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Matthew D. Stroud

Trinity University, mstroud@trinity.edu

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FURTHER CONSIDERATIONS OF HISTORY AND LAW IN THE WIFE-MURDER *COMEDIAS*

Those who, like Américo Castro and Arnold Reichenberger, assume a great similarity between historical fact and dramatic action, use literary texts to posit speculations about historical fact and historical fact to assert the realism of literary situations.¹ Despite the potential tautology inherent in such arguments, these scholars have attempted to prove their cases by bringing to bear the following evidence: 1) real wife murders documented in Spanish history; 2) laws regarding the punishment of an adulterous wife 3) Spanish social history and the formation of a national Spanish personality; 4) contemporary concepts of honor, some fictional and some didactic, that together have come to be known as the honor code; 5) human nature («What husband would not feel the same about an adulterous wife and act accordingly?» [Parker, «Towards» 237]); and 6) wife-murder plays based on historical Spanish incidents. Two general and contradictory conclusions of these studies are 1) that the wife-murder plays represent a particularly Spanish genre that grew out of a peculiar Spanish historical and social reality,² and 2) that the wife-murder plays reflect the universal situation of the aggrieved husband who responds violently but appropriately to his wife's adultery.³

Clearly, both wife murder and plays about wife murder existed in Golden Age Spain. Numerous studies have documented the historical evidence of Spanish uxoricide found in the *Crónica general*, the *Cartas de algunos PP*, *de la Compañía de Jesús*, the annals of various cities, the *Avisos* of Pellicer and Barrionuevo, and so on.⁴ However, the mere fact that such murders existed is not enough to prove once and for all the reliability of the *comedia* as a *speculum vitae*. Although she represents a minority opinion in the criticism, McKendrick notes that many claims to wife murders were unreliable, being based more on masculine boasting than fact, and that public sympathy almost always lay with the victims (McKendrick 37-39). To support her assertion regarding public sympathy, McKendrick cites the Fajardo case as well as a letter in the *Cartas de los PP, Jesuitas* (18: 88) mentioning a case in which women rose up in anger after a wife murder and the authorities had to hang the murderers to restore order.

Too, the number of known wife murders over the four hundred years in which they occurred is actually quite small. One indication of the frequency with which Spaniards attempted wife murder is the occurrence of such cases in the Archivo Histórico de Toledo, now housed in the Archivo Histórico Nacional in Madrid, Section Two, «Ordenes Militares» (see Rodríguez Marín). In the Calatrava section containing 15,033 cases concerning members of that order, only nine involved wife murder between the years 1550 and 1690. To show the variety of real wife-murder and to bring to light these heretofore unmentioned cases, let us briefly cite them.

Legajo 35248 concerns the case of Cristóbal Rojo, who was found guilty of having stabbed to death his wife, María Ramírez, in 1674. After an initial imprisonment, he was sentenced to death, but on appeal the sentence was changed to payment on a fine. *Legajo* 35447 deals with the murder of Ana López by her husband, Cristóbal Moreno, for adultery in 1656. Moreno received a sentence of two years of imprisonment, two years of exile, and payment of a fine. *Legajo* 39423 notes the 1594 stabbing death of María Hernández by her husband, Simón Sánchez, «por dezir abia hallado ael cura de la dicha villa con ella.» The disposition of the case is unstated. *Legajo* 39614 concerns the 1582 murder of Francisca la Vaquera by her husband, Valentín Ruiz, and his subsequent assessment of a fine of 10,000 maravedís. Ruiz later sued the Fiscal for having accused him of killing his wife (*legajo* 41843). *Legajo* 43568 contains documents relative to the case against Agustín Gascón, who killed his wife in 1561 for suspicion of adultery. *Legajos* 46265-68 involve the charges against Clemente de Villavicencio who killed his wife, María de Villavicencio, in 1666. His fine was 10,000 ducats. *Legajos* 45699-701 relate the 1662 murder of Juana Cejuedo by her husband, Jerónimo de Mendiola. *Legajo* 46037 concerns the murder of Lorenza Martínez by Vicente Nieto. This 1668 case involves not only wife murder but abortion. *Legajo* 46277 tells of the 1682 murder by Gabriel Romero of his wife, Manuela Poblete.⁵ One additional case involved a failed attempt at wife murder (*legajo* 36425).

