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The Valladolid Debate: An Ambivalent-but-Real Tale Situated in between Worlds

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Description of the Project:

Using a postcolonial historiography, I frame the Valladolid debate of 1550-51 between Las Casas and Sepulveda within three different worldviews: the first foregrounding the use of the debate by modern Euro-American scholars in the promotion of modern jurisprudence; the second foregrounding the place of the debate in relation to previous developments in Europe going back to their origins in Greco-Roman law; and the third emerging out of the New World as it began to take shape in the cracks between these two more prominent Eurocentric perspectives.

I divide the development of this third frame into two stages in order to highlight the difficulties with which indigenous scholars must struggle as they assert their unique non-Western perspectives. Enrique Dussel’s anadialectical method provides the theoretical basis for this emergent process. However, I focus this last third of the paper on the particular example of Alejandro García-Rivera’s use of the debate in his historical retrieval of St. Martin de Porres which develops a semiotic contrast between “big” and “little” stories that he subsequently develops into a more dynamic meta-framework capable of presenting these stories as pieces of a shifting mosaic of competing historical interpretations that would include the popular mestizo cultures of the New World that had previously been subsumed into more Eurocentric frames.

My claim is that this unique “mestizo-American” approach to the debate is distinct from the two Eurocentric perspectives that normally frame it, thus vindicating Dussel’s New World anadialectical view and his call for the development of a new “trans-modern” framework for interpreting the history of the Christian era.
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Introduction: I first encountered a history of the Valladolid debate in the context of Alex García-Rivera’s theological analysis of St. Martin de Porres of Peru. The point of this quick summary was to show how much the Latin American struggles for human rights owed to the legal battles fought out in the sixteenth century following Spain’s first encounters with New World peoples.¹ The Valladolid debate proper was an official court proceeding mediated by three judges representing the Spanish Crown. This event occurred in the winter of 1550-51 and was a part of its ongoing imperial policy to seek out expert advance so as to sustain its legitimacy as the inheritor of the title of Holy Roman Emperor which now explicitly included a legal dominium over the New World granted to it by Pope Alexander VI in 1493. Under this arrangement, Spanish royalty had the duty to spread the Christian faith to these newly discovered peoples which it was expected sacred to civilize.² However it was not spelled out explicitly how all this was to be accomplished.

From the beginning, then, the sacred responsibility and authority to evangelize had been interpreted in the context of a broader mandate to “civilize” the newly discovered lands by incorporating them into existing European social structures. It was simply assumed that this mandate gave the Spanish Crown the legal right to both subdue any resistance to this plan and to claim legal title over any lands gained by such military conquests. Later on, these rights were clarified so as to explicitly include the right to claim ownership of the persons the lands thus acquired. The Valladolid debate was staged as a court case initiated by Bartolomé de Las Casas with Juan Ginés Sepúlveda supposedly defending current policy. The standard interpretation of this event represents it as a high point in the oppositions struggle to contest and reevaluate the legal grounds for these claims and to question the legitimacy of this mode of “civilizing.” Yet it is noteworthy that no effective changes resulted from it. The opposition’s goal supposedly had been to force the Crown to withdraw from the colonies entirely or at least to mandate ways in which it might better follow through on its responsibility to care for the souls of the persons that were “acquired” in this manner.

This is the basic story line associated with the Valladolid debate. However, the plethora of such summaries of the event and the many competing versions of it would

² Pagden, A. 1995, Lords of All the Worlds, p.29ff.
suggest that the Valladolid debate is not so much a mere report of an objective “event” as it is stage for telling a deeper, more complex story, one that allows the reader access to a much more tumultuous and hidden network of semi-conscious developments involving many such momentary “events” as this debate gives witness to. In this regard, the whole of the sixteenth century can be seen to mark a rather momentous “meta-event” of its own whose ambiguities correspond with a bend in the road, or perhaps a mere opportunity to take a more humane tact. To the extent that the multiple interpretations hidden within the Valladolid debate can be jointly fit into a single, intelligibly-integrated whole, perhaps the opportunities inherent in the 16th century conquest of the New World can also become more visible.

Three different interpretations of the Valladolid “event”:
García-Rivera, Pagden, and Dussel

My main goal in this paper is then to analyze the differences between certain key “histories” of the 16th century which make use of the Valladolid debate to summarize the “flow” of the 16th century in conflicting ways and towards contradictory ends. I seek to do this not by plotting a particular (teleological) change in trajectory by connecting the dots between a series of a priori eventful moments, but by considering how it is that a supposedly singular event, the Valladolid debate, can be told in so many different ways. However, I first need to lay out a few examples of the diversity of “slants” and/or “emphases” that have been used to circumscribe the Valladolid debate. As I briefly summarize the historical claims made by each of them, note that even the number of persons brought into the story and the actions which they are portrayed as “acting out” vary greatly according to who is telling the story.

To start with, García-Rivera depicts the debate as the high point of the century. for him it is a gathering where high-level official judges were finally able to come together to rationally discuss the gravest moral issues of the century. As such, he places the two main debaters, Las Casas and his enemy Sepulveda, in the fore. However, in a surprisingly cynical manner, he depicts both of them as taking unworkable extremist stances. With this critical tone set, he then brings up Vitoria’s position as an even more tragic, fatally ambivalent compromise, since it subtly allowed the violence of the conquest to continue
even if it had to do so after this point through legal loopholes rather than through a direct moral mandate.

In contrast, Anthony Pagden reverses the order of events in the story by emphasizing Vitoria first, since in fact his position rose to prominence decades before the debate occurred.³ By accentuating the true chronology, the actions taking place in Pagden’s account are different even though he retains the same cast of players. It seems a little more logical that he focuses most keenly on the gradual developments leading up to the debate, and thus, mostly on the logic of Vitoria’s position, since its technical-legal sophistication laid the foundations for a whole generation of scholars. Likewise, Pagden broadens the context of the debate by noting many other points of view, thereby allowing his readers to taste more of the actual tumult of the early years of the century. This also changes the “meaning” of the debate so that one is conscious that it occurred at the mid-point of the century, where it takes on an almost stale affect, since many of the key legal innovations had already been etched out and thoroughly discussed much earlier. By 1550, many of the previous limitations of the Vitoria’s new natural law argument had been worked through such that Sepulveda’s late-breaking defense of an earlier form of it seems to emerge in an almost retrograde manner.⁴ Looking more directly at the overall legal situation than at the rhetorical extremes represented by Casas and Sepulveda, Pagden can then be seen to interpret the Valladolid debate as a minor event following upon more substantitive legal developments worked out by Vitoria.

The third version of the debate that I wish to mention here comes from a relatively recent book of Enrique Dussel’s written for a more globally-situated post-quincentennial audience.⁵ This analysis moves even further away from the high drama of García-Rivera’s Valladolid story. Although not entirely dropping the detailed comparison of the actions and strategies of Las Casas and Sepulveda, he includes a new third person into the core of the story, the Franciscan friar Gerónimo de Mendieta whose contributions to the mission fields of Mexico seem to have succeeded were many of Las Casas’ more radical efforts had failed. Here, the focus is on pragmatic matters dealing with technical strategies used

³ Note that Vitoria died in 1646, four years before the debate happened.
⁴ Note especially that Pagden, 1986, p. 88ff, where he mentions other similar debates and their outcomes in far more detail than he does the Valladolid debate. Many other people contributed to these, such as Melchor Cano and Domingo de Soto.
⁵ Dussel, 1995, The Invention of the Americas: Eclipse of “the Other” and the Myth of Modernity.
in the missions which shift the entire drama back into the Latin American context which spawned it. As such, not much mention is made of Vitoria’s detailed legal arguments. This shift in the location of the action still incorporated Vitoria’s innovative influence, yet did so only in relation to the faithful way that Mendieta implemented them. As a result, the main comparison here is between Mendieta and Sepulveda who can be seen to apply the new and increasingly stilted legal vocabulary of the era in relatively different ways. Even though they seem to still have some of the same goals in mind, they can be seen to have entirely different consequences in the field. Likewise, it is crucial to note that Dussel’s view is the only one which presents Las Casas as seriously promoting the truly viable route forward. Yet due to the failure of his earliest attempts and his relatively early exit from the missions to campaign in Europe, this most excellent way seems to go sadly untested.

I will circle around to emphasize Dussel’s view of Las Casas in the conclusion to this paper, but for now, it is important to recognize that there are many versions of the history of the conquest which mention the Valladolid debate. I will mention others as they apply, yet rather than wallow further into an encyclopedic account of this diversity of interpretations, I would like to dedicate this paper to a search for a unifying structure that could help explain this diversity in a way that would respectfully connect each variant of it. I will begin by focusing on the European context of the Valladolid debate and how this context affected later versions of the story. Here it is important to notice what Lippy (et. al.) and others refer to as the development of the Black Legend of Spanish cruelty which circulated in Europe since the early days of the conquest among the enemies of the Spanish Crown, providing them with moral justification to pursue their own political and religious ends—i.e., the work of the Reformation.

