

***El Médico de su Honra (The Doctor of his Own Honor)* by Calderón de la Barca: The Honor as a Cause of Exemption of the Penal Responsibility in the Baroque Spain**

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Palacio González, J., 2014. *El Médico de su Honra (The Doctor of his Own Honor)* by Calderón de la Barca: The Honor as a Cause of Exemption of the Penal Responsibility in the Baroque Spain. *Oñati Socio-legal Series* [online], 4 (6), 1133-1142. Available from: <http://ssrn.com/abstract=2522871>



**Abstract**

The notion of honor or reputation is at the very core of the Spanish theatre in the baroque period. This fact could not be correctly understood without taking into consideration the obsession about purity of blood, having got a relevant influence in the Spanish society daily life since the expulsion of the Jewish population and the taking over of Grenade in 1492, as well as the first rank role played by the clerical and political power against the reform movement into the Church. One additional element that should be included into this general frame of reference is the structural inability of the Spanish economy to take off, after the end of the middle-age, in a process leading to a beginning of industrial revolution, with the subsequent assumption of modern values that necessarily would come out of that process. The most telling example of the importance of the idea of honor in the Spanish baroque theatre is, with no doubt, *The Doctor of his own honor (El médico de su honra)*, by Calderón de la Barca, which plot turns around the announced death of an innocent lady suspected of adultery, just because of an unhappy sets of events. In the play the jealousy is less determinant for the purpose of the plot that the need for the husband to eliminate any element of uncertainty, as far as his reputation is concerned. The King understands the husband's motivation and forgives him. Such a conception of honor has left, till very recent times, a major mark in the evolution of the Spanish society, even at a legislative level.

**Key words**

Calderón de la Barca; The Doctor of his own honor (El médico de su honra); Spanish baroque theatre; The relevance of the notion of honor; Social context of the Baroque Spain

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Article resulting from the paper presented at the workshop *Title of the workshop* held in the International Institute for the Sociology of Law, Oñati, Spain, 2-4 February 2012, and coordinated by Name Surname (Affiliation) and Name Surname (Affiliation).

Acknowledgements by author(s)

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## Resumen

El concepto de honor o reputación es un elemento fundamental en el teatro barroco español. Este hecho no se puede entender correctamente sin tener en cuenta la obsesión por la pureza de sangre, concepto con una influencia relevante en la vida cotidiana de la sociedad española desde la expulsión de la población judía y la conquista de Granada en 1492, así como por el papel fundamental desempeñado por el poder clerical y político contra los movimientos de reforma en la Iglesia. Un elemento adicional que debe incluirse en este marco de referencia es la incapacidad estructural de la economía española para iniciar, al término de la Edad Media, un proceso capaz de establecer las bases de una revolución industrial, con la consiguiente asunción de los valores modernos que necesariamente traería consigo ese proceso. El ejemplo más elocuente de la importancia de la idea de honor en el teatro barroco español es, sin duda, la obra de Calderón de la Barca *El médico de su honra*, cuya trama gira en torno a la muerte anunciada de una dama sobre la que, a pesar de su inocencia, recae la sospecha de adulterio, únicamente por una serie de hechos desafortunados. En la trama general de la obra los celos juegan un papel menos determinante que la necesidad del marido de eliminar cualquier elemento de duda, en lo que respecta a su reputación. El rey entiende la motivación del marido y lo perdona. Semejante concepción del honor ha dejado, hasta tiempos muy recientes, una marca importante en la evolución de la sociedad española, incluso a nivel legislativo.

