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**BARTOLOMÉ DE LAS CASAS (1484-1566):
A *BREVÍSIMA* BIOGRAPHICAL SKETCH**

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Bartolomé de Las Casas, a Spanish cleric, Dominican friar, and New World bishop, is considered one of the major figures in the sixteenth-century critique of the conquest and colonization of the American hemisphere. During his lifetime, this legal scholar became known as the Universal Protector of All the Indigenous people, a champion of justice, a prophet of human rights, and the conscience of Spain, as well as public enemy number one for anti-Indigenous forces. Over time, this Renaissance humanist has become known in a variety of ways: religiously, as the Apostle of the Indians; anachronistically, as the Father of Liberation Theology; insightfully, as an early proponent of democracy; inspirationally, as a herald for Latin American Independence leaders; inaccurately, as an instigator of the Black Legend and, unconvincingly, as an agent of imperialism.

Las Casas was born in Seville (Spain) in 1484 to a merchant-class family of possible Jewish ancestry.¹ He was the son of Pedro de Las Casas; his mother's name was Isabel. In Seville, he saw the Catholic Monarchs, King Ferdinand and Queen Isabel, for the first time in 1490 – a distant childhood encounter that would be followed by many adulthood personal meetings with other members of the Iberian royalty. His first experience of the Indigenous “other” took place on Palm Sunday in 1492, when Columbus paraded through the streets of Seville with seven Taino Amerindians. After his father and uncle left with Columbus in late 1493 on the explorer's second journey to the Indies, Las Casas spent five years studying Latin and letters at the Cathedral school of San Miguel in Seville, where he was educated in Late Medieval and Renaissance study.

The imprint of Early Modern humanism on the youthful Sevillian was significant because Spain's most famous humanist, Élio António Nebrija (b. Lebrija, 1444 – d. Alcalá de Henares, 1552) lectured at San Miguel from 1488 to 1491.² In 1498, enhancing his Nebrijan humanistic formation, Las Casas reportedly began additional studies in canon law at the prestigious University of Salamanca in preparation for the priesthood. While in this important city of the region of Castile and León, he lived for two years with Juanico, an Indigenous teenager whom Pedro de Las Casas brought back from the Indies. Subsequent to receiving minor orders and the tonsure, Las Casas traveled in 1502 to the New World island of Hispaniola (the first of ten trips into the Atlantic World between 1502 and 1547).³ There he labored four years as a part-time *doctrinero* (sacristan and catechist), and as a provisioner in his father's business as well as an agriculturalist. In 1506, he resumed studies in canon law at Salamanca, where he earned a *bachillerato*.⁴ In any case, he was ordained a deacon in 1506 and was ordained a secular priest in Rome in 1507, after which he returned to the Indies, where he served as a chaplain and also held Indians and property in *encomienda*.

During his initial times of residence in the Indies, first in Hispaniola and then also in Cuba, the gentleman-cleric accompanied several military expeditions; he saw the tragic massacres of Indigenous people. He observed first-hand the maltreatment of the Amerindians on *encomiendas*, and witnessed the destruction of native life by the Spaniards' enslavement of Indigenous workers for gold mining. These poignant experiences, along with the 1511 call for justice issued by the Dominican friars on Hispaniola, powerfully contributed to Las Casas's first conversion experience while he prepared for Mass on Trinity Sunday in 1514. As a result, he completely abandoned his priest-merchant-*encomendero* life, and fully embraced his diocesan clerical vocation, as well as firmly resolved to seek "a total remedy" for the evils and harms done in the Indies.⁵

In 1515, Las Casas began his lifelong battle for justice on behalf of the Indigenous people by appealing to the highest authority: he informed the ailing King Ferdinand I of the atrocities in the Indies. After Ferdinand's death in 1516, *Bachiller* Las Casas presented his exposé and reform plan to the new administration: the aging co-regent, Cardinal Francisco Jiménez de Cisneros O.F.M. (Ferdinand's designee), and the figurehead co-regent, Adrian of Utrecht (Charles I's designee). In two *Memoriales de denuncias* (Memorials of denunciations), Las Casas condemned the evils and harms caused by the forced labor in the *encomienda* system and by other maltreatment of the Indigenous people, as well as denounced the injustices and abuses committed by nineteen corrupt royal officials, governors, and administrators.

In his 1516 *Memorial de remedios* (Memorial of remedies), the first of

three major reform plans that were officially sanctioned, the cleric-activist proposed fourteen remedies for the depopulation and destruction of the Indigenous inhabitants of the islands of Hispaniola, Cuba, Jamaica, and Puerto Rico. He also insisted that the conversion and eternal salvation of these native people was the principal reason for the Spanish presence in the New World. In his subsequent reform plans, he offered an alternative to the *encomienda* system for the conversion and the protection of the Indigenous people as well as for the colonization of the islands: a peasant farmer scheme and a community scheme.⁶ In recognition of his efforts, Las Casas was appointed *Procurador o protector universal de todos los indios de las Indias*. Although the implementation of the resultant "Cisneros-Las Casas Reform Plan" ended in failure, the proposed towns or *corregimientos* of free Indigenous people under the Crown eventually became permanent.

For his 1518 Peasant Emigration Plan, a second major reform that *Bachiller* Las Casas proposed after Cisneros's death in 1517, the young cleric appealed to the new Spanish king, Charles I (r. 1516 – 1556; he reigned as Charles V, the Holy Roman Emperor, from 1519 – 1556, the Flemish-born grandson of the Catholic monarchs). With the ensuing support from the Flemish Grand Chancellor, Jean le Sauvage, Las Casas received official approval to repopulate the Islands with Castilian and Andalusian farmers.⁷ However, the recruitment of Spanish peasants was sabotaged and the allocation of funds was thwarted. Nevertheless, the Peasant Statutes granting special privileges and exemptions to farmer emigrants remained as law.

