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DON QUIXOTE – TALMUDIST AND *MUCHO MÁS*

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To the memory of Professor José Mair Benadrete: Mentor and Friend

*For in the beginning of literature there is myth,
as there is also in the end of it.*

Jorge Luis Borges, *Parable of Cervantes and the Quixote*.

I

Jews from Moslem Spain played a major role in the transmission of certain literary genres and motifs to Provence.¹ In Christian Spain, Jews loathed Latin. It was the language of the Church or “la idolatría” as it was known among Jews and *conversos*. It had the odor of death and brought memories of killing and maiming and rape and pillaging and tearing of limbs and plucking of eyes: all made for the love of God.² They rather write in the vernacular. Anyhow, Latin was used for serious stuff such as theology and philosophy, and thinkers with Jewish blood better tread carefully upon entering holy territory. What happened to Juan Luis Vives (1491-1540) and Fray Luis de León (1527-1591) and countless other thinkers was a warning to all New Christians. This is why *conversos* expressed their unique situation through literature – an area of little importance in the eyes of the Church. Nonetheless, caution was of the essence. Accordingly, camouflaged within the text were configurations of thought and emotion that could only be decoded by a chosen few. Hence the two dimensions of what eventually will be know as “modern literature” – {140} the earmark of Western culture. It must be written in the vernacular and must contain a message decipherable only by a privileged public. In this precise sense, to be meaningful, literature – like Rabbinic hermeneutics – must be subversive; not by wrecking the normative, but by using it to point out at something beyond the ordinary.³ (See below, II.)

¹ See Ramón Menéndez Pidal, *España, Eslabón entre la Cristiandad y el Islam* (Madrid, 1956).

² I remember as a child my parents' debating whether to bring a tutor to help me in Latin, the language of *tum 'a*.

³ See my *Homo Mysticus: A Guide for Maimonides's Guide for the Perplexed* (Syracuse, 1999), p. 1. On the subversive character of the *derasha*, see my forthcoming study, “Retorica y Hermeneutica: Vico y la Tradición Rabinica,” in E. Hidalgo-Serna, *et al.*, eds., *Pensar para el Nuevo Siglo*, vol. 3 (Napoli: La Città del Sole).

This could help us understand a phenomenon never explored before Américo Castro (1885-1972). Christian Spain had no Middle Ages!⁴ If one were to compare the Latin chronicles produced in Spain from 1000 to 1250 to what was produced in England, France, or Germany, one will discover how meager and insubstantial they really are. Professor Lomax, who studied these chronicles, wrote:

One looks in vain for any Spanish chronicler to write about his reigning monarch one-tenth as critically as Matthew Paris writes about Henry III, and the contrast is even stronger when one compares the quantity of attention paid to the decade of, for example the 1230s: 1,900 words in Jiménez de Rada, as against 120,000 in Matthew Paris.⁵

These chronicles are notoriously dull, lacking depth and nuance. On the same subject he pointedly added:

In short, Hispano-Latin chronicles of this period are comparatively dull and lifeless, and even when dealing with the most exciting moments in the Reconquest are capable of hiding the sharp details of real life behind a veil of rhetoric. One of the first lessons learnt by any researcher into the subject is that any Latin chronicler which describes physical appearance, natural scenery or other realistic details can be crossed off, almost automatically, as a Golden-Age forgery.⁶

Spain is the only country in Western Europe that had no Renaissance. It did not participate even in such basic debates as the relation of reason to religion.⁷ How then are we to explain the Golden Age of {141} Spanish literature, beginning around the second half of the fourteenth century and stretching all the way to the second half of the seventeenth century? The answer to this puzzle rarely asked by the specialists lies in the influx of *conversos* resulting from the destruction of the most important *Juderías*, from Gerona and Barcelona in the north to Seville and Cordoba in the south.⁸ Trapped by circumstances beyond their control, these New Christians used literature to express their thoughts and emotions. What they contributed became one of the pillars of modern culture. Addressing their literary accomplishment, a distinguished American hispanist penned these golden words:

: ...what they contributed to the world was nothing less than the possibility of the major literary genre of modern times: the novel. Cervantes and the men that provided him with this tradition – Mateo Alemán, Alonso Nuñez de Reinoso (Spain's first reviver of the Byzantine novel), Jorge de Montemayor (creator of the first pastoral novel in Castilian), the anonymous author of *Lazarillo de Tormes*, Fernando de Rojas,

⁴ See Américo Castro, "Castilla sin Edad Media," in *Historia y Crítica de la literatura Española* (Barcelona, 1980), vol. 1, pp. 23-26.

⁵ Derek W. Lomax, "Medieval Spain: Some Evidence on Oath," in *Hispanic Studies in Honor of Geoffrey Ribbans* (Liverpool, 1992), p. 25.

⁶ Ibid.

⁷ See my *In the Shadow of History: Jews and Conversos at the Dawn of Modernity* (Albany, 1992), p. 49.

