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Justice and the Problem of Royal Absenteeism:
Lope's *El mejor alcalde, el rey* and Shakespeare's *Measure for Measure*

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Common Sources:

Lope's *El mejor alcalde, el rey* and Shakespeare's *Measure for Measure*

Lope de Vega and William Shakespeare were contemporaries, but not colleagues. Both were playwrights in the late sixteenth and early seventeenth centuries separated by geography, language, and culture. Lope was Spanish; Shakespeare British. Yet, they shared a common European literary heritage, a point of contact between the corpora of the two. A wonderful example of this is Lope de Vega's *El mejor alcalde, el rey*,¹ written around 1620 and William Shakespeare's *Measure for Measure*, written in 1604. In writing these two plays, Lope and Shakespeare used the same Italian *novella* tradition, and, as a result, they contain many of the same features and present similar conflicts. The major problem for both plays is justice, and the occasion for conflict is the absence of the sovereign magistrate, but Lope and Shakespeare use those common elements to achieve quite divergent themes.

Although Lope utilized the Italian *novella* tradition that informed Shakespeare's composition of *Measure for Measure*, Lope indicates in the final lines of *El mejor alcalde, el rey* (3.4.224-226) that the play is based on an incident that occurred in the twelfth century during the reign of King Alfonso VII of Castile and Leon as it is told in the *Crónica General de España* (Vega, *El mejor* 269-70, cf. Mariana 173-4). The incident involved a Galician *infanzón*² who unjustly seized a peasant's property. The peasant appealed to King Alfonso VII in Toledo, and the king wrote a letter ordering the *infanzón* to make restitution, but he did not obey. The king then traveled to Galicia in disguise, verified the peasant's story, and had the *infanzón* hanged (Vega, *El mejor*

¹ *The Greatest Alcalde, the King*; the term "alcalde" means magistrate.

² A member of the lowest rank of the nobility.

269-70).³ Even though Lope obviously based a large part of the play on the account of Alfonso VII given in the *Crónica General de España* [see “Appendix 1” for a plot summary of *El mejor alcalde, el rey*], Donald McGrady demonstrates that Lope took ideas for the changes in the plot from the Italian *novellieri*. After examining six different Italian *novelle*,⁴ McGrady concludes that Lope was influenced by Matteo Bandello’s *Novelle*, II, 15, from whom he took the ideas for the details of Elvira’s abduction, and Masuccio Salernitano’s *Il novellino*, no. 47, where he got the ideas for Elvira’s “single rape,” and her “remarriage after her violator’s execution” (610). Both of these *novelle* were modifications of Giovanni Sercambi’s *novella* 5.

McGrady also conjectures that Lope was influenced by Giovanni Battista Giraldi Cintio’s *Ecatommiti*, VIII, 5 (also based on Sercambi) because the rapist, Vico, has a sister, Epitia, who pleads his case before the magistrate (610-1). This could explain, says McGrady, where Lope got the idea for Tello’s sister, Feliciana, who pleads for Tello’s life at the end of the play. However, an even better source for Feliciana is overlooked by McGrady. Giraldi Cintio wrote a play based on his tale in the *Ecatommiti* simply titled *Epitia* that was first published in 1583 (Bullough 430-42).⁵ In the play, Giraldi modified the tale by adding the character Angela, Juriste’s sister, who pleads for his life as well (Bullough 439-40). This is a much closer match to Lope’s Feliciana because Juriste corresponds to Tello while Epitia corresponds to Elvira.⁶ Whatever the case, Lope

³ Lope presents a similar situation in *El perro del hortelano*.

⁴ McGrady examines six different possible novella sources. He states, “All the known accounts are Italian, all appeared in collections known to have circulated in Spain, and all were written long before Lope composed *El mejor alcalde*” (607). He does not mention whether or not these had been translated in Spanish, but that is irrelevant since Lope knew Italian from an early age (Rennert 19).

⁵ For discussion of Giraldi Cintio’s influence on Lope’s *comedias*, see Frida Weber de Kurlat’s edition of *Servir a señor discreto*, pp. 30-2.

⁶ *El mejor alcalde*: Feliciana ===== Tello Elvira ----- Sancho
(sister of magistrate) (magistrate) (lovers oppressed by magistrate)

Epitia: Angela ===== Juriste Epitia ===== Vico
(sister of magistrate) (magistrate) (siblings oppressed by magistrate)

clearly consulted some of these Italian *novelle*, all of which were based on Giovanni Sercambi's *novella* 5.

In writing *Measure for Measure*, Shakespeare used the same Italian *novella* tradition that Lope used for *El mejor alcalde, el rey*. Shakespeare's primary source was George Whetstone's *Promos and Cassandra* which was based on Giraldi Cintio's *novella* VIII, 5 from the *Ecatommiti* (Eccles 301, 303). Critics believe that Shakespeare also used the *Ecatommiti* directly, especially since it is known that Shakespeare used it for *Othello* (Eccles 303). Many also believe that Shakespeare used Cintio's *Epitia* as well (Eccles 303-5).⁷ Finally, Shakespeare may have referred to Whetstone's prose version of his play which was published in *An Heptameron of Ciuill Discourses* in 1582 (Muir 178). Regardless of which combination of these four sources Shakespeare used, he certainly built *Measure for Measure* on the same Italian *novella* tradition Lope used for *El mejor alcalde, el rey*, and they may have even consulted a couple of the exact same works.

Because of this common literary background, *Measure for Measure* and *El mejor alcalde, el rey* have many similar features. Both involve an absent ruler whose deputy abuses the power of his office in order to take advantage of a woman.⁸ The absent magistrate, in disguise, works for justice, and a more or less satisfactory resolution is ultimately achieved. This establishes the thematic starting point for both plays: the problem of justice in the absence of the magistrate. However, beyond this the two plays diverge. Shakespeare conceives of justice as inaccessible and impossible to articulate

⁷ The critics who present the strongest and most passionate arguments for Shakespeare's use of *Epitia* are Louis Albrecht, Frederick E. Budd (722-6), Madeleine Doran (385-9), and Robert Hamilton Ball (132-146). Kenneth Muir states that "there would appear to be enough valid parallels to make it very likely that Shakespeare had read this play" (177). cf. P. R. Horne's *The Tragedies of Giambattista Cinthio Giraldi*, pp. 110-8.

⁸ Lope presents a similar situation in *Fuenteovejuna*. The *comendador* abuses his power by raping a woman, but is later put to death by the townspeople, who are then exonerated by the king.

without self-contradiction, but Lope's ultimate thematic statement is a vindication not only of the accessibility to justice, but indeed its inescapable and imminent power.

Measure for Measure

Shakespeare wrote *Measure for Measure* in 1604, and the play was performed at the court of King James I the same year (Eccles 300, 467). Nevertheless, attempts by critics to make a connection between the Duke and King James have been futile (Shakespeare, New Folger 225-7), but with this occasion in mind, the theme of justice becomes especially obvious. So obvious, that it may explain why Shakespeare chose to set the play in Vienna. Perhaps he did so in order to achieve a certain degree of impunity for his exploration of the nature of justice, law, and authority.⁹

The image of justice presented in *Measure for Measure* is problematic. Harold Bloom finds it so problematic that he considers the play nihilistic: "I do not know any other eminent work of Western literature that is nearly as nihilistic as *Measure for Measure*, a comedy that destroys comedy" (380). The plot involves several conflicts, and, although the ending of the play makes it a comedy in a formal or technical sense, critics have been troubled by the degree to which the conflict of the play is left unresolved (Berman 145). This in turn makes it difficult to perceive an answer to the questions Shakespeare raises about justice.

The most basic conflict in *Measure for Measure* is that between the law and the magistrate. In *El mejor alcalde, el rey*, Lope depicts King Alfonso VII, his law, God's authority, and God's law as a single fount of justice. Shakespeare, however, makes no

⁹ The setting may have been suggested to Shakespeare by the Giraldi Cinthio sources mentioned above which also set the play in Austria, although not in Vienna.

appeal to positive divine law,¹⁰ and, moreover, he pits the laws of Vienna against the Duke and Angelo. Any attempt to find in one of these (the law, the Duke, or Angelo) a true expression of justice leads to a dead end.

That the Vienna of *Measure for Measure* is morally depraved is never questioned in the play. According to the Duke, the law was supposed to curb this vice, but lax enforcement has only made the situation worse, “for we bid this be done / When evil deeds have their permissive pass / And not the punishment” (1.3.40-42). The problem, then, seems to be enforcement of the laws. The Duke goes on to say that he has appointed Angelo to be his deputy for the specific task of enforcing the law anew (1.3.42-47).¹¹ This, however, is unclear when the Duke gives Angelo his commission. Before Angelo arrives, the Duke asks Escalus, “What figure of us think you he [Angelo] will bear?” (1.1.17), and, after Angelo’s arrival, the Duke tells Angelo, “In our remove be thou at full ourself” (1.1.46). In these passages, Angelo’s commission seems to be a mere imitation of the Duke in his absence. Angelo understands it as such, saying, “Now, good my lord, / Let there be some more test of my mettle / Before so noble and so great a figure / Be stamped upon it” (1.1.51-54). However, a few lines later, the Duke tells Angelo, “Nor need you, on mine honor have to do / With any scruple. Your scope is as mine own, / So to enforce or qualify the laws / As to your soul seems good” (1.1.69-72). From the Duke’s own mouth, Angelo’s commission has been formulated in three different ways:¹² (a) mere imitation of the Duke (1.1.17-46); (b) enforcement of the laws

¹⁰ The only reference to the ten commandments is in a joke Lucio tells in act 1, scene 2, lines 7-9. Wilbur Dunkel points out that Isabella appeals to the example of the mercy of God in salvation as a reason for Angelo to show mercy to Claudio (282, cf. 2.2.96-103), but this is not an appeal to “positive divine law.”