If one takes into account such backstage events happening in the Old World and the larger political context of the Protestant reform movements, a more complicated picture of the debate emerges. Rather than playing its most crucial role in the unfolding saga in the New World, it seems almost as if the Valladolid debate functioned as a relatively late “media” event occurring almost entirely within the framework of the Old World, most

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6 Note that Vitoria was located at the prestigious University of Salamanca where he held a prominent chair.
particularly in relation to the rights frequently claimed by radical reformers in the North to remove from power any representative of the Spanish Crown within their orbit who was failing to behave in a manner befitting of a Christian ruler. Although geographically distant from the debate itself, it is important to note that this pressure from the northern fringes of the Empire’s domain put real limits on how the Spanish conquest of the New World might be justified and rhetorically “staged.” Encapsulating the conquest within this larger European context and suggesting that it might have functioned as a media event for the consumption of an increasingly literate European (and later North American) audience adds crucial information that changes the interpretation of the debate.

Yet such a forward-looking interpretation does little to explain how Vitoria’s position unfolded and from whence it came, nor why, or back towards what retrograde source Sepulveda tried to return. As such, it is just as important to work backwards from the 1550 debate into the broader history of earlier events and of the personages involved in them if one wishes to understand its real significance to the New World. There is a substantial gap between this later rhetoric and the actual contact with the New World that spawned it. Yet both this actual contact and the more intellectualized European context are important here. Furthermore, if one is able to split the topic in this way, a larger enmeshed whole emerges which provides even more room for more synthetic variants. These largest and most complex explanations offer the most hope for producing a unified account of the debate, yet still the challenge is to do so credibly. Certainly the more isolated arguments which occupy the farthest ends of this split scene are not unrelated to each other, yet is it true that they cannot be reduced to a single objective series of “events” as if such smaller events behaved like beads on a string. Only when competing interpretations can be taken up dialectically into a larger, interrelated whole can one hope to approach a complete history of them.

Here, I would emphasize in particular that the dual, dueling themes of New World conquest and Old World political decay need to be treated in this way if one wishes to understand the events at either end. Yet the recurrent problem is that both ends also have their own local dialectics going, most especially on the European end (where Protestant and Catholic versions form their own little war of words). It is this most subtle hidden, overarching dialectic between worlds which most resists interpretation, and this
overarching dialectic which benefits most from the kind of large-scale epochal frameworks that I will apply here. By taking giant steps forward and back in the historical record I have been able to frame the many, messy details that surround the Valladolid debate. Still, the gap between the violent upheavals experienced in the New World and the gradually shifting legal needs of the Old World cannot be closed by any single person’s account of what happened, no matter who tells the story. The whole of the story lies not in any flat authoritative tale, but in the juxtapositioning of accounts and thus in the cracks between stories. Even though each tries to tell the whole of it, there are hidden lose ends within each story that keep them from totally closing in on themselves. Again, this is most especially true for the European end of the story since this side is much more likely to be ignorant of what is really going on in the New World, or worse yet all too willing to ignore what is known of it.

My initial concern here is, then, with a broader set of questions involving the hegemonic nature of the political framework existing in Old World and the brutally tenacious way in which supposedly medieval modes of thinking covered over and corrupted every new attempt to transcend them, leaving an ongoing, yet mostly invisible trail of unspeakable compromises and half way implemented ideals that seems to not have ended with the advent of "modernity." The struggle here is not with finding new ways to frame ones ideals, but in escaping the net of inherited compromises that were required to gain enough real power to act in the first place.

As such, the Valladolid debate can be seen to bring up perennial questions, thereby probing the essential definitions that divide history into epochs. The point I make here is that problems bequeathed to later generations tend to take on a similar “shape” in each successive era. This is most especially true when highly visible efforts are made to move beyond old errors with the help of explicitly engineered and novel “rational” methods. Put in more direct terms, the new seems to be forever couched within the myths that have constrained the old. This failure to recognize the continuity between the inner logic of the old empire (with its dependence on a Roman code of law) and the development of new logic needed to deal with later extensions of its power beyond its European borders provide the most general framework for my analysis here, leading ultimately to my embrace of Dussel’s version of the debate and his general ana-dialectical view of history.
Although, one still needs to hear out those accounts emerging from within Europe itself, the overall structure of Dussel’s argument uncovers the “abuses” of power that Las Casas was trying to contain in the New World by inescapably linking them to older abuses closer to the core of the Empire which inevitably took legal precedence over Las Casas more complex prophetic logic. In this way, though not often by directly visible means, any change in the new hemisphere could be seen to “stretch” these older issues in seriously unsustainable, politically unviable ways. Curiously, it is the history of legal developments (such as the Valladolid debate) that reveal these most hidden connections.  

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8 A brief review of the legal ideas and ideals is useful here. According to Kelley, 1986, p. 72ff, the role and evolution of various forms of natural law are implicated here as loyal Spanish Court jurists had increasingly, yet only gradually succumb to the influence of more politically rebellious and pragmatic forms of law. Although this trend starts in the 12th century, with the spread of local print cultures in the 16th century and the inflamed nationalistic loyalties that came with it, a tension emerged in Europe between the *ius civile* of Roman antique origins and new forms of *ius gentium* which favored extreme degrees of free interpretation based on various reductive, or politically utilitarian forms of legal reasoning. Laws were increasingly judged by how well they “functioned” rather than how well they related back to certain authorized ideals. Set in a new and increasingly disadvantaged relationship with regard to these emerging functional arguments, the Spanish Crown (as heir of the Roman *Imperium*) was forced to both defend themselves by adapting this new legal language in conservative ways.

Even though the Spanish court jurists took a conservative position, this new discourse forced them to depend increasingly on less than ideal form of humanist rhetoric in order to sustain the Crown’s claim as heir to the Holy Roman *imperium* and thus to wield the sole, ultimate legal authority. As a result, this core claim to be “the Lord of all the Earth” began to slowly erode and did so not simply due to the inhumane ways in which it was applied, but because it was applied in unequal ways that it could no longer justify logically given the collapse of the old medieval geography upon which its rationality depended.

Yet this collapse and its significance are not easy to understand looking at the situation from within a modern (functional) perspective. The very basis for thinking about the relationships between legal argument, political power, and geography was shifting. Looking back at the events of the 16th century, it is important to recognize that the Spanish jurists and their supporting legal theorists still wielded real power over a wide range of national interests even though they did so increasingly with the help of new natural law arguments. By virtue of its conservative central position relative to various national interests, the Spanish Crown was still managing to use this new language in viable ways that upheld and justified a singular, universal code of law. Consequently, Spain’s highest courts continued to view themselves as upholding and administering a divinely inspired and unchanging law that needed to be “equitably” applied through out its wide sphere of influence. The whole of its legitimacy rested on its ability both to enforce this law and to do so fairly so that the Spanish throne, acting with the blessing of the pope, could rule impartially between rival interests that threatened to disrupt its good order. At least this was the tradition it inherited. The point was to act in judgment in such a way as to merely extend a core set of universal laws so as to respect local customs yet not capitulate to them in a way that would compromise its core values.

In contra-distinction, lower or customary courts representing various rival inchoate nations soon developed an opposing legal strategy as a response to the corruption and bureaucratic inefficiency of the Spanish Courts. This strategy was to radicalize the language of natural law to the extent that they could rationally justify the right to displace or even oust corrupt official Spanish judges and replace them with ‘morally sound’ local judges so as to insure justice. Naturally these local, customary judges were also loyal to certain nationalist causes that did not share the same mandate to arbitrate from a neutral, scientifically grounded (metaphysical) position. In effect, the resulting courts tended to legislate entirely new laws on grounds of their local utility alone, not taking into consideration any broader concerns for harmonizing local customary laws with the universal standards promulgated and endorsed by the pope.
For the Spanish jurists of the 16th century the point of interpreting the law was to gather together all the peoples of the world under the jurisdiction of a single court where the needs of all sectors of the world could be upheld in a fair manner that both allowed and mandated that each to contribute to the whole for the good of all. After all, this had been the logic of Christendom from the beginning. The dialectical connection between the New and Old worlds emerges, then, from this prior requirement that the Spanish Crown sit in right judgment before all lesser parties everywhere. Thus, in interpreting the Valladolid debate from the perspective of the Spanish judges who ruled there, it is critical that one understand these subtle legal bases of their power and to understand how severely this growing dialectic between worlds tested their abilities to sustain a single decision that could do justice to all parties present there. At least according to García-Rivera, the case presented by Las Casas brought them to a virtual standstill, eventually becoming a weapon used against it by more radical nationalists interested in discrediting the authority of the Spanish Crown.

The point here is that it was through this subsequent evolution of natural law logic that these new nations were able to justify breaking with their Catholic past. Eventually this shift in logic away from universal, metaphysical standards and towards utilitarian causal criteria culminated in the establishment of a new mode of settling international disputes that bypassed the Spanish Courts entirely. In contradistinction to this new “law of nations” and its secularized, utilitarian legal code, the Spanish Crown clung to its archaic vision for a single, centralized, universal court system that was still expected to report back to papal authorities. It was through this sacred trust that it envisioned itself appealing to and drawing from the wisdom of Divine Law proper.

