

REVIEW ARTICLE

Cervantes and the Law, at Yale

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Roberto González Echevarría's new book on Cervantes¹ is the published version of the spring 2002 DeVane Lectures, at Yale. The volume is organized into thirteen chapters, coinciding with a traditional thirteen-week semester. The first nine chapters deal with *Don Quijote*, ten and eleven with selected *Novelas ejemplares*, twelve with *Persiles y Sigismunda*, and the last with Cervantes' presence in Borges (the obligatory "Pierre Menard") and Carpentier. The audience at the lectures ranged from a devoted ten-year-old to "retirees looking for something to do on a Thursday afternoon" (x), as well as high-powered Yale academics. This is reflected in the simultaneous presence in the text of well-known facts and glib if not always accurate generalizations, alongside insightful observations and elegant arguments of major interest to card-carrying *cervantistas*.

González Echevarría studies the presence and function of the law and legal discourse in Cervantes, and by extension in the formation of modern narrative. Although the clash between the Law and Desire has been around, and generating stories, at least since Genesis, González Echevarría argues that only in Spain, and

¹ Roberto González Echevarría. *Love and the Law in Cervantes*. New Haven: Yale University Press, 2005. 292 pp. ISBN: 0-300-10992-X.

only in the sixteenth century, the first modern nation-state and imperial bureaucracy spawned a proliferation of legal codes and legal discourse that fundamentally altered the character and the potential of narrative fiction. On the one hand, this focus on the law is a particular instance of what Bakhtin has taught us about the origin of novelistic discourse in general, and the law takes its place alongside the new discourses of commerce, of medicine, of science, and so on as a formative element. González Echevarría suggests that the law influences narrative in the following ways: 1) style (the concrete legal terms); 2) plots (crime, punishment, revenge, or pardon); 3) the incorporation of subgenres from the legal world (confessions, depositions); 4) endings (resolution involves exculpation, punishment, pardon, or legitimation); 5) an increase in the number of stories dealing with marriage; 6) the proliferation of judges, lawyers, and bailiffs in fiction; and 7) the inclusion of or allusion to legal documents in fiction, with the fiction itself sometimes taking the form of a legal document, as in the picaresque (xviii). On the other hand, he further observes, only the law—that is, interdiction—intersects desire with such force that the potential is created for the construction of new kinds of characters and plots. As he states toward the end, his thesis is that “with the advent of the modern state, aided by the invention of the printing press, a new kind of narrative emerges—the novel—and this genre is about legal conflicts and their resolutions” (231). The novel arises in Spain, within the particular modernity of Cervantes’ society and situation: the contamination of everyday language by legal jargon because of the litigious climate that the recent exponential growth of the judicial and penal bureaucracy had created; Cervantes’ individual experience with the law, as a *comisario* requisitioning provisions for the Armada, “part of the new patrimonial bureaucracy and its convoluted legal mechanisms and record keeping” (xix), to which we might add his own experience of incarceration.

What follows is an admittedly idiosyncratic balance sheet of what I found interesting and useful, and what I didn’t.

Aciertos.

Chapter 1 (the wonderfully titled "Prisoner of Sex"), demonstrating that the character's sexual exploits are not erotic but legal, offers a new context in which to consider the presence of sexual activity in Golden Age literature in general. The author is right in his assumption that what was of interest to society were the legalities of sexual activity and its implications for the transfer of property from one generation to the next, not its physical details.

In Chapter 2 ("Spanish Law and the Origins of the Novel"), the section on literature and the law beginning with the observations of the brothers Grimm, followed by the author's own development (19–22), is informative and suggestive. In both law and literature, major questions of human life "emerge initially as stories, cast in figurative language, whose coherence has to be restored and gauged to evaluate their truthfulness: who did what to whom, when, where, under what circumstances, and deserving what punishment or reward" (21). The précis of Spanish legal history with particular attention to casuistry and *casos* and the evolution of novelistic discourse (22–34) is similarly useful.

Chapter 4 ("The Knight as Fugitive from Justice") offers a novel organizational model for *DQ I*, which has the advantage of foregrounding an aspect of *DQ*'s social deviance we tend to take for granted. I found it convincing except for the assertion that *DQ* and Sancho head into the Sierra Morena in search of Dulcinea, and secondarily to avoid the Santa Hermandad, when it is exactly the reverse, a fact which furthermore would have strengthened the author's general thesis regarding the plot-generating potential of the law.

In Chapter 5 ("The Amorous Pestilence") the characterization of Grisóstomo's funeral as a legal-forensic exercise, and its relation to the "legalities" of courtly love, with *DQ* as judge (84–89), is nicely worked out.

