

Law, Literature and
Political Philosophy
in the Spanish
Golden Age

Law, Literature and Political Philosophy in the Spanish Golden Age:

A Reflection on Power

By

Julio Juan Ruiz

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INTRODUCTION

In these times of specialisation, the different branches of knowledge are experiencing dramatic growth. However, this seems to be an inward growth in which every discipline makes enormous progress in its own field while getting increasingly detached from the rest.

However, our world is not a compartmentalised unit, but a huge set of interactions where each existing thing, to a greater or lesser extent, influences the others, to constitute a whole reality. If knowledge continues growing into separate compartments, we will probably become unaware of how the real world functions.

During Antiquity and again in the Renaissance, a wise person was one who dominated various disciplines and applied their respective tenets to their mutual improvement. I believe that this is true wisdom. The different sciences can offer their resources to create an interdisciplinary net which will result in a genuine expansion of knowledge and its consequent benefits for human life.

Luckily, in recent years, interdisciplinary work has become increasingly frequent, first in natural sciences, and more recently, in social sciences, where some specialists have been already acknowledged for their contributions to the development of collaborative work among their respective fields.

The present work is intended to be a sample of the advantages of interdisciplinary work in Law, Literature, and Political Sciences. It consists of a collection of articles which appeared in academic media from various countries, with a common thread through them: the issue of power in the Early Modern period. In this research, literature plays a fundamental role, since it is not a mere instrument of study, but the point of departure for multiple analyses in the areas of law and philosophy.

I have organised this work into two parts. The first one addresses the relationship between law and literature, according to a trend known as Law in Literature, applied mainly in Continental Europe. This movement focuses on the analysis of law issues which appear in literary texts. The second part of the book addresses the relationship between political philosophy and literature. In this interdisciplinary relationship, also, literature is not only used to create stylistic resources, but to analyse philosophical problems as well.

The section related to law and literature comprises four articles: “Power and its limits in Pedro Calderón de la Barca’s Theatre Plays”, which studies the deconstruction of the image of the ‘just King’ and the validity of modern political realism tenets in our times. The other articles in this section address aspects of language as a connection between law and politics: “Reason and Passion in Legal Discourse” discusses the affective dimension in legal speech, while “Émile Durkheim’s sociology, in Halliday’s *Language as Social Semiotic*”, explains my beliefs about this fundamental human tool for communication.

The section connected with literature and philosophy includes seven articles: “Niccolò Machiavelli in the Political Thought of the Spanish Golden Century”, which analyses the Italian thinker’s thought, as seen by three Spanish philosophers of his time; “Religion and Machiavelli’s Philosophy”, which complements the previous study explaining the aspects of the Florentine’s thought which most irritated Spanish Renaissance thinkers; “Saavedra Fajardo in Sor Juana Inés de la Cruz’s *Allegorical Neptune*” contrasts two writers’ views about modern political realism; and “The Staging of Power in Pedro Calderón de la Barca’s Theatre Plays” and “Medieval Tradition and Modern Political Realism in Calderón de la Barca’s Theatre Plays” which both analyse the influence of Machiavelli’s thought on the Spanish playwright’s works and its clash with medieval tradition, still alive in modern Spain. The two last studies in this second part examine the use of literature by Spanish rulers as an instrument to legitimise their power. Thus, “Catholic Reason of State and Pedro Calderón de la Barca’s Stage Plays” and “Political Persuasion and Religious Indoctrination in Pedro Calderón de la Barca’s Theatre Plays” aim at explaining the relationship between drama plays and royal power.

Finally, I would like to point out that these works are only an initial approach to interdisciplinary work, but perhaps they can encourage other researchers to adhere to this methodology, which can lead to richer and more accurate findings.

PART ONE

CHAPTER 1¹

LAW AND LITERATURE: POWER AND ITS LIMITS IN PEDRO CALDERÓN DE LA BARCA'S THEATRE PLAYS

Summary

I. Introduction. II. Ways to articulate the interdisciplinary work.
III. Hermeneutic paradigm. IV. Representation and power.
V. The fair judge and the reason of state. VI. Conclusion.

I. Introduction

We are living in an era of specialisation. However, in other historical periods, such as the Middle Ages, all branches of knowledge were intertwined, and academics used to master various fields. A notable example of this was John of Salisbury, an English 13th century scholar who was not only one of the most important philosophers of his time, but also an expert in law. His knowledge of the *Corpus Iuris* and, especially, of the *Digest*, was patent in his main work, the *Policratus*, a fundamental text in medieval philosophical politics.

According to E. Kantorowicz, Salisbury's work brought about the new idea of a theocratic-legal monarchy which substituted the Christocentric-liturgic view prevalent in the High Middle Ages. Salisbury coined a new image of the King as 'living justice', a bridge between natural and positive law. This legal-political icon lasted until the Early Modern Period, when a new idea of the State emerged.

¹ This work appeared in the Mexican *Magazine of Law History*, Vol. XXVIII, July-December 2013, Mexico, D.F.

That modern State based its legal foundations on the Roman judicial system, which considered the ruler to be the guardian of the law. As such, he had to revere law and never transgress it.

Despite the validity of that imperative mandate, Niccolò Machiavelli's doctrine put it in danger. The Spanish playwright Pedro Calderón de la Barca portrayed that crisis in two of his tragedies: *La Vida es Sueño* (*Life is a Dream*) and *Semiramis o La Hija del Aire* (*Semiramis or The Daughter of the Air*).