## Palabras clave

Calderón de la Barca; El médico de su honra; teatro español barroco; importancia del concepto de honor; contexto social español en el barroco

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“Que el honor  
 con sangre, señor, se lava  
 (...)  
 Mira qué médico he sido  
 De mi honra. No está olvidada  
 La ciencia”.  
 (“El médico de su honra”, Third act)

## 1. Introduction

Humbler than a Spanish. Who has never heard that topic relating to a pretended Spanish way of being? Yet, there is truth in it. Whoever has visited, or even lived in this outstanding and pilgrim-historical and cultural product called Spain is conscious that our culture is set up on the basis of a very particular relationship with reality. Rivers of ink have been consumed in trying to explain this strange phenomenon in the skyline of the occidental cultural patterns (the violent and enriching coexistence through eight centuries between a Christian side and an important Muslim presence, the blood purity cult, the mirage created by the so called discovery of a new World, the main role played by the Spanish Court in the resistance to the Reform in the Catholic Church). The only clear result of this exchange of ideas is that Spanish spirit is not hundred percent reality-oriented. It is not by chance if the major hero of our literature is a fighter against wind mills. It is not by chance either if the revolutionary literary movement known as “magical realism” has been conceived in Spanish.

Yes, Spain is different. We have heard this topic so many times that we put ourselves no questions anymore why things are so. We have learnt to live with the specificity, pretended or real, of our way of being, so that we have ended up by accepting it as a question of fact. Spanish people like to play with the idea of death? Are they particularly idealist? Do they deal with difficulty with any principle of authority? Are they anarchy oriented? Are they symbol- addicts and reluctant to pragmatism? As a Spaniard I probably lack enough perspective to dare proposing an answer. One thing is sure: all these questions evoke a set of psychological collective traits - qualities or defaults - that directly or indirectly appeal to the very notion of honor, reputation or fame. This notion actually stands up as the most representative trait of the Iberian character.

## 2. The importance of honor in the baroque Spain

It is probably in the baroque period where this so typical Spanish notion of honor has been more clearly put forward.

Baroque represented in Europe a sign of rupture with the way art had been approached till then. The Renaissance was the recovery of light from the Middle Ages darkness. Colour, perspective, search of balance and harmony in forms and compositions, return to classical patterns, elements that went along with a period in which men started to face the future with faith. After centuries of superstition, a new skyline seemed to announce a change of paradigm. The geographical discoveries, progress in sciences, the affirmation of individual autonomy, and the development of a positivist sensitiveness all set up the basis of a radical revolution in the conception of life, universe and society. A new dominant social class was emerging. Capitalism was about eliminating the last resistance points or strongholds of feudalism.

Baroque, with its message of exuberance and overflowing, could be considered as the representation, at the level of art, of the apotheosis of all this set of structural changes. From that point of view, Spanish baroque reveals a particularity, due to the fact that in Spain the trends towards modernity had to face serious handicaps. As is well known, the power of the Church, the lack of a positive cultural approach to work and to undertaking initiative (labour and enterprise), have played a very

negative role in Spain's economic history. A very strong contradiction could then be observed between the political and military power of the Spanish territories and their inadequacy to fulfil the requirements without which progress stops and modernity becomes just a skyline, always fugitive. Such a contradiction let a hard mark in the Spanish baroque.

Contrary to France and other north European countries, in Spain Baroque shows up, not taken in a mood of vitality and sophistication, but expressing a tension that covers the pictures of darkness, the literature of philosophical symbolism and architecture of a certain severe self control. Baroque in Spain is the result of a purpose of maintaining traditional values in a context seized by imperatives of modernity. In Spain, at the same time major political and military power, weak economical entity and recalcitrant defendant of the religious orthodoxy, Baroque appears with a touch of border spirit. Whereas Europe is setting up the basis for the industrial revolution, in Spain the idea of "hidalguía" (gentlemanliness) prevails preventing any contamination by the bourgeois representation of life.

### **3. The defence of own honor as a specificity of the Spanish Theatre**

It has been said that in no other national theatre but the Spanish one can one find this problematic relationship between individual and authority or social order in the existential search of a space of immunity against all kinds of abuse by powerful men, mainly members of the little or big nobility, or the imposition of its values on the society. The very idea of honor is to be found in the defence of that space of immunity.

