CHAPTER 1

Representation in Heaven

The Thirteenth- and Fourteenth-Century
Rhetor Divinus

I. Quid sum miser tunc dicturus?

The thirteenth-century Dies irae hymn, one of the period's most well-known liturgical meditations on the Judgment Day, asks this haunting question: "Quid sum miser tunc dicturus?" What am I, the wretched one, to say then, at the Resurrection and Judgment? What words can possibly excuse or explain my sins? Although posed from a rather different perspective, these are also the principle questions of this chapter, which considers some of the concrete rhetorical strategies used in later medieval texts to imagine the human subject appearing on trial before God.

In its context, of course, the big question of the Dies irae hymn—"What am I to say?"—is not intended to elicit a positive response, but rather to strike fear into the hearts of listeners, inspiring sincere repentance. In doctrinal terms, the correct answer to the question of what I can say is precisely nothing—the human subject can never justify himself in the eyes of his creator, and language in particular has no power to alter the course of divine decisions, to enable self-defense.² Not only is pleading impossible

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1. Missale romanum, missae defunctorum 117, v. 19. The hymn is traditionally attributed to Tommaso da Celano.
2. See, for instance, Aquinas, Compendium theologiae 1.244; ST Suppl., Q.88, arts. 2, 4; Hughes de Saint Victor, De sacramentis 2.17.8.
at the Judgment, but the time for asking forgiveness has forever passed. At that terrible hour, only the conscience can speak, and it does so only to provide a transparent record of good and evil deeds.

The question which comes next in the Dies irae is also worth considering:

Quem patronum rogaturus, What advocate shall I seek,
Cum vix iustus sit securus? When even the just man is hardly safe?

Here again, the anticipated answer is wholly negative: no one else will be able to speak for me at the Judgment; there will be no possibility to hire a clever lawyer, unlike in earthly courts. For moralists writing against perceived abuses of language, lawyers have seemingly always occupied a special place in hell, but the vilification of the profession is all the more evident in literature of the later Middle Ages, when the expanding civil law appeared to threaten the traditional jurisdiction of episcopal courts and canon lawyers. In the thirteenth and fourteenth centuries, advocates were liable to find themselves compared to prostitutes for representing guilty or dishonest clients and were regularly singled out in confessional manuals and sermons for the category of sins of the tongue (peccata linguae), due to their supposed mendacity, their abuses of rhetoric, and their tendency to argue frivolous distinctions. Moralizing portrayals of divine judgment in the period vividly reflect this anti-legalistic attitude, and the inability of lawyers to speak in their own defense before God is a common topos of eschatological representation. For example, the influential early thirteenth-century collections of exempla for preaching by Étienne de Bourbon and Jacques de Vitry both contain anecdotes of jurists who attempt unsuccessfully to delay their death and judgment by petitioning for an appeal.

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3. vv. 20–21.
4. See Brundage, Medieval Origins, 480.
5. See Ibid., 483–84. Brundage cites in particular Robert of Flamborough's Summa de poenitentia (c. 1208–15), Cardinal Hostiensis's Summa (c. 1253), and the Summa confessorum of John of Fribourg (d. 1313).
How is it, then, that some thirteenth- and fourteenth-century poets had the gall to represent themselves speaking where they should not, defending themselves personally before the throne of Judgment with a full measure of rhetorical finesse and even legalese? For instance, the thirteenth-century Occitan troubadour Peire Cardenal (c. 1205–72) conceived his famous “sirventes novel” (1230s) as a prepared legal argument for the Judgment Day. In the poem, Peire announces his plans to read the sirventes, or invective composition, to the heavenly court when he is summoned to answer for his sins there:

Un sirventes novel vueill comensar, I wish to begin a new sirventes
Que retrairai al jor del jutjamén that I will recite on the Judgment Day
A sel que-m fes e-m formet de nién. to the one who made me from nothing.
S’el me cuja de ren arazonar If he thinks he has a case against me,
E s’el me vol metre en la diablía and if he wants to consign me to the
Ieu li dirai: ‘Seinher, merce, non sía! devils,
Qu’el mal segle tormentiei totz mos ans. I’ll say, ‘Lord, no way!
E guardas mi, si-us plats, dels tormentans.’ For I have already suffered all my days
in this wicked world.
Tota sa cort farai meravillar So spare me, please, from those
Cant auziran lo mieu plaideiamen; tormentors.’
Qu’eu dic qu’el fa ves los sieus faillimen I say that he does toward his own an
Si los cuja delir ni enfernar. injustice
Ieu li dirai: ‘Seinher, merce, non sía!
Que retrairai al jor del jutjamén
A sel que-m fes e-m formet de nién.
S’el me cuja de ren arazonar
E s’el me vol metre en la diablía
Ieu li dirai: ‘Seinher, merce, non sía!
Qu’el mal segle tormentiei totz mos ans.
E guardas mi, si-us plats, dels tormentans.’
Tota sa cort farai meravillar
Cant auziran lo mieu plaideiamen;
Qu’eu dic qu’el fa ves los sieus faillimen
Si los cuja delir ni enfernar.

(vv. 1–12)

heaven like a lawyer or practitioner of Scholastic disputatio. But the most important argument the peasant employs is that he lived a virtuous and faithful life. In other words, it is not so much his command of rhetoric as its content which wins him Paradise; the peasant's divine “rhetoric” seems to occupy a mostly allegorical function, in contrast with many of the texts in this study. See the edition of Vilain in the Nouveau recueil complet des Fabliaux. Ed. Willem Nommens, Nico van den Boogaard. 10 vols. Assen, NL: Van Gorcum, 1983–98. V: 1–38. On this fabliau, see also Elizabeth Kinne, “Rhetorical Reasoning, Authority, and the Impossible Interlocutor in Le vilain qui conquist paradis par plait,” in The Old French Fabliaux: Essays on Comedy and Context. Ed. Kristin L Burr, et al. Jefferson, NC: McFarland, 2007. 55–68.

Peire Cardenal, like many later medieval poets, had probably received some formal training in the law. He was certainly familiar with basic legal terminology, using such terms as *arazonar* (to accuse or bring a claim against, v. 4) and *plaideiamen* (plea, v. 10) to describe his anticipated confrontation with God. At the end of the poem, Peire requests that the Virgin Mary bolster his arguments by providing a legal guarantee (*garentia*, v. 46) on his behalf to Christ.

About a century after Peire’s death, in 1376, the Burgundian jurist and occasional poet Jean Le Fèvre (c. 1320–c. 1387) wrote his lively *Respit de la mort*. Le Fèvre designed this poem as a petition for legal adjournment (*respit*) sought against his longtime creditor—God. The author confronts his formidable opponent with an abundance of rhetorical tropes and *exempla*, and inserts into the proceedings some of the real-life lawyers he knew from the Parliament of Paris. On the basis that those who suffer wartime damages are given temporary relief of their debts in French customary law, Jean contends that he has long been at war with the world, and should thus be afforded the same exception:

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\begin{align*}
\text{Je di que doy avoir souffrance;} & \quad \text{I say that I must be awarded this delay,} \\
\text{car, par le coustume de France,} & \quad \text{for by the custom of France,} \\
\text{stile et usage tout notoire,} & \quad \text{in procedure well established,} \\
\text{dont je woel interlocutoire,} & \quad \text{and according to which I demand a decision,} \\
\text{se l’omme est damagié par guerre,} & \quad \text{if a man incurs injury or damages in war,} \\
\text{il li loist bien de respit querre,} & \quad \text{it is legitimate for him to seek delay,} \\
\text{quant en supplicant fait entendre} & \quad \text{when in pleading humbly he makes it clear} \\
\text{que ait crediteur puissant d’attendre,} & \quad \text{that he has a powerful creditor to deal with} \\
\text{et fait caucion juratoire} & \quad \text{and does swear a solemn oath} \\
\text{pour obtenir la dilatoire.} & \quad \text{to obtain the adjournment.}
\end{align*}
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By the grace of God, Jean wins his adjournment; he is awarded more time to repent of his sins and live a better life before final judgment is passed, more time to pay back the master’s capital with interest. As was the case for Peire Cardenal in the previous century, pleading successfully with God

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10. However, Cardenal criticizes the study of Roman law in other poems. See Ourliac, “Troubadours et juristes,” 170.

