

Thirty Very Juridical Propositions

Bartolomé de Las Casas

Proposition I: The Pontiff of Rome, the canonically elected Vicar of Christ, successor of St. Peter, has the authority and power of Christ Himself, the Son of God, over all the people of the world, faithful or not, *insofar as he sees it necessary to guide men and set them upon the road to the eternal life, and to remove the impediments therefrom.* He uses and must use such power, however, in one way with the unfaithful who have never undergone holy baptism in the holy Church, particularly those who have never heard of Christ or His faith, and in another way with those who are faithful or once were so.

Proposition II: St. Peter and his successors are by divine law under the necessary obligation of attempting to see that the word and faith of Christ are preached throughout the world with the greatest diligence to all the unfaithful, *who it may be supposed will not resist the spread of the Gospels and Christian teachings.*

Proposition IV: Among ministers for the propagation and maintenance of the faith and Christian religion and for conversion of the unfaithful, the Christian monarchs occupy a position most necessary for the Church; for by means of their power, royal forces and worldly riches they can aid, shelter, preserve and defend the churchly and spiritual ministers, and the end mentioned above can be sought and obtained without confusion or hindrance.

Proposition VII: The Vicar of Christ, by divine authority and to avoid confusion, can and did most wisely, providently and justly divide among Christian princes the kingdoms and provinces of all the unfaithful of every disbelief or sect, thus committing and entrusting to the former the spreading of the holy faith, the extension of the Universal Church and the Christian faith and the conversion and spiritual welfare of those people as an ultimate aim.

Proposition VIII: *The Supreme Pontiff did not make, nor does he or should he make, such a division, commission or concession with the principle and final purpose of bringing the Christian princes into grace or enlarging with honor and more titles and riches their possessions.* His end is the spread of the divine religion, the honor of God and the conversion and salvation of the unfaithful, which is the intent and final aim of the King of Kings and Lord of Lords, Jesus Christ. *At the outset there is imposed upon the princes a most perilous duty and office, for which they must give a complete accounting at the end of their days before the final judgment. The aforesaid division and trust is therefore more for the good and benefit of the unfaithful than for that of the Christian princes.*

Proposition X: Among the unfaithful who live in distant kingdoms, who have never heard speak of Christ or received the faith, there are true kings and princes. *Royal dominion, dignity and preeminence belong to them by virtue of natural law and the law of peoples, insofar as such dominion leads to the rule and governance of their kingdoms as sanctioned by divine and evangelical law and in the manner that superior persons have dominion over inferior things. With the advent of Jesus Christ, therefore, such dominions, honors, royal prerogatives and the rest were not abolished either universally or individually, ipso facto nec ipso jure.*¹

1. [Neither by deed nor by law. The similar phrase in Proposition XII means, *Either by deed or by law.*]

Proposition XI: An opinion contrary to the preceding proposition is erroneous and most pernicious and *whoever defends it vigorously will incur formal heresy*. It would at the same time be most impious, harmful and productive of innumerable thefts, acts of violence, tyrannies, ravages and robberies, irreparable damages and grievous sins, infamy, stench and hatred of the name of Christ and of the Christian religion, and a most effective impediment to our Catholic faith. It would be death, perdition and vainglory for the greater part of mankind, the most certain damnation of infinite souls and, finally, the cruel and foremost enemy of piety, meekness and Christian evangelical custom.

Proposition XII: For no sin of idolatry or any other sin, grave as it may be, are the said unfaithful, masters or subjects, to be deprived of their dominions, dignity or other possessions, *ipso facto vel ipso jure*.

Proposition XIII: Merely for the sin of idolatry or for any other sin, however enormous, grave and heinous, which was committed during the whole period of their unfaithfulness, before they had received holy baptism of their own free will, the unfaithful, particularly those whose lack of faith is simple ignorance, *cannot be punished by any judge in the world*—unless it be a case of those who directly impede the propagation of the faith and, having been sufficiently warned, maliciously persist in their actions.

