

*A Basochien Proto-Drama and Its Mariological
Context: L'Advocacie Nostre Dame*

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This essay, which is excerpted from a longer initial study of *L'Advocacie Nostre Dame*, is primarily expository and exploratory in nature. Little has been written about this fascinating text, and the bulk of what has been done dates from the second half of the nineteenth century. This slim body of critical writing is, to say the least, out-dated and deserving of a fresh look. *L'Advocacie* is critically interesting, highly entertaining, and rather puzzling in a number of aspects, particularly in those related to its genre. Work on it has the potential to provide us with new insights into a range of related areas, such as early French drama, law (and its place in literary production), and the connection between legal societies and Marian devotion. This paper is intended as a first step toward such future research and toward situating the work in context. After briefly summarizing the plot of this relatively obscure text, I survey critical opinion on *L'Advocacie's* textual history, including the problems of dating, authorship and genre. I then outline what I consider to be the two primary aspects of its cultural context, those which seem to have made its composition possible: the medieval cult of the Virgin Mary and the Basoche—the association of advocates, registrars, and law clerks—which had its genesis in early fourteenth century France.

I

L'Advocacie Nostre Dame treats the Last Judgment and is set in heaven, where the action takes place on Good Friday and Holy Saturday. The majority of the text is cast in the form of a *disputatio*, as a confrontation between Satan, "Sathenas," and the Virgin Mary, "l'advocate del'umain lignage." Satan assumes the role of prosecutor, arguing for possession of the souls of humanity lest hell be depopulated, the Virgin acts as defense attorney, and Christ sits in judgment. After conferring, the *concilium diaboli* nominates Satan

as its representative, he appears before the heavenly court and states his purpose, at which the gathered *concilium caelestis* is aghast. Unfortunately, no divine counsel for the defense comes forth. Satan is made to wait all day, and the trial is put off until the following day, Holy Saturday, with the empyrean still in an uproar. The Virgin is apprised of the imminent danger and presents herself before the court as “advocate de l’umain lignage.” Satan immediately recognizes the biased situation—the Judge is the defense attorney’s Son, after all—and calls for a different defense counsel. The infernal prosecutor argues that, not only is his opponent a woman, but that such a prejudiced arrangement is illegal, not to mention dishonorable. The Virgin disagrees, stating that her sex is irrelevant and constitutes no grounds for dismissal. Naturally, the judge allows her to retain her position and the trial ensues.

Even though Satan’s line of argument makes perfect legal sense and should win him the decision, the Virgin’s antics before the judge tip the scales of justice in her—and mankind’s—favor. She is portrayed as vindictive—at times malicious—in her treatment of her opponent: she curses him, slanders him and manipulates the judge’s emotions by baring her breasts, weeping at her son’s feet and reminding him of his crucifixion with its attendant suffering. Satan is confident that his juridical rhetoric and citations of Scripture-as-precedent will garner him a victory; and, thus, he remains calm and reasonable most of the time. Indeed, he is extremely courteous—almost courtly—and respectful of Christ, the Virgin and God the Father, that is, until his adversary’s escapades become too much for him. He objects in these instances, stating that he only seeks a fair and equitable trial. The proceedings are thrown into turmoil, and God the Father intervenes, restoring order to the court.

Both sides continue with their strategies, and we see that Satan has no chance, that he never really had a chance. He is finally silenced and returns to hell, defeated. The heavenly host rejoices, and the narrator tells us that the “très douce Virge Marie” (2490) has checked her adversary. Therefore, his text is written in honor of her glory and is called,

L’Advocacie Nostre Dame:

Quer el deffent le cors et l’ame

De tuyt cil qui la veut amer

Et à son besoing reclaimer.

