

## ***Plutarch's Omission of Sulla's Legislative Reforms***

[*Omissione di Plutarco delle Riforme Legislative di Silla*]

from

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### **Abstract**


Plutarch in his *Life of Sulla* hardly mentions Sulla's extensive legislation after becoming dictator. This article examines this omission. There was no lack of sources for Plutarch, but Plutarch's own hypomnema for the life may have omitted this material. Plutarch may also have tried to strengthen the comparison and contrast with Lysander, especially in terms of his own ethical purpose, through the omission. Moreover, a major factor would have been Sulla's apparent omission of his legislation in his *Memoirs*.

**Key-Words:** Sulla, Legislation, Sources, Memoirs, *Hypomnemata*, Omissions, Lysander, Ethical purpose.

### **Riassunto**

Plutarco nella sua *Vita di Silla* appena ricorda l'abbondante legislazione di Silla dittatore. Quest'articolo esamina quest'omissione. A Plutarco non mancavano le fonti, ma forse il suo hypomnema ometteva questo materiale. È possibile anche che Plutarco volesse sottolineare i suoi propositi etici nel paragonare Lisandro e Silla. Inoltre, un fatto importante sarebbe stato l'apparente omissione di questa sua legislazione nelle *Memorie* di Silla.

**Palabras clave:** Silla, Legislazione, Fonti, Memorie, *Hypomnemata*, Omissioni, Lisandro, Propositi etici.

ne of the more exasperating omissions in Plutarch's biographies is found in his *Life of Sulla*. Everyone studying Sulla's career discovers that the report of Sulla's dictatorship in chapters 29-34, treating the years 82 to 80 B.C., is notoriously incomplete. A rapid overview of those

chapters will reveal the issue. Plutarch narrates the battle of the Colline Gate, which Sulla feared he had lost, even after his desperate appeal to Apollo (in the form of his golden statue). He then moves to the surprise of Sulla's victory and his ensuing massacres of his opponents at Antemnae and the

6000 captives in the Circus, slain while Sulla spoke unmoved to the senate (*Sull.* 30.3-4). At this point, overwhelmed by his own account, Plutarch denounces the monstrous tyranny which Sulla exercised at Rome and puzzles over the character of the man who could do it (30.5-6). The biographer then sets out the worst atrocities of his proscriptions: Sulla “turned to slaughter” (πρὸς τὸ σφάττειν τραπομένου, 31.1). Chapters follow on his viciousness at Praeneste (32) and on the arrogant and tyrannical manner of his dictatorship (33). Finally, after chronicling all this bloodbath, the narrative turns to more positive material, reporting how Sulla celebrated his triumph and proclaimed his good fortune (εὐτυχία, 34.1). Sulla celebrated publicly the favor the gods had bestowed on him by officially making Felix (or in Greek, Epaphroditos) part of his name. Moreover, as further testimonies to this good fortune, he named his children Faustus and Faustina. Thereupon, confident in his achievements, Sulla laid down his dictatorship, assumed the role of a private citizen, and allowed Rome to return to a consular regime (34.6).

### 1, *The problem*

What is missing from this narrative is any mention of what Sulla may have considered his greatest and most lasting

political achievement, his legislation reforming the functioning of the Roman state. As dictator, Sulla had full powers to remake Roman government as he saw fit, and he did so. The list of his changes is long and strike at the heart of the Roman state as it had functioned in the previous generations<sup>1</sup>. He added some 300 knights to the senate, effectively doubling its size, and established the quaestorship as a requirement for entrance into the senate. The number of quaestors chosen each year was raised from ten to twenty, and the number of praetors from six to eight. By his *lex annalis*, he established the order and interval between magistracies. He required a ten year wait before a consulship could be repeated. He severely limited the veto of the tribunes, took away their right to initiate legislation, and blocked tribunes from holding further office. The courts were reformed, and seven standing *quaestiones* set up. Knights were excluded from serving on the courts. Laws were written to restrain provincial governors and to regulate coinage and sumptuary spending. Finally, he abolished the corn dole, and wrote laws depriving towns and individuals hostile to him of citizenship. These changes were a sweeping effort to re-

