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A Monk's Musings: A Coda

SANDY JARDINE (AFTERWORD BY ALAN WATSON) *

In the *Infortiatum* volume of what we now call the *Corpus Iuris Civilis*, published in Venice in 1590, I found a folded vellum folio sheet. This contained musical notes accompanied by large letters:

Laudate eum in cymbalis sonantibus
Laudate eum in cymbalis tinnientibus
Omne quod spirat laudat Dominum.

It is, thus, the final page of a manuscript psalter, and the hand appears to be Italian of the early 15th century. Beneath, in a minuscule script, are the musings that I have translated below. The hand appears to be of a similar date to the main text. No provenance can be established. The point of the musings is not clear: are they historically accurate, or purely fictitious? Is there a reminiscence of a much earlier true event? Is the monk disillusioned, affected by the suspicions against him of heresy? Why did he write at all?

The folio leaf was removed from the psalter. But by whom? Was it the writer of the musings, perhaps anxious over what he had done? Or was it by someone else, who found the page offensive? In either event, the conclusion must be that it was removed shortly after the monk mused. Not very much later the growing popularity of printing would make reading and excision of a manuscript page unlikely (except for stuffing and binding of a printed book).

Nor can I discover how the manuscript page came to be placed in this volume. The book was purchased some years ago from the celebrated dealer in early law books, Libreria Petrarca of Arezzo, but its ownership could not now be traced further back. The edition was a cheap one for its time, quarto not folio, full of abbreviations, unlikely to have been owned by anyone prominent as a jurist or in social life. Various owners (presumably) have left their signatures on all five title pages of the set, but none of these is known to history.

The Latin of the musings is simple but without distinction, and I have not thought it necessary at the present time to present it or proffer an *apparatus criticus*.

MANUSCRIPT TEXT

My lord abbot with five monks (of whom I was one and the youngest) was travelling through Sieneese territory during a period of calm. We came to the famous deep spring

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well of Santa Lucrezia. It was noon and my lord abbot was tired so he sat at the well-head while we five went to the village to fetch food. A serving woman came to the well to draw water. My lord abbot asked her to give him a drink. She said 'Why do you, a lord abbot from Florence ask drink from me, a Sienese serving woman?' For Florentine lord abbots do not drink from the cup of Sienese serving maids. To her he replied 'If you knew the gift of God, and who he is who asks you for a drink, you would have asked me first, and I would have given you living water'. The woman replied 'you have no bucket and the well is too deep. Where will you get this living water?' My lord abbot 'Whoever drinks this water will be thirsty again. But whoever drinks the water that I will give shall never thirst again. It will be a well of water springing up forever'. The woman replied 'Give it to me, so that I never thirst again'. My lord abbot told her to fetch her husband, she told him she had none; he knew that (he said), because she had had five husbands and was now living with a man to whom she was not married. This made her think he had second sight. At this point we came back, and were astonished that my lord abbot was with a woman. She departed hurriedly, leaving her pot behind.

I am, I am told and believe, naive, but at that time I had not long been a monk. There were so many questions I wanted to put to my brothers but did not dare in case they laughed at me. But why did my lord abbot send all five of us to fetch food for us six? Did he not want our company? Did he want to be alone? But why did he not want an entourage? And why did this woman come to the well in the noontime heat? On our way to the village we passed fresh rivulets. Why did she not fill her jug at one of these? It was rather beneath my lord abbot's dignity to ask a strange serving woman for water. Could he not have waited until we returned with utensils? And what did he mean by asking 'If you knew the gift of God, you would have asked me first for water'? I believe there is a saying that some men think they are God's gift to women but my lord abbot was not talking in that sense. Was he? But what on earth could he mean by 'living water'? How would this well up in her that she would not be thirsty again? In any event, she would have to come back for water for her household. And how was he to get water anyway? Why did my lord abbot say he was interested in meeting her husband? And why was he interested in her background? We were, of course, astonished at seeing him chatting to a strange woman. But what really stirs my curiosity is that she left her pot behind. Had she come this distance when she did not really need the water? Why was she there?

