The discovery of America, and that of a passage to the East Indies by the Cape of Good Hope are the two greatest and most important events in the history of mankind. Their consequences have already been very great; but, in the short period of between two and three centuries which has elapsed since these discoveries were made, it is impossible that the whole extent of their consequences can have been seen. What benefits, or what misfortunes to mankind may hereafter result from those two great events, no human wisdom can foresee.

(Adam Smith)

Although Keene has conclusively established the presence of the colonial difference as the dangerous supplement to the Grotian Heritage, his lack of a broader historical understanding of Colonialism leads him to omit detailed consideration of the subtly nuanced treatment of the peripheral zone within the Grotian corpus. It comes as surprise then, that, prima facie, *De Indis* is an anti-colonialist Text. Holland's Other, 'barbaric' Portugal, is narratively re-constituted throughout the Text as the sole signifier of unjust aggression, bringing death and injustice to the Indies. The Portuguese's 'shameless lust for property was wont to take cover under the excuse of introducing civilization into barbaric regions.'

I prefer to have the reader draw information from the writings of the Spaniards, rather than from my own words, regarding the instances of unparalleled treachery, the mangeling of women and children belonging to the households of native potentates, the disturbances of [East Indian] kingdoms through the poisonous activities of the Portuguese and the abominable cruelty displayed toward both subject and allied peoples... Certainly a great many writers are of the opinion that a comparison of Spanish conduct in America and Portuguese conduct among the East Indians will show the Spaniards to be much more notable for violence and the Portuguese for perfidy; that is to say, the lat-

---

1 Edward Keene, *Beyond the Anarchical Society: Grotius, Colonialism and Order in World Politics* (Cambridge: Cambridge University Press, 2002).

ter are no less malicious than the former, but the Spaniards are endowed with greater
courage and strength.\(^3\)

The conspicuous absence of the 'East Indian' as an object of opprobrium has even
led some scholars to doubt the relevance of Critical Theory to an interpretation
of the Grotian corpus. According to Roelofsen, the view of Grotius

as a protagonist of European colonialism [is] somewhat beside the mark, since Grotius
did not develop a theory of colonialism... [In the early 17th century] Western European
colonialism was only in its initial mercantile stage. Grotius could still quite plausibly
argue that a monopoly of trade such as was being established by the Dutch East India
Company was not unknown in European practice and was not—as we with the wisdom
of hindsight consider it to have been—the first step towards economic and political
subjugation.\(^4\)

Apart from the question concerning how many early international legal scholars
could be accurately said to have possessed an actual 'theory' of colonialism,\(^5\) the
issue of Grotius' relationship to Indigenous dispossession may be clarified when
*De Indis* is read not through the prism of authorial intention but through the

---

3 Ibid. 181–2. Presumably this tribute paid to Spanish machismo is an ingratiating
gesture directed to the Castilian negotiators of the Truce.

4 C.G. Roelofsen, 'Grotius and the "Grotian Heritage" in International Law and
International Relations; the Quatercentary and its Aftermath (circa 1980–1990)',

5 Presumably Roelofsen is thinking of Locke, who, like Grotius, was immersed in the
Late Scholastic tradition. See Karl Olivecrona, ' Appropriation in the State of Nature:
30, *passim*; Barbara Arneil, 'John Locke, Natural Law and Colonialism', *History of
Political Thought*, 13/4 (1992), 587–603 at 45–61; Robert A. Williams, 'Documents of
Barbarism: The Contemporary Legacy of European Racism and Colonialism in the
250–3. It is useful to situate Locke's theory of property value within terms of World-
Systems Analysis. The Lockean doctrine of appropriation adds to

the correctness of reading him as a great philosopher of the developing world system
which linked the old world with the new with ties of domination and subordination.
Clearly, by both the prime measure—that of human energy expended to modify na-
ture—and, for Locke, the necessary correlative—that of the maximization of produc-
tion—most Native Americans failed to meet the principal qualifications for owning a
part of America.

Herman Leboric, 'The Uses of America in Locke's Second Treatise of Government',
and the Peoples without History* (Berkeley: University of California Press, 1997), 158–
94; James Tully, *An Approach to Political Philosophy: Locke in Contexts* (Cambridge:
Cambridge University Press, 1993), 137–76; D.P. O'Connell, 'Territorial Claims in the