¹¹ 1.3.42-47:

Therefore, indeed, my father,
I have on Angelo imposed the office,
Who may in th’ambush of my name strike home,
And yet my nature never in the fight
To do in slander.

¹² Of course, the Duke’s description of Angelo’s commission given in act 1, scene 3 was not heard by

anew (1.3.40-42); and (c) an overhaul of the judicial system (1.1.69-72). No wonder Escalus and Angelo plan to meet in an attempt to figure out what exactly they have been appointed to do (1.1.82-89). The rule of law has been woefully mitigated by lax enforcement (1.3.40-42), and the Duke's absence makes the problem all the more pungent.

The law itself is severe. When Isabella learns that Claudio is in prison for getting his fiancée pregnant, she responds, "O, let him marry her!" (1.4.52). This was the Biblical solution to the problem (cf. Deut. 22.28-9), and Isabella's religious bent, though just recently taking formal shape (1.4), may have suggested it to her. But Lucio informs her that Angelo,

to give feat to use and liberty,
Which have for long run by the hideous law
As mice by lions--hath picked out an act
Under whose heavy sense your brother's life
Falls into forfeit. He arrests him on it,
And follows close the rigor of the statute
To make him an example (1.4.66-72).

The strict enforcement of the law seems inappropriately severe--especially as applied to this case. According to the legal and moral conventions of Shakespeare's society, sexual relations between a betrothed man and woman was not considered fornication (Maus 2021-7). It is doubtful that Claudio had actually broken the law at all, much less done it in such a way to merit death. Nevertheless, as Barbara Tovey points out, this argument is never put forth--neither by Isabella nor by Escalus. Tovey also shows that "precisely such an argument on behalf of her condemned brother is made by Cassandra, the

Angelo there, but it is possible the Duke indicated the same sentiment to Escalus or to Angelo at another time.

counterpart of Isabella in the source play, *The Historie of Promos and Cassandra*, by George Whetstone” (71).¹³ Shakespeare was certainly aware that such an argument could be made, but specifically refused to have Isabella employ it in his play. Contrary to John W. Dickinson’s argument, Escalus does not set forth the particular case of Claudio but, like Isabella, makes the same basic appeal to Angelo. Instead, they both argue that he should show mercy because he would want mercy shown him if he were in Claudio’s place (2.2.7-17; 2.2.77-86, 97-103, 164-171). The underlying premise of this argument is the title of the play and comes from Christ’s sermon on the mount: “For with what judgment you judge, you will be judged; and with the measure you use, it will be measured back to you” (Matt. 7.2). Escalus and Isabella apparently do not understand Christ’s words as referring to the obligations of individuals in responding to sin, but those of society, and they make no distinction between Angelo’s actions as a magistrate (on behalf of society) and his actions as an individual citizen (on behalf of himself). Shakespeare questions this distinction throughout the play. Angelo acts as a public official in a way that is hypocritical so as to gratify his personal desires, but the Duke acts as a private citizen who uses “craft” in order to achieve a good for society (3.2.277). Even so, the logical conclusion of the “measure for measure” argument used by Escalus and Isabella is absurd. If magistrates were only able to justly “execute wrath” against sins which they themselves have not committed, they would not be able to enforce any law. Moreover, Escalus and Isabella don’t even use the “measure for measure” argument with reference to a specific act of Angelo but only to his hypothetical failings (2.1.9-17, 2.2.167-71).

¹³ J. W. Lever agrees with Tovey: “At no point in the crucial debate of act 2, scene 2 does she [Isabella] set forth Claudio’s special case, or urge the arguments for moderation which stem from his individual plight” (Shakespeare, Arden lxviii).

It seems that Escalus and Isabella use the “measure for measure” argument because they honestly believe that the statute is just. Escalus responds to the Justice’s comment that “Lord Angelo is severe” by saying, “It is but needful. / Mercy is not itself that oft looks so. / Pardon is still the nurse of second woe” (2.1.290-293). Isabella likewise affirms the justice of the statute: “O just but severe law!” (2.2.58). Angelo’s response to Escalus sets up his gross hypocrisy:

You may not so extenuate his offense
 For I have had such faults; but rather tell me,
 When I that censure him do so offend,
 Let mine own judgment pattern out my death,
 And nothing come in partial. Sir, he must die. (2.1.29-33)

The absurd assertion that Angelo would have his own head chopped off becomes grotesque when he asks Isabella, as Bloom puts it, “to trade her brother’s head for her maidenhead” (365, cf. 2.4). Ultimately, the law seems to favor the abuses of Angelo, yet it is acknowledged to be “just” and “needful,” making the law’s failure and Angelo’s failure as sources of justice all the more disturbing.

Duke Vincentio orchestrates the bed-trick and the ultimate undoing of the wrongs of Angelo, but his formulation of justice is also unsatisfactory. By his own admission, the sinful state of affairs in Vienna is the result of his failure to enforce the law. Throughout the play, the Duke works toward the ultimate comic denouement, but his method of achieving the formal resolution of the conflict is itself problematic. Disguised as a Friar, he prepares Claudio for death by pointing him not to heaven or spiritual truth, but by convincing him that this present life is horrible (3.1). When he learns of Angelo’s injustice, the Duke devises a scheme, saying, “Craft against vice I must apply” (3.2.277). The craft he uses against “vice” can be seen as a vice in itself. The most extreme

example of his Machiavellian methods occurs in his conversation with Isabella in act 4, scene 3:

Isab. Ho, by your leave.
Duke. Good morning to you, fair and gracious daughter.
Isab. The better, given me by so holy a man.
 Hath yet the Deputy sent my brother's pardon?
Duke. He hath released him, Isabel, from the world.
 His head is off, and sent to Angelo. (4.3.120-125)

The Duke blatantly lies to Isabella, causing her unnecessary grief that Harold Bloom characterizes as “sadistic degradation” (379). In the final scene, the Duke sentences Angelo to death as a sudden rigorous application of the principle of measure for measure: “An Angelo for Claudio, death for death” (5.1.465). Of course, Angelo never actually had sex with Isabella, and she therefore argues for mercy:

My brother had but justice,
 In that he did the thing for which he died.
 For Angelo,
 His act did not o’ertake his bad intent,
 And must be buried but as an intent
 That perished by the way. Thoughts are no subjects,
 Intent but merely thoughts. (5.1.513-519)

Again, Isabella confirms the justice of Claudio’s death sentence. The dramatic irony, of course, is that both Angelo’s intent to sleep with Isabella and his intent to kill Claudio were foiled. When that truth is revealed, the Duke spares Angelo’s life, but mercy for Angelo seems as inappropriate as death for Claudio. Wilbur Dunkel agrees: “Angelo metes out severe justice and Duke Vincentio misses the necessity of punishment” (285). Moreover, the Duke’s marriage proposal to Isabella resonates uncomfortably with

Angelo's abuse of office. The Duke's concept of justice is too self-contradictory and mutable to satisfy to the immutable truth for which the play yearns. All of Vienna seems to clamor for some structure that will deliver them from the madness of the supposed sources of justice: the law and the magistrate.

Ultimately, the "resolution" of *Measure for Measure* is unwieldy and full of contradiction. Law, authority, and justice are all thwarted by both bawds and magistrates. The principles of justice are proven to be inaccessible in Shakespeare's grotesque Vienna. Harold Bloom conjectures that the reason "*Measure for Measure*, though not neglected, is not truly popular has something to do with its equivocal tonalities: we never can be certain as to just how we ought to receive the play" (359). Perhaps these "equivocal tonalities" and irreconcilable conflicts do not necessarily lead to Bloom's conclusion that the play is nihilistic, but Shakespeare certainly does not answer the questions he raises about justice in the play, choosing to leave instead the vexing of a cruel void.

Historical Background of *El mejor alcalde, el rey*

Whereas Shakespeare sets *Measure for Measure* in far-off Vienna, the setting of Lope's *El mejor alcalde, el rey* is Spain in the twelfth century. Since Lope wrote the play in Spain in the early 1620's (Morley and Bruerton 219), Lope relocated his play in time, but not in place. This is significant, and a brief discussion of the historical situation of, and leading up to, the time that Lope wrote his play is necessary in order to see why. The development of the key aspects of the political situation in the 1620's was put in motion by the marriage of Isabella of Castile and Ferdinand of Aragon in 1469. The kingdoms of Castile and Aragon were united under the "Catholic Kings," and Spain was born. However, the union of the Crowns of Castile and Aragon was dynastic, and Spain was

little more than a loose confederation of the territories of Aragon and Castile (Elliott 24, 78, 82-6). In addition to the territories they inherited in the Iberian Peninsula, Ferdinand and Isabella inherited the possessions of the Crown of Aragon in the Mediterranean Sea: the Balearic Islands, Sardinia, Sicily, and Naples. In order to resolve the problems of governing territories separated by sea, the Crown of Aragon instituted viceroys in the Mediterranean possessions that governed in the place of the absent king as if the king were present (Elliott 31). With the expansion under Ferdinand and Isabella, the monarchs saw less and less of the people they governed, and they depended ever more heavily on representatives such as the viceroys to accomplish their rule by proxy.

