

Justice and Law in *Don Quixote*

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Abstract: *Don Quixote* offers a conception of justice that changes from an initial quest for some absolute ideal, which is subsequently abandoned, to a more traditional and conformist view of the law. In the process, the work draws on contemporary doctrines ranging from just war theory to the idea of power's subordination to the law; at the same time it denounces the irregular and discriminatory administration of justice and recommends mercy as the best corrective.

Key words: *Don Quixote*, justice, law, mercy, just war, control of power.

Although *Don Quixote* is a novel which has been interpreted in manifold ways¹ and naturally lends itself to exhaustive analysis from the perspective of the law,² this article analyses the relationship between justice and law from three perspectives: firstly, the opening of the novel and the context in which Don Quixote, the knight-errant, takes on life as a character are based on an ideal of absolute, transcendent justice; secondly, although Don Quixote cherishes this ideal throughout the novel, it ends up accommodating itself to a much more mundane justice; thirdly, several chapters question positive law, even if the novel's last word seems to be not that it is unjust or poorly adapted to reality, but that it actually commands general respect.

(A) TRANSCENDENT JUSTICE

The gentleman Alonso Quijano becomes knight-errant Don Quixote because he yearns to serve a world which he hopes his actions will make more just. In this consists what has often been viewed as the novel's utopian nature. But it is usually forgotten that the search for justice is not the hero's sole, or even primary, objective:

"In short, his wits being quite gone, he hit upon the strangest notion that ever madman in this world hit upon, and that was that he fancied it was right and requisite, as well for the support of

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¹ For example M. de Unamuno, *Vida de Don Quijote y Sancho*. Ed. A. Navarro (Cátedra, Madrid, 2004; 1905); J. Ortega y Gasset, *Meditaciones del Quijote*. Ed. J. Marías (Cátedra, Madrid, 1984; 1914); A. Castro, *El pensamiento de Cervantes*. Ed. J. Rodríguez Puértolas (Noguer, Barcelona, 1972; 1925); see A. Close, "Las interpretaciones del Quijote", in M. de Cervantes, *Don Quijote de la Mancha*. Ed. Instituto Cervantes. Francisco Rico, dir., accessed 20 October 2016, and J.L. López Calle, "Filosofía del Quijote", accessed 20 October 2016.

² R. Álvarez Vigaray, *El derecho civil en las obras de Cervantes* (Comares, Granada, 1987); C. Prat Westerlindh, *La justicia en el Quijote* (Dykinson, Madrid, 2006), and S. Byrne, *Law and history in Cervantes' Don Quixote* (University of Toronto Press, Toronto, 2012), and the bibliography cited therein.

his own honour as for the service of his country, that he should make a knight-errant of himself, roaming the world over in full armour and on horseback in quest of adventures, and putting in practice himself all that he had read of as being the usual practices of knights-errant; righting every kind of wrong, and exposing himself to peril and danger from which, in the issue, he was to reap eternal renown and fame. Already the poor man saw himself crowned by the might of his arm Emperor of Trebizond at least; and so, led away by the intense enjoyment he found in these pleasant fancies, he set himself forthwith to put his scheme into execution.”³

Among all his goals —enhance his honour, serve his country, become a knight-errant in name and deed, right all sorts of wrong, confront danger, and earn fame and renown— only two —serve his country and right wrongs, tantamount to the search for justice— transcend the personal sphere. Justice, therefore, is not the knight-errant’s chief concern at the outset of his adventure, yet failure to abide by its requisites would militate against the achievement of the other objectives. Even the service of his country would cease to make sense if not in connection with a just cause.

