

Palafox y Mendoza's *Virtudes del indio* as a Deliberative Oration

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ABSTRACT

Bishop Juan de Palafox y Mendoza's 1650 work *Virtudes del indio* is considered as following the pattern of the deliberative oration as presented in the classical rhetorics. The work is divided into the corresponding parts of the oration, and its rhetorical devices and strategy are also highlighted in order to deepen understanding of how the bishop constructed his argument.

To my parents, gracias.

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Introduction

Juan de Palafox y Mendoza (1600-1659), served as Bishop of Puebla, *Visitador general* of New Spain (1639-1649), and also briefly as viceroy of New Spain from 1642-1643. Throughout his life he chiefly wrote about governance and its relationship to Christianity. One of these texts was the treatise *Virtudes del indio*, believed to have been written sometime around 1649-50, shortly after his return from New Spain, and some historians view it as a subtle defense of his tumultuous tenure in the colony.¹ The work's history is complex and warrants further research. The first printing carried no title, yet in subsequent reprints and editions, the title was *De la naturaleza del indio* and consisted of two parts.² The first is titled *Vida interior*, and is essentially Palafox's autobiographical account of his spiritual and religious life. In the second, which scholars now most commonly refer to as *Virtudes del indio*, the bishop attempts to demonstrate the innate goodness of the Indians of New Spain in order to implore the King and his men to take advantage of what he has learned and to "hacer las leyes mas eficaces en su egecucion" so that they "animen estas leyes, y las vivifiquen con su misma observancia, usando de

¹ For an excellent biography of Palafox and an overview of the political and social strife of early 17th-century New Spain, see Álvarez de Toledo, Cayetana. *Politics and Reform in Spain and Viceregal Mexico: the Life and Thought of Juan de Palafox, 1600-1659*. New York: Oxford UP, 2004.

² The place and date of publication of the first printing of *Virtudes del indio* is still mostly unknown. Most scholars place it as being printed in Spain around 1650, and some claim it was published in Puebla shortly before Palafox's departure.

aquellos medios que mas se proporcionen con la materia” (106).³ While the relationship between the seemingly two disparate parts of the treatise also merits further study, here I will address the second part only, and refer to it as *Virtudes del indio* (hereafter *Virtudes*).

The bulk of Palafox’s *Virtudes* demonstrates the innate goodness of the natives of New Spain and seeks the King’s protection of the flock the bishop had to leave behind. It consists of twenty-one numbered chapters of widely varying length, preceded by an unnumbered introduction. Using a mix of historical details regarding the conquest of New Spain, Church history, and examples of his own experiences, Palafox presents his main arguments in favor of the natives’ protection in the first six chapters. He presents the virtues themselves in chapters six⁴ through twenty (*parsimonia, inocencia, obediencia, etc.*), and generally supplements each virtue with at least one corresponding vignette describing an event that he personally witnessed or about which he was told. The short final chapter presents some of the counterarguments to those who criticize the natives’ excessive (and therefore un-Christian) drinking of *pulque* and other spirits. He admits that this is true, but defends the native people, stating that others have more and even worse vices, and that together, the Church and the Empire will correct this. In the end, they are still worthy of “conservacion, y consuelo” (174). The ending of the text is rather abrupt, possibly because Palafox planned on two more parts, but nonetheless he succinctly summarizes and refutes any possible objections to his argument, and reiterates what he is seeking on behalf of the indigenous people of New Spain.

³ For this thesis I am using the following edition: Palafox y Mendoza, Juan de. *Virtues of the Indian / Virtudes del indio*. Ed. Nancy Fee. Lanham: Rowman & Littlefield Publishers, 2009.

⁴ The first chapter is not numbered, and therefore Chapter 6 is actually the seventh chapter. Herewith I will continue to refer to the chapters as numbered in the text.