However, this growing tension between increasingly liberal Protestant interpretations of natural law and the more conservative natural law used by the Spanish Courts is not the main concern of this paper. Rather, I introduce it here to show how it constrains and occludes from view a deeper, more subtle, yet utterly crucial dialectical tension that is visible only from within the Spanish struggle to hang onto its legal privileges. This hidden and uniquely Spanish tension is between the need to maintain a continuity between the rights the Crown exercised over its New World territories and the identical rights it exercised at home which it used to claim jurisdiction over these increasingly rebellious nations. It is this deeper dialectic between the New and Old domains ruled by the Spanish Crown that Dussel (1995) and others have emphasized as so essential for the proper understanding of the history of the 16th century, and this same tension which seems to be so invisible from the vantage point of most European concerns which have subsequently been defined in terms of the emergent secular logic encapsulated in the “law of nations.”

I will come back to explain how this unique Spanish dialectic has survived in the Latin American Church despite its virtual invisibility before an increasingly secularized European audience, and I will show how it is still relevant to global politics both in and out of the Church up until today. But the initial point I’m making is that it emerges from a gradual shift in legal language that has since been covered up by further linguistic developments associated with the final triumph of a full-blown ideology of nationalism. Only within the relative isolation of Latin America did vestiges of this older, pro-Catholic logic of the Spanish Crown survive, and only here within this worldview is it now possible, says Dussel, to envision a way beyond the fatal limitations of ‘modernism’ empowered by this nationalist logic. But I’m getting ahead of myself.
But, again, I’m getting ahead of myself, since the details of the case are important here. In the next two sections I will situate the legal debate staged in front of the court at Valladolid as an event caught in between two worlds. As such its deepest meaning can emerge only to the extent that one can appreciate the ambivalence that this hidden dialectic creates and the multiple ways that it has subsequently been reduced. Definitive of this dialectic are two dueling problems that the new expanded, yet aging Spanish Empire had to deal with: the conquest of the New World on the one side and the Reformation on the other. These worlds may seem to be neatly separated in geographic terms, yet in practice, they were not. To appreciate the full extent to which these were dialectically connected (and how much this connection effected the development of Spanish-ecclesial thought, it helps to review a larger swath of history extending both forward and backward in time from the immediate context of the debate. I will start first in the forward mode with a deeper analysis the most recent (20th century) interpretation of the debate as it appears in García-Rivera’s account.

Currently, the issue here turns out to be the contorting, post-Reformational context of our current North American conquest of the same Southern lands that the Spanish first invaded. I will show that this political involvement contorts the North American view of the debate, associating its version of the Spanish conquest it with the views of earlier advocates of the Reformation who had long ago abandoned the conservative legal intent of the Spanish/Papist jurists for a more utilitarian form of law. This late-breaking contortion of the Valladolid debate may seem irrelevant to an event that happened almost 500 years ago, yet it is a crucial factor to consider in association with any literature written in the 20th century, especially that written in English.

Moving forward in time in order to look back:

The New World Other as the object of a morality lessons for would-be conquerors

I began this paper with the basic challenge of explaining the oddly juxtaposed, diverse accounts of the Valladolid debate that I encountered in the literature, wanting to know why it had gotten used in such different ways, contributing to such different stories. I have thus far proposed the hypothesis that this ambivalence in the content, location and boundaries of the Valladolid “event” is tied to an uneven dialectical relationship that pulled Spanish jurists in two irreconcilable directions. The very logic of empire (in its evolving Christian
manifestations) was forcing it to respond morally and rationally both with respect to old political constraints in Europe and as well as to new ones emerging in response to the entirely new set of challenges associated with the conquest of the New World. Following Benjamin Keen’s recent analysis, I would suggest that García-Rivera’s North American “use” of the Valladolid event conforms to a particularly positive (uncritical) North American (Protestant?) form of the story that seems to have reemerged in the English-speaking world in the midst of the shift in power that occurred in the mid-20th century as the United States unexpectedly rose to a dominant position (not unlike the experience of the Spanish royalty who rose to power at the dawn of the 16th century).  

Looking at a number of examples of this “soft” 20th century critique of the Spanish conquest, Keen proposes that its uncritical, almost superficial tendency to venerate Las Casas was motivated by a desire in the United States to emphasize the positive (inverse) mode of formulating the Black Legend which would seek to imagine that a more enlightened “conquering” nation could and inevitably would succeed in intervening in humane, nurturing ways in the affairs of “lesser” peoples where the Spanish had first failed. As such, this approach tends to confuse and conflate Las Casas with Sepulveda such that they become simple inverses of each other. As I will show later, in relation to Dussel’s critique, this idealized North American description of Las Casas is a politically shallow as it is ideal. It is no surprise that García-Rivera’s more critical view of this ideal would label it as an unworkable “extremist” position.

Thus, although I would stress that García-Rivera moves sufficiently beyond the dubious motives that Hanke starts out with to critique them, I would point out that his critique still dependent on the framework that such previous, more Imperially-minded scholars had left behind. This immanent North American worldview prevents García-Rivera from addressing the most radically grounded aspects of Las Casa’s position. It also

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9 Keen’s claim (1998) is that this new reversal of the old Black Legend (of Spanish cruelty) starts with Lewis Hanke’s Aristotle and the American Indian (1959) whichdevotes itself nearly exclusively to the Valladolid debate. The point Keen makes is that Hanke’s book and others produced at this time represent a valiant attempt to cast a more benevolent light at least on the “intentions” of the Spanish Crown. It would seem that García-Rivera’s use of lengthy quotes from Hanke’s book to introduce his own analysis of the debate link him, if only passively, to this tradition (1995, p. 49).

10 Ibid., p. 78ff. The assumption here is that the ascendancy of the United States into a dominant position in the World order led it to reconsider its precedents and to look more favorably on the plight of rulers trying to reign ‘justly’ in the midst of everything else.
seems to convince him to go along with the standard, yet deceptive impression that the Valladolid debate was a crucial historical moment that could stand on its own as the definitive event that divided the medieval era from its modern other. Using the Valladolid debate in this way to witness to an \textit{a priori} anticipated epochal break reveals the artificial \textit{a priori} way in which the break itself frames his thinking, teleologically giving meaning to the debate such that it can then be seen to divide Sepulveda’s “primitive” medieval law from the more “sophisticated” rational ideals held by Las Casas.

Where the old or primitive way of viewing humanity was to imagine it divided into predetermined hierarchical categories tied to the analogy of being so as to justify a graded series of levels of “humaness,” Las Casas’ new modern ideal was predicated on the assumption that all of humanity was made of the same stuff, thereby deserving equal dignity before God. Where the older ontological differences were used to justify the treatment of the various peoples that made up the Old World’s economy (i.e., its \textit{oikoumene}), the new view of the human person could no longer be used in this manner (i.e., as a means of justifying social inequality). Yet obviously this did in no way eliminate such differences, nor did it eliminate the need for such a justification. As García-Rivera puts it, Las Casas simply proved that the differences observed could no longer be assumed to be fundamental (genetic) ones, but rather to be a matter of “nurture.” Certainly, this decisive shift in the definition of the human person is definitive of modernity, yet García-Rivera’s account of it presupposes it rather than explaining the actual social factors which caused it.

Living in a post-Darwinian era, I can respect the product or end effect of this logic, but would wish to differ with its rather simplistic use of sixteenth century history to arrive there. According to Keen, the temptation is to view the conquest from the particular perspective of a Northern European audience (hostile to Spain), yet to creatively reverse its negative Black Legendary meaning so as to invent the equally fanciful notion that a benevolent conquest of souls might now be possible under the now-more-enlightened leadership of a “free nation”. In this regard, it is fascinating that García-Rivera would choose Vitoria’s logic over Las Casas’ as the foundation of his version of the debate, despite his distaste for its compromises, he is forced to do so since Las Casas’ stance has been taken over by North Americans as a mere symbol or icon of an ideal.
Here again though, I can respect García-Rivera’s emphasis on the observation that the 16th century did see a fundamental shift in the definition of the human person away from ontological/geographic “given” differences and towards a definition that accentuated the true cultural causes of difference. Yet, why does he attribute the achievement of this insight to Vitoria rather than Las Casas? Instead of fully discussing Las Casas’ logic, he merely refers to his view of native culture as being too unworkable and thus merely constructing a verbally ideal opposition to Sepulveda. 11 Note that Dussel as well as Goizueta, conclude the reverse of this claim, establishing Las Casas as proposing the most logical argument and thus as the first to come up with an authentically post-Eurocentric, global view of humanity. 12 Following Dussel here, Goizueta sees Las Casas as offering the only door beyond the constraints of the Old World political scene.

Yet before moving on to what Dussel adds to the contemporary debate on the Valladolid debate, it is crucial to recognize his view as different from García-Rivera’s in that it is relatively free of the contorting frame imposed by Hanke’s legacy and his promotion of a “White Legendry” difference, i.e., the notion that it is Vitoria’s natural law argument that has the best chance of succeeding and that it could somehow bring about a perfect society. The typically Eurocentric assumption here is that everything one needed to elaborate such a law was evident and derivable from within European culture alone, thus not needing to depend on any new substantial elements from other sources, just enough “empty” space to afford one a new beginning. Essential to the White Legend, then, is this notion that society could be redeemed through purely rational (and thus internally generated) means. From this perspective, the input of non-Europeans is unnecessary or purely superfluous at best, and at worse, wholly counter productive.