This will be borne out by Don Quixote’s adventures, in which those priorities as stated are so modified that the quest for justice comes to supersede the quest for renown, the latter becoming a by-product of achieving the former. This is the priority which will become the knight-errant’s defining feature, as corroborated in the praise at the very start of the work for the alleged chivalric hero Solisdán: “Your deeds are open proof in all men’s view; For you went forth injustice to abate” (I, Preliminares, 24); it also receives Don Quixote’s own acknowledgement when, in the second part of the novel, he tells the dukes that his most important achievement is to have fulfilled the duty of justice, with no added reference to fame or any other benefit:

“Some take the broad road of overweening ambition; others that of mean and servile flattery; others that of deceitful hypocrisy, and some that of true religion; but I, led by my star, follow the narrow path of knight-errantry, and in pursuit of that calling I despise wealth, but not honour. I have redressed injuries, righted wrongs, punished insolences, vanquished giants, and crushed monsters; I am in love, for no other reason than that it is incumbent on knights-errant to be so; but though I am, I am no carnal-minded lover, but one of the chaste, platonic sort. My intentions are always directed to worthy ends, to do good to all and evil to none; and if he who means this, does this, and makes this his practice deserves to be called a fool, it is for your highnesses to say, O most excellent duke and duchess.” (II, XXXII, 793-4).

Over and above, then, personal ambition, it is justice which proves to be the catalyst of Don Quixote’s actions, just as was announced very early on in the account of the origins of the knight-errant’s story: “the first that in our age and in these so evil days devoted himself to the labour and exercise of the arms of knight-errantry, righting wrongs, succouring widows, and protecting damsels” (I, IX, 85). This is further reiterated when Don Quixote ponders the stock Renaissance question of whether the active life is to be preferred to the contemplative one⁴ and relates his life of chivalry to a

³ M. de Cervantes, *Don Quijote de la Mancha*. Ed. de F. Rico (R.A.E. – Alfaguara, Madrid, 2004), Primera parte, cap. I, pp. 30-31. I shall henceforth quote by this order in the text: (Part, Chapter, Page). The translation is always of J. Ormsby, <http://pinkmonkey.com/dl/library1/book0530.pdf>.

⁴ G. Constable, “The interpretation of Mary and Martha”, in G. Constable, *Three studies in medieval religious and social thought* (Cambridge University Press, Cambridge, 1998) 1-142; H. Baron, *En busca del humanismo cívico florentino. Ensayos sobre el cambio del pensamiento medieval al moderno*. Trad. M. A. Camacho Ocampo (México, FCE, 1993; 1988); R.

divine mandate in favour of said justice: “Thus are we God’s ministers on earth and the arms by which his justice is done therein” (I, XIII, 112).

The Quixotic endeavour and the central role assigned to knights-errant in seeing that justice was done nevertheless results in the paradoxical revelation of its non-existence. The irony surrounding the speech to the goatherds about the Golden Age⁵ does not stop our knight-errant from advertizing its loss (I, XI, 97). Although a few chapters later he admits to Sancho that “I by Heaven’s will have been born in this our iron age to revive in it the age of gold, or the golden as it is called” (I, XX, 175), the truth is that not only has it proved incapable of being revived, but it has even paved the way to the perversion of the institutions that have replaced it:

“Fraud, deceit, or malice had then not yet mingled with truth and sincerity. Justice held her ground, undisturbed and un-assailed by the efforts of favour and of interest, that now so much impair, pervert, and beset her. Arbitrary law had not yet established itself in the mind of the judge, for then there was no cause to judge and no one to be judged.” (I, XI, 98)

Despite the subsequent insistence that the order of knights-errant has come to remedy the evil that has taken charge of the world, the final emphasis is not on the solution the members of the order may bring since the madness and fragility of a character like Don Quixote renders all his efforts useless. What is stressed is, in fact, the impossibility of ensuring the triumph of justice even in those cases that seem to be manifest cases of injustice.