Other national theatres talk about fools, mischievous servers, bloody fights for power, ridiculous men and even extremely deep reflections about the ins and the outs of the human nature. But only Spanish theatre reflects this dialectical tension between any man and the image that the group gives him back of himself, and that for no reason whatsoever could not be kept absolutely unpolluted. In the defence of his honor, one is even entitled to disrupt the hierarchical link imposed on oneself. However, regardless of appearances, such a beginning of a rebel attitude is far from putting the political system into question. That's so because the King, with his royal authority, will end up by offering a satisfying remedy to the offended, preserving, at the same time, the social balance. This observation should surprise no one if we consider the personality and biography of the author that has drawn one of the most dramatic consequences of the idea of honor.

### **4. An approach to Calderon de la Barca's life and theatre**

Pedro Calderón de la Barca, probably the most representative theatre writer in the Spanish baroque, is born in Madrid in 1600. His first studies are followed in a Jesuit School, after which, he studied Canon Law in the University of Alcalá de Henares and Salamanca. He left his studies and started a literary career. Contrary to Lope de Vega, his referent and predecessor, his life reveals as quite uneventful, letting aside the few years spent in the army. One very astonishing exception to such a discreet and quiet life was an armed incursion into a convent pursuing some one who was supposed to have wounded his brother. Calderón's production of comedies ("comedias") stopped when he was ordained as a priest in 1651. He continued writing "autos sacramentales" (religious plays with a high symbolic content) and pieces specially conceived to be represented in Court. He died in Madrid in 1681.

Calderón wrote some 111 "comedias" and about 70 autos. Two major subjects are present in his work. The first of these subjects is a distant and disenchanted reflection about life, taken as source of bitterness and disappointment. Life is inconsistent, just a dream ("life is a dream", play where Segismundo, Poland's prince, reaches such a conclusion when his father, horrified by his behaviour, sends him back in prison, where he has been put since his birth because of an astrological prediction, after a short stay in the Court) in which intellectual and vital semblances

deserve just disdain ("the wonderful magician", a kind of predecessor of Faust's legend).

The second main subject that crosses over the Calderón's work is precisely the idea of honor. But it is important to make it clear that it is about an honor tragically assumed. Calderón's characters, mainly, but not only husbands ("The mayor of Zalamea"), are oppressed by an extremely rigid and intolerant code, ready to cleanse with blood any affront to one's reputation. Women are only expected to play a passive role in this both decadent and cruel game. "The doctor of his own honor" is probably the most telling play of Calderón's approach to this topic.

### **5. The doctor of his own honor: the plot**

"The doctor of his own honor" is somewhat the story of an announced death, the death of an innocent. Mencia is Gutierre's wife. When she was still single the prince Don Enrique, King's Pedro brother, fell in love with her. Before marrying Mencia Gutierre had a relationship with Leonor, but he broke it when he discovered a man got into her house.

One day prince Enrique falls down from his horse and is knocked senseless. His servants bring him into the nearest house to recover, that proves to be the Gutierre and Mencia's one. Mencia is alone. When he wakes up, the prince tries to seduce her and resume their old relationship. When he gets aware of the fact she is a married woman, he wants to leave as soon as possible, in order to avoid her any honor trouble. But he does not succeed in vanishing before Gutierre shows up. Everybody does as if nothing happened. The prince keeps on his way to Seville and Gutierre rides aside him.

In the following scenes Leonor complains before the King that Gutierre would have stained her honor when he left her by breaking a marriage engagement. The King demands Gutierre to explain himself. Gutierre states that he left her because he knew that a man set foot in Leonor's house and could have stayed with her alone. Don Arias, Gutierre's friend and confident, confesses that this man was no other than himself. He argues however that it was a mistake. He was actually courting a woman living in the same building. Arias and Gutierre start fighting a duel. The King sends both of them in jail.

