Intertwined Itineraries: Debt, Decolonization, and International Law in Post-World War II South Asia

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At first glance, a Dutch jurist and a Tamil-speaking Chettiar woman in post-World War II British India appear to have nothing in common. Here, I bring these two seemingly disparate characters together through a footnote. On the eve of decolonization in South and Southeast Asia, a little-known suit for recovery of debt filed by the Chettiar woman in a British Indian court escaped the attention of local legal practitioners in Madras, but 20 years later, it made its way into an international law treatise compiled and written in Utrecht. This account is not only about connected lives, but also about the implications of these connected lives for understanding decolonization in postwar Asia. Why did litigants and lawyers make arguments about "international law" in an ordinary debt recovery case? How did these invocations of "international law" shape a legal case's afterlives and itineraries? By tracing intertwined itineraries of law, I show how legal arguments in a seemingly unremarkable case in postwar South Asia took on lives of their own, traveling and circulating in unexpected ways on the margins of texts. I also ask a broader question: if we begin from marginalia and footnotes of legal texts, what new histories of decolonization and postwar reconstruction emerge?

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To place the unexpectedness of these itineraries in context, consider a comparison with the standard narrative of decolonization and postwar reconstruction. In histories of decolonization in South and Southeast Asia that center the nation-state, the postwar moment was marked by the triumph of nationalist movements demanding political freedom from British rule. Leaders of major political parties in India had protested being dragged into a war that they wanted no part of; ministries in various Indian provinces had resigned in protest in 1937. In 1945, the Indian National Congress and Jawaharlal Nehru readied themselves for legislative elections to be held after an 8 year hiatus; in Burma, the Anti-Fascist People's Freedom League and one of its leaders, Aung San, proclaimed themselves the chosen successors of British and Japanese imperial rule; and in the former Dutch East Indies, nationalists led by Sukarno campaigned for *merdeka* (freedom). By most accounts, they were all successful in initiating projects of postwar reconstruction. However, this teleological rendering of events—as though India, Indonesia, and Myanmar/Burma were always moving toward independence from colonial rule led by nationalist elites—obscures much of the displacement, tumult, and chaos that accompanied this period of political decolonization in the region. As Christopher Bayly and Tim Harper show, violent confrontations in former British India, Burma, Malaya, French Indochina, and the Dutch East Indies in the period following the end of World War II, set up civil wars and ethnic conflicts that have lasted in the region up until the present day.[1]

If we shift our attention from the geopolitics of postwar South Asia to everyday experiences, it becomes possible to see that decolonization and postwar reconstruction were not solely associated with the demobilization of armed forces, the rebuilding of cities, the establishment of international and nationalized institutions, or new moral legitimacies acquired by fighting a war against dictatorships. Rather, the postwar moment in South Asia was also simultaneously a postcolonial moment. People navigated—or were forced to navigate—these two political temporalities, as this article will show, through legal encounters that did not strictly fall within the bounds of old empires or emergent nation-states. The intertwined itineraries of law are, therefore, critical to new histories of decolonization and postwar reconstruction.

With this view, I begin this account at the peak of hostilities during World War II in Asia. In December 1941, Japanese forces overran the British Empire's "island fortress" of Singapore. A few weeks later, raids on Rangoon (present-day Yangon) and Trincomalee in Ceylon sent emigrants

1. Christopher Bayly and Tim Harper, *Forgotten Wars: Freedom and Revolution in Southeast Asia* (Cambridge, MA: The Belknap Press of Harvard University Press, 2007).

from Madras in these places—shopkeepers, traders, moneylenders, laborers—fleeing back to British India. British India itself was adjudged relatively safe from air raids, but by March 1942, military forces utterly devestated Rangoon in neighboring Burma. It was emptied out and turned upside down, sending its large migrant populations fleeing for their lives. People climbed over mountains and hid out in the jungles. Buildings were destroyed, shops looted, people killed. The retreating British forces had also adopted a "scorched earth" policy. Burma's oilfields were on fire; its world-famous paddy fields flattened into the mud.

It is in this lesser-known theater of World War II, connecting the Bay of Bengal (the eastern Indian Ocean) littoral, that the story begins, through a little-known case filed in a district court in British India. This decision of a lower-level provincial court on the eve of independence is significant because much of the understanding of the postwar moment in South Asia concerns the subsequent India–Pakistan partition. But it would be 1955 before the newly established Supreme Court of India would hand down a decision at the national level on conflict of laws and debt recoveries following the India–Pakistan partition.[2] These earliest references to "international law" in the immediate postwar moment are therefore all the more critical.

The article follows and reconstructs these intertwined itineraries as follows: I will provide an overview of the debt recovery case, which I will refer to as "Seethalakshmi Achi's appeal." It involved Chettiars, who settled in Burma as traders and moneylenders from their hometowns in the southeastern province of Madras. What began as a straightforward case about contracts of agency eventually engaged arguments from "international law," because of legal and financial developments in South Asia on the eve of decolonization. Part 2 shows how the judgment did not receive much attention from the local bar in Madras but ended up in a well-known and widely cited history of international law by the Dutch jurist Jan Hendrik Willem Verzijl. Here, I follow footnotes, compilations, and citations, as well as the biographies of various legal actors involved in these citations, translations, and circulations. In Part 3, I suggest one possible

2. *The Delhi Cloth and General Mills v. Harnam Singh* AIR 1955 SC 590. Note that this was not the first instance of courts in India deciding on questions of interstate conflict. Particularly during the colonial period, and in the immediate post-independence period, a number of these cases concerned the relationship between British India and the Indian states (the "princely" states) that made up the territory of present-day India. See Lauren Benton, "From International Law to Imperial Constitutions: The Problem of Quasi-Sovereignty, 1870–1900," *Law and History Review* 26 (2008): 595–619; Priyasha Saksena, "Jousting over Jurisdiction: Sovereignty and International Law in Late Nineteenth-Century South Asia," *Law and History Review* (2019), doi:10.1017/S0738248019000701.

explanation for why the *Seethalakshmi Achi* appeal, which was not intended as a case about international law, unexpectedly ended up in Verzijl's compilation. Describing the activities of a small interdisciplinary group of scholars in Madras headed by the Polish jurist-in-exile C.H. Alexandrowicz, it shows how Verzijl's compilation might have benefited from this group's scholarly publications. Part 4 explains why this point of intersection is instructive for histories of decolonization, given the divergent academic sensibilities of Verzijl and the Madras Group. It traces not only their intellectual but also their personal biographies: Verzijl's in the Dutch East Indies, and Alexandrowicz's in Madras. The article concludes with some reflections on histories of law and decolonization and for thinking more broadly about the creation of legal knowledges, (dis)connections, and circulations.

The archival materials for this article are drawn from law reports and law journals from India and Burma, unpublished and previously unexplored material from the Madras High Court Record Room, Tamil-language materials that discuss how the Chettiar community dealt with the legal and political fallouts of decolonization in Burma, the government reports to which Verzijl contributed in the context of Dutch decolonization from the Netherlands East Indies, and the archived grant files of the Ford Foundation relating to international affairs education in Delhi in the 1950s.

