The Intrusion of an Apocryphal *Guzmán* as a (Legal, Moral and Literary) ‘Case’ in Mateo Alemán’s Authentic Second Part

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Abstract

This article postulates that the publication of the apocryphal Second Part of *Guzmán de Alfarache* in 1602 constitutes an unprecedented “case.” Within the frame of the fiction, Mateo Alemán explores the different options available for resolving it and determining how to act: Does it constitute a theft or a challenge? Is it possible to mete out a just punishment to the perpetrator, or is revenge the only remedy? Is it an instance of plagiarism or artistic appropriation?

Keywords

Case – theft – challenge – punishment – revenge – plagiarism – artistic appropriation – Guzmán – Alemán – Luján

When we discuss *Guzmán de Alfarache* and casuistry, we tend to focus our attention on the ending of the work, in which the *pícaro*, who is a prisoner of a galley ship after his so-called ‘conversion’, is faced with a complex moral dilemma. He has to choose between two equally problematic solutions, both from the point of view of principles and their practical consequences: either to denounce the ship’s group of conspirators, which would mean lying and condemning the rebels to a horrific death, or to betray the captain, the representative of the King on the galley ship, leading to the almost certain death of all of the crew. The case becomes even more complicated when we take into account that the protagonist has all of the motives to want to take revenge on both the captain and Soto, the conspirators’ ringleader: the captain has had him whipped almost to death in a cruel and unjust manner, while Soto, who had been an intimate friend of his, has become his worst enemy. For all these reasons, whatever his final decision, Guzmán will find it difficult to free himself from being suspected of having acted out of revenge. Given the peculiarity of the context of his dilemma, it is hardly surprising that the ending of

Aleman's novel has led critics to differing conclusions, with some considering that the *pícaro* behaves in a way which is completely immoral and cynical (Brancaforte 74–77), in contrast to others who argue that, in the face of two morally problematic solutions, the protagonist simply opts for the lesser evil (Cavillac 1993: 172–174).¹

The great interest aroused by the ingenious close of the work has led to other issues and other chapters which are also highly relevant to the relationship between the novel and casuistry being overshadowed. An example is the work's beginning and the 'case' – or parody of a case – posed by the life of the protagonist's father, who infringes upon the most basic rules of morality and does not hesitate in apostatizing, but for whom possible excuses are constantly and ironically sought, stressing the particular mitigating circumstances:

La nave fue saqueada y él, con los más que en ella venían, *cautivo* y llevado en Argel, donde, *medroso y desesperado*, el *temor* de no saber cómo y con qué volver en libertad, *desesperado* de cobrar la deuda *por bien de paz*, como quien no dice nada, renegó.

ALEMÁN 36 (here and in all other quotes: italics added)²

In this fragment, and in the chapter as a whole, in fact, the constant back and forth between the offenses committed and the circumstances, as well as the oscillation between the case and its interpretation, with both being used as a way of reaching a correct judgment, is reminiscent of an essentially casuistical structure that, if we look closely, reappears in many chapters of Alemán's novel.

Of course, I do not intend to cover – and even less so to exhaust – in these pages, a problem as complex as the relationship between *Guzmán* and casuistry. I will confine myself to one aspect of the work which has structural analogies with casuistry and casuistical thinking. I refer to the way in which the unprecedented problem posed by a rival sequel, appearing between the publication of the two parts of the novel, is formulated and addressed by Mateo

1 In another study, Cavillac directly relates this scene, in which Guzmán uses dissimulation, with casuistical morality and the notion of Reason of State (2010: 122–23).

2 In this same opening chapter, in which the 'case' of Guzmán's father is more or less set out, and on which the reader has to pass judgment, there is, incidentally, an indirect and ironic allusion to casuistry, when the picaresque narrator says: "solo es Dios el juez de aquestas cosas; mire quien los absuelve lo que hace" (Alemán 38). The contribution of David Mañero Lozano to the present volume considers this and other casuistical scenes in *Guzmán de Alfarache* – ones that will be questioned in *La pícara Justina*.

Alemán. As is well known, in the year 1602 a work entitled *Segunda parte de la vida del pícaro Guzmán de Alfarache*, by Mateo Luján de Sayavedra,³ was published in Valencia, thereby frustrating Aleman's plans, since he appears to have already made good progress with his own Second Part. Although, at a first glance, the relationship with casuistry is not as explicit here as in the two previously cited examples, a careful examination of the way in which Alemán presents the problem in the work's paratext and then converts it into novelistic material within the framework of the work of fiction reveals various connections with casuistry.