Taking an advantage of the fact that Gutierre is in jail the prince comes back and visiting Mencia, who begs him to leave, because his presence could seriously hurt her reputation. At that moment Gutierre arrives. The governor of the prison has got him free under the engagement to come back in prison after some hours. Mencia hides the prince and manages to put him out of the house. But Gutierre finds a dagger that is not his and starts considering the idea that something could not be right. After some misunderstandings, mainly that fact that Don Enrique escapes away from Seville, because he is afraid his brother wants to kill him, Gutierre, in the absence of any proof, reaches the conclusions that Mencia has betrayed him and that his honor is in danger.

Unable to make confidence to his wife, to take vengeance to Don Enrique or to confront him to his acts, obsessed by the preservation of his good fame, Gutierre ends up by considering Mencia's death as the best possible solution. He finally put pressure on a barber to kill her, making as if the murder would have been committed by criminals. This solution is the "medicine" that gives a title to the play, which ends with de royal pardon. Aware of Mencia's innocence, the King accepts the murder as a question of fact, justified in a certain way. He offers to Gutierre, now widow and a free man, Leonor's hand. The latter, that through the whole play has pretended to hate Gutierre, unveils her true feelings towards him in the last scene. She has always been in love with Gutierre, whom she admires because he has proved knowing how to defend his honor, even before a prince of Castille. Leonor

accepts Gutierre, expressly considering the possibility that one day the same fate as Mencia's one could await her.

The plot of this play could in principle be taken as an exaggeration adapted to dramatic tension, something that could be considered as the product of the author's imagination. It is quite astonishing however to learn that an anonymous chronicle reports that in Madrid, a Maundy Thursday of 1637, a King's Legal Secretary, having waited for the day in which his wife has confessed and received communion, killed her by garrotte in their own house, acting as a kind of public executer and begging to be pardoned for that, just because of very slight suspicions she was adulterous<sup>1</sup>.

## 6. The honor as a cause of exemption of the penal responsibility in the recent Spanish penal Law

In the play we have attended to a singular tragedy. A man cut off from reality because of a delirium of jealousy kills his innocent wife. The King does not see any objection in this way of proceeding and pardons him.

In "The doctor of his own honor" Calderón makes of this honor neither more nor less than a cause of exemption of the penal responsibility. In Spanish Law the *honoris causa* wife-murder was definitively abolished in 1961 (Law 19/1961, of 23 December). It had been abolished already by the criminal legislation of the Second Republic, but the arrival to power of Franco after the coup d'Etat and the civil war and the setting up of an authoritarian and conservative regime recovered old penal values. A new Penal Code was thus adopted in 1944 that brought the wife-murder defence back in force again. On that basis, a husband having surprised his wife in flagrant adultery was entitled to kill or injure her. That was so even if the couple was legally separated or if a judgement of annulment of marriage was pending. The same power was conferred to a father as regards a daughter under 23 years of age and living in the parents' home. Surprisingly, when adultery is committed by the husband, to be qualified as an offence a totally different behaviour is required: the man has to live *modo uxorio* with a woman other than his wife ("amancebamiento") in the conjugal residence, or glaringly out of it. The adultery and the "amancebamiento" fell definitively out of the Penal Code in 1978 (Law 22/1978, of 26 Mai). The penalty for *honoris causa* wife-murder was an extremely soft one: exile. On this topic it deserves perhaps to be mentioned that the abolition of the *honoris causa* wife-murder as an offence in 1961 was not the result of a moral evolution or of a taking of conscience of how a certain state of things are unbearable because openly inhuman. The Law-maker has then just considered that simply applying the general part of the Penal Code, mainly the circumstances modifying the penal responsibility, the same result could be reached.

Another astonishing example of the persistence in the Spanish legal order of this old-fashioned notion of honor we are dealing with is *honoris causa* baby murder offence, nowadays of course also abolished. The mother that, in order to hide what for ages has been perceived as a cause of dishonor and social exclusion, i.e. to get pregnant out of the marriage, would kill the baby just after the delivery, could take advantage of a consistent reduction of the penalty. The parents having collaborated in the baby-murder see their penalty substantially reduced as well.