These intertwined itineraries can be reconstructed in this fashion because law is an archive of decolonization in Asia. Several archival materials relating to wartime Burma and Malaya have been disposed of, burnt in the streets as a result of the "scorched earth" policies, or mishandled during the occupation years.[3] But more importantly, ordinary legal encounters were critical to political, social, and economic relationships re-forged in the postwar years, away from the geopolitics of the international stage. It is through legal histories that we can view the Chettiar history in postwar Burma; in their appearances before courts, commissions, and governmental committees. Through these legal histories, we might begin to piece together the steps that the Chettiar took in the face of this fear of a collapsing imperial order. Through historical fragments of economic life throughout and after the Japanese occupation in Burma and their effects in Madras, we can demonstrate the role that law played in the (un)doing of networks of capital and credit, distant from the workings of international institutions whose histories dominate our understandings of this global moment.

3. Paul Kratoska, *The Japanese Occupation of Malaya: A Social and Economic History* (Honolulu: University of Hawai'i Press, 1997).

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Seethalakshmi Achi's Appeal

Seethalakshmi Achi, who filed the appeal before the Madras High Court in British India, belonged to the community of Nattukkottai Chettiars, who were financial intermediaries and moneylenders in Burma leading from the late nineteenth century onwards. As a community—both in India and Burma—they wielded considerable social and financial prowess on the eve of decolonization. Why were Chettiars engaged in debt recovery cases at a time when the most pressing cross-border legal concerns were surrounding state succession and national citizenship? How did litigation that they engaged in, become "cases" (or evidence of state practice) in international law?

Although India and Myanmar are separate nation-states today, the British Empire administered them together as British India from 1886 to 1937. People moved back and forth between different provinces of British India, including between the southern province of Madras and Burma, higher up along the littoral of the Bay of Bengal in the eastern Indian Ocean (see Figure 1). From the mid-nineteenth century onwards, as Sunil Amrith shows, plantations, paddy fields, mines, factories and export economies around the Bay of Bengal meant that networks of capital, credit, and commerce had brought cities and ports in India, Burma, Ceylon (present-day Sri Lanka) and the Straits Settlements (present-day Malaysia and Singapore) closer and connected with greater intensity. In 1937, Burma was partitioned off from British India and administered as a separate colony under the aegis of the Burma Office. In 1942, the Japanese occupation of Burma, Malaya, and the Dutch East Indies disrupted the rhythms and patterns of immigrant life around the Bay. Nearly 28,000,000 journeys had once been made across the Bay; these slowed down to a trickle.[4]

One such community, engaged in circular migrations around the Bay, was the Nattukkottai Chettiars. They were a trading and moneylending community from southern Madras, one-time salt, grain, cotton, and gem traders.[5] In the early nineteenth century, they established trade relationships within the more prominent towns farther up the eastern coast of British India, with Calcutta and then farther out to Southeast Asia, as far

4. Sunil Amrith, *Crossing the Bay of Bengal: The Fortunes of Migrants and the Furies of Nature* (Cambridge, MA: Harvard University Press, 2015).

5. For a detailed study of the Chettiar trading and moneylending practices, see David Rudner, *Caste and Capitalism in Colonial India: The Nattukkottai Chettiars* (Berkeley: University of California Press, 1994). Several community histories exist in Tamil, including Ramanathan Chettiar, *Nattukkottai Nagarathar Varalaru* (Meyappan Pathipakkam: Chidambaram, 1953).

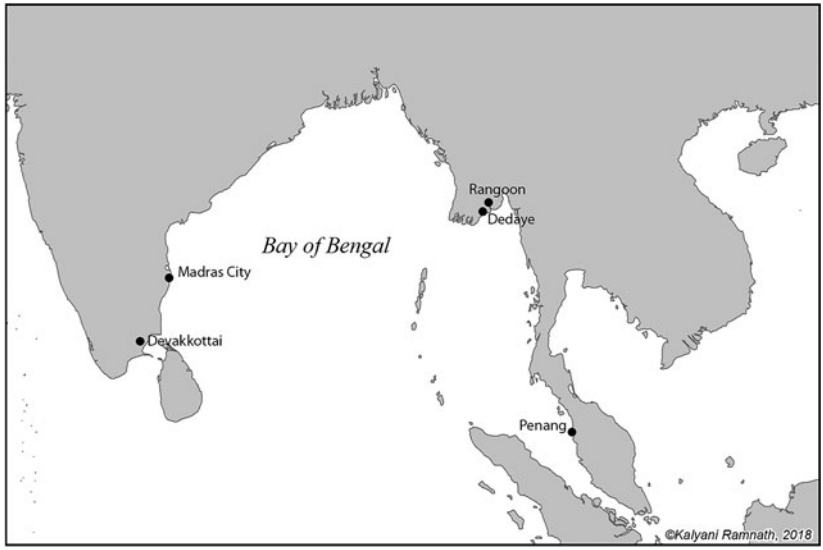

Figure 1. Location map.

as French Cochin-China (including parts of present-day Vietnam). From the earliest days of the British settlement in Madras in the seventeenth century, they feature in colonial records as a community with considerable engagement with the law, settling debts, securing letters of administration for wills, and contesting contracts, often setting up deals with Englishmen so that they could claim the jurisdiction of English chartered courts in Madras.[6] In this use of colonial law as a jurisdictional strategy, they resembled trading and merchant communities elsewhere, including around the Indian Ocean littoral. These cases often concerned their financial transactions rather than questions of marriage or inheritance. As they transitioned from trading to moneylending, they began taking land as collateral for sums lent. When borrowers, including prominent and wealthy *zamindars* (landowners), defaulted on these loans, they foreclosed on these mortgages. Eventually, several Nattukkottai Chettiars were themselves installed as the landowners. It was this expertise and reputation for relying on colonial law that they took (and which took them) to British India's newest frontier in Burma.

6. See Arthur Mitchell Fraas, "'They Have Travailed into a Wrong Latitude': The Laws of England, Indian Settlements, and the British Imperial Constitution 1726–1773" (unpublished PhD diss., Duke University, 2012).

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The patterns of litigation in Burma were similar. The Chettiars partnered with British ambitions to set up a "modern" agricultural economy, capitalizing on Burma's most prominent export commodity: rice. Lower Burma was at the time, however, inhospitable to such ambitions: it was, as historian Michael Adas has observed, "a sparsely settled wilderness covered with *kanazo* forests, mangrove swamps, and *kaing* grass plains."[7] As part of these efforts to "clear" lower Burma for cultivation, capital and credit were both necessary. Chettiar moneylenders stepped into exactly this vacuum. Beginning in the earliest years of the twentieth century, Chettiar firms outpaced the volume of rural credit advanced by Burmese, Chinese, Gujarati, Multani, and Afghani moneylenders, who were also part of this commercial landscape in Lower Burma. During the Depression years, many of their borrowers, mostly agricultural workers and owners of timber and sawmills, were unable to pay back their loans. As in Madras, Chettiar firms foreclosed on these properties in Burma.[8] Following the Depression years, suits for recovery of monies paid in Rangoon firms were filed in Madras as the firms began to be wound up.[9] Remittances to India from Burma increased as fears of a "partition" from India escalated.