Given that someone had appropriated the work that he himself was continuing, Alemán was faced with an extreme situation, an authentic 'case' involving the law, morality, and poetics. In fact, for all that Alemán considers said appropriation to be illicit, he cannot rely on the law to judge it and impose a sentence on the perpetrator, as at the time there was no legal recourse against what we now call 'plagiarism'.⁴ This led him to refocus the issue and explore other – moral and literary – aspects of it. At that time, there were no comparable precedents – such as the conflict between Avellaneda and Cervantes – which might have served as a guide for the novelist and provided him with inspiration in determining how to act. For these reasons, the mere act of laying out the case properly for the reader constituted an unprecedented intellectual and artistic challenge. Was the offense committed legal, moral, or aesthetic in nature? According to which previous paradigms should it be judged? And, depending on how these questions were answered, what, ultimately, should the appropriate sentence be?

The difficulty of defining the case can already be seen in the work's paratext, in which Alemán approaches the problem by presenting it sometimes as a theft, and at other times as a challenge. He affirms in the prologue: "[...] por

3 Mateo Luján de Sayavedra is a pseudonym and the true name of the plagiarist is unknown, although within his work of fiction Mateo Alemán appears to accuse the Valencian lawyer and poet Juan Martí, as we shall see further on.

4 From a strictly legal point of view, as Hélène Maurel-Indart explains, plagiarism did not exist prior to the invention of intellectual property in the 18th century (Maurel-Indart 120–126 and 193), which did not prevent numerous early authors – several of them from the Roman period – from complaining that their work had been "stolen" by others. However, in the typology of plagiarism established by the Italian Jesuit Daniel Bartoli towards the middle of the 17th century and therefore a little later than *Guzmán*, there is still no case cited which is comparable to that of Mateo Alemán. The Jesuit, in fact, only cites as explicitly reprehensible the act of exclusively copying one or more other texts to the letter when composing a text, the act of concluding an almost finished text written by another and claiming authorship of the same, or the act of self-attributing a piece of writing that has been wholly written by another, signing it with one's own name (Bartoli 88–93).

haber sido pródigo comunicando mis papeles y pensamientos, me los cogieron a el vuelo. De que, *viéndome – si decirse puede – robado y defraudado*, fue necesario volver de nuevo al trabajo” (Alemán 353). The case is viewed here as an act of robbery that merits the reader’s censure; however, the perspective adopted in the novel’s dedication is very different, with the author declaring:

Ya es conocida la razón que tengo en responder por mi causa en el *desafío* que me hizo sin ella el que sacó la segunda parte de mi *Guzmán de Alfarache* [...]. Espérame ya en el *campo el combatiente*; está todo el mundo a la mira. Son los *jueces* muchos y varios [...].

ALEMÁN 349–350

This time it is presented as a challenge, which has a lot of common ground with casuistry⁵: Alemán seems to insinuate that by taking over his creation, Luján de Sayavedra has injured his own reputation, his ‘honor’ as a writer. While in the prologue it was about determining how the thief should be punished – or how to settle accounts with him – what is now at stake is whether or not to accept the challenge and, where necessary, to define the modalities of the duel.

In this essay, I will study the ‘Sayavedra case’ on two very different levels. In the first part of my analysis, I will attempt to demonstrate that the role Alemán gives his work of fiction is that of investigating the case, scrupulously examining its different legal, moral, and literary facets. We shall see that plagiarism is first approached as an act of theft, and that the first solutions considered are legal and moral in nature, but that, little by little, the idea of a challenge is superimposed on this first understanding of the issue. The challenge implies a shift, which is sometimes playful, towards questions of poetics and aesthetics. In the second part, I will then center on another very different aspect of the question, making use of another kind of homology (structural analogy) between Alemán’s search for a solution and casuistical thinking. I will ask, in a more literary sense, what the ‘probable’ opinions were, that is, the models or comparable literary ‘cases’ which could have inspired Mateo Alemán in responding to his emulator. Which of these prevailed, and to what extent were such paradigms adjusted when applied to the specific circumstances of the case?

In the course of my analysis, I would like to show that, despite exploring the different aspects of the matter by constantly moving between the legal, the moral and the literary, Alemán’s work of fiction is ultimately far from choosing between them once and for all, leaving the perceptive reader with a wide

5 On the casuistry of the duel, see Chauchadis 175–182.

margin for interpretation. However, this striking characteristic constitutes, in my opinion, another crucial link with casuistry which, as it developed, gave an increasingly prominent place to the individual conscience.⁶

1 The 'Investigation' of the Case by Fiction: Theft or Challenge?

As indicated previously, after the author lays out a synthesis of the general coordinates of the case in the paratext, the case becomes authentic novelistic material in the body of the work. The work of fiction is thus the framework in which the specific circumstances of the case, and the different possible options to resolve it (legal, moral, and literary), are examined. To this effect, Mateo Alemán envisions an ingenious solution, in two acts. Firstly, the theft of Guzmán's trunks: not long after the protagonist's story resumes in Rome, he is robbed of his most valuable possessions by a *pícaro* called Sayavedra, one of the surnames of the sequel-writer. Through the theft of these valuable trunks the writer metaphorizes the plagiarism that is mentioned in the prologue. The second act begins when he meets the thief for a second time: a short time afterwards, the destitute protagonist runs into the traitor at the gates to Siena, where he has been detained by the law. This is where the case is examined in detail, opening with a confession of the crime and its circumstances, and later being concluded by the offender giving a detailed autobiographical account.