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in a legal setting provided a clever way for this poet to call attention to his superior verbal abilities.

Peire Cardenal’s *sirventes* and Jean Le Fèvre’s plea for a respite are just two examples from the thirteenth and fourteenth centuries in which poets put the spotlight on themselves by imagining their own legal arguments before God. Each of these poets can be termed a *rhetor divinus* (divine rhetorician), according to a broad set of devotional traditions, common to the thirteenth and fourteenth centuries, which attributed to poets the miraculous ability to intervene in the drama of salvation by using rhetoric to advocate for others or on their own behalf.

What follows is an effort to trace how exactly it was that poets more generally came to occupy such a seemingly impossible rhetorical position as that of the *rhetor divinus*. Accordingly, this is also the most rhetorically focused chapter, which considers persuasive language itself, rather than a single author, as the object of eschatological judgment. The thirteenth- and fourteenth-century texts I discuss here vary significantly in terms of genre, including theological and rhetorical treatises, dialogic poetry, mystery plays, devotional lyric, and visionary narrative. Their languages include French, Tuscan, Latin, and Occitan. All of these texts reflect the theoretical development of vernacular poetics—second rhetoric—as it was shaped by official and unofficial belief systems which made the poet a participant in the unfolding cosmic *procès* of divine judgment. By taking a broader generic, geographical, and historical view of the eschatological scene than in later chapters, it becomes possible to see in greater detail how it was that fourteenth-century poets in France represented themselves—in both the legal and artistic senses of the word—at the center of the scene of Judgment.12

II. From Legal Subject to Eschatological Subject

Before he became a *rhetor divinus*, the medieval poet already bore a close resemblance to the lawyer. Indeed, poets’ self-identification with courtroom rhetoric, and with the particular habitus of the legal profession, goes back to the very roots of the European vernacular tradition. Critics have long remarked, for instance, that the sexual entreaties of the twelfth-century Occitan troubadours—well before Peire Cardenal—echoed the technical

language of legal procedure, as well as Ciceronian topical theory and strategies of exposition commonly used by jurists.

By the middle of the thirteenth century, the tremendous growth of classical legal learning in northern Italy proved an important influence on that region’s desire to establish a vernacular tradition worthy of succeeding the troubadours. Around 1260, the Florentine philosopher, scholar and rhetorician Brunetto Latini (c. 1220–1294) produced his consequential Rettorica. Written in Tuscan, it was the first vernacular translation of and commentary on Cicero’s early work of legal rhetoric, De inventione. In his Rettorica, one of the most important additions that Latini made to Cicero’s model of legal argumentation was in expanding its usual scope—from the courtrooms and the council chambers of Republican Rome and, later, the medieval city-states of northern Italy. Latini transferred the adversarial nature of these rhetorical contexts to a much wider variety of polemical positions, suitable for poets as well as lawyers. For Latini, the cases in which one might employ legal rhetoric included the lyric poet’s conventional plea that his lady love him in return, rewarding his patient suffering with a merciful judgment:

Così usatamente adviene che due persone si tramettono lettere l’uno all’altro o in latino o in prosa o in volgare o inn altro, nelle quali contendono d’alcuna cosa, e così fanno tencione. Altressi uno amante chiamando merzé alla sua donna dice parole e ragioni molte, et ella si difende in suo dire et inforza le sue ragioni et indebolisce quella del pregatore. In

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15. See Cox, “Ciceronian Rhetoric in Italy,” 255.
Thus it so happens regularly that two people send each other letters, either in prose or verse, in Latin or in the vernacular, or otherwise, in which they disagree about something or other, and thus they engage in disputation. In the same way a lover petitioning his lady for mercy uses many different words and lines of reasoning, and she defends herself in her own speech and bolsters her own arguments and tries to undermine those of the plaintiff. In this and in many other examples it may well be understood that Cicero’s rhetoric is not meant only for the purpose of teaching pleading in legal courts.

Latini expanded the rhetorical practice of De inventione from spoken and prose Latin to vernacular lyric composition (“o in latino o in proxa o in rima o in volgare o inn altro”), but he kept much of its juridical quality intact. With the emblematic example of the troubadour’s plea for sexual mercy, he adapted the contours of Cicero’s courtroom space to cover a much wider variety of argumentative situations in which the poet might find himself speaking.

In his own important treatise on vernacular rhetoric, Latini’s student Dante Alighieri (c. 1265–1321) similarly affirmed that Italian poetry must be adaptable to different kinds of pleading—in both princely and legal courts—before placing his poetic subject squarely before the heavenly court in his Divina commedia. As a poet whose judgments on society, on literature, and on himself are distinguishable only with great difficulty from the heavenly judgments filling the Commedia, it is clear that Dante, before any of the major French authors considered here, already freely mixed the poetic with the legal and the eschatological. It is equally clear that Dante’s masterpiece, taken as a whole, could not be a grander act of self-defense, or a more withering rebuke of his enemies. Moreover, as Albert Russell Ascoli has shown in some detail, Dante’s first-person voice

17. As Maggini (ed., Latini, Rettorica, 146 n1) explains, the “inn altro” refers to vernaculars which are not Italian, especially French and Occitan.
and his authority as a witness to the afterworld are drawn on Ciceronian models of legal subjectivity.\footnote{20} Yet in many ways, the differences between Dante’s eschatological scene and those of the French authors I discuss later are more instructive than the similarities. It is striking that, as a process, divine judgment is rarely if ever on display in the \textit{Commedia}, for Dante’s divine tribunal takes place well beyond human law and human language. The judgments that we encounter in \textit{Inferno} are the sentences meted out by Minos, not the condemnations by Christ which make those sentences necessary. The inmates of Dante’s hell do not argue or try to appeal, but rather cannot stop accusing themselves for all eternity.\footnote{21} We as readers are not privy to the tribunal which has condemned them, or which peoples the mountain of purgatory, or which raises the just to the sphere of Jupiter, where, in the voice of Justinian’s imperial eagle, they proclaim the vast inscrutability of God’s justice:

\begin{quote}
Però ne la giustizia sempiterna
la vista che riceve il vostro mondo,
com’occhio per lo mare entro s’interna;
che, ben che de la proda veggia il fondo,
in pelago nol vede; e nondimeno
èli, ma cela lui l’esser profondo.
\textit{(Purgatorio 19.58-63)}\footnote{22}
\end{quote}

And while Dante’s narrator is able to peer into the folds of the celestial rose in \textit{Paradiso} 30 and see the heavenly court just as it shall be assembled “a l’ultima giustizia” \textit{(Paradiso 30.45)}, he is not witness to its deliberations.

