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How to cite

BOLENS, Guillemette. Narrative use and the practice of fiction in The Book of Sindibad and The Tale of Beryn. In: Poetics today, 2008, vol. 29, n° 2, p. 309–351. doi: 10.1215/03335372-2007-027

This publication URL: https://archive-ouverte.unige.ch/unige:5192
Publication DOI: 10.1215/03335372-2007-027

Narrative Use and the Practice of Fiction in *The Book of Sindibad* and *The Tale of Beryn*

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Abstract This essay considers David Rudrum's claim that narrative is a type of language act that needs to be construed with regard to its use. Here this claim is related to one of the most influential literary traditions in the history of fiction: the Eastern *Book of Sindibad* and its Western offshoot, the *Seven Sages of Rome*, in which narrative use is of central significance. I focus more particularly on a tale embedded in the Eastern *Book of Sindibad*, "The Merchant and the Rogues," which was adapted and translated into Middle English in the form of the fifteenth-century *Tale of Beryn*, an anonymous continuation of Chaucer's *Canterbury Tales*. The *Sindibad* tale and the *Tale of Beryn* thematize narrative use in the context of a trial, in which the pleas and counterpleas highlight the function of fictionalizing acts. Fiction in these narratives is conceptualized as a practice. Finally, I argue that the production and reception of the *Tale of Beryn* must be linked to the socioprofessional milieu and cultural activities of late medieval law students.

1. Genealogies of Fiction

In his article "From Narrative Representation to Narrative Use" (2005), David Rudrum argues that our understanding of narrative should not be based only on the formal features of narratives and their representation of events; it must take into account the parameter of narrative use. Relying on Wittgenstein's notion of "language games," Rudrum (ibid.: 201) advocates an open-ended conception of narratives as dynamic acts: "Language games are specific ways of using language that are inextricably linked to

Poetics Today 29:2 (Summer 2008) DOI 10.1215/03335372-2007-027

specific ways of acting, specific forms of behaviour." Narrative is a type of language act that needs to be construed with regard to its function, as "any given representation may have any number of uses" (ibid.: 199). For example, an accident report is a narrative that may be used "while completing an insurance claim form" (ibid.: 200). But the same narrative may also be addressed to a doctor in order to figure out the exact source of one's neck pain; or to a friend to elicit sympathy; or to the audience of a stand-up comedy to trigger laughter. An adequate reception of the narrative, in oral or written form and in any context, requires that the distinct purpose of each version of the narrative be taken into account.

In his reply to Marie-Laure Ryan's "Semantics, Pragmatics, and Narrativity: A Response to David Rudrum" (2006), Rudrum (2006: 201) further argues that, rather than trying to define some kind of essence of narrativity, one should embrace "a use-based *approach* to narrative, one which, because of the sheer variety of uses to which we put narratives, need not be predicated on the restrictions of a pithy definition." Interestingly, the related notions of narrative as language act and narrative use are at the core of one of the most far-flung and influential—though today little known—literary traditions in the history of fiction. I am referring to the Eastern *Book of Sindibad*, composed in Sanskrit and circulated in India as far back as 500 BC, and to its Western offshoot, the *Seven Sages of Rome*, translated into "almost every language of Europe" and widely popular and influential through the Middle Ages and into the Renaissance (Epstein 1967: 333). I wish to pursue Rudrum's line of thought and approach the question of narrative use through its surprisingly explicit thematization in these texts. The *Book of Sindibad* and the *Seven Sages of Rome* consist of a main plot that frames several inset tales. I will focus on a tale embedded in the Eastern *Book of Sindibad*, "The Merchant and the Rogues," which was adapted and translated into Middle English in the form of the fifteenth-century *Tale of Beryn*, a continuation of Chaucer's *Canterbury Tales*. The thematization of narrative use in the Eastern *Sindibad* tale as well as in its medieval English adaptation is particularly illuminating, not least in showing that the idea of narrative use was already being explored in sophisticated ways centuries ago.

Scholars investigating the relationship between the Western *Seven Sages of Rome* and the Eastern *Book of Sindibad* posit that the tradition stretches all the way back to ancient India (Speer 1989: 13). A useful chart can be found in Catherine van Buuren's edition of the Middle Scots version of the *Seven Sages of Rome* (1982: 186–87) showing the impressive dimensions of the genealogical tree that binds together the various versions of this double tradition, spreading from the East to the West, from ca. 500 BC

to AD 1500.[1] The *Book of Sindibad* and the *Seven Sages of Rome* are part of a common genealogical tree, to which the *Tale of Beryn* also belongs.[2] The Western branch seems to emerge in the eleventh century (in versions now lost) and divides in the twelfth century into two separate lines: the Old French poem *Li romans des sept sages* (Version K, ca. 1155) and the *Dolopathos*, written in Latin prose by Johannis de Alta Silva (or Jean de Haute-Seille) (ca. 1190).[3] Immensely popular and translated into most European languages, the *Seven Sages of Rome* is the precursor of such Western collections as Chaucer's *Canterbury Tales* and Boccaccio's *Decameron*.[4]

Beryn itself is linked to the *Sindibad/Seven Sages* tradition not only through the *Canterbury Tales*, but also through a text titled *Le roman de Berinus*. Indeed, *Beryn* is made up of a "Prologue" (also referred to as the "Canterbury Interlude") and a "Tale."[5] The "Prologue" continues the *Canterbury Tales*, describing Chaucer's pilgrims spending a day and a night in Canterbury. The next day the group pursues its storytelling contest on its way back to London, with the Merchant narrating Beryn's adventures—a nar-

1. The Eastern route of transmission is summed up by Speer (1989: 15): "From India the *Book of Sindibad* in Sanskrit presumably moved westward and was eventually translated into Arabic. A lost Arabic version composed by a certain Musa in the eighth century is believed to have been the source of the eight surviving texts that now represent the Oriental *Book of Sindibad*: the tenth-century Syriac *Sindban*; the eleventh-century Greek *Syntipas*, translated from the Syriac by one Michael Andreopulos, who names Musa as the author of the Arabic text from which his Syriac model derives; the late-twelfth-century Persian version in prose by As-Samarquandi, and its direct descendants, the Persian prose text that forms the eighth night of Nachshebi's *Tuti-nameh* (c. 1300) and the Persian poem *Sindibad-nameh* (1375); the thirteenth-century Hebrew *Mishle Sendebar*; the Old Spanish *Libro de los engannos et los asayamientos de las mugeres* [*sic*], dated 1253; and the fourteenth-century Arabic *Seven Vizirs*, often found in the *Thousand and One Nights*." As for the Western *Seven Sages of Rome*, Epstein (1967: 3) writes that "in Europe, at least forty different versions have been preserved in over 200 MSS and nearly 250 editions." Epstein (ibid.: 336–39) also provides a useful list of manuscripts containing Middle English and early modern versions. On the Western tradition, see Foehr-Janssens 1994 and Speer 1983, 1989.

2. Criticism on *Beryn*, so far, has not considered its lineage, and with the exception of Davis and Green, critics mainly focus on the figure of the Pardoner in the "Prologue": Allen 2001 and 2005, Bash 1933, Bowers 1998a [1985] and 1998b, Brown 1991, Darjes and Rendall 1985, Dauby 1989, Davis 1985, Green 1989, Harper 2004, Jost 1994, Kohl 1983, Medcalf 1993, Olson 1994 [1991], Sturges 2000 and 2006, Trigg 2002, Winstead 1988.

3. See Jean de Haute-Seille 2000.

4. Chaucer's *Manciple's Tale*, for instance, is a rewriting of the tale called "Avis," which is extant in most versions of both the *Book of Sindibad* and the *Seven Sages of Rome*.

5. The unique copy of the "Prologue" and "Tale" of *Beryn* is contained in a manuscript of the *Canterbury Tales*: Northumberland (N1 in Manly and Rickert 1940: 387–95), manuscript 455 (formerly 55), fols. 180a-235a, at Alnwick Castle, Northumberland. The manuscript is dated to 1450–70. It is a 4,022-line section. The date of the poem's composition is uncertain. I use Bowers's edition (1992) throughout this essay. Two other modern editions exist: Furnivall and Stone 1975 [1887, 1909] and Tamanini 1970.

rative that editors in the modern era entitled the *Tale of Beryn*.[6] This *Tale* is an adaptation of the first part of the French prose romance *Berinus*, composed between 1350 and 1370. *Berinus*, in turn, is a rewriting of the *Seven Sages of Rome*.[7] That romance is particularly interesting because it combines a number of stories which very specifically belong either to the Eastern or to the Western branches of the *Sindibad/Seven Sages* material. For example, the framed tale "Gaza" is extant in the vast majority of Western versions of the *Seven Sages* but in none of the Eastern versions, and conversely, "The Merchants and the Rogues" appears in most versions of the *Book of Sindibad* but never in the *Seven Sages* material. In this sense, the *Tale of Beryn* is the Middle English adaptation of an Eastern tale, filtered through a French translation.

Notwithstanding numerous variations, all versions of the *Book of Sindibad* and the *Seven Sages of Rome* present narrative use as paramount. In the frame narrative of both the Eastern *Sindibad* and the Western *Seven Sages*, a highly educated prince is forced to remain silent for eight days after being falsely accused of rape by his father's new wife. Sindibad in the Eastern tradition and the Seven Sages in the Western material are the prince's teachers, who display the scope of their intellectual expertise in the context of the eight-day-long trial instigated by the queen. The accuser and her adversaries fight by means of exemplary tales (exempla)—brief, anecdote-like tales whose function is to make a specific argumentative point.[8] The two parties are contending experts demonstrating their power in a narrative battle for, literally, the prince's life or death. Because both parties are equally potent in their rhetorical use of exempla, the verdict is postponed until the prince is finally allowed to speak and claim his innocence. In the narrative context of the trial, stories are meaningful inasmuch as they advance or block a plea for guilt or innocence and hence hurry or delay the moment of verdict. For instance, the prince's stepmother tells the tale of "Gaza," in which a son kills his father and abandons his severed head in a degrading hiding place, such as the privy. She thereby presents fatherhood as a

6. On the editorial and critical history of *Beryn* up to 1991, see Brown 1991: 143–48.

7. For the text's edition, see Bossuat 1931–33. On *Berinus*, see Kelly 1976, Marchello-Nizia and Perret 1990, Szkilnik 1990, Rouday 1980. Four complete manuscripts of *Berinus* and a prose fragment exist, all written in the second part of the fifteenth century. The differences between manuscripts are minimal. Robert Bossuat produced the unique modern edition of *Berinus* (for the Société des Anciens Textes Français, in two volumes). Two fragments of a thirteenth-century verse *Berinus* were also found: the first was discovered by Morgan Watkin in a manuscript of the National Library of Wales at Aberystwyth in 1915; the second, in 1932 in the public library of Mons, Belgium (Bossuat 1931–33, 1:vii; Tamanini 1970: 7–9). The passages in the two fragments do not appear in *Beryn*.