One would think that if wife murder were a socially approved activity, that there would be many more instances in the century and a half covered by these cases. These documents provide incontrovertible evidence of the fact that wife murder did occur, but the small number of cases (9 out of more than 15,000 over 140 years) can hardly be said to represent a widespread social practice. McKendrick (26) cites Pinheiro (*Pincigrafía*, in *Fatigina o fastos generales*, trans. Narciso Alonso Cortés; Valladolid: Imp. del Colegio de Santiago, 1916, 209?): «Y así no hay muertes de mujeres sino raramente.» In fact, we should probably assume that wife murder was, as it is in current American society, a phenomenon common enough to come to the attention of a large part of the society, but still rare enough to cause for surprise, shock, or scandal (Cf. Dixon, «*El castigo*» 64).

The law has also been used to support the connection between literature and reality. As with the wife murders themselves, there is no doubt that there were indeed laws that allowed the husband to kill his wife for adultery.⁶ Most of the *fueros* and *cartas* stated unequivocally that if adultery was proven against a wife and another man, both the wife and the man were to be turned over to the custody of the husband so that he might then expect whatever price or punishment he saw fit.⁷ However, death of the guilty parties was not obligatory, although if he killed one of the lovers, he usually should kill the other.⁸

The use of the law to assert the close connection between literature and reality fails on several grounds. Other laws did not allow the husband to kill his wife for adultery, the most notable of which appears in Alfonso X's *Partidas* 7. 17. 13, which strictly prohibits a man from killing his wife even if he kills her lover. Rather, the wife was either to be pardoned or sent to a convent for life, or, under other legal authorities, the adulterers were to be whipped or humiliated.⁹ McKendrick (36) states specifically that the honor code did not have the sanction of law, despite its alleged importance to social behavior:

«Convicted wife murderers were subjected to harsh penalties, as Lope shows in a melodramatically phrased remark in a letter to the Duke of Sessa, 'No hazen sino encubar honbres porque matan a sus mujeres, tanto que en dos dias, que xamas se ha visto, han sacado dos, a cuya fiesta ha salido al rio toda la Corte en coches, en caballos y en mula de alquiler.'» (Citing *Lope de Vega en sus cartas*, ed. A.G. de Amezúa; Madrid: Tip. de Archivos, 1935-43, 3: 80)

All the Calatrava cases that indicate the husband's fate also note that he received some form of punishment, if only payment of a fine. While outrageously light by today's standards, such penalties do indicate that a husband's murder of a wife was not the socially acceptable recourse we find in some plays. Moreover, even if we grant the legal right to kill one's adulterous wife, the evidence supporting like punishment for the suspicion of adultery is considerably less convincing.¹⁰

In addition, by the reign of Phillip II, a husband would most certainly not have been allowed to carry out his punishment without going through legal channels.¹¹ The Calatrava cases mentioned above show the thoroughgoing, bureaucratic nature of legal investigations; *legajo* 35248 runs approximately 375 pages, and some files are even longer. In fact, the famous secrecy component of the honor code is contrary to the very basis of law and justice, even royal and manorial law (Berman 325-27, 423-24, 512-13). If the real murders had been secret, not only would justice not have been served even under, but we would never have known about them.

There is also little doubt that the law and the public attitudes towards its wife-murder provisions law changed over time. Castro («Algunas» 5), Entwistle (409), and García Valdecasas (192; cf. 140) indicate that the *ley del duelo* and other Visigothic legislation allowing wife murder had been abolished long before Calderón's era, and Izquierdo (90-92) speaks at length about the difference between the law as an absolute abstraction and the law as it is applied and enforced, especially in the seventeenth century (cf. Castro, *De la edad* 194; García Valdecasas 189). Social approval of wife murders also appears to have been lacking. Among the Calatrava cases is the suit brought by one man for slander because he was accused of having murdered his wife (*legajo* 41843). McKendrick (35-38), again citing Pinheiro, notes that being a cuckold was relatively unimportant to Castilian men of the era as opposed to the punctilious Portuguese, also notes that public opinion lay not with the husbands but with the victims. Finally, we might also note the Renaissance contempt for blood revenge in cases of honor and a general change in social mores.¹²

Perhaps the most significant argument against the concept of *comedia* as historical and legal mirror is the relationship between actual uxoricide and the action of these plays. A serious problem in the criticism of these *comedias* has resulted because no one has yet studied as a group all or even most of the thirty-one wife-murder plays written from approximately 1575 to perhaps as late as 1674, and listed first in the «Works Cited.» Generalizations have tended to rely almost exclusively on a reduced number of widely studied plays, notably Lope's *El castigo sin venganza* and the three plays by Calderón that are often referred to as his *dramas de honor*: *El médico de su honra*, *A secreto agravio, secreta venganza*, and *El pintor de su deshonra*. Because of an excessive interest in the honor aspect of these «star» plays, others are specifically excluded from consideration because they do not fit the prescribed mold: one may exclude them because they are plays of jealousy, neo-Senecan horror, or mythological subject. Yet, if we are to speak authoritatively about the relationship between life and literature, we should consider the historical and legal sources and antecedents as they relate to all the wife-murder *comedias* as a whole, not just a select few. As it turns out, only four historical husbands became protagonists in six of the thirty-one wife-murder *comedias*: Garci-Fernández, Juan de Urbina, the Veinticuatro of Córdoba, and Fernán Ruiz de Castro.¹³