Virtudes has received some critical attention. While many mention it in passing, a few have discussed it at length. The first is Pablo González Casanova, who in a 1944 article, uses the text as an example of the causes of Palafox's political difficulties in New Spain. It is an excellent summary of Palafox's ideas and his tenure in the colony, but does not provide an analysis of the bishop's arguments. Another excellent summary of the work is found in A. Arístedes Gámez's 1995 article, but he only focuses on the virtues the bishop attributes to the native people and ignores the other parts and motivations of the treatise. A few years later, Joaquín Salcedo Izu concentrates on Palafox and indigenous self-government, while Alejandro Cañeque's introductory essay to the 2009 edition of the work presents an excellent overview of *Virtudes* and abundant background information on the history and politics of New Spain at that time.

But what critics have not done considered or connected it with a particular rhetorical model, and this is what I will set out to do. I will argue that, since Palafox strategy is to consider both the good and bad qualities (what he calls *virtudes* and *vicios*) of the natives he knew so intimately, he employs a rhetorical model that best suited his intention to deliberate or argue the interests of the Crown, of the Church, and of the natives themselves and that he found this in the deliberative oration. Before I show how the treatise falls into this rhetorical category, I would like to review the constitutive parts of the deliberative oration, as described in the classical rhetorics.

Classical rhetoric discusses three types of speeches: forensic, which discusses guilt or innocence of a particular person or party; deliberative, which considers different views of an issue for making laws; and epideictic, which praises or blames its subjects. Because in *Virtudes* Palafox does not name the individuals who abuse the natives (he

mostly refers to them by using the impersonal *se*) and does not seek punishment for them or even demands any specific form of redress, his treatise is best described as following the deliberative pattern. In *Art of Rhetoric*, Aristotle states that deliberative speeches deal with future events, “for the speaker, whether he exhorts or dissuades, always advises about things to come” (I.ii.4). Palafox indeed looks toward the future in *Virtudes*, as he is presenting evidence as an advisor to the King. He deliberates the reasons why laws need to protect the indigenous and be administered more effectively in order to preserve the interests of the Crown and its subjects.

The six parts of the deliberative oration are modeled on those of the forensic type, as described in Cicero’s *De inventione* (I.xiv.19): *exordium* (introduction), *narratio* (narration, in which the facts of the case are put forth), *reprehensio* (partition, known elsewhere as the *divisio*, which presents the plan of the work), *confirmatio* (proof), *confutatio* (refutation), and *peroratio* (conclusion).

Virtudes’s chapters easily follow the order indicated for deliberative orations: the unnumbered introductory chapter contains the *exordium* and the *reprehensio/divisio*; the *narratio* is in chapters 1-7, the *confirmatio* occupies Chapters 8 through 20, and the counterarguments or refutation are mostly presented in Chapter 21, which also includes the *peroratio*. In the following sections, I will discuss each part of *Virtudes*, pointing out the *topoi* and the rhetorical figures used to enhance them and help to achieve rhetoric’s goal, to persuade.

Exordium *and* Divisio/Reprehensio

By including the principal post that Palafox held in New Spain in the title, “De la naturaleza del Indio. Al Rey Nuestro Señor por don Juan de Palafox y Mendoza, Obispo de la Puebla de los Ángeles, del Consejo de su Magestad, & c.,” he immediately commences the appeal to his good character, *ethos*, (Quintilian VI.ii.13).

The appeal to *ethos* continues immediately, as Palafox places himself above most other ministers regarding their commitment to and knowledge of the indigenous cause: “Pocos ministros han ido a la Nueva España, ni vuelto de ella, mas obligados que yo, al amparo de los Indios, y á solicitar su alivio...” (102). Palafox states that especially because of his role as a pastor, he is able to commiserate with the natives, and thus begins his appeal to *pathos*.⁵ He emphasizes this by continuing to compare his sorrow in an allusion to the Biblical figure Rachel, who, “yá reducido a polvo, lloró sin consuelo, con lagrimas vivas, la muerte de sus perseguidos hijos inocentes, por inocentes, por hijos, y perseguidos” (102). The bishop’s interlocutor, the King, would doubtlessly be familiar with Rachel’s story, and so the comparison facilitates a rapid comprehension of the bishop’s emotions.