With his 1519 plan for the penetration, colonization, and evangelization of Tierra Firme, Las Casas embarked upon a third major officially-approved reform project.⁸ Rather than focusing on the now-depopulated Islands, he proposed to establish a peaceful colony of farmers under the direction of friars on the north coast of South America at Cumaná. He envisioned peaceful evangelization of the Amerindian inhabitants, and their pacific co-existence with Spaniards. During the lengthy period of negotiations and preparations for the project, Las Casas earned a Licentiate in canon law probably by 1518 while in Valladolid. In December 1520, Las Casas's expedition set sail; in August 1521, the Cumaná mission, albeit fatally compromised in its stipulations, was established. After the mission's tragic ending the following January, Las Casas underwent a second conversion experience and entered the Dominican Order in Hispaniola in September of 1522.

During the required four years of religious formation in the Order of Friars Preachers, Las Casas followed the *ratio studiorum* (plan of studies) and its study of scripture, patristics, and scholastic Thomistic theology, as well as of sacred and secular history; these studies also enriched his

expertise in Latin, as well as his knowledge of canon law and of classical authors.⁹ After becoming a Dominican friar and for the rest of his life, he also continued the scholarly activity of writing. In all of these writings, Friar Bartolomé emphasized peaceful and persuasive evangelization as well as denounced the wars of conquest and the enslavement of Indigenous peoples.

In 1526, Friar Bartolomé became prior of a new Dominican community at Puerto de Plata on the northern coast of Hispaniola, where he defended the Indigenous people by preaching thunderously against the slave trade. In 1527, and in keeping with his juridical penchant for written narrations of the facts, he resumed recording and editing information about the early contact and colonization period; these writings constituted the first part of his intended six-decade account of the *Historia [general] de las Indias*. Additionally, he authored the *Memorial de denuncias de agravios* (Memorial denouncing the harms) that the Dominicans sent to the Council of the Indies in 1528, an anti-slavery *Parecer* (Opinion) in 1529, and a *Programa* in 1530 on the religious and civic duties of Christian Indigenous people.

In a *Carta al Consejo de las Indias* (Letter to the Council of the Indies) written in 1531, Las Casas reiterated his 1518 Peasant Emigration Plan, which proposed that the independent ecclesial system of friars and bishops direct the colonization of territories by farmers, as well as protect and peacefully evangelize the Indigenous inhabitants.¹⁰ As was his consistent juridical approach that hermeneutically analyzed injustices in the Indies and proposed remedies in Spain, Las Casas appealed to authority, narrated the facts, and had recourse to the law in this *Carta*: he addressed the duty in conscience of the Council and emperor to eradicate conditions that endangered the salvation of the Indigenous people; he described the harms of the *encomienda* system; he declared that wars of conquest were unjust, illicit, and violations of divine and natural law, and he called for restitution. As a result of his newly-acquired and ongoing academic formation, which gave him new philosophical and theological understanding, as well as equipped him with biblical metaphors and gospel spirituality; as such, his *Carta* read like a fiery sermon.

In 1532, accused of withholding deathbed *viaticum* from an abusive encomendero, Friar Bartolomé was ordered back to Santo Domingo and silenced for two years by the Hispaniola *Audiencia* (high court).¹¹ Subsequently, in 1533, Las Casas put his method of peaceful conversion into practice by successfully intervening in the Enriquillo affair. In 1534, after informing the Council of the Indies of the *Audiencia's* persecution of him, the Dominican friar wrote his *Carta a un personaje de la Corte* (Letter to an official of the court) to inform Juan Bernal Díaz de Luco of the urgent need to remedy the evils and depopulation that the Indigenous people suffer from the *encomiendas*, their treatment as slaves, and the

corrupt governance.¹²

Additionally, in 1534, Las Casas wrote the first of three versions of his *De unico vocationis modo omnium gentium ad veram religionem* (The Only Way to Draw all People to a Living Faith), which became one of the most significant missionary tracts in the Church's history.¹³ This Latin treatise was essentially a blueprint for his own later missionary experiments: spread of the Gospel only by peaceful and rational persuasion through word and deed; adequate instruction prior to baptism, as well as respect for and incorporation of native cultures in the missionary enterprise. In *De unico vocationis modo*, Friar and *Licenciado* Las Casas clearly demonstrated his knowledge of the canonistic-philosophical-theological foundation of the peaceful and rational approach to evangelization, as well as of the elements of unjust war.

In late December 1534, Las Casas left Hispaniola with other Dominicans to begin missionary labor in Peru. A lengthy equatorial calm in the Pacific thwarted their plan to engage in peaceful and persuasive evangelization in the Andes; their ship was forced to dock on the Nicaraguan coast. The marooned Dominicans spent almost a year in Nicaragua, during which time they witnessed public floggings of the Indigenous people and massive exportations of Indigenous slaves. The friars vigorously denounced these atrocities as well as Governor Rodrigo de Contreras's planned armed foray into the Desaguadero region of free Amerindians.

