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BREAKING CHAIRS
Sella Curulis in Roman Law, Identity and Memory[1]

Kaius Tuori

Introduction

There are contradictory indications about where Roman jurisdiction should take place. Gaius (Gaius *inst*. 1,7,20) writes how magistrates would perform official acts virtually anywhere, for instance by emancipating slaves on the way home from the baths. Alternatively, we have numerous instances where the fact that the magistrate was sitting down on the podium in his *sella curulis* was apparently considered to be crucial for him to have jurisdiction and thus the acts to be valid (*Dig*. 1,16,9,3, 37,1,3,8; Suet. *Claud*. 15). Then again, the jurist Paul wrote (*Dig*. 1,1,11) that wherever the praetor decided to exercise his jurisdiction was by his *imperium* and the *mos maiorum* was to be considered as *ius.* Recent works have equally suggested that in general wherever the magistrate would place his *sella curulis* would be the location of the court.[2]

The purpose of this article is to explore the meaning of the *sella curulis* and its role in the public functions of the Roman Republic, the way official acts

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[2] Färber 2014, 31; Bablitz 2007, 13–50; similarly in older literature Kaser 1966, 30; Düll 1932; Düll 1940, 234. Other sources on the locations of courts are equally vague, see lex XII Tab. 1,7 (*FIRA*); Gell. 20,1,47; Varro 5,155.

were sometimes tied to the chair itself and a specific location, while in others not. This chair was the symbol of the Roman magistrate and the official acts performed in a magisterial capacity were to be taken on this chair (e.g. Isid. *diff*. 1,108; Cic. *Verr*. 4,40,86; *Vir. ill.* 72,6).[3] Because the role and significance of the *sella curulis* was commonplace, shared knowledge among Roman authors, its precise significance was seldom openly discussed. However, the Roman sources have two pairs of illuminating examples where the chair of the magistrate becomes the source and object of contention, resulting in broken furniture and a constitutional problem. Dio (Cass. Dio 36,41,2, 42,23,3–9) and Aurelius Victor (*Vir. ill.* 3,72,6, 3,73,2) both recount late republican disputes where opponents sought to prevent the magistrate from acting by physically destroying the *sella curulis*. Beginning from these examples and their political and legal contexts, the article will analyse both the symbolic significance given to the *sella curulis* and the changing ideas of the jurisdiction of magistrates in Roman law.

The *sella curulis* was a symbol of the curule magistrates, which included from the regular magistrates the censors (Liv. 40,45,8), consuls (Plut. *Vit. Marc.* 23; Cic. *Catil*. 4,2; Liv. 2,54,4; Ov. *Pont*. 4,9,27; Auson. 20,4 (Peiper p. 268); Cassiod. *var*. 6,1,6), praetors (Varro *frg. Non*. p. 835 Lindsay; Quint. *inst*. 6,3,25; *Vir. ill.* 72,6; Cass. Dio 36,41,2, 42,23,3), curule aediles (Plut. *Vit. Mar*. 5; Cic. *Verr*. 5,14,36; Gell. 7,9,6; Liv. 7,1,5, 9,46,9) and the *decemviri*, but also the *promagistrates* and from the extraordinary magistrates, dictators, *magister equitum* and *interrex* (Liv. 4,7,2, 6,15,1; Cass. Dio 43,48,2). Later, its use spread to municipal authorities and some plebeian magistracies. Some priests, such as the *flamen* of Jupiter, were granted the *sella curulis* (Liv. 1,20,2, 27,8,8; Plut. *Quaest. Rom.* 113). The emperor was also accorded a *sella curulis*, even when not holding a consulship, a practice which continued a precedent set by Caesar (Cass. Dio 44,6,1, 48,31,3, 50,2,5, 54,10,5, 59,12,2, 60,16,3, 73,7,4; Suet. *Aug.* 26, 43, *Nero* 13, *Galba* 18; Tac. *hist*. 2,59; SHA *Heliog*. 15,6; Plin. *Pan.Lat*. 2,3, 11,12, *Pan*. 59). The symbolic value of the chair was thought to originate from an ancient Etruscan custom, being linked to the right to use a wagon for official business in the city (for example, Gell. 3,18; Fest. p. 49). Beyond this etymology, it was clear that the *sella curulis* was considered a status symbol, a sign of the jurisdictional power accorded to the magistrate, much like the lictors were associated with imperium. Many Roman authors claim that in addition to the *sella curulis*, also the lictors, the toga and

[3] Kaser 1966, 145.

other honorary insignia were adopted from the Etruscans (Liv. 1,8,3; Dion. Hal. 3,61; Flor. *epit*. 1,5,6; Macr. *Sat*. 1,6,7; Sil. 8,487; Diod. Sic. 5,40,1). The chair was handled by public slaves, giving it a further veneer of authority and respect.[4]

