JUDICIAL RHETORIC AND THEATRICAL PROGRAM IN THE PROLOGUES OF TERENCE

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ABSTRACT

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(Under the direction of Sharon L. James)

This thesis offers a close examination of the language, form, and content of

Terence's prologues and reveals how the playwright conceived of and constructed his art.

Terence replaces the conventional expository prologue with one that uses judicial rhetoric

and Roman legal procedure. He creates a courtroom atmosphere to construct his

audience as a jury, whose critical detachment constitutes a unique form of Terentian

metatheater. Terence exploits the audience's heightened state of awareness to relate his

theories about the adaptation of plays for the Roman stage. Ultimately, the form and

content of the prologues reveal Terence's theatrical program: that comic theater is a

serious art and should be accessible to all.

Chapter 1 places Terence in his generic and rhetorical context. Chapter 2 details

the presence of judicial rhetoric in the prologues. Chapter 3 explores the effect of and

intent behind Terence's innovations. Chapter 4 deals with the peculiarities of *Hecyra*.

For mom

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CHAPTER ONE

INTRODUCTION

Terence's prologues are notoriously polemical and have often been studied as sources not only for the ancient theater but also for early Roman rhetoric. The young playwright's conflict with the *maleuolus uetus poeta* Luscius Lanuvinus has shed light on the realities of writing and staging plays in the second century BCE (e.g., Garton 1971, Dér 1989). Accusations of *furtum* and *contaminatio* have produced reams of scholarship attempting to reconstruct the original Greek works of Menander and Apollodorus and to judge Terence's plays against them (Ludwig 1968, Grant 1975, Lefèvre 1978, and Richardson 1997 to name just a few). Juxtaposed with the elder Cato, the earliest extant Roman orator whose work survives in more than fragments, Terence and the rhetoric of his prologues have lent support to the idea of an ancient debate between the pro-Hellenic 'Scipionic Circle' and the anti-Hellenism of Cato and his supporters (most recently Cicu 1978; this view is criticized by Goldberg 1986 and Parker 1996).

The majority of these studies, however, have failed to see beyond the superficial narrative of a young playwright harried by critics. In fact, Terence's prologues have long been considered entirely unrelated to and therefore separable from the plays which they introduce. Some recent studies have attempted to rectify this situation by arguing that each prologue is indeed subtly linked to its respective plot (most notably Gowers 2004),

but as yet there has been no serious, comprehensive attempt to read the prologues as having broader programmatic implications for Terence's work (very brief treatments of individual plays can be found in Taliercio 1988 and Smith 2004).

Before undertaking a more detailed examination of Terence's prologues and their programmatic function, it is first necessary to describe briefly the context within which his prologues existed. New Comedy, the dramatic tradition in which Terence wrote, is a formulaic genre made up of stock character types, conventional scenes, and fairly standard plot structures. While each successive New Comic playwright did to some extent add to or build on the work of his predecessors, certain fundamental elements remained more or less consistent over time. One of these consistent, conventional aspects of New Comedy is the expository prologue—that is, a formal prologue addressed to the audience that delivers (or ostensibly attempts to deliver) information that is important to the understanding and enjoyment of the play. In order to fully appreciate Terence's unique take on the generic tradition, one must first know the forms which the prologue takes for the Greek and Latin playwrights of New Comedy.

Although Terence himself admits to drawing on at least three Greek New Comic sources (Menander, Diphilus, and Apollodorus of Karystos) and the existence of many others is known, only the works of Menander survive in a state that allows any kind of analysis of the prologues. Of the entire Menandrian corpus, in fact, only *Dyskolos* survives nearly complete. Over half of *Samia* and *Epitrepontes* are intact along with significant portions of *Aspis*, *Perikeiromene*, *Sikyonios*, *Heros*, and *Misoumenos*—at least enough to get an idea of the entire plot. Perhaps a dozen more are known only from disparate scenes (Lowe 2007). From this meager list, some extremely tentative

conclusions can be drawn, though the paucity of the evidence must always be kept in mind.

Prologues exist for seven of the eight surviving plays (the prologue to *Epitrepontes* is lost) and too little survives from the opening of *Sikyonios* and *Misoumenos* to give a clear idea of who is speaking and the position of the prologue speech in the play. As far as can be known from the five remaining plays, Menander's usual practice was to include a prologue spoken by a divine or otherwise supernatural being (Pan in *Dyskolos*, Hero in *Heros*, Chance or Τύχη in *Aspis*, and Misapprehension or Ἄγνοια in *Perikeiromene*); only *Samia* has a prologue spoken by a human character with a role in the play: Moschion the *adulescens*. The purpose of all these prologues is expository, but the divine prologues in particular are used to convey plot information to the audience in order to create dramatic irony. The divine prologues of *Aspis* and *Perikeiromene*, unlike the others, do not appear at the very beginning of the play but are instead presented after an initial opening scene involving some of the characters from the play proper. These delayed divine prologues expand on the information learned by the audience in the opening scene and are therefore able to go into more detail than an initial prologue (e.g., that of *Dyskolos*). The prologue speakers of these two plays give information that is unknown to any of the characters on stage (hence the necessity for divine authority), but the choice not to communicate the information learned in the opening scene through the divinity seems to be almost entirely for variety's sake. Menander maintains a careful balance between the twofold purpose of the prologue: to grab the audience's attention while also conveying crucial information. His style reflects this purpose, combining concision and clarity with syntactic complexity to create a

coherent and meticulously crafted monologue that leads the audience into his plays (Ireland 1981).

Much more is known about Terence's nearest New Comic contemporary, the Roman playwright Plautus, and his colorful manipulation of the conventional Menandrian prologue. Twenty-one of his plays survive, of which only one (*Bacchides*) lacks its prologue and only one (*Vidularia*) is fragmentary enough to cast some doubt on any assumptions made about it. Unlike Menander, Plautus did not begin every play with a prologue. Five plays (*Curculio*, *Epidicus, Mostellaria, Persa* , and *Stichus*) open without a prologue at all but play with the programmatic aspect of a prologue to varying degrees.

The remaining fifteen plays, however, show a wide range of variation on the theme of the prologue. Two of these fifteen (*Cistellaria* and *Miles Gloriosus*) have a delayed prologue, while the remaining thirteen begin immediately with the prologue-speaker. Only three of the prologues are spoken by characters with a role in the play itself (*Amphitruo*, *Mercator*, and *Miles Gloriosus*). The other twelve are spoken by mostly anonymous figures, usually labeled simply *prologus* in modern editions, who have no connection to the action of the play as a whole.[1] This is a marked deviation from the Menandrian model, in which all extant prologue speakers are explicitly named, even if they have no connection to the rest of the play. Furthermore, the majority of prologues in the Plautine corpus are not delivered by divine figures. The notable exceptions are Auxilium in *Cistellaria*, Arcturus in *Rudens*, the Lar Familiaris in *Aulularia*, and Mercury in *Amphitruo*, who does not quite fit the authoritative role of divine prologue because he himself is a character in the play that he is introducing.

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[1] Here I, with Sharrock (2009), assume that *Vidularia*'s prologue falls into this category.

Far more significant than his playing with the identity of the prologue speaker is Plautus' manipulation of the conventional purpose of the New Comic prologue: exposition. Those plays that begin without a prologue obviously fail in this task and are therefore also clearly departing from what appears to be the Menandrian norm, but many of those that do begin with a prologue actively avoid providing any kind of expository information at all. Some, such as the prologue of *Asinaria*, refuse to tell any sort of plot information, but instead offer technical details about the play's source and production. Some, such as the excessively long speech of Mercury in *Amphitruo*, have so many embellishments and digressions that it is difficult to distinguish matters of real importance. Finally, some of Plautus's prologues, such as the one in *Cistellaria*, make several attempts to get the play started but ultimately fail due to repeated interruptions. In all of these cases, Plautus is toying with his audience's expectations of a prologue that will introduce the main plot and possibly provide some insider information to increase dramatic irony. Rather than give them what they expect, Plautus dances around the subject and creates ample moments of humor while also subtly indicating to his audience that his is a drastically different take on New Comedy.

It is into this tradition that Terence inserts himself and his unique take on New Comic prologues. Like Menander, Terence begins each of his plays with a prologue delivered by an identifiable individual—though never explicitly stated, it is clear that Turpio is the speaker of Terence's prologues. More in the vein of Plautus, however, Terence strictly avoids any plot exposition in the prologues, not for comedic effect but to present a radically different type of introduction using rhetorical techniques and argumentation reminiscent of Roman judicial oratory. Before explicitly describing the

specific rhetorical elements evident in Terence's prologues, it is first useful to present the state of rhetorical education in Rome during the early- to mid-second century BCE.

While it is clear that the formal study of Greek rhetoric became increasingly prevalent in Rome during this period, it is difficult to determine exactly when or how.[2] The traditional method of Roman education appears to have taken place entirely within the household, ideally governed by the child's father. Cato the Elder reflects this very traditional mode of education, albeit in an extremely thorough and personally involved way. It is likely, however, that many upper class Roman families of the time continued some form of this traditional, domestic education in the early second century BCE. Unlike Cato, who did not include Greek as part of his son's education, many of these more noble families included the study of Greek language and literature in the standard course of education (Bonner 1977).

As the popularity of Greek education increased, these families were increasingly unable to meet the educational needs of their children and were thus (by the first century BCE) forced to turn to private tutors and external schools. The end of the Third Macedonian War in 168 BCE and the enormous influx of Greek slaves into Rome are often credited as the source for these tutors and teachers. By 161 BCE, moreover, it is clear that the effect of certain forms of Greek education were perceived as enough of a threat to warrant the expulsion of philosophers and rhetoricians by the senate. That teachers of grammar and literature were spared proves that the senatorial decree was not simply a xenophobic backlash but instead indicates a real concern for the influence that

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[2] Any assumptions made about the state of courtroom procedure or rhetorical training in Rome during the early- to mid-second century BCE must necessarily be extrapolations from later evidence. It seems unlikely, however, that these systems would have changed dramatically from the time that Terence staged his plays in the 160s BCE to the earliest descriptive sources in the 90s.

Greek rhetorical and philosophical training might have on Roman students. Though the extent to which formal Greek rhetorical instruction had spread is uncertain, these historical developments along with the obvious presence of Greek rhetorical education in the first century BCE indicate that such instruction was certainly on the rise in the interim.

An increasing demand for advocates in this period led to a particular predilection in Roman education for judicial oratory rather than epideictic or deliberative. The economic draw to judicial advocacy was curtailed in 204 BCE with the Lex Cincia, which forbade advocates from receiving compensation for pleading a case, so the continued appeal must have been political. Successful advocacy, particularly in criminal cases tried before a jury (civil cases were generally presided over by a single judge), was an extremely effective way to gain clients and the public recognition needed to fuel an emerging political career. The Lex Calpurnia of 149 BCE established a permanent court (*quaestio perpetua*) for trying cases of provincial misconduct by governors. These cases involved some of the most powerful men in Rome at the time and so became prime venues for political wrangling, particularly for ambitious young men looking to advance their careers. The establishment of the secret ballot in 137 BCE for all cases tried before the people's assembly (*iudicia populi*) also did much to increase the court's impartiality and effectiveness. The growth in the courts during this period must have been met by a similar growth in the number of advocates and indeed launched the career of one of Rome's first recorded, successful orators, C. Carbo (Bonner 1977).

What, then, was the typical course of a young Roman's rhetorical education? Whether it came from a private tutor or a professional schoolmaster, instruction in the

second century BCE was primarily from Greek rhetorical handbooks. Latin translations are not apparent until the first century with Cicero's *De Inuentione* and the anonymous *Rhetorica ad Herennium*, and the first Latin school was founded by Plotius Gallus in 94 BCE. Greek rhetoricians taught their pupils through a series of increasingly difficult preliminary exercises, all of which led up to the composition and delivery of mock speeches. Though these exercises were conventional and stereotyped, they did provide a sound basis for developing a young man's stylistic and compositional skills. Among the Romans these activities were increasingly shifted to the grammarians' curriculum as declamation became more prominent with rhetoricians. The pinnacle of this rhetorical education was the arguing of mock legal themes (called *causae* in Cicero's day and later *controuersiae*), which were often drawn from actual legal concerns of the day and as such prepared the students for issues they would actually encounter in the course of a trial.

Although the rhetoricians' curriculum provided a sound theoretical base, it was lacking in practical experience. This was a chief complaint leveled against Greek instructors who had never argued in a Roman court and so were unaware of its unique characteristics and peculiarities. The Romans had, however, a system separate from formal rhetorical training by which young men could gain real world experience in how the Roman legal and judicial system functioned. The *tirocinium fori* was a one-year apprenticeship organized by a boy's father once he had come of age and taken up the *toga uirilis*. The inexperienced young man would be attached to a practicing advocate, whose prominence was determined by the father's position and connections. The boy would learn the advocate's trade by following his mentor and observing what he did.

Though the institution of the *tirocinium fori* likely predated the establishment of formal rhetorical education by Greeks in Rome, it nevertheless filled a noticeable gap in the educational program for students in the second century BCE.