Literary analysis can be a tool for understanding the feelings, values and beliefs that marked the beginning of Early Modernity. Literature can cast some light on historical and juridical matters. In this paper, for example, I used elements of literature to study an ethical and political problem which originated around the 15th century, and is still alive: power and its limits.

The present work aims to show the advantages of interdisciplinary work for the researcher in both the fields of literature and law. Before I start this task, though, I will draw a brief outline of the different ways law and literature can articulate.

II. Ways to articulate interdisciplinary work

Today, scholars consider that three main branches of study exist which connect language and literature:

- 1) Law in literature
- 2) Law as literature
- 3) Law of literature²

While the first speciality studies the discussion of legal problems as they appear in literary texts, the second one analyses juridical discourse through literature methodology. The third area, law of literature, deals with the rules that regulate matters such as copyright and intellectual property. The first approach is more common in Europe, whereas the second is more usual in the USA. Only the two first types are relevant for my work. The present paper belongs to the first line, *law in literature*, and within this, to the variety developed in Spain by specialists in law history.

Although the subject *law in literature* has been part of Spanish culture for a long time, Teresa Arsuaga points out that "...in Spain, the presence of

² For a global vision on this topic, see: Trindate A. and Gubert R., "*Law and Literature. Approaches and perspectives to re-think Law*", Ambrosio L. Goja Research Institute's Electronic Journal, Year III, n° 4, pp. 164-213.

law in literature has not gone beyond a sheer historical tracking, without taking into account the contributions of literary criticism.”³

From a methodological perspective, the use of literary tools in the field of law is plausible. However, not all literary resources are suitable for this purpose. Before continuing with this topic, then, it is worth differentiating the theory of literature from literary critics.

According to the Argentinian semiologist Walter Mignolo,⁴ literary theory outlines the general principles of literature. It does not analyse specific texts, as literary criticism does. For example, it is possible to study the principles of an artistic avant-garde by paying attention to its manifestos, with no need to interpret any book in particular.

On the other hand, we can define literary criticism as an intellectual activity characterised by applying the general principles of literature to work interpretation.

Mignolo supports that “...as we have seen, every literary theory depends on a theoretical paradigm unconnected to the literary work.”⁵ Going into this assumption in depth, we can identify three lines of thought which influence literature: the psychoanalytic, the sociological and the poststructuralist. The psychoanalytic stream received the influences of J. Lacan’s and Julia Kristeva’s ideas; the sociological line follows the thoughts of the Frankfurt School, and the poststructuralist current shows the mark of R. Barthes, Gilles Deleuze, J. Derrida, and others. In any case, without regard for which line they follow, most experts coincide with the idea that literary theory can help interpret legal matters and, more precisely, law hermeneutics. I thoroughly agree with this view.

In addition to the trend *law in literature*, T. Arsuaga argues that European laws also include some features of the American movement *law as literature*.⁶ She maintains that modern European constitutions contain some general principles of this American approach. These concepts allow taking a wider view of a legal system in which judges’ sentences were traditionally subject to the subsumption model. Arsuaga believes that neo-constitutionalism is a space of privilege for both disciplines to come together.

³ Arsuaga, T., *Law and Literature. Origins, main theses and reception in Spain*, p 16, Working Paper IE Law School, Aji-157, 01-06-2009.

⁴ Mignolo, W., “Hermeneutic Comprehension and Critical Comprehension”, Supplement of Literature Review, Vol. XLV, issue 90, July-December 1983, pp. 5-38.

⁵ *Ibidem*, p. 4.

⁶ Arsuaga, T., *op. cit.*, pp 17, 18. This movement was based on James B. White’s work *The Legal Imagination*.

As I have already stated, the present work follows the tendencies of Spanish studies in law history.⁷ These studies began with the analysis of juridical aspects in medieval epic literature, particularly *The Poem of the Cid*. Joaquín Costa, Eduardo de Hinojosa, Pedro Corominas, and Alfonso García Gallo, conducted important research in this field. Other experts in different areas, who also contributed to the analysis of that relationship, were José María Costa, Niceto Alcalá Zamora, and José María Pemán. From the political sciences' point of view, the historian José Antonio Maravall's research works are especially relevant, in particular, his essay, *Baroque Culture*. In this text, he outlined his famous thesis on cultural dirigisme.⁸ Equally relevant were Diego de San Pedro's works, as well as Professor José Luis Bermejo's extensive studies on the relationship between law and literature.⁹

Regarding this relationship, I agree with Faustino Martínez Martínez, who commented:

“... Expertise on the ‘official law system’ is not enough... yet I will try to the best of my ability, and as long as the sources allow me, to complement a purely juridical vision with others coming from different fields... Here, literature can offer an exceptionally valuable testimony of the past.”¹⁰

I fully agree with the view that an interdisciplinary methodology is useful, not only to experts in law, but to literature scholars, who, applying

⁷ For more information about this movement, see: Izquierdo Martínez, José María, *Law in Spanish Theatre. Notes for a Juridical Anthology of Comedies in the Golden Age* (1914), Pamplona, Analecta, 2006; Bermejo Cabrero, José Luis: “Legal aspects in *La Celestina*” and “A Legal Topic in Literary Tradition. Famous Jurists and Legislators”, in *Law and Political Thought in Spanish Literature*, Madrid, Gráficas Feijoo, 1980. It is also relevant: Martínez Martínez, Faustino, “Literature and Law: Two Dispersed Examples from the 16th and 17th Centuries”, in *Mexican Annual of Law History, XVII* (2005), pp. 113-210.