The Reconquest had begun shortly after the Moorish invasion in the eighth century and was completed by the Catholic Kings in Granada on January 6, 1492. With the end of the Reconquest, the resources of Castile that were once consumed by the conflict were now used for other causes. For example, three months after the Reconquest, Isabella agreed to invest in the voyage of Christopher Columbus, and on October 12, 1492, Columbus “discovered the Indies” for the Crown of Castile. With the Reconquest of the Iberian Peninsula and the discovery of the Americas, the hopes of Spain were transformed from the hopes of a peninsular destiny to those of a global destiny (Elliott 45, 49).

After the death of the Catholic Kings, their grandson, Charles of Ghent, inherited the kingdoms of Spain, thus changing the nature of the union of the Crowns of Castile and Aragon (Elliott 142). Spain was no longer united by a marriage contract but by a single, common monarch. Although the kingdoms were now brought under a common head, the problem of royal absenteeism was only aggravated. Whereas previously the separate kingdoms looked to their own monarch as a figurehead and took comfort in having a monarch who represented their interests, Charles would always have to favor one of the kingdoms with his presence. He arrived in Spain in 1517 to take possession of

the Crown (Elliott 143), but he already had vast holdings throughout Europe. Charles controlled the Netherlands, Austria, French-Comté, and Southern Germany, and in 1519 was elected Emperor of the Holy Roman Empire (Elliott 146). On May 20, 1520 Charles left Spain in order to be installed as Emperor, but by the end of the month Castile was in revolt (Elliott 151).

The problems that led up to the “Comuneros revolt” in Castile had begun during Ferdinand’s administration of Castile after the death of Isabella. His government was largely made up of Aragonese officials, and the heavy-handed Cardinal Cisneros remained in charge until Charles’ arrival (Elliott 141-2). By the time Charles arrived in 1517, the Castilians were thoroughly disillusioned and felt that they had lost ownership of their government, and they were disappointed that Charles placed more foreigners in positions of power--this time the Flemish (Elliott 143, Kamen, *Spain* 74). Charles’ ignorance of the castilian language intensified the sentiment among the Castilians that they were being governed by an alien monarchy (Elliott 144), and his short stay in Castile further insulted the Castilians, especially since he spent so much of his peninsular visit in Aragon (Elliott 150, Kamen, *Spain* 75). Henry Seaver writes in *The Great Revolt in Castile: A Study of the Comunero Movement of 1520-1521*, “The Comunero movement was a protest against an absentee Kingship controlled by a foreign camarilla, and squandering the wealth of the realm on foreign ventures, administered through agents whom they [the Castilians] could hold to no accountability” (305). The revolt eventually ended when Charles made several concessions to the rebels, the most important of which were Charles’ promises to stay in the peninsula as much as possible (Sandoval 300), appoint natives to govern in his absence (Sandoval 301), and to hear the advice and concerns of Castilians (Sandoval 307-9).¹⁴ All of these concessions point to the

¹⁴ For the specific demands of the Comuneros, see Fray Prudencio de Sandoval’s *Historia del Emperador Carlos V*, pp. 294ff.

underlying concern of the Comuneros: access to justice. The king's presence became a coveted prize during the sixteenth century, because it assured the people that the logistics of government would not displace justice. After returning in 1522, Charles took a wife from the peninsula, Isabel of Portugal, and he remained in Spain for seven years. However, his obligations to his other dominions eventually necessitated frequent absences. In all, he spent less than 16 years in Spain during six visits in the course of his 40 years as king--thus justifying the fears of the Comuneros (Elliott 164-5).

The expansion of the Spanish Empire continued under Charles, despite some losses. By the end of 1521, Hernán Cortés conquered the Aztec Empire, and Francisco Pizarro overthrew the Inca leadership in 1532 (Elliott 62, Kamen, *Spain* 91). The European dominions that Philip later inherited were smaller than those of his father. Philip did not inherit the Austrian possessions and was not elected Holy Roman Emperor (Elliott 209, Kamen, *Philip* 46)¹⁵, but he did retain the Netherlands, Milan, French-Comté, and the Mediterranean possessions. With this European downsizing and American expansion, the importance of the kingdoms of Spain to the monarchy grew. Moreover, the fact that prince Philip had been raised a Castilian (Kamen, *Philip* 1-49), coupled with the growth of Castile's American possessions, ensured that Castile would be the seat of dynastic power during the reign of Charles' successors.

Whereas Charles' Imperial title and other possessions resulted in frequent absences from Spain, Philip II stayed in Castile with only a few exceptions¹⁶ and was perpetually absent from the Netherlands, the Americas, the Mediterranean, and other satellite possessions (Elliott 254). The situation had reversed itself: Spain, once the

¹⁵ Charles' brother Ferdinand secured not only the title of Holy Roman Emperor for his son, Maximilian, but he managed to wrest Charles' Austrian inheritance from him as well (Elliott 209, Kamen, *Philip* 46).

¹⁶ Philip frequently visited nearby locations such as Toledo, Aranjuez, and his hunting lodge of El Pardo, but he also "visited Barcelona in 1564, Córdoba in 1570, Lisbon in 1582-3, the capitals of the three States of the Crown of Aragon in 1585, and Aragon again in 1592" (Elliott 254).

periphery, was now the center. Moreover, Philip further centralized his government by establishing a permanent capital in Madrid in 1561 (Elliott 171, Kamen, *Philip* 90). The previous monarchs had maintained peripatetic courts that traveled from city to city throughout the kingdom, but Philip's court was fixed in Madrid so that even many of his subjects in the peninsula never saw him (Elliott 253-5). This was a drastic shift from the practice of Ferdinand and Isabella,¹⁷ and it further aggravated an already strong sentiment in places such as Aragon that the monarchy was not Castilian and Aragonese but Castilian alone (Elliott 255-7, 277, Kamen, *Philip* 236-7). If Charles had neglected Castile and Aragon in looking after his affairs in the Holy Roman Empire, at least he had neglected them equally. With Philip almost always in the peninsula, the kingdoms of Spain no longer struggled against Germany and the Netherlands for the monarch's attention, but struggled among themselves--a situation reminiscent of the one at the time of Charles' initial arrival in 1517. At the same time, Philip's absence from the Netherlands and other satellite possessions resulted in a struggle between periphery and center--a struggle catalyzed by the Reformation.

Philip treated the Reformation in the Netherlands as a rebellion and sent in an army under the command of the Duke of Alba in 1567 (Kamen, *Spain* 130). Before the conflict began, both Philip's representatives and the "aggrieved Flemish nobles" in the Netherlands wrote to him saying that his presence there was badly needed. Even the Pope in Rome urged Philip to go, but various obligations and illnesses prevented Philip from ever making the trip (Kamen, *Philip* 111-6). Eventually, Philip's harsh policy in the Netherlands bankrupted the Castilian treasury, troops mutinied, and major concessions had to be made (Kamen, *Philip* 160).

¹⁷ cf. "Map 5. Spanish towns visited by Ferdinand and Isabella" from p. 282 of Henry Kamen's *Spain 1469-1714: A Society of Conflict*.

As the conflict in the Netherlands was settling down, Philip's absence from Aragon was producing problems reminiscent of those Charles I experienced in Castile at the beginning of his reign. Philip favored Castile with his presence and permanent court, and the viceroys he appointed to govern Aragon in his absence caused even more problems. These problems created a spirit of distrust among the populace of Aragon, and they feared the loss of their ancient liberties and *fueros* [i.e., special rights] (Elliott 277-80). It was this political unrest that Antonio Pérez manipulated after escaping from his jail cell. Pérez, one of Philip's most important secretaries, had been implicated in 1578 in the murder of Juan de Escobedo, secretary to Don Juan of Austria, and Philip had placed him under house arrest (Kamen, *Philip* 162-6). He escaped in April of 1590 and crossed into Aragon, eventually ending up at a monastery in Calatayud. When Philip's deputies attempted to arrest Pérez, a crowd of local citizens swarmed the monastery in his defense. The *Justicia Mayor* arrived and removed Pérez from the king's men by right of *manifestación*,¹⁸ and Pérez was transferred to Zaragoza. The case dragged on, and Philip tried to use the Office of the Holy Inquisition twice in order to circumvent the *fueros*,¹⁹ but both attempts were foiled by angry mobs. Finally, Philip sent a Castilian army into Aragon and had the *Justicia Mayor* beheaded, but Pérez escaped to France (Fitzmaurice-Kelly 35-49, Elliott 280-2). The tenacious defense of Pérez by the people of Zaragoza demonstrated their great concern for their special rights and the prevailing constitutionalism of the Aragonese mind.²⁰ It also demonstrated their deep distrust and dissatisfaction with an absent monarch who no longer seemed to represent their interests. J. H. Elliott summarizes the episode by saying that "the non-Castilian provinces resented

¹⁸ Similar to *habeas corpus*.

