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Literary values and contemporary jurisprudence in the Cuban judicial system inspired by Don Quixote

Valores literarios y justicia contemporánea en el sistema judicial
cubano a partir de Don Quijote

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Abstract This study examines the relationship between literature and justice, exploring how the ethical values in Cervantes' Don Quixote can be integrated into modern judicial systems. The objective is to identify how principles such as compassion, impartiality, and integrity, conveyed in Don Quixote's counsel to Sancho Panza, align with the principles enshrined in Cuba's Law on Courts of Justice. Through a qualitative and interpretative methodology, selected texts from Don Quixote were compared with articles from Cuban legislation, applying a non-statistical, convenience-based sampling approach. The findings indicate that these ethical literary values resonate with the Cuban judicial system, underscoring their potential to complement judges' technical training with a sensitivity toward equity and human rights. The study concludes that incorporating literary values into judicial education can enhance the ethical perspective of justice practitioners, offering a model that prioritizes human dignity. Finally, the study suggests that future research could expand this inquiry into other judicial and cultural contexts, promoting justice systems that are more equitable and humanitarian.

Keywords literature justice, ethical values judicial systems, human dignity.

Resumen Este estudio analiza la relación entre literatura y justicia, explorando cómo los valores éticos presentes en Don Quijote de Cervantes pueden integrarse en sistemas judiciales modernos. El objetivo es identificar cómo principios como la compasión, la imparcialidad y la integridad, expresados en los consejos de Don Quijote a Sancho Panza, se alinean con los principios de la Ley de los Tribunales de Justicia de Cuba. Mediante una metodología cualitativa e interpretativa, se compararon textos seleccionados de Don Quijote con artículos de la legislación cubana, aplicando un muestreo no estadístico y basado en conveniencia. Los resultados indican que los valores éticos literarios encuentran resonancia en el sistema judicial cubano, destacándose su potencial para complementar la formación técnica de jueces con una sensibilidad hacia la equidad y los derechos humanos. El estudio concluye que la integración de valores literarios en la educación judicial puede enriquecer la perspectiva ética de los operadores de justicia, ofreciendo un modelo que prioriza la dignidad humana. Finalmente, el estudio sugiere que futuros trabajos podrían ampliar esta investigación en otros contextos judiciales y culturales, promoviendo sistemas de justicia más equitativos y humanitarios.

Palabras clave literatura, justicia, valores éticos, sistemas judiciales, dignidad humana.

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Introduction

The intersection between literature and law has been studied for its ability to offer ethical frameworks and humanistic perspectives to the field of jurisprudence. Works such as Don Quixote by Miguel de Cervantes not only reflect the principles of their time but also project ethical ideals that remain relevant today (Franco, 2021). The advice that Don Quixote gives to Sancho Panza during his role as governor of the island of Barataria exemplifies how literature can serve as a model for guiding principles in judicial ethics and practice, such as impartiality, compassion, and devotion to truthfulness.

Research on the intersection of law and literature has revealed how Cervantes' narrative inherently addresses foundational ethical principles that underpin numerous contemporary judicial systems. Belmonte (2019) posits that Cervantes 'offers a comprehensive social and moral critique through his work, where justice and ethics are examined in profound detail.' This interpretation enables us to view Don Quixote's counsel not merely as moral guidance for Sancho Panza but also as a literary embodiment of principles that find alignment in Cuban legislation, specifically within the Law on Courts of Justice (Law No. 140/2021) (Ministerio de Justicia, 2021).

Through his work, Cervantes appears to anticipate fundamental principles in judicial practice, such as impartiality and respect for human rights, which have become cornerstones of judicial administration. For example, when Don Quixote advises Sancho to 'not lay the full weight of the law on the offender; for the reputation of a rigorous judge is no better than that of a compassionate one,' it aligns with the principles of proportionality and humanity that should guide judicial functions. This counsel echoes Article g) of the Cuban Law on Courts of Justice, which advocates for judicial proactivity and the pursuit of equitable decisions by judges.