Palafox briefly mentions several of his other posts in the *exordium* as well, chiefly to let the King know that he was honored to serve in them. This not only continues the appeal to *ethos* and establishes his authority, but also flatters the interlocutor so that he is well disposed to read the treatise before him (Quintilian IV.i.5).

The bishop also readily presents the cause he is seeking, without delaying it with further adornments, a tactic of straightforwardness that Aristotle recommends using at the

⁵ This appeal to *pathos* eventually leads to the use of the *commiseratio*, which I will describe in the *confirmatio* section.

beginning of a deliberative speech (III.xiv.12), since the cause for the oration would be known to all and repeating it would be redundant and bothersome.

The use of the superlative, which becomes primary rhetorical device throughout the treatise (113 times in total, by far the most common rhetorical device in *Virtudes*), appears almost from the start. Palafox first refers to the natives only as “pobrecitos y inocentes,” a process of simplification that he will carry throughout his text. The simplification is amplified in his first use of the superlative, in the second paragraph of his text where he describes as the indigenous as “fidelissimos vasallos” (104).

Yet Palafox does not only employ the superlative when referring to the indigenous people. For example, the King has an *ánimo* that is *generosissimo* and *piisimo* (116), and the Crown is *Religiosissima* (116). By using the superlative to describe both the indigenous and the Crown, Palafox is subtly establishing a nexus between the two that he will continue to emphasize more clearly later on.

Still in the *exordium*, Palafox starts to develop the theme of witnessing, which becomes central to understanding his use of *exempla* later in the treatise: “Porque assi como cada oficio de estos no bastará á conocer las tribulaciones, y penas que padecen; pero todos junto han hecho evidencia, y conclusion en mi, lo que en otros no tan experimentados puede quedar en terminos de duda” (104). The important word here, and indeed for much of *Virtudes*, is *evidencia*. Since he is the one who has been close to the Indians he knows that others, like the Viceroy, have not seen the injustices he has witnessed:

Porque los Virreyes, por muy despiertos que sean en el cuidado de su ocupacion, no pueden llegar á comprehender lo que padecen los Indios;

pues en la superioridad de su puesto llenos de felicidad, sin poderse acercar á los heridos, y afligidos, que penan, derramados, y acosados, por todas aquellas Provincias, tarde, y muy templadas llegan á sus oídos las quejas. (104)

The variety of governmental and ecclesiastical posts that Palafox held, then, provided him with the unique ability to witness and therefore present all of this knowledge. With “este conocimiento, y el que tengo la piedad de V.M. y quan grato servicio le harèmos sus Ministros, y Prelados en darle motivos á *hacer las leyes mas eficaces en su egecucion*” (my italics) (106). Palafox is most concerned with the effectiveness and applicability of the laws and their observance. To emphasize this, Palafox then employs an extended metaphor:

Porque las leyes sin observancia, Señor, no son mas que cuerpos muertos, arrojados en las calles, y plazas, que solo sirven de escandalo de los Reynos, y Ciudades, y en que tropiezan los Vasallos y Ministros, con la transgresion, quando habian de fructificar observadas, y vivas toda su conservacion, alegria y tranquilidad” (106).

This special kind of comparison allows Palafox to create “ a vivid mental picture” (*Rhetorica ad Herennium* IV.xxxiv), and in this he seems to be following the advice that metaphors “ought to be restrained” (*Rhet. ad H. IV.xxxiv*).

The *divisio* presents the plan of the projected but never realized three-volume work. The first volume (*Virtudes* itself) will describe “las calidades, virtudes, y propiedades de aquellos...Vasallos de las Indias, y describir su condicion sucintamente, y referir sus meritos, porque todo esto hace en ellos mas justificada su causa,” the second

volume was to discuss the indigenous people's hardships, and the third would reveal "los medios, y remedios que pueden aplicarse á estos daños" (106).