¹⁹ The Inquisition was the only tribunal that had jurisdiction throughout all of Spain.

²⁰ cf. Ralph E. Giesey's *If Not, Not: The Oath of the Aragonese and the Legendary Laws of Sobrarbe*.

the Castilian monopoly of offices in the Monarchy and the Castilian domination of a King who had ceased to be their own” (284).

The Aragonese discontent was eerily reminiscent of the Comuneros’ demands. Even in Castile, heavy taxes left many feeling that the king, though present, was inaccessible. One of Philip II’s advisers, Luis Manrique, wrote that the king, “had deliberately and bit by bit made himself inaccessible and shut himself in a tower without doors and windows” (Kamen, *Philip* 158). The situation only worsened. Philip II left the throne to his son in 1598, but Philip III took a hands-off approach to government. He re-instituted the conciliar system and delegated responsibilities to his ministers (Kamen, *Spain* 197). The king was largely absent, not from the country, but from the government which he headed. A group of men known as the *arbitristas* proposed solutions to the problems that plagued the country, but nepotism and corruption kept the proposals of the *arbitristas*, from being put into action (Elliott 300-3). In 1609 Philip III ran out of money to finance the wars in the Netherlands, he signed the “Twelve Years’ Truce” with the United Provinces (Kamen, *Spain* 205), but other areas of the empire were headed toward rebellion. The empire Philip III left to his son, Philip IV, in 1621 was fractured and headed for disaster, and future monarchs would be judged not by their ability to extend the power of the Crown, but by their success in preserving it (Elliott 361). By 1648 Portugal, Catalonia, Aragon, Sicily, and Naples had begun to fight against the monarchy (Elliott 350-60). This struggle between the center and the periphery was in many ways the result of the limitations of monarchy itself, and it occupied the national life of Spain for years both before and after the time at which Lope wrote *El mejor alcalde, el rey*.

El mejor alcalde, el rey

In *El mejor alcalde, el rey*, Lope de Vega wrestles with the problem of justice in the absence of the king. According to S. Griswold Morley and Courtney Bruerton, Lope wrote the play between 1620 and 1623 (219). By that time, the problem of royal absenteeism had been central for the Spanish monarchy for more than a century and would prove even more important in the years to come. In *El mejor alcalde, el rey*, the problem of the king's absence has ramifications in several areas, but Lope finds a satisfying resolution to all of them.

Lope indicates in the final lines of the play that the plot is loosely based on an incident during the reign of King Alfonso VII of Castile and Leon in the twelfth century as it is told in the *Crónica General de España*²¹ (3.4.224-226). The choice of Alfonso VII's reign for the setting is significant because he was the first king of Castile and Leon to successfully style himself "Emperor of Spain" (Mariana 168).²² The problems resulting from the union of the crowns of Castile and Aragon under the Catholic Kings and caused by the absenteeism of Charles I, Philip II, and Philip III that were crucial for Lope de Vega had been successfully addressed for the first time under the reign of Alfonso VII. Lope, by looking back to this time for the setting, benefits from the weight of history. Rather than proposing a hypothetical solution to the problem of justice in the absence of the king, Lope points his audience to a real solution as it was applied to a specific case in history. However, Lope draws upon the Italian *novella* sources discussed earlier in order to strengthen and idealize this historical account. The end result is a play that achieves resounding thematic success on several levels.

²¹ Cited in the Ocerín and Tenreiro edition of *El mejor alcalde, el rey*, pp. 269-70; cf. pp. 173-174 of Mariana's *The general history of Spain*.

²² Mariana writes, "The other Kings of Spain before this, assumed the Title, only this preserved it, and is called Alfonso the Emperor" (*The General History of Spain*. Book X, Chapter IX. 168).

Lope modifies the event primarily by changing the peasant's property to a peasant's bride. Bernard P. E. Bentley characterizes the change as peripheral and functional rather than central and thematic. The thematic "universal truth" is the success of justice in the face of royal absenteeism, and Bentley argues that it is realized--in an Aristotelian sense--in both the historical source and in the play (416). The play also differs from the historical incident in that Don Tello adds insult to injury by blessing the marriage of Sancho and Elvira before he nefariously interrupts it. Finally, the ending of Lope's plot also diverges: the king decrees that Don Tello and Elvira will be wed, after which Don Tello will be immediately beheaded so that Elvira inherits half his estate to be used as a dowry for her to then wed Sancho as a widow. This justice is severe, but it is consistent with the understanding of kingship inherent in the play.

Throughout *El mejor alcalde, el rey*, Lope presents a hierarchy of authority. The play begins with Sancho asking Elvira's father, Nuño, for her hand in marriage (1.1.164). Nuño consents, but directs Sancho to dutifully inform Don Tello of his "intent" (1.1.172-187). Later, when Don Tello abducts Elvira, Nuño advises Sancho to appeal to King Alfonso of Castile (2.2.16-19, 39-44). Finally, the king himself asserts his own authority by letter (2.5.59-65) and in person (3.4). Thus, Lope presents a stratification of power in society, and he develops this hierarchy of authority further, picturing it as subordinate to a higher authority, namely God. When Elvira is abducted, Sancho cries out,

What justice shall I find
This side of heaven, he being a powerful man
And richest in the kingdom? God knows I . . .
I die! (1.4.84-87)²³

²³ All English quotations from *El mejor alcalde, el rey* come from Underhill's translation titled *The King the Greatest Alcalde* unless otherwise noted.

Sancho views the powers of heaven as eschatologically removed from his present predicament, but Nuño later corrects this saying, “Live and you may yet find justice. These kingdoms have a king, and there is still a higher court of appeal, for you may petition heaven” (2.2.16-19). For Nuño, justice is not out of reach, and he points Sancho to the king and to God as authorities over Don Tello.

This idea is further developed when Sancho seeks the king’s help. Before leaving, Sancho is very apprehensive about approaching the king, and pines:

Alas! I very well know, Nuño, that Alfonso, King of Castile, is a complete and perfect prince, but how think you shall it be that a rude peasant like myself may enter his presence? What gallery of the palace shall I dare desecrate with my presumption? . . . The doors are flung wide open there to brocades and rich trappings, to grave and stately retinues, and this is as it should be, as we ourselves must confess. But the doorkeepers, Nuño, permit the poor people only to gaze from without upon the gates and the caparisons and the arms, and even this must be from far off. (2.2.45-50, 51-58)

However, at Nuño’s insistence and without any real alternative Sancho leaves for Leon in order to petition the king, and act 2, scene 4 opens from within the palace of Alfonso VII. The king and his counselors are discussing official business when the following exchange takes place:

<i>Don Enrique.</i>	Propped up against the gate I saw but now a poor Gallegan peasant, And passing sad he seemed.
<i>King.</i>	Now by my hand Who would resist the poor? Enrique of Lara, In your own person go bring him to our presence
<i>Count.</i>	O virtue most heroical and rare! Compassive pity and high clemency! God-given model to the kings of air,

His laws observing by thy majesty! (2.4.8-16)

Lope presents the admission of a poor peasant into the king's presence as a matter of routine business, and, although Count Don Pedro praises the king for hearing Sancho's complaint, he nevertheless describes this act as a normal application of God's laws.²⁴ This is understandable given that God specifically commanded this universal accessibility to justice throughout the Bible, promising blessings for those who obey and threatening curses for those who break His law.²⁵ For example, God declares in Zech. 7.9-10:

Thus says the LORD of hosts: "Execute true justice, show mercy and compassion everyone to his brother. Do not oppress the widow or the fatherless, the alien or the poor. Let none of you plan evil in his heart against his brother."

This explains Count Don Pedro's characterization of the king's audience with Sancho as obligatory, but the important point is the underlying premise in the Count's reasoning, namely that God's law is binding on the king and, by extension, on all those in authority.

Sancho powerfully reiterates this idea in his conversation with King Alfonso after Don Tello refuses to obey the king's missive. Sancho tells the king,

Acting on this, again I sought your face,
Image of God, which shines therein resplendent,
That justice might be done to me this day,
Since you reflect his glory! (3.1.63-65)

Sancho asserts that the king, as God's representative, is the instrument of God's justice, reflecting the very attributes of God as he fulfills his office. The glory of the king is a

²⁴ The Spanish is more lucid: "¡Oh ejemplo de los reyes, / Divina observación de santas leyes!" (2.4.15-16).