<sup>1</sup> The reforms are conveniently listed in T. R. S. BROUGHTON, *The Magistrates of the Roman Republic*, II (New York, 1952, rep. Atlanta, 1984) 74-5. See also A. KEAVENEY, *Sulla the Last Republican*, 2nd ed., London, 2005, 140-55; F. SANTANGELO, *Sulla, the Elites and the Empire*, Leiden and Boston, 2007 and “Sulla and the Senate: a Reconsideration”, *Cahiers du Centre Gustave Glotz*, 17 (2006, publ. 2008) 7-22; J. ALISON ROSENBLITT, *Rome after Sulla*, London, 2019.

structure Roman institutions to avoid exactly the troubles that had plagued Rome since the tribunates of the Gracchi and the multiple consulships of Marius. It was these changes and other minor adjustments in the Roman government, alongside the slaughter of large numbers of his political enemies, which allowed Sulla to believe that he had set Rome on the right course, so that he could confidently resign his dictatorship and return to private life.

Plutarch, it is true, does mention briefly a sumptuary law of Sulla's which was intended to limit expenses – but which Sulla himself ignored<sup>2</sup>. The same law is perhaps referred to in the syncrisis to *Lysander-Sulla*, 3.3, where Plutarch writes, quoting Sallust, that Sulla introduced

laws on marriage and modesty, while he himself was a lover and an adulterer (τοὺς περὶ γάμων καὶ σωφροσύνης νόμους τοῖς πολίταις, αὐτὸς ἑρῶν καὶ μοιχεύων, *Comp. Lys.-Sull.* 3.3)<sup>3</sup>.

However, these brief references to his moral legislation are introduced solely to illustrate Sulla's contradictory and tyrannical behavior, not as a significant reform. All his other laws,

which the dictator may have thought the capstone of his career, Plutarch completely ignores.

This omission is especially noteworthy because in the parallel *Life* Plutarch describes at length Lysander's plans to introduce a constitutional change, that is, to open the kingship to those outside the direct line of descent from the Heraclids (*Lys.* 24-26, 30.3-4, Ephorus *FGrHist* 70 F 207). In the syncrisis, Plutarch defends Lysander's plans for change, noting that it was basically a just modification, and that Lysander chose to work by persuasion rather than by arms (*Comp. Lys.-Sull.* 2.1-4).

## 2. A source issue?

There are several possible avenues to explain Plutarch's silence. I will look first at his sources, then in turn at his ethical purpose, the balance between the Lysander-Sulla pair, and, perhaps most important, the end of Sulla's *Memoirs*.

To begin with sources. In searching for the reasons behind Plutarch's glaring omission, we might be inclined to blame the silence of his sources. However, we know that Sulla's legislation was reported by historians, now lost, whom Plutarch drew upon elsewhere, among

<sup>2</sup> Plutarch's reference is in the context of the funeral for his wife Metella, *Sull.* 35.3: τὸν δὲ τῆς ταφῆς ὀρίζοντα τὴν δαπάνην νόμον αὐτὸς προεισηνηνοχῶς παρέβη, μηδενὸς ἀναλώματος φεισάμενος.

<sup>3</sup> This passage is Sallust, *Hist.* 1.61 Maurenbrecher. Cf. also *Sull.* 35.4-5, referring to his violation of his own rules on the expense of meals (παρέβαινε δὲ καὶ τὰ περὶ τῆς εὐτελείας τῶν δεῖπνων ὑπ' αὐτοῦ τεταγμένα). Further on Plutarch mentions again Sulla's efforts to "make the city more temperate" (ἑσωφρόνιζε τοὺς πολίτας, *Comp. Lys.-Sull.* 3.8)

whom were Livy and Sallust<sup>4</sup>. Much later Appian, in the mid second century, was able to give a report, fortunately still extant, on major changes introduced by Sulla<sup>5</sup>. Thus we can be sure that there were historians available to Plutarch who had documented Sulla's drastic innovations and attempts to return to a simpler past. Moreover, the biographer had no hesitation in citing Roman historians in this *Life*: he refers to Livy (6.19), Juba (16.15), Strabo (26.4), Fenestella (28.14), and Sallust (*Comp.* 3.2)<sup>6</sup>.