With this White, Eurocentric prejudice clearly established, it is easy to understand why Dussel stresses so adamantly that followers of Vitoria’s approach are the ones to be faulted since this approach still encourages an overemphasis on definitions of modernity that explain its novelty as a merely logical outcome of European efforts. 13 It is this faith in utterly new and “pure” forms of logic that leads García-Rivera and Hanke (as well as

13 See especially Dussel, 1995, Chapter One, for a general critique of Eurocentrism.
Vitoria and Mendieta) to vainly conceive of modernity as the final stage of history beyond which there can exist only the vacuous deserts of the postmodern, if anything at all.

It should come as no surprise, then, that am wanting to join forces with Dussel since he is able to move beyond this legendary, overly triumphant view of modernity. In rejecting Vitoria's defense of an exclusively Euro-centric definition of rationality, Dussel's point is to demonstrate a certain continuity between late modern thought of this type and its true medieval antecedents. It is the lingering attitude of superiority that Dussel uncovers and challenges just as Las Casas did before him. Yet Dussel is now able to do so with a bit more evidence to back up his claims. In its successive stages, the pattern of intellectual domination of the New World begins to emerge, leading to Dussel's conclusion that "modernity" itself will not really be possible till this pattern is broken by a new "transmodern" movement. Yet I must admit that even García-Rivera would suggest that such a movement lays hidden within the "modern".

It is here in the ambivalence of the last 500 years of so-called "modern" life that the Valladolid debate can be seen to resonate as an equally ambivalent symbol of it. Coming relatively late in the unfolding of the Crown's policies regulating the conquest, the Valladolid debate seems to broker in previously "used" resources and thus to repeatedly offer itself to subsequent generations in the same way (i.e., as a workshop for constructing ideological support for whatever political structure one might be promoting). The difference between Dussel and García-Rivera on this point deals not so much with the content of the debate as with the inevitability of this ideologically charged ambivalence and the possibility that there might be a future beyond it. For Dussel, such a future could be possible only through a rebirth of the European Self offering it a new opportunity to engage the Other truly as other, and for García-Rivera, the future seems to lie more in the realm of establishing a new and even more progressive vision (i.e., another ideology) that could guide those engaged in the conquest as a whole. At its core this is a difference in method with Dussel focusing on historical accuracy and García-Rivera on the sharpening of transforming currently held ideals. For Garcia-Rivera, the hard work lies in the realm of “intending,” but for Dussel the development of such ideals could only move the already overconfident Europhile further in the opposite direction, covering up both the true complexity of Europe’s past and the true potential of what lies yet just beyond its reach.
To conclude this paper I will flesh out a bit more of Dussel’s view of the Valladolid debate and the unique opportunity that it presents by exploring in more detail the special, hidden dialectic that it reveals which allows one to more realistically connect the Eurocentric core of the Empire with its many civilizational others which it is expanding out into.\(^{14}\) But to better interpret this radical view of history (in its totality)\(^{15}\) and to see why the Valladolid debate forms a good starting point for speaking in this way, it helps to review the history leading up to this debate. At issue here (when one moves back in time) is the extent to which the 16\(^{th}\) century conquest of the New World shaped the transition between the medieval and modern worlds. At its base, this is not a question about the progression of civilization’s legal language, but ultimately of the relative passive or active role that New World peoples played in their own “discovery.” In essence, this is a matter not of developing purer, more humane forms of logic, but of tracing the actual means by which such ideas expanded geographically into the world. In the end this boils down to a challenge of redefining borders and noticing that such redefinitions don’t come easy. In fact, the whole of history can be rewritten as a series of refusals to adjust to the reality experienced beyond the boundaries of the Self. To see how this most innate tendency to conserve older, closed definitions of Self shapes the whole of history (including the debate in question), it is crucial to dig more deeply into the logic of empire and to notice how the furthest, most peripheral end of Dussel’s ultimate-global dialectic keeps calling this core logic of “self-sufficiency” into a more accountable dialogue that might then be truly modern in its substance and not just in its own imagined future-oriented potency. It is here within the New World pole of Dussel’s special ana-dialectic where the true door or path beyond the White Legend begins. Yet rather than unpack any more of Dussel’s view here, I turn now to an interesting parallel in the work of Jonathan Z. Smith (1985).

\(^{14}\) Elsewhere, he has labeled this relationship as an ana-dialectic (in Método para una filosofía de la liberación, 1974). See Goizueta 1982 for a brief summary in English.

\(^{15}\) Note here that Dussel speaks of a “final totality” beyond the false totalities of nationalism which he labels apocalyptically as history’s end goal of “mundialidad” to distinguish it from the act of imagining a mere ideological “universal” that could only be true in a situationally limited sense. Leaving a place open in the future for a final discursive unity of cultures is distinctive of Dussel’s critical optimism. For a brief summary of this in English, see Goizueta 1988.
Moving backwards in order to look forward:
Christendom’s resistance to conceptualizing the other “as other”

Jonathon Z. Smith’s essay presented as a keynote address for a conference on patristic age Jewish-Christian relations\textsuperscript{16} provides an unlikely yet good place to begin to situate the Church’s European “phase” within a more global sequence of “founding” developments. His main goal is to trace the history of “the theory of the other,” starting with the Greco-Roman conquest of the ancient world. This takes up the search for a balanced interpretation of the Valladolid debate where Keen leaves off by refocusing it on the \textit{intent} of its primary actors (thus moving away from the more politically entrenched Euro-centric concerns of the original 16\textsuperscript{th} audience). As a non-practicing Jewish-American, Smith’s concern is to trace a general-theoretical outline of the history of Western civilization’s perceptions of the other. Though such doubly-reflective skeptical histories of mainstream thought are now a sophisticated and politically acceptable topic, the early developments of leading to such tolerance came extremely slowly. In fact, according to Smith, the category of other—meaning a truly autonomous, fully human “other”—could only emerge after the discovery of the New World (or more precisely, with the gradual and painful discovery in the 16\textsuperscript{th} century that the world that Columbus encountered in the ocean to the West of Spain was, indeed, new).

Of course Smith’s secular spin leads him to insist that true \textit{dialogue} with this other has not really been allowed to develop due to the continued resistance of the “religious mind”. However, despite this conflation of the best of Christianity into its worst moments, such skepticism provides a much needed, fresh look at the Valladolid debate that forces it to move beyond the immediate environs of Europe and into the marginalized “far” side of the dialectic. Smith drives home the point that categories of otherness are inherently political and relational, not depicting true ontological differences but rather subjective relational hierarchies worked out according to mythical/ideological dimensions. Such dimensions, he claims, are based on the need to \textit{portray} the other along imagined, absolute or static lines of “\textit{difference}” rather than engage the other in any more realistic, ongoing consideration of “\textit{similarities}” that would require a more \textit{inter-subjective} approach, necessitating a mutually-constructive dialogue.

\textsuperscript{16} Smith, Jonathan, 1985, \textit{What a Difference a Difference Makes}. 
Looking back at the broad sweep of history with this assumption in mind, Smith suggests that Western civilization started out within a “classical ethnographic tradition” where “difference” was just as transparent as it was insignificant. To be “other-than-Greek” was to be silent, a non-being to be molded and used as the civilized saw fit. Within this world view the enslavement of peripheral peoples was deemed a “natural” and charitable act that furthered the development of a single, unified and progressively more humanized world. Nothing could be added to the core which would improve this process. It was simply “clear” that the peripheral person could be nothing other than raw material to be acquired in the name of progress.\(^{17}\)

With the Christianizing of the Empire and its gradual westward shift from a Roman to a European center though, this unproblematic transparency of the other required a certain translation to sustain it as the one legitimate view. By the 16\(^{th}\) century, this process had long ago produced a finely polished worldview which accepted (as fact) a single, three-part oikoumene to which both Africa and Asia were added. Using Biblical referents, they were attached to a single European-Mediterranean core discourse as useful yet lesser parts according to how minor actors in the Bible supported and helped accentuate its lead parts.

Smith’s point here is that this medieval tripexus mundus retained a static view of the other, yet needed to supplement the earlier Roman version of this view by combining it with Biblical “explanations.” As such, the other had moved from being a transparent given to being a “project of language.”\(^{18}\) The axiomatic assumption that a superior rationality belonged to the “cultured” core was used to exclude the lesser parts of this world order according to deterministic “climatic” or “spatial” arguments. But again, the fact that such translated Christian versions could be traced back to and grounded logically in classical (pre-Christian) texts such as Pliny’s Historia naturalis, is significant here. Within this Christianized tripexus mundus, one’s degree of humanity was geographically determined, yet still in a way that reflected a pre-Christian worldview. Even though the Empire’s authority became increasingly tied to the authority of the scripture, one can see that

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\(^{17}\) Note that the position that Sepulveda took at the debate reworks precisely this most ancient view of the Other, depending on it as the sole justification for the extension of the Empire into the New World without having the acknowledge it as new. The fact that such a seriously retrograde position could still be considered in the middle of the 16\(^{th}\) century (after centuries of experimenting with more innovative forms of natural law) warrants the great care with which Smith establishes its antiquity, placing its origins well before Christ himself.