That is made clear in the first episode where the newly armed knight has the chance “of fulfilling the obligation I have undertaken, and gathering the fruit of my ambition” (I, IV, 48). It might be noted that in this adventure of initiation personal interest still coexists with the quest for justice. When Andrés, the serving boy, complains of the beatings inflicted by his master, Juan Haldudo, Don Quixote is given the opportunity to offer his “aid and protection” by bringing the punishment to an end. Two conclusions may be drawn from this episode: on the one hand, the knight-errant’s intervention is not only in vain but actually worsens the lot of the beaten servant since once Don Quixote has departed, the punishment continues and more severely, if possible, than before, as the victim later informs him (I, XXXI, 319); on the other hand, the difficulties involved in prosecuting justice in the world stand revealed, for Andrés is an ambiguous character, closer to the picaresque than to innocence,⁶ who shows signs of negligence in his work and regarding his master’s property; and while the beatings he receives might seem excessive, they are in accord with the disciplinary regime of the time.⁷

A similar case of an appeal to a transcendent justice that is not warranted by the attendant circumstances occurs in the adventure of the galley slaves. Our knight-errant, with an argument that divests human laws of all foundation, has resort to divine law when serving sentence on the

Schalk, “Aspetti della vita contemplativa nel Rinascimento italiano”, in R.R. Bolgar (ed.), *Classical Influences on European Culture A. D. 500-1500* (Cambridge University Press, Cambridge, 1979) 225-238.

⁵ M. de Riquer, “Cervantes y el «Quijote»”, *supra* n. 4, en LXXI.

⁶ C. E. Bourque y R. J. Quirk, “Andrés in *Don Quixote*: A Cervantine Picaro”, 5, 1 *Cervantes: Bulletin of the Cervantes Society of America* (1985) 19-25.

⁷ A. Redondo, “Nuevas consideraciones sobre el episodio de Andrés en el *Quijote* (I, 4 y I, 31)”, 38 *Nueva Revista de Filología Hispánica* (1990) 857-873, in 869.

condemned slaves: “let each answer for his own sins yonder; there is a God in Heaven who will not forget to punish the wicked or reward the good; and it is not fitting that honest men should be the instruments of punishment to others, they being therein no way concerned” (I, XXII, 207).

In these two episodes Don Quixote’s quest is for a justice which does not belong to this world⁸ and he ends up worsening the situation. In the former because he seeks to impose a solution without troubling to ascertain the real causes of Andrés’s punishment; in the latter because he frees the galley slaves in complete disregard of the cautions of their guards and of Sancho regarding the justice of the case. He is also unconscious of the irony with which the victims respond when asked about the reasons for their current condition.

What this brings out, converting as it does so the irony into the grim reality all too familiar to Cervantes,⁹ is the existence of a universe where justice is conspicuous for its absence either because not even a knight-errant is up to the task of enforcing it, or because of its own crooked nature, whether due to the influence of interests (I, XXII, 202), friendship or cliques (II, XI, 628), all of which convert the job of the magistrates into an arbitrary activity, as the book hints on several occasions (I, XXII, 207 refers to “the perverted judgment of the judge”). In the second part of the novel, in his capacity of governor Sancho will once more denounce the risk that those entrusted with the administration of justice may be averted from its due application if offered a sufficiently succulent bribe: “take him away at once where he’ll see his mistake with his own eyes, even if the gaoler is willing to exert his interested generosity on his behalf; for I’ll lay a penalty of two thousand ducats on him if he allows him to stir a step from the prison” (II, XLIX, 922). This is something which also affected the governors who preceded Sancho in office:

“So far I have not handled any dues or taken any bribes, and I don’t know what to think of it; for here they tell me that the governors that come to this island, before entering it have plenty of money either given to them or lent to them by the people of the town, and that this is the usual custom not only here but with all who enter upon governments.” (II, LI, 944)

Justice, then, is recalcitrant, if not simply resistant, when attempts are made to enforce it or to comply with it; and not even a knight-errant like Don Quixote or a governor with the best will in the world like Sancho can stave off the sad inevitability of its impossible triumph.