In the end I could not restrain my curiosity, and I asked my mentor, Fra Giacomo (now of blessed memory), one question. 'What', I asked, 'did my lord abbot mean when he offered to give "living water" and how to an unreasonable statement could the woman reasonably respond "You have no bucket and the well is too deep"?' Fra Giacomo told me that in the Holy Scriptures of the Jews 'well' is sometimes used to designate those parts of a woman that are shaded, are frequently wet, and sometimes overflow. I was no wiser. 'What is the bucket and what is my lord abbot's living water?' I insisted. Fra Giacomo replied that it was good to know everything, but not to seek to understand.

Much later, I think I may understand Fra Giacomo. But I am a staunch upholder of what I know are the true Franciscan values, of poverty and chastity. I am suspected of heresy, and of my youthful experiences I prefer not to speak.

COMMENT

The musings raise many questions. The reader will have noticed parallels with the holy, mystical account of Jesus' meeting with the woman of Samaria at Jacob's well that is

found in the Gospel of John.¹ If the monk is recalling a true episode, was the abbot engaging in a suggestive discourse with the maid, using the imagery of Our Lord? Or was the encounter of Jesus only in the subconscious of the abbot's mind? One thing, I believe, cannot be denied if the monk is recalling a factual event: the episode has overt sexual implications for the abbot and the maid. It is easy to imagine how Boccaccio would have revelled in the story. If the monk's musings have no substance in fact then we can guess at his fevered imagination. I showed the musings to my colleague — though scarcely friend — Alan Watson, who has written a scandalous account of Jesus' meeting at the well.² His response, iconoclastic as ever, took me no further. He insisted on the importance of context. The meaning of the monk's musings, he said, fictitious or not, was clear: sexual advances were being made with obvious innuendoes. The same, he claimed, was true of the episode in John. The details were the same; only, because Jesus was a participant, readers would not accept the obvious. He also added his opinion that the monk's musings were fictitious. One argument that he gave — unattributed as is Watson's wont, but I suspect deriving from John Cairns — is that the monk could not know what happened at the well in the monk's absence.

APPENDIX³

I have set out this *coda* by my close relative and colleague with some reluctance. My reluctance has nothing to do with the quality of the piece. But Sandy is insistent. He is keen on advancement within his law school. Publications are needed. But no law review would be interested in this; it is too short, and has not enough footnotes.

My reluctance to deal with Sandy's *coda* increased because it contains no law. Yet, it is precisely that which brings out the importance of the episode of Jesus and the Samaritan woman in the Gospel of John. For the Gospel episode is full of law. The woman was Samaritan, and therefore always unclean and should not have been touched by a Jew. Her water pot was presumably made of pottery and would therefore partake of her uncleanliness and pass it on to Jesus. The Samaritans, who sold food to the disciples, would be unclean through contact with Samaritan women. Moreover, it was wrong for religious Jews to buy food that had not certainly been tithed to the temple, and this food had certainly not been tithed because Samaritans did not accept the temple. Law in everyday life is found in many contexts but is often unnoticed. This is especially true for the Gospels: Jews do not read the Gospels, and Christians do not read Jewish legal works. But the Gospels, especially Mark and John, are full of law in action and are largely ignored by comparative lawyers and legal historians. Yet knowledge of law adds a further dimension to such episodes, and the episodes add a further dimension to our understanding of law. Law in action is often different from law in books.

¹ See the discussion of this incident in Watson, A (2005) 'Jesus and the Samaritan Woman: A Coda' (1) *Journal of Comparative Law* at 200.

² Watson, A (1995) *Jesus and the Jews: The Pharisaic Tradition in John* University of Georgia Press at 29 ff.

³ By Alan Watson.