The earlier literature on curule chairs has mainly focused on historical discussions on the depictions of the *sella curulis* and its symbolism in Roman art and literature, where they have been compared with monarchic symbolism.[5] Only a few studies focus on the *sella curulis* in particular. Wanscher's survey places the *sella curulis* as a near universal sign of authority in the ancient world.[6] Schäfer analyses *sella curulis* as one of the signs of the power and authority of the magistrate.[7] Both offer a wide range of examples of the different uses of the images of the *sella curulis*, with some discussion on the significance of the chair in Roman culture. Though only a few *sellae curules* are preserved, it was a popular motif in Roman coins and appears in reliefs during the late republic and early empire. The novelty of this study is that although the earlier works offer a comprehensive view of the visual manifestations of the *sella curulis*, the current study explores how it became enmeshed in the political and cultural disputes of the period and how that reflected in issues such as jurisdiction.

While the symbolic aspect of the *sella curulis* has been noted even in earlier literature,[8] they have mostly been seen as traditional reflections of the powers of the magistrate himself. What is interesting is that both the textual and iconographic references to the *sella curulis* emerge during the late republic and the early principate, when the content and authority of tradition began to be debated. My argument is that in the instances that will be discussed here, there are in fact three different levels at play. The first is the most obvious one, the battles over symbols that were close to becoming real physical battles or preceded them. Much like in duelling cultures of the nineteenth century, where aristocrats slapped each other with gloves, they are symbolic insults that convey a much more serious challenge. The second level is legal, that of jurisdiction and formalism. What is the legal significance of these aggressions, either in the purely formal sense or in the popular belief? Finally, the third level is that of honour and

[4] Kübler 1923; de Libero 2006.

[5] See i.a. Alföldi 1970; Gabelmann 1984 for numerous examples.

[6] Wanscher 1980, especially 121–90.

[7] Schäfer 1989, 24–195 with extensive survey of the material.

[8] Wanscher 1980, 128.

memory, where the chairs become placeholders for aristocratic competition and the place of the individual in the generational succession. In all of these there are clear links with the recent discussions on the evolution of historical memory during the late republic and the importance that this memory had in the Roman political realm in times of crisis.[9]

The methodology of this inquiry starts from the strong spatial aspect of the developments. The *sella curulis* is not simply a chair, but a vehicle through which any space can be transformed into an official setting. Many of the spatial battles of the late republic were over a very small but politically and symbolically vital piece of real estate in the Forum.[10] I claim that the contestations over chairs were in large part about the chairs as pawns in the games for dominance in the Roman Republic itself. Is it possible that in the late republican conflicts between the *populares* and the *optimates*, the chairs become seen as symbols of aristocratic power and dominance and the contestation over them mutates into a constitutional one? Spatial theories suggest that the public venues where political and legal activities take place are highly significant and inform how power relations are constructed and perceived.[11] As we will observe, within the political discourse of the late republic, disputes and contestations over status and privilege took the form of turf wars that encompassed not only the concrete space in the Forum, but equally the entirety of the communicative sphere. What we will be attempting is the evaluation of the strategies of actors in this dispute as a whole, where not only spaces, but also words and images, both the image presented by the magistrate seated in the *sella curulis* but also the image minted on coins and engraved in relief, are messages seeking to convey a certain understanding about structures and order. Cultural memory and historical narratives were utilized but also shaped and contested through these discourses and to analyse

[9] See recent works such as Sandberg 2017. On the role of memory and historical understanding during the crises of the late republic, see Straumann 2016. On the formation of that memory, few rituals were as important as triumphs, see Lange – Vervaet 2014.

[10] Gargola 2017 on the centrality of the forum area for the whole empire. Russell 2015, 44 on attempts to control the forum and its role in the memory of the republic.

[11] On the methodological foundations of spatial theory in ancient studies, see my review article in this journal issue. For the emergence of spatial understanding of social and cultural relations, see Arias – Warf 2009. Much of the current work on spatial theory is based on the pioneering work of Lefebvre 1991, on that, see Merrifield 2006. In addition to these, I have drawn inspiration from works such as Nicolet 1991; Nora 1984–92; Zanker 1998 or more recently Russell 2015.

them as a whole is a challenging task. Not only political power or jurisdictional power, but also the sacral dimension of the magistrate's activity and the historical understanding of identity were all areas where this aristocratic idea of proper order of the public realm was discussed and maintained.

