

(1243), is an example of the Ciceronian parallel, *collatio*.¹¹ And No-Lover-nor-Loved's autobiographical tale is an *heuristic exemplum*.¹²

Although the rhetorical basis of the characters' disputation is undeniable, and the basis of each argumentative strategy can be found in the compositional textbooks of Cicero and Quintilian, the precise nature of debate in *A Play of Love* is actually, however, rather more complicated. It is important to remember that the primary goal of classical rhetoric, at least as far as courtroom forensic is concerned, is to persuade, whether prosecuting or defending, and thereby to win. Aristotle states that a case lost through the inadequacy of the advocate is reprehensible.¹³ Similarly, Leonard Cox prefaces, and markets, his 1530 rhetorical guide *The Art or Craft of Rhetoric* by remarking how 'the rude utterance of the Advocate greatly hindereth ... his clientes case'.¹⁴ In *A Play of Love*, however, the judgments given are clearly inconclusive and the arguments remain emphatically 'un-won'.

I would argue that the primary goal of the speakers is not actually to win the argument at all, at least until the closing section of the play. Heywood, and a legal audience, might well have been ultimately less interested in the particular issue at hand (which lover's position is alternatively more painful or pleasurable) than in the way in which the characters argue. And if we closely examine the language with which the speakers dispute, it is clear that we are not presented simply with mediated classical oratory, but rather with a professional 'sub-species' of it, the tentative oral pleading that was central to the functioning of the common law. As John Baker explains:

The basis of the science [of pleading] was the simple principle of logic, or rhetoric, that the essential core of a controversy lay in the contradiction of a proposition by a direct denial: a *quaestio*. The *quaestio* in common-law parlance was the issue, or *exitum*, the end and object of all pleading.¹⁵

As within the play, the actual subject is less important than the way in which it is developed. This was particularly evident in the 'case-putting' exercises, such as the moots and propaedeutic debates with which law students developed their pleading skills — the usual business, we might note, of the place which the play might well have occupied for its initial performance.

To identify the technical root of the argument's form within the play is immediately to alter our perception of its reception. Axton and Happé