It has long been recognized that Plutarch employed Sulla's memoirs, or *Hypomnemata*, as a major source for his *Life*, citing them explicitly eleven times, and referring to them implicitly on other

occasions<sup>7</sup>. Much of the *Life's* narrative must derive from Sulla's account, which seems to have been especially full on two subjects prominent in this *Life*, Sulla's campaigns and the many signs of divine favor he received<sup>8</sup>. However, neither Plutarch nor other authors offer us fragments of Sulla's *Hypomnemata* which describe his legislation, although Plutarch knew of Sulla's legislation and referred to it occasionally (*Cic.* 12.2: καινοτομίας δὲ γενομένης καὶ μεταβολῆς ἐν τῇ πόλει τοσαύτης, *Cic.* 10.2: τῆς ὑπὸ Σύλλα γενομένης μεταβολῆς, and the passage on Metella's funeral at Sull. 35.3 mentioned above). However, these references tell us little of the Sullan reforms.

<sup>4</sup> Cf. Livy, *Per.* 89, on Sulla's restriction of the tribunate, enlarging of the pontifical and augural colleges, creation of new senators (found also in Sallust, *Hist.* 1.55.21 M [the oration of Lepidus] and *Cat.* 37.6), and settling of his soldiers in the Italian cities. Plutarch cites Sallust three times (twice in *Lucullus*, 11.6 and 33.3, and once here in *Sulla* 41.3, all from the *Histories*, and Livy twelve times.

<sup>5</sup> Appian, *Bellum civile* 1.100 (465-70). See the commentary by E. GABBA, *Appiani bellorum civilium liber primus* (Florence, La Nuova Italia, 1967).

<sup>6</sup> Citations of these historians in other *Lives* may be found in the index to Ziegler's Teubner edition of the *Lives*.

<sup>7</sup> See T. J. CORNELL, ed. *The Fragments of the Roman Historians (FFromHist)* (Oxford, Oxford University Press, 2013) I.282-87 (Introduction to Sulla's *Memoirs*), II.472-92 (fragments), III.289-99. The fragments according to *FFromHist* are *Sull.* 4.1-5 (F7), 5.1-3 (F10), 6.7-10 (F11, 12, 13, 14a), 6.11-13 (F15), 14.1-3 (F19), 14.10 (F20), 16.1 (F21), 17.1-4 (F4), 19.7-9 (F22), 23.1-5 (F23), 27.5-13 (F24), 28.15 (F25), and 37.1-3 (F6). Other scholars count the fragments differently but agree that Sulla was a major source. Plutarch also cites Sulla in *Luc.* 1.4 (T2a = F1), 45 (T2b), 23.6 (F14b), *Mar.* 26. 6-7 (F8), 26.3-7 (F9), 35.2-4 (F18), and in *Old Men in Politics (An seni respublica gerenda sit)* 786 DE. Other fragments are found in Gellius (F2, 3), Cicero (F17), Pliny the Elder (F16), and Priscian (F5).

<sup>8</sup> *FFromHist* I, 282-87. See C. SMITH, "Sulla's Memoirs," in C. SMITH and A. POWELL, eds., *The Lost Memoirs of Augustus and the Development of Roman Autobiography*, Swansea, The Classical Press of Wales, 2009, 65-85.

Christopher Pelling and other scholars have demonstrated that Plutarch regularly prepared a rough historical narrative of a given period, a *hypomnema*, before writing a *Life* or set of *Lives*, as is particularly apparent from the *Lives* treating the last century of the Roman republic<sup>9</sup>. We may hypothesize that Plutarch, in preparing his *hypomnema* for the *Life of Sulla*, did not include a full summary of Sulla's legislation, but only a few jottings, which might have made it easy for him to flow directly from the Battle of the Colline Gate, to Sulla's ruthless suppression of his opposition, his pride in his good fortune, and his retirement from public life. Such a gap might have precluded him from going into detail on the many innovations Sulla introduced.

### 3. Ethical education

The omission of Sulla's legislation might also be tied to the notoriously problematic ethical agenda of the *Lysander-Sulla* pair<sup>10</sup>. While both men combined unusually successful military careers with character weaknesses, the case was particularly acute with Sulla. The biogra-

pher had to combine the apparent divine support which Sulla enjoyed in so many battles with his licentious life style and his vicious slaughter of his fellow citizens. Plutarch notes with some emphasis and, I suspect, puzzlement that even the rain which was expected for the day of the funeral held off until the body was already cremated, so that "his Fortune seemed to wait beside his body and join in the burial" (ὥστε τὴν Τύχην αὐτοῦ δοκεῖν τὸ σῶμα συνθάπτειν παραμένουσιν, *Sull.* 38.5). The fundamental ethical theme of the pair is that such contrasts can exist: bad men may be successful generals, and even rise to absolute dominance in a city. However, the danger which the success of a violent and unrestrained general may bring to his fellow citizens impresses upon the reader the desirability, indeed the necessity, of a leader combining military skills with reasoned, virtuous behavior. In presenting this view of Sulla's strengths and weaknesses, Sulla's political reforms were irrelevant. The contrast between military brilliance and savage treatment of fellow citizens was Plutarch's central theme. Sulla's political legislation does not relate to this either positively or

