

## *Requerimiento*

### Student Materials

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- Proclamation drafted by Juan López Palacios Rubios in 1513
- Key topics: competing perspectives (how did we get here?)

### Learning Objectives

- Understand and apply:
  - sources of authority and law in the late European Middle Ages and early classical era
  - justifications for wars of conquest
- Analyze and evaluate:
  - how legal claims can project and reflect political power
  - impact of international law on indigenous peoples

### Background Information

Beginning in the late 1400s, Portugal and Spain competed to claim territories in Africa, the Americas, and Asia. While these territories often had native inhabitants, they were not previously known to European leaders, who believed that they had discovered new lands. The Catholic Church played an important role in managing this rivalry between Portugal and Spain, reflecting its important role in economics and politics before the rise of the Protestant Reformation. It issued numerous papal bulls, which were written orders issued by the pope, granting authority over the newly discovered regions to Portugal and Spain.

In the early 1500s, the Spanish monarch created a royal commission to draft a series of principles for Spanish colonial policy. One of the participants, Juan López Palacios Rubios, was a legal scholar who drafted a declaration called *El Requerimiento* (“The Requirement”). The declaration was given this name because the Spanish monarchs required that it be read to native populations—in Spanish—whenever a Spanish conquistador entered new lands.<sup>1</sup>

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<sup>1</sup> Wilhelm G. Grewe (2000) *The Epochs of International Law*. Translated by Michael Byers. Walter de Gruyter. pp. 238.

Both domestic and international audiences widely challenged this practice. Some Spanish legal scholars and the monarchs of England and France questioned the legitimacy of the papal bulls, particularly as the Protestant Reformation spread throughout Europe. They also questioned the legitimacy of demanding that native populations agree to the *El Requerimiento*, particularly because it was read to them in a language that they did not understand by armed strangers that they had never encountered.

### Declaration<sup>2</sup>

*El Requerimiento* begins by invoking Christian religious authority. It argues that all of mankind began as one initial race under God's creation and dominion:

On behalf of the King, Don Fernando, and of Doña Juana I, his daughter, Queen of Castille and León, subduers of the barbarous nations, we their servants notify and make known to you, as best we can, that the Lord our God, Living and Eternal, created the Heaven and the Earth, and one man and one woman, of whom you and we, all the men of the world at the time, were and are descendants, and all those who came after and before us. But, on account of the multitude which has sprung from this man and woman in the five thousand or even more years since the world was created, it was necessary that some men should go one way and some another, and that they should be divided into many kingdoms and provinces, for in one alone they could not be sustained.

It then explains that the pope is connected historically to St. Peter, one of Jesus's original apostles:

Of all these nations God our Lord gave charge to one man, called St. Peter, that he should be Lord and Superior of all the men in the world, that all should obey him, and that he should be the head of the whole Human Race, wherever men should live, and under whatever law, sect, or belief they should be; and he gave him the world for his kingdom and jurisdiction. And he commanded him to place his seat in Rome, as the spot most fitting to rule the world from; but also he permitted him to have his seat in any other part of the world, and to judge and govern all Christians, Moors, Jews, Gentiles, and all other Sects.

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<sup>2</sup> Translation from the National Humanities Center.

This man was called Pope, as if to say, Admirable Great Father and Governor of men. The men who lived in that time obeyed that St. Peter, and took him for Lord, King, and Superior of the universe; so also they have regarded the others who after him have been elected to the pontificate, and so has it been continued even till now, and will continue till the end of the world.

*El Requerimiento* then explains that the pope gave newly discovered territory to the leaders of Spain via a papal bull:

One of these Pontiffs, who succeeded that St. Peter as Lord of the world, in the dignity and seat which I have before mentioned, made donation of these isles and *Tierra-firme* to the aforesaid King and Queen and to their successors, our lords, with all that there are in these territories, as is contained in certain writings which passed upon the subject as aforesaid, which you can see if you wish.

It next says that native inhabitants on other newly discovered lands had accepted Spanish rule and converted to Christianity:

So their Highnesses are kings and lords of these islands and land of *Tierra-firme* by virtue of this donation: and some islands, and indeed almost all those to whom this has been notified, have received and served their Highnesses, as lords and kings, in the way that subjects ought to do, with good will, without any resistance, immediately, without delay, when they were informed of the aforesaid facts. And also they received and obeyed the priests whom their Highnesses sent to preach to them and to teach them our Holy Faith; and all these, of their own free will, without any reward or condition, have become Christians, and are so, and their Highnesses have joyfully and benignantly received them, and also have commanded them to be treated as their subjects and vassals; and you too are held and obliged to do the same.

*El Requerimiento* then asks its audience to do the same:

Wherefore, as best we can, we ask and require you that you consider what we have said to you, and that you take the time that shall be necessary to understand and deliberate upon it, and that you acknowledge the Church as the Ruler and Superior of the whole world, and the high priest called Pope, and in his name the King and Queen Doña Juana our lords, in his place, as superiors and lords and kings of these islands and this *Tierra-firme* by virtue of the said donation, and that

you consent and give place that these religious fathers should declare and preach to you the aforesaid.

It offers rewards to natives who convert to Christianity and accept Spanish rule:

If you do so, you will do well, and that which you are obliged to do to their Highnesses, and we in their name shall receive you in all love and charity, and shall leave you, your wives, and your children, and your lands, free without servitude, that you may do with them and with yourselves freely that which you like and think best, and they shall not compel you to turn Christians, unless you yourselves, when informed of the truth, should wish to be converted to our Holy Catholic Faith, as almost all the inhabitants of the rest of the islands have done. And, besides this, their Highnesses will award you many privileges and exemptions and will grant you many benefits.

It also threatens various punishments to natives who do not convert to Christianity and accept Spanish rule:

But, if you do not do this, and maliciously make delay in it, I certify to you that, with the help of God, we shall powerfully enter into your country, and shall make war against you in all ways and manners that we can, and shall subject you to the yoke and obedience of the Church and of their Highnesses; we shall take you and your wives and your children, and shall make slaves of them, and as such shall sell and dispose of them as their Highnesses may command; and we shall take away your goods, and shall do you all the mischief and damage that we can, as to vassals who do not obey, and refuse to receive their lord, and resist and contradict him; and we protest that the deaths and losses which shall accrue from this are your fault, and not that of their Highnesses, or ours, nor of these cavaliers who come with us. And that we have said this to you and made this Requisition, we request the notary here present to give us his testimony in writing, and we ask the rest who are present that they should be witnesses of this Requisition.