²⁵ cf. Exod. 23.6; Lev. 19.15; Deut. 24.17; Deut. 27.19; Ps. 10.2; Ps. 72.1-4, 12-13; Ps. 82; Prov. 14.20-21, 31; Prov. 21.13; Prov. 29.7, 14; Isa. 1.16-17, 23; Isa. 10.1-2; Jer. 5.26-28; Ezek. 18.12-13; Dan. 4.27; and James 2.2-9.

reflection of divine glory. This is consistent with the Biblical concept of true justice defined as the revealed, written law of God:

Listen to Me, My people; and give ear to Me, O My nation: for law will
proceed from Me, and I will make My justice rest as a light of the peoples.
(Isa. 51.4)

Sancho assumes that the king, acting as God's minister (Rom. 13.4), has the authority of God. By referring to the king as the image of God, Sancho pictures the king as the representative of the presence of God who, in bearing the sword, makes the world conform to the character of God (Rom. 13.1-4). As Sancho continues he argues that because the king derives his authority from God, Don Tello disobeyed God by disobeying the king.

<i>King.</i>	In my own hand Written and signed? He dared tear up that letter?
<i>Sancho.</i>	God would not have my grief insult with falsehood, Although a crafty tongue had answered yes, To feed your ire. He read but did not tear it; Yet now I lie, to read and not comply With what his King commanded, this was to tear it! Upon a tablet God set down his law. Does he not break that tablet who doth fail To keep that law? Such is the law of kings: That faithlessness be clearly seen and known Suffice it that respect be torn alone! (3.1.66-76) ²⁶

²⁶ Underhill's translation reads, "Upon two tables God set down his law. / Does he not break those tables who doth fail / To keep that law?" but I have changed it because it deviates from the original: "En una tabla su ley / Escribió Dios: ¿no es quebrar / La tabla el no la guardar?" (3.1.72-4).

In lines 72-3, Sancho says that God wrote his law on one tablet instead of two tablets as is recorded in Exod. 31.18 and Deut. 5.22. Perhaps Sancho uses the terms “tablet” and “law” as synecdoches for all of Scripture, but whatever the reason it facilitates the parallel between the written law of God and the letter King Alfonso wrote to Don Tello. The parallel is clearly stated in Sancho’s simile: “Such is the law of kings” (3.1.74). Moreover, the final lines are ambiguously structured so that they refer to both the king’s command and God’s commandments. Not only did Don Tello in effect “tear up” the king’s letter by his disrespect, he also broke the ordinance of God.²⁷ This elaborate simile conflates (1) the authority of God and of the king and (2) the authority of God’s law and of the king’s letter. Thus, Lope presents the king as God’s representative acting under God’s authority as revealed in His law.²⁸ This is in accordance with the Bible’s teaching that the function of those in authority is to punish evil according to God’s justice:

Let every soul be subject to the governing authorities. For there is no authority except from God, and the authorities that exist are appointed by God. Therefore whoever resists the authority resists the ordinance of God, and those who resist will bring judgment on themselves. For rulers are not a terror to good works, but to evil. Do you want to be unafraid of the authority? Do what is good, and you will have praise from the same. For he is God's minister to you for good. But if you do evil, be afraid; for he does not bear the sword in vain; for he is God's minister, an avenger to execute wrath on him who practices evil. (Rom. 13.1-4)²⁹

²⁷ In the passage above, “tear up” and “break” are translations of the same Spanish word, *romper* (except line 74 which uses *quebrar* for “break”). The pun is obfuscated in translation.

²⁸ This is not to say that Lope was advocating an absolutist position on the authority of kings. King Alfonso’s authority is conflated with God’s because the authority of his letter is conflated with the authority of God’s law. There is a subordination, then, of the authority of the king to the law of God. When the king acts in accordance with God’s law, he acts with God’s authority, but when he acts contrary to the law of God, the king no longer enjoys divine sanction. Nuño and Sancho disobey the commands of Don Tello for this reason (2.2ff). J. H. Elliott writes, “The king who disregarded the moral law and transgressed the bounds of justice was a tyrant, and it was universally held that the people could refuse to obey the commands of such a ruler: ‘En lo que no es justa ley / No ha de obedecer al Rey.’ (Calderón, *La Vida es Sueño*, Act III)” (250).

²⁹ cf. Deut. 17.14-15, 18-20: “When you come to the land which the LORD your God is giving you, and possess it and dwell in it, and say, “I will set a king over me like all the nations that are around me,” you

Later in the play, King Alfonso asserts that there is no difference between the king and he who comes “in the king’s name” (3.4.83-85). In the same way, the king’s authority is as real as God’s because he comes in the name of the LORD, enforcing the justice of God.

This was a popular notion in Spanish political theory at the time Lope wrote *El mejor alcalde, el rey*. For example, J. A. Fernández-Santamaría summarizes Pedro de Rivadeneira’s view of kingship as follows:

The king, then, is God’s viceroy on earth; in this role his obligation is to rule in accordance with the master’s will and not his own caprice. And the will of the master is nowhere better laid down than in Scripture. In it is written all that the king needs to know and must practice. “Let them [kings] keep the law of God before their eyes; let it be their mirror, life, and light; let them seek *consejo*, sleep, rise, work, and rise with it; make peace and war; give life and death to the deserving.” (22)³⁰

Erasmus also calls the prince the “likeness of God and his vicar” (158). Even the Habsburg kings seem to have agreed with this idea of kingship. According to J. H. Elliott, Charles I instructed Philip II “to keep God always before his eyes” (249). Elliott also cites a letter Philip II wrote to the viceroy of Naples as evidence that he believed that as king “he had to exercise a double trusteeship, first for God, and secondly, through God’s appointing, for his subjects . . .” (249). It was Philip II’s desire to please God,

shall surely set a king over you whom the LORD your God chooses; one from among your brethren you shall set as king over you; you may not set a foreigner over you, who is not your brother. . . . ‘Also it shall be, when he sits on the throne of his kingdom, that he shall write for himself a copy of this law in a book, from the one before the priests, the Levites. And it shall be with him, and he shall read it all the days of his life, that he may learn to fear the LORD his God and be careful to observe all the words of this law and these statutes, that his heart may not be lifted above his brethren, that he may not turn aside from the commandment to the right hand or to the left, and that he may prolong his days in his kingdom, he and his children in the midst of Israel.’”

Ps. 2.10-12: “Now therefore, be wise, O kings; be instructed, you judges of the earth. Serve the LORD with fear, and rejoice with trembling. Kiss the Son, lest He be angry, and you perish in the way, when His wrath is kindled but a little. Blessed are all those who put their trust in Him.”

Prov. 16.10-12: “Divination is on the lips of the king; his mouth must not transgress in judgment. Honest weights and scales are the LORD’s; all the weights in the bag are His work. It is an abomination for kings to commit wickedness, for a throne is established by righteousness.”

³⁰ Fernández-Santamaría quotes p. 467 of Rivadeneira’s *Tratado de la religión y virtudes que debe tener el príncipe cristiano para gobernar y conservar sus estados. Contra lo que Nicolás Maquiavelo y los políticos de estos tiempos enseñan*. Madrid, 1595. Note the similarity to the Shema Yisrael in Deut. 6.4ff.

argues Elliott, that caused him to override the special rights (*fueros*) and liberties of his Aragonese and Flemish subjects:

He [Philip] considered it morally incumbent upon him to be scrupulous in his regard for special liberties and *fueros*, but here again, in cases of a conflict between two laws, the higher law must prevail. This meant that *fueros* could not be employed as a mere pretext for committing disorders, as the students of Salamanca discovered to their cost in 1593, when they resisted arrest by royal officials on the grounds of their privileged status, and the King ordered that they should be punished “in conformity with the laws of our kingdoms, in spite of the said privileges of exemption conceded by us.” (251)

Henry Kamen agrees with Elliott’s analysis and points to a letter from Philip to his envoy in France in which he wrote, “The cause of religion has been and is my principal guide in everything I have done and do” (*Philip* 232). Thus, Philip II did employ a *razón de estado*, but his reason of state was fundamentally theistic rather than atheistic.³¹ In the same way, Lope presents King Alfonso VII as the minister of God and the accessible manifestation of God’s justice on earth. King Alfonso VII understands the divine calling of his authority, and he tells Sancho,

Take courage, pray, and do not shed these tears;
Though holy pity most becomes my state,
Yet you must know ’tis likewise mine to give
Its attribute to justice. (2.4.38-40)

³¹ This theistic approach to statecraft was understood by contemporaries of Lope such as Pedro de Rivadeneira (Fernández-Santamaría 18-22) and Juan de Mariana (Lewy 98) to be contrary to the atheistic Machiavellian “the end justifies the means” mentality (*Prince* 66) of the *políticos* that resulted in “using all means, fair or foul, just or unjust” including “Christianity or any other religion” in order to preserve the power of the prince (Fernández-Santamaría 19). Fernández-Santamaría summarizes Rivadeneira’s belief as follows: “In conclusion, according to Rivadeneira, to accept Machiavelli’s premise that religion is but a tool in the hands of the prince who seeks to preserve his state is shortsighted inasmuch as it fails to appreciate that religion, far from being a mere . . . adjunct to the state, is in fact the all-pervasive essence out of which good rule, and so the *conservación* [preservation] of the state, materializes. And therefore, where Machiavelli advocated the exploitation of religion for the sake of the state, Rivadeneira argues that this kind of *razón de Estado*, instead of preserving the state, condemns it to destruction. Only when princes try to rule not through religion, but according to religion, will the right reason of state shine forth” (22-23).

