

## Reading Guide for:

\* Francisco de Vitoria: *On the Indians Lately Discovered* (1532). [de Vitoria's *De Indis et De Iure Belli Relectiones*]

\* Emmerich de Vattel: *The Law of Nations, or the Principles of Natural Law* (1758)

\* Book 1, Chapter 01: Of Nations or Sovereign States

\* Book 1, Chapter 07: Of the Cultivation of the Soil

\* Book 1, Chapter 16: Of the Protection Sought by a Nation, and its Voluntary Submission to a Foreign Power

\* Book 1, Chapter 18: Of the Establishment of a Nation in a Country

The first reading is by de Vittoria where he is asking about the general question of whether the Indigenous Peoples have rights, and also what the justification is for Spain being there. There are three sections to that paper:

1. The basic argument to section 1 (whether the Indigenous Peoples are the "true owners" of the land) is summarized on pp.1-2 (the 24 points) and then each of those points is explained in greater detail.
2. The basic argument for section 2 ("On the illegitimate titles for the reduction of the aborigines of the New World into the power of the Spaniards") is on p.12 (the 16 points). and then explained in greater detail.
3. Same again for Section 3 ("On the lawful titles whereby the aborigines of America could have come into the power of Spain") on pp.29-31 (the 18 points).

You are welcome to get into it in as much detail as you like, but I don't expect you to go through the whole thing in fine detail unless the detail is of interest to you, but please at least read and get some sense of the three sets of arguments and how de Vittoria resolves each of them. Perhaps one question to ask yourself is whether you see de Vittoria offering a view that is closer to Las Casas or Sepulveda, whose debate at Valladolid we discussed this past week.

As for the second set of readings by de Vattel, first understand that he is coming a couple of hundred years later. Various people are named by different people as "The father of international law," but de Vattel is certainly a big one on the list. He is writing at a time when some Indigenous rights are being acknowledged, but where rights are also thought to come along with responsibilities, which is largely what de Vattel is writing about here. It is also a time when "sovereignty" is an issue being discussed, along with the question of what it takes for a People to be "sovereign" or something less. I've pulled out four sections ... each is only a few pages long ... that outline principles that later turn out to be quite important. What are those principles and how might they affect Indigenous Peoples? What does it take to be "sovereign" according to de Vattel? And what does it take to lose that sovereignty?