This passage corresponds well with Cicero's recommendation in *De inventione* (I.xxii.31) that the contents of the text must be described briefly enough to rehearse the ultimate objective of the argument, and therefore the interlocutor will know when each ends. In this text, the desire for brevity and the understanding that this (an example of the *fastidium topos*) will please his interlocutor, the King, is shown in the frequent use of the adverbs *sucintamente* and *brevemente*. This is also where Palafox first mentions the idea that he returns to again and again at the end of nearly every chapter: the indigenous people's goodness and devotion to Christianity is why the King must provide *amparo* for them.

Palafox then discusses how he is going to prove his points by returning to the central concept of *evidencia*, implying that he will make great use of *martyria* to present his deliberations, "confirming something by one's own experience" (Lanham 188): "no [estoy] poniendo aqui cosa que no haya visto yo mismo, y tocado con las manos" (106, 108).

Before proceeding to the narration, Palafox emphasizes the universality of the Indians' situation by using a second (and final) metaphor, stating that the events that took place in New Spain, which he believes are equally applicable to Peru as well:

Porque estas dos partes del mundo, septentrional y meridional, que componen la América, parece que las crió Dios y manifestó de un parto para la Iglesia, quanto a la fe, y para la Corona Católica de España quanto al dominio, como dos hermanos gemelos que nacieron de un vientre, y en

un mismo tiempo y hora, y aun así en la naturaleza conservan el parecerse entre sí en innumerables cosas, como hermanos. (108)

Through this metaphor, Palafox neatly assimilates the two viceroyalties and their relevance to the Church and Crown, emphasizing that whatever future action the King decides to take, it will have consequences beyond New Spain.

Narratio

The *narratio*, which begins in Chapter 1, starts with a rapid retelling of the conquest and occupation of New Spain. Palafox presents historical background because, as Aristotle writes, “In deliberative oratory narrative is very rare, because no one can narrate things to come; but if there is narrative, it will be of things past, in order that, being reminded of them, the hearers may take better counsel about the future” (III.xvi.11). Therefore the most of the *narratio*, which ends in Chapter 6, discusses past events and actions by both the Spanish colonizers and the Indians of New Spain, and does not focus on current problems. Palafox also emphasizes the logic of his arguments, their order and objectivity, by numbering each of the paragraphs within this and the subsequent chapters.

Palafox also utilizes non-metaphorical comparisons in Chapter 1, stating that until the discovery of America, “Todas las Naciones de Asia, Europa, y Africa, han recibido, Señor, la Fé Católica” (108), although idolatry still continues in these parts of the world. However it is different in America, where its inhabitants are “reduciendo [la idolatría], haciendo Templos de Dios, y deshaciendo, y derribando los de Belial” (110). These comparisons between the rest of the world and New Spain are common in *Virtudes*; its

indigenous people are always the most pure and even the most Christian, whereas the inhabitants of the rest of world have long lost their innocence and sense of morality.

While several rhetoricians discuss comparisons, Cicero discusses their most basic premises that correspond well with *Virtudes* in the *Topica* (XVIII.68-71); the natives are superior in some ways, but only based on comparison, rather than necessarily innately. (The natives' innate goodness is the subject of the *confirmatio*.) By comparing the rest of the world with America, it is easier for him to make the claim that the natives were easily converted to Christianity, and that their faith is of the purest kind.

Palafox also begins making use *exempla*, which are at first more historical in nature but then become more personal and poignant in the *confirmatio*. *Exempla* become the treatise's main mode of argument, because, as Aristotle writes, "Examples are most suitable for deliberative speakers, for it is by examination of the past that we divine and judge the future" (I.xi.40).

In Chapter 2, another technique Palafox begin use Nahuatl vocabulary to maintain his authority. Although he only uses these words ten times throughout *Virtudes*, nonetheless they demonstrate his familiarity with New Spain's indigenous culture. Nearly all of the examples either deal with the natives' Christian faith ("No hay casa por pobre que sea, que no tenga su Oratorio, que ellos llaman *Santo Calli*, que es aposento de Dios" (112))⁶ or with their humility and subservience, such as when he presents a brief

⁶ Note the use of hyperbole here: "no hay casa...". By using an absolute, Palafox does not allow the possibility of a counterargument.

grammar lesson that explains how, through the use of suffixes, Nahuatl speakers demonstrate their level of respect to those in power.⁷

Commiseratio, or the evocation of pity, is Palafox's chief means of appealing to *pathos* throughout many of his *exempla* in the rest of the treatise, and first appears in the example at the end of Chapter 2, in which a dying *cacique* visits Palafox for the last time.