\(^{18}\) Ibid., p. 21.
Scripture itself was acting here only to backup the old imperial order inherited from the ancient Romans.

However, it was due to this process of translation into Christian terms that a more realistic “otherness” was even able to penetrate into the core of the Empire. Rather than doing so gradually via a development of tolerance emerging from within, though, Smith emphasizes that it was the shocking discovery of the New World that forced the old Eurocentric view of the world to open itself to the other. Yet, it is crucial to note that what this “discovery” of broke open was not the core culture in its entirety (through assimilation) but rather only that part of the core where legal matters were decided. Even more shocking is that the actual logic for “including” the other enters here as a mere loophole rather than anything directly intended. This political sphere was where the Empire justified both its wars against “heathen” populations and the subsequent right it claimed to enslave the vanquished. The extent to which New World people’s came to be included in this discourse (i.e., occupying a unique place within it) is directly related to the absolute logical inability to fit them into existing categories that could then be exploited “in the usual manner.” The fact that such Biblically-grounded categories did not fit them meant that the court system needed to admit to the existence of a fourth or *quarta orbis* or *alterior mundus* that extended entirely and wholly beyond the map. Since this map legitimated the European self identity, it was not possible (legally) to imagine any relationships existing beyond it, most especially ones that involved the conversion of heretofore unknown races or nations of peoples.

Naturally, then, the Crown did the most obvious thing, resisting any terminology that might hint that this New World was, indeed, new. To maintain the legal claims it was making, Smith stresses that the courts busied themselves with new interpretations of the geography of the discovered lands so as to effectively re-translate these discoveries back into familiar terms, thus tying them to the old legal codes and to the rights that they ensured. Only gradually did these translations begin to fail, leaving gaps which could then be used to make the case for a truly “new” world not linkable to the territories previously inherited by the Crown as a part of what now had to be referred to as its “old” domain (a domain that could be proven legally valid using Scriptural citations). Eventually, the existence of an entirely “new” continent-sized land mass could no longer be ignored,
finally forcing the official Spanish jurists to rethink their most central narratives (e.g., the unity of humanity after the Biblical flood which was tied to the further exegesis that both Asia and Africa corresponded to the two lesser sons of Noah). Since even the shape of the Pope’s tiara (or tripartite hat) was explained as symbolizing his authority over the three inhabitable parts of the world, one can see just how traumatic it was to think of moving beyond the old categories. Yet, if the New World was indeed to be thought of as “new” this implied that an entirely new kind of law had to be created to justify European supremacy there. A simple Biblical worldview no longer worked as a means of (legally) unifying creation.

As Smith points out, it is not surprising that this process of transcending the Old was never completely consummated. Since it required such a profound restructuring of the political justification of power that undergirded medieval European world order, it was simply inconceivable. To begin with, Christopher Columbas seems to have spent his entire life stretching the old map’s linguistic boundaries. From the very first, he misnamed the occupants of the “new” world as if they were inhabitants of India. Yet, he pushed this process even as far as to propose that this new continent “must be seen” as nothing less than the fabled “terrestrial paradise” which was supposedly to not be inaccessible to mortals.\(^\text{20}\)

It is in this context of deep linguistic stammering associated with the absence of a new means for maintaining the universal superiority of a geographically distinct European Christian self that the Valladolid debate takes on a more profound meaning. Yet here, it makes sense that multiple experiments with new legal foundations (those debated at Valladolid and elsewhere) would have been attempted. Likewise, it makes sense that the intuition of bolder travelers to the New World such as Las Casas would eventually build up enough real observations of the other to point out the necessary inconsistencies in any such extension of older arrangements. Yet Smith’s point is that these new, more honest narratives began to surface decades earlier than the debate at Valladolid. From his skeptical perspective though, each of these narratives pointed to the same basic necessity

\(^{19}\) Ibid., p. 25.
\(^{20}\) Ibid., p. 30. Note that what becomes “new” here is not the persons thus encountered but the enhanced capabilities of Europeans to gain access to realms previously considered to be the domain of gods. The story thus told is one of self-discovery, yet one which merely exposes its most unhealthy, blasphemous qualities.
of needing to establish an utterly new format for negotiating with the other, one that did not merely *extend* the frontiers, but learned how to cross over them so as to actually engage in dialogue with the other as other. And of course, for Smith, it was obvious that these demands could not be met. Yet still, the details of his history provide us with clear proof that the problem here is with the momentum of the old order which left a legacy of successive narrative defenses that effectively closed off the border between the Self and the Other, even as it absorbed and exploited this Other with impunity. Such inherent resistance to otherness still limits today’s definitions of what it means to be “progressive” so as to include only those ideas which in some way continue to shore up existing configurations of power. The old medieval map may have failed Columbus, but that doesn’t necessarily mean that what replaced was any less subservient to his original intent.

To understand the deepest challenge posed by Las Casas, then, it is true (as Keen has warned) that one needs to move beyond the staged events of the Valladolid debate as it was read by its Old World audience. Likewise, one needs to note how this stage first came into being and how it still shapes the North American interpretation of this debate. Here, Smith’s analysis also helps a great deal to open up the historical record, providing the theoretical distance needed to truly “discover” the new possibilities that were formally presented at Valladolid. The fact that the ordinariness of marginalized life had been so easily silenced before this time points to the seriousness of the problem at hand. With the ultimate goal of combining the work of both Keen and Smith to identify the features of Dussel’s alternative view of this history, I now return to my previous analysis of García-Rivera’s account of the Valladolid debate and his unique position as one of the first North American Hispanics to speak on these issues.21

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21 Note that in this last part of the paper I can now associate Pagden’s discussion of the Valladolid debate with the summaries of Keen and Smith such that all of these can be seen to “complicate” the debate contextually. Beyond this role, they don’t propose anything in particular that helps me to situate the debate with respect to the New World side of Dussel’s ana-dialectic. Perhaps then, one might suggest that these supportive accounts work together to de-emphasize the debate as an “event-in-itself,” submerging it back into the sea in which it swims. Convinced of the importance of Dussel’s ana-dialectical perspective and its general relevance even to a European audience, I will now concentrate on drawing a sharper contrast between García-Rivera and Dussel so as to begin to recognize the subtle cultural factors which divide them despite their similar intentions.
Further critique of García-Rivera’s view of the debate (part 1):
Discovering the Self-as-seen-by-the-other:

Thus far, I have explored the Valladolid debate from the front and from the back, searching for a deeper understanding of what was at stake, culturally and politically, at each stage. It is easier to see why so many different accounts of the debate exist, since the very definition of a “new era” is still very much a topic to debate even today. Looking backward from Keen’s critique of Hanke’s overly-positive, North American “humanistic” legacy, and looking forward from a Classical Greek past using Smith’s critique of its influence on the entire Christian “project,” the 16th century discovery of the New World would indeed seem to be a crucial turning point in history, perhaps the next most important event beyond the disciple’s discovery of the empty tomb. Yet, I certainly don’t wish to imply that the land thus discovered was some how “empty.” Dussel wisely qualifies the definition of the terms used to describe this event, distinguishing the discovery of the New World (as new) from the mere “invention” of the new and its subsequent absorption into older, imperial categories of difference. Showing clearly that the invention of the Americas preceded and still overwhelms the harder work of discovery, Dussel directly challenges the Western tradition out of which García-Rivera emerges.

The line between Dussel and García-Rivera is particularly challenging because both these theologians are writing from a Hispanic/Latina perspective, claiming to ‘reach beyond’ the limits of Eurocentricism. Both the similarities and differences between these accounts help to situate the Valladolid debate in a new and far less Eurocentric light. But it ought not be missed that the issue here is not one of self-representation and their the purpose for writing not merely to re-present a more accurate image of what it means to be “Hispanic.” Rather, what both Dussel and Smith hold out as the goal of authentic discovery is the recreation of the very structure of the language of otherness so as to emphasize the relationships between cultural groups. Here the measure of success lies not in a more accurate portrayal of the “other,” but the hard work of developing a new (phenomenological/sociological?) science of relationality—of noting the dynamic socio-

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22 The very focus of “the natural sciences” and of the ethnographic tradition in particular tends to look outward onto the world. The assumption was that its progress entailed the construction of a multitude of parallel paths into modernity with each person speaking most “naturally” when allowed (or forced) to do so in an autonomous way, isolated from the supposed contorting influences of outsiders. Ethnography thus conceived could only progress towards the alienating secular concept of cultural relativity.
economic lines of contact which co-create the very images used to construct the static foundational distinctions between "self" and "other." Only in this way is it possible to construct more realistic vistas of the conquering Self as well as of the authentic Other. It is one thing to focus on discovering the personhood of the victim, but altogether another to move beyond the detailed ongoing fabrications that prop up the roles that such modern persons are asked to play.

It may seem that such relationality could evolve "naturally" as the European worldview progressed beyond the inherited medieval determinism associated with its Biblically constrained *triplex mundus*. Yet not only is this not the case, it seems that this deeper relational challenge posed by such people as Dussel and Smith is part of a very recent and still nascent set of discoveries. 23 It is only by unmasking the myths (in both their Black and White versions) that one can make theoretical room beyond merely "inventive" descriptions such that the experience of true, *dialogical* encounter could even be conceived of as something to write about, much less something that has a history needing to be researched and put down in writing.