At the end of \textit{Purgatorio}, when Beatrice comes to the narrator from the same court and judges him harshly, provoking his tearful shame and repentance, we have one of the most striking instances in which Latini’s conjunction of the courtly with the juridical also abuts the eschatological. Beatrice’s accusation is, moreover, a judgment on literature, since her claim is that Dante had abandoned her for another at the end of \textit{La vita nuova} and in \textit{Il convivio}. And Beatrice’s is a judgment which serves to identify the poet through an assumed legal subjectivity: the only place where Dante’s name appears in the \textit{Commedia} is precisely at the head of his beloved’s long

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\begin{flushright}
21. See Senior, \textit{In the Grip of Minos}, 49.
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indictment (\textit{Purgatorio} 30.55). But Beatrice's reproach from heaven strikes dumb the voice of the poet—of the rhetorician—leaving him merely to sob in contrition. This was her merciful intention: to prevent her charge's condemnation at the Judgment by causing him to plead guilty now (\textit{Purgatorio} 31.37–42). Neither Dante's theory of poetry nor his practice of it tend to suggest that the poet might also be able to engage in what Latini called \textit{tencione} when appearing before God.

Dante's consistent lack of \textit{procès} or pleading represents a sharp contrast with some French poets' tendency to provide detailed depictions of the technical apparatus of divine justice, and their tendency to plead in the heavenly court on their own behalf using elegant language and sophisticated arguments. Guillaume de Deguileville, to whom I devote the next chapter, shared many of his sources for otherworldly vision narrative with the Florentine.\textsuperscript{23} Yet while Dante is undeniably the greater poet, Deguileville is a more active rhetorician in his own narrative, as he has his first-person narrator and namesake argue a stunning defense on behalf of his soul and on behalf of the author's body of work. Dante's rhetoric may be divine, but he does not cast his narrator as \textit{rhetor divinus} in the same way. The reason, I think, has partly to do with differences in the development of second rhetoric that run across geographical and linguistic lines.

Certainly, the northern Italian tendency to classify vernacular poetry as a branch of legal rhetoric was echoed across the Alps. This was in part through the intermediary of Brunetto Latini himself. Latini wrote his \textit{Rettorica} while exiled in France and during the same time produced a pioneering encyclopedia in Picard French—the \textit{Livres dou Tresor} (1260)—whose sections on rhetoric would have been an important source for many thirteenth-century French poets' knowledge of Cicero.\textsuperscript{24} However, northern France could not boast quite the same pervasive atmosphere of official legal culture as Italy or Occitania. In Paris, the papal decretal \textit{Super specula} forbade the teaching of Roman civil law beginning in 1219, and for the next two centuries the law faculty there practically ceased to exist.\textsuperscript{25} As a result, with the exception of Orléans, the region was somewhat slower in developing an influential class of jurists in the same way as Bologna, Florence, Toulouse, or Montpellier.\textsuperscript{26}


\textsuperscript{24} See, again, Carmody's edition of \textit{Li Livres dou Tresor}.

\textsuperscript{25} See Brundage, \textit{Medieval Origins}, 231.

\textsuperscript{26} See Ibid., 231.
Likewise, northern France would wait much longer to compose vernacular *artes poeticae* than its Mediterranean neighbors—until Eustache Deschamps 1392 *Art de dictier*, which treats poetry as a branch of music rather than of rhetoric. It is therefore difficult to trace transalpine influence on the fourteenth-century French study of versification, or even to approach this study at all as a discrete object. If we want to understand how thirteenth- and fourteenth-century French poets conceived of their vocational identity and their authority as rhetoricians, we have no formal corpus of poetic instruction upon which to draw. Instead, we must consider a rather different cultural context in which second rhetoric was conceived as a form of legal speaking—as well as an instrument of divine justice.

In the course of the later Middle Ages, elements of the cult of Marian devotion were gradually transformed by poets into a new model of the poet as rhetorician, distinct from although frequently overlapping with more worldly comparisons of the poet and the lawyer like Latini’s. In northern France, this new model was institutionalized not primarily by learned texts, but rather by lay confraternal societies formed for the purpose of promoting Marian devotion through vernacular composition and the staging of mystery plays. By establishing rules for fixed lyric forms, these confraternities became, almost by default, some of the most important French theorists of second rhetoric, which they, too, conceived largely as an extension of legal oratory.

But the confraternities did more than simply graft vernacular composition onto the established structures of legal pleading, as had their Italian counterparts. Because they presupposed a lack of distinction between devotional poetry and prayer, the confraternities also deployed legal rhetoric as a tool in the process of salvation. Conceiving of their devotional composition as one part in the complex drama of intercession, Marian poets had special reason to locate their authority in the heavenly court, where they became active participants with each line of verse requesting saintly and divine assistance. Poets were given some theological justification for this conception of authority by, among others, the bishop of Paris and influential theologian Guillaume d’Auvergne (c. 1180–1249), whose *Rhetorica divina* (mid-1200s) counsels those who pray to use Ciceronian legal rhetoric as a model for successfully petitioning heaven.27

It would be an oversight to deny that Dante was himself a major Marian poet, or that the rise of Tuscan as a literary language went hand in hand with the development of devotional poetry in the vernacular. But what is

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27. See below, 54–56.
unique to French poetry in the period is that so much of it drew its authority—explicitly or implicitly—from the confraternities, which like no other body of rhetorical expertise in the later Middle Ages, tied together the seemingly disparate identities of poet, lawyer, and divine interlocutor into the singular image of the *rhetor divinus*. Drawing on the Marian and confraternal traditions, later authors of the French fourteenth century would appropriate elements of these traditions as they sought to represent their rhetorical mastery and poetic authority.

The confraternities’ own authority derives from the Virgin, and in particular from the popular cult devoted to Mary’s manifestation as Advocata Nostra—a sly and oratorically skilled defense lawyer engaged in the perpetual trial proceedings brought against mankind by Satan. Advocata Nostra’s legal and rhetorical heroism is especially well developed in the so-called Devil’s Rights genre of theatre and dialogic poetry, a genre which became an important part of the confraternities’ dramatic repertoire. While the Advocata Nostra motif is not unique to the confraternal tradition, the tradition does furnish some of the motif’s richest examples. Most importantly, the confraternal poets of northern France provide compelling instances in which the poet’s own work is linked, directly or indirectly, to the Virgin’s legal expertise. Putting rhetoric to work for divine justice, Advocata Nostra offered a ready model for poets aspiring to move heaven with their own well-crafted lyric arguments. I therefore begin this brief history of the French *rhetor divinus* tradition with Advocata Nostra as she appears in the Devil’s Rights, before turning to the confraternal poets themselves.

**III. Human Rights and the Devil’s Rights: The Virgin’s Divine Advocacy**

The Devil’s Rights genre employs the narrative structure of legal procedure and the technical vocabulary of the law to stage Satan’s arguments that humanity became his rightful property as a result of Adam and Eve’s transgression in Eden. The thirteenth-century Latin prose *Conflictus inter Deum et Diabolum*, which uses Justinian’s *Corpus iuris civilis* to weigh the Devil’s claims against mankind, is the earliest known example to feature such a law-court setting. The tradition which grew out of the *Conflictus*

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in the course of the next century made two innovations especially crucial to understanding how this version of the eschatological scene would be used by later poets. First, whereas the Conflictus had cast the argument as a direct dispute between God and the Devil, the later tradition gave a more pronounced role to humanity as the defendant in the case, rather than casting human beings merely as disputed pieces of property. Second, to allow humanity legal representation, the tradition came to introduce the Virgin as man’s advocate. Both of these later tendencies may be observed in the Latin Processus Sathane infernalis contra genus humanum (c. 1320) and its Anglo-Norman adaptation L’advocacie Nostre Dame (also c. 1320).