⁸ At present, this thesis has been refuted by several studies. For example, the French Hispanist Jean Canavaggio, in *History of Spanish Literature, Vol. III, The 17th Century*, ch. I, Barcelona, Ariel, 1995, p19, dismissed the Spanish author's theory, supporting that “[...] the Habsburg monarchy—as Olivares' failure proves it—did not have the ambition or the means of planning the conditioning of a community which was prisoner of multiple compartments.”

⁹ For a detailed account of the studies about law and literature from the perspective of law history, see: Martínez Martínez, Faustino, “Common Law and Literature: two examples from the 16th and the 17th Centuries”, *Mexican Annual of Law History, XVII*, (2005).

¹⁰ Martínez Martínez, Fausto, op. cit., p.88.

some legal concepts to the literary analysis, can better interpret specific literary contexts.

III. Hermeneutic paradigm

In order to achieve my goal, I considered it necessary to include my work in a hermeneutic paradigm. For this purpose, I have resorted to two valuable sources: Mikhail Bakhtin's literary theory, which highlights the relationship text-context, and Michel Foucault's notion of episteme.

To understand Bakhtin's methodology, we need to examine its historical background. In Russia—Bakhtin's country—the scientific study of literature began with the formalists. At the beginning of the 20th century, a group of university graduates—Tinianov, Jakobson, and Eichenbaum, among others—decided to approach literature from a new perspective. That aim led them to search for the universal properties of literary phenomena. They concluded that the object of literature was not the text's meaning but its form, or *literariness* (*literaturnost*). This form became evident through certain mechanisms or structural principles which indicated whether a particular text was actually literary.¹¹

The formalists looked for specificity as a response against the positivist historians. Formalists accused positivists of tainting literary criticism with ideologies and concepts unconnected with literature. As Eichenbaum said, the positivists' literary object "...was made of a conglomerate of pseudo disciplines instead of literary science."¹² In turn, formalists were held responsible for emphasising the form to the detriment of the context.

Decades later, Bakhtin's theoretical approach took into account both the text and the context.¹³ From an epistemological perspective, the starting point for his theoretical conception rose from the opposition between natural sciences and human sciences or—as Dilthey called them—sciences of the spirit. Bakhtin observed that the first established a monologic relationship: that of the intellect with the thing; while the second created a dialogic association, because "... a subject, as such, cannot be perceived or studied as a thing, since being a subject he cannot—if he continues being—remain

¹¹ Fokkema and Ibsch, *Theory of Literature in the 20th Century*, Madrid, Cátedra, 1984, p. 30.

¹² Eichenbaum, Boris, "Theory of the Formal Method", in Todorov, T., *Theory of Literature of the Russian Formalists*, Buenos Aires, Siglo XXI, 2004, p84.

¹³ Bakhtin, N. M. "Towards a Methodology of the Human Sciences" *Verbal Creation Aesthetics*, Buenos Aires, Editorial Siglo XXI, 2005.

voiceless.”¹⁴ In the human sciences, the word holds a dialogue with the object. This dialogic relationship clearly appears in the literary text, where “...every word, every sign in the text leads us outside its limits.”¹⁵

In this theoretical framework, the relationship between law and literature becomes clearer: a literary text leads to its context. Therefore, law occupies a privileged position, since it rules the juridical aspects both of people and institutions: law includes in its scope almost every aspect of human life.

At some point in history, law and literature shared a common framework or, as Michael Foucault called it, *episteme*. In his famous work *Words and Things*, Foucault defined the concept of episteme as a combination of historical conditions which gave rise to a certain branch of knowledge. Before the 19th century, during the episteme of *representation*, Foucault observes, the combination of society and language was not yet a subject of scientific study. Human issues were partially important to science, a mere reflection in a mirror, such as the image of King Felipe IV in Velázquez’ *Las Meninas*.¹⁶ In the words of Foucault, epistemes were the contexts: “...from which historical *a priori*, in which element of positivity the ideas were able to appear, the sciences were constituted, the rationalities were formed, to annihilate themselves and faint, perhaps too soon.”¹⁷

At the beginning of the Early Modern period, during the episteme called *representation*, the relationship between law and literature was marked by the emergence of the modern State, and the controversy sparked off by Machavelli’s works, in both Protestant and Catholic countries. According to Hermann Heller, at those times, the new state was characterised by “... a unit of domination, independent in the outside and the inside, that acts in a continuous way, with its own means of power, and clearly delimited in the personal and territorial aspects.”¹⁸ In turn, the terms of this doctrine drew the outlines for the Reason of State, which caused crisis in the medieval image of the ‘just King’.

The theatre plays from the Golden Age are a useful means to understand the values and beliefs that Spanish society held at those times, as well as the ethical debate which Machiavelli’s theories brought about.¹⁹

¹⁴ *Ibidem*. p383.

¹⁵ *Ibidem*.

¹⁶ Foucault, M. “Preface”, *Words and Things*, Buenos Aires, Siglo XXI 2008.

¹⁷ *Ibidem*, 15.

¹⁸ Heller, H. *Theory of the State*, 9th Reprint, Mexico, Economic Culture Fund, 1983, p142.