Comparative law studies have emphasized how principles of literary justice, as portrayed in Don Quixote, are applicable to contemporary legal systems and promote a humanistic approach in the administration of justice. This analysis, therefore, aims to explore these relationships and examine how they can contribute to fostering a more ethical and compassionate judicial practice within the Cuban context.

Recent research has explored the impact of classical literature on the development of ethical values within the legal field. González (2020) asserts that 'the incorporation of literary works into legal education fosters a profound understanding of the ethical and moral principles that should inform legal practice.' This interdisciplinary approach enables legal professionals to contemplate justice beyond mere legal norms, embedding humanistic values into their professional conduct.

Furthermore, recent studies have underscored the significance of Don Quixote's counsel to Sancho Panza in shaping contemporary judicial ethics. Martínez (2021) contends that 'the principles of equity and compassion embedded in Don Quixote provide valuable guidance for judges in rendering fair and humane judgments.' This perspective highlights the enduring relevance of Cervantes' insights in advancing a conception of justice that is both equitable and centered on human dignity.

Materials and methods

This research adopts a qualitative-descriptive design, which is optimal for examining and analyzing the relationship between the ethical principles articulated in Don Quixote and the foundational elements of procedural law in Cuban legislation. As noted by Hernández Sampieri (2019), the qualitative approach is particularly well-suited for attaining a deep understanding of complex phenomena and conducting interpretative analyses of contextual meanings within texts. This design permits comparative and conceptual analysis without necessitating variable manipulation.

In this study, the qualitative design enables a comprehensive examination of how the literary values in Cervantes' work align with contemporary judicial principles. This approach aligns with the recommendations of Hernández Sampieri (2019), offering a rigorous methodological framework conducive to interpretative and theoretical analysis.

Given the conceptual and comparative nature of this study, the 'population' comprises two distinct sets: selected literary passages from Don Quixote and specific articles from the Cuban Law on Courts of Justice (Law No. 140/2021). Accordingly, the sampling method is non-statistical and based on convenience, with a focus on selecting excerpts that exemplify ethical values in Cervantes' text and corresponding legal principles in Cuban legislation.

Henríquez and Zepeda (2003) underscore the importance of clearly defining the target population in qualitative research and selecting representative content aligned with the study's objectives. Furthermore, Hernández Sampieri (2019) affirm that convenience sampling is appropriate when the objective is to conduct an in-depth exploration and comparison of concepts, particularly in theoretical and textual analysis studies.

In this study, passages from Don Quixote where Don Quixote counsels Sancho on the equitable exercise of governance over the island of Barataria have been meticulously selected and juxtaposed with provisions from Cuban law that embody similar principles of impartiality, compassion, and judicial ethics.

Results and discussion

In Don Quixote, Miguel de Cervantes portrays Don Quixote as a character who, despite his eccentricities, embodies profound ethical values. Before Sancho Panza assumes governance over the island of Barataria, Don Quixote imparts a series of instructions that encapsulate principles of justice, compassion, and impartiality. For instance, he advises, 'When equity can and should be exercised, do not lay the full weight of the law on the offender; for the reputation of a compassionate judge is better than that of a severe one.' This counsel underscores the role of mercy in the administration of justice, suggesting that the reputation of a compassionate judge holds greater value than that of a strict one (Contreras Aguirre & Miranda Montecinos, 2018)

Furthermore, Don Quixote admonishes Sancho to remain uninfluenced by gifts or personal grievances, thereby reinforcing the imperative of impartiality. His instruction to 'temper the rod of justice with the weight of mercy' embodies a conception of justice that prioritizes human well-being and equity over strict adherence to the letter of the law. This approach to justice, grounded in ethical and humanitarian principles, retains its relevance in contemporary legal discourse (Contreras Aguirre & Miranda Montecinos, 2018)

Principles in Cuban Legislation and Their Resonance with Don Quixote

The Cuban Law on Courts of Justice (Law No. 140/2021) enshrines fundamental principles that resonate with the ethical values conveyed in Don Quixote's counsel. Notably, the principles of impartiality and equality (Articles 13.1.c and 13.1.d) mirror Don Quixote's guidance to Sancho to treat all parties without bias or favoritism, a mandate upheld through judicial recusal in situations where conflicts of interest or biases may arise.