Even in these cases, significant liberties were taken with the historical antecedents. The story of Garci-Fernández, his uxoricide, and his subsequent remarriage appears in both the *Primera crónica general* (2: 427-29) and in the *romancero* (Durán No. 713), and it served as one source for Aguilar's *La venganza honrosa* (Bershas). According to Menéndez Pidal (*Romanceros* 265), however, the wife murder related appears to be pure fiction because the historical figure was married only once. Without providing

more specific data, he adds that the events ascribed to Garci-Fernández in literary versions were based on an oriental tale that was circulating in Europe in the twelfth century. In «Del honor» (150-53), Menéndez Pidal uses the tale of Garci-Fernández as evidence of the importance of the epic tradition, not history.

Likewise, the tale of the Veinticuatro owes a considerable amount to fiction. The real Veinticuatro killed his wife, the two Comendadores, two servants, and perhaps one other person, then fled, later obtaining a pardon under the terms of a *carta de inmunidad* recently promulgated by Juan II.¹⁴ Of course, strict adherence to the truth would have greatly undermined the dénouements of the literary variations, so the facts were replaced by more satisfying dramatic situations. The wife murder ascribed to Juan de Urbina, like that of Garci-Fernández, is also unhistorical and probably used as its source the embellished accounts of the incident involving the Veinticuatro of Córdoba or legends about the Urbina family (Menéndez y Pelayo 128).

Only the story of *La desdichada Estefanía*, then, appears to be more of less faithful to the events as they happened. Hugh Kennedy (28-40) provides the historical basis of the story of Fernán Ruiz de Castro and Estefanía. In this case, the *Primera crónica general* (655a-57a) gives some of the background regarding the Kings of Castilla and France, but hardly mentions Estefanía at all (Kennedy 34). Instead, the historical account of the subject matter of the play comes from a contemporary history, Sandoval's *Chronica del inclito emperador de España, don Alonso VII* (1600), which provides more or less the same plot as Lope's play, but with the addition of an outright pardon granted to Fernán Ruiz by Alfonso (2: 314-15; cited in Kennedy 29, 34-39). Even in this case, however, there are doubts. Another historical source, the Portuguese *Os livros de linhagens*, translated by Sandoval and included in his volume, states that in fact Estefanía did not die but lived twenty-three more years (cited in Kennedy 29, 34, 38). Thus, the plays can hardly be said to provide convincing evidence of a close connection between literature and history.

A final argument against the use of these plays as evidence that they reflect a social reality is the large number of plays that deal with characters that are either not Spanish or not contemporary with the audience. The four historical Spanish husbands noted above inhabit a much older time that responded to different exigencies. Four other plays have protagonists from classical antiquity (Herod and Seleucus),¹⁵ one a medieval tyrant (Attila),¹⁶ and one a protagonist obviously based on a recent Italian figure (the Duke of Ferrara);¹⁷ fictional plots include many more foreign and ancient characters.¹⁸ Only three of the plays, because of the vagueness of internal indications of time, could possibly be seventeenth-century Spain (*El toledano vengado* and *La vitoria de la honra*, with *El pintor de su deshonra* set in both Italy and Cataluña). With only thirteen of the thirty-one plays set in Spain,

of which only three might have a contemporary setting, the evidence clearly suggests that these plays were not intended to be an exact representation of Golden Age Spanish society, despite the tendency of the *comedia* to present all plots in scenes and costumes familiar to its audiences.

Just as history does not provide important sources and antecedents for these plays, neither are the law as impartial, anonymous social code and justice as administrative social process important dramatic forces. Only in the two Estefanía plays will the legal system involving the courts be applied to administer justice relative to the wife murders, and in both cases the weight of the law is against the husband. Once Estefanía's innocence is established, Fernán Ruiz de Castro is well aware of the wrong he has committed, and he presents himself to the monarch for punishment. In both *La desdichada Estefanía* (2731-2800) and *Los celos hasta los cielos* (28a), the king himself will bring charges against the impulsive husband.