Later, the king embraces this calling as he intervenes on Sancho's behalf, saying, "We shall [go] in person to Galicia, / For it behooves us justice should be done" (3.1.85-86).

Opposite the image of the king as the realization of the expectations of those in authority, the excesses and abuses of Don Tello come clearly into focus. At the outset of the play, Don Tello is pictured as a benevolent sovereign. Sancho tells Nuño, "I have certainly found in Don Tello a complete and perfect master" (1.3.23), but Don Tello contradicts Sancho's portrayal of him when he sees Elvira. He immediately exclaims, "You are right, in God's name! A beautiful girl!" (1.3.94-95). His profane use of the LORD's name emphasizes the sinful nature of his prurient desire, and he breaks the second commandment two more times in this scene (1.3.118, 124). At the beginning of act 1, scene 4, Don Tello attempts to justify his plans to abduct Elvira by claiming that he is motivated by love (1.4.8-9). Of course, Tello's understanding of love contradicts that which Paul describes in Rom. 13.9-10.³² For Paul, "love is the fulfillment of the law" and "does no harm to a neighbor."

At the end of his rationale, Tello appeals to his power as his authority: "Finally, I have the power, and I will avail me of it while I may, since the fellow is not married. Put on your masks" (1.4.16-18). This statement not only demonstrates his awareness that he is using his office to achieve his end, but also shows that he believes his office entitles him to do so. This may at first seem consistent with Rom. 13.1-2: "Let every soul be subject to the governing authorities. For there is no authority except from God, and the authorities that exist are appointed by God. Therefore whoever resists the authority resists the ordinance of God, and those who resist will bring judgment on themselves." However, after affirming the importance of the authority God has granted men, Paul

³² Rom. 13.9-10: "For the commandments, 'You shall not commit adultery,' 'You shall not murder,' 'You shall not steal,' 'You shall not bear false witness,' 'You shall not covet,' and if there is any other commandment, are all summed up in this saying, namely, 'You shall love your neighbor as yourself.' Love does no harm to a neighbor; therefore love is the fulfillment of the law."

describes the end of that authority as the praise of those who do good and the execution of wrath on those who do evil (Rom. 13.3-4). King Alfonso understands this and, as J. E. Varey points out, tells Sancho that “his role is not only to show mercy but to execute justice” (50-51, cf. 2.4.38-40). By contrast, Don Tello does not have justice but rather injustice before his eyes, and he therefore uses his office to achieve the opposite of the end for which it was granted to him. He has rejected the authority of God by refusing to use the power God has given him to the end that God has ordained.

Tello also appeals to the letter of the law to further justify his actions, claiming that Sancho and Elvira are not married (1.4.18), and he repeats this throughout the play (2.5.45-58, 94-98 and 3.4.104). This pharisaical analysis of Elvira’s relationship to Sancho ignores the spirit of the law,³³ and throughout the play, the prevailing sentiment of the other characters testifies to the wrongheaded nature of Tello’s approach. Immediately after the cancellation of the wedding, Elvira and Sancho refer to one another as husband and wife and they plan to go ahead and consummate the marriage (1.3.181-190).³⁴ After the abduction, Sancho complains to Tello that “by law she was not mine, / But yes once said, that union is divine” (2.1.133-134). Even Don Tello acknowledges that Elvira is Sancho’s wife in order to pacify him: “I know not where she lies. Show me your wife / And she is yours, upon Don Tello’s life” (2.1.189-190). The dramatic irony falls in on Tello as Elvira manages to make her way on stage and cry out: “He knows, my husband; Tello keeps me here / Hidden” (2.1.191-192). Finally, the king refutes Don Tello’s pharisaical analysis, saying, “Enough for me that such was her

³³ 2 Cor. 3.6: “. . . not of the letter but of the Spirit; for the letter kills, but the Spirit gives life.”

³⁴ Many critics are quick to note that Lope seems to implicitly criticize this secret rendezvous (e.g., Varey 45, Halkhoree 37). Because Sancho and Elvira planned to meet, Elvira left her door open (1.3.181-90). When Tello entered the open door (1.4.19-21), she did not cry out immediately because she thought it was Sancho (1.4.22-28).

intent" (3.4.105). Thus, by Don Tello's ironic appeal to the law in order to justify his actions, as with his earlier appeals to his love and his authority, he condemns himself.

In refusing to obey the king's letter, Don Tello also "resists the ordinance of God," and his words confirm his double rebellion: "If I have taken your wife, you knave, know I am who I am, and I reign here and here I do my will as the King does his in his Castile" (2.5.94-96). Don Tello's arrogant assertion of his absolute authority has the tenor of blasphemy: "I am who I am,"³⁵ and in the same breath he denies the king's authority, claiming that the king is only sovereign in Castile. Lope artfully constructs Tello's blasphemous speech in order to conflate the authority of God and the king and characterize Tello's single rebellious act as a rejection of both the king's authority and God's authority. Tello's rebellion reaches its absurd climax as he argues with the king over the pronoun "I" (3.4.42ff). When King Alfonso reveals his true identity, Tello says to himself, "My just death is near. / I have offended God--God and the King!" (3.4.106-107). He is right, and once again Elvira appears on stage, thus proving that Tello did in fact rape her. The king declares, "But yet I may do justice, and strike off / The head from Tello.--Send for the headsman!" (3.4.188-189). Tello's sister, Feliciana begs for mercy, but the king responds,

Even without this cause,
Defiance and contempt of our own hand,
Our letter and our proper signature,
These had been crimes enough. (3.4.191-194)

Perhaps fearing the severe precedent the penalty against Don Tello would set, Don Enrique and Count Don Pedro ask for mercy. In response to the statement of Tello's

³⁵ Exod. 3.13-14: "Then Moses said to God, 'Indeed, when I come to the children of Israel and say to them, "The God of your fathers has sent me to you," and they say to me, "What is His name?" what shall I say to them?' And God said to Moses, 'I AM WHO I AM.' And He said, 'Thus you shall say to the children of Israel, "I AM has sent me to you."'"

sister that Count Don Pedro's request should be granted as a "boon in payment of his service" (3.4.202), the king resolutely explains his justice:

King. The count deserves of me a holy love
 Such as one bears a father, but it is just
 In equal wise the count should know
 What the allegiance he doth owe
 Unto my justice which admits no answer.

Count Pedro. Is mercy weakness, Sire?

King. When Justice fails and wanders from the mark
 No mercy ever sets it right again.
 In this divine and human writ agree
 With copious example:--traitor that man
 Who to his King is niggard of respect
 Or absent speaks against his dignity. (3.4.203-214)

Here the king sets the harmonious testimony of both "divine and human writ" over against the false justice that even his closest advisers are promulgating. The king repudiates what is expedient in a Machiavellian sense and adheres to the true justice of both "divine and human writ," again alluding to his divine mandate. Patsy Ruth Frick states that "Alfonso VII fulfills the expectations of the poet, who felt that the king should be like a father to his subjects and a protector and defender when necessary" (91). Perhaps alluding to the Biblical mandate, Frick goes on to state that "the monarch's justice is equal for everyone--both noble and commoner--and only the evil have to fear it" (91).

The king's ingenious penalty satisfies the demands of justice with regard to Tello's blasphemy, treason, injustice, manstealing, rape, theft, and lying.³⁶ The king's sentencing of Tello establishes the authority of the king despite Tello's refusal to submit to Alfonso VII's letter (2.5.94-98) or to him in person when he thought he was merely a representative of the king (3.4.81-83). As the society in which Lope lived was becoming increasingly literate, and as the empire grew, Spanish monarchs were increasingly depending on the authority of their letters and ambassadors. By retaining an *infazón*'s rejection of King Alfonso VII's letter in the plot, Lope questions monarchy from afar and the logistical problems it presents, but the conclusion of the play boldly affirms the reach and power of the king's authority. For Premraj R. K. Halkhoree the king's faith in the power of his missive is "perhaps excessive" and creates problems in the play (38), but Halkhoree shows no sensitivity to the historical situation in which Lope wrote *El mejor alcalde, el rey*. According to Henry Kamen, Philip II was known as the paper king. "From the minute he entered government as regent in the 1540s," Kamen states, "Philip was plagued by papers" (*Philip* 214).³⁷ J. H. Elliott agrees that "the sheer physical

³⁶ The death penalty against Tello has strong Biblical warrant because death is the Biblical penalty for (1) blaspheming God: "And whoever blasphemes the name of the LORD shall surely be put to death. All the congregation shall certainly stone him, the stranger as well as him who is born in the land. When he blasphemes the name of the LORD, he shall be put to death" (Lev. 24.16); (2) those in authority who do not honor their Maker by having mercy on the poor will not find mercy themselves: "Whoever shuts his ears to the cry of the poor will also cry himself and not be heard" (Prov. 21.13); (3) those who are guilty of manstealing: "If a man is found kidnapping any of his brethren of the children of Israel, and mistreats him or sells him, then that kidnapper shall die; and you shall put away the evil from among you" (Deut. 24.7); and (4) violating a woman by force: "But if a man finds a betrothed young woman in the countryside, and the man forces her and lies with her, then only the man who lay with her shall die. But you shall do nothing to the young woman; there is in the young woman no sin deserving of death, for just as when a man rises against his neighbor and kills him, even so is this matter. For he found her in the countryside, and the betrothed young woman cried out, but there was no one to save her" (Deut. 22.25-7). The other penalties against Tello's also have some Biblical warrant--his forced marriage to Elvira (Deut. 22.28-9) and the bestowal of his property on Elvira and Sancho (Exod. 22.10-12 and Num. 30.2).