While it is difficult to say precisely what the state of rhetorical education was in Rome when Terence brought his comedies to the stage, it is clear that such instruction was developing during this period. Terence's audience would most likely be aware—to some extent—of these changes, particularly given the influx of Greek war captives only a few years before the premiere of *Andria* and the situation leading up to the senatorial decree expelling rhetoricians in the same year that *Eunuchus* and *Phormio* were staged. Because of the increasing prominence of rhetorical education, Terence could likely expect some portion of his audience to be familiar with the techniques used in his prologues. An even greater number would have a passing acquaintance with judicial oratory both from daily life in a litigious city and from sitting on the jury of the ever more frequent trials in the Roman courts.

CHAPTER TWO

JUDICIAL RHETORIC IN THE PROLOGUES OF TERENCE

In each of his prologues, Terence offers his audience something much different from Menander's delayed plot summaries and Plautus' hijinks. The audience witnesses a short oratorical monologue in the style common to judicial oratory, that is, the speeches delivered in the Roman courts. With specific vocabulary, structures, organization, and style, Terence recreates on stage a situation reminiscent of a defense speech before a jury of citizens. Although the matter at hand, and thus the specifics of the argument, varies from play to play, the underlying circumstances remain remarkably similar: the playwright stands accused of a crime, and in his defense, his advocate argues that the opponents' accusations are either flawed or unfounded.

Though connections have been drawn between the prologues and the plays to which they are attached (see especially Gowers 2004), these are not immediately obvious and are brought to light only by subsequent readings and by study of the plays as texts. The arguments made in the prologues concern not matters of plot and character but the composition of the plays themselves and larger theories of theater and art. The substance and significance of these arguments will be the focus of the next chapter. This chapter will explore in detail the different elements present in Terence's prologues that create a courtroom atmosphere, beginning with a narrow focus on the particular words and phrases that are used to set the scene and define its roles, then moving to

specific rhetorical techniques, modes of argumentation, organization, and style. It will conclude by examining the interesting congruence of theater and court—a resemblance recognized by ancients and moderns alike.

Diction and structure

Each prologue is presented as a courtroom defense speech. The speeches are delivered by L. Ambivius Turpio, the producer, lead actor, and manager of the acting troupe that performed Terence's plays at Rome.[1] As the speaker for the defense, Turpio assumes one of the fundamental roles of a patron in Rome's patron-client relationship and acts as Terence's advocate. In exchange for political support, a patron was expected to use his influence and expertise to aid his clients when needed. As Roman law became more complex, it became less feasible for the average citizen to have the knowledge needed to speak in his own defense while observing all the formulas and procedures of the court. Furthermore, as the influence of Greek rhetoric spread, it became increasingly necessary for public speakers to have extensive training in the art of speaking in order to make their points while successfully countering their opponents' arguments (Kennedy 1968, 1972). Since the average Roman had neither the time nor the means to undertake such intensive study and training in law and rhetoric, he relied on his patron to come (quite literally) to his defense.

This is the role played by Turpio in the prologues. As a man of some experience and standing in the Roman theatrical world (his career supporting underdog playwrights such as Caecilius and Terence is described in detail in the prologue of *Heauton Timorumenos*), he holds

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[1] Although Turpio is never explicitly named in the prologues, the *didascaliae* and internal evidence about the production of Caecilius' plays from the prologue of *Hecyra* clearly indicate that Turpio was the speaker of the prologues. Gilula (1989) and others claim that Turpio is the speaker only for *Heauton Timorumenos* and the second *Hecyra* prologue. There is little evidence to support this claim, and the consistent ethical portrayal of the prologue-speaker (Turpio or otherwise) argues for a single speaker of all the prologues.

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a position comparable to the Roman patron. He uses his status to defend the young Terence (his client) from his detractors. The words used to describe Turpio, *actor* and *orator*, are those commonly used to refer to a speaker at court (*oratorem esse uoluit me, non prologum. / uostrum iudicium fecit, me actorem dedit*, *Hau.* 11-12). The term *orator* (and related words such as *oratio* and forms of *oro*) is used later by Cicero to denote not just any speaker, but one who is able to make his point skillfully using a wide range of practiced abilities.[2] According to Cicero, the ideal orator is a master of his voice and body and uses his art both to persuade and to please. The term *actor*, on the other hand, is a much more technical term for an advocate who conducts a suit in court, whether for the prosecution or the defense. It is derived from the phrase *rem agere*, the common Latin idiom for bringing a case to trial. Cicero uses *actor* in this sense not only in his rhetorical treatises but also in his actual judicial orations.[3] The collocation of both *actor* and *orator* (*Hau.* 11-12) places Turpio clearly in the position of an advocate about to speak in the defense of his client.

Terence himself is never named in the prologues; rather, he is referred to as *poeta* or with a relative clause such as *qui orationem hanc scripsit* (*Hau.* 15). Also, Terence never speaks in his own defense. In the Roman court, the involved parties regularly remained silent and allowed their advocates to speak for them (as opposed to an Athenian trial in which the parties were required to speak for themselves). His opponents, who are variously identified in the singular

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[2] For this use of *orator* see Cicero *De Oratore* 1, 4, 213: *eum puto esse, qui et uerbis ad audiendum iucundis et sententiis ad probandum accomodatis uti possit in causis forensibus atque communibus. hunc ego appello* **oratorem**, *eumque esse praeterea instructum uoce et actione et lepore quodam uolo*; and ib. 1, 15, 164: *is* **orator** *erit, mea sententia, hoc tam graui dignus nomine, qui, quaecumque res inciderit, quae sit dictione explicanda, prudenter et composite et ornate et memoriter dicet cum quadam actionis etiam dignitate*. Focardi (1972) cites three distinct meanings for *orator* in New Comedy, but concludes that its primary meaning is as a speaker for the defense, despite the more general usage evident in Cicero (55-59).

[3] For this use of *actor* see Cicero *De Partitione Oratoria* 32, 110: *sed accusatorem pro omni* **actore** *et petitore appello: possunt enim etiam sine accusatione in causis haec eadem controuersiarum genera uersari*; also *Brutus* 89, 307: *Moloni Rhodio Romae dedimus operam et* **actori** *summo causarum et magistro*; and *Pro Caecilio* 1, 5: *quae cum sunt in* **actore** *causae, nihil est in re praesertim aperta ac simplici quod excellens ingenium requiratur*.

and plural, are similarly silent and unnamed. They are described as mean-spirited old playwrights (*maleuoli / ueteris poetae maledictis*, *An.* 6-7; *maleuolus uetus poeta, Hau.* 22) bent on ousting Terence from his theatrical career. The chief opponent of Terence is traditionally identified as Luscius Lanuvinus because of the plays *Phasma* and *Thesaurus* mentioned in the prologue of *Eunuchus*, but this name is never actually spoken in the prologues. Although Terence is very likely constrained by the Roman stigma against naming living persons on stage, it is also quite possible that the audience was aware of the conflict and simply did not need the parties to be identified.[4]

There is, however, another possibility created by the consistent and pervasive use of deictic pronouns in the prologues. A survey of the pronouns in the prologues shows that in almost all instances the pronoun *hic* is used to refer to Terence.[5] Similarly, the pronoun *iste* is used only with reference to Terence's opponents. This striking consistency is noted by Gabriella Focardi (1972), who cites Keller (1946) and other syntactical studies showing that such consistency is extremely unusual, particularly in authors of early Latin. It is far more usual to see the demonstrative pronouns *hic, iste*, and *ille* used—seemingly at random—to refer to the same character within the space of only a few lines.[6] Such variety appears to be the norm in Terence's comedies and makes the consistent use of *hic* for Terence and *iste* for the opponents in the prologues all the more remarkable. Focardi further identifies the connection with the consistent use of *hic* for the defense and *iste* for the adversary that is observed throughout Roman oratory. She leaves the point at this, but further investigation seems warranted.

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[4] Note that Caecilius was most likely deceased before Terence's career began and certainly before the performance of *Hecyra* in which he is named.

[5] The exceptions are technically uses of the demonstrative adjective *orationem hanc* (*Hau.* 15) and *causam hanc* (*Hau.* 41), where *hic* is nevertheless used to associate these concepts with the defense.

[6] E.g., *An.* 215-16; *Ad.* 388ff; and *Ph.* 773-77.

In her detailed examination of the use of *iste* in the early Latin dramatists (i.e., Plautus and Terence), Ruth Keller argues that the traditional assignment of the pronouns *hic*, *iste*, and *ille* to the first, second, and third persons respectively is not inherent to the words themselves but is a later development in their use and meaning. Instead, Keller asserts the deictic force of these pronouns lies at the heart of their original meaning, a fact borne out by the dramatic texts. She concludes that *iste* has the strongest deictic force and was used most often in monologues and dialogues where it logically acquired its connection with the second person. Following *iste*, *hic* has the second strongest deictic force and *ille* has the least. The implication is that these deictic pronouns had a close connection with the on-stage action and thus had a distinct performative aspect. If this analysis is correct, it raises an interesting question about the use of pronouns in Terence's prologues: to whom do *hic* and *iste* refer?

It seems possible that, given the nature of the prologue speeches and the persistent, emphatic use of deictic pronouns, there was a silent actor on stage playing the part of Terence as defendant.[7] An on-stage representation of Terence would heighten the illusion of judicial proceedings and provide a person to whom *hic* could refer. The strong deictic force that Keller identifies in *hic* seems to require that there be an on-stage object or character to be indicated by the pronoun. This is all the more true for the prologue speeches, which consist of monologues lacking any prior context to orient the audience. The presence of the Terence-actor would strengthen the courtroom illusion and increase the force and clarity of Turpio's oration. One can imagine the emotional effect on the audience as Turpio describes the various offenses committed against the twenty-something young man seated on stage, punctuating each *hic* by pointing at the young man or perhaps by laying a comforting hand on his shoulder. While a similar situation

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[7] Gilula (1989) also proposes an actor on stage to represent Terence, but does not pursue the possibility. For a more detailed examination of the syntactic use of deictic pronouns in the prologues and throughout the plays, see Allardice (1929).

could be imagined with Terence's opponents and the pronoun *iste*, it is equally likely that these

individuals were seated in the audience, and that Turpio directed his gestures and comments in

that direction. Regardless of the presence or absence of additional silent actors on stage, the use

of deictic pronouns indicates that there was a performative aspect to the delivery of the prologues

that would strengthen the force of Turpio's words and heighten the judicial illusion. This use of

gesture would be in keeping with the insistence by even the earliest rhetoricians that good

oratory involves a command not simply of language but of one's entire body.[8]

The final and perhaps most important role played in the prologues' courtroom drama is

that of the jury. In the same two lines within which Turpio announces his role as *actor* and

orator, he also tells the viewers that Terence has made them a *iudicium*, a court (*oratorem esse*

uoluit me, non prologum. / uostrum iudicium fecit, me actorem dedit, *Hau.* 11-12). Elsewhere in

the prologue of *Eunuchus*, the audience is explicitly told that they will be jurors in Terence's trial

(*uos eritis iudices*, *Eu.* 4). Turpio delivers his speech directly to the audience in a manner similar

to the way orators addressed the jury during their speeches at court.[9] Despite the later

attachment of a second-person force to *iste*, it is here used only as the subject of third-person

verbs.[10] As in a Roman court, attacks and accusations are not made directly to one's opponents

but made indirectly through comments to the jury. All second-person addresses in the prologues

are similarly directed toward the viewers, exhorting them to pay attention, learn the facts of the

case, and make a fair judgment accordingly. Frequent use of the second-person plural pronoun

uos and related forms reinforces the viewers' role and the importance of their participation in the

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[8] See, for example, *Rhetorica ad Herennium* 3.5.26-27 for a discussion of the physical movements appropriate to various tones of voice. Bonner (1977) has a more thorough discussion, but his chief source is Quintilian.

[9] Although a magistrate may have been present at a trial, his purpose was not to rule on points of law, but to see that order was maintained and that the proper procedures and formulas were followed.

[10] E.g., *id isti uituperant* (*An.* 15), *nam quod isti dicunt maleuoli* (*Ad.*15).

trial.[11] More will be said about the specific arguments made by Turpio and his interaction with the audience below.

The language and terminology used to describe the circumstances and relate information to the audience are also indicative of the courtroom. The case itself is called either *causa* or *res*, the standard technical terms for a matter brought before the courts. On their own, of course, these nouns are quite common and not necessarily juridical in nature. The way that Terence repeatedly calls attention to them, however, along with their collocation with particularly formulaic verbs, makes it clear in what context they are being used. Terence twice uses *causa* in his exhortations to the audience to pay attention, and in both cases he employs repetition and a similar phrasing structure. At the end of the second prologue of *Hecyra*, the speaker turns to the audience and says: *mea causa causam accipite* (55). Near the end of the prologue of *Heauton Timorumenos*, there is a similar command, *mea causa causam hanc iustam esse animum inducite* (41), changed only by the construction necessitated by the verb. In both instances the audience-as-jury is instructed to listen and pay attention. In the latter example, the speaker explicitly calls for the audience's favor with the adjective *iustam*.[12] The emphasis placed on *causa* in both is clear. The repetition in *mea causa causam* draws the viewers' attention to the word and connects them personally with the speaker—one of the many ethical tactics used by the speaker of Terence's prologues, to be discussed below.

The technical term *res* is used in a similar context at the end of the prologue of *Andria* in a line that also calls the audience to attention: *fauete, adeste aequo animo, et rem cognoscite*

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[11] E.g., *uostrum iudicium fecit* (*Hau.* 12); *id ita esse uos iam iudicare poteritis* (*Eu.* 29); *uoluntas uostra si ad poetam accesserit* (*Ph.* 29); *indicio de se ipse erit, uos eritis iudices* (*Ad.* 4).