2 In Search of an Impossible Legal Solution

Sayavedra's arrest by the representatives of the law in Siena allows a first means of resolving the problem to be explored, with an initial focus on its being a simple theft, and therefore having a legal dimension. However, the limits of this approach are clear in that it does not allow the case to be perfectly formulated and even less to be adequately resolved, for two main reasons. In the first place, because there is a profound misalignment between the crime committed and the punishment of public infamy and banishment envisaged by the legal institution: in fact, as Guzmán himself stresses, what does being condemned to public shame and exile, that is, separation from the community

6 This essay owes much to the work of Boarini and Valadier, who are the point of departure of my research. I would also like to express my gratitude to Patrick Goujon, SJ, whose valuable advice guided my first steps in the field of casuistry.

which had already marginalized him, matter to Sayavedra – a *pícaro* without honor and without roots? And, secondly, in what way does the victim benefit from this? It goes without saying that the sentences handed down profoundly frustrate the protagonist's expectations, who hoped to recuperate what was stolen, while the intended sanctions do not in any way compensate for the damage suffered. The matter is further complicated when the protagonist discovers that the responsibility for the theft is not individual but collective: after a rigorous interrogation and careful consideration of the facts, Sayavedra turns out to be but a stooge, a low-level thief at the service of the powerful Alejandro Bentivoglio, the leader of a group of thieves based in Bologna, and the one who now appears truly responsible for the operation (being in possession of most of the stolen goods).

The exploration of the legal aspect of the case thus leads the protagonist to Bologna, where Guzmán, advised by a lawyer, presents a complaint against Bentivoglio. In this part of the novel, the word “caso” – in the legal sense of the term – is used on multiple occasions: Fuimos de parecer que yo por un tercero hiciese hablar a su padre, *dándole cuenta del caso* (Alemán, 483); determinéme a hablar a un estudiante jurista de aquella universidad, que me informaron tener buen ingenio, a el cuál *haciéndole relación del caso* [...] que me diese parecer en *lo debería hacer* (Alemán, 484).

However, contrary to expectations, the situation is suddenly turned upside down, with the protagonist ending up in jail, while Bentivoglio continues to rob others with impunity:

A el padre *ledieron cuenta del caso* y, como quien tanta mano allí tenía, se fue al juez [...] *criminándole mi atrevimiento* [...] Yo escupí al cielo: *volviéronse las flechas contra mí, pagando justos por pecadores*.

ALEMÁN 484–485

Since the culprit is the son of a powerful magistrate of the city, he remains beyond the reach of the law, while Guzmán – the victim of the robbery – is convicted for having slandered that ‘respectable’ family. As can be seen, given the corrupt legal system, the search for a legal solution does not allow the case to be solved adequately, compelling the protagonist and his creator to look for another means of compensation.

3 Exploring Alternative Solutions: Moving between Moral Condemnation of the Theft and Literary Emulation

Thereafter, the novel explores other possible ways in which the case can be reconsidered and resolved more appropriately, displacing the problem to moral and literary spheres. In order to properly understand the way in which Alemán carries out this process, it is important to remember that since the second meeting between Guzmán and Sayavedra, at the gates of Siena, the protagonist's repentant alter ego has started to work for him. Due to this peculiar configuration, Guzmán has at his disposal a whole range of possibilities, from a pardon to revenge. It is not surprising, given Guzmán's personality, that a true pardon is ruled out; moreover, almost from the beginning, the protagonist sees his relationship with Sayavedra as a form of compromise.⁷ In contrast, it is striking that the protagonist does not explicitly contemplate plotting revenge – as he does, for example, with his Genovese relatives.

To explain this, it should be borne in mind that Sayavedra is a complex entity; that in the episodes that follow he is both Guzmán's alter ego, a projection of the rival writer and an allegory of the spurious work, whose publication is perceived by the primary author not only as a theft, but also as an offense. The proper solution cannot, therefore, be punishment or revenge in the traditional sense. Punishing Sayavedra would only make sense if it allowed him to teach the rival writer a lesson, and, in the same way, killing or injuring the challenger takes on a different significance depending on whether we consider the latter to be a man of flesh and blood, a fictional double of the sequel-writer or a 'man-book'.⁸ For all of these reasons, in this section of the novel the problem posed by the dialectic of punishment and vengeance develops in a highly polysemic context, which is impossible to resolve without taking into account the double – or triple – levels on which the 'case' can be read.