¹⁹ Despite being forbidden by the Inquisition, Machiavelli’s philosophy was well known in Golden Age Spain. About this topic, see: Puigdomènech, Helena, “Machiavelli and Machiavellism in Spain”, in Forte, Juan Manuel y López Forte,

IV. Representation and power

Of all the theatre plays written by Calderón, the one which most lucidly reflects the idea of power in Modernity is the sacramental work, *The Great Theatre of the World*. Its analysis shows two opposing levels of meaning: the theological-philosophical, which can be called transcendent, and the secular, which introduces the modern concept of power.

At the transcendent level, Stoic philosophy and Catholic orthodoxy fused together. That fusion was possible because both views had moral virtue as their common quality, and human moral perfection as their main objective. That was the reason why, at the beginning of Christianity, the Fathers of the Church felt so close to the Roman philosophers that Tertullian said: “Seneca saepe noster.”²⁰

On the other hand, at the secular level, *The Great Theatre* clearly reflected the modern idea of power. In a passage of this work, the author/God, after distributing their roles in the play to each one, observed that:

“Not because more pain is laid
Upon thee who beggar art,
Is the king’s a better part
Than the beggar’s, if well played.
One and other shall be paid
Freely all their salary,
When it once deserved shall be;
And with any part it can
Be so earned, the life of man
Being all one comedy.”²¹

Power, then, was a representation, but not the way contemporary democracies understand it. In the view of Early Modern absolutism, representation was the image that a King showed in the presence of his

Pablo (eds.), *Machiavellism and Antimachiavellism in the Spanish Culture During the 16th and 17th Centuries*, Madrid, New Library, 2008.

²⁰ Fraile, Guillermo. *History of Philosophy*, v. I, Madrid, Christian Author’s Library, 1976.

²¹ Calderón de la Barca, Pedro, *The Great Theatre of the World*, John W. Parker and Son, London West Strand, 1856. Digitalised by The Internet Archive in 2007. California Digital Library,

<https://archive.org/details/lifesdreamgreatt00caldiala/page/176> (In the original version of this paper: Calderón de la Barca, Pedro, *El gran teatro del mundo*, Madrid, Cátedra, 2009, p50).

subjects. The more radiant he looked, the greater his power was, in his people's imagination. The philosopher J. Habermas called this dramatisation of power 'representative advertising'. According to this German theorist, this phenomenon came from medieval feudalism. The feudal lord was thoroughly conscious of his social position. His status appeared as "...neutral according to public and private criteria; but the individual who had that status represented it in public: he showed off, he always represented himself as the embodiment of a high power."²² In times of monarchic absolutism, the court was a privileged scenario for 'representative advertising'. In this environment, the feudal lords, whose lineage was of ancient warriors' descent, became courtesans. The court's exquisite manners gave birth to what was afterwards called 'good manners'. After the falling of absolutism, these manners turned into a constituent part of the nobleman's personality. These features were a way to tell the difference between the nobility and the merchants, as we can read in a letter from Goethe's novel *Wilhelm Meister*. Here, the hero, after comparing social types concludes that "...the noble is what he represents; the merchant, what he produces."²³

The concept of power that Calderón defined in his plays shows the close relationship between politics and stage plays through the Early Modern period. Through theatre plays, the powerful built the models they wanted to implant in the collective imaginary of a society that was mostly illiterate. Stage plays, together with ecclesiastic sermons, were the mass media of the newborn Modernity. By means of these instruments, for example, baroque Spain depicted the King as a 'son of the Church'. This image was used to persuade the population that the Crown's policies were meant to protect the Catholic faith. As it shows, the political manoeuvre of building up a leader's profile through the mass media is not new. This similitude was already noted by the English historian Peter Burke,²⁴ who, in his essay, *The Fabrication of Louis XIV*, drew a parallel between the French monarch and contemporary political leaders such as Richard Nixon and Margaret Thatcher. Burke observed that those leading figures entrusted advertising agencies to the creation of their public images; centuries before, the Sun King had done the same with artists and writers in his court.

From a philosophical point of view, Catholic orthodoxy and the modern concept of power coexist in *The Great Theatre of the World*. From a

²² Habermas, J., *History and Critics of Public Opinion*, translated by Antonio Domenech, Barcelona, Gustavo Gili Publishers, 1981, p46.

²³ *Ibidem*, p52

²⁴ Burke, P. *The Fabrication of Louis XIV*, translated by Manuel Sáenz de Heredia, Nerea, 2003.

political point of view, Calderón's plays hold contrary ideas, such as stoicism and modern political realism. Their predominant feature, though, is their ethical spirit, which becomes evident in their defence of fundamental human rights and, especially, in their wish for a just and prudent ruler, in the way of the medieval *Mirrors for Princes*.

Commenting on Antonio Regalado's work about Calderón, Evangelina Rodríguez Cuadros²⁵ observes that, the Spanish bard "... never held an ideology of his own, but he was able to amalgamate systems of thought which were often contradictory."²⁶ This characteristic appears in the two tragedies I have selected for this work. On the one side, they show the ruler's behaviour according to Machiavelli's point of view. On the other hand, they condemn this behaviour and adopt a stoic attitude. There is a complete incompatibility between both principles because, as Sabine points out, in Roman doctrine "...a more contemplative attitude prevailed, clearly contrary to the belief that serving the State was the supreme virtue."²⁷ These two views were completely incompatible; while realism offered strategies for the State to gain and keep power, stoicism pointed to an ethic path contrary to Machiavelli's *virtú*.