Because Las Casas and his confreres realized that the situation under the Nicaraguan governor was becoming exceedingly hazardous, they prudently accepted the invitation of Bishop-elect Francisco Marroquín to serve in Guatemala. There they administered to the spiritual needs of the Spaniards in Santiago de Guatemala, and instructed the Indigenous inhabitants in the Christian Faith. In this other region of Central America, Las Casas also resumed writing: he translated parts of his Latin *De unico vocationis modo* into Spanish (*Del único modo*) as a second version of the missionary tract for the benefit of non-Latin readers such as governors and *conquistadores*; he wrote twenty chapters about Indigenous lifestyles and customs in his own *Historia* as a critique of Oviedo's 1535 *Historia* – parts of this critique appeared in his *Apologética historia sumaria de las Indias* (Summary apologetic history of the Indies).¹⁴

In 1536, Las Casas attended the Mexican ecclesiastical junta as the delegate of Bishop-elect Marroquín. This episcopal conference produced three *actae* (documents) about the Indigenous Church, the issue of slavery, and the method of evangelization. The *acta* about the Amerindian Church, which resulted in the papal brief *Altitudo divini consilii*, utilized Las Casas's *Programa para el modo de vivir de los Indios Cristianos* (Program for the way of life of Christian Indians) and his memorandum concerning the controversy over the baptism of adult Indigenous neophytes. The *acta*

about freeing slaves and abolishing the *encomienda*, which produced the papal brief *Pastorale officium*, reflected Friar Bartolomé's *Ocho proposiciones contra las conquistas* (Eight statements against the conquests). The *acta principal* concerning evangelization, which inspired the landmark papal bull *Sublimis Deus* (Sublime God), was based essentially on Las Casas's *De unico vocationis modo* (*The Only Way*). This 1537 papal encyclical, which is often called the Magna Carta of Indigenous rights, proclaimed that the Amerindians were fully human, eminently capable of receiving the Faith, as well as completely entitled to their liberty and property, even though they may not be members of the Church. This proclamation of Pope Paul III was a powerful weapon for pro-Indigenous forces.

In 1536, Las Casas trans-filiated from the Hispaniola Dominican Province of Santa Cruz to the Mexican Dominican Province of Santiago, after which he returned to Guatemala as vicar of the Dominican missions and as the episcopal vicar of the diocese. In 1537, in collaboration with his Dominican confreres and converted *caciques* (Indigenous lords), Las Casas extended their evangelization efforts to Sacapulas and beyond, as well as initiated a peaceful conversion experiment of his own. By the year's end and with the help of Indigenous merchants, Las Casas, Friar Pedro d'Angulo, and *cacique* Juan with a retinue of seventy Indigenous inhabitants made contact with the resistant Amerindians of the territory known to the Spaniards as *Tierra de Guerra* (Land of war), which Las Casas promptly renamed *Tierra de Vera Paz* (Land of true peace). His subsequent pioneering experiment of peaceful evangelization was initially successful.

In 1538, Bartolomé also penned a third version of *The Only Way* to awaken the conscience of the king. He titled this reminder to the monarch as *How the Kings of Spain must care for the World of the Indies viz., [by] the Only Way of calling all people to a Living Faith*.¹⁵

In 1540, at the request of the Mexican Dominican Provincial Chapter and of Bishop Marroquín, and with recommendations from civil and ecclesial authorities, Las Casas returned to Spain with the official objective of recruiting missionaries for Guatemala, and of securing support for peaceful evangelization methods. Once there, he pursued an additional objective that he had desired for almost two decades: to report in person to the Emperor, Charles V, about "most important matters related to the royal estate of the Indies," which urgently required remedial and reform measures.¹⁶

Two years later, Las Casas finally was able to have a series of lengthy days to inform the concerned emperor and his specially-convened *junta* about the atrocities and killings taking place in the New World. His oral and written narrations of the facts included a shocking *Larguísima relación* (Very long account) of the evils and harms done, a voluminous

Memorial de remedios, a clarifying *Conclusiones sumarias sobre el remedio de las Indias* (Summary conclusions concerning the remedy of the Indies), and a culminating *Parecer* (Opinion) that concisely reiterated the major issues needing legislation. As a result of Las Casas's appeal to the highest authority and his recourse to the law, the New Laws, entitled *Laws and Ordinances Newly Made for the Governance of the Spanish Colonies in the Indies and the Good Treatment and Preservation of the Indians*, were created, elaborated, promulgated, and signed in 1542. Published in 1543, this monumental legislation abolished slavery and the *encomienda* system, as well as combined political reality with humanitarian idealism, and are regarded as the supreme achievement of Las Casas's career. Indeed, as Pérez Fernández declared, the New Laws were "made" by Las Casas.

That same year, Las Casas presented a requested abbreviated written version of the *Larguísima relación* to Prince Philip, the future king. Ten years later, Las Casas printed an expanded and revised edition of this *Brevísima relación de la destrucción de las Indias* (A Very Brief Account of the Destruction of the Indies). In this treatise, he described the evils and harms done to the Indigenous peoples through wars and enslavements by many Spanish *encomenderos*, conquistadores, and certain royal officials, and repeatedly condemned these atrocities as violations of all "human, natural, and divine law."¹⁷

In 1543, Las Casas was appointed bishop of the impoverished diocese of Chiapas (southern Mexico / northern Guatemala). His stated goals for his diocese were threefold: to promote peaceful conversion methods rather than violent encounters with the Indigenous inhabitants; to protect them from Spanish abuses through the enforcement of the 1542 New Laws, and to colonize territory with Spanish peasant emigrants along with a contingent of friars as overseers. During his tenure as resident bishop that began in 1545, these goals could not be achieved because of a complex combination of factors. He experienced lack of civil support and of recruited peasants, conflicts with Bishop Marroquín over diocesan boundaries and slaveholding, as well as hostilities of Spanish settlers in the Yucatan toward him. The Spaniards hated him because – rightly so – they believed that he instigated the New Laws, and because – as they would soon realize – they could not receive absolution in confession unless they took a legal public pledge to make restitution for the Indigenous people's loss of lives, their enslavement, and the oppression caused by the Spaniards' unjust conquests and brutal colonization. Given the entrenchment of slave-trafficking in Chiapas, the corruption of royal officials – including the *Audiencia de los Confines* and its president, Alonso de Maldonado, as well as the invasions of Spaniards into *Tierra de Vera Paz* for slave-taking, riots of abusive *encomenderos* and conspicuous slaveholders in Ciudad Real against their new bishop took

place. Consequently, Las Casas's tenure as resident bishop of Chiapas was highly conflictive. Nevertheless, on Passion Sunday in 1545, Bishop Las Casas announced that no conquistadores, encomenderos, and slave-owners would be absolved in Confession (an annual obligation for them during the Lenten season) unless they pledged restitution, and he appointed certain friars and clerics to hear the confessions and to interrogate the confessee in the confessional according to twelve rules.