The principle of legal certainty (Article 13.1.h) underscores that individuals involved in judicial proceedings must be cognizant of their rights and assured that judicial decisions will be consistent and stable, echoing Don Quixote's counsel on the importance of upholding and respecting legal norms. Moreover, the principle of proactivity (Article 13.1.g) emphasizes that judges are obligated to make decisions that ensure due process and pursue equitable outcomes, in alignment with Don Quixote's recommendation to prioritize equity and compassion in the administration of justice.

Honesty and Integrity as Judicial Values

"Another significant tenet from Don Quixote is the emphasis on maintaining honesty and eschewing favoritism or personal interests in the administration of justice. This principle finds a parallel in Cuban law through the doctrines of impartiality and legal certainty, which serve to uphold a fair and dependable judicial system. The University of Havana (2021), in its analysis of Cuban judicial reform, asserts that 'the principles of honesty and transparency are essential to constructing a legitimate and trustworthy judicial system.' These principles, also echoed in Don Quixote's counsel, reinforce the notion that an effective judicial system is grounded not solely in rigid laws but in values that foster equity and honesty. The presence of these literary values within Cuban legislation illustrates how ethical and literary insights can enrich and inform contemporary justice systems."

Don Quixote's counsel embodies a profound grasp of ethical and judicial principles, which is remarkable for a fictional character created in the 17th century. His directive to Sancho to exercise mercy and refrain from imposing the full severity of the law underscores compassion as an essential element of justice. In this context, Cervantes is not merely crafting a comedic figure but also a conduit for critiquing the legal systems of his era and advocating for a more balanced approach to justice. As Muñoz Machado (2018) observes, Cervantes employs legal language and values to question the excesses of punitive justice, resonating with contemporary calls for compassion in judicial practice

Moreover, Don Quixote's counsel to Sancho to avoid allowing gifts or personal grievances to influence his judicial decisions underscores the imperative of impartial justice. This principle is enshrined in Cuban law, where impartiality constitutes a cornerstone of the judicial system. Judicial independence is fundamental to fostering public trust in the legal system and mitigating the risks of justice influenced by external interests. González (2020) contends that impartiality in justice should be reinforced by humanistic values, a perspective that Cervantes emphasizes by prioritizing human welfare over strict legalism.

This analysis demonstrates that the literary values in Don Quixote are not merely idealistic notions but actionable principles that can be integrated into contemporary legal systems to foster balanced justice. Don Quixote's capacity to convey ethical principles of justice to Sancho exemplifies how literature can enhance and elevate the foundational values of a judicial system. This interpretation of the ethical tenets in Cervantes' work underscores their enduring relevance and applicability to modern judicial systems, such as that of Cuba, within a framework that prioritizes compassion and equity.

The literary-legal analysis of Don Quixote aligns with prior research underscoring the role of literature in shaping the ethical formation of legal professionals. Contreras Aguirre and Miranda Montecinos (2018) observe that the study of literary characters aids law students in developing ethical sensitivity and considering the application of judicial principles in practical scenarios. This approach is also evident

in Cuban legislation, where impartiality and proactivity are integral to maintaining a fair and effective legal system. Literary values, when examined through an ethical lens, can have a positive impact on the training of judges and magistrates, fostering a vision of justice that is more humane and less mechanistic.

The concept of employing literature as a tool for ethical training is reinforced by González (2020), who contends that literature cultivates a richer, more nuanced interpretation of justice, wherein humanistic values assume a central role. This perspective implies that legal systems, akin to literary characters, should be informed by ethical principles, particularly in scenarios where the law may not encompass all the subtleties of a given situation. In this regard, Cervantes offers readers a conception of justice where strict legalism is moderated by equity and compassion.