V. The 'Just King' and the Reason of State

In medieval political theology, the King was a geminated person: human by nature and divine through grace. He acquired this last quality during the anointment ceremony, by which he became a living Christ.²⁸

In the late Middle Ages, the Christocentric monarchy model was substituted by another, more theocratic and juridical. During this period, the King was seen as the living justice, a role that Aristotle, in his *Nicomachean Ethics*, had reserved for the judge.²⁹

²⁵ Rodríguez Cuadros, Evangelina, *Calderón*, Madrid, Síntesis Publishers, 2002.

²⁶ Regalado, Antonio, *Calderón. The Origin of Modernity in Golden Age Spain*, Barcelona, Destino, 1995, 2 vs.

²⁷ Sabine, George, *History of Political Theory*, translated by Vicente Herrero, Mexico, Economic Culture Fund, 2001, p15.

²⁸ Kantorowicz, Ernst, *The Two Bodies of the King*, translated by Susana Aikin and Rafael Blázquez Godoy, Madrid, Alianza, 1985.

²⁹ Aristotle, *Nicomachean Ethics*, translated by Julio Palli Bonet, Barcelona, Gredos, Pocket Book, 2008. This text was thoroughly studied by Giles of Rome, a disciple of St. Thomas and tutor of Phillip Capet the Beautiful. In his work *On Ecclesiastical Power*, he combined the political ideas of Roman juridical texts with those of the Stagirite. In this way, he improved the concept of the King as living justice which had been previously treated in J. of Salisbury's *Policraticus*.

The concept of royal power as an intermediary between natural and positive law still subsisted through the emergence of the modern State. Jean Bodin justifies the King's power in *Theory of Sovereignty*, included in his work *Six Books of the Republic*.³⁰ According to Bodin's theory, the monarch had the power to enact laws and, therefore, he could not be subject to them. However, he was, as Del Vecchio points out, "... subject to natural and divine laws, whose rule Bodin reaffirms."³¹ That was why the transgression of the natural law was one of the reasons that the medieval image of the just King was eventually deconstructed.

In modern Spain, the gradual concentration of power in the King's hands was justified by Gil de Roma, who used that image to legitimise the Pope's power.³² The medieval jurist distinguished two faculties in the pontifical sovereignty: an ordinary right, similar to the power God uses to keep the order of worldly matters; and an extraordinary right, which the Supreme Being exercises in order to change things at will. As the royal power gradually consolidated, the extraordinary faculty became fully justified. Nevertheless, neither in the sovereignty theory³³ nor in Gil de Roma's postulates, was the King's power detached from natural law, that is to say, from the legal principles which are common to all people. Moreover, the newborn states based their juridical organisation in Roman law, which saw the ruler as its guardian: the ruler must protect and revere the laws and never break them.

The deconstruction of that image was reflected in *Life is a Dream*, one of the fundamental works of the Spanish Golden Age, and a treasure of world literature. Certainly, in modern political philosophy, the tyrant was the opposite of the medieval 'just King'. In Calderón's play, King Basil incarcerates Sigismund, his son and successor: "... I wrong my son of his prerogative, and Poland of her rightful sovereign."

³⁰ Bodin, Jean, *The Six Books of the Republic*, translated by Pedro Bravo Gala, Madrid, Tecnos, 1997. In this book, the French legist ratified the power of his master, Francis I of Valois. That ratification occurred both abroad, before the Pope and the Empire, and within the kingdom, before the feudal lords.

³¹ Del Vecchio, G. *Philosophy of Law*, Barcelona, Bosch, 1942, p90.

³² See Maravall, José Antonio, *Modern State and Social Mind*, Madrid, West Journal, 1972.

³³ The Theory of Sovereignty was formulated in 1571 in *The Six Books of the Republic*, by the legist Jean Bodin, councillor of the French King Francis I. This theory had the purpose of consolidating the monarch's power, both inside and outside the kingdom (see note 29). It must be taken into account that the legal system in France, as in other European countries, was based on Roman law.

Indisputably, no end justifies the infringement of an essential right such as freedom. In addition, as the historian Mainecke remarked, any transgression of morals and laws is "...always a transgression to ethics, the defeat of *ethos* in its clash against *kratos*. As a consequence, the Reason of State is permanently oscillating between light and darkness."³⁴ In Calderón's work, King Basil shows that oscillation; he breaks the natural law, something unacceptable to medieval political thought.

As claimed by Swiss historian J. Burkhardt,³⁵ the wish for domination was a human tendency born in the Renaissance. Of Calderón's plays, the one that more clearly shows this tendency is *Semiramis or The Daughter of the Air*. Its main character, Queen Semiramis, succumbed to an irrational passion: power.

In the play, despite the fate's warnings against "...tragedies, deaths, insults, rage, tears and confusion",³⁶ Semiramis challenges her destiny: "What do I care if they say, that my ambition will kill me? I will subdue it, believe me: My sense will give me the strength."³⁷ In the end, her excessive ambition causes her ruin, but she wants to overcome her defeat: "...I am warned against my fate and I know how to defeat it."³⁸ Her way through power is marked by excessive violence which fills her subjects with fear. According to Machiavelli, it is advisable for a ruler to generate this feeling in his subjects, because, "...Of man, we can say that he is ungrateful, unpredictable, pretending and concealing; that he flees from danger and is greedy."³⁹ Semiramis' cruelty keeps on escalating until she becomes a tyrant. She not only humiliates but also demotes Liodoro, her mortal enemy, "... Because now it is my wish, to act as a real fierce and to treat you as a dog."⁴⁰

Tired of the Queen's despotism, her people demand that Ninias, her son and heir, take the throne. That situation has been foretold by Licas, her good, loyal councillor: "... But being the Prince, Milady, natural son of my King, and the people's clamour right, who could prevent him from ruling?"⁴¹

³⁴ Mainecke, Karl, *The Idea of the Reason of State in the Modern Ages*, Madrid, C.E.C., 1983, p8

³⁵ Burkhardt, Jacob, *The Renaissance Culture in Italy*, translated by Teresa Blanco, Fernando Bouza and Juan Barja, Buenos Aires, Akal 2008.