In the Anglo-Norman Advocacie, Satan appears before the heavenly court (la court des cyex) to demand possession of mankind. The angel Gabriel sounds his horn to summon humanity to the Judgment, yet not a soul comes forward to speak in man’s defense. Satan claims that he should win on the grounds that the defendant failed to appear. However, Christ reminds the court that his justice is perfectly balanced with mercy, and delays the trial until the following day—Good Friday—so that humanity can secure suitable representation. Mary, who arrives in court the next morning, counters Satan’s claim by arguing that he never took lawful possession of mankind, since he caused the Fall through malice and deceit. In a passionate display of maternal sentiment, the Virgin then tearfully reminds the judge—Christ her son—that he died to redeem mankind from original sin and thus definitively dispossess Satan.

Needless to say, Mary wins the case. Beyond the text’s dramatization of the Redemption, the way its characters use language also reveals much about the status of legal and rhetorical learning in the early fourteenth century. Satan is depicted as well-read and articulate:

Là vint Sathan très bien matin,
Qui bien sceit francois et latin

In came Satan early that morning,
he who knows French and Latin so well


And as Christ himself concedes from the seat of judgment, not only does Satan “parle courtoisement” (v. 1630), but his claim against humanity does in fact seem reasonable (“y semble que reson requiere,” v. 1631). What is most striking about this depiction of the Devil as a lawyer is that here we do not necessarily recognize the voice of the tempter and the Father of Lies. Instead, Satan’s case is grounded in Scripture and generally displays a concern with justice and with the accurate interpretation of authoritative texts. Most notably, the Devil cites Genesis to argue that Adam and Eve’s disobedience put them and all their progeny into his possession:

Quant Adan et Eve feïs When you made Adam and Eve  
Et en paradis les meis, and put them in the Garden, you told them  
Tu deïs que des fruyz menjassent, they could eat from all the trees except one  
De tous, fors qu’à .I. n’atouchassent; that you forbid them to touch.  
Ton commandement bien oïrent They heard your commandment  
Mès de touz poins désobéirent but disobeyed it in every respect,  
Et contre ton vouloir péchièrent, sinned against your will,  
Quer par lour folie mengièrent and in their folly ate  
Le piere pomme du pourpris, the worst fruit in the garden,  
Et pour ce furent il pourpris and for this they were struck  
De maladie si cruel with a condition so vile  
Qu’el doit estre perpétuel that it must perpetuate itself  
En toute leur postérité. in all succeeding generations.  
N’es tu justice et vérité? Are you not justice and truth?  
Fey donc tes paroles estables Keep your words unchanging  
Ou tu n’es mi véritables, and put to eternal condemnation
Satan goes so far here as to impute that God would be going back on his own precedent ("Fey donc tes paroles estables," v. 1175) if he failed to judge in the Devil’s favor and condemn the human race based on his word in Genesis 2:17: the prohibition, on certain pain of death, against eating from the Tree of Knowledge of Good and Evil.

Elsewhere in the Advocacie, Satan calls upon strong precedent to object to Mary’s presence in the court: she ought not to be allowed to plead, on the grounds that she is a woman, and on the grounds that she is directly related to the trial judge, Christ (vv. 860–72). But Mary adroitly defends her right to act as counsel by citing exceptions from Roman law sources. And who, indeed, could be more exceptional? Not only is Mary the virgin mother of God, but she claims the right to speak where language—and lawyers—are supposed to fall silent.

In the end, Mary prevails due to a sharp technical knowledge of the law, but most of all thanks to her plainly superior rhetorical skills. While Satan stakes his entire argument on the established precedent of Genesis, Mary bests him by employing pathos to bring the heavenly court to mercy. In so doing, she turns her supposed frailty as a woman to her advantage, and she takes a cue from the classical rhetorical tradition, which emphasized the importance of producing an emotional response in courtroom audiences through body language and other physical techniques of delivery (actio):33

32. In the Latin Processus, Mary cites the Decrees, Decretals and Pandects (see Taylor, “Reason, Rhetoric, and Redemption,” 73). In the Advocacie, she brings up exceptions from Justinian’s Digeste (v. 1089) and Gratian’s Decretale (v. 1235).

Elle estoit si lasse et si vaine
Que sus lie n’avoyt nerf ne vaine
À quoy l’en ne s’apercheüst
Que grant angoisse au cuer eüst.
(vv. 1396–404)

She was so weak and forlorn
that in her body she had no nerve or vein
from which one could not see
that her heart was torn with anguish.

Turning toward her son the judge, the Virgin calls on him to honor his filial obligations and acquit mankind, ripping open her shirt to make this point all the more vividly:34

Ha, beau douz filz, je suy ta mère,
Qui te portey .IX. mois entiers:
Tu me dois oïr volontiers.
Je t’enfantey mout povrement
Et te nourri mout doucement.
Ta mère suy, mère m’apelès.
Beau filz, regarde les mamèles
De quoy aleitier te souloie,
Et ces mains, dont bien te savoie
Souef remuer et berchier.
(vv. 1458–67)

Oh, good sweet son, I am your mother,
who carried you nine long months.
You must gladly listen to me;
I delivered you humbly
and nursed you sweetly.
Your mother I am, mother you call me.
Beautiful son, look at my breasts,
with which I used to feed you,
and these hands with which
I used to gently cradle and rock you.

It would seem Satan was justified in claiming that Mary’s presence as counsel would prejudice the proceedings, but he can do nothing to prevent it. While the Adversary knows the letter of the law backwards and forwards, he is no match for the Virgin because he cannot arouse compassion in the courtroom.

The conflict between Mary’s ability to provoke an emotional response through her bare-breasted planctus, and the Devil’s purely textual knowledge of the law, expresses an old theme of eschatological representation. Characteristically, the Devil incarnated an Hebraic or Pharisaic rigidity in his insistence on the literal interpretation of Scripture and of the spiritual account-books of individual lives. As discussed by Michael Camille, the scribe-demon Tutivillus was a frequent presence in medieval scenes of eschatological judgment, where his fixation on unchanging textual truth speaks to contemporary distrust of the written word as deathly.35 The Old


35. Michael Camille, “The Devil’s Writing: Diabolic Literacy in Medieval Art,” in World Art:
Representation in Heaven

Testament legalism of Satan or Tutivillus could only be defeated by grace, through which Christ's New Law erases, or radically rewrites, the record of sin.36

The Virgin’s substitution of new law for old may also be understood in terms of emerging medieval judicial practices. As Scott L. Taylor has established, the Latin Processus upon which Advocacie is based was actually used as a model of trial procedure in early fourteenth-century legal education. In particular, as Taylor argues, Mary would have served as an ideal example of the Bolognese approach to the law, the mos italicus, which stressed a methodological consideration of personal legal subjectivity (status or condicio hominum) and privileged equity over strict custom.37 The Processus and its Anglo-Norman adaptation employed the image of Advocata Nostra to highlight contemporary points of judicial ethics, especially the need to arrive at an equitable decision beyond the letter of the law, and the right of all legal subjects—even of wretched mankind—to answer the charges against them.38 As Taylor suggests, this makes the Devil's Rights as much about human law as divine jurisprudence.