Sadly here, it would seem that such subtle and detailed histories (as posed by Dussel, Smith, and certain associated historians such as Keen and Pagden) are simply not utilized by García-Rivera, at least not in the manner intended. Even though García-Rivera depends heavily on one of Pagden's earlier books, 24 he uses this history in a reductive way, abbreviating and abstracting much of the historical detail associated with the actual chronological development of the three 'legal perspectives' that he portrays as converging at Valladolid in 1551. In his preoccupation with explaining the methodological approach associated with semiotics, 25 he pays less attention to the historical record, merely presuming the existence of an elegantly intellectual, yet imagined progression from an old, hierarchical "medieval" view of the human person associated with the great chain of being linking heaven with earth to what he then defines in simple contradistinction as a new, modern way of viewing the human person based on a single, universal and equivocal

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23 Perhaps this only started with the Holocaust?
definition. Establishing this modern view *a priori* in his argument as an ethical principle, he moves on to his semiotic analyses, presuming anachronistically that this new definition was somehow sensed and acted upon by the victimized peoples themselves who lived in the breach between worlds.

His thesis is that the continuous telling and remembering of the common peoples' "little stories" (from the time of first contact on) is what eventually forced more educated, academic narrative to adapt increasingly more realistic views of the New World. Laboring to present these "little stories" to an academic audience, he seems to assume that they will continue to move upwards, invading and transforming the very same recalcitrant, legendary "inventions" that Dussel and Smith are pointing out. Thus, he sees himself as taking a more straightforward pragmatic path parallel to their more philosophically complex dialectical one. If the purpose here is to lead the academy into dialogue with the New World, García-Rivera undoubtedly would see his work as doing just that.²⁶

However, my complaint here is that the claims inherent in his semiotic method are faulty since they seek to somehow capture this transition automatically providing empirical evidence for it. The problem is that it does so without noting the extent to which the European worldview had invested its core logic in just this empirical mode of seeing, producing subtle contortions or loopholes in this new science (of positivism) that resisted *a priori* any extension of this form of seeing that might allow for a two-way conversation that would lead to vistas of the Self-as-seen-by-the-Other. Any attempt to turn the conqueror's gaze back onto itself (so as to discover itself in its relationships) would require a method and worldview far different from that imagined by positivism. Even much of 20th century phenomenology does not seem to have developed the means to speak of this gaze, since it tends to stay mainly within the realm of abstract "dyads" undifferentiated by any substantial cultural distinctions.²⁷

As such, much of the modern ethnographical tradition has ironically been imprisoned within a mono-cultural and ahistorical worldview, at least when compared to the projects

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²⁷ In general micro-sociological theories seem to not be able to speak of cross-cultural webs, e.g., even the famous socio-psychology initiated by Berger and Luckmann, 1966. although, the phenomenology of Levinas is vastly more intersubjective, Dussel still critiques it for lacking the social/economic depth needed to sense the real relationships that link the New and Old Worlds (for more, see Goizueta, 1988).
launched by Dussel and Smith, who require that we go back through the entire history step by step with a serious attempt to note the causal factors which have blocked the emergence of dialogue. García-Rivera seems to assume that the primary texts will speak for themselves and that what is needed is only an organized (scientific) framework for objectively extracting and contrasting them. Here the assumption seems to be that semiotics provides an ‘objective’ means for tracing history and that it does so simply by flying low enough to catch the conversations on the street which give one access to this history merely by “cutting out” or somehow bypassing the defensive contorted narratives of the wealthy. It is here where one can see that he is still caught up in the notion that a mere distinction between ‘good’ and ‘bad’ colonizers could purify ones view of the process, (i.e., to correct the Black Legendary Self with an automatically modern, progressive White Self who is able to “see” correctly and thus rule justly).

**Further critique of García-Rivera’s view of the debate (part 2):**

**The hard work of “micro-adjustment”**

It is here in clinging to a thorough-going modern frame that García-Rivera allow himself to still be constrained with older, Eurocentric modes of thought that silence the other in the name of civilizing them. However, I would be in error here if I didn’t also point out that García-Rivera’s account oscillates ambivalently between these *a priori* ordered, simple epochal and methodological divisions and a more complicated view of history as sporting multiple interactive narratives. This ambivalence allows him to indirectly entertain certain details that break out of the very scientific approach that he sets up. As a result, his work moves toward the suggestion that a second, more hidden “big story” is on the horizon. And in his writing, one can experience this horizon breaking into and disrupting the very order that his semiotic structure creates. Still, he never connects the dots so as to engage in a formal challenge of these structures.

Sadly then, in the midst of these oscillations, much of that which breaks out can only do so in a *non-discursive* way, since the main structure of the book is still caught up with elaborating on certain details associated with semiotics. Hence, it is all too probable that the very academic audience that García-Rivera is trying to reach would still read and

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28 E.g., García-Rivera, 1995, p. 11.
absorb his entire analysis as conforming to and confirming a variant of the “White Legend” inherited from Hanke. To imagine the situation otherwise, one would need to present an alternative interpretation of the whole; one capable of completing with the first in such a way as to force a reevaluation of the whole of this history, penetrating to the very depths of Europe’s own experiences.29

In contrast to García-Rivera’s fence-sitting approach, Dussel’s more unified, philosophically-grounded analysis directly confronts such ambivalences by re-contextualizing them and pulling the unseen European observer into the discussion. Dussel would concur with Keen and Smith that such ambivalence trivializes the Other and can only favor and perpetuate the old medieval habit of absorbing the Other thus objectified, by appending it to an unaltered, triumphant Self (rather than engaging in face-to-face dialogue that would honor the intersubjectivity of both). Since García-Rivera’s “little stories” thus exposed for viewing are held captive to a preexisting, dominant Eurocentric frame, they have little chance of making any more fundamental or universal claims on this structure. Instead, it is left up to the reader to experience a larger transcendent worldview through the wordless act of intuiting its unspoken presence in the text.

As such, the ambivalence in Gracia-Rivera’s text does have an effect, still it is the boldness of Dussel’s more direct (systematic) approach which can be seen to start an actual formal dialogue with his European Other. After almost thirty years spent constructing elements of his own theory of history, much of which has not been translated into English30, his voice is finally allowed to resonate boldly before a North American audience in 1995 of the retention of an attitude of absolute superiority which is tied to the very structure of such supposedly modern/progressive accounts of the history such that even his beloved German colleagues from the Frankfort school are implicated.

29 E.g., Dussel, 1995, pp. 25 and 87 where he complains that even Habermas (one of his closest allies in Europe) fails to even consider the New World as having anything to add to the philosophical triumphs emerging within Europe.
30 This resistance by American and European publishers to translating the best of Latin American scholarship has been carefully evaluated by Goizueta (1982) and found to be related to the great complexity of the best of these writings and the fear that the broader audience needed to pay for the translation would not buy them, choosing rather to opt for less complicated forms of Latin American theology, such as the plethora of books translated by Orbis Press that have then been assumed to characterize the “level” of scholarship coming from the South, if not also the supposed narrowness of its foundations.
Here one might note by way of contrast further that Robert Schreiter (the prominent missionary-scholar who mentored García-Rivera’s early career) lavishly introduces García-Rivera’s 1995 book by bragging about how worthily he has applied the semiotic method that he had taught him, delighting in how he had managed to apply it to such a “historical” topic where so many people had previously doubted that it could make relevant or even valid claims on this history. In the end, one might say that the more “natural” the process of “cultural studies” becomes, the more effectively it is able to cover up the tracks which tie it back to earlier more blatantly Eurocentric forms of thought and behavior. The ‘natural order’ made explicit in earlier medieval times in the form of a master narrative tied to Biblical events can be seen to now be internalized and hidden within a more complex, naturalized cosmology—not vanquished. Authentic discovery of the existence of new cultures is not so easily distinguished from the desire to penetrate them so as to wholly consume and absorb their otherness into the same old attitude of superiority. This process effectively keeps the maker of the narrative safely out of sight, ironically at the very moment when the victims are allowed finally to speak.

In light of the subtle nature of this evasion, it pays to be skeptical. Since history is far too easily contorted by power, it is sometimes more informative to focus on the ambivalences and discontinuities of a text than the mainstream of its logic. In this way, Smith’s work provides a good model, capitalizing specifically on the cracks and incongruencies in modernity’s noble image of the other and showing how Europe’s outward-facing orientation ironically allows it to actively resist any more authentic encounter with the other that would require dialogue. However, pointing directly at the tenacity of this resistance leads him to explore far more drastic methods for exposing it. Creative analogies have their place. Curiously, he starts out his search for a “theory of otherness” with an entertaining parallel story of the early structure of biological narratives that classify parasites, pointing out how they were artificially construed by early naturalists who tended to clump them together (ungenetically) into a single category according to their relationship to their human host.  