Proposition XIX: All kings and natural rulers, cities, communities and villages in the Indies shall recognize the monarchs of Castile as their universal and sovereign rulers and emperors in the following manner: *after having received our holy faith and sacred baptism of their own free will; and if before receiving these they do not do so or wish to do so, they cannot be punished by any judge or court*.

Proposition XXII: The rulers of Castile are obliged by divine law to see that the faith of Christ is preached in the form which the Son of God left established in His Church. His apostles adhered to this form effectively and without any slack or failure; the universal Church has always by custom and decrees ordained and constituted it, and the holy sages have explained and enlarged upon it in their books. The form consists in attracting the unfaithful and particularly the Indians, who are by nature very meek, humble and pacific, in a peaceful, loving, sweet and charitable manner, with gentleness, humility and good examples, and in giving them gifts and grants from our part rather than by taking anything of theirs away from them. In this way they will consider the God of the Christians to be a good, gentle and just God and will wish to belong to Him and to receive His Catholic faith and holy doctrine.

Proposition XXIII: To subject them first by warlike means is a form and procedure contrary to the law, gentle yoke, easy burden and gentleness of Jesus Christ. It was the same method used by Mahomet and the Romans to upset and despoil the world. It is that used today by the Turks and the Moors and which the Sherif is beginning to use. Therefore it is most evil, tyrannical, libelous of the sweet name of Christ, and the cause of infinite new blasphemies against the true God and the Christian religion. We have had very extensive experience with what has been done and is being done today in the Indies; because of it, the Indians consider God to be the most cruel, unjust and pitiless of gods, and consequently it impedes the conversion of many unfaithful, giving rise to the impossibility of infinite people in the new world ever to become Christians. This is, moreover, most clearly the infernal path to all the irreparable and distressing evils and damages set forth in *Proposition XI*.

Proposition XXVIII: Satan could not have invented any more effective pestilence with which to destroy the whole new world, to consume and kill off all its people and to depopulate it as such large and populous lands have been depopulated, than the inventions of the *repartimiento* and *encomiendas*², by which those peoples were divided and assigned to Spaniards as if to all the devils put together, or like herds of cattle delivered to hungry wolves. (This means would have sufficed to depopulate the whole world.) By the *encomienda* or *repartimiento*, which was the cruelest form of tyranny and the one most worthy of hell-fire that could have been invented, all those peoples are prevented from receiving the Christian faith and religion, being held night and day by their wretched and tyrannical overlords, the Spaniards, in the mines, at personal labors and under incredible tributes; forced to carry loads one and two hundred

2. [A *repartimiento* was an allocation of forced Indian labor. An *encomienda* was a conferred right to Indian tribute or labor; the grantee was responsible, though often only in theory, for the Indians' catechization and welfare.]

90 leagues as if they were beasts or worse; and with clerics who preach the faith and give the Indians instruction and a knowledge of God persecuted and driven out of the Indian villages, leaving no witnesses to the acts of violence, cruelties and continual robberies and murders. Because of the *encomiendas* and *repartimiento* the Indians have suffered and still suffer continual tortures, thefts and injustices to their persons and to their children, women and worldly goods. Because of the *encomiendas* and *repartimiento* there have perished in the space of forty-six years (and I was present) more than fifteen million souls without faith or sacraments, and more than three thousand leagues of land have been depopulated. I have been present, as I say, and as long as these *encomiendas* last, I ask that God be a witness and judge of what I say: the power of the monarchs, even were they on the scene, will not suffice to keep all the Indians from perishing, dying off and being consumed; and in this way a thousand worlds might end, without any remedy.

Proposition XXX and the last: From all the aforesaid, by dint of necessary consequence, it follows that, *without prejudice to the title and royal sovereignty which the monarchs of Castile exercise over the new world of the Indies, everything which has been done there—both by the unjust and tyrannical conquests and by the repartimientos and encomiendas—is null, void and without value or sanction of any right*, for everything has been done by absolute tyrants, without just cause or reason or the authority of their natural prince and monarch...

[Columbia College, *Introducion to Contemporary Civilization in the West*, 3d ed. (New York: Columbia University Press, 1960), 1:540–543.]