The chief, who “vino de mas de quarenta leguas, y por asperissimos caminos,”⁸ on the brink of death and has decided how to spend the last of his money. Palafox recounts exactly what the man said, another example of *martyria*: “queria antes gastar [el dinero], en hacer un ornamento para mi Iglesia del color que te pareciere: ruego que hagas que asi se egecute,⁹ y que me des la bendicion para volverme á mi tierra á morir” (116).

Aristotle writes that:

pity is also aroused by...the words and everything else that concerns those who are actually suffering, for instance, at the point of death. And when men show themselves undaunted at such critical times it is specially pitiable; for all these things, because they come immediately under our observation, increase the feeling of pity, both because the sufferer does not seem to deserve his fate, and because the suffering is before our eyes.

(II.viii.16)

⁷ In Chapter 14, Palafox even presents a small grammar lesson, explaining how through the use of suffixes, the Nahuatl speakers linguistically increase their level of respect to those in power (see p. 152 of the Fee ed.)

⁸ Note another appearance of the superlative, which also appeals to *pathos*.

⁹ One can see *se egecute* as echoing, by chance or not, the main purpose of *Virtudes*: “hacer las leyes mas eficaces en su egecucion” (106).

If we recall that Palafox has just repeated that he is not “poniendo aqui cosa que no haya visto yo mismo, y tocado con las manos,” and the importance Palafox places on *evidencia* in general, Aristotle’s instruction becomes even more compelling.

Commiseratio does not only provide the means to evoke pity in the interlocutor, but is also an indirect way of actually witnessing what happened.

Although Palafox does not explicitly present the *confutatio* until Chapter 21, in Chapter 4, “Del valor, y esfuerzo de los indios, y que su lealtad, y rendimiento à la corona de V.M. no precede de bajeza de ánimo, si no de virtud,” Palafox briefly presents some counterarguments to the facts that he has presented so far in the *narratio*. It is possible the interlocutor may already be harboring some doubts about what the bishop is saying about the natives’ goodness, therefore Palafox writes:

Y porque es muy ordinario, Señor, á las excelentes virtudes, deslucirlas con el nombre de los vicios, é imperfecciones mas vecinas, y llamar á la Paciencia cobardia, y al Valor, crueldad, y á la libiandad galantería; y al Zelo santa inquietud, y ambicion.” (118, 120)

It is worth noting that the first counterargument Palafox presents is not directed at the natives, but rather at the *virtudes* themselves, therefore softening the tone of his argument and deflecting direct criticism that may exist towards the Indians. In fact, he does not mention the natives at all until the fifth line: “y á esta docilidad de los Indios, la suelen llamar credulidad, y facilidad, por dejarse sujetar á la Real Jurisdicion” (120).

Palafox employs *ethopoeia*, “putting oneself in the place of another, so as to understand and express that person’s feelings more vividly” (Lanham 71) in Chapter 4 as well. At first he simply describes how the indigenous people reacted upon seeing the

Spaniards with “espanto de ver hombres con barbas, y á caballos, en animales que nunca habían visto” (120). A few paragraphs later, however, he shifts the perspective so that his European interlocutor understands what the natives must have experienced: “[es] lo mismo, que si á Europa viniessen Naciones estrañas y nunca vistas, ni imaginadas, que peleassan desde el ayre, y esquadrones volantes de pájaros ferocissimos, contra quien no valiessen nuestras armas” (122).