[12] *Accipite* seems to have a similar, though more subtle subtext, as receiving in some sense involves a friendly acceptance of what is being said. The more generic construction would be *rem cognoscite* , or simply *accipite* "listen" without the noun *causam*.

(24). The phrase *rem cognoscere* is the standard legal formula for investigating a case in court

with the specific focus being on the judges or jurors (i.e., *cognoscere* is not used of advocates).

The overtones of knowing and understanding are clear from the verb's root. One might have

expected an audience at a theatrical performance to be told to look, see or watch what is going to

occur on stage. Instead, Terence urges his viewers to really think about and get to know the

plays. The force of *cognoscere* is strengthened by its collocation with words containing the same

*gnosc root: *ignoscere* and *pernoscere* (of which the former carries the additional judicial sense

of "pardon" or "acquit"). Terence exhorts the audience not only to pay attention to the case but

also to judge in favor of the speaker.

Another type of imprecation seeks simply to gain the audience's general good will

without any explicitly stated aim. This is the function of the imperatives *fauete* and *adeste aequo*

animo (*An.* 24), which both speak to disposition without a specific object (as in, for example,

causam hanc iustam animum inducite). These terms also appear as abstract concepts in some of

the prologues (e.g., *fautrix, Hec.* 48; *aequanimitas, Ph.* 34 and *Ad.* 24) and as such are attributed

to the audience as qualities favorable to the defense advocate.

Other words with technical, judicial meanings are used to heighten the courtroom illusion

created in the prologues. The verb *accusare* appears in *Andria* to describe the actions of the

playwright's opponents and is the technical term for indicting or accusing someone of a crime. It

is often given as the equivalent or translation of the Greek word κατηγορεῖν in rhetorical

treatises. Many other verbs might have been chosen to describe the attacks of Terence's

opponents, but the use of *accusare* clearly places them in a courtroom setting (*qui quom hunc*

accusant, Naeuium, Plautum, Ennium / accusant, Ad. 18). The repetition of *accusare*

emphasizes not only the meaning of the word itself but also the use of technical language in

general (cf. *causa* above). In contrast, Terence and his advocate Turpio describe their own actions in court using forms of the verb *respondere* and the related noun *responsum*, both judicial terms that are used to refer to an advocate's response to an accusation—namely a defense. [13] Terence uses not only characters but even the terminology itself to define the opposing sides of his courtroom battle.

The similarity of the prologues to orations delivered in court goes beyond vocabulary and can be seen in the very structure of the passages themselves. Hermann Gelhaus (1972) has the most recent and complete study of the rhetorical structure of Terence's prologues. Using the guidelines found in the anonymous *Rhetorica ad Herennium* and other early Latin rhetorical works, Gelhaus seeks to divide up each of the prologues into the standard parts of judicial oration. [14] He performs a thorough examination of the rhetorical strategies and argumentation that are evident in each prologue. Although there are several variations and different elements that can be added as the situation demands, any judicial speech can usually be divided up into four distinct units: *exordium* (also called by its Greek name *prooemium*), *narratio*, *argumentatio* (not to be confused with *argumentum* – a word for the plot of a written work), and *conclusio* (also called *peroratio* or *epilogus*). According to the *Rhetorica ad Herennium*, in the type of speech known as the *genus iudiciale*, the purpose of the *exordium* is to gain the good will, attention, and reception of the audience. The *narratio* narrates the facts of the case that will be used in support of the speaker's arguments. When the narration is in fact only a short summary of the facts, it is called *propositio* (e.g., compare the *narratio* at *Andria* 9-16 with the *propositio* at *Eunuchus* 7-8). The *argumentatio* is really the heart of the speech and where the speaker must

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[13] Repeated at *An.* 7, *Eu.* 6, *Ph.* 16 and 19.

[14] In his work he also includes the conclusions of two previous scholars: Leo (1898), who conducted what is perhaps the first systematic study of Terence's prologues in this way, and Stoessl (1957/9), who simply divides the prologues into parts (Teile) without assigning names to the sections).

make his version of the facts believable using proofs and the rhetorical arguments associated with stasis theory.[15] The *conclusio* is where the speaker pulls out all the rhetorical stops, summarizes the main points in the arguments, and rouses pity and indignation in the audience.[16]

Using these fundamental divisions, Gelhaus examines the structure and argumentation used in each prologue and delineates the various sections accordingly. While his detailed appraisal of the arguments and rhetorical strategies used in the prologues is insightful and quite useful for studying the argumentation present in the texts, the actual partitions of each prologue are much more tenuous. As a point of comparison, Gelhaus and Leo (1898) offer similar interpretations only for the prologues of *Andria* and *Adelphoe*. Of these two plays, only the division of the *Andria* seems to have won any favor in the scholarly community (e.g., Leeman 1963 and Goldberg 1983). This particular prologue has the simplest and most formulaic structure, and incorporates only the four basic sections in their standard order. Lines 1-8 constitute the *exordium* and fulfill the three functions of an oration's introduction: to gain the audience's goodwill (*populo ut placerent quas fecisset fabulas*, 3), attention (*nam in prologis scribundis operam abutitur / non qui argumentum narret sed qui maleuoli / ueteris poetae maladictis respondeat*, 5-7), and reception (*nunc quam rem uitio dent, quaeso, animum aduortite*, 8). Gelhaus points out that the simplicity of the case (i.e., that it contains only one charge) is also meant to ingratiate the speaker to the audience (34). The *narratio* follows in lines 9-16, in which the speaker very clearly lays out the facts of the case: the existence of previous plays, Terence's admission of plot-mixing, and the charge of *contaminatio* from his opponents.

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[15] There are four *status causae* that form the basic argumentative structure of a speech. In order of decreasing effectiveness, they are: stasis of fact (*status coniecturae*) "He did not do it"; stasis of definition (*status finitionis*) "It was not murder"; stasis of quality (*status qualitatis*) "It was not wrong"; and stasis of jurisdiction (*status translationis*) "The trial is flawed."

[16] A more extensive restatement of the facts that usually accompanies the *conclusio* (called the *enumeratio*) is omitted from Terence's prologues because of their brevity (Gelhaus 30).

Next comes the *argumentatio* (17-23), which contains the central argument of the case based on the *status qualitatis*. The speaker has already stated that Terence admits to mixing the plots of two plays. This admission precludes his use of the first two arguments available in stasis theory, which deny the defendant's involvement (*status coniecturae*) and the definition of the crime committed (*status finitionis*), respectively. Instead, Terence's advocate must argue that there was nothing wrong with what the playwright did. He does so by citing three well-regarded Roman poets—Plautus, Naevius, and Ennius—all of whom he claims did the same thing. The implication is that if Terence is guilty, so are these three masters of Latin literature, and that no jury would ever support such a conclusion. The *conclusio* (24-27) is short and again makes appeals to the viewers' goodwill (by promising more plays) as well as their attention and reception (*fauete, adeste aequo animo, et rem cognoscite*).

While the lines of these divisions are often difficult to draw (and Gelhaus' schemes for the remaining prologues are less tenable), it is nevertheless important to acknowledge that Terence's arguments make sense, and conform to the nearest contemporary rhetorical treatises on the subject of structure. That Terence himself or his audience may not have been consciously aware of these divisions does not diminish the fact that the prologues clearly show indebtedness to formal rhetorical study at Rome.

Ethical argumentation

One of the aspects of Terence's argumentation that has received little attention in the past is the overwhelming prevalence of ethical appeals. According to the rhetorical tradition formulated by the Greeks, arguments fall into three broad categories: logical (based on facts and reason), ethical (based on the character of the persons involved), and pathetic (based on

emotion). This tri-partite division came with general guidelines about the proper placement and use of these various approaches in order to achieve their desired effect.[17] George Kennedy (1972), in his analysis of Cato's speech against Thermus, points out that from this earliest stage Roman oratory was much more inclined toward ethical and pathetic arguments than the complex logical argumentation found in Greek rhetoric. He further describes the presence of an egotistical element that is more strongly felt in Latin than in Greek oratory, though it is certainly evident in certain speeches of Demosthenes and Isocrates. Both of these characteristically Roman elements can be found in Terence's prologues: the predominance of ethical appeals to the audience and the strong, self-laudatory presence of Turpio on stage.

The prologues contain exhortations to be fair-minded and to judge in favor of Turpio and his client Terence, but such imprecations are only the most overt in a much more extensive use of ethical argumentation. A consistent program of character-building appears throughout the prologues and serves to further define the roles identified earlier in this chapter: Turpio as advocate, Terence as defendant, the opposing playwrights as prosecution, and the audience as jury.

At the beginning of the prologue to *Andria*, the very first words spoken begin to construct the character and personality of Terence. He is shown to be a man of the people; in fact, a desire to please the general populace is described as his sole aim in writing plays (*poeta quom primum animum ad scribendum appulit, / id sibi negoti credidit solum dari, / populo ut placerent quas fecisset fabulas*, *An.* 1-3). This image is reinforced in subsequent prologues, in which Terence is depicted as someone who wants to please as many as possible while harming the fewest (*si*

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[17] For a fairly representative description of λόγος, ἦθος, and πάθος see Aristotle's *On Rhetoric*, specifically chapters 1.1-1.2. Book 2 contains a more detailed description of the methods used in logical (18-26), ethical (12-17) and pathetic arguments (2-11). Book 3.13-19 contains Aristotle's description of the proper arrangement of the parts of a speech as well as the appropriate use of these three arguments in each.

quisquamst qui placere se studeat bonis / quam plurumis et minume multos laedere, / in his

poeta hic nomen profitetur suom, Eu. 1-3). His witnesses are carefully chosen to reflect the most

popular Roman playwrights to come before him (*qui quom hunc accusant, Naeuium, Plautum,*

Ennium / accusant, An. 18-19), and the connection boldly declares Terence to be their literary

and popular heir who will entertain the people with the same success.

Even the accusation made by Terence's opponents that he had the help and support of his

rich young friends (an attack designed to make the playwright seem elitist and out of touch) is

turned into yet another sign of Terence's alignment with the people and their needs (*quod illi*

maledictum uehemens esse existumant, / eam laudem hic ducit maxumam, Ad. 17-18). Terence

does not deny the charges made against him but instead freely admits them while simultaneously

arguing away any wrongdoing. His stance is a conscious and carefully chosen rhetorical ploy

meant to create an appearance of humility in the young man. Perhaps the strongest indication of

Terence's popular leanings is the simple fact that he entrusts his fate to the audience (*qui in*

tutelam meam / studium suom et se in uostram commisit fidem, *Hec*. 52-53). The constant

assertion that the ultimate authority lies in the audience-as-jury creates a sympathetic bond with

the playwright and his plight.[18]

Turpio, as Terence's advocate, shares in the sympathy created by this portrayal. If

Terence is a man of the people, then it stands to reason that his defender is one as well. An extra

facet is added to Turpio's ethical portrayal in the second prologue of the *Hecyra*, in which the

advocate is shown to be an accomplished supporter of the underdogs of the theatrical world. The

account of his earlier struggles with and eventual successes in staging the plays of Caecilius is

meant to build a rapport between Turpio and the viewers, who are quite likely the same

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[18] I do not mean to bring any political overtones into this discussion, although the conflict between Cato and the
Scipionic Circle certainly involves ideas of popular support and aristocratic wealth. I simply intend to describe the
way Terence is portrayed, not necessarily what he was really like.

spectators who enjoyed Caecilius' plays once they had heard them (*ubi sunt cognitae / placitae sunt*, *Hec.* 20-21). The implication, all but openly stated, is that the same will be true of Terence's plays if the audience will only trust in Turpio's proven good judgment. Turpio's hard work (*laborem*) for Caecilius is enhanced by his description of the precarious position in which playwrights stand (*quia scibam dubiam fortunam esse scaenicam / spe incerta certum mihi laborem sustuli*, *Hec.* 16-17). For four lines—a rather substantial chunk of such a short speech— Turpio describes how easily he could have ended Caecilius' career if he had wanted to (*quod si scripturam spreuissem in praesentia / et in deterrendo uoluissem operam sumere, / ut in otio esset potius quam in negotio, / deteruissem facile ne alias scriberet, Hec.* 24-27). The position of this digression is striking, as it comes after the description of how Turpio saved Caecilius' career and before the transition to talking about Terence and *Hecyra*. Emphasis is thus placed on the fragility of the artist's existence, making Turpio's strenuous support of Caecilius and Terence all the more noteworthy and admirable in the eyes of the audience.

An interesting intersection between the ethical depiction of Turpio and his adversaries will serve as a bridge to a discussion of the latter. Both Turpio and the unnamed advocates for the prosecution are described as old men but in markedly different ways. Turpio's age is used as a mark of distinction and a source of authority—his experiences as both an actor and producer for Terence, Caecilius, and presumably other playwrights lend his statements credence with the audience. His age is also used as a point of sympathy. In the prologue of *Heauton Timorumenos*, Turpio laments being made to play the active roles of a young man (e.g., *seruus currens*) at his age and urges the audience to side with Terence so that he will be allowed to act in more subdued roles (*date potestatem mihi / statariam agere ut liceat per silentium, Hau.* 35-

36).[19] For the opposition, however, age is never shown to be a positive trait either for generating

authority or sympathy. In fact, the terms used to refer to the age of the respective parties make

this distinction clear. Turpio is always described with the adjective *senex*, which carries with it a

connotation of respectability and the wisdom gained through age (hence its use for the senate and

its members). His opponents, on the other hand, are always named using the adjective *uetus*, a

word that connotes ancient places and objects from a time long past. Used of living men, it

indicates that Terence's opponents are useless and out of touch with the present day. The divide

created by such careful word choice is only one aspect of the characterization of Terence's

opponents.