(B) MUNDANE JUSTICE

The impossibility of restoring absolute justice leads Don Quixote to champion or act in conformity with a much more mundane justice which does not ordain a perfect (or mythical) model of society but is rather an instrument for living together which is so necessary as to be requisite in all walks of life. As Sancho puts it—with a nod at the classics¹⁰—when confronted with the mandates of the Catalanian

⁸ It was wanted to see in it an expression of erasmian values: J. L. Abellán, *Historia crítica del pensamiento español*. T. 2. *La Edad de Oro* (Espasa-Calpe, Madrid, 1979) 101-102.

⁹ On the relation between the life of Cervantes and the right, B. Aguilera Barchet, “El Derecho en el *Quijote*. Notas para una inmersión jurídica en la España del Siglo de Oro”, 76 *Anuario de historia del derecho español* (2006) 173-214.

¹⁰ Platón, *República*, 351c-352c; Cicerón, *De los deberes*, II, 40.

bandit Roque Guinart¹¹: “From what I have seen here, justice is such a good thing that there is no doing without it, even among the thieves themselves” (II, LX, 1013).

Don Quixote tries to apply this mundane justice to matters of chivalry, informing the goatherds that a natural law obliges them to be favourably disposed to knights-errant (I, XI, 99). One practical consequence of this justice is his refusal to pay the innkeeper for his hospitality: “for any hospitality that might be offered them is their due by law and right in return for the insufferable toil they endure in seeking adventures by night and by day” (I, XVII, 151-2). The utility of this justice for knights does not guarantee its acceptance by the other trades, a point made to perfection in the innkeeper’s reply: “pay me what you owe me, and let us have no more talk of chivalry, for all I care about is to get my money”. That said, it could be argued that this clash between a reality which demands payment and the requirements of chivalry is resolved in the uneasy pact which enables Don Quixote to abide by his principles and remain exempt of charge, but at the price of the boisterous manhandling of his squire.

Reality, then, brings its weight to bear, a lesson which Sancho is shown to have learnt when, in a lofty fashion somewhat out of keeping with his allegedly deficient learning, he appeals later to the laws: “for laws human and divine allow each one to defend himself against any assailant whatever” (I, VIII, 79). There is here an implicit allegiance to the legal theory of the time whose *ius naturalist* basis forged links between laws on a hierarchical scale running from the divine, through the natural, to positive law. The novel repeatedly invokes this principle whereby reality is linked to a law of transcendental character: on conversion into Princess Micomicona, Dorothea appeals to this “human and divine law” in order to secure Don Quixote’s protection in order to recover her fictitious kingdom (I, XXIX, 294). Albeit with a slight modification, Don Quixote also expresses his subscription to more realist or mundane forms of justice in relation to the defence of life and homeland, “which is in accordance with natural and divine law” and therefore justifies the resort to arms (II, XXVII, 764). In other words, transcendent justice is no longer the object of his quest but provides the underpinning for much more concrete goals, such as the deterrence of vengeance: “Thus, sirs, you are bound to keep quiet by human and divine law”, points out our knight-errant to the braying villagers when they set to taking the law into their own hands (II, XXVII, 765).

It is this very divine underpinning of man-made law which enables Don Quixote’s various appeals to the notion of the just war and assuredly betokens some familiarity with the theories formulated with much success by the Salamanca School in the wake of Francisco de Vitoria;¹² in this regard, not without significance is Sancho’s exclamation at the end of the Quixotic speech just mentioned on the legitimate use of arms: “The devil take me... but this master of mine is a tologian [sic]; or, if not, faith, he’s as like one as one egg is like another”.

¹¹ On the irony of a justice that flourishes in the midst of injustice and the presence of compassion, A. Weber, “Don Quijote with Roque Guinart: The Case for an Ironic Reading”, 6, 2 *Cervantes: Bulletin of the Cervantes Society of America* (1986) 123-140.