³⁷ Kamen continues: "As early as the 1550s he was regarded as a 'paper king'. [sic] In England he spent every morning with correspondence. In the Netherlands, reported l'Aubespine in 1559, 'the prince is fully immersed in business and doesn't waste an hour, spending all day among his papers'. [sic] In 1560 in Toledo he insisted on handling everything, 'acting as master, minister, and secretary, but there is such delay and confusion that everyone here is desperate'" (*Philip* 214).

problems involved in ruling large territories spread over vast distances were imposing new bureaucratic methods and administrative procedures, which came gradually to replace government by the spoken word with government by the written word -- government by paper" (170). J. E. Varey takes note of this change (38) and the fact that the "King has personally ensured that his writ runs throughout his domains" (53). Then, Varey concludes:

But in *El mejor alcalde, el rey*, the King as the executor of justice is, as the title suggests, the main theme of the play. It is a play which confronts a microcosm with a macrocosm, Galicia with Castile. . . . Don Tello is made to realise his true place within the hierarchy of the state, and does so recognise his duties to his monarch and the way in which he has betrayed them. The king's commands should be obeyed by all, and all should obey the King's ministers of justice, for each is a direct representative of the King himself. (54-5)³⁸

In the conflict between Tello and the king, Lope reduces the complex problems of the state in his day to their essence, namely, respect for the authority of the king under God. The resolution of the play is a restoration of the "hierarchy of the state"--and thus society as a whole.³⁹ The authority of the king as the minister of God is finally established, and respect for that authority is finally achieved.

Some critics find the king's strict justice to conflict with divine mercy. For example, Robin Carter states that the king's justice "is the issue which may prompt us to reconsider Sancho's analogy of God's law and the King's law, and to see implications in it which were not apparent when it was first offered; for, whereas a Christian who has broken God's law may, if truly penitent, hope for forgiveness, Don Tello, at the mercy of human law, is less fortunate" (205). However, Carter overlooks the nature of the mercy of God. The Bible locates the mercy of God in the punishment that Christ underwent on

³⁸ cf. Walter J. Ong's *Orality and Literacy: The Technologizing of the Word*

³⁹ Although Sancho, Elvira, and Feliciano are elevated within that hierarchy while Tello is cast down, the hierarchy of state itself is restored and preserved.

behalf of sinners: "He was wounded for our transgressions, He was bruised for our iniquities; the chastisement for our peace was upon Him, and by His stripes we are healed" (Isa. 53.5, cf. Rom. 4.24-5). God's mercy was accomplished by the fact that the innocent Christ was punished in the place of the sinner, thus satisfying the justice of God. Even Thomas Aquinas, who located the necessity of the atonement of Christ not in the divine nature but in the divine will, taught in the *Summa Theologica* that God did in fact demand satisfaction for sins. Louis Berkhof paraphrases Aquinas as follows: "God chose to demand satisfaction, however, and this made the incarnation of the Son of God necessary, because a mere man could not atone for sin committed against an infinite God" (178). God's mercy, then, is not accomplished at the expense of His justice, but rather His wrath is poured out on Christ in the Christian's stead (cf. Gal. 3:13, Exod. 34.7, and Ps. 85.10).⁴⁰ Thus, King Alfonso's demand for justice does not conflict with God's mercy, because God's mercy to man was not achieved at the expense of his justice but by the satisfaction of his justice by Christ.

In addition to the theological correctness of the Tello's sentence, it is also aesthetically correct. Assuming the truth of A. A. Parker's precept that "Spanish dramatic plots are constructed on the principle of poetic justice," it is wiser to accept the conclusion Lope presents as poetically just and reason our way to the theme by asking "Why is it just?" (as opposed to "Is it just?"). Carter's refusal to accept the justice of the king stems from her refusal to accept the conventions of Spanish drama itself. This is unfortunate, however, because Carter misses the analogical thematic truth that Halkhoree

⁴⁰ Gal. 3.13-14: "Christ has redeemed us from the curse of the law, having become a curse for us (for it is written, "Cursed is everyone who hangs on a tree"), that the blessing of Abraham might come upon the Gentiles in Christ Jesus, that we might receive the promise of the Spirit through faith."

Exodus 34.7: "keeping mercy for thousands, forgiving iniquity and transgression and sin, by no means clearing the guilty, visiting the iniquity of the fathers upon the children and the children's children to the third and the fourth generation."

Ps. 85:10: "Mercy and truth have met together; righteousness and peace have kissed."

discovers, namely that “it is evident that the King-Tello relationship symbolizes the God-human relationship” (38). This is the purpose of the conflation of human and divine authority in the person of the king which we have noted thus far. Up to this point we have only examined the literal level of action in the play, and indeed this level is rich with thematic truth, and it speaks to the historical situation of the day. Lope clearly presents the problem of royal absenteeism and artfully recreates history to point to a solution. However, Spanish drama operates on other levels as well. Parker states:

The relation of theme to action has nothing whatever to do with the degree of verisimilitude in the latter, but depends entirely upon analogy. The plot of a play is merely an invented situation, and as such a kind of metaphor since its contact with reality is not that of literal representation but analogical correspondence; the theme of a play is the human truth expressed metaphorically by the stage fiction. (6)

Although Parker argues that the expectation of verisimilitude is subordinate to the realization of the universal dramatic truth, Lope’s *El mejor alcalde, el rey* succeeds on both levels, but Lope’s principal thematic purpose is to vindicate divine justice via the analogical success of the king’s justice. Carter’s approach is wrongheaded not only because she fails to find the theme on the literal level but fails to even look for one by analogy.

Lope’s “complete action” in *El mejor alcalde, el rey* is an assertion of two analogical themes: one anagogical, the other tropological. Halkhoree hints at the anagogical theme by saying that “the King-Tello relationship symbolizes the God-human relationship” (38). Throughout the play, the conflation of divine and human authority in the king establishes the authority of the king, but its primary purpose is to establish the authority of God by analogy.

From an anagogical perspective, the play is a picture of the apocalypse. In addition to the connection made repeatedly between God’s authority and the king’s authority and between God’s law and the king’s letter, Lope uses another motif that has

an apocalyptic tone. When the king arrives at Nuño's house in act 3, scene 3, Nuño tells the king that he has not brought enough men to overthrow Don Tello. King Alfonso replies: "Nuño, the king's staff is like thunder--it gives warning where lightning is about to strike. As you see, I come along to dispense justice for the King" (3.3.123-6).⁴¹ This resonates with Rev. 19.1-6.⁴² This use of the word "staff" is picked up again in scene 4:

King. In the King's name
How does he differ from our lord the King
Who comes for him?

Don T. Wide worlds to me. But you--
Where is your wand ["vara"] of justice?

King. In its sheath,
From which it presently shall issue forth
And what will come will come.

Don T. Only a wand in your sheath? I like that well,
Indeed you do not know me! Unless the King
Against me come . . .
No power throughout the world shall stay my hand!

King. I am the King, thou slave! (3.4.83-97)⁴³

Here the king and Don Tello discuss his emblem of justice immediately before he reveals his true identity. This word "staff" [or "wand"] is the same word used in Revelation

⁴¹ The Spanish word translated "staff" is "vara," and it can also be translated as "scepter," "rod," or "wand."

⁴² Rev 19.1-3, 6: "After these things I heard a loud voice of a great multitude in heaven, saying, 'Alleluia! Salvation and glory and honor and power belong to the Lord our God! For true and righteous are His judgments, because He has judged the great harlot who corrupted the earth with her fornication; and He has avenged on her the blood of His servants shed by her.' Again they said, 'Alleluia! Her smoke rises up forever and ever!' . . . And I heard, as it were, the voice of a great multitude, as the sound of many waters and as the sound of mighty thunderings, saying, 'Alleluia! For the Lord God Omnipotent reigns!'

⁴³ Underhill's translation diverges from the original, and so a phrase has been omitted.

19.15: “Now out of His mouth goes a sharp sword, that with it He should strike the nations. And He Himself will rule them with a rod of iron. He Himself treads the winepress of the fierceness and wrath of Almighty God.”⁴⁴ Here is the apocalyptic image of the Son of God, conquering “the nations” and ruling “them with a rod [in Spanish, “vara”] of iron.” This image is repeated throughout Scripture, and is often used to refer to the authority of the Son of God over the nations.⁴⁵ In addition to this motif of the staff or wand, the spacial geography of the play symbolizes the temporal geography of corporate eschatology. Also, even as the king is absent, but his authority is communicated via a written letter, Christ the King is now reigning over the world from heaven,⁴⁶ and has given us the knowledge of his will in the Scriptures. The admonition of the king’s letter to “remember that the loyal vassal may be known, however distant he

⁴⁴ The *Santa Biblia*, Versión Reina-Valera (1960), reads as follows: “De su boca sale una espada aguda, para herir con ella a las naciones, y él las regirá con *vara* de hierro; y él pisa el lagar del vino del furor y de la ira del Dios Todopoderoso” (Apocalipsis 19.15, italics mine).