After the Bologna fiasco the two *pícaros* continue to travel through Italy together and Sayavedra, who has now become Guzmán's lackey and disciple – symbolically marking his inferiority –, tells his new master about his life in a detailed manner, as if he were a penitent during a confession, dwelling on the most remarkable thefts that he has committed over the course of his miserable

7 The protagonist says, just after seeing the thief again, that the thief had offered to serve him in order to reform himself: "Aunque verdaderamente yo sabía ser aquél muy gran ladrón y bellaco, túvelo por de menor inconveniente que de necio [...] Parecióme que, si de alguno quisiera servirme, habiendo pocos mozos buenos, que aqueste sería menos malo" (Alemán 467). Conscious of living in an imperfect and changing world, Guzmán seems to follow the choice of a lesser evil as a standard of conduct.

8 By "man-book," I refer to the way in which Sayavedra at times functions as a sort of allegory for the spurious continuation.

existence. Guzmán, who thereafter occupies structurally the place of the confessor, rises to the pulpit and imparts a series of lessons on the true nature of robbery:

No andes a raterías, hurtando cartillas, *ladrón de coplas, que no se saca de tales hurtos otro provecho que infamia* (Alemán 507); Que, con parecerme a mí, como era verdad, que cuanto me había contado Sayavedra *era desventurada sardina y yo en su respeto ballena* (Alemán 522); *Quien se preciare de ser ladrón, procure serlo con honra*, no bajamanero, hurtando de la tienda una cebolla y trompos a los muchachos (Alemán 523).

There is evidently something ironic and perhaps parodic in the attitude of Guzmán the confessor, since he does not try to instruct Sayavedra so that he does not rob again, before absolving him, but rather encourages him to rob more successfully going forward. The conclusion that can be drawn from this sequence is, therefore, not moral in nature but instead poetic, as if Sayavedra's deficiency – both the author and the character – as regards the theft had in some way insulted his model. Sure enough, by emphasizing the errors committed by the protagonist's alter ego, it is above all the literary deficiencies of the sequel-writer that are underlined, with the latter being undermined as a literary rival. This is, therefore, the punishment given: a scathing review, as it were.

Another option, itself ambiguous, which is explored in the episodes that follow, consists of dramatizing a rematch that can be read in two ways: that of Guzmán facing his double and that of Alemán facing his competitor. The most representative episode is the famous trick played on the Milanese merchant in which Alemán's *pícaro*, using a brilliant strategy, steals an enormous sum of money from a rich moneylender, with Sayavedra actively complicit. The rematch – in an almost sporting and playful use of the term – seems to be a substitute for revenge here and works, again, on two levels: firstly, Guzmán, impoverished by Sayavedra's theft, now becomes rich again thanks to him; however, Alemán also puts right what he considers to be the 'poetic defects' of his sequel-writer who, in his judgment, had shown himself incapable of converting Guzmán into a "*ladrón famosísimo*," such as he had promised in 1599.⁹ Thus, the robbery of the Milanese 'merchant' also represents a symbolic

9 Mateo Alemán had indeed specified in the "Declaración para el entendimiento de este libro," published in 1599 with the First part of the novel, that in the Second Part penned by him his *pícaro* would become a "*ladrón famosísimo*" (Alemán 16), which is far being accomplished in the Second Part penned by Luján.

overcoming of the rival. In fact, at the end of the episode, Sayavedra's theft-challenge – character and sequel-writer – undergoes a reversal:

Después que vi tanto dinero en estas pobres y pecadoras manos, *me acordé muchas veces del hurto que Sayavedra me hizo*, que, aunque no fue tan poco que para mí no me hubiera hecho grande falta, si *aquello no me sucediera tampoco lo conociera ni con este hurto arribara*; consolábame diciendo: “Si me quebré la pierna, quizá por mejor; del mal el menos”.

ALEMÁN 541

Just as the stolen trunks are doubly metaphorized as the damage caused by Luján's work, the chests overflowing with money are now the projection of the great literary benefits that Alemán has drawn, paradoxically, from Luján's act of plagiarism. This is the conclusion to be drawn from Guzmán's words, which are clearly metapoetic in scope. In essence, the robbery presents itself in this episode as something morally legitimate, since it consists of robbing from a thief (a moneylender¹⁰), and poetically just, as it allows the sequel-writer's offense to be rectified.

After the punishment and the rematch, which tended to move the problem into the realm of poetics (with a playful dimension), Alemán's novel tests a third and final option which connects more conventionally to the dialectic of revenge and punishment, but with Alemán continuing to tell a story that can be read two ways. When it looks as if Guzmán can be at peace with his double, master and servant set sail for Spain from the port of Genoa, at which point a highly dramatized storm breaks out. Believing themselves to be close to death, all of the travelers confess their sins out loud. In this singular context, overcome by a violent fever, Sayavedra suddenly declares that he is Guzmán de Alfarache, before throwing himself into the water to be buried forever:

Cuando *confesaban* los otros los pecados a voces, también las daba él diciendo: “¡*Yo soy la sombra de Guzmán de Alfarache!* ¡Su sombra soy que voy por el mundo!” [...] iba repitiendo mi vida, lo que della yo le había contado, componiendo de allí mil romerías [...] *todo lo decía de sí mismo, como si realmente lo hubiese pasado* [...].