8. On the genre of exempla, see Berlioz and Polo de Beaulieu 1998, Ricklin 2006.

vulnerable state and as an ever-possible occasion for parricide and defilement.[9] The King, upset by the idea, swears that the fate of the father in the story will not be his own and orders the immediate execution of his son. Instantly, however, one of the Seven Sages deftly steps up and offers the exemplum entitled "Avis," in which a manipulated husband murders first his trustworthy talking magpie and then his deceitful wife. The tale illustrates the dangers of rash decisions and irreversible punishments.[10] Alert to the analogy between the story and his own situation, the King, swayed by the perspective of error and regret, suspends his son's execution for an additional day. Thus, the representation of events in the tales is subordinated to the inset narratives' function, which is to manifest the contenders' narratorial proficiency and rhetorical power, wherewith they speed up or defer a verdict that could lead to the pronouncement of a death penalty and to the prince's actual death.

This use of narrative operates in the judicial context of a trial within the frame narrative. The embedded tale entitled "The Merchant and the Rogues" in the *Book of Sindibad* concerns another trial in which narratives also fuel the legal procedure. But, in contrast to the prince's trial, the pleas and counterpleas in "The Merchant and the Rogues" are not presented as exemplary stories, possibly relevant to the conflict on an analogical level. The accusations are patently preposterous, and the counterclaims work in favor of the defense because they apply successfully the same surrealistic logic. For instance, a one-eyed man accuses the main protagonist of stealing his missing eye. Instead of denying the charge, the latter offers to extract the plaintiff's remaining eye and compare its weight with that of one of his own eyes; thus the two eyes' identity and the validity of the complaint would then be fairly determined.[11] The counterplea in this case uses the logic of the plea, according to which eyes may circulate from one body to another and remain organically functional. It is not based on anything like the commonsensical and historically verifiable statement that a father who has his son executed runs the risk of experiencing regret.

The highlighted fictionality and extravagance of the intradiegetic narratives in "The Merchant and the Rogues" underscore the fact that their value pertains to their efficacy within the specific context of the trial, not

9. For this tale in the Old French poem *Li romans des sept sages* (Version K, MS Paris, B.N. fr. 1553), see Speer 1989: 183–88.

10. For this tale in the Old French poem *Li romans des sept sages* (Version K), see Speer 1989: 188–93.

11. For this episode in the Indian version, see Clouston 1887, 2:107–10; for the Persian metrical version in *Sindibád Náma*, see ibid.: 105–7; for the Old Spanish version of the *Libro de los engannos et los asayamientos de las mujeres*, see Keller 1956: 47–51.

to their meeting criteria of verifiability. The possibility of exchanging eyes is never presented as a serious option, unlike the possibility of the prince's execution. The narrative representation of protagonists showing each other their extracted eyeballs is part of a language act that, within the rules of a judicial procedure, operates as an apt narratorial counterblow. Along the same line, narratives in *Beryn* are effective insofar as they evince an apt *practice* of the specific rules of the language game played at court in the local law system of the "Tale." They never posit a relation to truth, whether literally or symbolically. The functionality and efficacy of narratives, completely divorced from their truth or knowledge content, are central parameters in *Sindibad*'s embedded tale "The Merchant and the Rogues," and they remain so in the tale's fifteenth-century English version.

To return to the transmission of tales and the genealogy of *Berinus* and *Beryn*, it is notable that "The Merchant and the Rogues" should be extant in *Berinus* and *Beryn*, despite the fact that it is usually left out of the Western corpus of tales. What is more, *Berinus* and *Beryn* subvert the *doxa* of the *Sindibad* and *Seven Sages* tradition. Indeed, the prince in the *Sindibad* and *Seven Sages* material benefits from the best possible education and, in the Western corpus, becomes an expert in the seven liberal arts, which constituted the curriculum of medieval secular learning.[12] Within the same narrative context, *Berinus*'s and *Beryn*'s hero, rather than being portrayed as an idealized model student, becomes a frenetic dice gambler, a brash and uneducated simpleton (Bossuat 1931–33, 1:8–22; *Beryn*, lines 884–1088: see Bowers 1992). Based on *Berinus*, the first part of the *Tale of Beryn* narrates Beryn's calamitous youth in Rome, the second part his trial in a city of rogues. The second section corresponds to the *Sindibad* tale "The Merchant and the Rogues." Because the trial episode is an adaptation of this Eastern tale, it links *Berinus* and *Beryn* to texts that are at the intersection of the Eastern tradition and its Western offshoot.

Indeed, in the genealogy of fiction subsumed under the general titles of the *Book of Sindibad* and the *Seven Sages of Rome*, key texts stand at the juncture between the Eastern and the Western transmission of narratives. The Old Spanish *Libro de los engannos et los asayamientos de las mujeres* (*Book of the Wiles and Contrivances of Women*), dated to 1253, is a complete translation of the Eastern branch of the *Book of Sindibad* into a Western vernacular language (Keller 1956: 4).[13] It thus belongs at the crossing point of the Eastern

12. The liberal arts were divided into two groups: the trivium (grammar, rhetoric, and dialectic) and the quadrivium (arithmetic, geometry, astronomy, and music). On this topic, see Wagner 1983.

13. For an English translation of this text, see Keller 1956.

Sindibad and the Western *Seven Sages* traditions.[14] Equally significant in this regard is the thirteenth-century Hebrew *Mishle Sendebar* (*Tales of Sendebar*).[15] Both the Old Spanish and the Hebrew collections include the short story entitled "The Merchants and the Rogues," which constitutes the obvious source for *Berinus*'s and *Beryn*'s trial episode.

To focus now on *Beryn*, the originality of the English adaptation of "The Merchants and the Rogues" resides in the fact that it links the century-old Eastern narrative to a judicial practice invented in late medieval England. This practice, according to law historian Donald Sutherland, is first recorded in England around 1330 and was referred to as the act of "giving color" to the opponent in pleading. This historically attested legal practice was based on the institutionalized use of fictional narratives in the art of pleading. In this practice, a speaker was expected to use invented information to supplement his statements to the court. Sutherland (1981: 184–85) names such invented supplements "legal fictions." As will be discussed, the *Tale of Beryn*, through the representation of this specific legal practice, connects the question of narrative use to contemporary issues of social practice and institutional convention.

Beryn's trial in the narrative, as well as the literary and cultural context portrayed by the "Prologue" and *Tale of Beryn*, will also enable me to propose a hypothesis concerning the author's professional affiliations, whereby to account for *Beryn*'s specific use of narratives and its practice of fiction. A close reading of *Beryn*'s colophon and the clues offered by the text's literary and cultural influences points toward the socioprofessional milieu of late medieval law clerks. *Beryn*'s author clearly knew a great deal about the mechanisms of the law and thus could have been a law clerk. A medieval *clerk* is an intellectual—a student or a scholar.[16] Because medieval scholarship was so tightly linked to the clergy and clerics, a distinction must be highlighted in the case of law clerks: a *law clerk* was a student of the law, which did not necessarily entail any religious affiliations. The social group of law clerks was steadily growing in the late Middle Ages, and law clerks in France as well as in England received a good literary education, which certainly raises the possibility that a law clerk could have authored a literary work such as *Beryn*. Further, *Beryn*'s "Prologue" and "Tale" show the influence of the genres of fabliaux and farces, of parodic lawsuits, and of the satirical plays called *sotties*, staging groups of fools or sots—in short, the influence of all the cultural activities and literary productions typical

14. See Keller's introduction to *The Book of the Wiles of Women* (1956) and Speer's introduction to *Le roman des sept sages de Rome* (1989).
15. For an English translation of this text, see Epstein 1967.
16. See Le Goff 1985, de Libera 1991, Corbellari 2005.

of law clerks at the time. Indeed, law clerks were the authors of sotties and of mock trials based on fabliaux and farces. *Beryn*'s "Prologue" is a fabliau, in which some of the pilgrims behave like fools of sotties, and the trial in the "Tale" has all the appearances of a mock trial.

Late medieval students in law schools were made to practice and develop their forensic capacities by creating and performing mock trials. Their rhetorical training involved inventing scenarios and narratives and then presenting these fictions to a courtroom audience. Fictional narratives in this context must be appraised in relation to a professional practice. If *Beryn*'s writer was at some point a law clerk, this possible professional affiliation sheds light on his approach to the use of fiction.

2. Legal Expertise and Narratorial Prowess

In all versions of the *Sindibad/Seven Sages* narrative frame, the hero corresponds to the figure of the clerk as student or scholar. In both the Eastern and Western traditions, the superiority of clerks resides in their intellectual sagacity, linking education, the practice of fiction, and the law through the concept of prowess (see Foehr-Janssens 1994 and 1997: 293). A clerk's foremost characteristic is his learnedness, which requires a proficiency in reading and writing Latin. Yet, a clerk does not necessarily belong to the clergy and a religious order, as is the case with a cleric. Chaucer's Clerk from "Oxenford" in the *Canterbury Tales* ("The General Prologue," lines 285–86, 295) is a university scholar "That unto logyk hadde longe ygo" [Who had studied logic for a long time] and whose main interest is Aristotle. In the Old French poem *Li romans des sept sages*, the Sages are clerks "qui . . . tout le sens del mont savoient" [who knew the whole sense of the world] (Speer 1989, Version K: 272). These all-around scholars take the prince to Rome, teach him the liberal arts, and turn him into a clerk fluent in Latin, not into a religious man (ibid.: 437–40).[17] In the "Prologue" to *Beryn*, the Clerk of "Oxenforth" is ironically praised by the Knight for using his high learning and "mocioune . . . ful dark" (line 264) [quite obscure reasoning] to convince the Summoner that he should not resent an insulting Friar (lines 251–66). To be a clerk is to be able to use and, at will, manipulate language and secular knowledge.

In the *Book of Sindibad* and the *Seven Sages of Rome*, the clerk has a vital importance because he knows how to act expertly with language and with narratives in particular. His power is verbal, his prowess narratorial. He is capable of producing fictional narratives and of using them to good effect.

17. For this episode in a Middle English version, see Campbell 1975 [1907]: 45–50.

Fiction as weapon in a judicial context is further emphasized in all versions of the inset tale "The Merchant and the Rogues." The main plot concerns a foreign merchant tricked by local people into impossible pledges. In the evening, the duped merchant conceals himself in order to overhear the rogues explain to their leader, an old blind man, how they trapped the newcomer. The climax of the tale is the overheard discussion, during which the leader systematically questions the stringency of his men's moves by imagining the defendant's possible replies. The climax leads to the story's resolution, when the merchant, equipped by the blind leader with winning answers to all the questions he will face, outmaneuvers the rogue-plaintiffs and wins his multiple trial.