³⁶ Calderón de la Barca, Pedro, *The Daughter of the Air*, Madrid, Cátedra 2009, p74.

³⁷ *Ibidem*.

³⁸ Calderón, *op. cit.*, p217.

³⁹ Machiavelli, Niccoló, *The Prince*, translated by Roberto Raschella, Buenos Aires, Losada 2009, p156.

⁴⁰ Calderón, *op. Cit.*, p217

⁴¹ *Ibidem*, p225.

Faced with the people's clamour, the Queen gives up the throne but not the power: "...now I relinquish my throne, I will protect you no more, and sacrifice your protection."⁴² Nevertheless, the Queen fights to keep the power by any means. Semiramis is the archetype of the wish for power; that is to say, of a person whose life does not make any sense without the ruler's power: "... my kingdom was my being. I am no more, because I rule no more."⁴³

Conscious of her situation, Semiramis devises a scheme the goal of which is the throne: "... Being Ninias so alike me, I will pass myself off as him, and without commiseration I will grab back my good luck."⁴⁴ In that way, she proved to be keen in the art of deceiving which, according to Althusser, "... has nothing to do with force; it is not a type of force but something completely different."⁴⁵ She then makes use of the fox's wit, not the lion's strength, and chooses to refine her evil at the expense of her femininity: "...Farewell, feminine modesty, at once you will be deprived of all your delicate ornaments which will be another one's."⁴⁶ At first, her scheme succeeds, but then the courtiers discover the ploy and she explains her behaviour to them: "... I am not who I used to be for reigning gives a new soul" (Calderón 2009, 292). Machiavelli had already talked about that 'new soul' in his works. This model of ruler contrasted with the one the Valencian jurist Pedro Belluga Tous⁴⁷ gave in his *Mirror for Princes*. Here, the author advocates for a just King: "... God has convinced you to defend justice beyond the laws and agreements enacted with your people" (2000, 19). Fundamentally, the Valencian considers clemency to be "... the safeguard of a King, the love for his people is his only impregnable bastion" (2000, 19). Semiramis' political concept, then, was closer to Machiavelli's ideas than to the *Mirror for Princes*. Her son Ninias, on the contrary, proves to be a more humane prince, showing pity for the humiliated Liodoro: "... So much your sorrows moved me, Liodoro. And it is shameful to cast down

⁴² *Ibidem*, p226.

⁴³ *Ibidem*, p274.

⁴⁴ *Ibidem*, p272.

⁴⁵ Althusser, Louis, *Machiavelli and Us*, Madrid, Akal 2004, p121.

⁴⁶ Calderón, *op. cit.*, p281

⁴⁷ Pedro Belluga Tous (1400-1468). Valencian jurist, educated in Bologna University, where he obtained his first Doctorate in civil and ecclesiastical law. He served as lawyer in the courts of Alfonso V and Juan II of Aragon. He wrote his *Speculum Principum* between 1437 and 1441, dedicating it to the King Alfonso the Magnanimous. This work was widely read during the 16th and 17th centuries. It reflects the juridical and political transition from feudalism to the emergence of the modern State.

the defeated” (Calderón 2009, 234). Ninias’ modesty drove him to try to, “... mend my mother’s insults with my favours.”⁴⁸

Once Semiramis’ scheme is discovered, she is defeated, and her lawful heir recovers the throne. Ninias’ reinstatement is the prize for his virtues. In the words of Liodoro, the old man who has been so humiliated by the Queen: “... If the one to whom I own the freedom I have today, is alive... I want to say for his favour I am grateful.”⁴⁹ In this way, the model of the just King prevails at the end of the play.

Unlike Semiramis, in *Life is a Dream*, Sigismund does not succumb to his wish for power; he comes to the throne by a singular process of conversion. In this process, the prince learns how to tame his passions, how to become their master, as the stoic philosophers used to teach. During his conversion, he glimpses the finiteness of life and comes to the conclusion that death is the awakening from the dream of life: “... and living has taught me this, man dreams the life that is his, until his living is done.”⁵⁰ So we dream until we wake up, when we die. Death and dream, according to Hamlet, are just the same mystery: “... To die, to sleep; to sleep, perchance to dream—ay, there's the rub.”⁵¹ Dream was Sigismund’s teacher: “...That is true: then let's restrain this wild rage, this fierce condition of the mind, this proud ambition, should we ever dream again.”⁵² Dream also taught the prince that: “...Fate should not be forced by means so unjust and so vindictive, for they but excite it more.”⁵³ Here, Francisco Ruiz Ramón points out, Calderón goes beyond the Reason of State because “... he proves that

⁴⁸ Calderón, *op. cit.*, p249

⁴⁹ *Ibidem*, p234

⁵⁰ Calderón de la Barca, Pedro, *Life is a Dream*, in the Hispanic Anthology: *Poems* translated from the Spanish by English and North American poets, collected and arranged by Thomas Walsh, translated by Arthur Symons, G. P. Putnam's Sons, New York 1920x.