Or rather, the Devil’s Rights evoke a forum for eschatological justice situated somewhere between heaven and earth, in which the ability of mankind to face its accuser becomes an ethical imperative. In this context, persuasive language is fully incorporated into the eschatological scene as a means of revealing God’s ineffable mercy, and as an instrument for bringing that mercy about. The Virgin’s rhetoric affirms that God’s judgment is supremely just only inasmuch as it allows the human subject representation and the possibility of going beyond the law to claim an exceptional pardon. Language, in all of its capacity for emotional manipulation, becomes the guarantor of heavenly justice, inasmuch as it allows the scene of Judgment to transform the meaning of established texts—that of the Fall, or of an individual’s transgressions.39


38. As Taylor (“Reason, Rhetoric, and Redemption,” 68) explains, due process, including right to petition, opportunity to be heard and proper evidence, was a contemporary issue, stemming from the controversy over Henry II’s justification of the trial in absentia of Robert of Naples, and the responses against it by Pope Clement V.

39. As Jody Enders has argued, Mary’s feminine style of pleading also served to rehabilitate legal rhetoric, which had been criticized as effeminate by Quintilian and Lucian (Rhetoric and the
The transformative power of the Virgin’s rhetoric can also be appreciated in cases where the Advocata intercedes on behalf of specific human beings rather than on behalf of mankind in general. A vivid example may be found in the *Miracle de Pierre le changeur*, an early fourteenth-century mystery play whose eschatological narrative closely follows older versions of the Devil’s Rights. The back-story of the *Miracle* is that the rich merchant Pierre never did a good deed in his entire life. This well-known fact about the man prompts two beggars to wager a pot of wine: the first beggar says that he will succeed in convincing Pierre to spare him something to eat, while the second bets that he will be refused. As it happens, Pierre throws a stale loaf of bread at the first beggar, not out of charity, but because he is unable to find a more suitable object with which to bash the man’s head in. The unrepentant Pierre says quite specifically that it was not his intention to feed the beggar but rather to kill him:

\[
\text{Certes c’estoit tout mon desir} \\
\text{Que du main tel cop li donnasse} \\
\text{Qu’en la place mort le jettasse.}
\]

(vv. 230–32)

Apparently, the loaf is not quite stale enough to serve Pierre’s purpose. The beggar catches it and, perhaps less than honestly, uses the bread as evidence of Pierre’s charity; he brings it to his compatriot so that he can collect on the bet and drink his pot of wine. In the meantime, Pierre has suddenly fallen gravely ill, and although he is not yet dead, a group of devils has already assembled before the heavenly court to claim the wicked man’s soul as their own.

Satan might appear to have an open and shut case here, except that the Virgin quickly arrives on the scene to provide the defense. Ever the lawyer, she asks the angels—her crack legal team—if there isn’t the least shred of evidence which would help their client. Frustrated, one of the angels informs Mary of the facts weighing against them: not only did Pierre never perform a single good deed, but his very last act—throwing the loaf at the beggar—was yet another instance of his total lack of human compassion:

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*Origins of Medieval Drama, 223.* For Enders, Mary redeems the power of gesture and pathos (*actio*), making them not effeminate, but positively feminine and identified with mercy and goodness (233).

Si ne scé de quoy s’aquitta,  
Au povre lors un pain jetta  
Non pas de bonne voulenté,  
Non, mais a dire verité,  
Par grant despit et par grant ire.  
(vv. 501–5)

I don’t know how he can be let off,  
for he threw at the poor man a loaf  
not out of good will,  
but to tell you the truth,  
with great scorn and anger.

However, despite Pierre’s thoroughly bad intentions, it turns out that his final act is enough to get him off the hook, just as it is enough to win the beggar his wine. Mary begins her defense by launching into a moving *planctus* reminding God that he died on the cross for humanity (vv. 517–57). In this, she follows the basic pattern of Ciceronian rhetorical theory by starting her argument with a direct attempt to influence the emotional state of her audience—an *exordium*. Only afterward does she proceed to the facts of the case, introducing the loaf as evidence that Pierre has not completely lost the capacity for good. The bread constitutes a legal exception—seemingly, a dubious one—to Satan’s contention that Pierre never performed a good deed:

Oultre, sire, vezci un pain  
Qu’il a a un povre donné,  
Pour ce qu’il l’ot araisonné  
Et de dire s’esvertuoit  
Que famine trop le grevoit;  
Si li doit estre de prouffit  
Plus que touz les maux c’onques fist  
Ny en jonnesce n’en viel aage  
Ne li doivent estre a damage;  
C’est tout certain.  
(vv. 548–57)

Besides, my lord, here is a loaf  
that he gave to a poor man  
because he asked him for it  
and was trying to tell him  
that hunger was crushing him.  
This must count in his favor  
more than all the wicked deeds he did  
in youth and in old age—  
they must not count against him now;  
that’s completely certain.

Won over by her emotional appeal, God agrees with Mary’s claim that throwing the loaf at the beggar constituted an act of charity outweighing all of the defendant’s previous sins. Pierre is given a second chance; he is brought back to life, and devotes the rest of his time on earth to performing charitable acts. He becomes a holy man and even sells himself into slavery to a Muslim in Jerusalem, who is so moved by his example of self-sacrifice that he too converts to Christianity. Mary’s subtle massaging of established textual fact for the sake of divine mercy exploits the two senses in which Pierre is a *changeur*; as the play becomes a narrative of personal conversion
and redemption, the spiritual book of accounts of this money-changer is dramatically rewritten.

As is true of the Devil’s Rights tradition more generally, Mary’s judicial activities in Pierre include some of the same things for which earthly lawyers were frequently condemned in the Middle Ages as in the twenty-first century: the representation of a guilty client, the exploitation of emotional rhetoric, and the distortion of facts. In Mary’s exceptional case, however, these are not sins, but instruments of God’s will in sparing his elect, and signs of the way God’s grace triumphs over the Old Law, miraculously rewriting the bare, immovable facts to which the Devil lays claim.\(^{42}\)

That the Virgin’s rhetoric could wield such decisive power was a theologically sound idea, though not an entirely unproblematic one. While the Church encouraged devotion to the Virgin and other saints on all levels of society, theologians stressed that the ability of these *advocati* to intercede on behalf of human beings did not constitute an undue influence on God’s will. Some Christian thinkers limited saintly intercession to the period during an individual’s life on earth: after the separation of body and soul, even the Mother of God would be unable to persuade her son to change his mind.\(^{43}\) Other theologians, particularly in the later Middle Ages, were less intent on removing the possibility of intercession from the Judgment and more insistent upon the idea that saintly intercession never actually changes God’s mind.

For Aquinas and Bonaventure, among others, the intervention of the saints is possible as an instrument provided by God to save his elect; it does not introduce a new opinion into the heavenly court or influence God’s

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41. On another important depiction of the Virgin as a tricky lawyer, and the Devil as a more ostensibly ethical, truth-oriented figure, see Patricia Fagan’s article on the *Cantigas de Santa Maria, “El Mal Rey y la Ley: The Devil as Lawyer in the Divine Court of the CSM.” Romance Review 5.1 (Spring 1995): 47–53. As Fagan writes, “The Devil is ironically the fair prosecutor who argues cogently for just retribution of unrepentant sinners, whereas Mary is the flagrant transgressor of the law who tips the scales of justice in favor of her remorseless supplicants” (48). The saints and angels, as well as the Devil, were often depicted tampering with the scales of justice. On this point, see Zaleski, *Otherworldly Journeys*, 71; Catherine Oakes, “The Scales: An Iconographic Motif of Justice, Redemption and Intercession.” *Maria* 1 (2000): 11–36. Mary’s representation of a guilty client is taken to an extreme in the late fifteenth-century Occitan mystery play *Lo Jutgamen General*, where the Virgin agrees to represent the devils themselves but loses her case; see the edition by Moshe Lazar, *Le Jugement Dernier/Lo Jutgamen General: drame provençal du XVe.* Paris: Klincksieck, 1971.