In the Hebrew version of this tale, the rogues bring "to the old man food and wine and they tell him their deeds and he teaches them answers" (lines 319–21). Morris Epstein (1967: 321n1) explains that the sentence "he teaches them answers" is a too-literal translation. "The phrase really means '[he teaches them] how to connive their way out of their situation.'" The old man's answers are hypotheses, soon to be actualized as legal speech acts by the merchant. They evoke the fictionalizing act par excellence in Wolfgang Iser's *The Fictive and the Imaginary* (1993: 78, 86), that is, the actualized human potential of imagining other possibilities. The old man is the leader because he can make hypotheses and imagine different, unexpected answers (*Suppose he'd say . . .*). He can think new thoughts and conceive of new narratives. The claims and counterclaims are imaginary plots based on conditions blatantly impossible to fulfill. In them the basic sequence of events linked by causation is: If he says *x*, you will have to do *y*; but since *y* is unfeasible, you will lose your case. Here, event *x* is a language act, and event *y* is a physical action. The hypothetical status of these minimal plots does not hamper their impact on the tale's main diegesis. The merchant wins the trial because he hears the plots imagined by the blind leader and then uses them.[18]

In the *Tales of Sendebar*, the first rogue explains, "I took all [the merchant's] loads of sandalwood on condition that I fill up a load for him of whatever he desires." And the old man replies and says to him: "You've done badly. What'll you do if he says to you—fill up my sacks with fleas, half of them males and half females—?" (line 321). To a dice player who wagered with the merchant that the loser would have to "drink all the waters of the sea," the old man says: "Suppose he says to you—dam up

18. Rudrum (2006: 199) rightly calls into question Ryan's claim that any speech act that implies possibility but not actuality cannot be called a narrative. Rudrum asks: "why should there be such a strong insistence on the indicative mood in narratology? Why exclude the subjunctive or the imperative from our considerations?"

all the rivers that flow into the sea and then I'll drink all the waters of the sea—what will you do then?" (line 323). And finally, to a one-eyed man who accused the merchant of stealing his missing eye: "What if he says—you take out your eye and I'll take out mine and we'll weigh them to see if they're equal—?" (line 323). The story ends shortly after that, with the merchant turning the old man's hypothetical questions into his own legal defense. The merchant uses the basic plots imagined by the leader for each case and, owing to this use, elicits a favorable verdict—another language act with pragmatic consequences. As will appear, the aforementioned legal claims are equivalent to those pressed on Beryn by three citizens, Syrophanes, Hanybald, and another blind man, while the counterclaims of the defense actualize the hypotheses into amplified narratives in the indicative mood with temporal and spatial specifications.

In all versions of the tale, a leader figure is presented as the source of valid answers for the merchant, who appropriates the old man's hypotheses and turns them into legal counterclaims. These answers are effective not because they are true—they are flamboyantly surreal—but because they are functionally irreproachable, as language acts, within the context of the trial. Truth, understood as the quality of propositions whose correspondence with reality or whose fit with a prior definition has been verified, is irrelevant here. Instead, each answer blocks the litigation by applying the logic of the correlated judicial claim, subverting it to the benefit of the defendant. Impossibility is the axis of both claims and counterclaims, and impossibility activates the proliferation of possible imaginary configurations. For example, in the tale's Persian version in *Sindibád Náma* (1375), the rogues' leader hypothesizes that the duped merchant might ask for "a measure of male fleas with silken housings and jewelled bridles" (Clouston 1887, 2:106), and the Spanish *Libro de los engannos* opts for "fleas, half of them female and half male, some blind and some lame, some green and some scarlet, and the rest red and white, with only one normal" (Keller 1956: 49). The corresponding case in *Beryn* is Hanybald's disloyal covenant, blocked by the requirement of five shiploads of white butterflies (lines 3619–21). Millions of white butterflies are as apt as bridled fleas in the context of this impossible task. Ontological-referential criteria matter only inasmuch as they provide a yardstick by which to indicate impossibility.

The main protagonist in *Berinus* and *Beryn* corresponds to the merchant in "The Merchant and the Rogues." Berinus/Beryn is the unique and spoiled son of an aristocratic couple in Rome. His mother dies and is soon replaced by a threatening stepmother, who succeeds in creating a conflict between father and son. The latter decides to exchange his inheritance for five trading ships and departs from Rome. He reaches a foreign city, where

five citizens, one after the other, deceive him and entangle him in legal complications. At a loss, the young man meets Geoffrey, himself a former victim of the citizens' malice. Since that time, Geoffrey has been hiding his identity by faking lameness in order to protect himself from further judicial aggression.[19] He offers to help Beryn and does so by this time faking folly. He behaves like a madman and, by his antics, manipulates the ill-intentioned court Steward into selecting him, an apparent fool, as Beryn's attorney, thus presumably sealing the latter's doom (lines 3009–40). Yet as soon as the trial begins, Geoffrey's conduct shifts from dim-witted clownery to judicial proficiency. He wins the trial, and Duke Isope, the local ruler, offers his daughter's hand to Beryn (line 4011).

Duke Isope (a king in *Berinus*) plays an important role in the story, both in his effect on the tale's plot and in elucidating the conception of law that stands behind the tale as a whole. Isope corresponds to the leader who knows the answers in the former versions of the tale because he can produce hypotheses thanks to his "imaginaciouns" and "sotill art" (*Beryn*, line 2670). His name is kin to Aesopus, to whom is attributed the genre of fables called *Isopets* in the Middle Ages.[20] Three hundred years old, Isope is bedridden and yet governs his lands thanks to his keen wit, maintaining his country in peace. He is Danish but was raised in Greece. He is polyglot, speaking Latin, Greek, Chaldean, Hebrew, French, and Lombard. Isope's proficiency in poetry, philosophy, and the seven liberal arts is complemented by his knowledge of all legal systems: "al maner lawes" (line 2665). All legal pleas are brought to him, as befits his role of leader in the Eastern tale. But it is also significant that he commands a variety of legal systems. Law in *Beryn* is not defined with reference to the blueprint of "natural law," that is, Nature's overarching law bestowed upon humankind by God's ordinance.[21] Instead, laws are shown to be man-made and contingent on sociocultural contexts. Thus, a legal expert must be able to perform language acts that are adequate and relevant in the context of a trial's specific type of procedure. The narratorial language acts called forth in a particular language game cannot be dissociated from the rules of that game, even when a given act transgresses those rules.

Isope is an intellectual, a prodigiously gifted clerk, an epitome of learning. *Beryn*'s narrator (lines 2659–60) refers to the intellectual limitations

19. I discuss Geoffrey's simulated handicap and kinesic intelligence in my forthcoming article "*Arms Akimbo*: Kinesic Analysis in Visual and Verbal Art." On kinesic intelligence, see Spolsky 1996, and on kinesic analysis in literature, see my forthcoming book *Le style des gestes: Corporéité et kinésie dans le récit littéraire*.

20. On this genre, see Schaeffer 1985.

21. On the medieval concept of natural law, see Olsson 1982.

of the Seven Sages of Rome in order to signify Isope's superior acumen: "The Seven Sages of Rome, though al ageyn hym were, / They shuld be insufficient to make his answere." All the sages combined would be unable to match Isope's fictional solutions. Like the leader figure in all other versions of the tale, he spells out a viable defense that the duped merchant (in this case, Beryn himself), can profitably use. However, Isope's inescapable hypotheses are never described in *Beryn*. The antiheroic and unintelligent main protagonist is too afraid to take action, and Beryn's rescuer, Geoffrey, goes in his place to eavesdrop on the accusers' conference. Geoffrey later returns with a strategy: "I have i-made al my wanlase" (line 2872) [I have fully concocted the maneuver I will practice (on the accusers)], and we hear the good answers from Geoffrey only. This variation shifts the emphasis onto the latter as the source of the effective fictions, first revealed to the reader, as to the citizens, when Geoffrey pleads in court. Geoffrey saves a thoughtless Beryn from doom because he is as intelligent and subtle as Isope. He possesses the skill to devise narratological strategies and contrive possible ripostes to impossible claims.

According to Jacqueline Cerquiglini (1985), improbable narratives are closely linked in the late Middle Ages to the concept of intellectual *subtilitas*. The "Tale" of *Beryn* is clearly marked by the growing importance of this notion, as the French word *sotil(e)té*, along with the anglicized adjective *subtle*, appear more than thirty times in it. Cerquiglini explains that the semiotics of subtilitas apply more particularly to specific sociological groups related to the city and to the notion of skill acquired through formal training—mainly by the middle class and, in particular, the clerk, the merchant, and the lawyer. *Beryn* insistently points toward this sociological context. The "Tale" of *Beryn* is told by the Merchant on the pilgrims' way back to London; and in the "Tale" itself, Beryn decides to become a merchant instead of a knight, although his father's status and express wishes urge him to embrace his aristocratic social inheritance. Further, the figures of the clerk, the lawyer, and the merchant are conflated in Geoffrey, who counterpleads by means of fiction during Beryn's law trial, a trial based on a law described by Richard Green (1989) as the "law merchant" (on which more in the next section). Finally, the hero's misadventures abroad take place in a city. In Cerquiglini's (1985: 10) words, subtlety is an urban mode of thinking. The privileged territory of subtlety is the city, where the lawyer, the merchant, and the clerk meet.

When Beryn first arrives in the city, he is a fool by his own admission, versed only in games of hazard. An ignoramus, he is at the mercy of the citizens, all experts in subtilitas. Geoffrey can help him because he is knowledgeable in subtlety's art, and he decides to reform this "lewd"

Beryn "after my scole" (line 2403). For Cerquiglini (1985: 165), an emphasis on subtilitas bespeaks a zeitgeist that particularly relishes logical and semantic paradoxes called *insolubilia* (or *insolubile*).[22] "An *insolubile* is a paradox or sophism of the sort that are today sometimes called 'semantic antinomies.' They are typified by the Liar paradox, in which a speaker utters the following sentence and it alone: 'I am lying.' Again, the problem may be illustrated by the following sentence: 'This sentence is false,' referring to itself" (Spade 1973: 292).[23] Subtlety and a reference to insolubilia appear together in *Beryn*. Geoffrey qualifies the legal fictions he addresses to the court with the adjective *insolibil* (line 2622), using this philosophical concept to explain that his counterpleas must be irrefutable. The corresponding passage in *Berinus* is: "Si convendra soutivement aler vers eulx et adviser comment nous en pourrons eschapper sauvement [we need to make subtle moves towards them (i.e., the citizens) and figure out how to escape safely]" (Bossuat 1931–33, 1:62, sec. 74). While subtlety is important in both texts, the association with insolubilia appears in *Beryn* only, emphasizing the importance of logical reasoning.

All primary characters in *Beryn* are defined with reference to subtlety: this notion subsumes such contrasting concepts as wisdom, reason, intelligence, skill, cunning, guile, and deception. The citizens in *Beryn* are subtle liars, and Geoffrey overcomes their shrewdness because he is intelligent enough to simulate stupidity—a skill that he shares with his adversaries. Indeed, the citizens' custom is to pretend to be bereft of sense in front of foreigners in order to swindle them more easily (lines 1627–28). The idea that the epitome of subtlety is to appear utterly deprived of it is characteristic of the late medieval clerk's intellectual stance. It occurs, for instance, in a carnival play written by French law clerks, *La dure et cruelle bataille et paix du glorieux sainct Pensart a l'encontre de Caresme* (on which more below). The Latin heading of the prologue reads: "Stultissima simulare loco / Summa prudentia est" [To simulate the greatest stupidity is rather utmost prudence] (Aubailly 1977: 3). This motto evokes Geoffrey's faked stupidity and the citizens' feigned naïveté in *Beryn*. Subtlety, simulation, and guile are associated with opposite and contending characters, the sympathetic and salutary Geoffrey as well as the threatening citizens.

22. Lynch (2000: 115) writes: "A very extensive body of '*sophismata*-literature' had grown up within the late medieval university system, including contributions by John Wyclif, Thomas Bradwardine—one of the few philosophers Chaucer mentions by name—and Chaucer's own friend Ralph Strode. *Insolubilia*, as the philosophers called them, were among the most popular philosophical topics of Chaucer's day."