⁸ Ibid., pp. 23, 29-32.

the “sentimentalist novelist” Diego de San Pedro, and earliest of all, Alonso Martínez de Toledo, who in the *Corbacho* first brought speech into the Castilian prose – were all, although certain scholars fight rearguard battles in individual cases, *conversos*.⁹

II

There are two forerunners to this literature. The first is *El Libro del Buen Amor* written by Juan Ruiz in the first half of the fourteenth century. There is no documentary evidence that he came from a Jewish background. However, Rosa Lida had shown that the model for *El Libro del Buen Amor* are the Hebrew *maqamot* produced in Catalonia in the twelfth and thirteenth centuries.¹⁰ A controlling theme recurring throughout the book is the contrast between the obvious and the real: appearances may be deceiving¹¹ When about to {142} strike its victim, the lion raises its paw as if to bless the table. Some nuns and friars are lewd and sensual. In one case, the meeting opens with one of the lovers declaring: “In the name of God I went to mass this morning.” Conversely, occasionally a white rose lies under a black veil and garment, and behind the label “infidel” a genuine bride of the Lord.¹² The second work is that of Rabbi Santob de Carrion, known in Hebrew as Rabbi Shem Tob ben Isaac Arduziel (ca. 1290-1369). He was an excellent Hebrew poet and liturgist – a long *viddui* (confession) of his forms part of the Yom Kippur afternoon services in the Sephardic Synagogue. He is the author of an outstanding book in Spanish, *Proverbios morales*, known also as *Consejos y documentos al rey don Pedro* (ca. 1355-1360).¹³

An important motif of this work, first introduced by the apostate Pedro Alonso (twelfth century) is that of the “rose and the thorn;” namely that the rose is not reviled because was born of a thorn.¹⁴ In Rabbi Shem Tob it has a two-fold meaning. First, one should not judge a thing on the basis of appearances alone; more or less like the Rabbinic dictum “don't [just] look at the flask but on what it contains within” (M. Ab. 4:26). Thus, an object is to be apprehended in its totality rather than each constitutive

⁹ Stephan Gilman, 111, Spain of Fernando de Rojas (Princeton, 1986), p. 154.

¹⁰ See María Rosa Lida de Malkiel, *Dos Obras Maestras Españolas* (Buenos Aires, 1933), pp. 37-52. Cf. Sanford Shepard, *Shem Tov: His World and His Words*. (Miami, 1973), pp. 24-25.

¹¹ This was particularly important in *converso* literature to show how ephemeral Spanish “reality” is, cf. *In Shadow of History*, pp. 61-63.

¹² See T.A. Perry, “La rosa y el judío: Santob de Carrion y sus críticos,” in *Studies in Honor of Gustavo Correa* (Potomac, 1986), p. 155.

¹³ For a highly intelligent overview of his life and works, see *Shem Tov: His World and His Words*. T.A. Perry, *The Moral Proverbs of Santob de Carrión* (Princeton, 1987), has rendered a fine English translation of these proverbs, accompanied by a highly informative study and critical appraisal of the principal ideas of this work.

¹⁴ Pedro Alfonso, *Disciplina Clericalis*, ed. and tran., Angel Gonzáles Palencia (Madrid, 1948), p. 107, cited in “La rosa y el judío,” p. 152. An Arabic proverb introduced by Jews in the Middle East *min al-shawke ward*, “from a thorn (blossoms) a rose” – in the sense that from bad parents occasionally a good person may rise – captures the precise intention of Pedro Alfonso. As a believing Christian, he was now apologizing for his ignoble (i.e. Jewish) background, cf., below note 28. Rabbi Shem Tob used it in a different sense.

clement separately. Second, excellence, as represented by the rose, must originate in a *thorn*. Worth is the effect of a metamorphosis whereby the despised, in our case the Jew, transforms himself into an individual of quality.¹⁵ (The opposite of what the persecuting society does to the individual in Kafka's *Metamorphosis*).

{143} In a profound sense the literary strategy of the *converso* is the opposite of what Rabbinic literature designates *minut* – a term generally translated “heresy.” Maimonides defined the content of *minut*.¹⁶ The rabbis, with Christianity in mind, defined the methodology peculiar to *minut*. The law stipulates that a Scroll of the Torah written by *minim* – probably Judeo-Christians – ought to be incinerated together “with the names of God it contains (because even the Tetragrammaton, representing the holy of holiest, is contaminated with their idolatrous schemes). Addressing this law, they cited the verse: “and behind the entrance at the door-post (*mezuzah*) you (i.e., the *minim*) have placed: your remembrance” (i.e., your idolatrous schemes) (Is. 57:8). Meaning, they are using the *mezuzah* – a sacred Jewish object – to package inside it their idolatrous doctrines!¹⁷ To put this less ponderously: appearances may be deceiving! The manifest reliance of the *minim* on the Torah and their use of Jewish values are a ploy intended to deceive and corrupt the dull-witted.¹⁸ Through a peculiar type of “hermeneutics,” a metamorphosis takes place whereby the original model is not only “dead” but also “deadly.” It is clear why the rabbis associated *minut* with (morbid) sexual violation.¹⁹ The *minim* beguile. At best they expose a single aspect of their doctrines, blocking thereby the “victim's judgment, thus, driving him or her to do things he or she will lament for the rest of his or her life.²⁰ A point in case is the, lot of the *conversos* who, upon becoming a member of Corpus Christi, {144} discovered the reality of Christian love,²¹ exquisitely executed

¹⁵ For a critical, in-depth study of this subject, see “La rosa y el judío,” pp. 150- 160. The source of this idea is Rabbinic, as taught by the celebrated Rabbi Joshua (first century) to the princess. See B. Ta. 7a-b; cf., *Sifre*, ed. Louis Finkelstein (New York, 1969), #48, p. 111. Excellence is a function of overcoming. Put differently: without a clay flask wine is impossible.

¹⁶ See *Mishne Tora, Teshuba* III, 7.

¹⁷ B. Shab. 116a.