Despite the use of «ley» in many of these plays to describe a character's duties,¹⁹ the administration of law and order as depicted in the majority of these plays is not, in fact, reflective of that of Golden Age Spain. Quite frequently, the establishment of order comes from the personal intervention of the monarch, or of another authority figure. Nichols (212) has correctly asserted that the was in many respects the embodiment of law, and, in fact, several plays make just such a statement. According to *La infelice Dorotea*, laws come from the «boluntad de los reyes» (2116-19), and in *El buen vecino*, royal desire is specifically related to justice and law irrespective of courts, judges, evidence, and the like (17a). The final approval of the husbands' actions by a monarch without recourse to trial is found in *Los comendadores de Córdoba*, both versions of *El médico de su honra*, *La locura por la honra*, *A secreto agravio, secreta venganza*, and *El pintor de su deshonra*, among others.²⁰ In *La vitoria de la honra* (454a), in which there is no real discussion of the law, an officer of the law (an *asistente* in this case) specifically pardons the husband Valdivia, but not because the husband's actions were necessarily legal. Rather, he says that Valdivia's actions were worthy of a gentleman. Fathers stand in as authority figures in *La venganza honrosa* (185a), *El sufrimiento de honor* (653b-54a), and *La locura por la honra* (310b), and directly influence royal approval in *El pintor de su deshonra* (3: 1025-39).

In seven plays, the husband is himself the ruler, creating a situation in which no further approval from a higher authority is sought or required. In a very real sense, we must either accept the ruler's actions as legitimate, or we must classify his actions as those of a tyrant. *El castigo sin venganza* presents the most compelling case for accepting the Duke's actions as legitimate: the crime is manifest, he is the ruler, and he has the soldiers kill Fernando for a legitimate reason—having killed his mother-in-law. However, in the majority of cases, we are not intended to view the ruler-

husband's actions as proper. In *Atila furioso*, *La vida y muerte de Herodes*, and *Herodes Ascalonita*, there is no direct mention of the King's legal right to do what he wants, but even if such a right is assumed, the kings are such despicable examples of injustice that their actions cannot be said to uphold any legal right. Orodant, in *Alejandra*, notes that Kings should more properly pardon those who commit offenses than kill them: «Aquella no es justicia, sino furia...» (461b). At the end of the play, Tragedia notes that both the King and his wife were wrong: Acoreo in his greed and other vices, Alejandra in her love for Lupercio (522-23). In *Troya abrasada*, Menelao speaks of law of honor different from criminal law (283b), then kills specifically out of jealousy, not legal right (333). Despite discussion of jealousy and honor in *El mayor monstruo los celos*, the death of Mariene is quite accidental, and Herod's subsequent death clearly undercuts any kind of moral based on law or justice. *La venganza honrosa* ends with Norandino's acquittal and reward with another wife, but the play also presents a marked difference between Norandino's actions caused by jealousy, and the system of law seen earlier in which Porcia sentences Norandino to death, a process that involves public evidence presented to the Governor as an impartial officer of the legal system (175a-c).

A number of factors mitigate against our taking these final approval scenes as indicative of the workings of the legal system. The personal involvement by the King without regard to the established bureaucratic and public procedures was not a facet of Golden Age jurisprudence. While he could serve as final arbiter in a legal case, he could not circumvent his own legal establishment.²¹ Perhaps more importantly, in no play is the husband's legal right to kill his allegedly adulterous wife even mentioned. We may assume such a right when the husband is a ruler, and we may accept that a royal approval establishes order at the end of a play, but such assertions are by no means identical to the acquittal of a husband on legal grounds. In fact, several plays completely omit reference to the wife murder in the approval scenes. In *La locura por la honra* (323b), the King pardons the husband without even mentioning the wife murder. Moreto's *La fuerza de la ley* presents a curious variation on this theme. The play stresses the importance of law and its applicability even to royalty (81a-b, 94c, 98c, 100c), but the wife murder is done strictly out of revenge without reference to law or rights, and the King's judgment at the end scarcely mentions the wife murder, dealing instead with the application of the law to the King's son Demetrio (100b). After two separate instances in which Urbina specifically notes the difference between public justice and personal revenge (341b, 348a), *La contienda de Diego García de Paredes y el capitán Juan de Urbina* ends with no resolution regarding the wife murder, leaving the decision about the valor of Juan de Urbina explicitly up to the audience (349b). *La cruel Casandra* ends with the King's lament that such a tragedy should have

occurred and an indictment of Casandra's calumny, but without allusion to any right or wrong in the marital conflict (91b). Still other plays present clearly ironic approvals. In seven plays, the public approbation is based on lies or misleading statements even if the monarch secretly knows the real reasons for the death of the wife.²² In *Céfalo y Procris*, the King approves of the misogynistic murder of an overly inquisitive wife, but the nature of the play as burlesque farce denies any serious intention to depict social custom or law. Finally, in the plays in which the husband did not intend to kill his wife (the three *Cephalus and Procris comedias* and *El mayor monstruo los celos*), the legal situation of a man allowed to kill his adulterous spouse is moot, while the murder of the innocent wife is clearly seen as wrong.