¹² F. Castilla Urbano, *El pensamiento de Francisco de Vitoria. Filosofía política e indio americano* (Anthropos, Barcelona, 1992).

The practical implications according to the theologians and jurists of the Salamanca School of indemnifying the damages caused by the enemy¹³ are echoed when Don Quixote, taking for granted the justice of his cause, declares: “I have never been in the habit... of taking spoil of those whom I vanquish, nor is it the practice of chivalry to take away their horses and leave them to go on foot, unless indeed it be that the victor have lost his own in the combat, in which case it is lawful to take that of the vanquished as a thing won in lawful war” (I, XXI, 192). Our knight-errant refers to the same circumstance later, calling it “fair war” (I, XLIV, 464), while elsewhere it is acknowledged that a just war in the king’s service confers legitimacy on the taking up of arms (II, XXVII, 764).

It is in the context of his service to Princess Micomicona, when the story is already well advanced, that Don Quixote turns his attention to another Renaissance commonplace which was to have particular repercussion in the Peninsula, namely that of “arms and letters”,¹⁴ to the latter of which he assigns the duty to “see and take care that good laws are observed” (I, XXXVII, 392). It is true enough that he clarifies at once that his allusion is not to divine letters, “the aim of which is to raise and direct the soul to Heaven; for with an end so infinite no other can be compared”, but to their human counterparts, “human letters, the end of which is to establish distributive justice, give to every man that which is his”; and this makes it plain that by this point Don Quixote has given up the realm of abstraction to pitch his camp in the field of a justice which is much closer to ordinary individuals. It is a justice which entrusts its lawyers —many of whom, as our knight-errant never fails to remind us (I, XXXVIII, 395), have a weakness for bribes and are rewarded richly for their labours— with the primary task of seeing that good laws are obeyed and with the added obligation of acting with far greater nicety so that to each is given what is rightly his.

It is perhaps on account of this propensity to act in their own rather than in the general interest by which so many lawyers are afflicted that later on Don Quixote makes their knowledge part of the equipment of any self-respecting knight-errant: among other qualifications, whoever professes the science of knight-errantry “must be a jurist, and must know the rules of justice, distributive and equitable, so as to give to each one what belongs to him and is due to him” (II, XVIII, 682). No doubt this requirement refers more to practical action on the part of knights-errant than to theoretical lucubration, but it nonetheless makes it quite clear that both of the traditional facets of justice are part and parcel of the task that the Knight of the Rueful Countenance sets himself.

¹³ F. de Vitoria, *Political Writings*. A. Pagden and J. Lawrance, ed. (Cambridge University Press, Cambridge, 2007; 1991). *On the Law of War* (*De iure belli*), 317: “If the war can be satisfactorily waged without plundering farmers or other non-combatants [innocents], it is not lawful to plunder them”; on the other hand, a war which seeks to establish justice is still a war and as such is liable for reparation at any cost for the harm done (318) and may lead to episodes which may be regarded as cruel: “If necessary, when the war is over one may take prisoners, even innocent women and children, but not to enslave them, only to hold them to ransom” (at 319).

¹⁴ F. Tateo, “Le armi e le lettere: per la storia di un *tópos* umanistico”, *Acta Conventus Neo-Latini Torontonensis* (New York, Medieval & Renaissance Texts & Studies, 1991) 63-81. For the Spanish case, P. E. Russell, “Las armas y las letras: para una definición del humanismo español del siglo XV”, in P. E. Russell, *Temas de “La Celestina” y otros estudios del Cid al Quijote* (Ariel, Barcelona, 1978) 207-239; N. G. Round, “Renaissance Culture and its Opponents in fifteenth-century Castile”, *57 Modern Language Review* (1962) 204-215; J. N. H. Lawrance, “On fifteenth-century Spanish vernacular Humanism”, in *Medieval and Renaissance Studies in honour Robert Brian Tate* (The Dolphin Book Co., Oxford, 1986) 63-79.