¹⁸ These are the “faulty exegeses” or the Christians, the *derashot shel-dofei* censored by the rabbis. I have touched upon this subject in several articles, “The Limits or Readerly Collusion in Rabbinic Tradition,” in *Soundings* 76 (1993), pp. 156-160; “Law and Hermeneutics,” in *Cardozo Law Review* 14 (1993), pp. 1676-1677; and “Monolingualism and Judaism,” *ibid.*, pp. 1739-1740.

¹⁹ See *Homo Mysticus*, pp. 37-38, and the corresponding note on p. 203.

²⁰ This type of sex has neither the “dynamic call” discussed by D.H. Lawrence nor the “erotic” excitement involved in the “unveiling or the truth” of Roland Barthes, as the reader embraces the possibilities or the unknown. See my *Golden J Doves and Silver Dots: Semiotics and Textuality in Rabbinic Tradition* (Bloomington, 1913(j), I p. 115. Rather, it pertains to the morbid sex poignantly described in D.M. Thomas, *The White Hotel* (New York, 1981). The purpose of this type of “sex” is to agonize the victim, like the *Conquistador* raping Native American wives while having the husband tied under the bed. See my article, “Jews, *Conversos* and Native Americans: The Iberian Experience,” in *Annual of Rabbinic Judaism* III (2000), p. 106. On the pathological aspects or the *min* mentality, see my “Deauthorization of the Law: Paul and the Oedipal Model,” in *Journal of Psychiatry and the Humanities* 11 (1989), pp. 222-243.

²¹ See *In the Shadow of History*, pp. 28-29, 32-49. Christianity rejected the Torah because it is the Law. Yet it bases its entire spiritual apparatus, including that of eternal Salvation effected by the incorporation of the individual into Corpus Christi- not on another heavenly voice from Sinai – but on a

through the edicts of *pureza de sangre* and *Autos de Fe*.²² As a consequence, they soon realized, in the words of Américo Castro, that they “had fallen from the pinnacle of well-being and prestige, to the depth of bodily and moral misery.”²³

By contrast, the model for the *converso* literature is King Solomon's “Golden apples in a silver mesh, this is a word spoken on its two circles” (Prov. 25:11). This is not the “metaphor” where significance is transferred from “its real place to its intimate place.”²⁴ Rather, it involves the passage from a level of consciousness available to the general public (silver), to another level only accessible to a privileged public. There are two dimensions to this type of metaphor. First, both faces must be valuable; the inner one, however, must be more valuable than the outer face. Second, a principal function of the outer face is to point to the privileged public the course leading to the inner face.²⁵ The aim of *converso* literature is to expose to the privileged public the “real” in contrast to the “evident” Spain. No one has accomplished this better than Cervantes in *Don Quijote*.²⁶

III

{145} Much has been said about the possible *converso* ideology of Cervantes.²⁷ For some, including the writer of these lines, the reason his application for a post in the

quite prosaic legal concept: Roman law *corporatio*. As a matter of fact and doctrine, Christian love is predicated on, and thus it is conditioned to, the legal structure of Roman *corporatio*. On this fundamental Christian concept and its relation to Roman law *corporatio*, see *ibid.*, pp. 32-36.

²² See *In the Shadow of History*, pp. 34-35, 45-46, and specially pp. 53-57. On the parallel of these laws to the infamous Nuremberg legislation, see the bibliography indicated *ibid.*, p. 232, note 12, and pp. 233-234, note 41.

²³ Américo Castro, *Hacia Cervantes* (Madrid, 1967), p. 139. A similar lot was that of European Jewry who seduced by the promises of “emancipation,” entrusted its well-being to “the kindness of the State and civil population.” See my “Correlation: The Iberian and German Experiences,” in *Midstream*, June-July, 1992, pp. 20-22.

²⁴ For a brilliant, critical and sustained discussion of the metaphor in western philosophical discourse, see José M. Sevilla Fernández, “El filósofo es un *decidor*,” in José M. Sevilla Fernández and Manuel Barrios Casares, eds., *Metáfora y discurso filosófico* (Madrid, 2000), pp. 109-166. On this point in particular, see *ibid.*, pp. 130-133. On transference of meaning in Maimonides's *Guide*, see *Homo Mysticus*, pp. 58-61.

²⁵ Maimonides, *Guide*, Arab. ed. Munk-Joel, *Dalalat, Introduction*, p. 7. For the exact translation of this verse in Proverbs and an analysis of Maimonides' interpretation, see *Golden Doves*, pp. 114-115. Because Leo Strauss, Shlomo Pines, *et al.*, conceived of the metaphor in terms of *min* literary tradition, they failed to apprehend Maimonides' “Golden Doves,” thus confusing spiritual nihilism with Jewish esoterics.

²⁶ See José Ortega y Gasset, *Meditaciones del Quijote* (Madrid, 1956), especially pp. 120-121.

²⁷ On the Eramism of Cervantes, a typical *converso* phenomenon, see Marcel Bataillon, *Erasmus y España* (México, 1982), pp. 777-801. On Cervantes' mysticism, see Dominique Aubier, *Don Quichotte, prophète d'Israël* [Laffront, 1966]. On the specific *converso* character of Don Quixote, see Ruth Reichelberg, *Don Quichotte ou le Roman d'un Juif Masqué* (Bourg-en-Bresse, 1989). There is no question that Cervantes was familiar with certain aspects of *halakha*. See, for example, *Entremeses* (Madrid, 1975), a collection of short plays. In the first one, “Juez de los Divorcios,” dealing comically with cases of divorce presented to a tribunal (for Christians?!), p. 32, one of the participants declared: “There is a law stipulating that a wife may divorce her husband on the grounds of his having bad breath.” See M. Ket. 8:10; B. Ket. 77a. Cf., *ibid.*, “Rufián Viudo,” p. 51.