In sum, we can discern in these plays no systematic reflection of either history or law as they existed in Golden Age. Given the unreliability of the historical source, the uncommonness of the actual wife murders, the paucity of *comedias* based on history and representing it reasonably faithfully, the absence of law as an important determining element in the plays, tenuous and often misleading connections between historical event or legal code and dramatic plot, we must concur with Telle (71), who notes that an author who chooses historical events as subjects to please an audience has quite a different historical point of view from that of the reader or spectator trying to extrapolate a general conclusion from the work of art. McKendrick (3-4) uses stronger terms: «The 'mirror of society' found by the naive and uncritical in the work of Lope, Tirso and Calderón will often discovered to be a distorting mirror» (cf. 35-36; Van Beysterveldt 49, 52). The wife-murder *comedias*, and the *comedia* in general, only appear to represent a historical truth; they exhibit verisimilitude in the purest sense of the word. Although they start with a premise that was or could conceivably be true, much more important than their possible relevance to Spanish social history are their theatrical conventionality, the overwhelming importance of irony, and, in general, their nature as works of art.²³

Trinity University-San Antonio, Texas

Matthew D. Stroud

NOTES

¹ Castro (*De la edad* 199, 217) asserts that Lope's dramatic art was tied to the particular circumstances of social life in Spain, and that the most direct method of learning about the period is through its literature (cf. 78). See also Reichenberger 311; Alonso 203; Valbuena Briones xiv-xv; Artilles, «La idea» 22-23; Menéndez Pidal, «Del honor» 148-50). Castro («Algunas» 2-6) gives an excellent overview of those who believed that dramatic honor reflected social honor such as Munárriz, Viel-Castel, Marchena, and Schack; McKendrick 3 adds Altamira,

Ballesteros, Pfandl, and Valbuena Prat to the list of like-minded scholars. That the unpopularity of unorthodox honor plots (such as in *Cada cual lo que le toca*) indicates the prevailing temperament of the society is asserted by (Van Beysterveldt 17). Of course, to assert historical fidelity does not preclude one's appreciation of literary aspects of the plays as well. Menéndez Pidal, «Del honor» 153-56, discusses the treatment of adultery as a function of literary genre.

² Those who favor gothic influences as the origin of the honor code in general and wife murder in particular include Munárriz and Ticknor, both of whom are cited by Castro, «Algunas» 2 and 5, respectively; Stuart 251; Sánchez Albornoz 1: 617; Sánchez 294; and García Valdecasas 157. That the honor code is a result of Spain's history as a synthesis of three cultures in the thesis of Sánchez Albornoz 1: 616-18, and Castro, *De la edad* 23-24, 32-51, 196 (cf. Curtius 268). The Moors are mentioned by Viel-Castro (cited by Castro, «Algunas» 4-5), and Wade. Castro (*De la edad* 178) says that the terms *hijodalgo* and *grande de España*, both of which relate to a person's honor, were products of Arabic influence. There is some basis for speculation that Moslem customs supported wife murder. Arabic literature has a recurrent theme of blood revenge, and real-life vengeance is strictly codified. From his family, a man receives his *'ird* (personal honor) and in return he bestows upon them his *'ar* (public honor). A man should avenge any affront to this honor, and, in his absence, the duty falls upon his closest relative or upon the community as a whole. Men were and are jealousy vigilant about their women's chastity and, as a rule, death is the prescribed punishment. For more on Islamic culture, see Laffin (95-107) and Marcos Marín (249-81). Regardless of the similarities between Islamic law and custom and a Spanish husband's vengeance, there is no direct link between Arabic custom and Spanish literature. Arabic literature offered plots to many European works, but I have yet to discover an arabic literary wife murder based on adultery, jealousy, or honor (cf. González Palencia 259-69). Too, the Spanish plays do not have Moorish protagonists (cf. *Othello*). Jewish custom, especially the law stipulating that an adulteress found *in flagranti delicto* was to be put to death (*Deut.* 22: 22), is cited by McGrady 36n.