A mundane justice is instituted, therefore, which finds its fullest expression in the miniature “mirror for princes”¹⁵ composed of Don Quixote’s advice to Sancho regarding the government of his island. Many of his recommendations impinge directly on justice, the first one probably being not to bend the knee to arbitrariness: “Never go by arbitrary law, which is so much favoured by ignorant men who plume themselves on cleverness” (II, XLII, 869). More advice follows including insistence on the need to be wary of appearances or of the social status of the parties; to avoid being over-severe on those found guilty and to treat them with understanding, to avoid yielding to self-interest or to excess of passion when judging cases; to avoid being influenced by values which are not relevant to the deed being judged; to avoid insulting those who are to be condemned for their deeds; and, in the last resort, to bear in mind that it is possible to esteem mercy, which alone may legitimately correct justice, as a greater virtue than justice itself (II, XLII, 869-70).

In connection with its role as corrector and even substitute of justice, a case could be made for reading *Don Quixote* as an actual apology for mercy. It should therefore come as no surprise that Ganivet sees something peculiarly Spanish in this,¹⁶ even if it also fits with the recommendations of such as Petrarch, who advised that justice be mitigated by clemency.¹⁷ It would be no exaggeration to state that Cervantes invokes the more religious sense of mercy as that divine virtue through which the sins and woes of God’s creatures receive pardon. In the light of this interpretation, the first recommendation about good government that Don Quixote gives his squire makes greater sense: “First of all, my son, thou must fear God, for in the fear of him is wisdom, and being wise thou canst not err in aught” (II, XLII, 868). On this premise, the severity of contemporary positive justice would be, if not quite substituted, at least corrected or mitigated by that mercy with which it is aligned from the moment the priest and the barber clear Don Quixote’s library of evil books: “so shall mercy or justice be meted out to them” (I, VI, 65); and the same mercy will end up being Sancho’s means of purifying justice. Thus, despite cavilling that his poor memory will impede his complete execution of Don Quixote’s counsel —“I see well enough that all these things your worship has said to me are good, holy, and profitable; but what use will they be to me if I don’t remember one of them?” (II, XLIII, 874)— when actually imparting justice on his island he recalls the legal principle of *in dubio pro reo* which enshrines the very mercy his knight had enjoined upon him: “one of the many precepts my master Don Quixote gave me the night before I left to become governor of this island, that came into my mind, and it was this, that when there was any doubt about the justice of a case I should lean to mercy; and it is God’s will that I should recollect it now, for it fits this case as if it was made for it” (II, LI, 940).

¹⁵ A. J. Di Salvo, “Spanish Guides to Princes and the Political Theories in *Don Quijote*”, 9, 2 *Cervantes: Bulletin of the Cervantes Society of America* (1989) 43-60, en 52.

¹⁶ Á. Ganivet, *Idearium español* (Granada, 1897) 62: “En España se prefiere tener un Código muy rígido y anular después sus efectos por medio de la gracia. Tenemos, pues, un régimen anómalo, en armonía con nuestro carácter” (“In Spain it is preferred to have a very rigid Code and then annul its effects by means of grace. We have, therefore, an anomalous regime, in harmony with our character”).

¹⁷ E. Nelson, “The problem of the prince”, in J. Hankins (ed.), *The Cambridge Companion to Renaissance Philosophy* (Cambridge University Press, Cambridge, 2007) 319-337, en 321.