Americas was rejected (1590) was his “tainted” lineage, hence making one think the unthinkable. The name “Quixote” – meaningless in Spanish – is luminous and compelling as *qeshot* “truth” – a biblical term popularized in the Sephardic liturgy, *Berikh Shemeh*. The pertinent paragraph reads as follows:

Neither we trust in the Son of God (i.e. Jesus) but in the God of Heaven who is a *Qeshot* God, his Torah is *Qeshot*, and his Prophets are *Qeshot*, and he abundantly makes Goodness and *Qeshot*. In him I trust! And to his glorious name I give praise.

If one were to regard “la Mancha,” lit., “the stain” – a place “whose name,” as we are told us in the opening line – “I do not wish to I remember” (I, 1), to be an allusion to a past not pure enough to pass the edicts of “pureza de sangre” for which Spain was famous²⁸ rather than a pointless region in Castile – then the title of Cervantes’s famous work acquires chilling precision. “Mr. Truth, Man of Tainted Past,” solemnly intones the existential dislocation peculiar to *conversos* (past and present). The image of a gentleman alienated to the point of madness, meandering in a hallucinatory world shielded by an armor, “to increase his own honor (*honra*) and for service to his I nation” (I, 1), is a harrowing allegory of the *converso* in Spain.

The tension “appearance / reality” is the matrix for the pathos of isolation and moral agony and exile and loss, landscaping the writings of *conversos*. Witness *La Celestina* (16 acts: Burgos, 1499; 21 acts: Seville, 1502) by Fernando de Rojas (d. 1543); *La Lozana Andaluza* {146} (Venice, 1528) by Francisco Delicado or Delgado (ca. 1475-after 1534); the anonymous *Lazarillo de Tormes* (1554); *Guzmán de Alfarache* (1599), by Mateo Alemán (1547-c.1615); and “Las Soledades” – one of the finest poems in the Spanish language – by Luis de Góngora (1561-1627).²⁹

The purpose of the present study is to examine a story in *Don Quixote* II, 45 together with a passage in the Talmud, B. Ned. 25a. It will be seen that both accounts are interrelated, shedding light on each other. In particular, that Cervantes, with virtuosi skill, has peppered the story with trivia and clues designed to simultaneously conceal his source and expand it.

IV

The story takes place in the mythical Island of Barataria, where Don Quixote’s faithful companion Sancho Panza was installed as Governor. It is noteworthy, in passing, that an illiterate peasant (II, 43), who happened to have an “Old Christian (*cristiano viejo*) spirit two inches thick all over his soul” II, 4), gets a chance at such a position, but not Don Quixote. This is particularly telling within the context of *honra* dividing *converso* from *cristiano viejo*.³⁰ In accordance with local tradition, Sancho had to

²⁸ See above note 22. Cf., above note 14 and below note 30.

²⁹ For a detailed analysis of these contributions (except for *Guzmán de Alfarache*), see *In the Shadow of History*.

³⁰ See *In the Shadow of History*, pp. 66-70, 111-112. This conflict was a determining factor shaping the Iberian policies in the Americas, and explains why Christians of *converso* background were not permitted to immigrate to the New World, see “Jews, Conversos and Native Americans,” pp. 95-121.

adjudicate some legal matters. Our story concerns the second case. It is a delightful story, included in Ephraim London famous anthology *The Law in Literature* (New York, 1960). The essential facts are these. Someone loaned the sum of ten gold crowns to a friend without witnesses. The borrower admitted the loan but claimed to have repaid it in full. The creditor asks Sancho to put the debtor under oath. Before taking the oath the debtor hands over his staff, in which he had hidden the money, to the creditor. Unabashedly, he then proceeds to swear that he had returned the loan to the creditor. It reads as follows:

{147} Two old men were next to present themselves before him, one of whom carried a reed by way of staff It was the one without a staff who was the first to speak:

“My lord some days ago I lent this good man ten gold crowns to make him happy and as a good deed (*por hacerle placer y buena obra*), on condition that he should repay me upon demand. A long time went by without my demanding payment, for the reason that I did not wish to cause him an even greater hardship than that which he was suffering when he sought the loan. However, when I saw that he was making no efforts to pay me, I asked him for the money, not once but many times, and he not only failed to reimburse me, he even refused to do so, saying I had never lent him the ten crowns in question, and if I had loaned them to him then he had already reimbursed me. I have no witness of the loan, and naturally there is none of the payment, since no payment was made. Accordingly, I would have your Grace put him under oath, and if he swears that he did pay me, then I will cancel the debt, here and before God.”

“What do you say to that, old man with the staff?” Sancho asked.

“My lord,” replied the old man, “I admit that he lent them to me; but your Grace may lower that rod, for, seeing that he had me put under oath, I will also swear that I paid him back, really and truly.”