## 7. Honor and protected legal values

If we take a glance at the penal systems in force in Europe in the baroque period, we can observe that they are still far from the principles proclaimed by the Enlightenment philosophers and by big pioneers of modernity in penal Law, as

<sup>1</sup> « Habiendo guardado ocasión y día en que su mujer había confesado y comulgado, le dio garrote en su casa haciendo oficio de verdugo y pidiendo perdón por esto por muy leves sospechas de que era adúltera" (quoted by Tomás y Valiente 1990, p. 50).

Beccaria. Murder in duel of honor was relatively tolerated all over in Europe. The private satisfaction of offences or punishment of crimes, by individuals or factions, was accepted. Life was not a protected legal good as it is in our legal systems. The penal order protected honor, the authority of the King or the privileges of certain groups, but not life. In a context where the Church used to play a most important role as an ideological pillar of the social order, human life was conceived as a relatively in-transcendental value, just a extremely brief transition towards the celestial dimension.

Actually, the most serious crime that could be committed in that period was, if we can call it so, the inappropriate use of semen. Any sexual activity not focused on procreation was considered a direct outrage against God, a contemptible obstacle to God's plans regarding creation. Semen was sacred and any social practice that would ignore this elemental consideration was punishable with the bonfire. With the evolution of European societies, the progressive dismantling of the feudal system, the consolidation of a new economical order and the development of a new conception of the world set up on philosophical and scientific basis, Penal Law will start changing, until the recognition of life as a good that deserves to be legally protected in itself. This process will take place to the detriment of Middle-Age oriented legal values. Only countries less permeable to these trends of social progress will remain anchored in old penal patterns still for a long time.

### **8. Women's role as recipients of honor**

In a Spanish literary baroque context, women are the recipients of honor. We can see in such a condition both, the identification of the women, adopting the Levy Strauss approach, as a currency of exchange in a social system, as well as guarantee for the preservation of the purity of the blood stock. That is so to such a point that, confronted to an irresolute or not courageous enough husband, we can see even women playing a role that should have been the man's one. This is the plot of "Cada cual lo que le toca" ("Everyone at his place"), a play by Francisco de Rojas Zorrilla, where it is the wife who, in order to cleanse her honor, kills the man who seduced her when she was single. It is important to note, nevertheless, that this play got no success at all. That's quite telling of how difficult was for the public to identify with such an out-casting character from well-settled social patterns.

### **9. Erasmus' influence: an alternative interpretation of the notion of honor**

We have already seen how, because of a set of social and economical circumstances, the Spanish baroque screens up under the form of a very hard negativism towards human values. Life is so conceived as a theatre of deceit and delusion, man as a being that deserves just scorn and contempt, and death as a kind of obsessive reminder of the vain illusion and provisional nature of men's existence.

Such a shaded view had nevertheless a humanist counterpoint in the first half of the XVIth century. Some relevant voices did actually rise up in the Renaissance to make present a message of tolerance, in open contrast to the negativism and the intransigence that have so clearly marked the spirit of the baroque period.

Erasmus did receive an invitation to give some lectures in the University of Alcalá. He rejected the offer. However, his influence in Spain was considerable. One more or less evident touch of Erasmus's style can be ascertained in Luis Vives, Juan y Alfonso de Valdés, Gil Vicente, Bartolomé de Torres Navarro, and even in a General inquisitor, Manrique, whose fall in 1529 can be considered as the beginning of the end of a significant presence of Erasmus's ideas in Spain. However, it is Cervantes, our most representative writer, who more clearly has assimilated and developed these ideas in his literary work. Through his characters, Cervantes loves life. Don Quijote, the best known among them all over the world, is a fool, but is a fool that knows what honor means. It is of course not about the kind of social obsession we



have referred to. It is the kind of honor that expresses both internal purity as well as the heroic research of a dream. Don Quijote will fight against the monsters created by his declining mind, but at the same time, his nobility and the wisdom coming out from his acts, seduce, by their internal force and consistence, a rustic spirit as Sancho Panza's one. For Don Quijote, honor, love, nobility and life are unseparable. That's why in his immense greatness Cervantes is so far from this branch of the Spanish literature that, rising up with one of his contemporaries, Lope de Vega, flows into a conception of the world built up on a spurious conception of honor and a negative approach to life and human kind.