A second line of reasoning to support the uniqueness of this phenomenon is the posttridentine atmosphere in Spain. The nobility did indeed experience ever more paradoxical situations regarding honor, love, and marriage, hence Américo Castro's terminology of an *edad conflictiva*. The brief influence of Erasmist and other Renaissance ideals paled before constantly increasing forces of oppression, repression, and intolerance on the part of the organs of the state, most notably the Church and the Inquisition (Castro, *De la edad* 169). Severe campaigns of internal repression that began with the expulsion of the Jews, the laws of purity of blood that were enacted in the 1530's and 1540's despite Papal and royal disapproval, and the resulting invasion of both institution and individual into the private lives of others caused the members of families of *conversos* to live in real fear of calumny (Elliott 214-28; Bennassar 223-33; Castro, *De la edad* 32, 23-24, 77-78; Van Beysterveldt 55-59; Bentley 154; Casa 12). Because of secret depositions, no one knew when or by whom an accusation might be made, rightly or not. As a result, a person who aspired to social status was constantly in danger of exposure or calumny, and a widespread paranoia and repression resulted (Castro, *De la edad* 77; Van Beysterveldt 56-57). At the same time, sexual license, arranged marriages, prostitution, venereal disease, concubinage, extramarital sex, illegitimacy, and abortion grew ever more

widespread, thus increasing the threat to honorable citizens (McKendrick 26-35, Bennassar 180-231).

³ In addition to the Islamic and Jewish traditions of honor and vengeance mentioned in note 1, the *Nueva enciclopedia jurídica*, «Adulterio,» notes the legal sanctions for adultery in Athens, Sparta, Egypt, and India, and among the Romans, and Goths (cf. McGrady 36n). In France, however, revenge by a husband himself, even when he discovered his wife *in flagranti* was not allowed and was in fact punishable by death (Telle 79-81). General human nature is offered as a reason for wife murder by Casa (14) and Parker, «Towards» 237.

⁴ A general bibliographical overview can be found in Artiles, «Bibliografía.» Additional mention of historical uxoricide can be found in Castro, *De la edad* 29; McKendrick 35-39; Escosura 168-84 (including conjugal violence other than wife murder); and Sánchez Albornoz I: 620-24.

⁵ Another case, found not in the Calatrava section but in the Archivo Secreto, *legajo* 7, tells of the bizarre incidents surrounding the death by poison of Francisca Vicenta by her husband, Francisco de Rojas, in 1660. Not only was the husband implicated, but so was his mother who, when her daughter-in-law did not succumb immediately to the poison, urged her son to stab her, saying that if he wouldn't, she would. In addition, when Rojas' father-in-law, Francisco Noguero, saw the success of the wife murder, he began to plot the death of his wife, Isabel de Avila (Francisca Vicenta's mother). She, however, was able to escape to a convent.

⁶ Those who specifically relate dramatic uxoricide to Spanish legal tradition include Artiles «La idea,» Stuart, and Izquierdo. Castro, *De la edad* 33, refers to the law as an «invisible trasfondo» to the drama.

⁷ The husband's control over the fate of the adulterous couple is upheld by the *Nueva recopilación* 8. 20. 1. 3, and 5 and other legal documents cited by Sánchez 293-5, Gutiérrez Fernández (133), and Serra Ruiz (165). McKendrick (15) notes that only a wife could commit adultery according to the law. Such laws also applied to fiancées and daughters; see Sánchez 293 and McKendrick 16 for bibliography. Nevertheless, McKendrick (38) notes that the actual murder of sisters and daughters was extraordinarily rare if not altogether unknown.

⁸ *Nueva recopilación* 8. 20. 5 and others; see Sánchez 293-94; Artiles, «La idea» 15; Serra Ruiz 125; Gutiérrez Fernández (133-34) cites the *fueros* of both Sepúlveda and Cuenca, and notes that the latter appears not to require the murder of both, stating the husband will be exculpated even if he only kills his wife or the lover. The *Fuero de Plasencia* curiously uses the word *castrar* when referring to the husband's punishment of both wife and lover (cited in Gutiérrez Fernández 134). Peña (3: II. 5) describes the practice of whipping and humiliating a husband who failed to punish his wife at all (also cited by Sánchez 294).