The lesson he wants to get at here is that Eurocentrism operates essentially by simply ignoring all information but that which is directly related to the needs and fears of the host-

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31 Ibid., 47.
core culture. Like the multiple and unique evolutionary paths that have led various types of animals to adopt the dubious life-style of “parasitism,” Smith stresses that the diverse and mutually unique forms of otherness inherent in non-European cultures are all equally “unimportant” in their singularity such that this singularity can simply be dropped or reduced to that which is somehow relevant to the concerns of the dominant “host” culture. The point here is that familiarity caused by more frequent contact does not in itself lead to healthy dialogue (the Jewish situation being his case in point), but precisely to the opposite of this. The more “proximate” one’s experience of the other is, the more seriously artificial the categories become. This principle applies most especially to the core categories of scholars and teachers upon which the entire system of privileges is based.

It follows that one might best conclude from Smith’s perspective that García-Rivera’s non-discursive dual message actually makes good sense, given the lack of options. Still, I would wish to point out something more positive in Smith’s agnostic view of religion. Borrowing his parasite analogy as a new starting point, I would like to begin to etch out the necessary vocabulary for avoiding or even transcending such simple self-interested reductions. By finding ways to engage in more self critical analyses founded in mutual dialogue, I would claim that it is possible to make what he describes as “micro-adjustments” in one’s own identity. Yet I mean to clarify that the adjustments that one can most easily imagine might lead precisely in the wrong direction—being merely a reaction intended to correct personal or ethical “faults.” Rather than tighten the Self up with such harsh, inward focused demands, I speak here of a simple and gradual opening of the Self towards the Other that can only happen with mutual conversation. These truly micro-adjustments are common for people like García-Rivera and Dussel who live on the borders between cultures. Here, life is often experienced as a mosaic to be lived moment by moment. As such, non-discursive conversations are averted not by asserting oneself as “reformed” but by listening and following the logic of the Other to its own unique sources.

What is unlikely, though, in such environments is the emergence of a single form for philosophically grounding this experience. Perhaps that is why García-Rivera’s version of the Valladolid debate is ironically so ahistorical, jumping from a brief account of both Las Casas and Sepulveda back in time to Vitoria’s earlier, “more moderate” work as if it could be understood in reverse order. Here the premium is put on the mosaic itself. For García-
Rivera, the meaning of this mosaic seems to be related to its unworkable complexity. Adding clutter to the gap between cultures could be an intentional way of resisting being reduced to a mere “parasitical” existence or to yet one more passive recipient of European charity. Yet, the possibility of any more genuine openness to the other as other is not really taken seriously here. The stories of saints such as St. Martin de Porres become like parables preached to a dumb crowd. The kind of micro-sizing I’m talking about is more optimistic. To follow through with any sort of authentic dialogue with the other, one needs to cross over into the world of the Other and so as to achieve the ability to move back and forth, perhaps even to do so eventually without having to take sides even.

Here with a new focus on the border itself, it helps greatly to have some sort of grounding that doesn’t keep shifting with each step. It is here where Dussel’s alternative philosophy of history is useful, especially his conception of a dynamic ana-dialectical unity which allows one to imagine how New World cultures might gradually surface within the Old World in increasingly more realistic ways through this process of micro-adjustments however unconsciously slow such progress might be. The closer one looks at ambivalent “events” such as the Valladolid debate, the more one sees how this hidden process might be working. Starting out by entertaining the possibility that what we currently think of as “modern” might actually still be dependent on many of the same structures that constrained the development of medieval Europe, the point of this ana-dialectical engagement of the vanquished Other with the conquering Self is two fold: the first is to re-contextualize this invisible conquering Self (such as Keen and Smith do), and the second is to decenter this Self with historical accounts of the Other which explicitly abut up against this new core history so as to merge with it, creating new possibilities for conversation.

Thus far I have shown how García-Rivera’s semiotic history focuses on the second of these two tasks to some degree using “little stories” that would suggest the possibility of something beyond the myth, but his ambivalence forces him to leave the first task undone. It is Dussel’s project of pointing to the persistent medieval aspects of the “myth of modernity” that allows us to begin work on this first, more primary task. Whereas, García-Rivera’s method mandates that he begin and end within a single, Western frame, presuming its epochal boundaries and standard narrow polemics between modernism and
postmodernism—each in stark counter distinction to an even darker “feudal” past, Dussel begins the hard work of probing beneath these “socially-constructed” boundaries and asking more elemental questions about the boundaries of civilization itself and how these outer limits both sustain and challenge the definitions produced and consumed by the core.

Like Smith, Dussel probes the nature of these most basic relationships and how a civilization expands and sustains itself. His undaunting optimism allows him to also ask how abuses of power might possibly and realistically be “reconciled.” By uncovering certain core elements of structure, he is able to connect a history of social/legal contracts (whether negotiated or imposed) with the particular ways that they have been transgressed or contorted. The whole question of the boundary between a civilization’s legitimacy and illegitimacy can be seen to both sharpen and lose its moral footing in ways that are hard to discern. Pagden’s attention to the shifts in legal language is insightful, yet it is Dussel’s focus on the lives of people in the breech in between worlds that allows him to put together a philosophy of ultimate liberation, both for the victims on the margins and those at the core. If one looks instead at cracks in between logical arguments such as those presented at Valladolid, it becomes possible to suggest how one might actually move beyond the myths and word games.

Some Concluding Remarks: Reaching towards Dussel’s “trans-modern” future

I will conclude this paper by elaborating on Dussel’s version of the Valladolid debate not simply because it affords a glimpse of the ana-dialectical shape of our civilization, but because I wish to make the claim that the particular “crack” made visible here at Valladolid in 1551 is indeed a kind of watershed “event.” As such, I would claim (with Dussel) that this debate ‘makes visible’ the most essential boundary between “then” and “now.” But the point here is that Dussel would push further than anyone else in claiming that this boundary is a more definitive indicator (of what was changing and why) than the standard Eurocentric dividing lines carved out by the Reformation and all the internal-European developments that it spawned. In the Valladolid debate, what was encountered was not a supposedly “new” logic, but the very possibility that there might be someday a new, more deeply realistic way of living the Christian faith on a civilizational level (a way
that was not just based on an artificially divided duel emphasis on individual faith and
corporate commitment).

According to Dussel (and as exemplified in Las Casas’ statements during the debate),
this more organic means of uniting the world demanded primarily the establishment of a
new way of relating to the Other as other that emerged out of a practical, on-going
dialogue that engaged everyone’s hopes and fears, but most essentially one that could
comprehend and value everyone’s historical memories so as to weave them together into a
unitary whole. Interestingly, in attributing this desired result to an on-going, long-term, yet
imminently real process of ana-dialectical change, Dussel suggests that the “newness”
encountered at Valladolid is what is actually happening (i.e., that the position taken by Las
Casas in the debate is now emerging in the world and that it wasn’t just an extreme stance
or an unworkable ideal).

However, the evidence for the emergence of Dussel’s “transmodern” era within the
modern is not easy to gather together, nor is its progressive unfolding easy to trace in the
historical record. Essentially the problem is historiographical, though. In critiquing
García-Rivera’s “little stories” as a merely partial, ambivalent transgression of the normal,
European way of “dividing up the issues,” and by showing how his subaltern voice is still
substantially imprisoned within these persistent, Eurocentric structures, one is forced to
rethink the standard notion that this debate reflects a quick jump into any kind of superior,
progressive, or humanistic modern frame of mind. Worse yet, what needs rethinking is the
implication that this invented transition represents the final, inconclusive demise of a
failing and unsustainably “absolutist” Catholic worldview irrationally resistant to the fresh
air of the Protestant-sparked nationalisms of the day.\footnote{\textsuperscript{32} It is not possible in this brief space to trace the development of this dominant European side of Dussel’s ana-dialectic in detail beyond the points that Keen made of it. But I would suggest that such subsequent developments included a crystallization of its main points during the Enlightenment, leading to the late 19th century dead-lock between modernists and anti-modernists. This later argument stands on a vastly different epistemological turf than the Valladolid debate, leading both sides of the remaining, reified argument to make severely polemic claims. I can only speak of the Catholic experience of this reification in relation to the slow death of its anti-modernist, neo-Thomistic reasoning, but would suggest here as well, that this defensive narrowing of the tradition represents the subsequent development of only a part of the old medieval heritage that had been presented for review at Valladolid (i.e., only that progressive part of it that had refused to back either Sepúlveda or Las Casas, but instead stuck to Vitoria’s earlier innovations which subsequently broke up into the new nationalist version of this discourse grounded in its secularized logic, newly labeled as ‘the law of nations’). In this way, larger portions of the original debate simply dropped out of the European consciousness, since they no longer made sense legally in the context of nationalism.}\footnote{\textsuperscript{32}}
Indeed, I have labored here to show how the political engagements of the Spanish Crown on its home turf took precedence over those involving its newer, more distant territories. With regard to the challenges stemming from the Protestant Reformation to the north, the Spanish Crown’s need to “appear” to be just on this one front overtook any more basic argumentation that might have also intrinsically included Las Casas’ deeper dialogical logic. Instead what became the norm was a new legal formalism that slipped gradually into more and more obscurant, authoritarian circles that could be given a benevolent face only through the exercise of purely humanist rhetoric. The older ideal of sustaining a singular, universal imperial court which was able to listen intelligently to any and all rational arguments put before it gradually gave way to more defensive, essentially irrational legitimizations for its power.