On the eve of World War II, the Burmese economy had already begun to feel the pressures of global trends, and Chettiar fortunes had started to decline. For example, between 1929 and 1930, the Burma Provincial Banking Enquiry Committee (BPBEC), one of a set of committees that inquired into the systems of banking and finance in British Indian provinces, estimated that Chettiar firms had extended nearly $100,000,000–$120,000,000 in agricultural credit (contrast with ~$40,000,000 that the British Military Administration would later lend to Burmese agriculturists in the immediate postwar period under an attempt to set up a state agricultural banking system).[10]

In the self-portrayal of the Nattukkottai Chettiars, their sojourns in Burma ended with the Japanese occupation in 1942.[11] Accounts of wartime Burma written in Tamil and meant for private circulation note that

7. Michael Adas, *The Burma Delta: Economic Development and Social Change on an Asian Rice Frontier 1852–1941* (Madison: University of Wisconsin Press, 1974), 17.

8. Tun Wai estimates that of the Rupees 75,00,000 in assets that Chettiar firms reportedly held between 1935 and 1942, nearly Rupees 65,00,000 was in the form of land and houses. Rupees 10,00,000 were in the form of cash, promissory notes, bills of exchange, and loans. U Tun Wai, *Burma's Currency and Credit* (New Delhi: Orient Longman, 1962), 42.

9. Ibid., 43.

10. These figures differ across historical accounts, but the BPBEC is a common point of reference.

11. S. Muthiah, Meenakshi Meyyappan, and Visalakshi Ramaswamy, *The Chettiar Heritage* (Chennai: Chettiar Heritage/East West Books, 2002).

the days leading up to the occupation of Rangoon were enveloped by *payam* (fear).[12] Pamphlets written about *yuthakāla Parma* (wartime Burma) recounted how immigrants were subjected to all manner of horrors and were forced to flee to India or hide out in the Burmese countryside, away from the plunder and looting in Rangoon, where many of their firms were located. Although Rangoon emptied in the wake of ammunition fire and air raids, and shops and businesses were shut down, the Nattukkottai Chettiar Association in Madras City (the capital of the province of Madras) noted that the only the retreat of the Chettiar agents from Rangoon were labeled in public debate as *mudalāli durogam* (treachery by proprietors, ostensibly the principals of the Chettiar firms). In this way, the Japanese occupation was believed to have obliterated the Chettiar presence in Burma. But as will be discussed, this was not a clean moment of rupture as these accounts have portrayed. The Nattukkottai Chettiars would turn to legal institutions once again to stake their claims in Burma. But these were not disputes that would be confined to a single province or two provinces within the British Empire. They would have to grapple with the consequences of decolonization in South Asia. With this background on the social, political, and economic position of the Chettiars in Burma, what follows is an account of Seethalakshmi Achi's appeal before the Madras High Court in 1951.

Before the Madras High Court

It all began with a promissory note. Seethalakshmi Achi, the wife of a Chettiar moneylender whose firm had operations in Madras and Burma, was the defendant in a case appealed to the Madras High Court, the highest court for the British Indian province of Madras.[13] As was the common practice among Chettiars with banking and moneylending firms in Burma, Seethalakshmi's husband Meyappan Chettiar had an agent who transacted on his behalf in Dedaya, a small town on the banks of the Irrawady River approximately 2 hours away from Rangoon. Meyappan Chettiar had borrowed from another Rangoon-based Chettiar firm owned by Veerappa Chettiar.[14] During 1944, when Burma was under Japanese

12. Parma Nāttukkottai Chettiārkal Cankam, *Yutthakāla Parma* (Chennai, 1945) (Roja Muthiah Research Library Collections, Chennai).

13. *Seethalakshmi Achi v. VT Veerappa Chettiar* (1952) Mad. L.J. 709; AIR 1952 Mad. 736; Appeal No. 344 of 1947 and Civil Miscellaneous Petition. No. 7477 of 1948.

14. Chettiar firms were typically referred to by their toil vilacam or trading name. Meyappan Chettiar's firm was called the SMAMS firm, and Veerappan Chettiar's firm was called the VT firm.

occupation, Meyappan Chettiar's agent had reportedly made several repayments toward the loan to Veerappa Chettiar's agent. However, a year later, Veerappa Chettiar sued Meyappan Chettiar in British India, alleging that these payments were never made. Even if they had been, his agent had no authority to receive them on his behalf in Burma, because the war had terminated the agency contract. More specifically, the trial court in Devakkottai in southern Madras focused on the factual question of whether Meyappan Chettiar's agent had made the payment in valid currency. He had used Japanese wartime currency notes, which were practically worthless. However, the focus of the appellate litigation at the Madras High Court moved away from the validity of wartime currencies to the effect of the war on the contractual relationship between Veerappa Chettiar and his agent.

It is vital to place this litigation in context. At the formal end of World War II in South and Southeast Asia, cases in which the factual background was similar to the *Seethalakshmi Achi* appeal—involving dishonored promissory notes, unfulfilled contracts, and broken promises impacted by Japanese occupation—came up in courts in Burma, Malaya, Philippines, and Hong Kong. These cases typically concerned a single state—for example, Burma or Malaya alone—but Seethalakshmi Achi and Veerappa Chettiar's dispute cut across emergent national boundaries. Although these cases appeared to be about private contracts, the final decision of these courts would turn on the legal status of occupation governments and the validity of judgments handed down by occupation-era courts and legislation enacted during wartime. The outcome of these cases had implications for immigrant financiers, merchants, and traders—including Chettiars such as Veerappa Chettiar and Seethalakshmi Achi—whose networks of credit and capital extended across the Bay of Bengal, and who had struggled to keep their businesses going during the Japanese occupation of Burma and Malaya between 1942 and 1945. These anxieties marked how the transition from imperial to national economies took place in South Asia. This seemingly ordinary dispute over the fate of a promissory note brought up questions of sovereignty, nationality, and belonging that would mark political decolonization in Asia.