<sup>9</sup> Cf. C. PELLING, "The *Apophthegmata regum et imperatorum* and Plutarch's Roman Lives," in C. PELLING, *Plutarch and History* (London, Duckworth, 2002) 65-90 and C. PELLING, *Plutarch Caesar* (Oxford, Oxford University Press, 2011) 36-42; P. STADTER, "Plutarch's Compositional Technique: the Anecdote Collections and the *Parallel Lives*," *GRBS* 54 (2014) 665-86, esp. 683-86.

<sup>10</sup> Cf. P.A. STADTER, "Paradoxical Paradigms: Lysander and Sulla," in STADTER, *Plutarch and his Roman Readers*, Oxford, 2015, 258-69, originally in STADTER, *Plutarch and the Historical Tradition*, London and New York, 1992, 41-55, and T. DUFF, *Plutarch's Lives. Exploring Virtue and Vice*, Oxford, 1999, 161-204.

negatively, it is outside Plutarch's ethical framework, and therefore Plutarch might have thought it could be omitted.

#### 4. *The Lysander-Sulla parallel*

As I have noted, Lysander's plan to change the Spartan constitution to allow those not in the direct royal line to become king, though elaborate, never got off the ground. But Plutarch's treatment of the plan and its possible ramifications may be useful to explain his silence on Sulla's laws. Lysander's plan was to remove the kingship from its age-old limitation to members of two families, the Euryontidae and the Agiadae, and to make it open to all those families descended from the Heraclidae (or as some say, all Spartans). Being himself descended from the Heraclidae, he felt sure that his achievements, when the two-family limitation was removed, would mean that he would be elected king (*Lys.* 24.3-6). He first began to persuade citizens privately, and also prepared a speech that he could use to make his case, but then decided stronger measures were in order. He planned to use oracles and responses from Apollo to convince the Spartans to make the change he desired. This involved his unsuccessful attempts to corrupt not only the oracle of Delphi, but also those at Dodona and Siwah. Plutarch also reports an elaborate subterfuge involving a woman in Pontus said to have been made pregnant by Apollo and fake oracles, but this plan too fell through (*Lys.* 25-26). In the end, Lysander was killed at Haliartus before he could achieve any change in the royal succession. In sum, Lysander

planned to revise the constitution to benefit himself, and attempted to get the support of Apollo's and other oracles, but in the end achieved nothing.

Contrast Lysander's attempted revolution with the dictatorship of Sulla, as presented by Plutarch. He defeated his enemies with the constant help of Apollo and other gods, slaughtered masses of Roman citizens, and established himself as dictator, thus assuming more powers than those of any Spartan king. Then he resigned his post, and later died as a private citizen. Plutarch omits the numerous changes in Roman governmental structure, which were not in fact for Sulla's personal benefit, but for his conservative view of how Rome should be governed. It is clear that Plutarch intends to draw a sharp contrast on several levels between the two men and their actions, with the key element being how they treated their fellow citizens, not structural changes to government. Lysander was hesitant to act unless he could persuade the Spartans, by deception and by arousing superstitious fear (*Lys.* 25.2). Sulla instead not only defeated his enemies in battle but slaughtered them indiscriminately. This contrast is brought out in the final comparison (*Comp. Lys.-Sull.* 2.1): Lysander used milder and more legal methods (πρᾶότερον καὶ νομιμώτερον), persuasion, not weapons, and aimed not at making wholesale changes, but only the choice of kings. Plutarch even goes farther to defend Lysander's intended reform as more just,

and we might say, philosophical (*Comp. Lys.-Sull.* 2.2-4). Moreover, Lysander attempted to use political reform to bring himself to power, whereas Sulla relied on military force to become dictator. With Plutarch's focus on gaining power, the political reforms of Sulla would not make a clear parallel with Lysander's reforms.