Coming back to the subject of this paper it is quite telling to observe the very different conception of honor and its social commitment respectively assumed by Calderón and Cervantes comparing one latter's play to "the doctor of his own honor". In "El celoso extremeño" ("the jealous man from Extremadura") Cervantes traces the story of a man that, having been fooled by his wife, renounces to any kind of punishment and, in the very opposite to Gutierre's reaction, accepts his situation with generosity and humanity, ending up by forgiving the adulterous.

## **10. Final reflexions**

The story of literature is full of innocent young ladies that die because of the requirements of the intrigue. Ofelia dies by fate, Margarita by a kind of redemption sacrifice; both by love. Mencia dies because she has to, just because a set of unlucky events marks her as an objective source of dishonor, despite her innocence. A perverse social machinery is ready to offer forgiveness to the killer, her own husband. Mencia's death has really not much to do with a delirium of jealousy like Otello's one.

One can understand that anyone has to die because of a superior reason, like Agnes Berhauer, the extremely beautiful daughter of the hairdresser of Augsburg. After Agnes married his son, the duke of Baviera ordered that she was drawn in the Danube, charged with sorcery. The true reason of this crime of State was the fear that such a marriage, contrary to social conventions, could subvert the dynastic policy and the very order of the State. Friederich Hebbel wrote a novel based on Agnes' tragedy in 1851, When we read it we can almost feel a beginning of liking for this duke that, admiring his daughter-in-law for her virtue and purity, ends up deciding her death. Agnes has to die "only because she is beautiful and honest", and because when the world order is put into question, God hits good and bad men and then "it is not a question anymore of blame or innocence, but just of cause and effect".

We are here very far from Gutierre's cowardliness and the small mindedness of the Spanish baroque conception of honor. As we have seen this conception has little to do with the Erasmus' influence in the Renaissance in Spain. Don Quijote's and Gutierre's ideas about honor could not be more opposite each other. Unfortunately Gutierre's approach will remain as one of the most representative issues of the Spanish baroque way of life, to such an extent that it has let a definitive mark in the posterior development of the country, relegating Don Quijote to a literary level and making of his exotic sense of honor a sign of his pretended foulness.

As we have seen, such an evolution of the notion of honor has been conditioned by some relevant political and economical events that have resulted in an important delay in the starting off of its industrial revolution. We have seen as well how the Penal Law has been contaminated by this tragicomic conception of honor, whose mark has endured until very recent times. Nowadays the legislation has deeply changed. Violence against women is severely punished, even if it still remains a cruel reality, even in occidental countries.

A Judgement of the Spanish Constitutional Cour has decided some years ago that the violence by women against men within a couple does not deserve the same

degree of punishment as the opposite and that such a dissimilarity in the treatment of both kinds of violence is not in breach with the principle of non-discrimination (Tribunal Constitucional 2008)<sup>2</sup>. I do not really know if I totally agree with this Judgement and its particular interpretation of what could be an acceptable positive discrimination. One thing should remain however clear at this point: there is no place whatsoever for honor anymore as a kind of exception of the penal responsibility.

### References

Tomás y Valiente, F., 1990. El crimen y pecado contra natura. *In*: F. Tomás y Valiente, *et al. Sexo barroco y otras transgresiones premodernas*. Madrid: Alianza Universidad.

Tribunal Constitucional, 2008. *Sentencia 80/2008, de 17 de julio de 2008* [online]. Madrid: Tribunal Constitucional. Available from: <http://hj.tribunalconstitucional.es/HJ/es/Resolucion/Show/6312> [Accessed 10 November 2014].

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<sup>2</sup> Judgment (Plenary session) 80/2008, of 17 July 2008.