(2495-98)

II

At this time, the only printed, original language editions of *L'Advocacie* are Alphonse Chassant's from 1855 and Anatole de Montaiglon's from 1869, the latter finished and published in 1896 by Gaston Raynaud following Montaiglon's death. Both editions are taken from the same Evreux manuscript, which is bound together with three other texts: *La Chapelerie Nostre-Dame de Baiex*, the *Dyalogue S. Grégoire* and the *Vie S. Gregoire*. Chassant, in his edition which consists only of selected passages from *L'Advocacie*, posits an early fourteenth-century date for its composition, based upon one of its volume mates, *La Chapelerie*, which is an account of the legal suit brought against "les gens du Roi" (xi) by the prelate of Bayeux in 1321. Chassant offers the canon Jean de Justice as the author of both *La Chapelerie* and *L'Advocacie*, although Jean's name does not appear on either of these manuscripts. It does, however, appear at the end of the *Vie de S. Gregoire*. If Jean also composed the other work (or works), why did he leave his name off of them? Chassant, the only scholar to comment on this facet of the problem, felt that the canon omitted his name because he was a pious, self-effacing Christian, one interested in neither personal nor temporal glory:

Non, ce n'était point le désir de la célébrité, ni l'amour du gain qui le poussait à écrire: une grande dévotion envers la Sainte Vierge et S. Grégoire guidait seule sa plume. . . .
Quelle modestie, quel désintéressement à opposer à quelques écrivains de notre siècle! (vi)

Most scholars have accepted Chassant's 1855 dating, no doubt because until 1896 his was the only published edition of *L'Advocacie*. For example, in the preface to his 1896 edition, Gaston Raynaud, admirably cautious but no more precise, called the text "un poème de 2498 vers, écrit en Normandie dans le première moitié du XIV^e siècle" (ii). Then in 1925 Hope Traver wrote that "the *Advocacie* is in a manuscript which must have been written in the first quarter of the fourteenth century" (82). And finally, in 1926 Louis Cons, possibly following Traver's lead while citing Charles Langlois, accepts the period from 1321-1327 as that of the work's composition (150).

On Jean de Justice as author, literary historian Petit de Julleville followed Chassant while postulating an author for the *Processus*

Satanae contra Virginem, which he said was “imité par un auteur normand qu’oncroit être Jean de Justice, chanoine de Bayeux, dans *l’Advocacie Notre-Dame*” (*Mystères* 129-30). Louis Cons, writing on *L’Advocacie*, also cited Chassant in his discussion of “un autre poème du même clerc anonyme: *La Chapelerie de N.-D. de Bayex*” (154). However, neither Gaston Raynaud nor Anatole de Montaiglon so easily accepted Jean as the text’s author. Montaiglon, in an article which predated Raynaud’s completed 1896 edition of his text, discussed the other three manuscripts bound with *L’Advocacie*. He said: “Tout le volume peut fort bien être d’un même auteur, mais celui-ci ne peut pas être nommé; rien, dans aucun des quatre poèmes, ne permet d’arriver même une supposition, encore moins à une identification précise” (*Vie* 510). Raynaud, in his preface to the published edition, said that Chassant’s choice of Jean “c’est possible, vraisemblable même, mais non pas certaine” (vi-vii). And so, nearly one hundred years later, using information based upon printed sources, we are no closer to fixing a date for the text nor to positively identifying its author. At this point, it seems that we have to accept the early fourteenth century as the period of the text’s composition and provisionally reiterate what Gaston Raynaud said so long ago; that is, that the author of *L’Advocacie* was “un Normand . . . un clerc, dévot à Notre-Dame . . . quelque peu ami de la chicane” (vi).

III

From this admittedly inconclusive conclusion, I would like to shift toward a somewhat more definitive discussion of the text’s genre by wondering just how to classify *L’Advocacie Nostre Dame* for purposes of discussion. Thus far I have consciously avoided referring to it as either a play or a poem, using instead the more general terms “text” and “work.” However, scholars seem to agree on calling the work just that, a poem. Both Chassant (xii, xiii) and Cons (150, 154) referred to it and its binding mate, *La Chapelerie*, as such, as did Raynaud (ii, vii); Petit de Julleville labeled it a “long poème en vers français” (*Mystères* 1:130); and Moshe Lazar has termed it a “dramatic poem” (“Scenario” 11). Lazar’s designation seems the most apt, since it is certainly a poem with dramatic, that is performance, potential. I would, however, refine this classification by accepting it but placing it under the sub-heading of what Traver called a “*processus*”