In 1546, an ecclesiastical synod of bishops, prelates and chief theologians of various religious orders, secular clerics, *letrados* from among colonists, and certain royal officials, as well as a junta of mendicant friars, took place in Mexico City.¹⁸ At the episcopal meeting, the Bishop of Chiapas received support for an ecclesial response to a situation that secular and royal officials could not solve: the nonconformity of the New Laws, the ongoing conquests and enslavement, and the lack of restitution.¹⁹ In the second *acta* of the episcopal junta, Las Casas obtained clear recognition of and strong (although not unanimous) support for the principle and duty of restitution: for what encomenderos owed the Indigenous people, for exacting excessive tributes, and for the Spaniards' neglect of or their impediments to the natives' evangelization and conversion.²⁰ This *acta* was significant, because Las Casas's future *Doce reglas* – a first *Confesionario* manuscript – focused comprehensively on the duty of restitution.²¹

At the mendicant friars' junta, several important Lascasian-like directives were promulgated: the mendicants unanimously condemned the wars of conquest; they vehemently denounced the enslavement of the Indigenous people and the oppressive personal services; they unflinchingly declared that, with the possible exception of Jalisco, Indians in the Indies were unjustly enslaved and were to be freed.²² Furthermore, in accord with the New Laws, the mendicants required that any title to Indian slaves was to be examined by the appropriate *Audiencia*. The friars firmly resolved not to absolve any Spanish conquistadores, slave owners, or abusive encomenderos who did not pledge restitution. With the directive about absolution from the friars' junta coupled with the duty of restitution espoused by the bishops' junta, Las Casas was now ready to employ the Sacrament of Confession as a total remedy – indeed, as a weapon – to propitiate healing for the Indigenous people and to facilitate the eternal salvation of the Spaniards in the Indies, and – simultaneously, to enforce conformity with the original 1542 New Laws – at least in the diocese of Chiapas as was his duty as its bishop.

As it happened, in 1546, "several Dominican friars [at the junta] ... begged and charged ... [him] ... several times" to provide some Rules to guide them as confessors of the offending Spaniards, which he did in a manuscript entitled *Doce reglas* (Twelve Rules). In this first *Confesionario*

manuscript, Las Casas expanded the population cohorts of those who had to make restitution from the obvious ones – the conquistadores, encomenderos, and slave owners – to include merchants, ranchers, miners, and anyone else who did harm to the Indigenous people. He detailed the different kinds of restitution required of each cohort as well as the different aspects to be taken into account when assessing the type and amounts of required restitution. Subsequently, as he sailed for Spain in March of 1547, he responded to some friars' concerns about the harshness of Rules I and V that obliged confessors "to demand that penitents give a suitable and juridical pledge to make restitution" before absolution. He wrote an *Adición de la primera y quinto reglas* (appendix for the first and fifth rules) to the *Doce reglas* in which he demonstrated how the confessor's obligation to require such a juridical document was based on divine, natural, and positive law – both canon and civil. In this *Adición*, and in keeping with his casuistic argumentation style, he also indicated the restitution required of penitents in the various cases of conscience. Later, he submitted the complete manuscript that contained the *Doce reglas* and the *Adición* to six Salamancan theologians; they approved this second version of the *Confesionario*.²³

Probably as a precautionary measure, especially if the Spaniards rose up against any bishop or priest who followed the rules of the *Confesionario*, Las Casas received episcopal support to petition the Prince Regent for ecclesiastical immunity, which he did with forceful arguments in his *De exemptione sive damnatione* (On Exemption or Damnation). Recognizing the "patchwork" character of the Mexican junta declarations and the need to lobby permanently at court for Indigenous rights, Bishop Las Casas then prepared to return to Spain by appointing a vicar general for the diocese of Chiapas.

Meanwhile, at the local and regional levels, both civil and some ecclesiastical sources protested and reacted to the *Doce reglas*. The Councils of Castile and the Inquisition also requested an explanation from the bishop of Chiapas about an issue in Rule VII of the *Doce reglas*: that of Spanish sovereignty.²⁴ As a strictly moral question became a political matter, Las Casas defended himself against charges of treason and heresy in his *Treinta proposiciones* (Thirty Propositions).²⁵ In this treatise, he argued that the Spanish kings were "authentic ... and universal rulers" of the Indies; that their supreme political jurisdiction did not nullify the natural jurisdiction and legitimate authority of the Indigenous rulers in their nations, and that the title granted by the Pope in no way unseated the Indigenous rulers and princes of the Indies.²⁶ In a subsequent lengthy and cogent treatise, the *Tratado comprobatorio del imperio* (Treatise confirming the sovereign empire), Las Casas explained how the Pope had temporal power only as a means to a spiritual end, but not as direct

or directive authority.²⁷ In the case of non-baptized Indigenous people, the Pope's obligation was to guide them peacefully and persuasively to eternal life by the preaching of the gospel because they were members of the Body of Christ *in potencia* and *in actu* (potentially and actually).²⁸ As such, these two clarifying treatises succinctly addressed the three competing jurisdictions present in the Indies: the political jurisdiction of the Spanish monarchs, the natural jurisdiction of the Indigenous lords, and the spiritual jurisdiction of the Pope (only over baptized Indigenous people).²⁹ Eventually, Las Casas would demand the restoration of the natural jurisdiction of the Indigenous rulers.