23. See also Spade 1981 and 1982. On the Liar paradox, see Godart-Wendling 1990 and 1996.

Interestingly, the reader is part of the picture in *Beryn* (lines 3041–42): "Now ye that list abide and here of sotilté, / Mow knowe how that Beryn sped in his plé" [Now you who wish to stay and hear of subtlety, you might find out how Beryn faired in his plea]. The reader's interest in subtlety is identified as the reason why he or she desires to hear about the trial episode. *Beryn*'s narrator's direct address to a "ye" keen on "sotilté" suggests that he relies on his audience's competent reception of a narrative in which narratives are to be primarily understood in terms of their functional purpose, not their literal or even symbolic meaning. Geoffrey wins the trial because he exercises his narratorial capacity more efficiently than his opponents, despite the citizens' long-standing and thorough training in subtilitas. In turn, *Beryn*'s competent reception is presented in terms of the reader's ability to follow and appreciate Geoffrey's subtle narrative maneuvering and tactical superiority within the language game of lawyering. In this language game, the device of *legal fictions* calls for attention, as its raison d'être is grounded on narrative use.

3. Legal Fictions

Beryn departs from *Berinus* in all those passages that deal with the legal system of the city. Its writer borrows from *Berinus* the content of the pleas and counterpleas. In both works, for instance, the defense demands that Berinus/Beryn's five ships be loaded with white butterflies. But *Beryn* differs from *Berinus* in that the pleas and counterpleas are inscribed within a specific legal modus operandi, which can be identified with a historical English practice. *Beryn*'s reader is told that the defense's strategy is successful owing to the legal system used in the city. This underscores the relevance in the plot of narrative use and of its relation to context. *Beryn* provides a supplementary context to the trial episode by describing a specific legal system in which narratives are agonistic language acts.

R. E. Davis (1985: 261) points out that "courtroom trial scenes are rare in medieval English literature, and, when they do appear, few are detailed enough to offer an interpretation of precise attitudes toward law and legal procedures. The *Tale of Beryn*, however, provides one of the most detailed and elaborate trial scenes." In his article on legal satire in the "Tale" of *Beryn*, Richard Green (1989: 62) stresses the complexity of legal issues in *Beryn* (issues absent in *Berinus*) and demonstrates that "legal satire in *Beryn* is both specific in its object and accurate in its detail." A "law merchant" (*lex mercatoria*) corresponds to the legal system added in *Beryn* by its author, that is, "an English legal system which, while following common law proce-

dure in the main, still espoused the civilians' principle of affirmative proof" (ibid.: 54; more below). Legal systems in the common law—predominant in the Anglo-Saxon world—operate by means of decisions made by judges and grounded on precedents. In contrast, civil law, derived from Roman law, functions on the basis of a civil code. Green discusses in detail the way in which the "law merchant" combines common law with some aspects of civil law. One feature of common law remains, however, to be analyzed in *Beryn*, and it is the practice of "legal fictions." *Beryn*'s writer adapted the counterpleas in the trial episode so as to highlight this historically specific judicial device, which consisted in inventing useful narratives.

In order to explicate the local legal system described in *Beryn*, Green (ibid.: 52) emphasizes one crucial aspect of medieval justice: "Proof from the medieval English lawyer's perspective . . . is a matter not of what kind of fact best admits of demonstration but of what kind of law most effectively assigns a procedural advantage." As an analysis of the procedure of "probation law" will show, a medieval legal procedure is construed as advantaging or disadvantaging one of the contending parties.[24] For instance, probation law is linked to a legal feature that pertains to "a cornerstone of Roman law," the rule of "affirmative proof": "Ei incumbit probatio qui dicit, non qui negat [Proof lies with the one who asserts not the one who denies]" (ibid.: 51). The person who affirms—and this is primarily the plaintiff—may "prove," that is, may speak, as opposed to the person who "negates," that is, denies the charge, who may not speak. Consequently, probation law entails a procedure that primarily advantages the plaintiff. For, if the defendant chooses to deny the charge, he or she renounces the privilege of formally refuting it, losing the right to speak and prove his or her innocence. It is therefore in the defendant's best interest to admit the charge, no matter how unjustified it might be, in order to gain the floor thereafter and have the opportunity to reply at length and so influence the verdict.

Under these rules, the defendant has two options. Either deny the charge (an option called traverse) and thereby lose the right to prove his or her innocence, or admit the charge; the latter puts the defendant in the affirmative, which enables him or her to counterplead the accusation by adding information. This option was called "confession and avoidance." It is based on the structure: "yes, this is true, but . . . ." Confession and avoidance is the exact method used by Geoffrey in his counterpleas. He can resort to it because Beryn never denies the accusations pressed against him.

24. For a global description of the legal system in *Beryn*, see Green 1989.

> . . . Beryn stood al muet, and no word he spak.
> And that was tho his grace: ful sone he had be take
> And he had misseyd ones or els i-seyd nay,
> For then he had been negatyff and undo for ay.
> For they were grete seviliouns and used probat law,
> Wher evermore affirmatyff shuld preve his own sawe.
> Wherfor they were so querelouse of al myght com in mynde;
> Thoughe it were never in dede i-do, such mater they wold fynde
> To benym a man his good thurh som maner gile.
>
> (Lines 2065–73)

[Beryn stood all mute, he did not say a word. And that was to his benefit: he would have been taken very soon if he had misspoken once or said "no," for then he would have been "negatif" (i.e., in the negative) and undone for ever. For they (the citizens) were great civil-law experts and used probation law, where always the "affirmative" (i.e., the person in the affirmative) should prove his own case. Wherefore they were so quarrelsome in all possible ways that would come to mind; although an action had never actually been performed, they would invent such matter in order to deprive a man of his goods through some manner of guile.]

The text explicitly describes probation law ("probat law" [line 2069]). Had Beryn denied the charge ("i-seyd nay" [line 2067]), he would have been in the negative and thus would have been left with no further legal recourse. Suspense is created when the Steward presses a dumbfounded Beryn for an answer to the charge. Because the defendant is legally bound to give an answer of yes or no, silence would entail an automatic condemnation. Beryn's mute stupidity succeeds, however, in postponing the hearing until the morrow. Meanwhile, Geoffrey overhears in the evening the five cases reported to Isope and the next day pleads for Beryn, employing the method of confession and avoidance.

Geoffrey's counterpleas are all structured around two recurring moments. First, Geoffrey systematically affirms that the plaintiff's deposition is true: for instance, that Beryn did in fact make an agreement with Syrophanes that, if he were mated at chess, he would do as the winner demanded or drink all the saltwater in the sea. Beryn loses the game, and Geoffrey claims that it "is soth [true] and certeyn, it may nat be withseyd [denied]" that Beryn lost the game (line 3469). This corresponds to the legal move called "confession." Second, this move is followed by its correlate, "avoidance," in the shape of a narrative articulating Geoffrey's invented but nonetheless effective *cause*: there is no better player at chess than Beryn, and he lost intentionally, "Nowe how he lost it by his will, the cause I wol teche" (line 3476), or in other words, "I will now explain the

reason why Beryn deliberately decided to lose the game." The "cause" runs as follows:

> When we were on the see,
> Such a tempest on us fill that noon might other se.
> . . . . . .
> Tyl ate last, as God wold, a voise to us seyde
> In our most turment, and desperate of mynde,
> That yf we wold be saved, my master must hym bynde
> By feith and eke by vowe, when he cam to londe,
> To drynke al the salt water within the se-stronde
> Without drynkyng any sope of the fresh water.
> (Lines 3481–82; 3490–95)

[When we (i.e., Geoffrey, Beryn, and his crew) were at sea, such a tempest overtook us that we could not see each other. . . . Until at last, as God would have it, a voice spoke to us in our greatest torment and despair of mind, saying that if we wanted to be saved, my master (i.e., Beryn) must commit himself by faith and by vow, when reaching the land, to drink all the salt water within the seashore, without drinking any sip of the fresh water.]

Beryn came here, Geoffrey continues, to fulfill his vow and deliberately let Syrophanes checkmate him. Beryn did not have enough money to pay for separating the saltwater from the fresh. It is now Syrophanes' turn to proceed to do his part, namely, to "stopp al the fressh ryvers into the see that enter," so that Beryn may drink the saltwater of the sea only; he never agreed to drink any freshwater (line 3516). Geoffrey uses an evidently fictive narrative in order to alter the postures of plaintiff and defendant. Importantly, the text stresses the fact that he may do so because of the judicial context and the rules of this court.

The procedure used by Geoffrey relies on the "yes, but" mechanism of confession and avoidance. Geoffrey uses the same formula in his counterplea against Hanybald: "Yit woll I tell the cause especial and why" (line 3625). Beryn had agreed to exchange his five shiploads for any items available in Hanybald's richly supplied storehouse. But Hanybald seized Beryn's cargoes before the latter realized that Hanybald's storehouse had been secretly emptied out in the meantime. At this point, Geoffrey furtively introduces two white butterflies into Hanybald's empty stores and then announces that Beryn is ready to reload his ships: he would be pleased with five shiploads of white butterflies such as those clinging on the wall. For, declares Geoffrey, Beryn travels in order to gather stocks of white butterflies for purchase by a Roman doctor who needs the insects to produce a cure-all ointment. Geoffrey's avoidance here consists in stating

that the apparently impossible situation of choosing from an empty store fits Beryn's intentions and needs since the only item he seeks is in fact available in it. The impractical obligation is thus transferred to the plaintiff, who faces the imperative of producing an enormous quantity of evanescent insects in a short time. The avoidance put forward by Geoffrey in Syrophanes' case is again a transfer of what is presented intradiegetically as an unfeasible requirement. Geoffrey's counterpleas are narratives supplying scenarios which block the plaintiff's claim—unless the latter can separate the freshwater from the saltwater in the sea or provide five shiploads of white butterflies.

R. E. Davis (1985: 266) criticizes the lack of realism in Geoffrey's counterpleas: "Geoffrey is not satisfied until he has made up more preposterous and *wholly unnecessary lies* about a voice from the heavens and a butterfly-purchasing expedition. Certainly not a single human being in that courtroom believes a word of what Geoffrey says, yet the rules of that court force them to sit there and *accept pure fiction as legal fact*" (my emphasis). The surreal quality of the counterpleas, but also of the pleas, is so patent that they may hardly be accepted either as accurate statements of facts or as lies. Rather, they are taken as fictions. As such, they raise the question of the use of fictional narratives. *Beryn*'s reader, I contend, is invited to take Geoffrey's counterpleas as necessary and subtle language acts rather than "unnecessary lies." Geoffrey's verbal moves evince his training and proficiency in the local legal system. Ontological-referential criteria, if used to qualify Geoffrey's counterpleas as lies, are irrelevant.[25] These criteria serve only to establish the manifest absurdity of the claims and counterclaims, such as drinking up exclusively the salted water of the sea. Geoffrey practices his skill at using fiction in the forensic context of the trial, and he succeeds in producing effects that have a crucial pragmatic function in this language game: they save Beryn from condemnation because of the specific rules of this judicial system. In short, narrative use is clearly at the core of the plot.