jocoserius,” that is, a text which portrays a “humorous judicial procedure. . . .” Indeed, Cons did precisely this in 1926 when citing Travers’ article: “Le poème appartient au genre aimé du moyen âge des causes fictives ou ‘processus-jocoserius’” (150). This term not only accurately describes *L’Advocacie*, but it adumbrates Howard Harvey’s discussion of the fifteenth-century Basochien *causes grasses*, or burlesque lawsuits, and would seem to subsume his discussion of the *procès de paradis*, “a debate in which Lucifer . . . demands the soul of man, while the Virgin . . . pleads for his salvation” (6n). So, for the moment it seems we must be content to classify this text as a “processus jocoserius” and not as a fully-developed play. Indeed, there is little within the text itself to justify such a label, nor have I found any record of its having been performed. I hasten to add, however, that its irreverent tone and judicial structure certainly look forward to the kind of plays mounted by the Basochiens.

IV

Having tentatively constructed the temporal and generic frames with which to surround *L’Advocacie*, I now turn briefly to the religious environment of the later middle ages, in particular to the cult of the Virgin Mary. It was undoubtedly this cultural phenomenon which supplied the thematic material for *L’Advocacie*. Lazar’s thoughts on the pervasiveness of the cult are exemplary of critical opinion:

Le XIII^e siècle est presque complètement dominé par le genre poétique et dramatique des Miracles de Notre Dame (correspondant clairement à la prépondérance de la Vierge dans la littérature religieuse et au culte mariologique en plein essor; la thème de la *mater mediatrix* semble plus important que celui du Sauveur. (*Jugement* 12)

Richard Kieckhefer provides us with further details:

Relics, shrines, and pilgrimages, feast days, hymns, motets, legends, plays, paintings, and statues, patronage of churches and monasteries, sermons, devotional treatises, visions, theology—in all these areas Mary was not merely present

but vitally important. Marian devotion was so pervasive and diffuse that it is difficult even to trace the main lines of development. (89)

Not surprisingly, there is some difference of opinion as to the precise dates of the *terminus ad quo* and *terminus ad quem* of what Jacques le Goff has termed the "astonishing rise to popularity" (*Birth* 178) of Marian devotion. He has stated that "the cult of the Virgin . . . triumphed in the twelfth and thirteenth centuries" (*Medieval* 286). Lazar, as we have seen, favors the thirteenth to the fourteenth centuries as the period's prime, concurring with Marina Warner, who, although she posits its genesis in the twelfth, indicates that "the universal popularity of the title Notre Dame belongs to the thirteenth and fourteenth centuries, as the most concise expression of the personal nature of Christian veneration of the Virgin" (153-54). Few medievalists would disagree with Kieckhefer, Lazar, le Goff and Warner that during this period Mariocentrism replaced Christocentrism, and that during the time of its most intense appeal this devotion manifested itself in countless ways, with literary production among the most popular.

There is, of course, an abundance of architectural, organizational, iconographic and literary evidence to support Lynette Muir's claim that "in the later Middle Ages the cult of the Virgin was one of the most powerful social and cultural influences" (154). One need only think of the hundreds of miracles, reported in William of Malmesbury's twelfth- and Gautier de Coinci's thirteenth-century collections for example, of the huge number of lyrics written to her; of the fact that during the period "between 1170 and 1270 the French alone built eighty cathedrals and over a hundred churches" (Warner 338) dedicated to her; and, finally, of the number of religious orders consecrated to the Virgin during this time to realize the cultural impact of Marian devotion.