The Governor lowered the rod that he held, and in the meanwhile the old man who had spoken handed his staff over to the other one while he took the oath, as if he was embarrassed by it. Then, placing his hand upon the cross of the rod, he once more affirmed that it was true that he had borrowed the ten crowns that were demanded of him but that he had returned them from his own hand to his [that is the other's hand] (*pero que él se los había vuelto de su mano a la suya*), the only thing being that the other old man did not appear to realize it but was all the time asking for his money. In view of this, the great governor then asked the creditor what he had to say in reply to his adversary's statement; whereupon the old fellow who now held the staff replied that his debtor must undoubtedly be speaking the truth, as he knew him to be a worthy man and a good Christian

The defendant thereupon took back his staff and, with bowed head, and left the court. When he saw the defendant leaving in this manner, without saying another word, and when he perceived how resigned the plaintiff was, Sancho . . . remained lost in thought for a short while. Then he raised his head and ordered them to call back the old man : with the staff who had already left.

They did so, and as soon as Sancho saw him, he said, “Good man, give me the staff. I have need of it.”

“Gladly,” replied the old man. “Here it is, my lord.” And he placed it in the governor's hand.

Sancho took it and handed it to the other old man, remarking, “Go in peace, for you are now repaid.”

{148} “Repaid, my lord? And is this reed worth ten gold crowns?”

“Yes,” said the governor, “It is; or if it is not, then I am the biggest blockhead in the world. We will see right now whether or not I have it in me to govern an entire kingdom.”

With this, he ordered that the reed be broken and laid open there in the sight of all, and in the heart of it they found the ten gold crowns. They were all greatly astonished at this, looking upon their governor as another Solomon. When they inquired of him how he knew that the crowns were there, he replied that it had come to him when he saw the old man hand the staff to his adversary while he was taking an oath to the effect that he had really and truly paid his creditor, and, then, when he was through, had heard him ask for it back again Moreover, he had heard the curate of his village tell another case like this one, and if it was a question of not forgetting what he had need to remember, there was not another memory like his own in all the island.

V

A similar story known as *qanya de-Raba*, “Raba's Reed,” albeit with significant variation of details to be examined below, appears in the Talmud. Raba (d. 352) is the celebrated Talmudic sage in whose presence the oath was administered. There are two different versions of the story, the “standard” version found in all printed and manuscript editions and an “older” version known from citations. I have used the critical edition, *Tractate Nedarim*, ed. R. Moshe Hershler, *The Babylonian Talmud* (Jerusalem, 5745/1985), vol. I, pp. 215-217. The variants recorded in the course of this study, as well as the text of the two versions, proceed from its critical apparatus. The standard version reads as follows:

Someone demanded payment of money (given in loan) from his friend.

He (the creditor) came before Raba (demanding payment). He (the creditor) said to the debtor: “Pay me!”³¹

He (the creditor) responded: “I paid him!”³²

Raba told him (to the creditor): “If so go and swear to him that you have paid him.”

{149} He went and brought with him a reed where he had put³³ the money inside. He was leaning on it (the reed) and approaching the Court. He told the creditor: “Hold this reed in your hand.”

Then he (the creditor) took a Scroll of the Torah and swore that he had paid him all that he owed him.³⁴ In anger, the creditor broke the reed, and the coins fell on the ground. It was discovered that [technically] he (the deponent) had sworn the truth.

The motif of the reed as a tool of deception is already found in *Livius* I, 56,³⁵ but in a completely different context. The story in the Talmud appears in various Jewish

³¹ As in the critical apparatus.

³² As in the critical apparatus.

³³ As in the critical apparatus.

³⁴ As in the critical apparatus.

recensions.³⁶ Before proceeding to the older version, a few observations are of the essence. Both the Talmud and Cervantes coincide in the four principal motifs of the story: (i) hiding the money in the reed, (ii) leaning on the reed when approaching the court, (iii) handing over the reed to the creditor before taking the oath, and (iv) discovering the money in the reed. The discrepancies are not substantial and pertain to the different setting and purpose of the story. In the Talmud the story unfolds in a Rabbinic Court; therefore the deponent holds the Scroll of the Torah. In Cervantes it unfolds in a Christian Civil Court; therefore he places his hand on the cross. The object of Cervantes is to show Sancho's cleverness, and the reed is broken by his command. In the Talmud the plaintiff brakes the reed in an act of rage. The purpose of the story is to show that it is possible to lie under oath and still not be liable for perjury. (Thus the need to institute a special formula to prevent abusing the law, see below, VI). In the Talmudic society, it was common to use the reed for walking and hiding. Specifically, some, as with the defendant in our case, used it for dishonest purposes.³⁷ This does not seem of have been the case in Spain. To hint that we are dealing with a special kind of staff, possibly with {150} “Hebrew” undertones, Cervantes used *báculo* from the Latin *baculum* of the Vulgate (see below, VIII), rather than a more common term *vara*. Casually, he mentions that both parties were old. This detail permits the audience to believe that payment may have escaped the creditor's memory. By assuming that the defendant too was infirm, the reader is lead to believe that that was the reason he needed a walking rod.

VI

There are two serious difficulties with the Talmudic version. Both are resolved in Cervantes' account.

According to the Talmud, the debtor seems to have said under oath that [i] he had paid the creditor, [ii] in full. Concerning the first point, many Talmudists, among them the celebrated R. Solomon ibn Adrete (ca. 1235-1310) raised a powerful objection. The most fundamental aspect of “payment” (*par'e*) – the term used by the debtor in his oath – is delivery of money in fulfillment of an obligation. This presupposes notice of the fact to be communicated by the debtor to the creditor. Unable to meet this objection, he amended the text.³⁸

The objection is based on a misreading corrected by Cervantes. The commentators assumed that the term “in his hand” in the oath (“paid him [*par'e*] all

³⁵ This was indicated by S.A. Lindermann, “Mehqarim,” in *Ha-Maggid* XXIII : (1879), p.247.