Davis (ibid.: 270) adds, "Although the author of *Beryn* understands the fundamental principle of probate [or probation] law, he has given an inaccurate portrayal of its trial procedure." If *Beryn*'s writer understands probation law, as he obviously does, and departs from a faithful rendering of it, other types of questions need to be posed—questions concerning fictionalizing acts. This being said, it is remarkable—and ironic—that *Beryn* should be in fact perfectly accurate regarding the historically attested

25. See Walsh's (2003: 115) discussion of the rhetorical force of fictionality and his claim that "fictionality is not contingent upon ontological-referential criteria."

practice called *legal fictions*, which is not mentioned by Davis. Fictionalizing acts may pertain to a considerable variety of pragmatic situations. One such context is that of the late medieval English common law court, in which a specific judicial practice involved the invention of narrativized information. The representation of this judicial practice in *Beryn* needs to be appraised with regard to the question of narrative use, not that of referential reliability. Rather than a historical document on judicial legal fictions, *Beryn* is a fiction that raises the question of the legal use of fictional narratives. This fact ought to have an impact on the reader's reception of this narrative.

As Sutherland (1981: 183, 185) explains, "It is well known that in the fifteenth century and after, one of the standard moves in the game of pleading at common law was to 'give color' to the opponent. . . . Giving color and using fictions to do it were received, traditional devices." The description of "the plaintiff's claim by the defendant was the specific element of 'color', and the law insisted that the defendant included it if he wanted any discussion of the parties' rights in court before the case went to a jury. And if this seems strange, it is surely much stranger that what the defendant said about the plaintiff's claim was not true and *not expected to be true, but pure sham, pure fiction*" (ibid.: 184; my emphasis). An institutionalized practice that requires the invention of facts to produce a fair verdict is surprising if we expect a testimony to be in principle veridical. It is less puzzling if we consider that medieval law is primarily concerned with procedure. The point is not so much to formulate true statements of fact as to properly activate a procedural mechanism that will lead to a satisfactory judicial decision.

In this regard, Sutherland (ibid.) insists, and it is crucial, that the speech act called "giving color," whereby the "legal fictions" were produced, was "not meant to deceive." All participants knew that the facts and events narrated in the "legal fictions" were invented. As far as *Beryn* is concerned, neither its readers—interested in sotilté—nor Geoffrey's court audience are meant to believe or take as facts the fictions offered in the pleas and counterpleas. Both categories of auditor are supposedly well versed in the art of subtlety and in the use and reception of such legal narratives. In the judicial context involved, a story proves valid and effective not because its addressees are credulous but because it functions according to the accepted legal procedure in force, thereby shifting the burden of charges to those who brought them. This is exactly what Geoffrey's practice of fiction achieves.

Sutherland (ibid.: 188) adds that legal fictions responded to an important requirement in pleading called "concreteness." It was not enough for

the defendant to protest that the plaintiff's case was wrongful or defective. The defendant also had to detail facts as concretely as possible in order to debunk the accuser's charge. Again, the concrete details provided could be, and often were, pure invention on the defendant's part. Opting for the confession-and-avoidance alternative, the defendant admitted the plaintiff's accusation but asserted that it was inaccurate or incomplete. In calling into question the plaintiff's allegation, the defendant was required to offer his or her own version of the events in an account as concretely detailed as possible. The more concrete the detail, the more numerous the occasions for debate, thus forcing the plaintiff to confirm or contradict the defendant's narration and so risk failing to explain and prove the original claim.

With regard to concreteness, one noticeable aspect of Geoffrey's legal fictions is how they amplify and elaborate the plaintiffs' accusations. They become extended narratives with specific settings, precise temporal indications, and secondary events and characters. By means of such narrative amplifications, Geoffrey pleads against a blind man's and Macaign's accusations against Beryn. The blind man falsely asserts that he and Beryn used to be business partners. One day they exchanged eyes so that he, the now blind man, could see a show in town performed by subtle illusionists. Beryn allegedly agreed to carry his partner's eyes with him and return them after the show; but he never came back: "And ever I fond thee trewe, til at last thow didest stele / Awey with my too eyen that I toke to thee / To se the tregitours pley, and hir sotilté" (lines 3176–78) [And I always found you to be trustworthy, until the day at last when you stole away with both of my eyes, which I lent you in order to see the illusionists' play and their subtlety]. The blind man demands that his own eyes be returned to him because, he cries, they are sharper than Beryn's. The humorously surreal quality of this claim is already developed when the blind man says that he needs his own eyes to see with Beryn's: "Because I have nat myne, / I may nat se with his" (lines 2054–55) [Because I do not have mine (my own eyes), I cannot see with his (Beryn's eyes)].

Although Beryn never met his accuser before, Geoffrey confirms that Beryn and the blind man were business partners many years ago and that they "chaunged eyen . . . this is sothe. But the cause of chaunging yit is to yewe onknow" (lines 3668–69) [they exchanged eyes, this is true. But the reason for this exchange is yet unknown to you]. The explanation leads to an elaborate legal fiction, a much-expanded narrative in comparison to the plaintiff's version. Geoffrey first situates the scene temporally, providing it with a detailed chronology. He exploits the narratorial fact that "for narrative to make sense *as* narrative, it must make chronological sense"

(Sternberg 1990: 903). Thus, he explains that a terrible famine befell the country and was eventually followed by a period of heaven-sent prosperity. Elation replaced distress, and as the population was ready to celebrate and revel, a performer, called "pleyre" (player) and "jogelour" (juggler), came to the country (lines 3675–88). Beryn and the blind man's adventure is thus invested with a chronological context: the two partners were going to town because, with the return of prosperity, an outstanding show had been announced there. There follows an expanded description of the master player, providing an occasion for further specifications. The numerous and vague illusionists (*tregetours*) of the blind man's claim are now incarnated in one exceptional and immensely popular performer—all men and women in this region would consider themselves as worthless as a button if they could not see his mirth and game, says Geoffrey (lines 3693–95)—a star player whose show is to take place in "the gret ceté" [the big city] on a special day (lines 3689–98).

Fictional concreteness is also brought to bear on the plaintiff, whose physical incapacity is the *cause* for Beryn's alleged generous gesture: "So what for hete of somer, age and febilnes, / And eke also the long way, this Blynd for werynes / Fil flat adown to the erth, o foot ne myght ne go" (lines 3703–5) [So whether from the heat of summer, or from age and feebleness, and owing also to the long way, this blind man wearily fell flat down on the ground, unable to put one foot forth.] It is in this context, Geoffrey claims, that Beryn agreed to carry the blind man's eyes to the city, so that their owner may watch the show despite the physical distance. The blatantly fictional thrust of such an idea is a remarkable example of "self-disclosure." All fictionalizing acts, according to Iser (1993: 1–21), cross boundaries, transgress the determinacy of the real, and disclose their transgressive quality. Some of them, however, disclose and exhibit their transgressive quality more prominently than others.[26] After the show, Geoffrey continues, Beryn returned to the blind man with the borrowed eyes. But in the meantime the blind man had lost Beryn's own eyes and was found on his hands and knees, groping around in search of the lost organs. Geoffrey then uses and inverts the blind man's argument of visual acuity. He protests that Beryn's eyes had clearer sight and that the blind man never returned them to their natural owner; the blind man should therefore be held accountable for Beryn's eyes and should first return them before reclaiming his own. This counterplea forces the plaintiff either to produce a pair of eyes or withdraw his complaint.

26. To give an obvious example, self-disclosure is more openly performed in Laurence Sterne's *Tristram Shandy* than in Émile Zola's *Germinal*.

"The more fiction eludes an ontological definition, the more unmistakably it presents itself in terms of its use. If it is no longer confined to an explanatory function, its impact becomes its prominent feature" (Iser 1989: 267). All versions of "The Merchant and the Rogues" emphasize the way in which ontological-referential criteria are subservient to the impact of fiction in the specific context of the plot. Intradiegetic narratives in this tale function according to the particular pragmatic context of the trial, which supplies their narrative coherence and efficacy. The meaning of circulating eyeballs or of a collection of male fleas with silken housings and jeweled bridles lies in the pragmatic impact, as language acts, of such impossible, albeit evocative, conditions in the mechanism of the trial. *Beryn*, the fifteenth-century adaptation of this tale, suggests that its author grasped what this narrative stakes on narrative use.

As will appear in the comparison of one episode in *Beryn* with its Indian correlate, these stakes have remained the same from ancient India to fifteenth-century England. Indeed, in both versions it is the logic of the interaction performed by means of narratives that matters rather than the exemplary meaning conveyed by representations in the narratives. The point is not so much that one may regret killing one's son or father, as is the case in the frame narrative of the *Seven Sages of Rome*. The main point is to know how to use narrative efficiently when, out of nowhere, one is accused of parricide or infanticide or of some other crime. In *Beryn*, the hero's last accuser is Macaign, who claims that Beryn murdered his (Macaign's) father. In the sixth-century Indian version of "The Merchant and the Rogues," the protagonist kills a heron. A washerman then cries that he murdered his father, who had been reborn in the form of that bird. The defendant's counterplea is that his own father had been reborn as a fish, which the washerman's father, the heron, had swallowed: "Restore my father to life," he says, "and I will resuscitate your father" (Clouston 1887, 2:109). The same type of claim and counterclaim is used in the Middle English version but in a different situation. Macaign convinces Beryn to bribe the Steward with a lavish knife in order to influence the latter's final verdict in the citizens' suits against him. But once they came before the Steward, Macaign accuses Beryn of stabbing his father to death in Rome with the knife that formerly belonged to him: Macaign claims to recognize the knife because he himself gave it to his father. He abruptly shifts his tone from friendly support to utter despair, unexpectedly acting as if tormented by grief, falling face down in front of the Steward, wailing loudly, and presenting the knife produced by Beryn as an undeniable proof of murder. In his counterplea, Geoffrey admits the preposterous claim but subverts the evidential value of the knife by means of a legal fiction narrating how

exactly Beryn found the knife. Yes, Geoffrey says, the knife was in Beryn's possession, but only because it had been used to kill his own father. In the English version, as in its Indian forerunner, the defense consists in reversing legal positions by means of narrative amplifications and elaborations, not in denying the veracity of the alleged facts.

In Geoffrey's counterplea, the amplification of the accusation is noteworthy, as it turns Macaign's rudimentary plot into a full-fledged narrative, endowed with a setting, a chronology, and the description of intimate emotions and thoughts on the part of the main protagonist. Geoffrey begins by promising to "enfourm the trowth as it is" [to spell out the truth as it is] before proceeding to invent the narrative details of a murder that never took place (line 3739). As in the legal fiction geared to the blind man's accusation, he begins by situating the scene temporally, thus conferring upon it a chronological coherence. This time, rather than a famine followed by prosperity, he uses duration: "Nowe seven yeer i-passed oppon a Tuesday / In the Passion Woke" (lines 3801–2) [Now seven years had passed on a Tuesday in the Passion Week]. A seven-year duration is a specification that is not tied to any relevant chronological data in the rest of the diegesis. It exclusively functions as a verisimilar cue, which provides a sense of temporal situatedness. It is then linked to *now* and *a Tuesday* before this day of the week is in turn situated in the Christian religious calendar. In short, Geoffrey achieves the effect he seeks not by conveying verifiable information but by flexing his narratological muscle and displaying his narratological dexterity.

The rest of Geoffrey's legal fiction evinces the same skill at playing with narratological devices. I translate: "After seven years had passed on a Tuesday in the Passion Week, when men quit playing and engage in more devotion, fasting, and prayer than in other times or seasons of the year, Beryn's father would rise early and go barefoot to church to God's service and lie apart from his wife, in reverence of the time during which he must amend his life. So, on the same Tuesday that I just mentioned, this Beryn rose and dressed himself and went to church and marveled in his heart why his father was not there; he went home again with dread and also fear. Into his father's chamber he suddenly rushed and found him lying stone-dead upon the straw, all naked, and his clothes pulled away from the bed. . . . The household heard the noise, how Beryn cried 'Alas!' . . . And anon they searched the body all about, and found this same knife, the point right in the heart of Beryn's father" (lines 3801–15, 3817, 3822–24). After this narrative, Geoffrey explains that the fact that Macaign originally owned the knife proves that he, Macaign, murdered Beryn's father.