ALEMÁN 583

10 According to Michel Cavillac, Aleman's position in this chapter should not be understood as a diatribe against capitalism, but rather against its excesses, in accordance with the casuists Martín de Azpilcueta and Francisco García's theory of *lucrum moderatum* (Cavillac 1988: 134–135).

At a first glance, what is dramatized here is a sort of ‘poetic justice’, whose role consists of symbolically punishing – once and for all – the person responsible for the theft perpetrated and the offense committed. However, all things considered, it is very difficult to deliver an unequivocal judgment on this final scene, which itself constitutes a ‘case’ in miniature. Are we witnessing an act of insanity, as is suggested by the repeated use of the word “locura,” or the confession of a grave sin – Guzmán’s identity being usurped – as can be inferred from the apocalyptic context in which the scene plays out? On the other hand, if one subscribes to the hypothesis of a providential punishment, the least that can be said is that Alemán’s God does not seem to be very fair. As we have seen previously, Sayavedra was not truly responsible for the crime, and has done all that is possible to atone for his sin by serving the protagonist loyally. Are we, therefore, witnessing a just punishment, or a disguised vengeance from Alemán’s demiurge? In other words, does the fiction dramatize poetic justice or the sacrifice of a scapegoat?

The difficulty in passing a firm judgment grows when the other travelers, moved by compassion, come to Guzmán to pass on their condolences for the loss of his faithful companion, to which the protagonist cannot offer any commentary other than the following: “*Sinifiqué sentirlo, mas la verdad sabe Dios*” (Alemán 583).¹¹ In addition to the question of how we interpret the final suicide of the double, there is now another issue: that of the judgment that Guzman’s attitude itself deserves. Faced with this situation, the protagonist’s conscience is clear, in principle, since, as the text makes clear, his double dies ‘by accident’ and, therefore, the protagonist cannot be considered responsible for his death. Furthermore, strictly speaking, Alemán’s *pícaro* has not avenged himself. Rather, he has limited himself to defending his honor as a thief¹² in the preceding chapters, humiliating his double and giving him a lesson on the

11 The text seems to link here with the problem of pretense and dissimulation, which was debated at length by the casuists. On this complex problem, please see the reflections of the French Jesuit historian Gabriel Daniel (378–383). As noted above, Cavillac also deals with dissimulation in *Guzmán de Alfarache*, mentioning the casuist Ribadeneyra (Cavillac 2010).

12 I have not been able to develop this aspect of the question, which no doubt merits further examination to confirm the link to casuistry. There are various discussions on vengeance, especially in response to an offence being committed, in casuistical literature. The French moralist Pascal (1623–1662) echoes these in his *Provincial Letters*, not without a certain amount of bad faith. In the seventh letter, when evoking the conflict between Christian morality and social morality, he refers to the case of vengeance and is outraged that, for certain casuists, avenging oneself is sinful, whereas it is just, in contrast, to want to avoid public shame by defending your honor (Pascal 116–117). Guzmán’s attitude with regard to Sayavedra seems to have certain affinities with this position. For discussions

act of stealing – before finally expressing, in the midst of a general confession, a concealed delight in his death.

Faced with this new and extreme situation which, unlike other chapters, is not accompanied by even the smallest gloss by the protagonist-narrator, the reader is solely responsible for passing judgment. The reader is not only called to pass judgment on Sayavedra's attitude to Guzmán, but also on Guzmán's attitude to Sayavedra: in the course of the second book, the two have almost come to exchange their respective roles of persecutor and victim. However, the judgment handed down changes depending on whether the Sayavedra who dies in this scene is considered to be Guzmán's alter ego – a man of flesh and blood, a fictional double of the sequel-writer, or an allegorical character who embodies the rival work. What was initially presented as a challenge for Mateo Alemán finally becomes a challenge for the "discreto lector" of the work.

4 An Exercise in Literary Casuistry or the Frustrated Search for Similar 'Cases'

I will now focus on another way of approaching the relationship between *Guzmán* and casuistry. I would like to underline the homology (or structural analogy) between, on the one hand, the novelist's search for 'authorized' literary models to respond to the act of plagiarism, and, on the other hand, the casuist's examination of different probable opinions to resolve a moral case. Both situations involve searching for a solution by connecting the current case with previous cases – literary or moral – to help reach a judgment and determine a sentence or a mode of conduct. In this respect, my hypothesis is that Alemán hesitated fundamentally between two main paradigms (or 'probable' opinions): on the one hand, a model inherited from Antiquity, which encouraged him to approach the case as plagiarism, as he does in the prologue; and, on the other, a second paradigm offered by sequels to chivalric romances, which led him to consider the problem as a challenge, as he does in the dedication.