In the *Seethalakshmi Achi* appeal, the respondent Veerappa Chettiar claimed that the contractual relationship with his agent in Burma was terminated as a result of Japanese occupation. Here, Veerappa Chettiar and his agent are not merely two nodes on a network of credit and capital; they are also legal subjects among merchants, moneylenders, traders, and plantation owners. These intertwined legal and economic lives have been the subject of other historical accounts. In Fahad Bishara's *A Sea of Debt*, networks of financiers or traders do not exclusively focus on

"trust" or "reputation," but on legal forms to carry out their transactions. Languages of law (and as Bishara shows, not exclusively state or British imperial law) were critical to the maintenance of these labor and capital assemblages.[15] A version of Bishara's account can be written for the Chettiars, but there was yet another important aspect to the Seethalakshmi Achi appeal in Madras: it was between Chettiars. Similar to what Mitra Sharafi observes for the Parsis at the Bombay High Court in British India during the colonial period, the pages of law reports from Rangoon, Colombo, or the Federated Malay States are replete with litigation by Chettiars and between Chettiars. As Sharafi argues in the case of the Parsis, litigation was a means of shoring up the self-understanding of "minority" communities in colonial India, an argument that could also be made about the Chettiars in Burma.[16] Their frequent turn to British law courts was not only strategic but also symbolic. It gestures to the social, political, and financial power that they commanded in the places where they operated.

But Sharafi and Bishara also point to another aspect of Parsi and Gujarati trading/merchant networks: that moving capital across territory was critical. Whereas Bishara uses *waraqqas* to gesture to the processes of translation that accompanied movements across the "sea of debt," Sharafi points to the "legal India" created through the "jurisdictional jockeying" that Parsi litigants were able to achieve. To capture how legal norms sustain and travel alongside movements of people, things, and ideas, Sharafi and Bishara both suggest that we have to look at legal actors and legal documents in conjunction with each other. In the case of Meyappan Chettiar's promissory note, traveling from Dedaya to Rangoon and from there on to Devakkottai and Madras City, passing from his agent's hands to the hands of his widow and his lawyers, we might see how it traces not only the places where Chettiars lived and worked but also the routes and itineraries that Chettiar capital took. To map these routes, to use Renisa Mawani and Iza Hussin's framing, is to map the travels of law.[17]

"International Law" in Madras and Rangoon

If India and Burma were both part of the British Empire, why did the *Seethalakshmi Achi* appeal feature arguments and references from

15. Fahad Ahmad Bishara, *A Sea of Debt: Law and Economic Life in the Western Indian Ocean, 1780–1950* (Cambridge: Cambridge University Press, 2017).

16. Mitra Sharafi, *Law and Identity in Colonial South Asia: Parsi Legal Culture, 1772–1947* (Cambridge: Cambridge University Press, 2014).

17. Renisa Mawani and Iza Hussin, "The Travels of Law: Indian Ocean Itineraries," *Law and History Review* 32 (2014): 733–47.

international law? To provide some background on political developments between 1945 and 1951, Veerappa Chettiar, Seethalakshmi Achi's opponent before the Madras High Court, filed his claim for debt recovery in 1945, just as World War II officially came to an end in Asia. By this time, Burma had been partitioned off from British India as a separate colony of the British Empire (1937), the British government in Burma had gone into exile in Shimla in British India, and large parts of territory in British Burma had been brought under Japanese occupation (1942–44). In 1945, the British Military Administration had been set up, and talks had begun about Burma's postwar reconstruction.

No references to international law were made by lawyers when the debt recovery suit was filed before the trial court in 1945. But by 1951, when Seethalakshmi Achi filed her appeal before the Madras High Court, both India and Burma were independent nation-states (1947 and 1948, respectively). In other words, before Burma's partition off from India in 1937, the *Seethalakshmi Achi* case would have been an interprovincial dispute in British India that would only have to refer to existing colonial legal regimes surrounding contracts, frequently common law and codified contract law. Between 1937 and 1942, the legal position would have been reversed: this would have been a case of a conflict of laws involving a contractual relationship, but one still adjudicated within the boundaries of the British Empire. Usually, legal standards were frequently common across India and Burma, as they were both part of the British Empire. After 1942, with the Japanese occupation and eventual decolonization, even ordinary legal encounters such as the repayment of debts engaged questions of international law.

In Seethalakshmi Achi's appeal (as well as in others decided in the appellate courts in Rangoon and Madras near this time), the proper place of international law in emerging national legal regimes was a matter of some confusion. Here, what should have been a conflict of laws problem intersected with questions of sovereignty and territory, traditionally the domain of public international law. The text of the judgment reflected this: international law was a matter "between states," wrote the judges of the Madras High Court, and not the proper terrain on which to resolve this conflict. Instead, they referred to English common law and colonial emergency wartime legislation prohibiting trade and commerce between warring parties. To decide on the question of whether Veerappa Chettiar's contractual relationship with his agent subsisted during the war, they had to refer to the law of belligerent occupation. What activities were and were not prohibited during the war, by international legal standards? Here, international law is not necessarily a primary legal "source,"

on which the court could base its judicial reasoning, but rather as Natasha Wheatley argues, a narrative gesture.[18] Arguments from "international law" suggested a growing recognition—however fractured and uneasy—that India and Burma were now sovereign, capable of evaluating occupation-era exercises of power or authority. In other words, these references were less about the interpretation of international law and more about the ability to suggest that certain claims overran newly created territorial boundaries and were therefore important.

By way of abundant caution, this is not to suggest that appellate courts in British India never dealt with questions of "international law" in the context of ordinary cases during colonial rule. The Madras High Court had itself adjudicated many of these disputes, and given the reach of their diasporic connections, many of these cases involved Chettiars. For example, in 1907, it considered the question of whether a suit for debt recovery filed in Penang in the Straits Settlements could be amended to bring it within the jurisdiction of Madras courts.[19] A Chettiar moneylender left behind immovable property and two sons in Chittore in Madras. The creditor used this territorial nexus to bring the case before the Madras High Court. The *Seethalakshmi Achi* appeal differs from older cases because of its political context, in which intercolonial disputes became questions of international law as former colonies became sovereign nation-states. Lawyers made these claims as a strategic invocation among a series of legal arguments, and one that was being rapidly adapted to keep pace with the tumult of decolonization in South Asia. It was not—and was never going to be—a straightforward "case" of international law as interpreted by domestic courts.

However, arguments from "international law" did not fare equally well before all courts in South Asia. For example, arguments from international law would fare differently in Rangoon and Madras, even though the cases featured litigants who were part of the same capital and credit networks. In a case similar to *Seethalakshmi Achi* before the Rangoon High Court, judges referred to international legal standards such as The Hague Conventions Respecting the Laws and Customs of War on Land, formulated in 1907.[20] On the other hand, the Madras High Court only made indirect references, focusing instead on imperial legislation such as the Trading

18. Natasha Wheatley, "Spectral Legal Personality in Interwar International Law: On New Ways of Not Being a State," *Law and History Review* 35 (2017): 753–87.

19. *V.M.V Veerappa Chettiar v. C. Tindal Ponnan* (Referred Case No. 7 of 1907, Madras High Court Record Room).

20. *V.E.R.M. Krishna Chettiar v. M.M.K. Subbiya Chettiar* (1948) Burma Law Reports 278.

with the Enemy Acts. Ultimately, the courts made both decisions per domestic law.