The wealth of specification in Geoffrey's legal fiction—with its precise

time and place and its vivid physical descriptions, such as going barefoot to church, lying naked on the straw, and so forth—can be seen as a humorous evocation of the requirement of concreteness, a requirement that can turn a counterplea into an extended narrative. Furthermore, specification here involves accounts of motivations, expectations, and inner thoughts (such as, for instance, "Beryn marveled in his heart why")—in short, all the privileges of an omniscient narrator. Interestingly, it sets these narratological features on a par with the details of the other equally preposterous claims and counterclaims, indicating that Beryn's intimate emotions in Geoffrey's legal fiction have the same truth-value as the blind man's lost eyeballs. Concreteness in Geoffrey's legal fictions does not impact on the narratives' ontological-referential validity but on their efficacy.

While the "law merchant" analyzed by Green may be seen as the target of a satiric thrust, the representation of legal fictions in *Beryn*, I would argue, constitutes a parody of this standard legal practice. It is parodic, not satiric, in keeping with Margaret Rose's (1993: 36) analysis of parody as both playful and reflexive. Parody's comedy "can laugh both at and with its target" (ibid.: 52). Parody in *Beryn* is a comical, playful, and reflexive comment on narrative use. The "law merchant" is criticized for the abuses it may allow, but an apt practice of legal fictions is playfully shown to be immensely useful. Far from discrediting the practice of legal fictions, parody in *Beryn* underscores the importance of knowing the rules and purposes of the game. Narratives in *Beryn* are explicitly functional. Geoffrey wins because he knows how to perform cogent fictionalizing acts, thus fending off the citizens' threatening language acts. After Geoffrey's counterplea, the citizens, beaten at their own game, withdraw their suits. Geoffrey wins the trial not because he establishes the truth, but because he knows the rules of the local game: he knows the codes and how to use them. He develops the plaintiffs' mendacious accusations, following the specific narrative logic of each claim, and by so doing subverts the litigants' positions. Linking law and fiction production, Geoffrey speaks as if he knew what Beryn had in mind in a moment that never took place, such as when Beryn found his father dead—a pretense on Geoffrey's part that is transparent to everyone in court. When Geoffrey debates at length with the blind man about circulating eyes, the text parades its fictional quality, subordinating the narratives' content to their contextual use.

4. Law Clerks in Late Medieval England

Legal fictions in the *Tale of Beryn* raise questions of fiction production and reception via a representation of lawyering and hence the idea of a profes-

sional practice of narrative. In this regard, the author's professional affiliation may be significant if we are to grasp the full import of *Beryn*'s particular emphasis on narrative use. The purpose of the following section is to link the issue of narrative use within the plot to *Beryn*'s context of production and reception, while the last section of the essay will discuss the text's colophon, in which the reader receives some unconventional information about *Beryn*'s author.

Both Richard Green (1989) and Mary Tamanini (1970) stress the importance of law in *Beryn* and discern satire in its representation. However, they situate the satire's target in two different ways. On the one hand, for Green, the "Tale" of *Beryn* satirizes the "law merchant." On the other hand, Tamanini (ibid.: 45) speculates that, since one of the English law courts, called the Court of Chancery, was influenced at the time by civil law, *Beryn*'s author may have been a common law clerk satirizing the chancery law for an audience at the Inns of Court, hostile to civil law. The Inns of Court were the London law schools, where common law was taught.[27] Green (1989: 50) disagrees with Tamanini's hypothesis and asserts that *Beryn*'s poet "was not a lawyer at all (certainly not a common lawyer) but a cleric." Green's dissent puts the clergy and the legal profession in stark opposition, which is at odds with the fact that clerics could receive formal training in law before opting for a religious career. In fact, Green (ibid.: 61n49) surprisingly suggests in a note a candidate for *Beryn*'s authorship, a Winchelsea secular scholar named Thomas Astell, who had studied civil law at Oxford.

I wish to argue that we ought to consider the larger cultural background implied by the socioprofessional category of law clerks at large, thereby following the general direction of Tamanini's interpretation. Right at the outset, though, it seems important to stress that no absolute evidence in the text of *Beryn* indicates that its author was a religious man. Rather, as will be discussed in the last section of the essay, religious characters of all sorts are persistently ridiculed in this text. If *Beryn*'s author was a cleric, he was—to say the least—a most unusually self-deprecating one.

Following some of Tamanini's cues, I wish to consider *Beryn* from a literary and sociocultural angle, which will also shed light on the issue of narrative use. Clearly, *Beryn*'s writer was educated and knew the machinery of the law. We do not need to follow Tamanini all the way to her conclusion that he was a common law clerk specifically trained at one of the Inns of Court in order to benefit from the main thrust of her insight and

27. See Adwin Wigfall Green 1931, Harding 1973, Hornsby 1988, Hudson 1996, Milsom 1981.

to consider further the cultural context offered by the milieu of law clerks. Clerks and lawyers are interlinked in *Beryn* when Geoffrey ironically suggests that both categories of men, hence possibly law clerks as well (i.e., law students or law scholars), are familiar with subtle ways of using narratives, which enable them to debunk a man's knowledge of facts (line 3796). Furthermore, *Beryn*'s playful fictionalizing acts are consistent with the contemporary reputation of law clerks, famous at this time for their literary activities. The social group of law clerks was steadily growing in the late Middle Ages, and law clerks in France as well as in England received a literary education. "The Inns of Court trained young men for the law, but also provided the broader education for the gentlemen. The inns were long associated with literature, especially the drama" (Tamanini 1970: 45). Plays staged by civil and common law clerks were very popular, taking place during holy days and especially during the period between carnival and Lent. For example, the members of the association of Parisian (civil) law clerks, called Basochiens, composed and produced comic plays throughout the fifteenth century.[28] "By mid-century [the association] staged almost all the comic plays in Paris" (ibid.: 46). French law clerks were "some of the boldest and best-trained intellects of the day" (Harvey 1969 [1941]: 27).[29]

Jean-Claude Aubailly (1984: 292) insists that the parodic lawsuits performed by law clerks during carnival were often based on fabliaux' and farces' motifs.[30] Thus the fact that *Beryn* combines a fabliau in its "Prologue" with a parody of a lawsuit in its "Tale" is consistent with contemporary literary and cultural practices. Equally suitable is the Pardoner's mock battle in the second part of the "Prologue." The Pardoner fights a nocturnal battle against Kitt the Barmaid's lover and the innkeeper for whom she works. Comically, the Pardoner battles in the dark, helmeted with a kitchen pan and wielding a ladle. Frederick Jonassen (1991: 120–21) connects this scene in *Beryn* with mock jousts traditionally staged between the personifications of carnival and Lent, during which kitchen utensils

28. "The Basoche was the term applied to the society of law clerks in the several high courts of justice in Paris" (Arden 1980: 24).

29. For instance, the famous poet Clément Marot (1496–1544) was a member of the Basoche. See his "Epistre au Roy. Pour la Bazoche" and his "Epistre du Coq en l'Asne, envoyée à Lyon Jamet de Sansay en Poictou" in Marot 1993.

30. For an edition of French farces, see Tissier 1986–2000; on farces, see Rey-Flaud 1984. Concerning fabliaux, Hertog (1991: 2–3) gives a useful definition of the genre: "a fabliau is a stylized short narrative in a predominantly materialist semantic register, involving mostly stock bourgeois, lower-class and clerical characters in rigidly programmed plots of far-fetched, humorous and often sexual deceptions and retaliations, governed by local space and clock-time, and often concluded with a moral." On fabliaux, see Bédier 1893, Bloch 1986, Crocker 2006, Dufournet 1998, Levy 2000, Muscatine 1986, Noomen and Van Den Boogaard 1983–98, Nykrog 1973 and 1974, Pearcy 2007, Rychner 1960, Stearns Schenk 1987.

and food are used as weapons. Besides the remarkable pictorial representation of such a scene in Brueghel's painting *The Battle between Carnival and Lent* (1559; Kunsthistorisches Museum, Vienna),[31] written versions of the traditional battle have been preserved. A most remarkable Spanish rendition of this carnivalesque ritual is extant in Juan Ruiz's *Libro de buen amor* (*Book of Good Love*), dated to the early fourteenth century.[32] Two French carnival plays correspond to the same tradition, and both of them were written by Basochiens. *La dure et cruelle bataille et paix du glorieux sainct Pensart a l'encontre de Caresme* was performed at Tours in 1485. It was written by the prince, or leader, of the society of law clerks of Issoudun in France. Such societies of law clerks were called *sociétés joyeuses* (joyous societies). The second play, *Le testament de Carmentrant*, was written by a member of the Joyous Society of Aix in France (Aubailly 1977: x).[33] Aubailly (ibid.: ix) remarks that the authorship of the two plays highlights a tight connection between popular festivals and troops of law clerks.

Law clerks also created the genre of sotties, or fool plays.[34] Heather Arden (1980, 3:168) argues that sotties are the clearest manifestation of the prevailing significance of folly in the fifteenth century. The genre of sotties, with its cliques of sots satirizing society at large, is expressive of the fifteenth-century conception of folly as a permanent collective phenomenon. Similarly, a sense of universal folly marks such cardinal works as Sebastian Brant's *Ship of Fools* (*Narrenschiff* [1494]) and Erasmus's *Praise of Folly* (*Moriae encomium* [1511]). The conceptual evolution of folly in the fifteenth century will lead to Renaissance representations that abound with fools invading the street, the stage, and all social manifestations (Fritz 1992: 105). The new cultural representation of folly as an ubiquitous and multifaceted force is already perceptible in *Beryn*. Indeed, half of the pilgrims arriving in Canterbury are said to be fools (1–10); one among them, the Pardoner, is a sot tricked by a barmaid; Beryn in the *Tale* is a foolish ignorant; and Geoffrey outsmarts the citizens by simulating madness.[35]

For Peter Happé (1996), the figures of the sot and the fool in early modern

31. See Gaignebet 1972 and Gash 1986.

32. For an edition and translation of this text, see Ruiz 1978. On the *Libro de buen amor*, see Amran et al. 2005, Haywood and Vasvari 2004, Heusch 2005, Laurence 1970, and Lecoy 1998 [1938].

33. For both plays, see Aubailly 1977. Heather Arden (1980: 24) writes that many towns of fifteenth- and sixteenth-century France had joyous societies: "In all there may have been as many as 500 *sociétés joyeuses*."

34. On sotties, see Romagnoli 2005, Dull 1992, 1994, Arden 1980, Aubailly 1984, McQuillan 1995.

35. I discuss the figures of fools and sots in *Beryn* in my forthcoming article "Traditions of Simulated Folly in *The Canterbury Interlude* and *Tale of Beryn*."