In 1550, having completed the six-year episcopal term and its requirement of two years of residence in the diocese, Las Casas resigned his episcopal office. That same year, Las Casas finished his *Apologética historia sumaria* (Summary apologetic history), which he began writing in 1527, and his *Apología*, which he started to pen in 1548. In 1550-1551, he used these works at the special junta in Valladolid of theologians, jurists, *letrados*, and the Council of the Indies who, with conscience, had convened to hear Las Casas and Sepúlveda debate the justice of the wars against the Indians. During this prolonged debate, he also generated another treatise, *Una disputa o controversia con Sepúlveda* (A debate or controversy with Sepúlveda) to defend against Sepúlveda's argument that the conquest was legitimate because of the Indigenous peoples' "inferiority" and their "natural state as slaves." The commentary of this treatise also occasioned Las Casas's promotion of the *Confesionario*, wherein the emeritus bishop of Chiapas reiterated that he wrote the *Confesionario* because he knew the facts (*los hechos*) about the evils and harms done to the Indigenous people, and that he knew and upheld the law (*el derecho*) – accordingly, as he stated, "*compuse mi confesionario*."³⁰ He subsequently published the complete second manuscript in 1552 as *Avisos y reglas para los confesores de españoles* (Advice and rules for confessors of Spaniards).

In 1552-1553 in Seville, Las Casas published a series of eight treatises, which were originally handwritten between 1541 and 1552, and are referred to as "the Sevillian cycle" or "the small circle" of his writings. Printed with a special license that bestowed royal privilege and distributed gratuitously, these treatises contained the best of Las Casas's juridical-philosophic-theological thought. Besides the *Avisos y reglas para los confesores* (Advice and Rules for Confessors) on the confessions of conquistadores and encomenderos; the series included *Entre los remedios* (Among the remedies) on the abolition of the *encomienda*; *Sobre ... los Indios que se han hecho en ellas esclavos* (Concerning Indians who have been made slaves) on the abolition of slavery; *Una disputa o controversia con Sepúlveda* (A debate or controversy with Sepúlveda) on Las Casas's debate

with this humanist and translator of Aristotle; *Treinta proposiciones muy jurídicas* (Thirty very juridical propositions) on the Spanish monarch's titles, the papal mandate to solely christianize, and the illegality of all armed conquests; *Tratado comprobatorio del imperio soberano* (Treatise confirming imperial sovereignty) on the Spanish monarch's position and the need for the consent of the governed; *Principia quaedam* (Certain principles) on royal power and its limitations, as well as on public law, human freedom, and the rights of the Indigenous; *Brevísima relación de la destrucción de las Indias* (A Very Brief Account of the Destruction of the Indies) on the evils and harms done to the Indigenous by the Spanish encomenderos, conquistadores, and other officials in violation of divine, natural, and human law. Publication was prohibited of a ninth treatise entitled, *Erudita et elegans explicatio Questionis* (Erudite and elegant answer to the question), which contained the legal and doctrinal bases for his arguments in defense of the Indigenous peoples' rights.³¹

After 1552, Las Casas continued adding to his prodigious body of writings as an essential part of his advocacy on behalf of the Indigenous people; in time, his known works would number more than three hundred *cartas*, petitions, *tratados*, proposals, *memoriales*, and *obras mayores*. From 1552-1563, Las Casas revised and augmented the *Historia [general] de las Indias*. In 1552, he extracted the *Apologética historia sumaria* from his three-volume *Historia* and developed this segment by 1560 into an encyclopedic work of two-hundred-and-sixty-six chapters that combated the pernicious thesis of Indigenous inferiority. In this landmark anthropological *obra mayor*, Las Casas described the diverse Indigenous nations, their economies, politics, cultures, religions, and natural environments, from early Hispaniola to mid-sixteenth-century Peru. While engaged in documentary research for these works (or possibly as early as 1546), the aging proto-anthropologist and historian learned, to his horror, that Africans had been captured and enslaved unjustly. Although, like others, he had advocated African slavery, he now condemned the atrocities committed by the Portuguese and others slave-traders, and thus became the first to denounce the African slave trade.³²

Yet, in spite of Las Casas's reputation for integrity and dedication, he had many detractors, such as Sepúlveda, Fray Motolinía, and Bishop Marroquín. Nevertheless, Philip II (r. 1556 – 1598) trusted Las Casas; he appointed the retired bishop to his "privy council," and invited him to participate in the daily proceedings of the Council of the Indies. As such, the Crown had regular access to Las Casas's sage advice, extensive knowledge, and vast experience.

During his active retirement, Las Casas also maintained correspondence with New World officials and with other pro-*Indigenistas* on both sides of the Atlantic, with chroniclers such as Bernal Díaz

de Castillo and Pedro de Cieza de León, as well as with Indigenous communities. At court, Las Casas defended Indigenous rights, for example, of native inhabitants of Chimalhuacán, Oaxaca, Rio de la Hacha, and Lima; he fought for their liberty from specific *encomenderos*; he exercised power of attorney for influential *caciques*; he supported (and possibly drafted) *relaciones de agravios* (official accounts of harms) that the Indigenous authorities submitted to the Crown. Just as he submitted depositions to the Inquisition in support of Carranza (1559-1562), he also gave notarized testimony in support of the Cobán Amerindians' suit (1566) against *encomendero* Cabrillo.³³

Las Casas's last great battle for justice began on behalf of the Indigenous inhabitants of Peru, for whom he successfully thwarted two attempts (1550-1553, 1554-1556) by Peruvian colonists to secure perpetual *encomienda* by offering to purchase them. In the aftermath of this protracted *encomienda* controversy, in the face of changed political dynamics in Spain and in the Indies, and in keeping with his own inclination to translate pressing concerns into concrete projects, Las Casas then sought the restoration of the Inca in Peru and, implicitly, of all Indigenous rulers in the Indies. Toward this end, he composed his most forceful and critical works: *De regia potestate* (1563) (Concerning royal power), a doctrinal treatise on human freedom and on the need for the consent of the governed; *De thesauris* (1563) (Concerning the treasures of Peru), a condemnation of Inca-grave robbery, and a "last testament" about evangelization, restitution, and sovereignty; *Tratado de doce dudas* (1564) (Treatise concerning twelve doubts), a comprehensive program of restitution and, ultimately, of the liberation of Indigenous nations.