The other major ethical component connected with Terence's opponents emerges in the

potential outcome of their actions. Accusations of theft and *contaminatio*, however unfounded,

do not necessarily create the kind of negative impression of the opposition that an advocate

would want to instill in a jury. In order to paint a compelling picture of petty and vindictive

adversaries and stir the audience to feel pity (for his client) and indignation (for his opponents),

Turpio stresses several times the damage that such accusations could have not only on Terence's

career but on his very life. In fact, the range of terms employed by Turpio to describe the

opposition's actions run the gamut from purely procedural (*accusare*) through verbal attacks

(*maledicere* and *uituperare*) to outright bodily harm (*laedere*). Such exaggerated language is

meant to stress the seriousness and severity of the matter at hand.

At the beginning of *Andria*, Turpio tells the audience that his opponents are wasting

Terence's time (*operam abutitur*) by forcing him to answer (*respondeat*) their accusations

(*maledictis*). At the outset of *Phormio*, the situation has escalated; no longer content with merely

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[19] Note here Terence uses the adjective *statarius*. This term has both theatrical and rhetorical connotations. In both instances it implies subdued movement and calm speech.

flinging accusations, the opponents are now trying to forcibly remove (*retrahere a studio*)

Terence from his work and put him out of a job (*et transdere hominem in otium*). After a dozen

or so lines, the idea again emerges in even stronger terms: Terence's opponents would rather let

him starve than go on writing plays (*ille ad famem hunc a studio studuit reicere*, *Ph*. 18). The

repetition and juxtaposition of *studium* and *studeo* in this line is telling. In this context, *studium*

refers to Terence and his pursuit of the theatrical arts—his business (*studium*) is making plays.

His opponents' business (*studuit*), on the other hand, is dragging young rivals off to starve. The

use of *poeta* to describe both Terence and his opponent, often in the same line (*postquam poeta*

uetus poetam non potest / retrahere a studio, Ph. 1-2), heightens the difference between their

studia. It is as if the opponents are turning on one of their own. The contrast is further

heightened in the following line, in which Terence is portrayed as wanting to simply respond to

rather than provoke his opponents (*hic respondere uoluit, non lacessere*, *Ph*. 19). The implicit

comparison is between the desires and ultimately the characters of the two sides: the opponents

eager to do harm (*ille… studuit reicere*) and Terence wanting to talk things over (*hic respondere*

uoluit).[20]

The final ethical component of the prologues to be studied is the portrayal of the

audience. Because the audience is an independent entity and not a role written for the stage,

Terence cannot simply dictate its ethical portrayal as he did with the other parties involved.

Instead, he must act through Turpio to subtly link the audience to his cause. More overt displays

of this connection have already been discussed—the exhortations for attention and fair-

mindedness are the most obvious examples. A clear division is made between Terence and

Turpio, who wish only to please the people, and their opponents, who are bent on destroying the

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[20] Note again the juxtaposition of pronouns *hic* and *ille*. Here *ille* is used to refer back to the hypothetical opponent
si quis.

young playwright's career. There is, however, a less obvious connection being made, as Turpio calls upon the audience to assist him in his work of saving the underdog playwright. The assignment of roles is significant in this respect: Turpio and the audience are the only parties who are explicitly given parts in the constructed courtroom on stage (*iudicium fecit, me actorem dedit*, *Hau.* 12). Already, then, the advocate and jury are linked in the judicial illusion.

The statement *arbitrium uostrum, uostra existumatio / ualebit* (*Hau.* 25-26), with its repetition and chiastic word order draws attention to the special prominence placed not only on the audience's ability to judge based on the facts (*arbitrium* is generally used to refer to an out-of-court settlement) but also artistic merits and taste (*existumatio* connotes personal preference and opinion). A more direct link is created in *Phormio*, where the audience's will (*uoluntas*) seemingly has control over the very action on the stage (*uoluntas uostra si ad poetam accesserit*, 29).[21] By the end of the prologue of *Phormio*, however, the audience has moved from this position to being a partner with Turpio in the production of Terence's plays. The final lines come as something of a surprise: *quem actoris uirtus nobis restituit locum / bonitasque uostra adiutans atque aequanimitas* (33-34). The first of these lines is not unexpected, since Turpio has just finished talking about a prior performance that was interrupted.[22] What is striking, however, is the sudden and final inclusion of the audience in the picture. Their *bonitas* (a very vague term) and *aequanimitas* (a word not seen before Terence and rarely used after, perhaps even coined by him—it is clearly the abstract quality of having obeyed the command *adeste aequo animo*) are tacked on as additional subjects to the verb *restituit* and, in fact, outweigh the previous subject *uirtus actoris* both in length and in their emphatic position. The participle

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[21] Note the emphatic placement of *uoluntas uostra* before *si*.

[22] It is generally assumed that he is speaking of the *Hecyra*, but when *Phormio* was produced in 161BCE, *Hecyra* had still received only one unsuccessful attempt at a performance. The reference must be to Turpio's prior work, perhaps with Caecilius?

adiutans is also significant; because it is formed from the frequentative *adiuto*, it implies continuous support, rather than a single isolated incident.

The same sort of collaboration is implied in the second prologue of *Hecyra*: *facite ut uostra auctoritas / meae auctoritati fautrix adiutrixque sit* (47-48). Here, however, it again seems that the emphasis is being placed on the viewers and their ability to assist Turpio in his work. Note the use of *adiutrix*, another word formed from *adiuuo* (though not the frequentative *adiuto*), here paired with *fautrix*, derived from *faueo* which can have the very specific theatrical meaning of showing support through applause. Both of these words, however, can also be used to speak of political support, and their use so close to the repeated *auctoritas* seems to stress this connotation.[23] The strength of *auctoritas* in this passage is clearly felt – no longer are the viewers simply assisting Turpio through their good will or fair judgment. Rather, they possess the same power and authority that the advocate does, and only their combined effort against their opponents and the capricious goings-on of the forum can save the career of Terence.

Performance space

The setting in which the prologues were delivered also contributed to the courtroom atmosphere being created on stage. Unlike the cities of Greece and the Italian towns with a decidedly Hellenistic influence (e.g., Pompeii), Rome in Terence's day had no permanent stone theaters in which plays could be regularly performed. In fact, the first such theater to last in Rome is that built by Pompey in 55 BCE with an estimated capacity of 10,000 people.[24] Instead the plays of Terence would have been performed on temporary wooden structures built

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[23] For these terms used together in this way, see Cic. Fam. 1, 9, 11: *Cn. Pompeius… cuiusque ego dignitatis ab adulescentia fautor, in praetura autem in consulatu adiutor etiam exstitissem.*

[24] See *OCD*, theater, staging of (Roman).

specifically for the occasion. There is evidence to suggest that these stages would be erected in

the forum or outside temples in such a way that the steps of nearby buildings could be used for

seating (Garton 1972; Goldberg 1998). The attendance for such a performance was obviously

much smaller than what a more permanent structure could allow; it is likely that only one to two

thousand could watch at any given time. These small, outdoor venues would certainly be at risk

of interruption by the business and activity that continued to go on around them. One needs look

no further than the prologue of *Hecyra* to see how easily a performance could be disrupted by its

surroundings.

Although it is difficult to create a precise chronology, there is evidence that trials were

often held on similarly temporary wooden structures called *tribunales* that were erected in the

forum. The placement of the parties is reversed from what one would have seen in Terence's

theatrical recreation of a court. Kennedy (1972) states that the presiding magistrate and jurors

were seated on the *tribunal*, while the advocates and their clients were seated on benches on the

ground.[25] He also stresses the very public nature of these trials. Although the juries consisted of

only fifty to seventy-five members (depending on the time period and the particular court), there

was always a large crowd of interested parties, called the *corona*, surrounding and listening to

the proceedings. Certain speeches of Cicero reveal that advocates were aware of their presence

and that this crowd could potentially influence or interfere with the judicial hearing. In the time

of Terence, the theater and the courts shared the same public spaces, used the same temporary

structures, and operated under similar conditions. As Turpio stepped into view and began

speaking not as *prologus* but as an advocate, it would be no great mental feat for the audience to

re-imagine the theatrical stage as a judicial *tribunal*.

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[25] Terence's rendition could have incorporated some of these elements. It seems at least plausible that Turpio could have appeared at ground level—in the usual position of an advocate—rather than on stage. There is nothing in the texts to preclude it as a possibility.

CHAPTER THREE

TERENCE'S THEATRICAL THEORIES AND PRACTICES

The previous chapter discussed the extent to which Terence's prologues resemble judicial

orations and the debt that their composition owes to the rhetorical training that was emerging in

Rome in the mid- to late-second century BCE. The vocabulary, structure, and style of

argumentation, along with the setting of the performances, combine to create a courtroom

atmosphere in which the audience is established as the jury in six cases involving an ongoing

dispute between Terence and his rival playwrights. An examination of the particularly ethical

nature of the argumentation has revealed a consistent program of characterization designed not

only to persuade the viewers to judge in favor of Terence, but to show the viewers that they have

a stake in the outcome of the case as well. There is an insistence in the constant exhortations that

the viewers take the matter before them seriously and approach it as if it were an actual trial with

all the *grauitas* of the Roman courts.

What effect does this judicial atmosphere have on the audience's experience of the plays,

on the plays themselves, and on the theater in general? What was Terence's purpose in

composing his prologues in this specific and very unique way? The answer to these questions is

threefold. First, the judicial prologues are a deliberate strategy to make the viewers conscious of

partaking in a play and thereby to create a unique form of metatheater. Second, Terence takes

advantage of this heightened state of awareness to teach his audience his theories of composition,

adaptation, and translation. Finally, the way that Terence constructs his viewers and the theoretical information he invests in them reveal his ultimate purpose, his theatrical program: comic theater should be considered a serious endeavor and should remain accessible to as many as possible.

Metatheater

Metatheater is not often considered to be part of Terence's repertoire. Plautus is generally regarded as the great metatheatrical innovator, whereas Terence is seen as a traditionalist who returns New Comedy to a more subdued, realistic, Menandrian state. The crux of these arguments is that Terence's theater is more realistic than that of Plautus. One of the key elements of this realism is his putative lack of metatheater. Such assessments, however, fail to account for the metatheater evident in Terence's prologues.

Before turning to these metatheatrical elements, it is first necessary to define what exactly is meant by metatheater in this context. Slater's succinct definition nicely fits both Terence and Plautus: metatheater is "theatrically self-conscious theatre, i.e., theatre that demonstrates an awareness of its own theatricality" (10). Plautus allows the conventions of the stage—the stock scenes and characters that appear throughout New Comedy—to become objects of comedy in their own right. Such comedy is usually the purview of the *seruus callidus*, the star of so many of Plautus' plays and the mastermind behind his tangled plots. Slater rightly points out that the success of the *seruus callidus'* various tricks relies to a large part on his knowledge, not of the individuals in the story but of the stock types that they portray. In *Bacchides*, for example, Chrysalus uses his knowledge of how the old man stock-type functions when angered in order to control Nicobolus. There are numerous other instances of such metatheater in Plautus, in which

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characters on stage recognize and manipulate the conventions of the very drama within which they exist.

Such metatheater is of course generally lacking in Terence's version of New Comedy. He rarely uses the clever slave to drive the play's action but instead focuses much more closely on the father-son dynamic at the heart of each of his plays. Some scholars (most notably Frangoulidis 1993, 1994, 1996; Knorr 2007) have attempted with varying degrees of success to identify Plautine metatheater in the works of Terence. These studies seem to be most successful in the case of *Phormio*, whose titular character is a scheming, manipulative *parasitus*-cum-director reminiscent of Plautus' *serui callidi*. Phormio, however, is only one character out of six plays; if metatheater does exist in Terence's plays, it must have a different, markedly un-Plautine form.

Terence creates a new form of metatheater that encompasses the entire play by introducing each of his theatrical performances with his unique form of the prologue. In order to justify this assertion, it is first necessary to show that the prologues are not pieces written after the fact that were added to subsequent performances but are part of Terence's original composition and thus intimately connected to the rest of the work. This is not to suggest, however, that the arguments made in the prologues somehow foreshadow or otherwise point to events that take place in the main action of the play (for which see Gowers 2004). Such connections are highly tendentious and so subtle that they would likely only be apparent to later scholars working from a written text. Instead, I will demonstrate that the prologues were written at the same time as the rest of the play.

The evidence for such a claim lies in the scenes immediately following each of the prologues. As discussed in chapter one, one of Terence's greatest departures from his New

Comic predecessors was to eliminate the expository prologue. By removing crucial background

information from the prologue, Terence was forced to make drastic changes to the opening

scenes of his plays or else risk losing his audience entirely. Numerous studies have been

published on how Terence modified the Greek originals for a Roman audience, and many of

these focus on the changes apparent in the opening scenes.[1] The most obvious example is in

Andria, in which the freedman character Sosia was invented by Terence and inserted into the

first scene to act as a sounding board for the old man Simo, who now has the responsibility of

providing any pertinent background information that would otherwise have been covered in the

prologue. Philotis in *Hecyra* and Davos in *Phormio* fill similar, solely expository roles.