Among the authors from the ancient world who are best known for denouncing plagiarism – understood not as a legal problem but a moral one – is Horace, whose work was well-known in Spain thanks to the work of the humanists. In fact, the fable of the *Crow in Borrowed Feathers*, Horace's famous diatribe against plagiarists, is mentioned in Covarrubias' *Diccionario* in the entry for "corneja," where the lexicographer states:

on vengeance in the work of Spanish casuists, see for example Azpilcueta f. 272v–273r, Ribadeneyra 470 and Escobar y Mendoza 47#31.

La corneja desplumada y al rededor della muchas plumas de diversas colores, sinifica el que se ha querido honrar con escritos agenos, publicándolos por suyos, y queda corrido quando es tomado en el hurto. Desta fábula hizo mención Horacio, etc.

COVARRUBIAS 358

The essential idea demonstrated in this fable is that the plagiarist should be unmasked, and that, if the theft is made public, humiliation and shame will ensue. Thus, the best weapon to fight plagiarism is public censure: the unmasking of the fraud serves as punishment. The fable of the crow is not explicitly mentioned in the Second Part of *Guzmán*, but it constitutes an implicit (or structural) model that is present throughout book two of the Second Part. At times Alemán clearly makes it his own, for example when, during his autobiographical account, Sayavedra reveals the true name of the sequel-writer (Juan Martí), introduced by Guzmán's alter ego as his older brother:

Fuemos dos hermanos y ambos desgraciados [...] y para en cualquier trabajo no ser conocidos ni quedar con infamia, fuemos de acuerdo en mudar de nombres. Mi hermano [mayor], como buen latino y gentil estudiante, anduvo por los aires derivando el suyo. *Llamábase Juan Martí. Hizo del Juan, Luján, y del Martí, Mateo*; y volviéndolo por la pasiva, llamose Mateo Luján [...] y yo, sabiendo ser caballeros principales los *Sayavedras* de Sevilla, dije ser de allá y púseme su apellido.

ALEMÁN 508–509

In this same vein – that of unmasking as a punishment – another ancient fable, attributed to Avianus – the fable of *The Ass in the Lion's Skin* – is mentioned twice, once in the paratext and once in the body of Alemán's text:

[un asno se] vistió el pellejo de un león para espantar a los más animales y, buscándolo su amo, cuando lo vio de aquella manera, que no pudo cubrirse la orejas, conocióle, dióle muchos palos: y, quitándole la piel fingida, se quedó tan asno como antes.¹³

ALEMÁN 447

13 The other mention of the fable, found in the work's "Elogio" by Luis de Valdés, is more allusive but also clearly associated with the work by Luján de Sayavedra: "Testifica esta verdad el valenciano que, negando su nombre, se fingió Mateo Luján por asimilarse a Alemán [...] en el mismo año que salió [el libro] lo compré yo en Flandes impreso en Castilla, creyendo ser legítimo, hasta que, a poco leído, *mostró las orejas fuera del pellejo y fue conocido*" (Alemán 359–360).

Incidentally, it is significant that this fable of Aesopian roots is mentioned just before Sayavedra first appears, therefore providing a valuable indication of how the story will unfold. Its specific location, just before the fictionalization of the 'Sayavedra case' in the body of the novel, gives it an 'authoritative' status, suggesting that it will help to resolve it.

However, what continues to be problematic is that Sayavedra's sequel cannot easily be considered plagiarism of the original literary enterprise, at least not in the sense that Horace and Avianus understand plagiarism. Indeed, both the extent and the nature of the 'theft' are very different in each case. In the earlier examples, some lines were copied exactly: with Horace, what was stolen were not only words but also a way of combining vowels and linking them together. Sayavedra, on the other hand, was inspired by the general idea of Alemán's novel and developed his own sequel in particular directions which have been outlined by Alemán. Do a short and *direct* borrowing, and an *indirect* borrowing coupled with the selection and extension of narrative pathways, amount to the same thing? It goes without saying that the opinions of Horace and Avianus are far from fitting the particularity of this case perfectly, hence the need to consider other options and consult other authorities.

Doubtless conscious of these imbalances, Alemán considers other approaches and turns to other 'probable' opinions to outline and then attempt to resolve the case. The main one is the paradigm inherited from chivalric romances and derived, more specifically, from the literary practice of sequel writing. For obvious reasons, this paradigm did not enjoy the same prestige as Horace's novel – it can therefore be considered less 'probable'. However, it does fit certain circumstances and specific variables of the case more closely. I refer, on the one hand, to the type of literary appropriation – a 'continuing' of the story – carried out by Luján; on the other, to the fact that the sequel-writing paradigm grants a more prominent place to the notion of emulation, which is consistent with the idea of a challenge expressed in Alemán's dedication.