English drama manifest the influence of French productions. The impact of French literature also pervades *Beryn*. While the "Tale" adapts the French *Berinus*, the "Prologue" belongs to the rare genre of Middle English fabliaux.[36] Fabliaux are predominantly French, and Chaucer's fabliaux in the *Canterbury Tales* already borrow from French sources.[37] In addition, *Beryn*'s fabliau suggests the influence of the French genre of sotties, as its main protagonist, the Pardoner, is assimilated to a sot. Interestingly, sotties developed the association of subtlety and the city. The city is by definition the place where deceivers are deceived and dupers are duped. In city style, "le lardeur est lardé de son lard,"[38] which is to say, the con man/bacon man (*lardeur*) is "baconed" with his own bacon. Following the same logic, the Pardoner, self-avowed arch-deceiver in the *Canterbury Tales*, is trapped by a Canterbury city girl, Kitt the Tapster. He is literally and metaphorically beaten with his own staff—another way of saying that the con man/bacon man is baconed with his own bacon. Thus, *Beryn* evinces a fifteenth-century zeitgeist not only via its representations of legal fictions and its reference to subtilitas and insolubilia in the "Tale," but also through the selection and combination of aspects suggestive of French sociocultural and literary influences in the "Prologue."

To return to the question of professional training, French and English law clerks shared common pedagogical practices involving acting—a fact that connects the advent of drama to the development of forensic oratory in the late Middle Ages.[39] Parisian Basochiens, with an estimated ten thousand members by the end of the fifteenth century, were well known in France and abroad, and their name was associated with theatrical performances (Arden 1980: 25). Their plays, when they were not sotties, were often mock lawsuits held during carnival. "The Court of the Basoche began early to prepare burlesque lawsuits," called "causes *grasses*" because they were given on "Mardi *Gras*" at carnival time (Harvey 1969 [1941]: 19).[40]

36. For a discussion of *Beryn*'s "Prologue" as fabliau, see Winstead 1988: 226: "This story . . . exhibits the characteristics of a fabliau. Its vitality and exuberance, its naturalistic detail, its middle-class protagonists, and its plot based on deception, trickery, and the attainment of sexual favors are typical of the fabliau."

37. On Chaucer's fabliaux, see Benson and Andersson 1971, Brewer 1968, Goodall 1982, Hertog 1991, Kohler 2004, Lewis 1982, Revard 2000, Robbins 1970.

38. "Sottie des coppieurs et lardeurs," in *Le recueil Trepperel*, lines 420–27; see Droz 1935.

39. On this issue, see Enders 1992.

40. Peter Burke (1988: 184–85) distinguishes three recurrent elements in European carnivals: (1) a procession, (2) competitions, and (3) "the performance of a play of some kind, usually a farce." The plays could be "mock lawsuits, or *causes grasses*, popular in France; mock sermons, popular in Spain; mock ploughings, popular in Germany, etc. . . . Many games of this kind centered on the figure of 'Carnival' himself. . . . The last act of the festival was often a drama in which 'Carnival' suffered a mock trial, made a mock confession and a mock testament, and was given a mock execution, usually by burning, and a mock funeral."

These lawsuits "provided special opportunities for practice in the writing and playing of farce comedy. On the day appointed for the *cause grasse* . . . the High Court appeared in full splendor to try the most scandalous or ridiculous case the law clerks could find to bring before it. The spectators included judges and lawyers from the Parliament, as well as law clerks and lesser functionaries, while the actors, representing advocates, litigants, and witnesses, were chosen from among the Basochiens" (ibid.).

Accordingly, the fact that *Beryn* combines the farcical fabliau of a sot fighting a carnivalesque mock joust in the "Prologue" with a comical lawsuit in the "Tale" bespeaks contemporary literary and cultural practices and tastes associated with the milieu of law clerks. The trial in *Beryn*, whether parodic or satiric, is evocative of fifteenth-century law clerks' mock legal plays. Other parodic and satiric trials have been preserved in French fifteenth-century literary works, such as *La farce de Maistre Pathelin*[41] and the plays written by the lawyer Guillaume Coquillart.[42] These plays are linked to lawyers' professional practices at the level of both the plot and the context of their production and reception. The carnivalesque causes grasses, when performed in court by French and English law clerks, gave the performing students the opportunity to practice their skill in forensic oratory. In England, university students, and law clerks in particular, were prolific: "Evidence for dramatic activities in the colleges, as well as in the universities and the town, is abundant, indeed overwhelming" (Nelson 1989: 139). Through such pedagogical practices, law clerks actively participated in developing a genre that led to Tudor and Elizabethan drama. For instance, the earliest wholly secular play that has survived is the interlude entitled *Fulgens and Lucres*, written in the 1490s by Henry Medwall, who studied arts and civil law at Eton and King's College, Cambridge (Walker 2000: 305; Tydeman 1986: 138). Medwall uses both legal terminology and carnivalesque imagery in *Fulgens and Lucres*,[43] and a mock joust between

41. For an edition of *La farce de Maistre Pathelin*, see Picot 1972. For studies of the play, see Hüe and Smith 2000 and Maddox 1984. Enders (1992: 204) argues that "*Pathelin* recreates the protodrama of law."

42. See, for example, Coquillart's *Le plaidoyer d'entre la simple et la rusée* and *Les droits nouveaulx* (in Coquillart 1980). A later example is in François Rabelais's *Pantagruel*, book 2, chapters 10–13: "The trial of the lawsuit of Baysecul and Humevesne." On Coquillart, Enders (1992: 233) writes: "It is by 'transcribing' the oral histrionics of forensic delivery that Coquillart rediscovers, reinvents, and reenacts the union of rhetoric and drama in a veritable chronicle of the *letteraturizzazione* of the law." The Italian term *letteraturizzazione* refers to "the shift of rhetoric from its primary function of immediate, oral persuasion to rhetoric in a secondary function, the use of rhetorical techniques for effective literary expression" (Enos 1988: 73). For more on Coquillart, see Chevalier 2005.

43. Olga Horner (1993: 51) explains that, "using the language of English common law . . . , the debate [in *Fulgens and Lucres*] follows a form of legal process associated with the development of certain courts and judicial procedures under Henry VII."

two servants echoes the Pardoner's parodic battle in *Beryn*'s "Prologue."[44] The first English tragedy, *The Tragedy of Gorboduc*, was written in 1561 by Thomas Sackville and Thomas Norton, two members of the Inner Temple, one of the four Inns of Court, where common law was taught (Bevington 1962: 35–37).

Beryn's poet plays with legal systems, as he does with literary and cultural conventions. The trial in *Beryn* is consistent with the rest of the work, insofar as it is concerned with the question of codes and with the staging of variously skilled characters, confronted with social, cultural, and institutional language games. Late medieval law clerks practiced forensic oratory by exercising their fictionalizing skill in parodic trials. With this in mind, I wish to propose a new reading of *Beryn*'s colophon, which is linked to the question of the author's sociocultural status. In so doing, I hope to show how consideration of the concept of narrative use may help the reader to perceive the overarching stakes and engagements of a text such as *Beryn*.

5. *Beryn*'s Colophon and the Author's Parodic Signature

Beryn's enigmatic colophon reads: "Nomen Autoris presentis Cronica Rome / Et translatoris Filius ecclesie Thome [The name of the author presenting the chronicle of Rome, and of the translator, is a son of the Church of St Thomas]" (Bowers 1992: 196). The reference to a Church of Saint Thomas is difficult to assess. Because of the "Prologue"'s setting, F. J. Furnivall writes in passing that *Beryn*'s poet was "a Canterbury man—monk, I suppose: see the colophon" (Furnivall and Stone 1975 [1887, 1909]: vi). Peter Brown (1991: 153) fully develops Furnivall's hurried estimate: "It is not unreasonable to assume that the prologue of *Beryn* was composed as part of the process of promoting the jubilee of 1420,[45] written by a monk

44. On the contestants' fighting mode in *Fulgens and Lucres*, see Meredith 1984. According to Howard Norland (1995: 242), Medwall "creates a new and distinctive dramatic form" when he intermingles characters of high social status who are parodied by protagonists on a lower social plane, such as Joan and the two male servants, called A and B. "Though they may not have been the direct models for the witty servants of Lyly and the household fools of Shakespeare, A and B point the direction for such choric comic successors as Touchstone and Feste" (ibid.: 242–43).

45. Brown (ibid.: 152) explains that "[jubilees] occurred every fifty years to mark the anniversary of the martyrdom of St Thomas" and that the jubilee "provided an occasion to assert orthodoxy and demonstrate the effectiveness of indulgences against the invective of the Lollards, who had singled out devotion to St Thomas as an example of the false piety of pilgrimage and of idolatry sustained by shrines, images and relics." Indeed, a jubilee was supposed to "enable remission of the punishment and guilt occasioned by sin" (ibid.: 153). Reformist movements, such as that of the Lollards, were predominantly fighting against such practices. See Davis 1963, Ozment 1980, Hudson 1988.

of Christ Church, who was probably a guardian of the shrine, to encourage visitors and gifts." However, Richard Green (1989: 50n16) argues that "'Ecclesia Thome' might . . . be thought an odd way of describing the cathedral priory of Christchurch [*sic*], and the only Canterbury foundation dedicated to Saint Thomas—the hospital at Eastbridge—was not an 'ecclesia' at all." Conversely, Green (ibid.: 61n49) finds a Church of Saint Thomas in Winchelsea—a town named once in the "Tale" (756)—and concludes that *Beryn*'s author could be associated with it. A further possibility, however, hitherto neglected, is that this religious reference is a deliberate conundrum, for other features of the colophon suggest that parody is as much at work in the final lines of *Beryn* as in the rest of the text. Moreover, it poses again the problem of use and reception—here, in the case of colophons.

Indeed, how do we read a colophon that does not fulfill the purpose of a colophon? For a colophon is supposed to be an inscription placed at the end of a manuscript, providing such information as the title, the author's and/or scribe's name, and the date and place of redaction. *Beryn*'s colophon plays with this convention. First, it begins with the word *nomen* but in fact never gives the name of *Beryn*'s poet or scribe. Second, it refers to the *Tale of Beryn* as *Cronica Rome*, a chronicle of Rome. The first part of the *Tale* does take place in Rome. But it narrates Beryn's youth, where the hero is a fool remarkable for his lack of education and intelligence. *Berinus* and *Beryn* entirely subvert the schemata inherited from the *Book of Sindibad* and the *Seven Sages of Rome* tradition, turning the role of the perfect prince educated by the flower of wisdom and learning into that of a frantic dice gambler almost entirely bereft of language's communicative power. Thus, to call Beryn's catastrophic youth in Rome and antiheroic misadventures outside of Rome a "chronicle of Rome" is surely facetious.

In the same vein, *Beryn*'s poet claims to be a son of a Church of Saint Thomas but fails to locate his church. Here, as with his omitted name, he plays with the informative function of colophons. This may be seen as an additional provocation, echoing in this case *Beryn*'s debatable religiosity. In "Journey's End: The Prologue to *The Tale of Beryn*" (1991), Brown makes the argument that *Beryn*'s target audience was made up of jubilee pilgrims eager to imitate Chaucer's protagonists by coming to Canterbury to worship Thomas Becket's relics and buy Canterbury badges.[46] But pilgrim

46. Brown (1991: 153) writes: "Suitably published by being read aloud to appropriate audiences, it [the "Prologue" to *Beryn*] would have been capable not only of entertaining, but of creating the pleasing impression among listeners that by visiting Canterbury they would become nothing less than Chaucer's pilgrims incarnate, enacting his fiction, enjoying the jokes and bonhomie, and playing out the appropriate roles. In the course of so doing they

badges are mentioned in the "Prologue" to *Beryn* only when the Pardoner and the Summoner, called lewd sots (line 147) and compared to lewd goats (line 148), steal some Canterbury religious badges, after behaving like idiots in the shrine (lines 171–92). Given his religious interpretation, Brown is bound to downplay the facts that Chaucer's pilgrims in *Beryn* are depicted as fraudulent and greedy fools and that the shrine scene is remarkably anticlimactic. Religiosity is lacking even in the Knight's devotional gestures: "The Knyghte went with his compers toward the holy shryne / To do that they were come fore, and after for to dyne" (lines 145–46). The program of the day is spelled out in one breath: to do what they came for (i.e., devotion) and then go have dinner. The bathos of this sequence of activities—from shrine to soup—hardly evinces deep mystical feelings.