Such extensive and deliberate modification of the opening scenes confirms that Terence

indeed intended to eliminate the expository function of the prologue and shift it to other parts of

the play.[2] Whatever his motives, Terence's purpose was not to create a more natural or realistic

theatrical experience. Instead, he manipulated each of his plays to remove a specific dramatic

convention. Stock character types, expository prologues, and formulaic plots were all standard

elements of New Comedy and would have been recognizable to the audience. Their continued

use is a testament to their success, which Slater rightly attributes not to "their approximation to

reality" but "their effectiveness as communication" (8). By removing the conventional prologue,

Terence also removed its communicative function. Expository prologues were obviously an

effective means of communicating crucial plot information to the viewers so that they could

focus more on the humorous elements of the performance created by physical antics as well as

the dramatic irony created by prior knowledge of the play's basic outline. Audiences expected

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[1] See Ludwig (1968); Lefèvre (1978); Richardson (1997); Barsby (2002); Anderson (2004).

[2] Gratwick (1987) provides an illustrative list of the background information that conventionally would have been in an expository prologue of *Adelphoe* (31-34). At a glance, one can see the extent to which Terence modified the original play in order to accommodate his prologue.

such information to be present in the prologues and depended on it—to a certain extent—to guide their experience of the performance. By withholding this knowledge, Terence drastically changed his audience's approach to his plays.

Even if the prologues were not part of Terence's original composition—if the plays had no introductory material of any kind but began with the first scene—Terence's compositional innovation would still be evident: merely to remove expository material shows that he was concerned with the audience's experience of his plays. His intent was certainly not to make his plays easier for his audience to understand. Not only did he remove the expository prologue but he regularly complicated matters by interweaving the plots of two Greek plays into one—the famous charge of *contaminatio* leveled against Terence by his rival playwrights. It is telling, however, that the complaints of *contaminatio* stem not from the audience experience of the plays (i.e., the confusion caused by an overly complicated plot), but from seemingly arbitrary rules about the "purity" of translation and/or adaptation. If the issue were one of audience perception, one might expect Terence's rivals to complain about the fact that the audience was unable to follow the complicated double plots that he created; instead, their complaints are largely literary. Therefore, I suggest, Terence did not think his audience would find his plots too difficult to follow, and – in fact – they did not.

If, however, the prologues are part of Terence's original composition, the audience's experience of the plays would necessarily be much different. Because important information was typically communicated at this point, the audience was more receptive to any extradramatic information that might be offered. In the place of exposition, Terence inserts a series of rhetorical prologues that mimic the atmosphere of the Roman courts. By placing the audience in a courtroom environment from the very beginning, Terence ensures that his viewers are in a very

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specific frame of mind before the play ever begins. Terence constructs his viewers to be as

active and critical as they would be in a jury. Each play is introduced as a case in which the

good name and livelihood of the playwright are under attack from a group of intractable old

sticks-in-the-mud. The viewers-as-jury are given (through Turpio) the same authority over the

outcome of the production as they would have over a real trial. The weight of this perceived

responsibility undoubtedly heightened the effect of being in a court where real lives were often

truly at stake. Thus, by creating this judicial atmosphere and infusing it with the same sense of

gravity, Terence creates in his audience the same serious attentiveness and critical eye that one

would expect from a Roman jury.

The language of the prologues reflects this need to pay attention and to really understand

rather than simply watch the plays. The constant exhortations at the end of each prologue go

beyond the typical Plautine call for silence and a favorable viewing.[3] At the end of the prologue

of *Andria*, the speaker calls upon the audience for its customary good will, but at the end adds

rem cognoscite, the standard judicial formula for examining and understanding the facts and

arguments of a courtroom trial (*et desinant / maledicere, malefacta ne noscant sua. / fauete,*

adeste aequo animo, et rem cognoscite, / ut pernoscatis ecquid spei sit relicuom, 23-25) . The

"knowing" aspect of *cognoscere* is further emphasized by the appearance of *pernoscatis* in the

next line and—to a certain extent—by the use of *noscant* in the previous line. Verbs indicating

knowing and understanding occur throughout the prologues, and part of the ethical

characterization evident in the prologues centers on the concept of knowledge and awareness.[4]

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[3] Cf. Plautus *Casina* 87-88: *ualete, bene rem gerite, et uincite / uirtute uera, quod fecistis antidhac*; *Menaechmi* 5: *nunc argumentum accipiter atque animum aduortite*; *Poenulus* 128: *ualete atque adiuuate ut uos seruet Salus* .

[4] Were Terence simply concerned with entertaining rather than edifying his audience, one might have expected a much more visual approach to the appreciation of his plays. That the playwright preferred a mental rather than visual approach is shown in the preponderance of verbs of knowing and understanding rather than of verbs of seeing and observing. Turpio describes plays that became successful not once they were seen, but once they were known

Terence and Turpio are consistently portrayed as those who know – how the theatrical business runs (*uerum aliter euenire multo intellegit*, *An.* 4), what information the audience needs (*nunc qui scripserit / et quoia Graeca sit, ni partem maxumam / existumarem scire uostrum, id dicerem*, *Hau.* 7-9), and so on. By contrast, their rivals are shown to be ignorant of their audience, the business of putting on plays, and even simple logic. In the prologue of *Andria*, Terence counters the charge of *contaminatio* by accusing his rivals of forgetting about the great figures of Roman literature: *faciuntne intellegendo ut nil intellegant?* (17). In the prologue of *Phormio*, they are reminded of the integral role of the acting troupe manager in securing a favorable hearing: *quod si intellegeret, quom stetit olim noua / actoris opera magis stetisse quam sua* (9-10). This comment is especially biting because it is delivered by a stage manager – Turpio, the very person they have forgotten – and because it calls into question not only the rivals' knowledge of theatrical production but even their memories of their own careers.

The prologue speaker is often at pains to correct the wrong-headed assumptions of Terence's theatrical rivals, who seem unable to comprehend the situation as Terence and, by association, his audience see it. For example, in the prologue of *Eunuchus*, the speaker twice corrects his opponents: first, when the opponents claim that they are being unjustly attacked (*tum si quis est qui dictum in se inclementius / existumauit esse, sic existumet*, 4-5)[5] and again when they boast that Terence has nothing more that he can say against his rivals (*dehinc ne frustretur ipse se aut sic cogitet / "defunctus iam sum: nil est quod dicat mihi," / is ne erret moneo et desinat lacessere,* 14-16). Turpio berates one particular rival for his failure to recreate the

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(*cognitae*, *Hec*. 20—note the resonance with *rem cognoscere* from *Andria* 24). This concentration on knowing rather than simply seeing reveals a concern in Terence for his audience's appreciation and understanding of his work above and beyond the ribald popularity of Plautine slapstick.

[5] Note particularly the repetition of the verb in line 5, where the perfect represents the incorrect past assumption of the opponents, which is corrected immediately with the jussive subjunctive.

proceedings of a trial in a logical order—a particularly pointed example, given the form of Terence's prologues (*idem Menandri Phasma nuper perdidit, / atque in Thesauro scripsit causam dicere / prius unde petitur aurum qua re sit suom / quam illic qui petit unde is sit thesaurus sibi / aut unde in patrium monumentum peruenerit*, 10-13).[6]

Running slaves pushing through the crowds are used as another sign of the opposition's ignorance (or indeed madness: *quor insano seruiat? Hau.* 32), as is the suggestion that Terence is an inferior playwright because he never included serious scenes better suited for tragedy (*Ph.* 4-8). Several other examples could serve as evidence for the basic message of the prologues, but in any given case, Terence is the one with correct knowledge or understanding and his opponents are not. The exhortations to the viewers to pay attention and know what is going on align them with Terence's side and stress the importance of careful observation and critical thought.

The courts demand a mind attentive to detail and the subtleties of argumentation, and by opening his plays with prologues reminiscent of the courtroom, Terence demands the same from his audience. Just as the best jurors are not drawn completely into the speeches of the advocates while at court but are able to consider them objectively as if from a distance, so Terence implies that the best audience is one that is not completely drawn into the play but remains outside and separate in a space where it can consider the play as such (*arbitrium uostrum, uostra existumatio / ualebit. quare omnis uos oratos uolo / ne plus iniquom possit quam aequom oratio. / facite aequi sitis, Hau.* 25-28). In this sense, Terence encourages – one might even say constructs—an audience that views the entire production through a metatheatrical lens. The language of the prologue demands a more thorough audience experience than mere attendance.

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[6] I here read, with Barsby, *nuper perdidit*, because the manuscript's reading *nunc nuper dedit* and Donatus' subsequent explanation of archaic pleonasm do not fit the sense or tone of the passage as a whole.

The prologue's subject matter is similarly bound to make the audience experience the

play as a dramatic production – with historical antecedents, stock characters and scenes, and

strongly opposed theories about the proper conduct of the craft – rather than a mimetic

representation of reality. Hence it can be said that Terence does not indeed replace the

expository prologue with a rhetorical one. Exposition is the content of the Menandrian and

Plautine prologue that Terence abandons, but the content of his replacement is more than merely

rhetorical. Its structure is rhetorical, but its content is theoretical and programmatic. In the guise

of judicial rhetoric meant to raise the awareness and concentration of an audience grown

complacent on plays heavy on humor but light on plot, Terence's prologues are actually vehicles

for the playwright's ideas and theories about his craft and the audience's role in it.

Theories of composition, adaptation, and translation

The conflict between Terence and his rival playwrights forms the basis for the structure

and content of the prologues, but the heart of the dispute is not so much the plays themselves as

the manner in which they were composed. Terence and his rivals appear to have had a

fundamental disagreement over the correct way to write plays for the Roman stage.[7] What is at

issue is the information that Terence sought to impart to his audience by means of the rhetorical

prologues.

As an introduction to the examination of Terence's theories, it is useful to discuss first the

specific charges made against the playwright by his rivals, namely *contaminatio* and *furtum*.

Furtum, or outright theft, is the alleged crime in two of the six prologues: *Eunuchus* and

Adelphoe. Both cases involve taking an entire scene or character from one play and transferring

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[7] The debate over the existence of a Scipionic circle with a Hellenistic bent and its supposed conflict with more
traditionally minded figures such as Cato has purposefully been omitted. Whether Terence's ideas about proper
composition were shared by any of his contemporaries—no matter how well organized—is beside the point.

it to another. In the case of *Eunuchus*, Terence is accused of stealing the *parasitus* and *miles*

from the translations of Menander's *Colax* already produced by Naevius and Plautus (19-27). In

Adelphoe, the charge is that Terence has copied an entire scene from Diphilus'

Synapothnescontes, which Plautus had translated into Latin as *Commorientis* (4-14). The

relevant issue in both cases—the one that the rivals seem to take exception with—is that Terence

is translating scenes or characters that have already been rendered into Latin by previous

playwrights. Terence counters these charges by appealing to the Greek originals. In the case of

Colax, Terence claims that he had in fact gone back to the Menandrian original as his source, and

he further denies any knowledge of previous Latin translations of this play.[8] For the accusation

made in *Adelphoe*, Terence argues that the scene he allegedly stole was not included in Plautus'

translation of Diphilus.

From these arguments, it is evident that the primary issue is not that Terence has

combined elements from different plays (for which see the discussion of *contaminatio* below)

but that he has worked on plays that have already been translated into Latin by other playwrights.

The accusation of theft, then, seems to be quite literal. Terence is accused of plagiarizing the

work of Naevius and Plautus, of stealing blocks of Latin text wholesale from other authors'

work.[9] Terence denies the charges, asserting that he has been working from Greek originals and,

in the prologue of *Adelphoe*, purposefully choosing scenes that had not previously been

translated into Latin; he has not knowingly stolen anything from anyone (*eum Plautus locum /*

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[8] Although given his statements in other prologues (e.g., *qui quom hunc accusant, Naeuium, Plautum, Ennium / accusant, quos hic noster auctores habet*, *An.* 18-19), it is extremely unlikely that Terence would be unaware that two of his theatrical predecessors, in whose legacy he places his own career, had already translated the play he was working from. The denial here could perhaps be a rhetorical technique to strengthen the claim that Terence worked solely from the Greek original.

[9] Some confusion may arise from the fact that both Plautus and Naevius are said to have previously translated from Menander's *Colax*. There is no record, however, of a similar charge of *furtum* laid against Plautus for stealing the work of Naevius. Such restrictions are probably just the invention of the grumpy old men that Terence has as rivals.

reliquit integrum, eum hic locum sumpsit sibi / in Adelphos, uerbum de uerbo expressum extulit,

9-11). In fact, in *Adelphoe*, Terence stresses the fact that he is restoring a scene that had been

carelessly omitted from Plautus' original (*locum / reprehensum qui praeteritus neglegentiast*, 14-

15). If he has done any wrong, he did so by carelessness, not from any willful desire to steal

another author's work (*si id est peccatum, peccatum imprudentiast / poetae, non quo furtum*

facere studuerit, Eu. 27-28).