At times, the literary practice of sequel writing led to bitter polemics between rival sequel-writers. The most famous cases are between sequel-writer Feliciano de Silva and various competitors, such as Páez de Ribera and Juan Díaz, whom Silva attacks in the paratext of *Amadís de Grecia* (1530), and later Pedro de Luján, whom Silva attempts to discredit in the paratext of *Cuarta parte de Florisel de Niquea* (1551).¹⁴ In essence, Silva uses two main argu-

14 Silva attacks Páez de Ribera (author of *Florisando* or *Amadís VI*, published in 1510) and Juan Díaz (author of *Lisuarte de Grecia* or *Amadís VII*, published in 1526) in the paratext of his *Amadís de Grecia* (or *Amadís VIII*), published in 1530. The polemic between Pedro

ments to discredit competitors' sequels which interfere with his own: on the one hand, their falseness – that is to say, that they are a sort of 'lie' with respect to what, in his opinion, was to be expected based on the initial work – and, on the other hand, their terrible quality:

El que hizo el octavo [libro] de Amadís y le puso nombre de *Lisuarte* no vio el sétimo, y si lo vio *no lo entendió ni supo continuar*. [...] Y fuera mejor que aquel octavo feneciera en las manos de su autor y fuera abortivo que no que saliera a luz a ser juzgado y a dañar lo en esta gran genealogía escrito, *pues dañó a sí poniendo confusión en la decendencia y continuación de las historias*.

SILVA, *Amadís de Grecia*, 1530, cited in Ramos 133

Esta es la verdadera historia destos príncipes, y otra, que parecerá tratar de la misma historia, bien parece que fue *más escrita por afición que por información* de las verdaderas historias destos príncipes [...]. Ansímesmo, el niño don Silves de la Selva, quedó tan chico que en todas estas pruebas passadas no fue posible hallarse en ellas ni tenía edad para ello [...] El estilo y frasis de Galersis que tan gran historia escribió, [es] muy diferente de la historia que se llama *Don Silves de la Selva* [...].

SILVA, *Cuarta parte de don Florisel de Niquea*, 1551, cited in Ramos 133 n. 43

This second paradigm – or probable opinion – adopted by Silva, conceived sequel-writers of the same series to be engaged in a competition or literary joust, rather than seeing their relationship as that of persecutors and victims, fraudsters and victims of fraud. He thus tended to elevate the problem of literary appropriation to the level of an aesthetic challenge which involved notions of the work's coherence and style, in a sense ennobling both writers with respect to Horace's model. We do not know for certain whether Alemán read Silva's works directly. When Alemán attacks chivalric romances, in the third book of the Second Part of *Guzmán* (chapter 3) in particular, he never cites them explicitly. However, there is a striking similarity between the arguments developed by Alemán against Sayavedra and those used by Silva to discredit a number of his literary rivals. Both in the body of the text, and in the paratext, Alemán appropriates the two central arguments used by Silva, namely: the

de Luján, author in 1546 of *Silves de la Selva*, is later and appears in the paratext of the *Cuarta parte de Florisel de Niquea* (1551). For more details, see Ramos 131–134.

lying nature of the rival work and the inferiority of the rival novel compared to the novel that it was emulating.

It is Guzmán himself who expresses most forcefully the argument of falseness and of lying, when he says, a short time after picking up the thread of his tale: “La verdadera [vida] mía iré prosiguiendo [...]. Y *no faltará otro Gil* para la tercera parte, *que me arguya*, como en la segunda, *de lo que nunca hice, dije ni pensé*” (Alemán 378). This accusation of unfaithfulness is also present in the prologue to the work, but it is directly linked, in this case, to the second criticism, the idea of inferiority with respect to the model. As Alemán affirms, since the sequel-writer has limited himself to developing the novel’s picaresque dimension without taking into account its moral dimension, it has utterly failed, offering its readers a superficial work which does nothing more than impoverish the earlier material: “Advierto en esto que no faciliten las manos a tomar la pluma sin que se cansen los ojos y hagan capaz a el entendimiento; *no escriban sin que lean*, siquierien ir llegados a el asunto sin *desencuadernar el propósito*” (Alemán 354).¹⁵ In summary, Alemán, like Silva, adds an aesthetic and poetic dimension to Horace’s condemnation, which is primarily moral in nature. A ludic dimension is also added, from the moment an alter ego of the protagonist, named Sayavedra, is inserted into the body of the novel.

Regarding Horace’s model, this second ‘probable’ opinion – the chivalric paradigm – allowed the literary emulation aspect of our case to be taken into account, though the fit is not perfect. Silva’s ideas about the novel clashed decidedly with Mateo Alemán’s literary sensibility on various levels. It is important to take into account that another – more implicit – reason why Silva directs his arrows towards Páez de Ribera and Juan Díaz is their intention of ‘moralizing’ chivalric romances.¹⁶ Both tend, for example, to expunge all the magical elements from fiction, an option that Silva roundly rejects, since, in his opinion, the pleasure of reading should prevail over the moral improvement of the readers. However, Alemán, who aims for his work to “*enseña[r] por su contrario/la forma de bien vivir*” (Alemán 25)¹⁷ and, in the Second Part, reminds us insistently of the moral dimension of the fable – precisely the one which his sequel-writer discarded – could not easily identify fully with an author who

15 In complementary fashion, the accusation of falseness – present in Silva’s criticisms – is also taken up again in Valdés’ “Elogio” (Alemán 359–360).