⁹ Sánchez 294; cf. Peña 3: 2. 5. The *Usatges de Barcelona*, «Mariti uxores,» no. 122, has the accused wife retain the services of an *avagant*, or knight, who would take her side in single combat against her husband (Serra Ruiz 184). As T.E. May noted, nowhere is the death of the wife mandated, only allowed, and rights could be waived (164n). Frequently cited religious authorities were also divided on the murder of an adulterous wife; perhaps the most famous in Antonio de Torquemada, *Colloquios satíricos* (1553), cited by Stuart (255) and Castro («Algunas» 13). Confession manuals of the era underscore the controversy surrounding moral arguments for and against wife murder for adultery. See, for example, Machado y Cha-

ves (2: 601) and Azpilcueta (280). Valbuena Briones (xliii) mentions Calderón's *auto*, *El pintor de su deshonra*, in which God pardons the wife, as evidence that moral solutions to the problem of adultery differed from political ones.

¹⁰ An exception that allows for the husband to act on mere suspicion is that of *Usatges* «Mariti uxores,» no. 112, cited in note 12 above (Serra Ruiz 184). The action prescribed, however, is not wife murder but trial by duel.

¹¹ Gutiérrez Fernández (135) asserts that the woman who had been the victim of sexual violence was obliged to denounce her attacker lest she appear an accomplice. An exception is found in *Vidal Mayor* 1. 48. 59 (Serra Ruiz 165) in which the wife has to justify her actions only to her husband, not to the public forum, thus upholding the privacy of marriage. However, this provision is not the same as a husband's right to ignore the established channels of justice.

¹² Castro, «Algunas» 357-86, discusses the lenient opinions against revenge expressed by several authors including Cervantes, Pérez de Saavedra, Gerónimo de Urrea, and Petrarch (cf. Bataillon 134-35, regarding Francisco de Madrid's translation of Petrarch; and Castro, «Algunas» 12, regarding the difference of opinion among Italian commentators on duelling). Lope himself, in his often quoted passage from *La prudente venganza* (365-66), said that a man in such a situation should move away and try to start life anew; cf. Avallé-Arce, «Lope» 346-50; Bataillon 135. Vives noted that one's reputation could not help a bad person nor hurt a good person, a clear contradiction of the dramatic «honor code» (cited in Menéndez Pidal, «Del honor» 140; cf. García Valdecasas 189-90, 200).

¹³ In addition to the four antecedents noted here, Amezcua believed that he had found a historical source for *El médico de su honra* in the *Libro de cosas notables que han sucedido en la ciudad de Córdoba y á sus hijos en diversos tiempos*, MS. D. 129 (Biblioteca de la Real Academia de la Historia, Madrid). Castro («Algunas» 11) asserts that the Córdoba manuscript was itself an imitation of one of the two plays, and was perhaps written as late as the 18th century. Acero believed that one of Calderón's sources was the rather well-publicized murder of Alonso Fajardo of his wife Catalina de Zambrano in Manila in 1620. Because the details of the Fajardo incident are so different from those of the play, Acero's argument from a *post hoc ergo propter hoc* fallacy. Too, despite the fact that the *romance*, «Bernal Francés,» informed the *comedia* (Avallé-Arce, «Bernal;» Kossoff), and that the husband was a historical figure, no one has even attempted to show that the particular events of the *romance* were factual. To date, no other direct historical source has been discovered. Regarding *El pintor de su deshonra*, Escosura (171-72) says that the probable source was a historical incident from 1645. The only elements in common, however, are the adultery (real in the historical incident; perceived in the play) and the occupation of the husband. Because so little of the *comedia* plot is found in the historical facts, it can hardly be said that Calderón used this incident as a source any more than he used any other unrelated case of adultery, either real or fictional. Escosura often weakens his arguments by overstating the connections based on casual impressions alone. Apart from this one instance, there is no historical evidence upon which we can say that *Pintor* is based.

¹⁴ The historical evidence is provided by Cotarelo (316-25), Menéndez y Pelayo (*Estudios* 5: 249-85), and Costa Palacios and Abad Gómez (125-26). For references to the poetic sources, see Frenk and Costa Palacios and Abad Gómez 126-27).

¹⁵ The Herod and Mariamne plays are *La vida y muerte de Herodes*, *Herodes Ascaloni-*

ta, *El mayor monstruo los celos*, based on the historical accounts of Flavius Josephus, *Antiquities of the Jews* and *Wars of the Jews*, in Josephus 1: 631ff., and 2: 174). The principal literary source is most probably Dolce's *Marianna* (1565), although the story also appears in Boccaccio (*De Mulieribus Claris*, No. 887, «De Marianne Iudeorum Regina»). Interestingly, Boccaccio's version includes portraits as important elements, both in arousing Marc Antony's lust and in her revenge against Herod; portraits are pivotal in Calderón's *Mayor monstruo*. The point of Boccaccio's story is Mariamne's bravery in the face of unjust death (338-45). Although Lupercio de Argensola's *Alejandra* reflects considerable influence by the Herod tradition, the characters, setting, and substantial plot elements have been changed, thus eliminating it from the group of plays that directly depict the actions of historical figures. Moreto's *la fuerza de la ley*, is based on Zaleucus the Lawgiver and the literary traditions surrounding this historical figure, but Moreto misnames his king after Seleucus, inheritor of the throne of Syria after Alexander the Great.