The next chapter, Chapter 5, “Quan dignos son los indios de la protección real, por las utilidades que han causado á la Corona de España,” is the most unusual chapter in the *Virtudes*, as it is almost without any rhetorical ornamentation. The basis for his argument here is entirely based on the economic reasons of protecting the Indian: “Assi como los Indios son vasallos que menos han costado á la Corona; no son los que menos la han enriquecido, y aumentado” (126). This lack of ornamentation may simply be a result of the more pragmatic aspect of Palafox’s argument. As Cicero states in *De oratore*, “to embellish [the oration] with flowers of language and gems of thought, it is not necessary for this ornamentation to be spread evenly over the entire speech, but it must be so distributed that there may be brilliant jewels placed at various points as a sort of decoration” (III.xxv.96). Therefore Chapter 5 can also be considered another rhetorical counterbalance to *Virtudes*’s frequent superlative description and emotionally charged *exempla*. The chapter’s plainness makes it more forceful when compared to so much rhetorical ornament.

Palafox continues with the *narratio* by beginning to deliberate the virtues themselves in Chapter 6 and 7. The first virtue he discusses is innocence, but rather than simply presenting examples of it as he will do in the *confirmatio*, he juxtaposes it against

the vices that they lack: “De la inocencia de los indios, y que se hallan comunmente esentos de los vicios de soberbia, ambicion, y codicia, avaracia, ira, y envidia, juegos, blasfemias, juramentos, y murmuraciones.” In a sense this chapter functions as a syllogism: if the natives lack these vices, then the only choice is that they are good.¹⁰

Palafox expertly mixes the use of the appeals to both *logos* and *pathos* to accomplish this part of his argument. The first lines of most of the paragraphs that follow, numbered *segundo*, *tercero*, and *quinto* state, respectively,¹¹ that the Indians “están libres de las ambicion, que es tan natural en los hombres” (130); “no conocen soberbia, sino que son la misma humildad” (130); and “no conocen la envidia, porque no conocen la felicidad” (132).

The fourth point in this listing is an *exemplum* about how two soldiers humiliated two Indians who worked for Palafox by stealing their clothing.¹² The story is meant to act as a logical support every bit as much as the more deductive reasons listed in the chapter; *pathos* is employed by means of a compelling story, but it also forms part of a logical progression, therefore it is a means of appealing to *logos*.

In Chapter 7, following the method of the deliberative oration, whereby both sides of the argument are considered, Palafox admits that the Indians have some vices (as the title indicates, they are gluttony and sloth), but he minimizes their importance by observing that “respecto de los muchos vicios que afligen en el mundo á las Naciones,

¹⁰ “...either this or that is true; but this is not, therefore that *is* true.” Cicero, *Topica*, XIII.56.

¹¹ This is an example of *dinumeratio*, see Cicero, *De oratore*, III.liv.207.

¹² In this same *exemplum*, Palafox refers to the native men’s capes with their Nahuatl name, *tilma*, again emphasizing the familiarity he with the culture and his authority to discuss the natives.

vienen á ser los Indios virtuosos, é inocentes, y dignos por su virtud del amparo Real de V.M.” (136).

The natives fare better than the rest of the world in these comparisons, as—even though not perfect—they are still better than many others. These are both the first and last negative characteristics of the natives that Palafox mentions throughout the entire treatise until the final chapter, where he discusses “el vicio de sus bebidas” (172), and he now devotes the remainder of his work only to their virtues.

This presentation also places the treatise within the framework of the deliberative oration; a forensic oration, for example, would only present their good qualities and their suffering under Spanish rule, but throughout *Virtudes*, Palafox readily admits that the natives are not perfect.

This is also the last of the chapters of *Virtudes* that are characterized by their rhetorical variety. In chapters eight through twenty, Palafox follows, almost in a mechanical way, the same rhetorical strategy of presenting the virtue (or virtues, in some cases) named in the chapter’s title, and proving the existence of the virtue by *exempla*.

Confirmatio

In Chapter 8, Palafox explains, “Entre los Indios, hay Caciques, Gobernadores, Alcaldes, Fiscales que tienen muchas tierras que heredaron de sus pasados” (136). But even these important people are incredibly poor and humble, “parcos que su vestido por la mayor parte es una *tilma*, que les sirve de capa, una tunica, ó camisa de algodón, y unos calzones de lo mismo” (138).