Beyond the immediate denial of the truth of the claims of *furtum*, Terence makes two

arguments with much more widespread significance for his overall program. In *Eunuchus*, after

thoroughly denying any knowledge of a previous Latin version of *Colax*, Terence broadens the

implications of the specific accusation to encompass all of New Comedy (30-34). If he is not

allowed to use the characters of the *parasitus* and *miles* in his own play, how can anyone else be

permitted to use similar stock characters in their own plays (*Eu*. 35-40)? This argument is

followed by what seems to be a fairly bleak assessment of the possibility for originality in this

genre: *nullumst iam dictum quod non dictum sit prius* (41). Rather than reading this statement as

the existential angst of a young artist come up against opposition, it is much more useful—and

relevant to the preceding lines—to take it as a commentary on the possibilities inherent in New

Comedy. The genre, with its formulaic plots and short list of standardized roles, offers little

flexibility to the playwright who is not willing to innovate, particularly given what appears to

have been the method of Terence's rivals: translating Greek plays into Latin without significant

modification and with the translator retaining sole rights to further translations of his Greek

source.[10] Taken as such, Terence's comment is in fact a recognition of the creative stagnation

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[10] It has been proposed (e.g., by Garton 1972) that there is possibly an economic argument underlying these accusations. By reworking previously translated plays and by consuming two Greek originals to produce one Latin play, Terence is taking more than his fair share of the source material from which all Latin playwrights had to draw. His rivals would probably have preferred if Terence's *Andria* had simply been an adaptation of Menander's *Andria*,

endemic to his opponents' system of dramatic composition. Without a radical upheaval, the art form was bound to die out once the stock of Greek plays had been exhausted.

The charge of *contaminatio* has received much more scholarly attention than that of *furtum*, particularly because the term appears to be a unique coinage of Terence with no clear definition and an uncertain sense.[11] For the present purpose, it is enough to state that *contaminatio* refers to the mixing of two source plays into one final composition. Like the charge of *furtum*, *contaminatio* appears only in two of the six prologues. In *Andria*, Terence's rivals have accused him of taking two of Menander's plays, *Andria* and *Perinthia*, and combining them to make his own Latin version of *Andria* (8-16). In *Heauton Timorumenos*, the charge is much more general: that while making a few Latin plays, Terence has contaminated many Greek originals (*multas contaminasse Graecas dum facit / paucas Latinas,* 17-18). In both cases, Terence freely admits that he has combined Greek plays in order to create new Latin ones (*An*. 13-14; *Hau*. 16-19).

He also offers the same defense against both accusations: he is following the precedent set by the great Latin playwrights who came before him, namely Ennius, Naevius, and Plautus (*An*. 17-21; *Hau*. 18-21). By accusing Terence of a crime, the adversaries necessarily accuse his predecessors as well (*faciuntne intellegendo ut nil intellegant? / qui quom hunc accusant, Naeuium, Plautum, Ennium / accusant, quos hic noster auctores habet, An*. 17-19). The implication, of course, is that no self-respecting Roman would ever condemn such literary giants and thus that Terence himself cannot also be guilty. Terence's argument here is based not on the

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which would leave the *Perinthia*, however similar it is in plot (*An*. 9-13), available for another playwright. By taking both, Terence is taking one possible production from another playwright. Of course, Terence is not concerned with making sure that everyone gets their fair share of the profits. He is far more concerned with making good Latin plays that his audience can follow, understand, and enjoy.

[11] Such questions are not, however, relevant to the task at hand, and much more information can be found about them elsewhere. See especially Beare (1959), Simon (1961), and Kujore (1974).

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stasis of definition (as in the case of *furtum*), but on the stasis of quality. Unlike the charge of

furtum, which Terence dismisses as false based on a logical explanation of the facts, the charge

of *contaminatio* is voluntarily embraced as something central to the practice of Roman New

Comedy, so it cannot be considered a crime.

From his responses to these charges, a general idea of how Terence envisioned the

process of composing, adapting, and translating plays for the Roman stage begins to take shape.

The distinctions drawn between *furtum* and *contaminatio* and Terence's defense against these

accusations indicate a deeper, more thoughtful understanding of the theatrical customs of the

day: Greek plays were fair game, but those that had already been translated into Latin were off-

limits. To a modern eye, it may seem that little more than rote translation is going on here,

particularly given phrases such as *uerbum de uerbo expressum extulit* (*Ad.* 11) which would

seem to imply a literal, one-to-one form of translation, yet Terence also argues against this very

practice. In the prologue of *Andria*, he defends his own *neglegentia*, which he shares with his

predecessors, against the *obscura diligentia* of his rivals (20-21).[12] In this context, it is clear that

a contrast is being made between what might be called adaptation—the loose translation that

seeks to capture meaning and tone—and the kind of literal translation produced by a rigid mind,

which produces a play that is incomprehensible to the audience.

In the prologue to *Eunuchus*, Terence makes this distinction explicit, providing the

audience with a concrete example of bad translation in action. He describes one of his rival

playwrights, usually identified as Luscius Lanuvinus: *qui bene uortendo et easdem scribendo*

male ex / Graecis bonis Latinas fecit non bonas (7-8).[13] A clear contrast is made between simply

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[12] The adjective *obscurus* clarifies this sense of *diligentia*; it is the Latin equivalent of the Greek rhetorical term δυσπαρακολούθητος, which is used to describe speech that is difficult to follow or comprehend.

translating well (*bene* here is often taken to mean "accurately" or "closely") and actually writing good plays—he goes on to give a specific example of how his rival's practice of overly literal translation creates a convoluted courtroom scene that defies basic logic and ultimately ruins the entire play (9-13). Though he provides only this one concrete example of the pitfalls of *obscura diligentia*, it is clear from his more general statements that Terence saw this issue running rampant through the Roman theater and perceived it as a real threat to the continuation of his own career.

Though much of the argumentation in the prologues necessarily focuses on the negative qualities of his rivals, it does offer a positive view of theatrical composition, one that can provide some insight into how Terence viewed his own work. Perhaps the most consistent feature is that Terence describes his plays as new. Throughout the prologues, Terence insists that the play that is about to be performed is a new one, specifically using the adjectives *nouus* and *integer*.[14] At first glance it might seem that this simply cannot be true. Terence admits that his sources are the Greek plays of Menander, Apollodorus and Diphilus. He even gives the names of the plays themselves, which he occasionally also describes with the adjective *integer* (*ex integra Graeca integram comoediam / hodie sum acturus Heauton Timorumenon*, *Hau.* 4-5). Can mere adaptation and translation produce something new?

The adjectives *nouus* and *integer* have several layers of meaning, all of which stress the novelty of Terence's theater. In the most basic sense, these adjectives do, in fact, mean 'new' as in never before performed. The prologues were, after all, part of the original composition of the

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[13] Note the chiastic structure of line 7 (*bene uortendo … scribendo male*) and the emphatic position of *non bonas* at the end of the line following the verb. It is interesting to note how similar this indictment is to the accusation made against Terence in the prologue of *Heauton Timorumenos* (*multas contaminasse Graecas dum facit / paucas Latinas,* 17-18). Terence takes an argument based on quantity and turns it back on his attackers as an argument of quality.

[14] Terence uses *nouus* to describe his own plays at *Hau.* 7, 29, 34; *Eu.* 24; *Hec.* 2, 5; and *Ad.* 12. He uses *integer* at *An.* 26; *Hau.* 4; and *Ad.* 10.

plays and would have been performed as such to a completely new audience at each play's premiere.[15] In addition to this very literal meaning, *integer* specifically carries a sense of something untried or unattempted. In this sense, *integer* points to Terence's insistence that he is innocent of the charges of *furtum*, because no playwright has attempted to translate the Greek plays upon which he draws. The consistent repetition of *integer* in the prologues, therefore, serves not only a practical purpose—by stressing that the performance is new—but also a rhetorical one—by subtly repeating the defense. Furthermore, *integer* seems to carry a programmatic as well as practical and rhetorical meaning. The adjective may mean both "not previously translated" and "translated and adapted here in a new way." Although he places himself in the tradition of the great Latin comic playwrights, the innovations and modifications that Terence brings to the stage are unlike anything that his predecessors had attempted.

Value and accessibility of (comic) theater

Part of Terence's purpose has already been made clear: the rhetorical, programmatic prologue creates an audience that is more attentive to the plot and more aware of theatrical business. Terence presented his viewers, while they were in this heightened state of awareness, with something unfamiliar: an argument about the right and wrong way to adapt and present plays to a Roman audience. Such extra-dramatic material had never been given such a prominent place (or indeed any place at all) within the actual performance of a play. The extensive revision of source material needed to accommodate this information indicates that the choice was not a light one; Terence must have had a greater purpose for these changes. It seems that the young playwright had two main points that he was attempting to convey to his audience.

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[15] This is actually an interesting bit of evidence that the prologues were not, in fact, additions made at later productions, since the plays they introduce could hardly be called new at that point.

The first is that his comedy, and so by association all drama, is serious business and should be treated legitimately as art. The second is that theater should be accessible to everyone: it should neither devolve to the level of mere spectacle, nor should it become the esoteric practice of an overly critical elite.

Throughout the prologues, Terence uses words to describe his occupation that connote hard work and difficulty. The specific terms used are *negotium*, *opera*, *studium*, and *labor*—all of which imply a level of physical or mental exertion as well as a significant commitment of time.[16] Terence also, less frequently, uses the terms *ars musica* and *ludi scaenici* to refer to his trade but seemingly only in contexts where the theater is being described in a positive light (e.g., *in medio omnibus / palmam esse positam qui artem tractent musicam*, *Ph.* 16-17) or is being recommended to the audience for safe-keeping (*uobis datur / potestas condecorandi ludos scaenicos*, *Hec.* 44-45). In all other instances, Terence describes his work as a playwright in terms that stress its difficulty and the extreme hardships he endures in order to bring his plays to the stage. In two specific instances (*postquam poeta uetus poetam non potest / retrahere a studio et transdere hominem in otium, Ph.* 1-2; and *ut in otio esset potius quam in negotio, Hec.* 26), an explicit comparison is made between a life of leisure (*otium*, the kind of peace and quiet that a wealthy senator might enjoy on his country estate) and a life full of work (*negotium*). In both cases the comparison is made only to show that Terence and his supporters would prefer to remain in business, and this attitude is affirmed throughout the prologues. The implication is that theater, like any other trade, is a worthwhile pursuit but not a leisurely one; it requires a commitment to hard work and long hours, both of which Terence seems to accept gladly.

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[16] These words occur in the following passages: *negotium* (*An.* 2; *Hec.* 26), *opera* (*An.* 5; *Hec.* 25), *studium* (*An.* 23; *Ph.* 2, 18; *Hec.* 23, 53), *labor* (*Hec.* 23).

The style of the prologues—the fact that Terence specifically chose to cast the introductions of his plays as defense speeches—is also a clear indication that the young playwright meant for his work to be taken seriously. The courtroom atmosphere as a whole creates a much more serious tone than that of the usual prologues of New Comedy. By recreating a judicial setting, Terence creates in his audience the critical and observant point of view that each viewer would have as a juror at a trial. He emphasizes the audience's judgment and ultimate authority in deciding the outcome of the play-as-case.

While, to a certain extent, the language used serves to reinforce the courtroom setting, the repetition of these statements almost belabors the point, and the scope created by the variety of terms carries far beyond the legal sphere. The vocabulary discussed in chapter two, particularly the concepts of *iudicium* (the judgment of a jury at trial) and *arbitrium* (the decision of an independent mediator), falls firmly in the judicial sphere. The use of *existumatio*, which is implicitly compared with *arbitrium* (*arbitrium uostrum, uostra existumatio, Hau.* 25), carries a more personal, aesthetic connotation and expands the issue to include not only a decision based on factual evidence and rhetorical tactics but also taste and art. The term *uoluntas* seems to complement this aspect, though in a less specifically artistic manner. In the prologue of *Phormio*, a sense of morality is introduced by the use of *bonitas*, which implies both material generosity as well as a more abstract concept of goodness.

Terence's decision to use the words *auctoritas* and *potestas* is perhaps the greatest indication of how seriously he took the audience's role. Both of these words have very clear associations with political power at Rome. By using these terms to describe the power that he is investing in his audience, Terence implies that the current situation—the imminent threat to his theatrical career—is comparable to issues facing the top Roman magistrates of the day. The

combined use of aesthetic, legal, moral, and political vocabulary indicates a conscious choice by Terence to broaden the scope of his problem and to elevate its perceived importance. In doing so, he is attempting to stress to the audience that theater, specifically his own brand of New Comedy, is a serious matter that deserves the kind of weighty judgment and cautious consideration afforded to other spheres of Roman life.

Specific features of the characterization and presentation of the defendants in Terence's case also lead to a much more serious tone and invite the viewers to attach a greater significance to the matter. In the discussion of the ethical element of the prologues' argumentation in the previous chapter, the portrayal of Terence's rivals as cruel and uncaring individuals trying to rob a young man of his livelihood—and possibly his life—was shown to be a rhetorical tactic meant to turn the audience's sympathies toward Terence (e.g., *postquam poeta uetus poetam non potest / retrahere a studio et transdere hominem in otium*, *Ph*. 1-2). The young playwright is meant to be seen as the target of unjust and unfounded accusations and the victim of punishments that far outweigh his supposed crimes. When taken as a whole, however, the various descriptions of Terence's plight take on a larger programmatic function: they add a sense of urgency and real consequence to what would otherwise be an abstract discussion of dramatic and literary theory.