⁴⁵ cf. Gen 49.10 (italics mine): “The *scepter* shall not depart from Judah, nor a lawgiver from between his feet, until Shiloh comes; and to Him shall be the obedience of the people.” The *Santa Biblia* reads: “No será quitado el *cetro* de Judá; Ni el legislador de entre sus pies, Hasta que venga Shiloh; Y a él se congregarán los pueblos.” Note that the word here translated as “scepter” or “cetro” is the same word in Hebrew that is translated as “rod” or “vara” in the following passages, מִשְׁכָּה (Strong 851, 890).

Ps 2.9-12 (italics mine): “You shall break them with a *rod* of iron; you shall dash them to pieces like a potter’s vessel.’ Now therefore, be wise, O kings; be instructed, you judges of the earth. Serve the LORD with fear, and rejoice with trembling. Kiss the Son, lest He be angry, and you perish in the way, when His wrath is kindled but a little. Blessed are all those who put their trust in Him.” The *Santa Biblia* reads: “Los quebrantarás con *vara* de hierro; como vasija de alfarero los desmenuzarás. Ahora, pues, oh reyes, sed prudentes; Admitid amonestación, jueces de la tierra. Servid a Jehová con temor, Y alegraos con temblor. Honrad al Hijo, para que no se enoje, y perezcaís en el camino; Pues se inflama de pronto su ira. Bienaventurados todos los que en él confían.”

Ps 45.6-7 (italics mine): “Your throne, O God, is forever and ever; a *scepter* of righteousness is the *scepter* of Your kingdom. You love righteousness and hate wickedness; therefore God, Your God, has anointed You with the oil of gladness more than Your companions.” The *Santa Biblia* reads: “Tu trono, oh Dios, es eterno y para siempre; *Cetro* de justicia es el *cetro* de tu reino. Has amado la justicia y aborrecido la maldad; Por tanto, te ungió Dios, el Dios tuyo, con óleo de alegría más que a tus compañeros.”

⁴⁶ Daniel 7.13-14 is an image of the ascention of the Son to the Father. Note that the Son receives a kingdom immediately: “I was watching in the night visions, and behold, One like the Son of Man, coming with the clouds of heaven! He came to the Ancient of Days, and they brought Him near before Him. Then to Him was given dominion and glory and a kingdom, that all peoples, nations, and languages should serve Him. His dominion is an everlasting dominion, which shall not pass away, and His kingdom the one which shall not be destroyed.”

may be from his king, and that kings are never distant when it is their duty to punish evil” (2.5.61-4) resonates with the words of Christ:

And if anyone hears My words and does not believe, I do not judge him; for I did not come to judge the world but to save the world. He who rejects Me, and does not receive My words, has that which judges him-- the word that I have spoken will judge him in the last day. (John 12.47-49)

The image of the absent king sending word of his impending judgment, together with his unmasking⁴⁷ and strict execution of Don Tello clearly points to an apocalyptic theme. Bruce M. Metzger’s characterization of apocalyptic literature is a good description of the anagogical level of thematic truth in *El mejor alcalde, el rey*:

Apocalypses usually contain predictions about the final outcome of human affairs, focusing on the last age of the present world, when good will triumph and evil will be judged God has set a limit to the era of wickedness and will intervene at an appointed time to execute judgment. (18)

The success of justice on the literal level is only a foreshadow of the inevitable execution of final judgment for all of humanity. The meaning of the action on the tropological level easily follows. As the Apostle Peter put it, “Honor all people. Love the brotherhood. Fear God. Honor the king” (1 Pet 2:17).

Carter’s analysis of *El mejor alcalde, el rey* clearly misses the point of what Lope was trying to do. Parker on the other hand, accurately explains the nature of Spanish drama as follows:

The theme of a play is some analysis of human nature and conduct that is universal in its application, independent of space and time. Dramatists are

⁴⁷ The word “apocalypse” comes from the Greek “*apokaluptein*,” meaning “to uncover.”

poets not historians, and the object of dramatic poetry is the universal,
while that of history is the particular. (23)

In this light, it is interesting that Lope concludes the play by pointing his audience back to the historical source of his inspiration in the following lines:

Here ends the comedy 'The Greatest Alcalde,'
A history the *Crónica de España*
Records as true, the Fourth part of the tale. (3.4.223-225)

Lope points his audience to a time in history when the challenges of the empire were first dealt with successfully, but he artfully modifies many of the particulars of the historical event in order to enhance the "universal truth" (Bentley 416) of his play. Keeping in mind the historical context of the work's production, we can see that Lope was wrestling one of the most important problems regarding the practice of monarchy. Varey states that the play "looks back to the past, to an idealised and simplified society, in which the King played a more direct role as God's vice-regent on earth" (56). Although Varey correctly apprehends the overall direction of the work, he does not seem to appreciate Lope's efforts to make the past "idealised and simplified."⁴⁸ By contrast, Donald McGrady acknowledges that Lope's "judicious use of situations and motifs from the Italian *novella* makes this drama one of Lope's most successful" (612). Lope's judicious handling of the problems of the practice of kingship in *El mejor alcalde, el rey*, points to high truths about all of humanity by presenting an anagogically apocalyptic image of God Himself.

⁴⁸ cf. Halkhoree, "El arte de Lope de Vega en *El mejor alcalde, el rey*"

Conclusion

Lope's *El mejor alcalde, el rey* and Shakespeare's *Measure for Measure* share a common literary heritage, but the two playwrights rework them for different ends: Lope to find answers; Shakespeare to ask questions. Shakespeare's ultimate thematic statement is a negation more than anything. He places justice out of reach and paints the absurdity of the world with just enough sanity to make it painful. Lope, on the other hand, subordinates man's justice to God's justice and then, by setting forth the accomplishment temporal justice, locates true justice in the final judgment of God.

With regard to the law, Lope appeals to positive divine law as the ultimate rule of justice. Whether that law be embodied in the ten commandments themselves or in the king's application of those same commandments, Lope affirms the epistemological accessibility of justice through law. Shakespeare, on the other hand, repudiates the law as a source of knowledge about justice. The laws of Vienna are cruel, and their enforcement is as problematic as their nullification.

The two playwrights also differ with regard to their conception of the scope of the law. At the denouement of *Measure for Measure*, Isabella argues that Angelo's failure to accomplish his evil intentions exonerates him (5.1.512-9), and the Duke acquits Angelo when it is revealed that Claudio's death was never accomplished (5.1.566-70). By contrast, in *El mejor alcalde, el rey* the king refutes Tello's defense that Elvira was not Sancho's wife (3.4.103) by saying, "Enough for me that such was her intent" (3.4.104). Shakespeare's concept of the law seems much more narrow and ossified in this regard when compared with Lope's. Ironically, Lope appeals to positive law but has a broad understanding of it while Shakespeare finds even a narrow concept of law unwieldy.

Finally, Shakespeare removes justice even further by establishing a fundamental antagonism between the law and the magistrate. The Duke's formally comic solution to

the conflict of *Measure for Measure* cannot be understood as a true resolution of the conflict. The play is devoid of an adequate resolution because all of the regular means of achieving justice have been thwarted. Lope, on the other hand, conflates the magistrate with the law. Some of these differences may stem from the internal necessities of their respective plots, but the overall tone the two plays differs a great deal in this regard.

These two plays individually demonstrate the genius of their composers, but they also provide an interesting opportunity to explore their shared heritage. Both plays are preoccupied with the problems of justice and authority, and both present the conflict in the same basic terms, yet out of this common heritage, Lope and Shakespeare invent different human experiences--and therein lies the most powerful testimony to the genius of their work.

Appendix 1:

Plot Summary for *El mejor alcalde, el rey*

Two Galician peasants, Sancho and Elvira, are about to be wed when their liege lord, Tello, falls in love with Elvira. Although Tello had previously blessed the union, he now abruptly cancels the wedding and abducts the bride later that night. After confirming that Tello is behind Elvira's disappearance, Sancho appeals to King Alfonso VII of Leon (which includes Galicia) and Castile, who orders Tello, in a letter delivered by Sancho, to release Elvira, but Tello arrogantly ignores this command. Upon Sancho's further complaint, the King goes to Galicia to do justice personally. The king investigates the matter further to verify Sancho's story and, finding his story true, goes to Tello's house in order to set matters right. Pretending to be a representative of himself, the King allows Tello to openly defy his orders before revealing his true identity. It is too late, however, and Elvira has already been violated by Tello. The King orders that Tello wed Elvira, that he then be immediately decapitated, and that one half of his estate go to her as a dowry, thus enabling her to wed Sancho as a widow. (Adapted from Donald McGrady's summary on p. 604 of "Lope de Vega's *El mejor alcalde, el rey*: Its Italian Novella Sources and Its Influence Upon Manzoni's *I Promessi Sposi*.")

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