In that sense they are more pious than Spaniards who belong to the religious orders or are hermits, since, in spite of their vows of poverty, they live “en casas fuertes de cal, piedra, y madera, porque assi es conveniente para sus santos egercicios ; pero estos [los indios] viven en jacales de paja, ó de hojas de arboles” (138).

Despite this poverty, the Indians’ faith is not shaken, and indeed it is even strengthened by it. Palafox supports this by citing a passage from the Bible that discusses the Christian virtue of poverty, and also by yet another *exemplum*: “refiere el Padre Reverendissimo Gonzaga . . . que en Taguacan, un Pueblo del Obispado que yo sirve, se aparecieron á un santo Religioso de su Orden de San Francisco, y Santa Clara, y le digeron entre otras cosas: los Indios egercitan la pobreza, obediencia, y paciencia, que vosotros profesais” (140). This is an example of how Palafox gains authority even when relating something which he did not witness himself. By citing the authority of Father Gonzaga he manages to remain credible and authoritative.

Towards the end of the chapter, the use of hyperbole (two superlatives almost in a row) makes the similes that underscore the Indians’ good habits, their hard work, and meekness and patience, all of which they do selflessly, for the benefit of others:

...Como abejas sólicitas [los indios] labran el panal de miel, para que otros se lo coman: y como ovejas mansissimas ofrence la lana para cubrir agenas necesidades: y como pacientissimos bueyes, cultivan la tierra, para ageno sustento: y ellos, Señor, y yo, y todos quantos bien los queremos, y solicitamos su alivio. (142)

Aristotle writes that simile is essentially like a metaphor, but “should be less frequently used, for there is something poetical about it” (III.iv.3). Indeed, the fact that

Palafox limits the use of simile to this chapter makes it all the more striking; the interlocutor quickly understands through the familiar comparisons to bees, lambs, and oxen, that the natives provide the most basic sustenance for the Empire and is therefore likely to follow Palafox's urgent request, with which he ends the chapter: "solo represento sus meritos, y virtudes, para que V.M. se sirva de ampararlos en el padecer intolerable" (142).

Confutatio *and* Peroratio

Although only four paragraphs long and all contained in Chapter 21, "Respondeste a algunas objeciones que se pueden oponer," Palafox presents both the *confutatio* (the possible counterarguments to what he is presenting) and the *peroratio* in this last chapter of the work. He first writes of the objections that comprise the *confutatio*: "Bien sé que algunos podrán decir, que tambien hay algunos Indios mandoncillos, rigurosos, codiciosos, y altivos, iracundos, y sensuales, y con otros vicios" (172).¹³ To sustain his argument against these charges, Palafox returns to comparing the natives to members of the religious orders, acknowledging that, while there are certainly individual exceptions, they do not prove the rule, just as "se desacredita una Religion entera con el descuido de particulares Religiosos, ni el Estado Eclesiastico, con las imperfecciones de quatro, ni seis Clerigos" (172). This point-for-point manner of refuting the counterarguments follows Cicero's advice for the *confutatio* in *De inventione*: "a strong argument is met by one equally strong or stronger" (I.xlii.79). Therefore, pointing out that the Indians' supposed ices are not true but for a few individuals yet again strengthens Palafox's

¹³ Note the absence of the superlative in the title compared and in the chapter in general (it appears only once) compared to when Palafox describes the natives' virtues.

arguments for their virtuous nature, and any counterargument is now, as Cicero writes, “reduced to nothing” (*De inventione* I.xlii.78).