42. On Pierre, see also Moreau, “*Ce mauvais tabellion,***” 118–19.

judgment, but is instead another effect of the Aristotelian first cause, the original divine will.\textsuperscript{44} Considering that the saints are in perfect accord with God’s plan, Aquinas affirms that their pleas are effective not in moving the Almighty to a new judgment, but rather in carrying out the creator’s eternal design, confirming the immutable judgment made from God’s position of eternal simultaneity, the \textit{nunc stans}:

\begin{quote}
Ad secundum dicendum quod sancti impetrant illud quod Deus vult fieri per orationes eorum. Et hoc petunt quod aestimant eorum orationibus imp-

lendum secundum Dei voluntatem.\textsuperscript{45}
\end{quote}

To this second proposition it is to be said that the saints succeed in obtain-

ing that which God wants to accomplish by means of their prayers. And they petition for that which they deem will be granted through their prayers according to God’s will.

In other words, if God is persuaded to mercy by the rhetoric of the saints, it is because he intends from all time to be persuaded to mercy by the rhetoric of the saints. Conceived like this, the petitions of such advocates possess real instrumentality without ever changing the course of individual or collective salvation.

A fourteenth-century mystery play, \textit{Le Jour du Jugement}, confronts the problem of persuasion in a similar way, by having the lawyer-Virgin make the following disclaimer in the midst of her arguments:

\begin{quote}
Biau doux Filz, rien ne vous demande

Qui soit contre vo voulentez:

Je vous pri cil soient rentez

En paradis qui m’ont amee.\textsuperscript{46}

Good sweet Son, I demand nothing

which might contradict your will:

I pray you that those who have loved me

be granted tenure in heaven.
\end{quote}

Of course, the disclaimer is not without its own rhetorical power, since it performatively reminds God of his own will. In theological and popular sources alike, the caveat that the saints’ pleas do not technically change God’s mind did not have the effect of discouraging depictions of Mary and

\textsuperscript{44} For a more detailed discussion of this intellectual current, see Barbara Faes de Mottoni, “Quelques aspects de la doctrine de l’intercession dans la théologie de Bonaventure et de Thomas d’Aquin,” in \textit{L’intercession du Moyen Âge à l’époque moderne: autour d’une pratique sociale}. Ed. Jean-Marie Moeglin. Geneva: Droz, 2004. 105–26, especially 121–22. As Faes de Mottoni explains (121), this attitude can be traced in part to Augustine’s \textit{De praedestinatione sanctorum}.

\textsuperscript{45} Aquinas, \textit{Summa theologica}, Ia IIae, Q. 83, art. 11.

\textsuperscript{46} \textit{Le mystère du Jour du Jugement}, vv. 1834-37.
other saints as *advocati* engaged in legal and rhetorical disputation. On the contrary, it only seemed to confirm the existence of such heavenly rhetoric as both an instrument of salvation and a sign of election.47

But the idea that rhetoric could play an essential part of the eschatological procès was not limited to the saints. A closely connected logic made it possible for human beings to think of their own prayers as both rhetorical acts and acts with real consequences for eschatological justice. To some extent, this way of thinking is visible beginning as early as Tertullian and Origen, but nowhere before or since was it developed to the same level of detail as in *Rhetorica divina* (*Divine Rhetoric*), a treatise on prayer written around the middle of the thirteenth century by Guillaume d’Auvergne, the bishop of Paris.48 In line with contemporary intercessory doctrine, Guillaume d’Auvergne stresses that prayer does not actually change God’s mind, but is only part of the same divine-willed process of salvation, a necessary response to the eternal Word that commanded it.49 Prayer is nevertheless indispensable to salvation in its capacity to bring human souls back to God, and for Guillaume d’Auvergne what best defines successful prayer is its close resemblance to classical judicial rhetoric.50

In order to teach Christians the right way to plead for saintly intercession and divine mercy, Guillaume draws on the familiar model of the courtroom speaker found in Cicero’s *De inventione* and in the first book

47. From this perspective, what would prevent God from allowing the most egregious sinner to act as an advocate at the Judgment? Such is the question raised by Boccaccio’s Panfilo, who begins the first day of the *Decameron* by telling of the wicked Ser’Ciappelletto, known especially for his delight in providing false testimony in court. After giving a bogus and self-serving confession on his deathbed, Ciappelletto becomes a popular saint to whom the people of Burgundy pray for assistance. Panfilo chalks this up not to the triumph of dishonest men in the world, but rather to the inscrutable mercy of God’s judgment, which discerns the sincerity of our prayers even when they are channeled through the most unworthy of advocates (Giovanni Boccaccio, *Decameron*. Ed. Cesare Segre. Milan: Mursia, 1966. 1.1).


50. The other perfections of prayer are its likeness to a messenger, its aspect of song, prayer as “the calves of our lips,” prayer as the smoke of incense, prayer as a sacrifice, and prayer as a wrestling match against God.
of the pseudo-Ciceronian Ad Herrenium. Just like Cicero’s forensic orator, the Christian pray-er, or more appropriately, orant,\(^{51}\) should model his discourse on a six-part structure. He should begin with an exordium designed to capture the court’s sympathy, then relate a narrative of the events to be adjudicated, then petition for a specific judgment, then make an emphatic confirmation of that petition, and then refute his opponent’s case, before finally concluding his arguments.

There are naturally a few differences between Cicero’s ideal legal subject and Guillaume’s. For one thing, the praying subject’s “opponent” is not a real interlocutor, but rather the sin which keeps human beings apart from God, who, Guillaume maintains, is always already on the side of the sincerely repentant. In fact, by exposing and denouncing his sins, the sinner can hope to separate himself from them, becoming a kind of prosecutor in God’s own service as much as a defendant.\(^{52}\) For another thing, Guillaume consistently reminds us that the orant is never actually moving God to mercy of his own agency, but only justly fulfilling the role which has been assigned to him from all time by the divine will. The rhetoric of prayer changes not so much its object, but rather its subject, as it prepares the human being to receive God’s grace in the appropriate attitude of humility.\(^{53}\) Moreover, there is only one good argument for the human subject to make in his defense—this is an unsparing confession of sins, for only by pleading guilty now can the orant hope to escape a fiery judgment later.

Yet as much as Guillaume is compelled by theological necessity to restrict the possibilities for human agency in prayer, the reminder that no persuasion is taking place actually gives him freer rein to describe the miraculous possibilities of human rhetoric as an instrument of the divine will. Guillaume’s mystical side embraces the image of the heroic orant who, like the Virgin of the Devil’s Rights tradition, can subject God to a kind of rhetorical “violence” by using Ciceronian actio to throw his entire body into the delivery of the argument:

\begin{quote}
Est aliud adjutorium validissimum et inexpugnabile orationum, lacrimositas sive lacrimis profluvium. Dicit enim expositor libri Tobiae, quia oratio Deum lenit; lacrimae vero cogunt ipsum misereri. Lacrimosa igitur oratio
\end{quote}

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51. That is, the word is the most appropriate one for expressing how oratory and prayer are conflated in Guillaume’s thought.
52. See, for example, Guillaume d’Auvergne, Rhetorica divina, ch. 9 (ed. Teske, 84).
non solum placida seu placita est Deo, immo etiam violenta in ipsum, cum ei cedere vel succumbere necesse habeat invincibilis usque quaque omnipotentia creatoris victa.\textsuperscript{54}

There is another most strong and matchless thing that helps prayers: teary eyes and weeping. For the expositor of the Book of Tobias says that prayer softens God, but tears truly force him to mercy. Tearful prayer is therefore not only pleasing or agreeable to God, but even violent toward him, because the omnipotence of the creator, utterly invincible, must necessarily yield and surrender to it, defeated.