Instead, the speeches of the prologues ground these esoteric ideas in terms that are much more concrete and approachable for the audience. The image of an idealistic (if a bit naïve) young man being forced into idleness and starvation (e.g., *ille ad famem hunc a studio studuit reicere*, Ph. 18) because of the intransigence of his curmudgeonly rivals is a much more tangible concept for an average viewer, who may or may not care about the theoretical principles behind plays. A failed career, starvation, and ultimately death, however, are concepts that anyone can understand and, moreover, would consider to be serious concerns, however improbable they

were in Terence's case. The connection of ideas about translation, adaptation, and composition (which Terence sees as important) to more basic human concepts (which everyone considers important) brings the entire situation the immediacy of a life or death struggle for survival. As a jury, the audience is therefore forced to consider both issues with the same attention to detail and critical eye. Thus the entirety of the case, both the threat to Terence's well-being as well as the survival of the comic theater, must be treated as a serious matter.

The ethical presentation of Turpio exerts a similar influence on the audience. Throughout the prologues—particularly in *Hecyra*—the personal effort and skill of Turpio is constantly cited as instrumental in the success of emerging playwrights. His resilience in the face of adversity is stressed again and again as he attempts to hold his place against the mob (*quom per tumultum noster grex motus locost*, Ph. 32), repeatedly tries to stage failed plays (*easdem agere coepi ut ab eodem alias discerem / nouas, studiose ne illum ab studio abducerem, Hec*. 18-19), and risks his own financial livelihood (*ut lubeat scriber aliis mihique ut discere / nouas expediat posthac pretio emptas meo,* 56-57). The importance Turpio places on his role in the production is made clear by his continued willingness to defend Terence against the accusations of his rivals—both by presenting the speeches as Terence's advocate and by personally warning the rivals that he will retaliate if they continue their aggression (*habeo alia multa quae nunc condonabitur, / quae proferentur post si perget laedere / ita ut facere instituit*, *Eu*. 17-19). His commitment is all the more remarkable given his own acknowledgement that theater is an extremely capricious business: *quia scibam dubiam fortunam esse scaenicam, / spe incerta certum mihi laborem sustuli* (*Hec*. 16-17).

Of course, the fact that Turpio takes his role in the theater seriously is not in itself an obvious statement of Terence's views about his profession. What is significant, however, is that

Turpio consistently exhorts viewers to aid him in his task by using the various kinds of authority given to them. This collaboration, it is implied, is necessary for the entire dramatic production to continue. Thus the audience by association is expected to uphold its end of the deal. By making his viewers virtual partners with the producer and lead actor of the troupe, Terence pushes his viewers to see their own crucial part in the life of the theater and to take that responsibility as seriously as the various other players do.

The emphasis on taking theater seriously is only one part of Terence's ultimate purpose. The other, far more significant part of his purpose—his theatrical program—is that theater should be accessible to everyone. The prologues make it clear that Terence saw himself and his own brand of Roman Comedy as standing between two extremes that simultaneously threatened to end his career and what he saw as the "right" way to create comedy. On the one hand, an unthinking and uncritical audience might allow comic theater to devolve to the level of mere spectacle—no better than the boxers, gladiators, and tight-rope walkers that plagued the first two attempts to stage *Hecyra* (2-4; 33-35; 39-41). If the *populus stupidus* (*Hec*. 4) prevailed, the theater would become a place of chaos, full of people shouting and grappling for position. Terence describes the mob that interrupted *Hecyra* as a *calamitas* (30) and *comitum conuentus, strepitus, clamor mulierum* (35). The world of spectacle—of cheap and simple visceral entertainment—is one of sound and motion but no meaning. In contrast, the ideal theater should be calm and quiet: *nunc turba nulla est: otium et silentiumst* (*Hec*. 43). Only in this situation can the audience properly experience and appreciate (through a more complete understanding) the play that they are watching. In Terence's mind, in order for theater to survive in its proper state, the *populus stupidus* must become a more engaged and knowledgeable audience.

Immediately following the declaration of pervasive calm mentioned above, Terence—through Turpio—gives a clear statement about the other extreme that he perceived as a threat: *nolite sinere per uos artem musicam / recidere ad paucos* (*Hec*. 46-47). Although who the "few" are is never explicitly stated in this particular context, it is clear from the other prologues that Terence must be referring to his own rivals, whose pedantic approach to translation and to other playwrights threatens to close the whole theater off to all but a few highly educated elites. Beyond the arguments centered on *furtum* and *contaminatio*, Terence's rivals also show concern for the age and speed at which the young playwright came into the profession (*Hau*. 22-24) as well as the fact that he may have been supported by his wealthy friends in some way (*Hau.*. 22-24 & *Ad*. 15-16). Such accusations, regardless of their truth, clearly show a preoccupation with Terence's level of training and experience: his sudden entry at such a young age (he was in his early twenties when *Andria* was first staged) seemed to his rivals to be less a sign of his talent (*haud natura sua*, *Hau*. 24) and more a sign of the patronage of powerful friends.

Terence counters both of these attacks with what could be called a populist sentiment. By appealing to the audience's judgment (*Hau*. 25-26) and the benefits that all have received from high-ranking men (*Ad*. 18-21), Terence clearly distinguishes himself from their elitist mentality. Further positive statements are made throughout the prologues which solidify Terence's position as a man of the people, working in their best interest to please the most while harming the fewest (*Eu*. 1-3). Turpio is similarly shown to be working in the best interests of the audience by repeatedly attempting to stage plays at great personal expense despite disruption, because he both believes that the playwrights should be given a chance (*Hec*. 21-27) and because he knows that the plays he is producing are good ones (20-21).

The ultimate goal of both men, which is stated at the close of four of the six prologues (*An*. 24-27; *Hau.* 51-52*, Hec.* 55-57*,* and *Ad.* 24-25), is to ensure that new plays continue to be made that will please their audiences. While at first this seems like a fairly innocuous and almost banal statement, in Terence's mind at least it implies a depth of meaning about what constitutes good theater and who, ultimately, gets to make that decision. By the time these statements are made at the ends of their respective prologues, the playwright has explicated—in the guise of judicial defenses of the play at hand—a portion of his theatrical program. This program is never explicitly stated; Terence was smart enough to realize that an outright statement of his theories and principles would be lost on the majority of his audience. Instead, he used a setting with which the entire audience would be familiar—a courtroom—and in which they were already accustomed to maintaining an observant, critical distance from the subject. Playing on this critical detachment, Terence creates a situation in which his audience experiences the entirety of his plays from a metatheatrical perspective. He further exploits the audience's heightened awareness to plant ideas about his own brand of translation and how it should be used to adapt Greek originals into successful Latin plays. The combination of all these factors with certain common threads throughout the prologues reveals the core purpose of Terence's plan for rewriting the prologues of his plays: a broad programmatic statement about the nature of the Roman theater and its audience. In the end, what appears to be a bland statement about the simple creation of more plays is really an expression of a possibility that can only exist if Terence has been successful in arguing his case before his self-created jury.

CHAPTER FOUR

HECYRA

Of all Terence's plays, *Hecyra* stands out as having the most complicated—but interesting—production history. As a result, *Hecyra* also has one of the most peculiar prologue structures and one that, at first glance, does not appear to fit neatly into the scheme described in the previous chapters. Unlike the other extant prologues, there is no overt construction of a judicial case. Turpio appears (as usual) as defense advocate for Terence but not against a specific accusation and with little to no mention of the rival playwrights that otherwise plague Terence's career. Instead the speaker focuses almost exclusively on the difficulty of actually staging a play: funding the production (56-57), supporting the playwright (e.g., 21-22), contending with the chaos of the forum (33-36), and finally performing in the play itself (14-15). Given the consistency between the prologues of the other five plays, the variation evident in *Hecyra* is even more striking. The compositional choices in Terence's prologues are deliberate, with clear reasons and strong purposes to support them. By closely examining the unique performance history of *Hecyra* and the changes that it produced, this chapter will show how even this anomalous prologue fits into Terence's overall vision of his theater.

Before exploring the specific circumstances of each performance of *Hecyra* and their ultimate influence on the prologues, it is first necessary to discuss the basic chronology for the performances of Terence's plays. To create such a timeline, scholars traditionally use the

production notices appended to the beginning of each play (except for *Andria*) in the manuscripts, called *didascaliae*, which give basic details about the production of each play: the year and occasion for which it was performed, the presiding magistrates, the author of the Greek original, and the principle actor and *tibicen*. It is generally acknowledged that such information was added to the texts of the plays later as the working scripts used by various acting troupes were codified and studied as literary texts. The *didascaliae* of Terence are usually taken to be the work of Varro and thus are considered authoritative. Although this assumption has periodically been called into question and an alternative chronology proposed (for which see Mattingly, 1959), the issue of an absolute chronology is not crucial to the argument in this chapter. It is enough to show that the *didascaliae* indicate three separate performances of *Hecyra*.[1] The first, which was interrupted before the performance was complete (*non est peracta*) is dated to 165 BCE, the year after the performance of *Andria*, Terence's first play. It was a full five years before Terence attempted to stage *Hecyra* again in 160 BCE at the funeral games of L. Aemilius Paullus—the same event at which Terence premiered *Adelphoe*. This second performance of *Hecyra* was also a failure (*non est placita*), although no reasons are given to explain why the play was not successfully completed. Regardless, the third performance later that year was a success (*placuit*), and it is on this note that the *didascaliae* end. The prologues for these performances help to establish this chronology and to clarify how Terence envisioned this troublesome play fitting into his overall message.

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[1] The first *didascalia* appears as follows: *incipit Terenti Hecyra: acta ludis Megalensibus Sexto Iulio Caesare Cn. Cornelio Dolabella aedilibus curulibus: modos fecit Flaccus Claudi tibis paribus tota: Graeca Menandru: facta est V: acta primo sine prologo data; secundo Cn. Octauio Tito Manlio cos. relata est Lucio Aemilio Paulo ludis funeralibus; non est placita; tertio relata est Q. Fuluio Luc. Marcio aedilibus curulibus : egit Luc. Ambiuius Luc. Sergius Turpio; placuit.*

The second appears as follows: *incipit <Terenti> Hecyra: acta ludis Romanis Sex. Iul. Caes. Cn. Cornelio aedilibus curulibus: non est peracta: modos fecit Flaccus Claudi tibiis parilibus tota[m]: Cn. Octauio T. Manlio cos. relata est iterum L. Aemilio Paulo ludis funeralibus: relata est tertio Q. Fuluio L. Martio aedil. curul.*

Dealing with the first performance of *Hecyra* is at once simple and difficult. It is simple because so little is known about it. From the *didascaliae*, one can glean the date of the production (the Megalensian games of 165 BCE) and a few sparse details. One of the *didascaliae* stresses the fact that the first performance was never completed (*non est peracta*). This seems to be fairly obvious since a second (and then a third) attempt was made to stage the play, a fact borne out by both the *didascaliae* and the surviving prologues. The other *didascalia* of *Hecyra*, however, contains a comment that is much more difficult to reconcile with the observations made in this paper. It claims that the first performance of *Hecyra* did not include a prologue (*acta primo sine prologo data*). This statement has generally been accepted as fact, because indeed only two prologues are preserved in the manuscript tradition. Both are clearly from later performances since they mention failed earlier attempts (first the rope-walker, *Hec* 2-5; then boxers, 33-36).

Although the issue appears straightforward, it is complicated by the fact that the first performance of *Hecyra* would be Terence's only play to have lacked a prologue. The great importance the playwright gives to each of his other prologues makes it nearly impossible to accept that on this single occasion Terence changed his style of composition. The far more likely scenario is that the *didascalia* reflects a problem already present in the manuscripts even at this early stage, namely a lack of the original prologue. With the first performance deemed a failure and five years intervening before another attempt was made, it is highly unlikely that Terence would have allowed the script to be taken from his possession, much less copied. By the time ancient scholars were preparing Terence's texts for publication (i.e., only after the third performance had proven successful and working scripts of this version of the play had spread

beyond Rome), there were no written traces of the first prologue and only echoes of the interrupted performance left in the extant text.

What can be said about the content of the lost prologue? Unfortunately the answer is not much. Any suggestion would be mere conjecture, but some answers are more probable than others. One can safely assume that the prologue would follow the style and form of all the other extant prologues; that is, it would be written as a judicial defense speech using the rhetorical techniques prevalent at that time in Rome. It is just as unlikely for Terence to have dramatically changed the style of his prologue for this one play as it is for him to have left it out entirely. Because it is only Terence's second attempt at such a prologue in his career, one might expect a simple rhetorical structure more like that found in *Andria* than the complex argument found two years later in *Heauton Timorumenos*. Like the other prologues, it probably answered an accusation made against Terence by his rivals, about either his style of composition or his advantageous acquaintances among the political elite, though the specific accusations are not known. The point is that the prologue to the first performance of *Hecyra* is likely to have been very similar to the other prologues Terence created. It was the problems that Terence had with staging (the interruption of boxers and a rope-walker at *Hec*. 33-36), which were unique to this play, that led to a prologue markedly different from the remaining five.

After the failure of the first performance, whether because of rope-walkers, boxers or other chaotic intruders from the forum, Terence evidently took five years to re-evaluate *Hecyra* before attempting to stage it again. There has been much speculation about Terence's subsequent revisions to *Hecyra*, but the only part of the play that clearly must have been edited is the prologue. This can be stated with such confidence because some remnant of the prologue

from the second performance still survives in the manuscripts, and it is markedly different from what would have appeared in the first prologue and what was finally written for the third.