(C) QUESTIONING THE LAW

For all the difficulties he encounters when fixing it in his mind and despite the ease with which he forgets it, not to mention his inability to read, Sancho is able to apply one basic principle of justice which his master has inculcated in him. In the absence of absolute justice, mundane justice as articulated in positive law does have its place in the novel. However, the justice Sancho imparts as governor is not one of principles or codes that may be made use of by another governor; rather it is a justice tied to his own person, and which will prove hard to uphold once he ceases to exist. This may be why, dependent as it is on the person who imparts it, everyday justice in *Don Quixote* is a synonym of repression and fear, and something best steered well clear of. That is the impression given by Sancho's first mention of justice in the novel: "It seems to me, senor, it would be prudent in us to go and take refuge in some church, for, seeing how mauled he with whom you fought has been left, it will be no wonder if they give information of the affair to the Holy Brotherhood and arrest us, and, faith, if they do, before we come out of gaol we shall have to sweat for it" (I, X, 91). Don Quixote responds immediately and quite rejects the idea that his actions, regardless of their nature, should be subject to justice of that sort: "where hast thou ever seen or heard that a knight-errant has been arraigned before a court of justice, however many homicides he may have committed?". Not only does Don Quixote feel exempt of the law regarding homicide, but of the legal code as a whole; so much is it so that in their ensuing conversation he extends the exemption from the Holy Brotherhood to Sancho himself. More trenchant is his confirmation of the point at the end of the first part of the novel when attempts are made to arrest him for liberating the galley slaves:

"tell me who was the ignoramus who signed a warrant of arrest against such a knight as I am? Who was he that did not know that knights-errant are independent of all jurisdictions, that their law is their sword, their charter their prowess, and their edicts their will? Who, I say again, was the fool that knows not that there are no letters patent of nobility that confer such privileges or exemptions as a knight-errant acquires the day he is dubbed a knight, and devotes himself to the arduous calling of chivalry? What knight-errant ever paid poll-tax, duty, queen's pin-money, king's dues, toll or ferry? What tailor ever took payment of him for making his clothes? What castellan that received him in his castle ever made him pay his shot? What king did not seat him at his table? What damsel was not enamoured of him and did not yield herself up wholly to his will and pleasure? And, lastly, what knight-errant has there been, is there, or will there ever be in the world, not bold enough to give, single-handed, four hundred cudgellings to four hundred officers of the Holy Brotherhood if they come in his way?" (I, XLV, 473).

On the strength of this episode it would seem that the novel does not preach excessive allegiance to the idea of a man-made law which is the same for everybody. The reason has to do with jurisdiction: knights-errant are untouched by such a law's general rules. At first sight an exception in the stratified society depicted in the novel, the fact that Don Quixote extends his own exemption to include Sancho may be justified on account of the latter's participation in the adventures of his knight. However that might be, the validity of the law for the rest of society does not seem to be questioned at this point.

Yet there are occasions when the law's validity comes in for radical interrogation: the very origin of the law is questioned as is its impartiality, taking into account the identification of justice with the

interests of the powerful. This is the meaning of the saying “allá van leyes do quieren reyes” which appears at least three times in the novel: incomplete in the mouth of the barber when accosted by Don Quixote and robbed by Sancho (“laws go, – I say no more”, I, XLV, 468); inverted in the mouth of Teresa Panza (“kings go where laws like”, II, V, 585); and uttered in full by Doña Rodríguez (II, XXXVII, 837).

The suspicion that the law serves private interests instead of taking genuine justice for its lodestar is at the forefront of the following case. Whether for that reason or because Don Quixote does not seem to feel under any obligation to a law ruling those who are not knights-errant, justification is provided for the tendency to sidestep interference from the authorities that uphold it whenever there is any conflict. This seems to be what is suggested by the intervention of a ganger from the Old Holy Brotherhood of Toledo in the episode at the inn (I, XVI, 144-5). In the dark, Maritornes fumbles around for the carrier from Asturias and falls into the arms of Don Quixote, then of Sancho, as a result of which a brawl breaks out involving the innkeeper himself. The ganger arrives on the scene unbidden and his intervention puts all the brawlers to flight except Sancho and his master. Nobody wishes to be held to account by the representative of the law.