This notwithstanding, it is in the literature that we find the most vital expression of adoration and trust in the Virgin. There she is fully realized in her preeminent role as *mater mediatrix*, as the "advocate de l'umain lignage," the role of most significance for *L'Advocacie*. In her seminal work on this topic, *Alone of All Her Sex*, Warner informs us that "mediation has been the most constant theme of [Mary's] cult" (xiii); and that she "occupies the principal mediation position, as a creature belonging both to earth and heaven"

(xii). She plays a crucial role because she is Christ's mother. In fact, as Warner notes, "Jesus could not have been born a man without a mother and without life could not have accomplished his destiny, . . . [this] therefore accords Mary a crucial place in the economy of salvation" (221). According to Elizabeth Johnson, as Christ's mother Mary provided the perfect intermediary for humankind, fitting comfortably into the Christian feudal hierarchy: "[she] functioned as the mediatrix between believers and Christ, as Christ in turn was mediator between believers and God" (401). It is precisely in this capacity as salvific mediatrix, as humankind's representative in the celestial court, that Mary functions in *L'Advocacie Nostre Dame*:

Nous qui l'amins, fames et hommes,
Ses procheins et ses amis sommes,
Dont devon nous estre asséur,

Quant nostre amie a tel éur
Et Dieu méismes l'i oblige.
Soit donc chascun son homme lige,
Et touz nos cuers li pramèton
Et en sa garde nous mèton,
Quer à dampnement n'iert jà mis
Nul de ceulz qui son ses amis.

(63-72)

Mary takes care of her own, of those who accord her the respect which she effects and deserves.

V

We may never be able to fix the identity of this text's author with any certainty. Nonetheless, since the poem's main narrative consists almost wholly of a legal *disputatio* between the Virgin and Satan before the celestial High Court, it seems only logical to posit a Catholic law clerk as its author, someone swept up in the fervor of Marian devotion and familiar with both legal rhetoric and courtroom procedures. What better place to find such a person than in the medieval French legal profession?

In Paris, from the time of Louis IX (1215-70), there first developed a professional organization, a judicial assembly, called the *Parlement*

de Paris. This convocation was an outgrowth of the *curia regis*, the royal court, and was duplicated on a smaller scale in many provincial areas. Later associated with this group was an organization called the *Basochie du Parlement* or the *Basochie du Royaume*. This was the organizational body of Parisian law clerks and was founded sometime around 1303, during the time of Phillip the Fair (1268-1314). Like the *parlements*, there were also provincial groups of basochiens, of whom Petit de Julleville provides us a tantalizing characterization: “. . . d’abord l’institution avait un caractère sérieux; ensuite les Parlements, dont elle se moquait dans ses jeux, lui ont fait une histoire par les tracasseries qu’ils lui succitèrent” (*Histoire* 2.440). Howard Harvey, speaking of the fifteenth century, which he calls “the heyday of the theatre of the Basoche” (6), fills this picture out a bit, giving us an indication of the Basochiens’ dramatic flair and intellectual potential for creating dramatic productions:

It must not be thought that the Basochiens were merely petty clerks, condemned to a lifetime of scribbling. It was a regular part of a training of an advocate, after he had obtained his degree from law school, to pass some time as a clerk apprenticed to a licensed member of the bar before presenting himself for inscription on the roll. The farce, morality and sottie thus engaged the interest of some of the boldest and best-trained intellects of the day. (27)

Also, at times when the court docket was light, these junior members would create and try fictitious cases. Harvey informs us that,

When real cases were lacking, the clerks probably tried fictitious ones, as law student groups do to this day. These imaginary lawsuits, as well as the real ones, must have given the law clerks good training in the art of dramatic composition, since the preparation and trial of a case in the courtroom is essentially a dramatic art. (19)

The Court of the Basoche also wrote other fictional cases, other “burlesque lawsuits, called *causes grasses* because they were given at carnival time, lawsuits which provided special opportunities for practice in the writing and playing of farce comedy” (19). During these mock trials, material which was completely outlandish and

conventionally inappropriate was brought before the High Court, with the *noblesse-de-robe* attired in their usual juridical garb. The combination of ridiculous, scatological and fictional lawsuits with the “elaborate processes of justice” (22) must have produced some truly hilarious scenes. According to Harvey:

The humor in these mock trials arose from the incongruity of setting into motion all the elaborate processes of justice, all the learning of the judges and advocates, for a trivial and ridiculous cause. . . . All the exquisite boredom of judges who had listened the year long to the tortuous arguments of advocates, all the pent-up resentment of advocates forced daily to employ their learning for the benefit of despicable and ungrateful litigants, evaporated into ribald laughter at the hearing of the *cause grasse*. It was an intellectual entertainment fully appreciated only by the elite, and yet the essentially comic situation was capable of amusing a much wider audience. (23)

Now, admittedly, the subject matter of *L'Advocacie*—nothing less than the salvation of the human race—is of the highest seriousness and is therefore anything but farcical; however, the poem is humorous and is so for many of the same reasons as these *causes grasses*. In it the Virgin Mary employs many tactics based upon conventional Marian literary topoi. For example, we find in *L'Advocacie* the iconographically familiar *Maria lactans*, the scene in which “Mary exposes the breasts with which she nourished [Christ] to encourage his mediation with God the Father. For, as a dutiful and loving son, Jesus can refuse his mother nothing” (Warner 200):

Lors la véist l'en souspirer
 Et puis sa robe dessirer
 Tout contre val vers les mameles,
 Que tant avoit tendres et beles,
 Et puis remonstroit sa poytrine
 A son filz, la douce royne,
 Et devant li tout à genous
 Se mètoit pour l'amour de nous,
 Puis se restendoit toute plate.

(1411-19)

Baring her breasts and prostrating herself are not enough in this case, presumably because of Satan's rhetorical skills. We also see Mary enact before her Son, the Judge, the *Planctus Mariae*, which refers to the scene detailing the Virgin's sorrow at the foot of Christ's cross and the *Mater dolorosa*:

Lors la péust len regarder
 Aussi simple comme une teurtre,
 Et ensemble ses mains déteurtre,
 Tremble, fremir et sanglouter,
 Eschaufer, suer, dégouter;
 Elle estoit si lasse et si vaine
 Que sus lie n'avoit nerf, ne vaine,
 A quoy l'en ne s'aperchéust
 Que grant angoisse au cuer éust. (1396-1404)

And still further along:

“Beau fils, ne croy [pas] cel déable
 Qui me hèt, il est vien véable.
 Tu le dois par rèsion hair.
 N'est ce cil qui te fist trahir
 Et qui aus Juyes t'enlacha?
 C'est cil qui en ton vis cracha
 Et qui te lia à l'estache;
 Il te fist fère mainte trache
 De grans plaies par my le cors.
 Tu en dois bien estre recors;
 Mout te fist lèdir et reprendre
 Et puis te fist en la croiz pendre.
 Tant laboura il et chevi
 Entre .II. larrons je te vi;
 Je te vi pendre en la balance
 Et te vi férir de la lance
 Et te vi d'eisil abrevrer.” (1427-43)

And as a final example, we see the “l'advocate de l'umain lignage” conjure up Satan's reputation—again as a ploy to avoid responding to his argument:

“Entent, beau filz bèneuré,
 Le fel desloial parjuré
 Le Sathenas, filz de déable,
 Filz d’iniquité, mal créable,
 Qui est auctour de cest chose
 Et fausseté aus Droiz impose.
 Il est mout bien acoustumé
 De mentir, le fel enfumé;
 Sa menchange touz aperchoivent. . . .” (1023-31)

And so, in this celestial court with God the Father and Christ sitting in judgement, with the full complement of saints in the gallery, the Virgin’s vitriolic antics take on a campy, almost parodic tone and appear incongruous with the gravity of her case. Instead of the situation we find in the *causes grasses*, where the serious setting is juxtaposed to the frivolous nature of the lawsuits, in *L’Advocacie* the tension and the comedy are produced by juxtaposing the gravity of the plea to its comedic presentation. As with a Perry Mason telecast, we do not “watch” because the outcome is in doubt. We watch because the process to that end is so highly entertaining—not to mention ontologically reassuring.