A possible reason for Plutarch's omission of Sulla's reforms, then, might be to maintain the neat opposition between Lysander and Sulla concerning their behavior toward their city. Lysander attempted to become king through political reform, while Sulla achieved the dictatorship based on his military prowess. Plutarch apparently considered Sulla more as a commander than as a reformer. A full, or even partial, presentation of Sulla's changes to the Roman constitution, he may have felt, would have hurt the neat contrast of characters and behaviors which he wished to present. Nor would it have been easy to relate Sulla's reforms to basic philosophical principles of justice and equity, as he was able to do with Lysander's. If Pelling's observation is correct, that the late Republican lives

were composed to be a cross-referential set, then Plutarch may also have wished to reserve constitutional questions to other late Republican lives<sup>11</sup>.

### 5. *The End of Sulla's Memoirs*

Given Plutarch's silence, it appears probable that Sulla's memoirs never treated the legislation he put into effect while dictator. Plutarch writes that Sulla died two days after he stopped writing the twenty-second book (γράφων ἐπαύσατο, *Sull.* 37.1). We cannot ascertain whether Sulla purposely ended his memoirs after he had described his last campaign, the battle of the Colline Gate<sup>12</sup>, or whether he had planned to continue further but was interrupted by his death<sup>13</sup>. In any case it appears most likely that Plutarch did not have an account from Sulla of his legislation.

However, Plutarch's silence is not the whole story. The Chaeronean can be very selective, as is revealed by a fascinating fragment from Sulla's *Memoirs* found in his *Old Men in Politics*. Plutarch there writes,

Sulla, when he first entered Rome after cleansing Italy of the

<sup>11</sup> Cf. C. PELLING, "Plutarch's Method of Work in the Roman Lives", in PELLING, *Plutarch and History*, London 2002, 1-44 and "Plutarch's 'Tale of Two Cities': Do the Parallel Lives combine as Global Histories?" in N. HUMBLE, ed., *Plutarch's Lives: Parallelism and Purpose*, Swansea 2010, 217-35.

<sup>12</sup> That Sulla considered this victory a moment of exceptional triumph and joy is clear from his words reported by Plutarch in *An seni* 786DE: see below.

<sup>13</sup> Cf. *FRomHist* I, xxx. See also T4, Suetonius *Gram.* 12, on the work of Epicadus in completing what Sulla had left incomplete.

civil wars, did not sleep a bit that night, he was so blown away in spirit by joy and enormous delight. This he has written about himself in his *Memoirs*” (ὁ δὲ Σύλλας, ὅτε τῶν ἐμφυλίων πολέμων τὴν Ἰταλίαν καθήρας προσέμιξε τῇ Ῥώμῃ πρῶτον, οὐδὲ μικρὸν ἐν τῇ νυκτὶ κατέδαρθεν, ὑπὸ γήθους καὶ χαρᾶς μεγάλης ὥσπερ πνεύματος ἀναφερόμενος τὴν ψυχὴν. Καὶ ταῦτα περὶ αὐτοῦ γέγραφεν ἐν τοῖς ὑπομνήμασιν. *An seni* 786 DE = F26).

Plutarch's silence on this exultation in *Sulla* indicates that in the life he chose to highlight Sulla's violence rather than his joy. It reflects an authorial decision which reveals the writer's focus on the contrast between generalship and violence in Sulla's character. Sulla himself, however, must have celebrated the joy of his total victory and the divine favor which allowed it. In fact, we might hypothesize, given the absence of evidence that his

*Memoirs* treated his dictatorship, that Sulla's *Memoirs* ended at this high point, the victory at the Colline Gate and the following night, when Sulla was sleepless for joy. Joy which left no need to record the massacres that followed victory. Plutarch's silence on Sulla's legislation, it appears, originated in Sulla's own silence, but left room for atrocities which undoubtedly Sulla never recorded.

### Conclusion

To conclude, there are several possible reasons why Plutarch might have omitted Sulla's reform legislation, especially his desire to make Sulla's life a closer parallel to Lysander's and his ethical purpose in writing the life. This decision was reinforced by Sulla's own silence in his *Hypomnemata*, which gave Plutarch an excuse for the omission of Sulla's constitutional changes and permitted him to develop his own view of Sulla's contradictory character<sup>14</sup>.

<sup>14</sup> I am grateful to Prof. Jeff Beneker for his advice on an earlier draft of this paper and to the journal's anonymous readers. They are not responsible for the shortcomings which remain.