But why these differing attitudes to the place of international law in emergent national legal regimes? One possible explanation is that British administrators and judges in Rangoon (or at least, those who returned after Rangoon was recaptured by the British in 1944) directly experienced military occupation. As mentioned earlier, from 1942 to 1944, Rangoon was under direct military occupation by Japanese forces, whereas Madras was never a military front. Indeed, legal commentators would later point to Burma and Indonesia during the Japanese occupation as exemplary when discussing the laws of belligerent occupation.[21] These different military and political contexts shaped the kind of legal standards to which postwar courts in Asia referred.

Burma's government in exile was aware of the legal implications of occupation, which influenced its postwar judicial decisions. One of the crucial figures in these invocations of international law in Burma was Sir Herbert Dunkley. Dunkley was the head of the Legal and Legislative Department of the Burmese government in exile in British India during the war years. During the war, he circulated an internal memorandum. It argued that legislation passed by occupation government exceeded powers that could be exercised by a belligerent occupant under the 1907 Hague Conventions. The proxy government had declared Burma's independence and promulgated several pieces of legislation. Dunkley wrote a legal opinion stating that Burma could not declare itself independent from British rule, while a belligerent occupant occupied it.[22] Ironically, Dunkley disregarded how British rule in Burma was itself an occupation (one famous account even referred to the annexation of Burma as its "pacification").[23]

After the end of the war, Dunkley became the acting chief justice of the Rangoon High Court. He was involved in a case in which four men, accused of dacoity and punished by a trial-level criminal court in Burma during the Japanese occupation, were being retried.[24] In writing the

21. J.J.G. Syatauw, *Some Newly Established Asian States and the Development of International Law* (Dordrecht: Springer Netherlands, 1961).

22. Confidential memorandum by H.F. Dunkley, March 31, 1944, Legislation being enacted by the Ba Maw puppet government, IOR: M/3/1425 (Burma Office Records, The British Library, London).

23. Aung-Thwin, Michael. "The British 'Pacification' of Burma: Order without Meaning," *Journal of Southeast Asian Studies* 16 (1985): 245–61.

24. Dacoity was defined in the Indian Penal Code, 1860, as robbery committed by armed gangs of five or more. The use of *dakait*, *dakayat*, or *daku* predates its use in law and was frequently used to refer to an armed robber belonging to a gang. Henry Yule and Arthur Coke Burnell, *Hobson-Jobson: a Glossary of Colloquial Anglo-Indian Words and*

judgment, Dunkley considered the opinions of several prominent jurists of the time, including Henry Wheaton, Arnold McNair, and Lassa Oppenheim, all well-known scholars of international law. Ultimately, he concluded, contrary to Oppenheim's position on the subject, that international legal standards ought to be applied in the interpretation of municipal law. Burma's municipal (domestic) law, at the time still British imperial law, he wrote, drew on international laws of war.[25] Perusing the Japanese commander-in-chief's order constituting its occupation courts, he ruled that they were validly constituted and that their sentences must be respected. The dacoits were allowed to retain their pardons.[26] Dunkley reaffirmed the logic of his wartime legal opinions in the postwar decisions he authored at the Rangoon High Court. On the contrary, the same military context and subsequent legal expertise were not available to the litigants, lawyers, and judges before the Madras High Court. These differing legal fates are themselves indicative of the multiple political possibilities in the postwar moment in South Asia, and why the itineraries of the *Seethalakshmi Achi* case are worth a closer look.

The *Seethalakshmi Achi* Case: Trajectories

This article now turns its attention to the afterlives, trajectories, and itineraries of the *Seethalakshmi Achi* case, to the multiple ways in which law "travels": not only as legal precedent, ideas, and imaginations manifest as legal arguments and opinions, but also in its material forms through the pages of law journals and legal commentary, as government and non-government reports and records, and as footnotes, postscripts, or marginalia. Just as Dunkley's judicial career shaped the circulation of legal ideas, here too, I pay attention to the biographies of those in whose practices of

Phrases, and of Kindred Terms, Etymological, Historical, Geographical, and Discursive (London: J. Murray, 1903), 290.

25. The Philippine Supreme Court decided that the powers of the Japanese occupiers in the Philippines were also to be judged against the standards of The Hague Regulations. See *HSBC v. Luis Perez-Samanillo Inv.* (1946), Case No. 157, *International Law Reports* 13 (1946): 371–76.

26. *R v. Maung Hmin et al.* (1946) Rang. L.R. 1. Case No. 139, *International Law Reports* 13 (1946): 332–42. See also two cases decided later in the year, adopting Dunkley's reasoning about both the status of occupation courts and the place of international law in Burmese municipal law. *Abdul Aziz v. The Sooratee Bara Bazaar Co. Ltd.* (1947) Rang. L.R. 18, Case No. 140, *International Law Reports* 13 (1946): 342–44; and *Maung Hli Maung v. Ko Maung Maung* (1947) Rang. L.R. 1, Case No. 141, *International Law Reports* 13 (1946): 344–49. See also *U San Wa v. U Ba Thin* (1947) Rang. L.R. 78, Case No. 106, *International Law Reports* 14 (1947): 237–38.

writing and exposition the *Seethalakshmi Achi* case appeared. These intertwined itineraries are particularly important as they took place against the disconnections and disruptions of decolonization in South Asia. What follows is a legal historical sketch of the travels of the *Seethalakshmi Achi* case, and its seemingly curious connections to the Dutch jurist, J.H.W. Verzijl. I will then turn to the implications of working out intertwined itineraries of law beginning with jurisdictional claims.

Textbook Examples

Seethalakshmi Achi, the protagonist of the 1951 appeal before the Madras High Court, and Jan Hendrik Willem Verzijl occupied very different social positions in the empires of their time. On the eve of World War II, Verzijl was already a well-known and well-respected Dutch scholar of international law.[27] He obtained his doctorate in law from the University of Utrecht in 1910 and continued to work there as a professor of international law until the years of World War II. His field of interest was the laws of war, and more particularly, the issue of belligerent occupation.

Verzijl's home country—The Netherlands—was also a colonial power in present-day South and Southeast Asia from the seventeenth until the twentieth century, occupying present-day Indonesia, Sri Lanka, and India at different times during that period. Displacing British power, it began to occupy parts of the archipelago of present-day Indonesia from the beginning of the seventeenth century; a consequence of the European search for the elusive "spice islands." During the German occupation of The Netherlands, it was placed under a civilian governor, as the Dutch government went into exile in England. Meanwhile, Dutch colonial officials administered the Dutch East Indies for 2 years from 1940 to 1942 before it fell to the Japanese. Dutch nationals in the colony were interned in camps run by the Japanese military forces, sent to prisoner-of-war camps in Japan, or conscripted to work on the infamous Thai-Burma "death railway."[28] Over these years, imperial control over the East Indies disintegrated. Dutch decolonization would play a unique role in the afterlives and legacies of the *Seethalakshmi Achi* case.