While some scholars have taken these eight lines to be the original and complete prologue to the second performance of *Hecyra* (see, for example, Goldberg 1983), comparison with the other prologues reveals several flaws with this assumption. Mere length—while not in itself decisive—should be the first indication that this is an edited or truncated version of the original prologue. The next longest prologue is that of *Adelphoe*, which runs to twenty-five lines, over three times the length of the second performance's prologue. Although the language and devices seen in these lines are reminiscent of Terentian composition, their compactness and brevity are not.[2] It would be uncharacteristic of Terence, on this one occasion, to sacrifice rhetorical effect for linguistic elegance. In fact, rhetorical technique and argumentation (at least as presented in the other prologues) are almost entirely lacking from the prologue to the second performance.[3]

If, however, the eight lines that do survive are treated as a truncated form of the prologue that was originally delivered at the second staging of *Hecyra*, it is possible to make a few educated guesses about what this prologue might have looked like when it was complete. The opening lines bring up a theme that is already familiar from the other prologues: newness (*Hecyra est huic nomen fabulae. haec quom datast, / noua, ei nouom interuenit uitium et calamitas*, 1-2). Of course here Terence has a problem, because *Hecyra* is not, strictly speaking, a new play. He had staged it before; it had just been unsuccessful. Thus Terence must introduce

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[2] Examples of language found in Terence's other prologues include verbs of knowing and understanding (*cognosci*, 3; *cognostis… noscite* 8), a focus on the newness of the play (*noua*, 2; *pro noua*, 5), the ethical portrayal of the play's 'opponents' (*uitium et calamitas*, 2), and some discussion of theater as a business (*et is qui scripsit hanc ob eam rem noluit / iterum referre ut iterum possit uendere*, 6-7).

[3] In fact, the prologue as it stands risks insulting the viewers by labeling them fools: *ita populus studio stupidus in funambulo / animum occuparat* (*Hec*. 4-5). Although here Terence is clearly talking about the previous audience, it is likely that some of the previous viewers were in the audience of the second attempted performance.

a description of the play's interruption as part of his defense of its newness (2-5), so that he can ultimately claim that the play being presented is, for all intents and purposes, new (*nunc haec planest pro noua*, *Hec* 5). In these first five lines, Terence appears to be responding to the familiar charge from his rivals that he reuses old plays that have already been staged (see *Eu.* 22-34; *Ad.* 6-14). The inclusion of portions of *Hecyra*'s performance history in the defense's argument, however, shows a unique shift for Terence—one that will see its fullest development in the prologue to the third performance.

A second line of argumentation is also evident in the prologue of the second performance—this time dealing with (what appears to be) a new accusation from the rivals. Given Terence's response in lines 6-7 (*et is qui scripsit hanc ob eam rem noluit / iterum referre ut iterum possit uendere*), it seems he was accused of, or feared he was being accused of, restaging the play so he could earn more money. The prologue, as it now stands, does not contain a denial of this charge, but the description of the interrupted first performance should have been sufficient evidence for Terence to discount this claim as well. The response does, however, draw attention to the practical business side of the theater, another theme that will become an integral part of the prologue to the third performance. The final line (*alias cognostis eius: quaeso hanc noscite*, 8) is simply an appeal to the audience to give this play the same positive treatment that Terence's others have received—similar to the end of all the other prologues.

In what remains of the prologue to the second performance of *Hecyra*, there are signs of the transition Terence was forced to make because of the unique situation surrounding this play. On the one hand, the defense's arguments about the play's newness and the playwright's purpose in restaging *Hecyra* are reminiscent of those made in all the extant prologues and, quite likely, in

the prologue to the first *Hecyra* performance. On the other hand, the details about the interrupted

staging and other business oriented aspects of the theater—while needed for the argument

Terence was apparently making—are out of the ordinary, yet they become the main focus of the

third performance's prologue.

The prologue to the third and successful *Hecyra* performance survives intact as the

second prologue in the manuscripts. Though it differs from the other extant Terentian prologues

in many ways, it is clearly complete as it stands with a definite introduction (Turpio explains his

role, 9-13) and conclusion (Turpio asks for favor and silence, 55-57). Practically, it makes sense

for the prologue from the first successful performance of the play to be the one distributed in the

working scripts and thus to become part of the canonical text when it was created by later

scholars. The survival of the previous prologue is anomalous.[4]

Many of this prologue's similarities with the other extant prologues have been discussed

more fully in the previous chapters. Although the form is different, much of the rhetorical and

judicial language is identical. The same is true of the rhetorical strategies used, particularly the

frequent use of ethical arguments meant to link the audience more closely with Terence and his

advocate. Compared to the other prologues, however, these elements are minimal and are clearly

secondary to what appears to be much more pertinent information. This shift is also reflected in

the rhetorical organization of the prologue, or more specifically the lack of such organization.

Attempts to divide this *Hecyra* prologue into the standard parts of a judicial oration have failed

precisely because the prologue does not follow any of the conventions for a defense speech (see

Gelhaus 1972). Because of the unique production history of *Hecyra*, Terence shifted the bulk of

his focus away from his usual task, which was to refute the accusations of his rivals and to

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[4] Though it is not unreasonable to expect the prologue from the second performance to survive in some fragmentary form if both the second and third performance occurred only months apart in the same year (160 BCE) and shortly before the playwright's death.

defend his use of his Greek sources. Indeed, except for some very vague allusions to difficulties with rivals (*ita poetam restitui in locum / prope iam remotum iniuria aduorsarium / ab studio atque ab labore atque arte musica*, 21-23), the common subjects of the other prologues are entirely absent from the prologue to the third *Hecyra* performance.

Instead Terence capitalizes on the unique performance history of *Hecyra* and presents it through Turpio, who stands in a similarly unique position of experience and authority. The prologue oration thus takes the form not of a defense of Terence the playwright but of a description—almost a celebration—of Turpio's efforts as producer to bring plays to the stage. Since the two interruptions of the previous performances were not caused by Terence's rivals, it would have been difficult to spin the situation to fit the defensive argumentation used in the other prologues—there is no charge or accusation to contend with. Rather it falls to Turpio, who can draw on a lifetime of experience that the young Terence lacks, to describe the capricious nature of the theater and the unseen work that goes into producing and staging a play.

His argument, if he can be said to have one, is that the audience should trust his judgment and give *Hecyra* a fair chance despite its troubled past. The evidence he offers in support of this argument is the audience's previous enjoyment of the results of his efforts to bring plays to the stage (*perfeci ut spectarentur: ubi sunt cognitae, / placitae sunt*, 20-21). One of the effects of this line of thinking is that it places Terence and his struggles in the wider context of the difficulties facing all innovative new playwrights, who often survive only through the hard work of those who see their potential and are willing to cultivate it. Turpio can speak of his struggles with staging Caecilius (*Hec*. 14-23) and thus generalize Terence's specific situation, turning it into yet another example of the much larger issue of the accessibility of theater both to the audience and prospective playwrights. Whereas in the other prologues the audience's authority

extends beyond the single play at hand to Terence's entire career and livelihood, in the prologue

of the third *Hecyra* performance Turpio expands the scope of the audience's power to cover the

entirety of theater.

This grant of power, as in all the other prologues, highlights the programmatic message

of the prologue to the third performance of *Hecyra.* With his insistence that the audience's

auctoritas and *potestas* is crucial to the playwright's success in much the same way as a jury's

power is critical to the well-being of a defendant (43-48), Turpio stresses the importance of

regarding the comic stage as serious business. The implication is that, without the informed

involvement of the audience, the theater will be overrun by the chaos of an unruly mob (as in

Hec. 15, 33-36, 39-43)—always a matter of great concern in the politically and socially volatile

city of Rome. Turpio very clearly distinguishes his current audience (the *uos* of this prologue)

from the crowd that threatens to invade from outside, which is always referred to with the more

distant third person, and with nouns such as *conuentus*, *populus*, and *turba* (*Hec*., 35, 40, and

43). Turpio characterizes his audience as intelligent (31), helpful (32), beneficent (48), and

above all powerful (45, 47) as compared to the loud (35, 41) and violent (41-42) crowd. The

image of civilization against the barbarian hoard may press the language too far, although it is in

this context that Terence employs the most political of the words he uses to indicate power

(*auctoritas* and *potestas*). Regardless of the actual extent of the audience's power, the message

is clear: theater is serious business.

What the audience is asked to do with this power has already been discussed in more

detail in the previous chapter. In short, Turpio exhorts his audience to protect the theater not

only from the whims of the masses but also from falling into the hands of just a few (*nolite*

sinere per uos artem musicam / recidere ad paucos, *Hec*. 46-47). Because this group is

implicitly contrasted with the boisterous mass, it seems clear that here Turpio is referring to the small set of highly-educated elites who would seek to elevate comic theater (even all theater) and to make it completely unapproachable for the vast majority of people. These, of course, are Terence's rivals, who give more weight to the pedantic concerns of accurate translation than to the popularity of their plays. Turpio's goal in this prologue, and therefore the goal of the audience that has successfully aligned with him, is to ensure that theater remains accessible to all people and ultimately to work for the common good (*si numquam auare pretium statui arte meae / et eum esse quaestum in animum induxi maxumum / quam maxume seruire uostris commodis*, *Hec*. 49-51).

This chapter began by describing how unique the prologues of *Hecyra* are when compared with those of Terence's other five plays. Even if one ignores the two failed performances, the missing first prologue, and the edited second prologue, the third and final prologue still remains quite different from the other extant examples. Eschewing the standard rhetoric of a defense speech, Terence instead drew on the legacy of his own play's failures as the subject of this latest prologue. The play's performance history superseded whatever arguments Terence had originally included in the first prologue to counter his rivals' accusations. The business of producing and staging a play took the place of the usual statements about translation methods and the playwright's craft. These changes in style and content, however, are really only superficial concerns. A closer examination reveals that the thematic and programmatic focus of the prologue to the third performance of *Hecyra* is the same as that of the other plays. The underlying message that Terence wishes to convey has not changed: theater is serious business and should remain available to all.

CONCLUSION

When Roman viewers sat down in the forum before a makeshift stage, they brought with them certain expectations about the play they were about to see. These expectations were born from the formulaic plots of Menander and their Latin adaptations by Plautus—the dramatic conventions established by New Comic playwrights. Fundamental to the experience of many of these plays was the nature and placement of the prologue, which by convention contained a brief summary of the play's main plot. By revealing the play's narrative from the beginning, the expository prologue freed the playwright to concentrate on other aspects such as dramatic irony and slapstick humor. It also freed the audience from the need to pay close attention to the play's story and to understand fully each scene and character. Thus the audience might expect more rudimentary entertainment, rather than intricate plots that required active intellectual engagement with the theatrical production.

This was the audience that Terence faced when he first stepped out onto the theatrical scene with the premiere of *Andria* in 166 BCE and with radically new ideas about how the theater should operate. Over the next six years the young playwright brought five more plays to the stage amidst a nearly constant barrage of criticism from his fellow playwrights. This situation placed Terence in a precarious position. On one side was the audience, the masses who wanted to be entertained, while on the other side were the pedants, rival playwrights such as Luscius Lanuvinus, who opposed any attempts to flout the theatrical rules that they had

established. In danger both of losing the support of the crowd and of being forced out of theater by his competitors, Terence turned to a familiar mode of public discourse that would allow him to defend himself and his ideas about the Roman stage.

In place of the usual expository prologue, Terence adopted the judicial oratory of the Roman courts and introduced each of his plays with a defense advocate's speech. These judicial prologues drew on nearly all elements of Roman courtroom oratory, from the use of specific technical vocabulary to the consistent ethical portrayal of Terence and his rivals. It is also likely that Terence would have taken advantage of non-verbal associations through the use of gesture and the similarities in the setting of dramatic performances and judicial trials. Terence created a courtroom atmosphere so that he could construct his audience as a jury with the same serious, critical attitude that would be used at an actual trial.

The elimination of exposition up front meant that Terence had to drastically rework the structure of the Greek originals. Taken with the judicial prologues and their stress on attention and understanding, these alterations reveal Terence's intense focus on audience experience. In particular, it is clear that Terence wishes to counteract his viewers' usual disengaged approach and re-engage them with the play. By thwarting their expectations for an easy plot and instead placing them in a position of authority and judgment, Terence pushes his viewers into a heightened state of awareness—a unique form of Terentian metatheater that previously has not been fully acknowledged. In a sense, Terence makes his entire theater a metatheater by encouraging his audience's detachment and feeding his viewers extradramatic information to which they would not otherwise be privy.

The manner in which Terence constructs his audience ultimately reveals his theatrical program—his beliefs about the nature of the Roman stage. The stress on understanding and the

gravity attributed to the accusations and their consequences constantly reinforce the playwright's belief that his comic theater (and by implication all theater) is serious business. Terence re-engages the Plautine audience by transforming it into a jury with power over the fate of not only the play but also the playwright himself. Invested with such authority, the viewers take a personal stake in the matter and treat it with the same seriousness as any other judicial proceeding. In *Hecyra* specifically, but in the other prologues more generally, the audience-as-jury is also charged with preserving the equality of the theater and ensuring that it remains accessible to as many as possible. Threatened both by the chaos of the mob and by the pedantry of the intellectual elite, Terence appealed to his viewers' newfound authority and urged them to protect the theater from being overtaken by either group. With his radical modifications to the beginnings of his plays—rhetorical prologues and exposition embedded into the opening scenes—Terence both empowers and challenges his audience. He also reveals his own daring innovation with well-known theatrical tradition.

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