Chapter 6, on interruptions, offers food for thought, including the postmodern suggestion (first proposed by Vicente Gaos, as González Echevarría states), of interruption as the organizing principle of *DQ I*. I was reminded here of Stephen Gilman's brilliant discussion of interruption of events as the source of charac-

ters' self-consciousness as crucial to the invention of the novel (55–70). Basing himself on Amsterdam and Briner's useful distinction between "script" and "narrative" (97), González Echevarría argues that interruptions of the flow of discourse "facilitate the emergence of a different, challenging or adversarial truth, unknown to the teller himself and certainly to his interlocutors. By breaking the continuity and violating its own laws of inner development, the interruption releases a different version" (98). This observation helps explain why Cardenio reacts so violently to DQ's interruption of his scripted narrative, for example.

The analysis of the situations of Cardenio and Luscinda, Dorothea and Don Fernando, through the prism of the law (101–06) is very good, if not particularly novel. Readers of this journal know about *segundones*, for example, but the original audience for the lectures probably didn't.

One of the high points in this book, to my mind, is the ingenious argument the author mounts, forensically following a trail of blood, that relates the "bodas de Camacho" to the story of Pyramus and Thisbe (134–55). The demonstration of Basilio's legal craftsmanship (137–40) is impeccable. The trail of blood is also followed, with similarly felicitous results, in the analysis of "La fuerza de la sangre" (especially 186–90).

González Echevarría is one of very few critics, perhaps the only one, to insist on the presence in the text of "El casamiento engañoso" of all the Tridentine legalities designed to guarantee the legitimacy of marriage—the *información de solteros*, the *amonestaciones*, the witnesses—and how useless they all prove to be (205). In the same chapter, the hypothesis that Campuzano's stories of Berganza and Cipión are two alternate versions of his own autobiography, the life he has actually lived vs. the one he would have liked (209), is rich with potential. This is a reworked version of ideas the author has been tinkering with since 1978, and which found expression in "The Life and Adventures of Cipión."

Finally, as a relative stranger to Spanish-American literature, I was entertained and instructed by González Echevarría's account of Carpentier's *El arpa y la sombra* (241–49), its relation to Cervantes and to the mythology of the founding of Latin America.

Annoying inaccuracies and minor quibbles.

The “thumbnail sketch of the picaresque” (55–58), in the beginning so promising as an antidote for the “gross misconceptions about the picaresque in the English-speaking world” (no argument from me about that), is disappointing.

González Echevarría doesn’t ponder what might have motivated Marcela’s flight from her uncle’s tutelage into pastoral literature, nor does he observe that Grisóstomo’s decision to become a shepherd is motivated by Marcela’s.

I was put off by the sexist-sounding references to Dorotea’s “greed” (104) and to Quiteria’s “fickleness” (140).

The brief description of the so-called *novela morisca* (171) is inexact. In none of the three works Soledad Carrasco considers to comprise the genre is there a Christian-Muslim love story, which González Echevarría makes into the defining feature of the genre.

Roque Guinart is a modern, degraded form of chivalry, not DQ’s soul-mate (163).

The strange assertion that the picaresque “protagonist will be too young throughout the evolving plot to engage in erotic adventures” (4) is at odds with the later references to Lazarillo’s “sordid menage à trois with the mistress of an archbishop” (33). (Incidentally, the correct translation of *arcipreste* is “archpresbyter,” not “archbishop.”)

The assertion that “the epic...dealt with a heroic past in verse and in an elevated style” (23) is questionable in light of the relative contemporaneity and resolute “popularity” of the *Cantar de mio Cid*.

According to Marcel Bataillon, “the chivalric romances that Cervantes parodied in the *Quijote*” were not the descendants of Byzantine or Greek romance (160) but its polar opposite.

I am not aware that Cervantes locates the idea to write the *Quijote* in his sojourn in the Sevillian jail (28).

I am one of those purists who insist that the name “Alonso Quijano” belongs only to the end of DQ II; González Echevarría is certainly not alone, however, in identifying him as the anonymous pre-Don Quijote *hidalgo* of DQ I, 1.

I am hard-pressed to read the *capitán cautivo*’s story as “a coun-

terpart of sixteenth-century Spanish mystical poetry, in which courtly love and Petrarchan conventions are adapted to express religious fervor and union not merely with the beloved, but with God" (92). Nor was I aware that, in the same story, "the three brothers have done well" (109). Ruy Pérez would be surprised to hear that.

Don Quijote is not "wooded by a dueña" in *DQ* II, 48 (116); Doña Rodríguez is terrified by the prospect of intimacy with him and demands guarantees that her chastity will be respected.

Barcelona is not a Castilian city, but even the Catalans would admit it is Spanish (117).

The question is not, "at bottom, ...if marriage is a social contract or a sacrament" (141); the problem is that it is both.

The heroine of "La española inglesa" is named Isabela, not Estefanía (180).

I wouldn't call the portrayal of Monipodio and his crime syndicate "positive" (199).

More serious objections.

I was sometimes put off by what I would call "selective definitions" of terms crucial to the author's thesis, such as the word *declarar* in the case of the prisoner of sex. First, *declarar* is both "a legal term meaning to give a deposition" and "to clarify." Then, "the word retains both meanings today, but it favors the legal." So that, finally, "this tilts the prisoner's case in the direction of a potential dispute about inheritance rights covered, of course, by testamentary laws" (9). The author has a real gift for the rhetorical potential of definition, viz. *caso*, which after he tweaks it becomes sequentially: 1) "what is representable within legal discourse;" 2) "the real as defined by the law;" 3) "for the incipient novel, ...a distinct narrative unit involving a concurring set of events, often centering on the commission of a crime" (31).