During the years of the German occupation, Verzijl compiled materials on the legality and legitimacy of actions taken during the occupation,

27. For biographical details, see C.C.A. Voskuil et al., *The Moulding of International Law: Ten Dutch Proponents* (The Hague: T.M.C. Asser Instituut 1995); and W.J. M. van Eysinga, "Jan Hendrik Willem Verzijl," *Symbolae Verzijl: presentees au Professor J.H.W. Verzijl a l' occasion de son LXXX-ieme anniversaire* (The Hague: Martinus Nijhoff, 1958).

28. Jennifer Foray, *Visions of Empire in the Nazi-Occupied Netherlands* (Cambridge: Cambridge University Press, 2012).

sending them across to the Dutch government in exile in England.[29] These activities came to the attention of German forces, and he was arrested and sent to the Buchenwald concentration camp in Weimar Germany. He was released in 1941, worked at Amsterdam and Leiden, and went back to Utrecht in 1957. At Leiden, he was appointed to the History of International Law and Diplomatic History chair, which he held until his return to Utrecht. Along with his interest in international law on occupation, his interest in legal history grew. Verzijl's eleven, widely acclaimed volumes of *International Law in Historical Perspectives* would eventually appear over a 24-year period, beginning in 1968.

A citation to the *Seethalakshmi Achi* case appeared in the volume of the laws of war published in 1978. The citation was not to law reports from Madras in which the case was first printed, but to *International Law Reports*, at the time compiled by Hersch Lauterpacht at Cambridge University. Other cases, decided by courts by courts in the Philippines and Burma, appeared alongside this, once again cited from the *International Law Reports*, suggesting that this was possibly Verzijl's point of reference for state practice. Thousands of miles away, in Madras, where the *Seethalakshmi Achi* appeal was filed, among the significant law reporters were the *All India Reporter* and the *Madras Law Journal*. Although the decision was handed down in 1951, both publications printed it in 1952. Per the same law reporters, it was never cited subsequently as legal precedent. How did the *Seethalakshmi Achi* case escape the attention of local legal practitioners but end up in a legal treatise compiled in Cambridge and in textbooks compiled in Utrecht? And why does this matter? For a speculative answer, I will return to Madras.

The India Study Group of International Affairs

In Madras, where the *Seethalakshmi Achi* appeal was filed, these references to international law in the course of arguments appear to have been met with indifference by the local bar, at least as far as I can tell from the written record. It was not the subject of commentary in journals or weeklies that catered to the local bar at the time (such as the *Madras Law Journal* or *The Madras Law Weekly*). However, it was picked up by a new group of researchers at the University of Madras who constituted

29. C. G. Roelofsen, "Jan William Hendrik Verzjil," in *International Law in Historical Perspective – Volume XII*, ed. W.P. Heere and J.P.S. Offerhaus (Cambridge: Kluwer Law International, 1998), xxiv–xxvi.

themselves as the India Study Group of International Affairs in 1951.[30] This group was headed by the Polish jurist-in-exile C.H. Alexandrowicz, for whom the vice-chancellor of Madras at the time, A.L. Mudaliar, had set up a Department of Constitutional and International Law under the umbrella of the University of Madras. It also included Alan Gledhill, a former judge of the Rangoon High Court and a lecturer in Indian and Burmese law at the School of Oriental and African Studies, University of London, P.V. Rajamannar, the first Indian chief justice of the Madras High Court, R. Balakrishna, professor of economics at the University of Madras, and K.A. Nilakanta Sastri, historian of southern India and professor at the universities in Madras and Mysore, anthropologists, and political scientists, all interested in exploring international law, international relations, and international economics as they pertained to newly independent nations in South Asia. The group converged around certain sensibilities. For example, both Alexandrowicz and Sastri were interested in exploring the nature and extent of practices around sovereignty in precolonial and ancient India, particularly about histories of South and Southeast Asia.[31] These approaches to law, politics, and international affairs were particularly interesting seen today from the perspective of Asian solidarities in the 1950s and 1960s.

With Alexandrowicz as editor, the group began publishing the *Indian Yearbook of International Affairs* in 1951. Much later, following his move from Madras to Sydney in 1961, Alexandrowicz would take it upon himself to trace the law of nations in precolonial India and Southeast Asia.[32] In its very first volume, among articles about the foreign policy of the Peoples' Republic of China and the future of India at the United Nations, was a reference to the *Seethalakshmi Achi* appeal. It referred to the case as an example of the effect of war on contracts.[33] In a 1963 article, another contributor to

30. Charles Henry Alexandrowicz, ed., *The Indian Year Book of International Affairs – Volume I* (Madras: The Indian Study Group of International Affairs, University of Madras, 1952).

31. For example, in the 1952 volume of the *Indian Yearbook on International Affairs*, Sastri wrote an article titled "International Law and Relations in Ancient India." Sastri's intellectual trajectory is an interesting one, because even during the war, he was at work on the international affairs of ancient Indian kingdoms. And, curiously, he was writing for publications outside the British Empire as well. See, for example, K.A. Nilakanta Sastri, "Sri Vijaya," *Bulletin de l'Ecole Francaise d'extreme-Orient* 40 (1941): 16.

32. For various examples of Alexandrowicz's scholarship on the law of nations in Asia, see C.H. Alexandrowicz, *The Law of Nations in Global History*, ed. David Armitage and Jennifer Pitts (Oxford: Oxford University Press, 2016). It includes many of his contributions to the *Indian Yearbook of International Affairs*.

33. *Indian Yearbook of International Affairs* (Madras: The Indian Study Group of International Affairs, University of Madras, 1952), 270.

the *Yearbook* discussed the case as formulating a test for what constitutes "enemy territory" as one based on facts, as laid down in the *Seethalakshmi Achi* case.[34] These volumes were eventually reviewed in the United Kingdom and the United States, including, for example, in the *Modern Law Review* and the *American Journal of International Law*.[35] While noting that many of the essays were not "scholarly" in tone, most reviewers were convinced of their importance and usefulness.

These initial citations of the *Seethalakshmi Achi* appeal grew with more emphasis on academic studies of international affairs in India. By the time Verzijl's volumes were published in the 1960s and 1970s, there were several other developments in the teaching and research of international law in India. In 1955, the Indian School of International Studies was set up in New Delhi, which also eventually included an international lawyer appointed by the chief justice of India. Leading practitioners and teachers of international law, including Philip Jessup, Julius Stone, Quincy Wright, and Hersh Lauterpacht, were all briefly visiting professors.[36] In 1958, C. Joseph Chacko, the secretary-general of the Indian Society of International Law (ISIL), published a course in the *Receuil de Cours* of the Hague Academy of International Law on the first decade of international law decisions in independent India. He cited *Seethalakshmi Achi* as an example of international law in India on jurisdiction.[37] In 1960, with Chacko as editor-in-chief, the ISIL began publishing the *Indian Journal of International Law*, containing commentary and extracts from judicial decisions handed down by courts around the country.[38] It can be speculated that the Indian Study Group's publications, and later those of the Indian Society for International Law, found their way to libraries and departments in England, including to the editors of *International Law Reports* at Cambridge, to The Hague and its community of international

34. V. Ramaseshan, "Effect of War on Contracts in Indian Law," in *Indian Yearbook of International Affairs – Vol. XII*, ed. Charles Henry Alexandrowicz (Madras: The Indian Study Group of International Affairs, University of Madras, 1963), 231–55.