16 On this subject, see Chevalier 441–449, Roubaud 189–205 and Sales Dasí 117–152.

17 The original phrase, situated in the paratext, is not from Alemán himself but from one of his friends, Hernando de Soto, however it summarizes very neatly the general purpose of the book.

places pleasing the public above their moral instruction, and whose conception of the novel, deep down, is closer to Luján de Sayavedra's than his own.

As can be seen, none of the 'probable' opinions available completely match the case that Alemán must pass judgment on, for different reasons. Horace enjoyed the prestige of Antiquity but, since he limits himself to denouncing plagiarism to incite the public's moral reprobation, does not allow Alemán to meet the challenge laid down by his rival. In contrast, the option offered by Silva allowed this dimension to be taken into account, but inevitably linked Alemán's novel to a controversial genre – the chivalric romance – from which Alemán wanted to distance himself. He wanted to inscribe himself into Horace's tradition of delighting instructively. Such a goal was in opposition to the "delighting delightfully" of Silva's novels, full of fantasy and magical elements, and devoid of moral-instructional purpose.

Faced with this series of misalignments between the case to be resolved and the available models, Alemán ultimately preferred not to choose, but rather to opt for a hybrid solution which integrated elements from both paradigms: unmasking the fraud and moral reprehension, on the one hand; and criticisms of a poetic nature and of literary emulation, on the other. What class of casuist is the author of *Guzmán*, therefore? There is no doubt that the label of 'tutorist' must be discarded straight away, because Alemán takes into account various options and adapts to the particular and shifting context in which events take place – granting, furthermore, a prominent place to individual conscience. Should we perhaps infer that Alemán is a 'probabilist', in the sense that he considers different solutions without putting them into a clear hierarchy and without necessarily abiding by what is most probable (fabricating what is, in a sense, an 'à la carte' solution)? Or perhaps he should be considered a 'laxist' for having relied on a doubtful opinion – that of the author of the second or third category (Silva), abusively granting him the status of 'authority'?

Certainly, the homology between the 'Sayavedra case' and a case of conscience reveals its limits here. Unlike the casuist or the penitent, the novelist enjoys the enormous privilege of being able to juggle different options and existing opinions without having to make a choice once and for all. What is interesting for the novelist is not so much the result of this examination of conscience but the process and the search for complementary solutions. It is not surprising, therefore, that it is often the reader who is faced with the difficult task of passing judgment. Freed from the constraints of external authority in these instances, we become aware of our subjectivity, and also of the burden of making sense of the situation.

5 Conclusions

In short, Alemán lays out in the paratext various possible options to respond to the question ‘what must be done?’ with the ‘Sayavedra case’ which is presented sometimes as a theft and at other times as a challenge, both of which are unique. However, it is within the fictional narrative that the particular circumstances of the case are truly examined: the fictional narrative reveals that unmasking the ‘Sayavedra case’ is not as straightforward as might have been expected, nor is judging Guzmán’s own attitude towards his thief. At every moment, an additional piece of information appears, a new detail is brought to light about the circumstances, or a new retrospective commentary appears which destabilizes or confuses the judgment that we were constructing with considerable difficulty.

That said, this peculiar configuration, which converts what is shifting and unstable into literary principles, can have two opposing effects on the reader. It can discourage them and even lead them to a pessimistic conclusion: the work demonstrates constantly that, in order to judge a situation, one almost never has all of the necessary information at one’s disposal, thus, the reader can end up doubting the very possibility of reaching a successful verdict. However, the virtuosity of Alemán’s writing, characterized by a constant shifting between the case and its interpretation, can also lead to a more optimistic reading of the novel: a reading which is more sensitive to the ludic role that Alemán’s literary project implies, and more open to rejoicing at the aesthetic joy that ambiguity supplies. As has been seen, there are numerous occasions in which Guzmán does not address Sayavedra the character but Sayavedra the sequel-writer, thus creating an intensified ambiguity which turns interpretation into a ludic challenge for the reader’s judgment.

The conclusion that follows the frustrated search for related literary cases, and which leads Alemán to hesitate between two imperfect paradigms, is a little different, though not so distant. Everything seems to indicate that the relative absence of pre-existing models which fitted the ‘case’ was a powerful incentive for creativity and for moving beyond the frameworks in use. Indeed, with the creation of the protean character of Sayavedra, without known precedent in Spanish literature, Alemán profoundly questioned exemplarity, the very applicability of models. Hence, having to write a novel about a ‘case’ – partly imposed from the outside – turned out to be at once a form of coercion with regards to the novelist’s freedom, and a powerful motor for his creative activity. This fertile dialectic between the case, on the one hand, and its interpretation and literary transfiguration, on the other, can only encourage us to

question in greater depth the complex relationship between casuistry and the birth of the modern novel.

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