<https://users.ipfw.edu/jehle/poesia/SUENAEEN.HTM> (In the original paper: Calderón de la Barca, Pedro, *Life is a Dream*, Madrid, Edaf 1999, p256).

⁵¹ Shakespeare, William, *Hamlet*, in *William Shakespeare, the Complete Works*. New York, Gramercy Books 1975, p1088.

⁵² Calderón de la Barca, Pedro, *Life is a Dream*, Luarna Ediciones Online, www.luarna.com,

<http://www.ataun.net/bibliotecagratis/Classics%20in%20English/Pedro%20Calder%C3%B3n%20de%20la%20Barca/Life%20is%20a%20dream.pdf> (In the original work: Calderón, *op. cit.*, p256).

⁵³ *Ibidem* (In the original paper: Calderón, *op. cit.* p297).

the individual's sacrifice to that Reason of State brings violence to a community, thus causing the misfortune he meant to avoid."⁵⁴

It is clear, then, that the two Calderonian plays I have commented on show the political behaviour fostered by Machiavelli's *The Prince*. Nevertheless, in both of them, the image of the just King prevails in the end. This image, however, as Fernando de la Flor observed, was the result of "... the implementation of a meticulous protocol of self-co-actions which intend to show the princely person as an exemplary figure."⁵⁵

To sum up, in the Spanish Early Modern period there was an attempt to place the medieval image of the just King at the peak of power. Nevertheless, a marked ambition prevailed in the end.

VI. Conclusion

From a methodological perspective, inter-disciplinary law with literature is useful both for law scholars and literature experts. For the former, it allows the access, through literary texts from different periods, to the values and beliefs that characterised them. To the latter, it offers an accurate and rich perspective of a certain historic period.

In the present work, Calderón de la Barca's plays help analyse the deep ethical feeling dominant in Spanish society during the Golden Age.

Today, like yesterday, human beings continue to look for solutions to the complex matter of power and its limits. An interdisciplinary methodology is a valuable tool to find an answer to this issue, or, at least, to restrain power and defend human rights and dignity.

⁵⁴ Ruiz Ramón, F., "Introduction", in Calderón de la Barca, Pedro, *The Daughter of the Air*, Madrid, Cátedra 2009, p18.

⁵⁵ De la Flor, Fernando R. *Secret and Dissimulation in Hispanic Baroque*, Madrid, Marcial Pons 2005, p55.

CHAPTER 2⁵⁶

MACHIAVELLI AND THE REASON OF STATE IN TWO STAGE PLAYS BY CALDERÓN DE LA BARCA

Summary

Regardless of the censorship exercised by the Inquisition at that time, theatrical productions in Spain during the Golden Age were a privileged space for the expression of political views that emerged in the world along with the modern state. Niccolò Machiavelli's doctrine proclaimed the autonomy of politics from morals and religion; the Reason of State proposed the means to consolidate the power of the state. In this paper, I propose to analyse those viewpoints in two of Calderón's most celebrated works: *Life is a Dream*, and *The Daughter of the Air*. Both works also show a profound ethical awareness which, at the dawn of Modernity, denounced the abuses of power.

I. Introduction

Several decades ago, historian José Antonio Maravall observed that modern man cannot be conceived without the idea of State. The concept of state emerged in the Renaissance and made it possible to concentrate power in the hands of monarchs.

This legal and political re-organization of the old kingdoms was marked by rationality, in opposition to the medieval world-view, which was more spiritual. During the Middle Ages, the King's spiritual duty, as Thomas Aquinas said in his *Opuscle for the Government of the Princes*, was to guide man to his ultimate destiny, that of eternal life, while on the earthly plane he had to be content with living honestly. In the Early Modern period, this

⁵⁶ This article appeared in *Dicenda Magazine*. Spanish Philology Notebooks, Complutense University, Madrid.

theological world-view was changed for modern political realism, the most important expressions of which were Niccolò Machiavelli's thought and the doctrine of the Reason of State. The latter did not focus on the spiritual interests of human beings, but in the necessary procedures to consolidate the political stability of the newborn nations. Although this doctrine was based on Machiavelli's thought, the Reason of State opposed it, and did not deal with the strategies for a prince to gain and preserve his power. Instead, it was centred on the existence and attributes of the State, and, fundamentally, on consolidating it as the only form of power that could guarantee social peace, independently of any juridical or moral consideration. That was why the Reason of State went "against a Christian and judicial tradition which considered the ruler to be just and respectful of the whole legal system."⁵⁷

In the Spain of the Golden Age, the deep contrast between modern and medieval political worldviews was evident, because the State was founded "on a basis of traditional survivals which were present in every field."⁵⁸ In the Iberian Peninsula, the new philosophical tendencies coexisted with other ideas anchored in medieval scholasticism, such as the Jesuit Francisco Suarez' neo-scholastic philosophy.

Modern political realism covered a broad doctrinaire spectrum, from an ethical approach favoured by some theorists, who Javier Peña Echeverría (1978) called "ethicists", to another, diametrically opposed approach, supported by the so called "tacitists". The latter advocated political autonomy but avoided confrontation with religious orthodoxy. Among the tacitists, Furió Ceriol and Álamos Barrientos stood out. Between those anti-theticals was another tendency represented by authors who conferred certain autonomy to politics, whilst still within the limits imposed by obedience to religious orthodoxy. Examples of these were Baltasar Gracián and Diego de Saavedra Fajardo.