³⁶ There are some Christian accounts and also a Muslim recension attributing this story to Jews. See the biographical notes in the critical edition and in *Otzar ha-Geonim*, B.M. Lewin, ed., vol. II (Jerusalem, 1942), *Nedarim*, p. 25, note 2.

³⁷ See M. Kel. 17:16; T. Kel., B.M. 7:10; and Maimonides' Commentary ad loc. On the mendacious uses of such a cane, see R. Emanuel Hai Ricchi, *Hon 'Ashir* (Amsterdam, 5490/1730), fol. 154d, s.v. *wu-maqgel*.

³⁸ See *Hiddushe ha-Rishba* on B. Ned. 25a, s.v. *ve-yishtebe'*. To resolve this problem, R. Yom Tob as-Sibili, *Hiddushe ha-Rishba, Nedarim* 25a, ed. R. Aaron Yafhen (Jerusalem, 5755/1995), col. 257 ascertained that such an action constitutes payment, a view making little sense either in law or in common sense, see *ibid.*, editor's note 328. Cf., below note 44.

that he has *in his hand*”) refers to *the hand of the debtor*. In Hebrew, the manifest tenor of such an expression would be “that he (the debtor paid) whatever he (the debtor) owed the creditor.” This being an obvious lie.³⁹ Such a reading is, in my view, mistaken. The correct reading of “in his hand” is, as proposed by Cervantes, in the hand of the creditor – not of the debtor! Thus the debtor was swearing that “he had returned (*vuelto*) them (the ten crowns) from his own hand to *his*” – to the creditor’s hand! (*de su mano a la suya*). A further note will confirm the wisdom of Cervantes’ {151} reading. Primarily, the Hebrew root PR’, from where the term *de-par’e* stems, means “to leave,” “to abandon.”⁴⁰ Accordingly, the idiomatic sense of “leaving” money in the hand of the creditor is “to requite,” “to replace,” Spanish “volver” – as proposed by Cervantes, rather than “to pay” as understood by the commentators.

Indeed, the commentators’ error best illustrates the uncanny ability of the debtor and the problem that the Talmudic sages tried to solve. The Talmud cites the story to explain the purpose of a Rabbinic statute, instituting a special formula before administering an oath. The purpose of the formula is to apprise the deponent that the terms of the oath are in accordance to the “mind of the court,” rather than the mind of the deponent. The formula reads: “You are forewarned that we are administering this oath not according to your mental reservations but according to our mind and the mind of the Court.”⁴¹ That means that the terms of the oath are to be understood according to the semantic field of the cleric administering the oath (“our mind”) and that of “the court.”⁴² Without this formula the deponent could argue that the terms of the oath were according to his own particular understanding, like the defendant of our story.⁴³ The Talmudic commentators fell into the debtor’s trap! They: understood *par’e* in the latter, Rabbinic sense of “paid,” precisely as the debtor wanted them to understand: that he had fully satisfied his obligation to the payee.⁴⁴ In case he would be caught, *then* he {152} would claim that he meant to say that he had *left* his own money in the hand of the payee: he thus would be a cheat, but not a per-jurer.⁴⁵ Since

³⁹ See R. ibn Adrete in the preceding note.

⁴⁰ See Eliezer Ben Yehuda, *Hebrew Thesaurus* (Tel-Aviv, 1949), v.ol. 10, s.v. PR’, pp.5208-5210.

⁴¹ This is the correct text as preserved by R. Hanan’el, *Shebu’ot* 29a; Maimonides *Mishne Tora*, *Shebu’ot* XI, 18. In the standard editions the text was changed to “our mind and the mind of God.” The change of the text is essential in order to lay down the future grounds for the doctrine that certain Rabbis (now exclusively associated with the holier political parties) may, like the biblical Balaam, “know the mind” of God, see “One-Dimensional Jew, Zero-Dimensional Judaism,” in *Annual of Rabbinic Judaism II* (1999), p. 45.

⁴² See R. Besa’el Ashkenazi, *Shitta Mequbbeset*, on *Nedarim* 25a, s.v. *ve-ada’ta*.

⁴³ This type of mental reservations were perfectly acceptable in the ancient world, see Giambattista Vico, *The New Science*, trans. Thomas Goddard Bergin and Max Harold Fisch (Ithaca, 1968), ##967-968. The rabbis explained .Jaacob’s statement (Gen. 26:19) accordingly. See R. Elie Benamozcgh, *Em la-Miqra* (Leghorn, 1862), vol. 1, fol. 87b-88a; and idem, “Exégèse Biblique,” in his *Critique Exégèse* (Leghorne, 1897; recently reprinted in Livorno, 2000, under the title, *Elia Benamozegh spiega la sapienze ebraica*), p. 7.

⁴⁴ Unable to cope with the text the commentators proposed all kinds of textual emendations and or far fetched explanations, thus calling again in the debtor’s trap and missing the point or the story. See above note 311.

⁴⁵ In modern legal systems “perjury” is extended to any false statement said under oath, even when not made in a judicial proceeding.

the Spanish *pagado* cannot be subjected to the semantic manipulations of *par'e*, Cervantes makes the debtor say that he “will also swear that I paid him (*pagado*) back, really and truly.” However, at the time of the oath, the master conniver skips the incriminating words, and says: “that he had returned them from his own hand to his” – but not that he had *pagado* the loan!