To begin discussion of the "morisco question" by remarking that "if there is an episode in the *Quijote* that we cannot read innocently in the twenty-first century it is the one about Ricote" (159), and to evoke such tragic contemporary experiences as "ethnic cleansings, the Holocaust, mass murder by fascist and commu-

nist regimes, and exiles provoked by religious and political persecutions still so fresh in our memories," and then to stigmatize Francisco Márquez Villanueva (and Américo Castro) as "scholars still taking sides in a political battle that took place four centuries ago but that defines and overdetermines their scholarship" (162) strikes me as illogical as well as mean-spirited.

To assert that Márquez suggests that Cervantes was against the order of expulsion "in spite of what he has Ricote say in the novel" (162), and that "Cervantes pays homage to the official in charge of enforcing the expulsion...through Ricote's words" (172) reveals an insensitivity to irony (in this case heavy-handed sarcasm) most unbecoming in a critic who has warned us to avoid "falling into the blindness of the *verbum visibile* [sic]" ("The Life and Adventures of Cipión" 52).

As one might have predicted, I found the entire discussion of "engendering Dulcinea" off the mark. González Echevarría dismisses my account of the creation of Dulcinea on the grounds that DQ "is, because of his age, safely beyond Oedipus" (46). This apparently means that he is too old to desire young women who are his relatives, but not too old for young women who are not. The logic of this frankly escapes me. I posited an unconscious urge typical of men in mid-life, and showed (or attempted to show) how DQ goes through the book falling in love with young women who remind him of his niece: Marcela, Palomeque's daughter, Dorotea, and Altisidora. These are DQ's choices, but not González Echevarría's. He is an Aldonza man (although unaccountably he fails to cite Unamuno and Helene Deutsch, the champions of the "Aldonza hypothesis"). He attends rather to "the attraction country women exert on upper-class men by their crudeness, which ostensibly promises a savage kind of sexual pleasure not available with women of their social class" (43). He offers the powerful *serranas* in the *Libro de buen amor* and, again unaccountably, the delicate *serranillas* of the Marqués de Santillana as "the forerunners of Aldonza who excite upper-class men by their rustic appearance and demeanor—by their masculinity" (44). "Other than strength and smell, Aldonza's most significant feature is her bodily hair, which she shares with other country lasses

and coarse women in the *Quijote* and other works" (47). I remit to Jacques Lacan, who once observed that as the reader reads the text, the text is simultaneously reading him.

Relevant bibliography not consulted.

Finally, it occurred to me that González Echevarría's arguments might have been buttressed, or perhaps modified, had he consulted the following, which I offer for whatever additional light they may shed on the themes of *Love and the Law in Cervantes*.

On desire and the law:

Tony Tanner, *Adultery and the Novel. Contract and Transgression*. Baltimore: Johns Hopkins UP, 1979.

Henry Sullivan, *Grotesque Purgatory. A Study of Cervantes's Don Quixote, Part II*. University Park: Pennsylvania State UP, 1996.

Steven Hutchinson, *Economía ética en Cervantes*. Alcalá de Henares: Centro de Estudios Cervantinos, 2001.

On lawyers:

Jean-Marc Pelorson, *Les Letrados: juristes castillans sous Philippe III. Recherches sur leur place dans la société, la culture et l'état*. Poitiers: Université, 1980.

William Childers, "Legal Discourse in *Don Quixote*." *Mester* 34 (2005): 1–16. (Appeared since his book went to press.)

On the *mayorazgo*:

Bartolomé Clavero, *Mayorazgo. Propiedad feudal en Castilla, 1369–1836*. Madrid: Siglo XXI, 1989.

On marriage:

Augustin Redondo, "Les empêchements au mariage et leur transgression dans l'Espagne du XVIe siècle." *Amours légitimes, amours illégitimes en Espagne (XVIe-XVIIe siècles)*. Ed. Augustin Redondo. Paris: Sorbonne, 1985. 31–56.

Isabel Teston Núñez, *Amor, sexo y matrimonio en Extremadura*. Badajoz: Universitas, 1985.

Jean-Michel Laspéras, *La nouvelle en Espagne au Siècle d'Or*. n.p.: Éditions du Castillet, 1987.

On *billets doux*:

Margot L. Benardo, *Crisol de amantes. El billete amoroso en el Siglo de Oro*. Madrid: Fundamentos, 2001.

On powerful, masculine women:

Louis Combet, *Cervantès ou les incertitudes du désir*. Lyon: Presses Universitaires, 1980.

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González Echevarría, Roberto. "The Life and Adventures of Cipión." 1968. *Celestina's Brood. Continuities of the Baroque in Spanish and Latin American Literatures*. Durham: Duke UP, 1993. 45-65.