Some Spanish political thinkers felt deeply irritated by the instrumental use of religion proposed by Machiavelli in his *Discourses on Livy*. Here, the Florentine writer analysed the role of religion in ancient Rome, and encouraged its use as a tool to restructure the organisation of a city. As a result, Catholic authors sought to outline a Reason of State which was at least partly subordinate to religion. That was why Pedro de Ribadeneyra urged the monarch: "[...] not to become a censor of the faith or a judge of religion, nor to pretend to be in charge of causes, or to be a minister of the Church, for he is not a censor of the faith, but a son of the Church and its defender." This Reason of State anathematized the line of action

⁵⁷ M. Foucault (1996), p49.

⁵⁸ J. A. Maravall (1972), p18.

Machiavelli advised to follow, because: “[...] Our Lord God (which is the infinite and immensely simple Good) abhors and punishes with strong hand all the hypocritical princes who wish to deceive behind the mask of virtue.”⁵⁹ Baltasar Gracián also condemned the Italian author’s postulates, supporting that: “...it is a vulgar insult to take guile for politics: who does so, takes the deceptive for wise, and takes the one who pretends, conceals and deceits for the wisest.”⁶⁰

In the same way as Machiavelli, many Spanish theorists chose history as their area of study. In particular, they analysed the work of great classical historians such as Cornelius Tacitus. Commenting on this, Christoph Strosetzki pointed out that, “the deep interest in ancient historians arose from the idea that human nature is unchanging, and that, therefore, one can learn from history.”⁶¹ The writer and diplomat Diego de Saavedra Fajardo also mentioned this educational utility in his work *Idea of a Christian Political Prince Portrayed in a Hundred Empresas*, dedicated to Felipe III’s elder son, Prince Baltasar Carlos Domingo. De Saavedra Fajardo pointed out that the bad past rulers render a great service, because: “...only this advantage remains of having had a bad prince, on whose corpse prudence can study anatomy, so learning about the diseases of a great evil in order to find the cure for them.”⁶²

These opposing worldviews are reflected in dialectic style in two of Calderón's most famous works: *Life is a Dream*, and *The Daughter of the Air*. Both play scripts synthesise Calderón’s political thought characterized by profound ethical convictions.

This review intends to analyse the dialectical relationship between opposing philosophical conceptions in Calderón's theatre plays. By so doing, it aims at deconstructing the profile of the Spanish writer who, for a long time, critics have presented as a reactionary author who served the monarchy’s interests. In Calderón’s dramaturgy, his concepts of power “went beyond the genres of political philosophy to manifest themselves as stage actions, in front of a massive audience that could witness tyrannicides and rebellions on stage.”⁶³ So, in a subtle way, the scene revealed the limits of power.

⁵⁹ P. De Ribadeneyra (1998), p17.

⁶⁰ B. Gracián (2009), p129.

⁶¹ C. Strosetzki (2005), p539.

⁶² D. de Saavedra Fajardo (1927), p110.

⁶³ I. Arellano (2006), p12.

II. Reason of State and Freedom

In medieval politics, the monarch was expected to act in agreement with the objective legal order. This duty was reflected on the image of the just King, which legitimised the monarch's power in the sphere of law. This legitimization was thoroughly analysed in Ernst Kantorowicz' famous work about medieval philosophy: *The King's Two Bodies*. The first part of this work studied the Christocentric conception of power, which merged divine grace and human nature. This political, liturgical and theological conception was not operational in the Spanish High Middle Ages. In fact, the Kings of the Iberian Peninsula did not need to legitimise their power in the supernatural sphere, which caused the royal anointment to be abolished in the kingdoms of Castile and León.⁶⁴ However, Spanish monarchs did legitimise their authority in law, as shown in the *Fueros* (regional law codes) and, especially, in Alfonso X the Wise's *Seven-Part Code*.

In Europe, the transition from a theological concept of power to a more juridical view took place in the Late Middle Ages. During that period, the notion of a Christocentric and liturgical monarchy was substituted by a more theocratic and juridical one. This change was made evident in John of Salisbury's *Policraticus*, a work dedicated to Saint Thomas à Becket, Archbishop of Canterbury, with whom Salisbury collaborated. In this extraordinary synthesis of medieval thought, the English author maintained that it was not the prince who governed, but it was justice that governed through him, as had been taught by Roman law. Although he was not a professional jurist, Salisbury had a good command of the *Digest* (a systematic compilation of the Roman legal doctrine in the classical period, ordered by Emperor Justinian). Later on, John of Viterbo, in his *Mirror for Power*, analysed the text of *Novel 108*,⁶⁵ which supported that God sent the prince to his subjects as a living personification of law. The idea of juridical and secular power, then, was built on that basis. During the Late Middle Ages, Europe developed a unified culture in which the juridical and theological aspects were interrelated:

[...] This unification of culture explains why Law and Religion were so closely related in late medieval literature. Sometimes the mixture of Roman

⁶⁴ J.A. Maravall (1970).

⁶⁵ After the *Digest* was published, in the year 533, new laws called *Novellae* (new) were passed. Some of them regulated complementary dispositions, but some others legislated on fundamental juridical institutions. The emperor wanted to compile them, but was unable to do so. They were published in a series of collections, the oldest of which is the so-called *Epitome Iuliani*. See: V. Arangio Ruiz (1980).