To charge someone with perjury, one would need to prove that the statement under oath was categorically false. The story of the Talmud unfolds without the statute instituting the reading of the special formula. (For the reason, see below, VII). It wants to show the need for such a statute to be able to charge the liar with perjury. Otherwise, although guilty of lying and deception, as the deponent in our story, he could not be charged with perjury. Remarkably, in neither the Talmud nor Cervantes, is the debtor charged with perjury – a most grievous offense in both Rabbinic and Christian law.⁴⁶ (See below, VIII)

VII

The second difficulty concerns the administration of the oath. In both the Talmud and Cervantes, handing over the reed is related to the administration of the oath. Generally, Rabbinic law requires the deponent to hold a Scroll of the Torah as he swears. That is why in our story the accused handed the reed to the plaintiff, to free his hands and be able to hold the Torah. There is an exception to this rule. In a case in which the plaintiff offers no evidence through the testimony of a witness, and the accused denies any pending obligation, the law requires the defendant to take an oath (*she- bu'at heset*). This oath, however, does not require holding the Scroll of the Torah!⁴⁷ Thus, an essential element of the story vanishes. Once there is no need to hand over the reed, the plot collapses.⁴⁸

{153} In Cervantes's account, instead of the Torah, the deponent touches the cross at the head of the Governor's staff. Casually, Cervantes remarks that the accused handed over the reed “while he took the oath, as if he was embarrassed by it.” Why this should be embarrassing?

There is an older account of the Talmud, preserved in quotations from early sources. According to this account the oath was pronounced not while holding the Scroll of the Torah but while touching a

chain on which the Holy Name (i.e., the Tetragrammaton) was engraved. [It was believed that] whoever would swear falsely would not be able to stretch his hand and touch the head of the chain. “When that man (the debtor) was about to swear to the plaintiff he told him:

⁴⁶ The Talmudic commentators overlooked this fundamental point.

⁴⁷ Maimonides *Mishne Torah*, *Shebu'ot* XI, 13.

⁴⁸ See R. Besal'el Ashkenazi, *Shitta Mequbbeset*, on B. Ned. 25a, s.v. *ve-ada'ta*. To meet this problem the commentators proposed several answers, none of which fits either the text or the law of the Talmud. To illustrate, *Hiddushe ha-Ritba*, ad loc. cols. 254-255, advanced the view that the law requires holding a scroll or the Torah even in this type of oath, an opinion with no support in Rabbinic sources see *ibid.*, editors notes 305 and 322. Cf., R. Menahem ha-Me'iri, *Bel ha-Behira*, *Nedarim*, Sh. Dikman, ed. (Jerusalem, 5722-1962), p. 110a.

“Come! I will show you that I am swearing the truth.” Then he went and stretched his hand and touched the head of the chain. In anger, the other (the plaintiff) broke the reed, and the money fell down. . . .⁴⁹

It follows that the story was dealing with an extra judicial oath taken: in a judicial proceeding *without requirement of the law*. This is why the: above mentioned formula forewarning the deponent was not recited. This account coincides with Cervantes in an essential point: the accused volunteers to take the oath! In both accounts the defendant touches the head of a venerated object. Accordingly, the reason that the deponent handed over the reed to the plaintiff was not to hold the Scroll of the Torah as in the standard text of the Talmud but to show *deference* for the sacred object. In Rabbinic etiquette, holding a cane is regarded as mundane and implies lack of reverence.⁵⁰ Exactly, as explained by Cervantes “as if he was embarrassed by it I (*como si lo embarazara mucho*),” in the sense of respect and humility. Naturally, Cervantes transformed a Jewish sacred object into a cross. The change may not have been totally arbitrary. In the Jewish text {154} the chain is designated “*shoshelita*.” Jews holding Christological ideologies (and there were plenty of these among *conversos*) probably read it as “*sheloshita*,” as if referring to the Christian Trinity.⁵¹ Probably this was the reason for suppressing the early account and substituting it with a version that, although legally confusing, was theologically less problematic.⁵²

There is another item connecting Cervantes with Rabbinic sources. In the Talmud, this chain was associated with King Solomon.⁵³ Significantly, even before Sancho could explain how he knew the coins were in the staff, the people looked upon him “as another Solomon.”

A most telling detail. When Sancho is asked how he knew that the defendant hid the coins in the staff, he said that sometimes God leads even foolish governors into light, adding, casually, “and, what’s more, he heard his parish priest tell of an incident much like this.”

In the foregoing we tried to document the priest’s source (and reveal thereby his true identity).

⁴⁹ Cited in R. Hesal’el Ashkenazi, *Shitta Mequbbeset*, on H. Ned. 25a, s.v. *lo le-appuqe*; Ol(ar ha-Geollim, H.M. Lewin, ed., vol.II (Jerusalem, 1942), *Nedarim*, pp. 25-26; Critical Apparatus, ad loc.

⁵⁰ See M. Ber. 9:6. Cf. M. R.H. 2:10.

⁵¹ On the Trinitarian Theology of Jewish apostates, see Pedro Alfonso, *Diálogo con Ira Los Judíos* (Huesca, 1996), pp. 309-316. Some of these apostates used to inscribe the letter *Sh* in the middle of the Tetragrammaton to encode Jesus name “YH-Sh- WH.” On these inscriptions, see Israel Lévi, *Revue de Études Juives*, VII (1883), pp. 285-286. About Trinitarian Jews, see in *The Shadow of History*, pp. 14-15, and my articles “Two Models of Jewish Spirituality,” in *Shofar* 10 (1992), pp. 43-46; and “A Crisis or Categories: *Kabbalah* and the Rise of Apostasy in Spain,” in Moshe Lazar and Stephen Haliczzer, eds., *The Jews of Spain and the Expulsion of 1492* (Lancaster, 1997), pp. 41-63, especially pp. 54-58. On *conversos* with strong Christological ideology, both in and outside the Iberian Peninsula, see *In The Shadow of History*, pp. 44-46, 47-49.