35. D. W. Bowett, Book Review, "*The Indian Yearbook of International Affairs. 1954. Vol. III*," *Modern Law Review* 19 (1956): 231–32. J.B. Mason, Book Review, *The Indian Yearbook of International Affairs*, *American Journal of International Law* 50 (1956): 980–82.

36. Quincy Wright, A Ten-Year Plan for the Development of the Indian School of International Studies (1964) (Ford Foundation Archives, New York); and E. Lauterpacht, "International Law in India: Some Notes on Teaching and Research," *International Studies* 3 (1961): 318–25.

37. C. Joseph Chacko, "India's Contribution to the Field of International Law Concepts," *Recueil des Cours* 93 (1958): 117–221.

38. "The Indian Society of International Law," *International and Comparative Law Bulletin* 5 (1961): 36.

law scholars, and elsewhere, and were later consulted by Verzijl when he began writing his histories of international law in 1968.[39]

There are, of course, less circuitous explanations for how a Dutch jurist and a Chettiar woman's legal struggles would have come into contact. Verzijl almost certainly read Alexandrowicz, if not the volumes of the *Indian Yearbook of International Affairs*. Soon after the publication of the first volume in 1969, Verzijl wrote a scathing review, while expressing "profound admiration," of Alexandrowicz's *An Introduction to the History of the Law of Nations in the East Indies (16th, 17th and 18th centuries)*. He disagreed with the historical premise of Alexandrowicz's work that non-European nations had concluded treaties and extended diplomatic privileges before the age of the East India trading companies.[40] These differences in approach—of the origins of international law—were not merely ideological divergences. To understand these intertwined itineraries—that come together in Verzijl's review of Alexandrowicz's work—I turn to his involvement in the Dutch "colonial question." It is a story about paths forged and opportunities missed during decolonization in South and Southeast Asia. To write new histories of decolonization, I argue that we must pay close attention to these intertwined itineraries of law, beginning with ordinary jurisdictional claims.

Differing Views on Decolonization

If arguments from "international law" shaped the afterlives and itineraries of an unremarkable case and brought Madras and Utrecht together, what new histories of decolonization emerge? I discern two possibilities from these intertwined itineraries: first, Verzijl's involvement in the Dutch "colonial question" and his understanding of the issues in the *Seethalakshmi Achi* case, and second, the Chettiars' postwar experiences as shaping, and being shaped by, their legal encounters.

First, I will address Verzijl's involvement in the Dutch "colonial question." Following the official end of the war in 1945, Allied forces reoccupied Batavia from Japan and set up a military administration in the face of rising

39. For a broad survey of the geopolitical context in which scholars of international law worked in the immediate postcolonial period, see B.S. Chimni, "International Law Scholarship in Postcolonial India: Coping with Dualism," *Leiden Journal of International Law* 23 (2010): 23–52 (see also contributions to this volume by R.P. Anand and Prabhakar Singh).

40. J. H. W. Verzijl, "C. H. Alexandrowicz, 'An Introduction to the History of the Law of Nations in the East Indies (16th, 17th, and 18th Centuries)' (Book Review)," *T'Oung Pao* 55 (1969): 342.

nationalist forces. The Dutch government set up a Commissie General to negotiate with Republik Indonesia over the terms of Indonesian independence. Verzijl was a member of the Commissie Generaal for a short 2 weeks. He resigned before the Commissie concluded the Linggadjati Agreement in 1947, acknowledging the Republik's de facto sovereignty over the islands of Java and Sumatra.[41] Although he was part of the Commissie's negotiations, according to his biographers, there is no evidence that Verzijl was interested in the Dutch colonial question. They regard him as someone who adopted a positivist approach to international law, and who would be reluctant to bring politics into his field of legal vision. Citing differences with the leadership of the commission, he resigned soon after his appointment, making a quick exit from Batavia.[42]

Was Verzijl as uninterested in the "colonial question" as his biographers suggest? The foundations of international law, Verzijl believed, were forged in Western Europe.[43] In contrast, as a reviewer noted of his initial works, Verzijl was hardly sympathetic toward an "Afro-Asian" node for the development of international law.[44] In a lecture delivered to the University of Utrecht, he stated that the legal philosophy and institutions of "world law" were a "gift" from Western Europe to the rest of the world, including the United Nations, and that new "Eastern" states would eventually work responsibly with: "New young members such as the USA have, it is true, given fresh initiative to this development, and possibly from Eastern nations as well, when once they have put their own houses in order," he wrote.[45] He wrote—despairingly—that Asian states had not "mentally digested" even the most elementary concepts of international law such as domestic jurisdiction or natural sovereignty.[46] He went

41. Before his involvement with the commission, Verzijl also coauthored a report on solutions to postwar problems with jurist Frederik Mari Baron van Asbeck and economist Jan Tinbergen, in which law and politics play a central role. Bouwstof voor de oplossing van Na-Oorlogsche Vraagstukken (Prof. Mr. F.M. Baron van Asbeck, Prof. Dr. J. Tinbergen, and Prof. Dr. J.H.W. Verzijl) (Martinus Nijhoff, 1946) (Collectie 451, Van Asbeck, 1902–1993, Inventory No. 218, Nationaal Archief, The Hague).

42. Letter from S. Posthuma and Prof. J.H.W. Verzijl to the Minister for Overseas Territories, March 18, 1947 (W. Drees 1886–1988, Inventory Number 692, Nationaal Archief, The Hague).

43. J. H. W. Verzijl, "Western European Influence on the Foundations of International Law," *International Affairs* 1 (1957): 137–46.

44. L.C. Green, "International Law in Historical Perspective by JHW Verzijl (book review)," *International Journal* 26 (1971): 444–49.

45. J.H.W. Verzijl, "A Panorama of the Law of Nations," *Acta Scandanavica Juris Gentium* 21 (1951).

46. J. H. W. Verzijl, "Western European Influence on the Foundations of International Law," *International Affairs* 1 (1957): 137–46, at 143.

on to note that Western Europe can only look at these efforts at translation with "…a certain amount of amusement."[47]

As Jennifer Pitts notes, writing of Verzijl, this strand of thinking was not unusual and had its origins in Victorian-era international legal thought.[48] These observations are striking, however, when placed in the context of decolonization in South and Southeast Asia. He wrote that Asian and African nations claimed a vacant "right to self-determination." Instead, he noted, the basis of claims to sovereignty among competing, conflicting authorities could be resolved by thinking of imperial rule as "occupation," and whether colonial sovereigns held a clear "title" to their possessions.[49] The language of contract and property is both striking and ironic: these questions—notions of friend and enemy, occupation and conquest, war and peace—were at the heart of the discussions in *Seethalakshmi Achi*. Although he produced these writings against the backdrop of decolonization in Asia and Africa, participated in political discussions, and traveled to these places, these were paths that would not cross, forming parallel itineraries. In Verzijl's histories of international law, cases such as *Seethalakshmi Achi* would support his thesis that international law was (mis)translated in emergent nation-states in Asia.