¹⁶ The historical evidence regarding Attila is to be found in *Suma de todas las crónicas* cclvi-cclvi, cited by Sargent (90) and Hermenegildo (246), who also mentions Pedro Mexia's *Silva* and the *Crónica general* (the mention of Attila's drunkenness and death, 1: 239b).

¹⁷ Based on Bandello's *Novella* 1. 44, and the translation of Bandello by Belleforest (Alonso). In turn, Bandello's *novella* has a historical basis (Gigas 594-97).

¹⁸ In addition to the four plays based on the myth of Cephalus and Procris (*La bella Aurora*, *Celos aun del aire matan*, *Céfalo y Procris*, and *El amor más desgraciado*), the following fictional plays are set in foreign lands: *Alejandra* (Egypt), *La venganza honrosa* (Italy), *La locura por la honra* (France), *El buen vecino* (Italy), *Casarse por vengarse* (Sicily), and *La fuerza de la ley* (Antioch). Other plays, while set in Spain, depict a much earlier time: *La cruel Casandra* (León, time unspecified), *A lo que obliga el honor* (unspecified court of Castilla, 1492), and *El médico de su honra* (Sevilla, 14th century). Cf. McKendrick 36.

¹⁹ Cf. *El castigo sin venganza* (2746-47, 2813-19), *La contienda de Diego de Paredes* (328b, 329b), Lope's *El médico de su honra* (970b), Calderón's *El médico de su honra* (2: 641), *Los comedadores de Córdoba* (1253a), *Troya abrasada* (283b), *A lo que obliga el honor* (511c), *La locura por la honra* (309b), *A secreto agravio, secreta venganza* (3: 782-85), *La mayor venganza del honor* (198va), *El buen vecino* (17a), *El pintor de su deshonra* (3: 512). *La infelice Dorotea* (698-99, 1278-81, 2891, 3019-20) mentions law and justice several times as both royal mandate and social obligations, but not as honor *per se*. Moreto's *La fuerza de la ley* deals considerably with the concept of law, but never refers to honor as law. In *Alejandra*, Lupercio speaks of *ley* as equivalent to the King's command (470a), and *Tragedia* blames the unhappy events on *Alejandra's* failure to keep the *ley del matrimonio* (523b).

²⁰ Likewise, *La infelice Dorotea* ends with Fernando's admission that it is right that the one who kills should die (3: 3063, 3082-83), and the King has him imprisoned (3: 3062).

²¹ Hamilton, drawing primarily on the works of Thomas Aquinas, Molina, Soto, Suárez, and Vitoria, makes quite clear that in the area of application of the law rather than legal theory, the law was intended to be a public duty of the monarch who was to act not privately (as frequently happens in these plays, especially those involving secrecy) but publicly, as legislator (47), and that the King himself is subject to his own laws and legal system (64-66; cf. *La infelice Dorotea* 1278-81).

²² *A secreto agravio, secreta venganza, A lo que obliga el honor*, both versions of *El médico de su honra*, and *El toledano vengado*. *El castigo sin venganza* is quite ambiguous: on the one hand the Duke is not incorrect in his assessment of the treason committed by Federico and Casandra; on the other hand, he is less than candid about the reasons for the murders. In *Casarse por vengarse*, the authority figure is also the lover, and while he ostensibly accepts the husband's lies, he also swears revenge as a future date.

²³ New Criticism divorced these plays from their alleged sociological value. Those who see the importance of these plays in their literary merit rather than in their historical fidelity include Jones, «*Honor*» and «*Spanish*»; A.A. Parker, «*Spanish Drama*» 684-85; Wardropper, «*Implicit Craft*,» «*Poetry*» 11; and Bentley. McKendrick (3) specifically notes the danger inherent in generalizations about real life using literary texts as evidence. Even many early critics found the assertions of historical fidelity difficult to believe. Castro, «*Algunas*» 2-6, lists some early scholars, including Viel-Castel Ticknor, who believed that the dramatic situations were either great exaggerations or inventions.

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