⁵² On the “internal censorship” of controversial Rabbinic texts, see Saul Liebenmann, *Shkiin* (Jerusalem, 1939).

⁵³ B. Git. 68a; cf., *Yalqut Shim ‘oni* I Kings #182.

VIII

We are now in a position to ask a most fundamental question. What moved Cervantes to choose this particular story from the Talmud? To answer this question and bring out the concrete meaning of the story, a few more points must be examined.

After the debtor swore, Sancho asked the creditor if he was satisfied {155} with the oath. Without hesitation he replied that he believed that the debtor was “speaking the truth, as he knew him to be a worthy man and a good Christian (*hombre de bien y buen cristiano*).” The exchange seems superfluous. Obviously, it has no counterpart in the Talmudic version. In fact, as we shall see in the course of our examination, it is a detail of the highest importance, essential for the proper decoding of the story.

In an address made by King Ferdinand to New Christians on September 6, 1493, he called on them to associate with “Christian Catholics,” i.e., *cristianos viejos*, to learn how to “be faithful, and Christian Catholics.” In what must be described as a monstrous, hideous request, the monarch called on “newly converted” parents not to raise their own children. Rather, they should entrust their offspring to “Christian Catholics,” i.e., people not tainted with Jewish blood, “in order to be taught and be indoctrinated by them.” This address had been the focus of the *Lazarillo de Tormes*, a work written with a fantastical sense of humor. In a series of interlinked sketches, the author exposes in moving detail and ice-cold wit the knavery and debauchery characteristic of these paragons of virtue, thus providing a powerful portrait of the moral agony and degradation suffered by Lazarillo, a new Christian, who decided to heed the call of the king and associate with the “worthies.”⁵⁴

In our story, Cervantes makes sure to point out to the privileged reader that the villain is a *cristiano viejo*, or as they preferred to be known “worthy man and a good Christian (*hombre de bien y buen cristiano*).” By inference, we know who the designated victim is. Thus, the story exposes, with visceral impact, the self-indulgent moralism of those parading as “good Christians.” Like the author of *Lazarillo*, Cervantes, too, wants to expose the cynicism and corruption of those supposing to “teach and indoctrinate” the unworthy neophytes with tainted blood. The cheat is a *cristiano viejo*. *Cristianos viejos* were notorious for their insatiable greed and the desire to gain wealth by pillaging the fruits of other, lower human being.⁵⁵ Characteristically, this paragon of Christian virtue does not hesitate to defraud someone {156} who, out of the goodness of his heart, lent him money, “to make him happy and as a good deed.” As it happened a million times in Spain, and before that throughout Germany and France, the creditor tries to wiggle out of his legal obligation and defraud the lender by all means of deception.⁵⁶ Cleverly manipulating the semantic fields of his oath and promises, the *cristiano Viejo* could never be formally charged with perjury. It is true that at the end of our story justice is done. But this can

⁵⁴ See *In the Shadow of History*, pp. 61-70.

⁵⁵ On the peculiarity of this type of greed, see “The Iberian Experience,” pp. 98-99.

⁵⁶ See *In the Shadow of History*, pp. 22-23.

take place only in the mythical Island of Barataria where Don Quixote's companion rules, not in the real Spain.

We can now suggest a reason why Cervantes chose *baculo* for “staff” from the Latin *baculum*, rather than a more common term *vara*. It is the term used by the Vulgate to designate the walking staff of the patriarchs (Gen. 38:25; Ps. 23:4) and that of a poor pilgrim (Gen. 32:10). Like the typical *min* mentioned earlier (II), the creditor holds symbols of the Hebrew Scripture to sucker his victim.

A final point. At the end of the story, the Talmud says that upon realizing that the money was contained in the reed, “it was discovered that [technically] he (the deponent) had sworn the truth.” The term used for “the truth” is *be-Qushta* – a variant pattern-form of Don *Qeshot*, Cervantes’s hero. A lexical note could help us decode the message. “Whereas *Qeshot* is mainly used in the sense of “straightness,” “truth,” the form *be-Qushta* is used as an affirmative, designed to ascertain the validity of a statement.⁵⁷ Put more simply: *Qeshot* designates the “real” truth, whereas *Qushta* designates the evident, conventional truth, something that occasionally, as in our story, could be a patent lie.

Properly decoded, our story is a story of desperation. A muzzled cry. A frightening allegory, disclosing the dark undercurrents dominating *real* Spain.

The above proves nothing about Cervantes's ancestry. He could have heard the story from a variety of sources, particularly while a prisoner in Algiers (1575-1580). And yet, the detailed analyses, the handling of minutiae and the grasp of sources, points to a level of understanding of the subject that is simply amazing.

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- Perhaps. . .?
- No! That is simply impossible!
- But why?
- Why!? Next they would say that Columbus was a Jew!

⁵⁷ On the lexical sense of these these, see Eliia Levita, *Meturgeman* (Isny, 1591), fol. 140a; Marcus Jastrow, *A Dictionary* (New York, 1992), vol. 2, pp. 1429-1430.