In this final trilogy of treatises dedicated to the King, the octogenarian jurist reminded his readers that the evangelization and salvation of the Indigenous constituted the sole criterion for determining what was "just and right" about the Spanish presence in the New World. He contended that the papal donation was derived from particular human law, not from divine or natural law, and that therefore the Spanish sovereign only had *jus ad rem* (right toward the matter), not *jus in re* (right in the matter), because, as he insisted, the consent of the governed must first be requested and obtained juridically. He postulated that restitution of the Indigenous' lands, goods, human rights, and legitimate political leaders was key to remedying the situation in Peru and in the whole of the Indies. Las Casas also informed the King of his ultimate responsibility for, and his royal culpability in, the evils and harms done, as well as of his sovereign obligation to effect restitution. Indeed, as the aged bishop fearlessly contended, both the salvation of Spain and the King's personal salvation depended upon the sovereign's decisions and actions.

In these frank and powerful treatises, the nucleus of Las Casas's

themes and arguments remained the same, and yet contained important variations and nuances. As pointed out in the dedication of the *Tratado de doce dudas* to Philip II, underlying Las Casas's approach was the fact that he had "not ceased tirelessly [throughout his life] to inquire how, according to God and natural reason, divine and human justice, we should relate to [the Indigenous people]".³⁴ The fruit of this inquiry and of his recourse to law was indicated in his 1564 *Carta* to the newly-established Dominican Province of San Vicente in Chiapas: "I have delved so deep into the waters of these matters that I have reached their source".³⁵

In 1566, as Las Casas prepared to meet the Divine Source of his Faith, the octogenarian jurist appealed for the last time to the highest authority of Church and Crown. To the newly elected Pope Pius V – his Dominican confrère, he sent a copy of *The Only Way*, and a forceful petition to excommunicate all those who thought or acted contrary to the only justifiable way of preaching the gospel and of waging just war, as well as all those who deemed the Indigenous inhabitants as inferior. He further petitioned the pontiff to update the canons governing New World bishops by obliging them, in accord with divine and natural law, to care for and protect, even with their lives, the Indigenous "poor of the gospel," to play no part in the oppressive tyranny and accept no favors, to learn the Indigenous languages, and, divesting themselves of accumulated riches, to live simply.

To King Philip II and the Council of the Indies, he sent a *Memorial de despedida*, in which farewell *Memorial* he concisely defined his life's mission, succinctly summarized the evils and harms of the twofold tyranny – the conquests and the corrupt governance – that had usurped the King's sovereignty; he forcefully petitioned the twofold remedy: a restoration of royal universal sovereignty based on the consent of the governed, and a *junta* to legislate an end to the destruction continuing in the Indies. The ailing missionary concluded expressing his fear that God may punish him too for his own "many negligences."

On July 18, 1566, at the age of eighty-two, Bartolomé de Las Casas died at the Dominican convent of *Nuestra Señora de Atocha* in Madrid. With his dying breath, he professed that, during more than fifty years of untiring labor, he had kept faith with the mission that God had laid upon him to plead for the restoration of the Indigenous people to their original lands and political leadership, to their freedom and dignity. His persistent uniformity of thought and endeavor in this mission was the obvious product of his consistent juridical approach, his canonistic-philosophical-theological epistemology, his first-hand experiences, his tenacious commitment, and his deep-seated Faith. However, in this lifelong battle for justice for the Amerindian people, Las Casas was not alone, nor was he the first pro-Indigenous advocate. Instead, he was

primus inter pares (first among equals); he was at the center of the hallowed tradition of fighting for human rights – a struggle which continues today.

NOTES

1 In the *Brevísima*, Las Casas used the surname “Casaus” seemingly to refer to his lineage as French in order to deflect the reader’s attention from his alleged Jewish ancestry. Bartolomé de las Casas, *An Account, Much Abbreviated, of the Destruction of the Indies*, trans. Andrew Hurley, intro. and ed. Franklin W. Knight (Indianapolis, IN: Hackett Publishing, 2003), 2. André Saint-Lu conjectured that Las Casas wished to distinguish himself from the Lascasian merchants of Andulasia – many of whom were *conversos*. “Introducción” in Bartolomé de las Casas, *Brevísima relación de la destrucción de las Indias*, ed. André Saint-Lu (Madrid: Cátedra, Quinta Ediciones, 1991), 28. See also Juan Durán Luzio, *Bartolomé de las Casas ante la conquista de América: las voces del historiador* (Heredia, C.R: EUNA, 1992), 285. Las Casas’s mother belonged to a Sevillian family of *converso* heritage. Manuel Giménez Fernández, “Bartolomé de las Casas en su IV centenario de su muerte,” *Arbor* 62, no. 252 (Diciembre, 1968): 273. Isacio Pérez Fernández, *Fray Bartolomé de Las Casas: brevísima relación de su vida, diseño de su personalidad, síntesis de su doctrina* (Caleruega, Burgos: Editorial OPE, 1984), 19.

