constitutionofindia.net/>. For a guide to navigating the comprehensive debates, see Bhatia (2018).
4. For an eloquent elaboration of this point, see Ambedkar’s famous speech at the Constituent Assembly on 25 November 1949.
5. In contrast to the Indian delegation, the Lebanese representative Charles Malik closely followed the arguments advanced by Western states. For an extensive illustration of his arguments, see Malik (1951).

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