Brown supports his reading with the hypothesis that *Beryn*'s writer was a monk (line 149), who gave voice to a contemporary sense of commercial competition between monks and pardoners. By selling indulgences in their itinerant trade, pardoners were diverting pilgrims from shrines and jubilees and hence "money from the parochial clergy" (line 159). This tension, according to Brown, explains the Pardoner's misadventures in the *Prologue*. However, if the author was really a monk, his depiction of the Monk and the Parson, along with the Friar, is puzzling. The holy men speak of holy matters, but their minds are in fact set on the wine, red and white (Gascon and Rhine), that they are intent on drinking at the house of the Monk's acquaintance (lines 275–80). The holy men are motivated by wine, as the Knight and his "compers" (fellows, pals) are by dinner. As for the Friar, when a monk at the entrance of the shrine wets the pilgrims' heads by means of his sprinkler, "he feyned fetously the spryngil for to hold. . . . So longed his holy conscience to se the Nonnes fase" [he acted winsomely to get a hold of the sprinkler because his holy conscience was longing to see the nuns' faces] (lines 141, 144). If *Beryn* is an advertising piece for the Canterbury jubilee of 1420, why show pilgrims, including religious men of all kinds, as pretenders adept at feigning piety and mainly interested in wine and women?

One possible solution to this problem is to recognize that a self-reflexive use of cultural, social, and institutional codes is legible in every segment of *Beryn*. This fact evokes Michael Riffaterre's (1990: xiii–xiv) definition of fiction's grammaticality: "Truth in fiction rests on verisimilitude, a system of representations that seems to reflect a reality external to the text, but

would bring *The Canterbury Tales* to fruition by arriving in the city and visiting the shrine where, in the normal course of events, they would make offerings, such as the rings and brooches described by the *Beryn* author, and buy pilgrim badges: 'Ech man set his sylvir in such things as they likid'" (line 173).

only because it conforms to a grammar. Narrative truth is an idea of truth created in accordance with the rules of that grammar." *Beryn* repeatedly suggests that truth is grammatical in that it is the product of the application and reception of codes. Social, literary, and legal codes constitute the rules of *Beryn*'s fictional grammar.

A shift in mentalities pivoting around a distinction between the true and the grammatical occurred in the late Middle Ages in relation to the law. Richard Green's *A Crisis of Truth: Literature and Law in Ricardian England* (1999) stresses the revolutionary change in English judicial systems and mentalities that took place in the fourteenth and fifteenth centuries. One important manifestation of this shift is how the judicial efficacy of the oath sworn between the interested parties in business transactions and other agreements was progressively and inexorably superseded by the written contract. At the beginning of Beryn's trial, Geoffrey introduces his pleading by underlining the value of written documents and rules: "Thus I trowe, Sir Steward, ye woll record the plé / And yf I have i-myssed in letter or in word / The lawe, wol I be rewled after yeur record" (lines 3447–48) [Thus I think, Sir Steward, that you will write down the plea and, if I have misapplied the law in letter or in word, I will be ruled according to your record]. Geoffrey stresses his exclusive reliance on written documents. His words mark an abrupt shift in his behavior and tone: he was purposely faking stupidity before; he now speaks with utter seriousness and stringency. His insistence on written records signals to the court that he is not about to be trapped by the citizens' customary ruses. He is instead determined to apply the local code, or grammar, of justice in the trial with the same rigor with which he simulated the symptoms of folly—a performance so convincing that it induced the Steward and the scheming plaintiffs to let him function as Beryn's attorney.

After his sudden change of attitude, Geoffrey declares to the court that he will tell "al the trowth, right as it is in dede" (line 3468). Geoffrey's *trowth* takes the shape of legal fictions. Geoffrey's fictions prove valid because they *work* within the narrative logic of the accusations and the context of legal constraints in the local procedure. They function within this specific legal system, they are "grammatically" sound in this system and consequently carry the force of "truth."

They carry the force of truth but are nowhere equated with Truth. Their purpose is their effect, not their absolute veridicality. To express the need for legal fictions, Geoffrey explains privately to Beryn: "Wherfor we must with al our wit sensibill / Such answers us purvey that they been insolibil" (lines 2621–22) [Therefore we must, thanks to our sensible wit, provide ourselves with answers that are "insoluble"]. Salvation is in insolu-

bilia, namely, in the production of fictional explanations subtle enough to block all further opposition. It little matters that the use of legal narratives implies invention, presented here as lies: "'Nowe, soveren Lord celestiall!' with many sorowful sighes / Seyd Beryn to Geoffrey ymmemorat of lyes, / 'Graunt me grace tomorowe, so that God be plesed' (lines 2625–27) ["Now, sovereign Lord celestial!" with many sorrowful sighs, said Beryn to Geoffrey unmindful of lies, "Grant me grace tomorrow [during the trial], so that God be pleased"]. Beryn prays for grace. But it is unclear who is to be the source of his grace, God or Geoffrey (thus pleasing God), and equally unclear who is "unmindful of lies," God, Geoffrey, or Beryn. In one way or another, it seems fine, in this passage, to use untrue stories to achieve salvation, and lies are here associated with a call to God.

Beryn exhibits a change in the meaning of *truth*. Truth in this text can be equated neither with troth and the given word of oral contracts nor with an idea of absolute theological and philosophical Truth. According to Erik Hertog, the concept of truth is already evolving in Chaucer's *Canterbury Tales*. Hertog (1991: 235–36) distinguishes Chaucer's treatment of literature from the "Logos-dominated view of Dante."[47] For Dante, the Logos, or Christ, warrants the existence of and possible access to an absolute and transcendental "Truth-full" meaning. In contrast, a transition is perceptible in the *Canterbury Tales* from "the traditional, symbolic model that caught the world in a radical disjunction" of the true and the false to a new paradigm where meanings do not lead to an unambiguous Truth (ibid.: 236).[48] In *Beryn*'s passage above, transcendence is called to the rescue to help lying heroes, and truth in this text does not exist outside of verbal praxis.

Finally, the same conceptual shift appears in the treatment of pilgrimage in *Beryn*. To Syrophanes, who demands that Beryn comply with the conditions of his wager or drink all the saltwater in the sea, Geoffrey tells the story of Beryn's pledge to a voice. This anonymous and incorporeal voice (line 3501), supposedly heard in the storm by Beryn, is a narrative inven-

47. Hertog (ibid.: 235) writes: "Just as Beatrice's eyes are mirrors to the Truth beyond, Dante's text reflects and reveals the fundamentally symbolical character of the model of the medieval world. His own book as a true 'mundus significans' thus mirrors and has become the Book of the World, his voice a clear echo of 'la voce del verace autore' (*Paradiso*, [canto] XXVI, [line] 40) [the voice of the veridical author]. The 'I' of [the *Canterbury Tales*] leads the reader to no such great destination. At the end we find ourselves at some 'thropes ende' [village's end]—even the cathedral city of Canterbury and the shrine of St Thomas are snatched away from us—and no magnificent solution awaits us. In the course of the text morals and meanings have been continuously twisted and rather compounded the falsities, while at the end we have to do with a solid, be it uninspired and rather drab penitential treatise."

48. See also Grudin 2000 and Kennedy 1983.

tion in Geoffrey's first counterpleading. It represents the jocular ground of a legal fiction. A narrative about an invented voice generating fictional reasons for the main protagonist's actions is a comment on narrative use. The tale (the story of the storm) within the tale (Beryn's trial) within the frame narrative (a pilgrim tells a tale to other pilgrims on their way back from Canterbury to London) is a transparent lie that points, however, toward the truth of its status as fiction—a fact that makes it effective in the context of the litigation. Geoffrey's coherent fictionalizing acts warrant the functional efficacy of his legal practice. Trowth in his pleading is the legal impact of the narratives he uses.

The voice heard in the storm is extant in *Berinus*, but *Beryn*'s poet significantly expands his source and adds to it the motif of pilgrimage: after fifteen days of wind, lightning, and storms, Beryn and his crew begin to make confession and promise that, if they survive, they will go on a pilgrimage to the Holy Sepulcher, fast, do penance and give alms (lines 3483–89). Because in this legal fiction Beryn acts like a merchant who is on pilgrimage after swearing vows in order to save his life (lines 3506–8), Beryn, in Geoffrey's words, is now a pilgrim in effect ("as he that was a pilgrim" [line 3510]). At first sight, Beryn is akin to Chaucer's pilgrims, who seek Saint Thomas in gratitude for being saved and cured.[49] Yet *Beryn*'s recontextualization and refiguring of pilgrimage is noteworthy: the idea of pilgrimage is used within a legal fiction, that is, an obviously invented story unconcerned with sanctity. And Beryn in the main diegesis is anything but a pilgrim. Further, when Geoffrey explains that "ate last, as God wold, a voise to us seyde" (line 3490) [at last, as God would have it, a voice spoke to us], neither the representation of a mysterious voice heard in the storm nor the idea of God's volition are used to suggest that Beryn and his crew are experiencing a religious epiphany. The voice is at best a forensic deus ex machina, and the phrase "as God would" is but the main pulley that operates the machine. Finally, Geoffrey concludes with a scene in which the voice proceeds to teach Beryn "al the sotilté, how and in what manere / That he shuld wirch by engine and by sotill charm / To drynk al the salt water" (lines 3496–98) [all the subtlety, how and in what manner he should work by trickery and by subtle charm to drink all the salt water]. Clearly, *Beryn* is not a religious work: the voice's cunning advice is as comically aberrant as the legal charge it serves to counteract.

Pilgrimage in the "Prologue" (i.e., the occasion for a fabliau of sex and fraud) must be read in relation to pilgrimage in the "Tale" (i.e., a conve-

49. Chaucer, *Canterbury Tales*, "General Prologue," 12–18.

nient image conjured by an ad hoc attorney in a legal fiction produced during an incongruous trial). For this internal link between "Prologue" and "Tale" further indicates that what *Beryn* has in view is not the promotion of the church but rather a clearer recognition of the functional force of fictional narratives and therefore the importance to law clerks of becoming expert in their use.

In the foregoing exposition and analysis, I hope to have provided some useful literary material in support of Rudrum's claim that our understanding of narrative would benefit from an approach more attentive to the issue of narrative use. Narrative use is central at all levels of the "Prologue" and "Tale" of *Beryn*, from the intradiegetic legal fictions to the embedded trial tale, to the pilgrimage frame tale, to *Beryn*'s sociocultural and professional context of production and reception. This approach permits a more accurate assessment of unsettling features, such as the colophon, in which the author tests his reader's readiness to respond to the dynamics of his literary language acts.

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