2 This also lends credence to the suggestion of some scholars that Las Casas began studies in 1490 at the age of six. José Alcina Franch, “Introducción,” Bartolomé de las Casas, *Obra indigenista*, intro. y ed., José Alcina Franch (Madrid: Alianza, 1985), 13; Manuel Giménez Fernández, “La juventud en Sevilla de Bartolomé de las Casas,” *Miscelánea de Estudios dedicados al Doctor Ortiz* (Habana: Úcar, García y compañía, 1956), 2:670–717.

3 Alberto E. Ariza S., “Acotaciones sobre Fr. Bartolomé de Las Casas,” *Boletín de Historia y Antigüedades* 44, no. 718 (Julio-Septiembre, 1977): 511.

4 David Thomas Orique, “The Unheard Voice of Law in Bartolomé de Las Casas’s *Brevísima relación de la destrucción de las Indias*” (Ph.D. diss., University of Oregon, 2011), 44, 88–89.

5 Bartolomé de las Casas, *The Only Way*, ed. Helen Rand Parish, trans. Francis Patrick Sullivan (New York: Paulist Press, 1992), 15; Isacio Pérez Fernández, *Cronología documentada de los viajes, estancias y actuaciones de Fray Bartolomé de las Casas*, vol. 2, Estudios Monográficos (Bayamón, P.R.: Centro de Estudios de los Dominicanos del Caribe, 1984), 2:183–86.

6 Bartolomé de las Casas, “Memorial de remedios para las Indias (1516),” *Obras Escogidas de Bartolomé de Las Casas: Opúsculos, cartas, y memoriales*, ed. Juan Pérez de Tudela Bueso (Madrid, BAE, 1958), V: 5–27 (hereafter cited as O.E.).

7 “Memorial de remedios para las Indias (1518),” O.E., V:31–35; “Memorial de remedios (1518),” O.E., V:35–39.

- 8 "Petición al gran canciller acerca de la capitulación de Tierra Firme (1519)," *O.E.*, V:40-43.
- 9 Orique, "The Unheard Voice of Law," 108-16.
- 10 "Carta al Consejo de las Indias (1531)," *O.E.*, V:43-55.
- 11 In Latin, *viaticum* means a supply of provisions or an official allowance of money for a journey. In ecclesial settings, *Viaticum* is Eucharist given to someone near or in danger of death.
- 12 "Carta a un personaje de la corte (1535)," *O.E.*, V:59-68.
- 13 Bartolomé de las Casas, "De unico vocationis modo," *Obras Completas*, edición de Paulino Castañeda Delgado y Antonio García del Moral, O.P. (Madrid: Alianza, 1998), II [hereafter cited as O.C.].
- 14 Sergio Pardo Galván, "Comentario de los textos de Fray Bartolomé de las Casas: Contra Fernández de Oviedo (1559) y Contra Ginés de Sepúlveda (1550-1551)," *Teoría y crítica de la psicología* 1, (2011): 33-38.
- 15 *De cura habenda regibus Hispaniarum circa orbem Indianum et [sic sc.] de unico vocationis modo omnium gentium ad veram religionem.*
- 16 "Carta al Emperador (1540)," O.C., (1995) XIII:99-100.
- 17 *Fray Bartolomé de las Casas, Brevísima relación de la destrucción de las Indias*, ed. Isacio Pérez Fernández, Estudios Monográficos (Madrid: Punto Print, S. L., 1999), III: 375-531.
- 18 Juntas consisted of civil, religious, or mixed assemblies. During the early colonial period, the assemblies of bishops, religious, secular clerics, civil functionaries and prominent colonists were referred to as "ecclesiastical juntas." In 1546, after the establishment of the three Church provinces of Santo Domingo, Mexico, and Lima, these assemblies were known as synods. Fernando Gil, "Las Juntas Eclesiásticas durante el episcopado de Fray Juan de Zumárraga (1528-1548)" (Pontificia Universidad Católica Argentina, 1989), 7.
- 19 Antonio María Fabié, *Vida y escritos de fray Bartolomé de las Casas*, 2 vols. (Madrid, Impr. de M. Ginesta, 1879), I:205; Fortino Hipólito Vera, *Compendio histórico del Concilio III Mexicano, o índices de los tres tomos de la colección del mismo concilio*. Vol. 2. (Imp. del colegio católico, 1879), 122; Francis Augustus MacNutt, *Bartholomew de las Casas: his Life, his Apostolate and his Writings* (Cleveland: Arthur H. Clark Company, 1909), 273; Parish, Helen Rand and Harold Weidman. *Las Casas en México: Historia y obra desconocidas* (Ciudad de México: Fondo de Cultura Económica, 1980), 57.
- 20 This *acta* generated protests from encomenderos, conquerors, and functionaries of colonial administration over the curtailment or loss of their rights.
- 21 Parish and Weidman, *Las Casas en México*, 58-64.
- 22 In early colonial Mexico, the most formidable Indigenous uprising against Spanish expansion was the Mixtón War, waged from 1540 to 1542. The

Spanish and their central Mesoamerican allies (Aztecs and Tlaxcalans) fought against northern Indigenous groups (mainly Cazcán, Zacatec, Guachichil, and Huichol); these northern groups resisted entrance into their region to take slaves, pursue silver mining, and establish *encomiendas*. In this war, Spaniards used just war arguments to justify capture and enslavement of Indians. Furthermore, the Crown had received a fifth of the large number of the slaves taken in the war, which would have been unacceptable according to Las Casas's strict rules. Carl Ortwin Sauer, *Land and Life; A Selection From the Writings of Carl Ortwin* (University of California Press, 1969), 113-115; Karoline P. Cook, "Muslims and Chichimeca in New Spain: The Debates over Just War and Slavery," *Anuario de Estudios Americanos*, 70, 1 Sevilla (España), enero-junio, 2013.

23 *Aquí se contienen unos avisos y reglas para los confesores*, O.E., V:235-249.