An impression of the law being called into question but at the same time of justice being done in its application, albeit as the moral of the story, is afforded by, once more, the episode of the galley slaves. Sancho’s words of caution, which identify justice with the king who imparts it, and point out that it does not consist in “using force or doing wrong to such persons, but punishing them for their crimes” (I, XXII, 200) go unheeded by Don Quixote, who persists in asking the members of the chain-gang the reasons for their punishment. A dialogue ensues where the thrust of Don Quixote’s interpretation in the terms of knight-errantry is to excuse the invented, if not downright mendacious, explanations offered by the slaves. By denying the justice of their sentence, Don Quixote’s subsequent liberation of the slaves could be viewed as calling the law into question. However, that the law had its reasons becomes clearer than ever when the galley slaves show their true colours by hurling stones at their liberator. Shortly before this show of ingratitude one of the guards responds to Don Quixote’s request that the slave be freed with words of transcendent ambiguity: “He wants us to let the king’s prisoners go, as if we had any authority to release them, or he to order us to do so!” (I, XXII, 207-8). The second part of the sentence could refer to the king (“As if the king had authority to order us to do so”) or to Don Quixote himself. If the former, the monarch would be subject to the law to the same degree as his subjects, which would mean a check on his absolute power and was the position defended by the Jesuit Mariana at around the time of the novel;¹⁸ if the latter, it would simply be a reminder of our ineffectual gentleman’s incapacity to impede the course of justice.

Exemption from or sidestepping the law are the not only stances that can be adopted regarding the law, but exist in the novel in tandem with other more respectful attitudes. Thus, in reaction to Don Quixote’s oath to challenge again the Biscayan he has already defeated in order to avenge the damage the gallant inflicted on his ear, Sancho gives voice to principles found in law: “Your worship should

¹⁸ H. Höpfl, *Jesuit Political Thought. The Society of Jesus and the State, c. 1540–1630* (Cambridge University Press, Cambridge, 2004) 239-248.

bear in mind, Senor Don Quixote, that if the knight has done what was commanded him in going to present himself before my lady Dulcinea del Toboso, he will have done all that he was bound to do, and does not deserve further punishment unless he commits some new offence" (I, X, 93). Don Quixote admits that Sancho is right and breaks his own oath; in doing so he shows due respect for basic principles of the law, at least if they do not hinder his chivalric pursuits, as was the case in the earlier cases cited.

But he is unstinting in his reminders of the law's need to be protected by a force which guarantees that in the last resort it is complied with or, if not, that the penalty for any non-compliance is:

"letters say that without them arms cannot maintain themselves, for war, too, has its laws and is governed by them, and laws belong to the domain of letters and men of letters. To this arms make answer that without them laws cannot be maintained, for by arms states are defended, kingdoms preserved, cities protected, roads made safe, seas cleared of pirates; and, in short, if it were not for them, states, kingdoms, monarchies, cities, ways by sea and land would be exposed to the violence and confusion which war brings with it, so long as it lasts and is free to make use of its privileges and powers." (I, XXXVIII, 396)

(D) LAW OR JUSTICE? DON QUIXOTE'S SURRENDER

In short, while justice is not initially one of the main items on *Don Quixote's* agenda, as the novel advances it becomes a major issue of concern. That said Don Quixote's physical weakness and madness render ever fainter the dream of its absolute triumph. The impossibility of ever achieving it leads to its replacement with a much more mundane justice. This paves the way to the denouncement of the miscarriages, exclusions and manipulations of the law in the hands of those who make it, impart it, and are sufficiently familiar with its ins and outs to be able to live off it. A measure of disconformity with these injustices at times entails acting in opposition to justice itself but never blinds one to the impossibility of ever eliminating them. For a world without justice or with a justice impervious to bribes such as the world our knight-errant and his squire promise to inaugurate can only exist in a different universe. Don Quixote's retirement from chivalry and Sancho's from the governance of his island—for all the good sense of his judgements—are proof of that.