In the last half of the last paragraph of *Virtudes*, Palafox follows both Aristotle and Cicero’s instructions for the *peroratio*,¹⁴ especially regarding the advice to simply remind the audience of the rhetor’s purpose, which in the bishop’s case is the need for more effective application of the laws. Palafox reminds the interlocutor that the main purpose of *Virtudes* has been that “se egecuten eficazmente sus santas, y religiosas Leyes” and, in an appeal to *ethos*, repeats all that he is and has been to the King: “Vasallos, Ministro y Sacerdote tan obligado á Dios, y al servicio de V.M. como yo, y Padre Espiritual de tantos hijos de esta nacion” (175). Palafox assimilates the Indians to this appeal to *ethos* by reminding the King that they too, are “vasallos de V.M.” To make his appeal stronger, he adds *pathos* to the mix by adding the adjectives “pobrecitos y miserables” to the word “vasallos.” Once he has softened his interlocutor with these appeals, Palafox re-states the points that compelled him to write this treatise his desire that the King follow in his steps to seek the Indians’ relief and support his appeal for “su consevacion y consuelo.” He concludes by emphasizing the benefits of doing so, as that would indeed please God and the King: “Me consta quan grato servicio haga en esto á Dios, y á Vuestra Magestad” (175).

Cicero writes that deliberative speeches are about “what is honourable and what is advantageous” (*De oratore* II.iv.12), and, as we have seen, such is the case with *Virtudes*. By using the structure and strategies of the deliberative oration to pattern his treatise, Palafox is able to acknowledge many virtues of the natives’ and the insignificance of

¹⁴ *Art of Rhetoric*, III.xix, and *De inventione*, I.lii, respectively.

their sins, and how protecting them by enforcing the laws more effectively is honorable, advantageous, and even pleasurable for all parties involved: the natives themselves, the Catholic Church, and the government of New Spain.

Rather than ignoring the laws that protect the natives in this particular region, Palafox reminds and urges the Sovereign to follow the oft-repeated commands of *amparar* and *conservar*. He repeats them in either their nominal or verbal forms on nearly every page of the treatise, often in strikingly different contexts.¹⁵

Amparo first appears in the opening line, when Palafox discusses his own roles in New Spain: “Pocos ministros han ido a la Nueva España . . . mas obligados que yo, al ampáro de los indios” (102) and is repeated at least once in every chapter, such as at the end of Chapter 2: “podía referir otros a Vuestra Majestad que confirmen su Real, generosissimo y piisimo ánimo para su mas seguro ampáro y proteccion” (116). In that same chapter, the bishop has just recounted the story about the dying *cacique*¹⁶ who “habia sido el padre, y amparo de aquella tierra”(114), thus triangulating the pious activity to connect the Church (the bishop), the Empire (the King), and his vassals (the Indians). Therefore, the purpose of using *amparo* in these different contexts is threefold: one is to describe Palafox’s own roles as protector of his flock, the second is to continually emphasize that this is also the King’s obligation, and finally that the Indians are not unlike them, as they are capable of the same actions and concerns.

As for *conservar*, its first appearance in the introductory chapter demonstrates a similar intent, to show the direct connection between Palafox’s many duties, which

¹⁵ “There inheres in the repetition an elegance which the ear can distinguish more easily than words can explain.” *Rhetorica ad Herennium*, (IV.xiv.21).

¹⁶ This example was first discussed in the *narratio* section.

obligate him to devote himself to the Indians' "defensa y conservacion" (104), the Indians' preservation of the Catholic faith, "con muy hondas raíces de creencia y excelentes frutos de devocion y caridad" (113), and of the Empire, since New Spain is a "noblissima parte del mundo" (118), and is worth preserving because it was conquered with minimal cost, effort, and loss of life, and has been peaceful and loyal.

Cicero writes that "when equals are compared there is no superiority or inferiority" (*Topica* XVIII.71), and on the rhetorical level, this is Palafox's ultimate strategy: to present the natives as equals, at least in terms of their goodness, their virtue, and their faith, and the advantage they constitute to the Empire and the Church. Through the brief *exordium* and *reprehensio/divisio*, the interlocutor is rapidly presented with the problem at hand and how Palafox is going to develop it. In the *narratio*, Palafox provides the necessary history to understand the complexity of the Indians' plight. In the *confirmatio* he presents many *exempla* supported by this having witnessed the events or having heard them from an authoritative source. Throughout, the author emphasizes the natives' positive traits and this, combined with his testimonies, offer a persuasive argument that if the King enforces the laws to protect his native vassals, he will preserve the Church and the Empire as well.

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