God’s “defeat” is both willed by the creator and utterly necessary; it is the culmination of an eschatological \textit{procès} that God has chosen to conduct in the perfected form of a rhetorical dialog. By the same token, God willed that human beings be able to learn successful participation in this dialog, and that they do so through the initially pagan template of Ciceronian legal oratory. For Guillaume d’Auvergne, as for those who created the Devil’s Rights, then, rhetoric had a more than allegorical importance in the heavenly court: it described a real set of practices that human beings could use to mount a successful self-defense in heaven. While Brunetto Latini’s \textit{Rettorica} expanded the definition of Cicero’s judicial rhetoric to encompass the \textit{tencione} of frustrated lovers, \textit{Rhetorica divina} glossed the teachings of \textit{De inventione} to include prayer, thus inserting the Ciceronian model orator into an entirely different forum for disputation.

Guillaume wrote his Latin treatise especially for fellow clerics and monks, whose primary function in society was prayer. But the spirit of Guillaume’s divine rhetoric also seems to echo in the work of vernacular devotional poets, especially those associated with the northern French confraternities. These poets, many of them anonymous amateurs, likewise envisioned prayer as a prescriptive, legalistic rhetoric—a craft whose technical principles could be practiced and mastered. The great difference is that the confraternal poets applied the idea of \textit{rhetorica divina} to second rhetoric, concentrating on rules of verse rather than on structural principles of prose oratory. Nevertheless, these poets also celebrated the juridical aspect of the \textit{rhetor divinus}, as they modeled their own work on the Virgin’s exceptional powers of legal defense and, through their devotional compositions, participated in the very same intercessional \textit{procès} as Advocata Nostra.

\textsuperscript{54} Guillaume d’Auvergne, \textit{Rhetorica divina}, ch. 27 (ed. Teske, 200). In this one regard, Dante’s tears in \textit{Purgatorio} are evocative of Guillaume’s \textit{rhetor divinus}. 
IV. Divine Rhetoric in Action: The Puys

In twelfth-century Arras, as Carol Symes has documented in brilliant detail, the confraternal order of the Carité de Notre Dame des Ardents began to put on its annual puy.55 This was an event of public feasting and Marian devotional verse and theatre, including poetry contests judged by members of the Carité. The Carité was founded and governed by a group of the city’s jongleurs, who were both minstrels and civic and household functionaries. By the time of the puy’s establishment, the economic and civic structure of the Artois region had given rise to favorable conditions for a sophisticated rhetorical culture in Picard French, in which verbal disputations and formal dialog were highly valued.56 In this cultural context, the jongleurs of the Carité played an important role, and a virtuosic one. The jongleurs demonstrated their poetic skills by composing, reciting, and performing lyric and dramatic pieces in Picard. As they had received legal and notarial training and were skilled in drawing up court documents, they also frequently acted as mediators between various parties, and so gained substantial social prestige.57 The jongleurs’ understanding of law was, moreover, closely tied to “a self-conscious sense of theatricality,” in which legal oratory, drama, and poetry became at times indistinguishable.58

It seems that the professional talents of which these urban notary-poets boasted as verbal factota—a mastery of legal terminology, formal rhetoric and vernacular verse—could also be extended to successful communication with the heavenly court. As Symes puts it, the confraternity was precisely a way for the jongleurs to “advertise their ability to act as intermediaries among different groups of people,” while, through a certain Pauline logic, their alternate identities as motley fools also made them “piously receptive to the call of the divine.”59 Ultimately, the jongleurs claimed to receive their unusual civic prestige and their authority over the puy from an apparition of the Virgin to two of their number in 1105. With the aid of a miraculous candle they received from the Virgin, the minstrels are credited with help-

55. Symes, A Common Stage.
56. See Ibid., 27. Symes argues that the conjunction of legal, dramatic and poetic rhetoric in the Artois had much to do with the fact that Picard was “in precocious use” there “as a literary language,” as “a language for the performance of plays,” and as “a language of public record from the earliest years of the thirteenth century” (175). It is worth noting that one of Brunetto Latini’s places of exile was Arras, and that he composed his Tresor in Picard French.
57. See Symes, A Common Stage, 42–43.
58. See Ibid., 176–77 (quote from 176). On the close connections between legal rhetoric and theatre, see also Enders, Rhetoric and the Origins of Medieval Drama.
59. Symes, A Common Stage, 85.
ing to save Arras from the devastating disease of ergotism, also known as Saint Anthony’s, or Saint Martial’s fire.\textsuperscript{60}

The Arrageois Carité and its \textit{puy} had a significant influence on the broader landscape of European vernacular poetry, inspiring similar organizations and annual Marian festivals in other northern-French cities like Rouen and Paris,\textsuperscript{61} but also further afield—for example, in England and Castille.\textsuperscript{62} The confraternities were arguably some of the most important rhetorical institutions of their time. By establishing standards for fixed-form composition in the vernacular which were then applied to particular lyric pieces during the annual judgments of the \textit{puys}, these organizations contributed greatly to the development of poetry as second rhetoric.\textsuperscript{63}

Wherever the confraternal tradition spread, it confirmed the vocational ideal of the poet as \textit{rhetor divinus}, able to persuade saintly and divine audiences as well as earthly ones. Indeed, as Gérard Gros has shown, the \textit{puys} could claim significant political clout precisely because of their well-known ability to pray effectively in verse.\textsuperscript{64} Princes turned to poets involved with urban confraternal organizations as a means of obtaining an audience in heaven; in that, the \textit{puys} functioned not unlike lay versions of monastic houses, intercessors with the intercessors and advocates among the saintly \textit{advocati}. Their lyric prayers would move Mary and the host of saints to pity, and Christ to mercy.

Generally, the membership of the Arrageois-style confraternities which appeared throughout Europe in the later Middle Ages overlapped closely with that of specific trade guilds, from which each confraternity developed as an accessory organization. This makes the tradition a particularly interesting source for medieval views on the vocational identity of poets: although the confraternities were composed mostly of what we would consider amateur or occasional versifiers, their origin in the curious \textit{jongleur}

\textsuperscript{60} The event is officially confirmed in an episcopal charter of 1241. See Ibid., 92.

\textsuperscript{61} For a good discussion of the confraternal tradition in Paris, see Parisian Confraternity Drama of the Fourteenth Century: \textit{The Miracles de Notre Dame par personnages}. Ed. Donald Maddox, Sara Sturm-Maddox. Turnhout: Brepols, 2008. For the later tradition as it developed in Rouen, see Denis Hûé, \textit{La poé"{e}ie palinodique à Rouen, 1486–1550}. Paris: Champion, 2002.