This observation aligns with research underscoring literature's capacity to shape the ethical and judicial values of its readers. Muñoz Machado (2018) asserts that Cervantes prefigures contemporary debates on the social function of justice and the balance between adherence to the law and the safeguarding of human dignity. Thus, literature can serve as a formative complement for legal professionals, encouraging them to reflect on the ethical implications of their decisions and to uphold fairness and humanity in each case.

Incorporating literary texts into judicial training can enhance judges' ethical perspective, fostering an approach to justice that integrates both the rigidity of the law and the human context. The values Cervantes conveys through Don Quixote, such as honesty, impartiality, and compassion, provide enduring guidance for judges and magistrates across generations, who must balance the application of the law with a humanitarian vision of justice. The University of Havana's analysis (2021) underscores that 'the principles of transparency and honesty are fundamental to building a trustworthy and ethical judicial system,' and integrating these literary values could promote an administration of justice oriented toward equity and the protection of human rights.

Moreover, the ethical-literary values embodied in Don Quixote can exert a positive influence on the Cuban judicial system, reinforcing the ethical training of its professionals. Rather than being confined to the technical precepts of the law, judges could benefit from a training approach that incorporates literary studies, where compassion and humanity hold a central place. This methodology could help judges cultivate a more profound ethical sensitivity, a quality that, according to González (2020), is essential for a justice system committed to equity and social responsibility

Finally, the integration of literary values into the judicial sphere can cultivate a form of justice that transcends the normative framework, advancing an approach where humanitarian values underpin each judicial decision. The alignment of Cervantes' literary values with Cuban legislation illustrates that ethical-literary thought is not merely relevant but essential for informing judicial practice within a society that upholds justice and human dignity. This synthesis of literary and legal knowledge could serve as a model for other jurisdictions seeking to advance a more humane and compassionate form of justice

Conclusions

The analysis of Don Quixote's counsel to Sancho Panza reveals that Cervantes' literature serves as more than mere entertainment; it conveys ethical principles that are relevant to contemporary judicial practice. Through values such as compassion, impartiality, and integrity, Cervantes emphasizes the necessity of a form of justice that considers both the law and the humanity of those subject to judgment. This literary dimension holds particular significance for the current Cuban judicial system, where these values align closely with the principles established in the Law on Courts of Justice

The Law on Courts of Justice in Cuba and other procedural regulations embody the same ethical principles that Don Quixote imparts to Sancho. Compassion, impartiality, and legal certainty, among other values, are emphasized as foundational pillars of the Cuban judicial system, promoting a humanitarian form of justice oriented toward the well-being of individuals. This parallel illustrates the enduring impact of ethical values derived from literature on contemporary judicial frameworks. The alignment between literary values and judicial principles reinforces the notion that literature can serve as a powerful instrument for the ethical development of judicial practitioners. Incorporating literary texts into the training of judges and magistrates could enhance their commitment to humanitarian justice and sensitivity to equity. By embedding ethical-literary values in judicial education, the judicial system can derive a perspective that complements technical competencies with a more humane approach

This study paves the way for further research into the application of ethical-literary values across diverse judicial and cultural contexts. Future studies might examine the extent to which literary values inform judicial decision-making in various jurisdictions, as well as the role of literature in shaping the ethical formation of judges, lawyers, and other justice practitioners. Such research could contribute to the advancement of more equitable justice systems that uphold human rights

While this analysis establishes a robust foundation for understanding the relationship between literature and justice, its interpretative and qualitative focus imposes limitations on the generalizability of the findings. The comparison is drawn from specific texts and judicial principles within the Cuban

context. Nonetheless, the results underscore the potential of literature to shape judicial and ethical values, presenting an inspiring framework for justice in other legal systems.

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Conflicts of interest

The authors declare that they have no conflicts of interest.

Author contributions

Arturo Manuel Arias Sánchez and Flavia María Vargas Mursulí: Conceptualization, data curation, formal analysis, investigation, methodology, supervision, validation, visualization, drafting the original manuscript and writing, review, and editing.

Data availability statement

The datasets used and/or analyzed during the current study are available from the corresponding author on reasonable request.

Statement on the use of AI

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