Second, I return to the legal fates of the promissory notes with which this article began. The jurisdictional claims that set these intertwined itineraries in motion reveal efforts to piece lives together during decolonization and postwar reconstruction in South Asia. Instead of viewing histories of decolonization and postwar reconstruction through nationalism(s), here we might turn to jurisdictional claims as reflecting legal imaginations. Emergent sovereignties were connected, overlapped, and tried to reconcile with one another. A year after arguments from international law were made at the Madras and Burma courts, lawyers for the All Malaya Nagarathars Association advanced similar claims. In the Straits Settlements too, the Chettiars had claimed repayment of debts made in demonetized currency.[50] These were not merely test cases for international law arguments. These jurisdictional claims would determine whether they could piece together their commercial networks and recover some of the

47. J. H. W. Verzijl, "Western European Influence on the Foundations of International Law," *International Affairs* 1 (1957): 137–46, at 146.

48. Jennifer Pitts, *Boundaries of the International: Law and Empire* (Cambridge, MA: Harvard University Press, 2018), 12–13.

49. Verzijl, "Western European Influence on the Foundations of International Law," 141.

50. Malaya, Demonetisation of Japanese military currency, Representation from the Chettiars, File No. 75 – 9 / 460 S (II) / M – M (1946) (National Archives of India, New Delhi). For broader context, see Kalyani Ramnath, "Boats in a Storm: Law, Politics, and Jurisdiction in Postwar South Asia" (unpublished PhD diss., Princeton University, 2018).

prewar wealth by establishing land ownership. No doubt, the Malaya-based lawyers were in contact with other places where Chettiars were grappling with the aftereffects of the war. Rather than juristic writings, jurisdictional claims initiate these circulations. These efforts continued well into the 1960s. In sum, a tenacious moneylender's attempts to claim repayments on his loan inspired lawyers to make arguments from "international law." It was an act of legal imagination, which in turn sets these intertwined itineraries in motion as the Seethalakshmi Achi case travels from Madras to Utrecht, from Burma to Batavia. It cut across emergent nation-states and British and Dutch imperial boundaries. However, for Seethalakshmi Achi and Veerappa Chettiar, these acts of imagination had material ramifications. It would decide whether they could continue to travel across the Bay of Bengal and maintain their networks of credit and capital. Their itineraries, of everyday experiences of decolonization and postwar reconstruction in South and Southeast Asia, were bound up with the itineraries of law.

Intertwined Itineraries

This article explores intertwined itineraries of law, beginning with an ordinary debt recovery case filed in Madras in the aftermath of World War II. Rather than taking the infrastructure of international law for granted or (re) construct a genealogy of legal concepts from/in their colonial contexts, I began with the idea that jurisdictional claims reflected peoples' notions of how place and power operated. If we discard the idea that the Seethalakshmi Achi case is *about* international law because it appears in compilations and commentary relating to "international law" and instead ask what brought this seemingly unremarkable case to their authors' attention, then legal, financial, and political histories can be written differently. For the *Seethalakshmi Achi* appeal, this gestures to new histories of decolonization and postwar reconstruction in South and Southeast Asia.

There are several itineraries, afterlives, trajectories, and imaginations here, some unbroken, others fractured or cut off. The points of initiation are not legal categories or concepts, but jurisdictional claims made by ordinary litigants. Chettiar litigants and their lawyers insisted that their debt recovery cases were about "international law," shaping its afterlives and itineraries. When legal practitioners in Madras did not have reasons to engage with it after that, it was taken up by scholars and educators in Madras, New Delhi, London, and Utrecht. I argue here that law becomes an archive of decolonization. By shifting emphasis from citations and compilations to the broader historical context in which scholars and jurists

worked, new histories of decolonization emerge that are not restricted to the boundaries of nation-states, or the imperial regimes from which they emerged. Here, the everyday experiences of decolonization in India and Indonesia intertwine in ways that are invisible if we consider these legal regimes as being self-contained.

More specifically, histories of decolonization are often pegged to questions of state succession in international law. These views are generally still from Western Europe toward the postwar reconfiguration of Eastern Europe and the Soviet Union. One sees the same preoccupation in the Dutch jurist Verzijl's accounts. It is reflected in his suspicion of self-determination, one that questions whether certain legal definitions and categories "fit" the experiences of emergent nation-states. As the survey of decisions of Rangoon and Madras High Courts shows, questions of state succession never considered "international law" as an obvious authoritative source that flowed from Europe to Asia. It was instead worked out in the context of emergent national sovereignties. These are made visible through the intertwined itineraries of the *Seethalakshmi Achi* case. As Sandhya Pahuja notes, decolonization and postwar reconstruction in Asia and Africa was a juridical project as much as it was a geopolitical one. It was one that the "Third World international lawyer" had to grapple with, rather than outrightly reject or resist.[51] This working out was not exclusively the province of national leaders, but of ordinary litigants dealing with everyday issues such as an unfulfilled debt.

In the dusty and dark basement of the Record Room of the Madras High Court, where the case papers from *Seethalakshmi Achi* lie, these stories and experiences are anything but footnotes. Suits such as these in the immediate postwar period constituted the bulk of the everyday work of local courts. They reveal how people grappled with the aftermath of the Japanese occupation of Burma and Batavia, using legal language to capture how places, ideas, and things were connected. These claims to jurisdiction (as opposed to the exercise of territorial jurisdiction as recorded in debates around state succession) form an underappreciated archive for histories of decolonization. Finally, in suggesting that there are intertwined itineraries of law, this article speaks to the problem of the creation and circulation of legal knowledges. This circulation is neither seamless nor removed from geopolitical considerations of the time. As Lauren Benton points out in her call to study the workings of international law and empire in imperial

51. Sundhya Pahuja, "Letters from Bandung: Encounters with Another Inter-national Law," in *Bandung, Global History, and International Law: Critical Pasts and Pending Futures*, ed. Luis Eslava, Michael Fakhri, and Vasuki Nesiah (Cambridge: Cambridge University Press, 2017).

locations, these processes are "diffuse" and "uneven."[52] Can we write a history of law and decolonization that does not rely on metaphors of migration, translation, or myths of origin? Beyond the world of the *Seethalakshmi Achi* appeal, I suggest in this article that this intellectual labor involves thinking about and writing from footnotes, postscripts, and marginalia, and the lives that are intertwined in, and through, them.

52. Lauren Benton, "Made in Empire: Finding the History of International Law in Imperial Locations," *Leiden Journal of International Law* 31 (2018): 473–78.

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