I realize that the period of which Harvey speaks, the early fifteenth century, is later than that which Chassant et al. have postulated for *L’Advocacie*. However, it is not unreasonable to assume that the Basoche’s heyday was preceded by a period in which texts such as this, poems with dramatic potential in just such a comedic or parodic vein, could have been written and circulated by its members, perhaps even for private performances. Since, as de Julleville indicates, the Basochiens “ne paraissent pas s’être mêlés de jouer des pièces avant le XV^e siècle” (*Histoire* 2.440), I would like to suggest that what we have here is an example of just such a work, a sort of Basochien proto-drama written at the height of Marian fervor, that is, in the early decades of the fourteenth century.

I return to Harvey for one last bit of support for this supposition. When discussing the miracle plays he concludes that

[The] argument, that divine justice is naturally superior to human justice, was extremely popular in clerical quarters in the fourteenth century when the jurisdiction of the church courts was first seriously threatened. It gave rise to a

favorite theme in the literature of the next hundred fifty years, the *procès de paradis*, a debate in which Lucifer (Human Justice) demands the soul of man, while the Virgin (Mercy) pleads for his salvation. (6)

This describes the basic formal structure of *L'Advocacie*, where just such a debate comprises the bulk of the narrative—with the significant twist that this poem seems to gently lampoon both the miracles of the Virgin and the mundane legal system. This and the basochiens' penchant for satire allow me to hypothesize with some confidence that a member of this group was the author of this poem. In what more appropriate place could we look for the creator of such a comedic text which parodies advocates' courtroom antics than in the very early Basoche, that organization whose members' forte was the creation of this very type of work for carnival—during the *jours gras*—and for their burlesque lawsuits, the *causes grasses*?

VI

This preliminary study invites further investigation. The first question to be addressed is the poem's date, based upon a close examination of the four known manuscripts, located in Evreux, Paris, Tours and Dijon. The second issue to be examined is that of *L'Advocacie's* genre. What literary conventions were used? How and why were they combined? How does this *mélange* relate to its literary analogues? A final area for consideration is the possible performance and reception by contemporaries—was it performed in public? in private? Was it circulated in written form? To establish this, more needs to be done on the early literary output of the nascent Basoche and its links with other contemporary literary genres. When these issues have been explored, we can classify *L'Advocacie Nostre Dame* more confidently and discuss it more profitably.

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NOTES

- 1 I would like to express my appreciation to Moshe Lazar for making me aware of the existence of *L'Advocacie* and for providing me with copies of the

Chassant and Montaiglon/Raynaud editions and the reference to Howard Harvey's informative book on the Basoche. He has recently published a modern French translation of *L'Advocacie*, which appears along with a number of other medieval plays in *Le Diable et la Vierge: Textes dramatiques du Moyen-Age* (Paris: Bourgeois Ed., 1990). At the time of this paper's composition and presentation, I did not have the opportunity to review Lazar's edition.

All references to *L'Advocacie* are given as line numbers and are keyed to Montaiglon/Raynaud's edition.

- 2 Here follows Chassant's catalogue of this volume, along with his citation of the final verses of the *Vie de S. Grégoire*:

Prologue de l'auteur 264 vers.
 Dyalogue S. Grégoire 24,080 v.
 La Vie Saint Grégoire(**) 2.346 v.

(**)C'est dans les vers qui terminent la *Vie de S. Grégoire*, que le poète fait connaître le nom du copiste de son livre:

<<Yci se define mon livre,
 Et mestre Jehan le Confez
 Qui en a bien porté son fez,
 Quant est de faire l'escripture,
 Dieu li envoit bonne aventure. Amen.>>

L'advocacie Notre-Dame . . . 2,248v.
 La Chapele de Baiex 876 v. (v-vi)

- 3 For fuller discussions of medieval dramatic genres, see Allen, Arden, Dane, Frank, (265-72), Muir (184-208) and Harvey.
- 4 The *Mater dolorosa* is related to the *Planctus Mariæ*. Marina Warner writes that, Mary's tears do not simply flow in sorrow at the historical event of the Crucifixion, a mother's grief at the death of her child. They course down her cheeks as a symbol of the purifying sacrifice of the Cross, which washes sinners of all stain and gives them new life. (223)

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