\textsuperscript{62} Carol Symes has discussed the far-reaching influence of the \textit{puy} of Arras, including in the court of Castille, where Alfonso X uses the story of the Virgin’s blessing of the \textit{jongleurs} in his own \textit{Cantigas de Santa Maria} (CSM 259, cited by Symes in \textit{A Common Stage}, 218 n105).

\textsuperscript{63} See Kelly, “Topical Invention,” 233.

class of Arras reveals points of permeability between poetry and a variety of other occupations.

As was the case with the jongleur-notaries of Arras, this permeability often included the legal profession and its accessory trades. In the Occitan-speaking south, for example, the law faculty of the University of Toulouse adopted the puy model enthusiastically as it produced a sort of rulebook for Occitan devotional verse, the Leys d’amors (The Laws of Love, 1356). The Leys address law students and aspiring Marian poets as one and the same audience, making more explicit than ever the need for the devotional poet to act as a kind of legal intermediary between earth and heaven. As a rulebook, the Leys might be thought of as the second rhetorical equivalent of Guillaume d’Auvergne’s Rhetorica divina: they attempt to codify the best way for poets to achieve intercession, just as texts of legal rhetoric prescribe fixed models of argumentation designed to help lawyers win their cases. The Leys put a lawyerly stamp on devotional composition like never before, testifying to the historically more robust study of the civil law south of the Loire. Nevertheless, this unique document had its origins in the peculiar mix of legal and divine oratory developed first in the north by the Artois jongleurs, among a rhetorical intelligentsia whose formal precepts were probably transmitted largely by mouth.

At the heart of this rhetorical culture, both oral and written, was the Virgin, venerated precisely as a divine rhetorician in so much of the devotional poetry and religious theatre produced and promoted by the confraternities; Pierre le changeur, for example, was originally staged at the Puy des Orfèvres, the annual festival of the powerful gold-workers’ guild of Paris. Writing and performing mystery plays like Pierre, confraternal participants were not only praising Mary’s capacity to argue for God’s mercy, but also indirectly advertising their own exceptional powers of language, which could help to secure the Virgin’s assistance. For confraternal poets,

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65. In Rhetoric and the Origins of Medieval Drama (see especially 129–61), Enders discusses mystery plays and notes the importance of the Basoche, founded in 1303, which performed theatrical mock trials and was closely tied to confraternal organizations. As Enders points out, by the mid-fourteenth century, the Basoche had a partnership with the Conférence de la Passion, and “in 1400 Paris lawyers formed the Communauté des Procureurs et Avocats au Parlement to replace the Conférence de Saint Nicolas, named for the patron saint of law and drama—and apparently of legal drama as well” (134).


67. On the stronger tradition of legal learning in Occitania, see, for example, Brundage, Medieval Origins, 91, 350.
the Virgin was in this regard a true *patrona*—not only a patron or protector, but also a pattern or model who exemplified their own practice of divine rhetoric and heavenly mediation.

In that the purpose of the confraternities’ art was nothing less than winning salvation—an oratorical “defeat” of God like that described by Guillaume d’Auvergne—the annual poetry contests which the confraternities adjudicated can be described with no exaggeration as formal decisions on what sort of poetry is most pleasing and most persuasive to the divine ear or the holy Advocata. The judgment of the *puys* suggests, implicitly but inescapably, a kind of divine judgment by proxy, in which the confraternities’ authority is based on a special insight into the rhetoric most effective in securing mercy for the human defendant. Here then, the judgment of devotional poetry already suggests one way in which the judgment of the medieval reader or listener—the *petit juge*—became closely identifiable with the omniscient discernment of the *Grand Juge*. Here, ethics and rhetoric are inseparable, as the whole art of vernacular versification is turned toward the poet’s ability to advocate for other people’s souls and for his own.

Many poets who participated in the confraternities and their *puys* have remained anonymous to us. Others, like the Arrageois genius Adam de la Halle (c. 1240–1287), were some of the most instrumental figures in what Michel Zink has rightly designated the personal turn of thirteenth-century French poetry. In the following century, Guillaume de Machaut and Jean Froissart both competed successfully in various northern French *puys*. The work of these poets vividly reflects the spirited rhetorical environment of the yearly gatherings, the fixed form lyrics, like the *chant royal* and *rondeau*, which they helped to popularize and codify, and the emphasis which the *puys* placed on lyric poetry as, at once, a species of prayer and an object of rhetorical judgment. As I suggest in the next chapter, although Guillaume de Deguileville was writing from a monastic rather than a civic perspective, he likewise fashioned his own lyric prayers to the saints within a framework of legal oratory evocative of the same traditions of divine rhetoric. Building upon images of the eschatological drama

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largely established in the thirteenth century, Deguileville moved himself definitively to center stage in this drama—into the dual role of defendant and advocate.

Before considering the great pseudo-autobiographical narratives of fourteenth-century authors, however, it is necessary to make one final consideration. In this chapter, I have sketched the outlines of the heavenly court scene as it appeared in the thirteenth and early fourteenth centuries in France, showing how the devotional poet came to represent himself as a *rhetor divinus*, an active participant in the rigorous legal and rhetorical process of divine justice. One element is still missing from this scene as it would be staged by later fourteenth-century poets like Deguileville. This element concerns the text or texts at the center of the eschatological trial.

In thirteenth- and early fourteenth-century versions of the Devil’s Rights, Satan and the scribe-demon Tutiillus draw their arguments from a seemingly incontrovertible body of spiritual record books, including the Book of Conscience and the damning evidence against mankind found in Scriptural sources like Genesis. The Virgin counters the Devil’s arguments by citing other texts, especially the New Testament and the New Law. In the course of the fourteenth century, the set of written documents providing evidence for or against the human soul assumes another aspect entirely, as it becomes identifiable with the compiled corpus of the author. The poet’s restless toil of composing, assembling, and defending a body of work over time was increasingly mirrored in the evidentiary texts at the center of the eschatological scene, and it was increasingly on behalf of a corpus-in-progress that fourteenth-century authors were moved to perform works of divine rhetoric. These developments in eschatological representation were anticipated in many ways by the poetics of Marian advocacy, which oppose the Satanic attachment to unchanging texts with the divine virtues of reinterpretation and rewriting; likewise, other thirteenth-century poets—such as Guillaume le Clerc, Rutebeuf, and Jean de Meun—began to suggest an equivalence between their writing and the permanent eschatological record.\(^{70}\)

However, it was not until the practice of single-author compilation took firm root that poets would fully exploit correspondences between the legal documents fought over in the heavenly court and the literary document of the corpus. A new phenomenon at the beginning of the fourteenth century, and at first also a largely French phenomenon, complete-works codices of single vernacular authors quickly became commonplace in book produc-
tion, and they occupy a central place in claims that later medieval poets made to literary authority.

Guillaume de Deguileville’s *Pèlerinage de l’âme* (c. 1356) was part of the emerging tradition of single-author manuscripts, and part of one of its most widely copied examples, Deguileville’s triad of allegorical pilgrimage narratives. *Pèlerinage de l’âme* is itself a distinct rewriting of the Devil’s Rights scenario (one source Dante did not share with Deguileville). Here, the author casts himself as both defendant and advocate, pleading eloquently on his own behalf before the heavenly court and managing to save his soul. As I demonstrate, Deguileville appropriates the judicial scene of the Devil’s Rights, and makes the Virgin Mary’s rhetoric his own, in order to stage the judgment of his work by readers and his own response to it. Deguileville thus effects a transformation of the heavenly court into a venue for considering the ethics of literature, a venue in which the author gives himself the opportunity to respond in the first person to the accusations weighing against his corpus.