24 See Fabié's account about Las Casas's adversaries questioning Rule VII in his *Vida y escritos*, I:312-15; also see Pérez Fernández, *Cronología*, 761-762, 766; Pérez Fernández, *Fray Toribio Motolinía*, 144.

25 *Aquí se contiene treynta proposiciones muy jurídicas: en la quales sumaria y succintamente se toca[n] muchas cosas pertenecie[n]tes al derecho q[ue] la yglesia y los principes christianos tienen, o puede[n] tener sobre los infieles de qual quier especie que sean.* (Here is contained thirty very juridical propositions which summarily and succinctly touch on many things pertaining to the right that the Church and Christian princes have, or are able to have over infidels of whatever type they may be). O.E., V:249-257. For commentaries on this treatise, see Fabié, *Vida y escritos*, I:311; Gustavo Gutiérrez, *Las Casas: In Search of the Poor of Jesus Christ* (Maryknoll, NY: Orbis, 1995), 369-70, 385, 590, n19 and 20.

26 O.E., V:253; Fabié, *Vida y escritos*, 311-15; Parish and Weidman, *Las Casas en México*, 123-4.

27 *Tratado comprobatorio del imperio soberano y principado universal que los reyes de Castilla y León tienen sobre las Indias.* (Treatise confirming the sovereign empire and universal principate that the kings of Castile and León have over the Indies). *Tratado comprobatorio*, O.C., X:395-543. For commentaries about this treatise, see Fabié, *Vida y escritos*, I:317; Gutiérrez, *Las Casas*, 369-75, 378, 387-88.

28 Las Casas concurred with Aquinas's teaching that Christians were incorporated *in actu* [actually] as members of the visible Body of Christ by explicit faith and baptism, and that, by divine law, non-believers and the non-baptized (such as the Indigenous peoples) were incorporated as members of this Body of Christ only *in potencia*. The possibility of infidels becoming actual members of the Church was dependent, first, on Christ's power as head of all people to save humankind and on His grace, "which is more than sufficient to save all of the people of the world" and, second, "on the liberty and exercise of free will" in accord with the capabilities of all rational creatures. See Aquinas, *ST*, IIIa, Q8, a. 3, reply to objection 1, a. 5, and the *Tratado comprobatorio*, in O.E., V: 353a.

29 Bunsen suggests that problems stemming from the coexistence of the different overlapping and competing jurisdictions might possibly be solved by recourse to the ancient juridical principle of voluntary jurisdiction. José Cardenas Bunsen, "Manuscript Circulation, Christian Eschatology and Political Reform: Las Casas's *Tratado de las doce dudas* and Guaman Poma's *Nueva coronica*," in *Unlocking the Doors to the Worlds of Guaman Poma and His Nueva coronica*, eds. Rolena Adorno & Ivan Boserup, vol. 50 (Museum Tusculanum Press, 2015), 66-7.

30 Bartolomé de las Casas, "Aquí se contiene una disputa o controversia," *O. E.*, V:344b, 347ab, 348b.

31 Lawrence A. Clayton, *Bartolomé de las Casas and the Conquest of the Americas* (Hoboken, NJ: John Riley and Sons, 2011), 145.

32 While the issue of African slavery is significant in the history of the Americas, the complexities of the issue prohibit extensive commentary in this essay. Yet a few comments about the connection of this tragic institution with Indigenous slavery are important. In 1510, King Ferdinand officially ordered that the first African slaves (two hundred in number) be sent to the New World; although some assert that Columbus may have been the first to bring them to the Indies. With the decline of the Indigenous population because of disease, conquest, and abuse, African slaves were considered more capable of enduring the highly demanding forced labor, especially in the mines. Hugh Thomas, *The Slave Trade: The Story of Atlantic Slave Trade 1440-1870* (New York: Touchstone, 1997), 14, 92. In 1516, because of Las Casas's concern about the plight of the Indigenous people, he advised importing "twenty black or other slaves to work in the mines." See the eleventh remedy of his "Memorial de remedios para las Indias" (1516), *O.E.*, V:9b. However, in 1546, Las Casas learned that the African slaves were being captured in unjust wars; he realized that he terribly erred in ignorance of the facts; he quickly condemned this practice, and directly compared the Africans' unjust capture to that of the Amerindians. See Isacio Pérez Fernández, *Fray Bartolomé de las Casas, O.P., Brevisima relación de la destrucción de África* (Salamanca: Editorial San Esteban, 1989); Isacio Pérez Fernández, *Fray Bartolomé de las Casas, O.P. de defensor de los Indios a defensor de los Negros* (Salamanca: Editorial San Esteban, 1995); Juan Comas, "Fray Bartolomé: la esclavitud y el racismo," *Cuadernos Americanos* 205, no. 2 (Marzo-Abril de 1976). Nevertheless, in the nineteenth century, David Walker inaccurately denounced Las Casas as "that very very notorious avaricious Catholic priest or preacher and adventurer with Columbus" and falsely charged him with causing African slavery in America. See David Walker, *Appeal to the Coloured Citizens of the World*, ed., intro., annot., Peter P. Hinks (University Park: Pennsylvania State Univ. Press, 2000), 37-45, 119-20; David Orique, "A Comparison of Bartolomé de Las Casas and Fernão Oliveira: Just War and Slavery," *E-journal of Portuguese History*, 12, 1, (June 2014): (June 2014): 87-118.

33 Jean Piel, "Sajcabajá, muerte y resurrección de un pueblo de Guatemala" [online]; available from <http://books.openedition.org/cemca/1820> (accessed 26 January 2017).

34 "Las doce dudas," O.C., (1992) 11.2: 16

35 "Carta a los Dominicos de Chiapa Guatemala (1564)," O.C., (1995) 13: 354.

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