Yet my point here is that, in 1550, there were still options open. Taking this creative optimism seriously, I would stress that the Valladolid debate occurred at a time when a certain more eclectic religious spirit still held sway, such that the missionary experiences of Las Casas could still have their day in court despite the strong imminent presence of a European audience which had no intention of hearing him out to the full. However, to be faithful to the older medieval spirit of debate that still had enough power to shape the discussions at Valladolid, I must conclude this paper by turning away from the problems posed by the increasingly nationalistic concerns of its audience and towards the logic of Las Casas proper. Intentionally then, I will now focus directly on that part of the debate which gave voice to the hidden New World side of Dussel’s ana-dialectic, or in Smith’s terms, that still small voice of the Other as other which refuses to be translated into the controlling, parasitical language of the same.

In removing oneself geographically from the experiences in Europe which led to the inevitable demise the old logic of a pre-Tridentine Christendom, one is enabled to move (geographically) beyond the supposed universal claims uttered by Europe’s newly “modernized” discourse. In reaching beyond the rhetoric of Europe, though, one must engage in the dizzy experience of falling off the map, so to speak. Yet rather than imagine this as a necessary plunge into silence, one can begin the work of truly discovering the New World, and not just that, but also re-discovering Europe’s past, looking at it this time,
from the outside in. In this way the Valladolid debate also takes on a new look and purpose.

What Dussel adds to our discussion of the Valladolid debate is nothing less than the remainder of the debate that had been covered over by more dominant, European concerns. Rather than portraying the debate as the last gasps of a dying empire as is typical of the European version of the story, Dussel stresses the survival of a vital thread of its logic as it spread across the Western hemisphere. Instead of attacking Las Casas’ side of the debate for the way his logic was received by his European audiences, Dussel’s labor focuses more directly on how Las Casas was read by his own New World audience (from the conquest until today). What’s more, Dussel also carefully reconnects these modern developments in Latin America back into their European antecedents so as to accentuate what is “transmodern” about them. In this way he produces a viable new “big story” of the kind that García-Rivera had perhaps wanted but could not grasp. In fact, in speaking of Valladolid in this way, Dussel produces a fully revised account of European Catholicism, going all the way back to its troublesome dual origins in both the early Christian and Roman Classical traditions.

Dussel’s intent here is neither to villainize European Catholicism, nor uncritically defend it, but perhaps to gently make room for a few necessary “micro-adjustments” in how it is portrayed historically so as to allow his own New World Latino readers to view

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33 I.e., Keen’s argument that it fed into preexisting Protestant evidence for a Black Legend.
34 Dussel (1978) is careful here to keep the history of these two Old World cultures separate, attributing the earlier Christian influences to pre-Constantine, mainly Semitic Christianity and the Roman influences to more northern, Hellenistic cultures. Along side this cultural distinction he divides Christianity, itself, into three eras, the first two of which correspond with this slit between Semitic and Greco-Roman culture.

It is noteworthy that he then deepens the distinction between these two Old World cultures, by making the further distinction between “Christianity-the-religion” and the “spirit-of-Christendom” which was merely one form or cultural expression of Christianity as it existed within the boundaries of the Holy Roman Empire. He links this particular culture of Christendom with the later Latin phase of this era, and thus with its attempt to merge Platonic philosophy with Christian values. Writing in Spanish, he makes this distinction in a particularly vivid way that is hard to translate into English—i.e., by contrasting the word “cristianismo” [referring to one’s affiliation with the Christian religion] with the word “christianitas” [a particular form of Christian-ness] which he equates with “romanitas”—[defined broadly as the imperial Roman way of ordering society], p. 47. The difference emphasizes the distinction between external and internal modes of conversion/commitment to the faith, or between a communal/familial vision for society and a more imperial/political one.

It is this external-imperial, Euro-centric mode of living and spreading the faith that he portrays as extending violently into Latin America in the 16th century yet not constituting what eventually took root there. In contradistinction then, he is able to introduce his all-important Third era of Christianity—or in Spanish, “la nueva cristianidad de Indias” [the new Christianity of the Indians]—that he describes as emerging within the native peoples of the New World., p. 52.
the whole of this history in a new way. In this New World mode of thinking, one can also reinterpret the debate itself so as to insert it into this alternate history. The point is not to condemn all that does not fit within this worldview, but to claim that part of the past which contributes to and substantiates this new history and the Third Age of Christianity that it outlines.35

From within the perspective of this alternate, tripartite history of Christianity, Dussel sheds an entirely new light on the Valladolid debate. His version of the debate can then be seen to center around a fundamentally theological project. The point is to refer back to that part of the 16th century which contributed (both positively and negatively) to the emergence of this Third Christianity. As such, the Valladolid debate becomes a vital part of Las Casas’ life work announcing a new age, yet not at all linked to the particular Old World Franciscan vision for rejuvenating an old tired hierarchical order with an inner, mystical turn to the Spirit.

According to Dussel, the role that Las Casas played in the Valladolid debate was primarily that of a prophet, similar to the prophets in the Old Testament who proclaimed God’s judgment on the transgressions of his people. This message (as the true purpose of the debate) is altogether different than the legal analyses of García-Rivera and Pagden that I introduced in the beginning of this paper. Likewise, it is important to distinguish Dussel’s interpretation as different from the typical approach taken by Liberation Theology (i.e., to start with an analysis of the material-economic conditions), although Dussel does this elsewhere.36 Instead Dussel’s interpretation of debate leads us directly to his concept of “transmodernity” and gives us his most primary example of it and how it is both breaks on the scene late in the modern age, yet also somehow precedes or parallels it. This

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35 Note here that similar versions of this newly emerging “big story” can be found within the writings of other post-Vatican II theologians who have experienced the emergence of Christianity in Third World cultures, e.g., the German missionary to Tanzania, Walbert Buhlmann:

“The first Christian millennium was lead by the first Church, the Church of the East, with the first eight councils celebrated in the East. The second millennium was marked by the second Church, the Church of the West that turned itself into the Church par excellence. The third millennium will experience the hegemony of the Third Church, the Church of the South, that is awakening now and from which will come the most important ideas and inspirations for the universal Church of the future.” [El primer milenio cristiano estuvo dirigido por la primera Iglesia, la Iglesia de oriente, con los primeros ocho concilios celebrados en oriente. El segundo milenio estuvo marcado por la segunda Iglesia, la Iglesia de occidente, que se convirtió en la Iglesia por antonomasia. El tercer milenio vivirá la hegemonía de la tercera Iglesia, la Iglesia del sur, que esta despertando ahora y de la que vendrán en el futuro las ideas e inspiraciones mas importantes para la Iglesia universal], (1990, p 190).

36 See his Método, 1974.
account also offers a tangible way to imagine what Smith might have meant when he called pessimistically for certain theoretical “micro-adjustments” in the core of Christianity that would lead it towards a healthier, dialogical mode of being.

As such, Dussel’s version of the debate can also be seen to be part of his larger project of reviewing the whole of salvation history so as to allow it to break into the New World in a truly salvific way. The alternative was to view Christ himself as having a kind of mean conquering spirit.37 Taking this decidedly historical approach to reading the debate, Dussel’s interpretation clearly takes up a deeper, more theological view of its role in the development of Christianity. Seeing Las Casas as a prophet, Dussel depicts the debate as a full-blown apocalyptic event where the message is one of total doom for those who would ignore him and continue violating the spirit and mandate of their Christian calling so as to persist in the willful destruction of the New World peoples. There is no need to explain or even to make use of the legal innovations of Vitoria here. Instead, what becomes imminent is the coming death and resurrection of the Christian faith itself, just as it happened in the history of ancient Israel. But here the remnant is prophesied to shift its location away from Europe and into its peripheral territories.

As intense as this message is, I am not at all surprised that it has not found a universal acceptance. But then, Las Casas didn’t gain such a hearing either, but shared the stage of the debate with several other coexisting purposes. I would hope to have shown here that they all have a place and that all are needed in order to tell the whole of the story of what happened in Valladolid in 1551.

Yet perhaps, with all this said, it is easier to understand way Dussel’s particular version of the debate ignores much of its legal aspects and even ignores how they actually played out in the New World as the violence of the conquest gradually changed its form, moving beyond the particular need to claim ownership of the land itself (that act which had been the focus of the laws which the debate was intended to address). More in line with Smith’s theoretical intuition, Dussel’s version of the debate focuses on deeper cultural and religious matters, and the need for Christianity to find better ways to present itself to the world at large which Christ had come to save. Even in the way he contrasts Las Casas’ mission work with Mendieta’s more compromising vision for a New World Church, Dussel

37 The point of Sobrino’s most recent Christology, 2001.
presents a strikingly positive view of the future, one that extends to the present day events such as the council at Medellín (1968).³⁸

For sure, from this perspective, the Valladolid debate can be seen to be far more than the last gasp of a sickly, aging medieval way of thought. Yet the trick is to step far enough away from the typical Eurocentric issues to see it this way. I can see why this has been so hard to do and why it is just now becoming possible to do so. Perhaps though, the real question ought to be how in the world Las Casas’ was able to see all this in his day. Perhaps though, this same question might be asked of the prophets of old. The answer lies in the very nature of history and of the curves that God has built into it. As such, Valladolid might be seen to be located on the very apex of one of these turns, and perhaps, with the next one of these turns being located just beneath our feet today.

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