French sociologist Marcel Mauss wrote nearly a century ago about object agency in early Roman law and society, maintaining that in a sense, certain culturally significant objects are alive and create rights and demands.[12] From these beginnings, theories of object agency have proliferated.[13] For our purposes, the issue is whether we should reduce the *sella curulis* to simply a symbol or is it something more? As is obvious, rituals create meanings that are dependent on the cultural context and the cultural memories associated with them. Through public displays of solemn authority, objects such as the *sella curulis* become imbued with meanings that are perhaps not always recognized, even by the actors themselves. The cultural memory of early Roman law is replete with examples of concrete formalism, the strict ritual observance and the quasi-magical logic of actions and effects. In the same way, the Roman culture of memory and honour is strongly connected with the objects that are amassed, from the spoils of war to relics of accomplishments, such as the *sella curulis* or laurel wreaths.[14] In the following, I will attempt to examine how the *sellae curules* and the disputes over them enlighten this debate.

Breaking chairs

The relevant passages are all from later authors, Cassius Dio and Aurelius Victor, writing of late republican history from the third and the fourth century AD, respectively. All the examples are of altercations between magistrates stemming from the late republican conflicts between the *populares* or the plebeian party and the *optimates*, the partisans of the patricians.[15]

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[12] Mauss 1990, chapter 3. Mauss's theories, based as they were on very old and fairly speculative legal history, should not be understood as representing current anthropology. See Tuori 2015, 48–52, 132–35 on the early intellectual history.

[13] On the criticized concept of object agency, see Gosden 2005; Knappett – Malafouris 2008.

[14] On the significance of material culture and objects in the making and shaping of historical memory, see for example the seminal studies of Hölscher 2018 and Zanker 1990.

[15] On the late republican disputes, there is a wealth of literature that has moved through different

Dio recounts two examples of the destruction of a *sella curulis*, both which revolved around a conflict between magistrates, the first between a tribune of the plebs and a praetor, the second a praetor and a consul. The first example dates from 78 BC and the aggressor is the tribune of the plebs M. Acilius Glabrio, who was enraged by the lack of respect shown to him. Dio (Cass. Dio 36,41,2) writes how Glabrio had destroyed the *sella curulis* of *praetor urbanus* Lucius Lucullus, who had remained seated while Glabrio had passed him. However, in the face of this aggression, Lucullus remained calm and composed:

> For when Acilius once commanded that the chair on which he sat while hearing cases should be broken into pieces because Lucullus, on seeing Acilius pass by, had not risen, the praetor not only did not give way to rage, but thereupon both he himself and his colleagues on his account gave their decision standing.[16]

Here, the main point of Dio's narrative is to demonstrate how the praetors remained united against this attack, showing that their power was in fact not dependent on the chair itself. While Glabrio shows his weakness by becoming angry and emotional, Lucullus demonstrates true Roman self-control and his superiority as a man.[17] What this reaction equally illustrates is the strategic use of the cultural capital of the elite, namely of maintaining the illusion of superiority towards aggression.

In a duplication typical of Dio,[18] he recounts another conflict in 48 BC focusing on the *sella curulis*, this time involving the consul Servilius Isauricus

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tendencies and frameworks at a rapid pace, from Theodor Mommsen to Christian Meier. On these, and the difficulties of the *populares*/*optimates* distinctions, see Mouritsen 2017.

[16] Cass. Dio 36,41,2 διέδειξεν: τοῦ γὰρ Ἀκιλίου συντριβῆναι τὸν δίφρον αὐτοῦ, ἐφ᾽ οὗ ἐδίκαζε, κελεύσαντος ὅτι παριόντα ποτὲ αὐτὸν ἰδὼν οὐκ ἐξανέστη, οὔτ᾽ ὀργῇ ἐχρήσατο καὶ ὀρθοστάδην μετὰ τοῦτο καὶ αὐτὸς καὶ οἱ συνάρχοντες αὐτοῦ δι᾽ ἐκεῖνον διεδίκασαν. Translated by Cary – Foster 1914.

[17] On this case, see David – Dondin 1980. On self-discipline as an aristocratic virtue, see McDonnell 2006.

[18] Dio, like many other ancient historians and perhaps reflecting the narrative tradition, had a habit of replicating similar passages about different characters. On Dio and the late republic, see Millar 1964; Lintott 1997; Osgood and Baron 2019. They note how Dio's understanding of the late republic was colored by both his own time and his knowledge of Greek history.

and praetor M. Caelius during the early days of Caesar's dictatorship (Cass. Dio 42,23,3–9). Caelius, who opposed Caesar, had roused the people with promises of the annulment of debts and rent and had even attempted to kill his colleague. The Senate and Servilius assembled troops for their protection, but could not issue a decision against Caelius as the tribunes of the plebs would veto it. Servilius therefore took another route:

> After this he would not permit Caelius to do anything in his capacity as praetor, but assigned the duties pertaining to his office to another praetor, debarred him from the senate, dragged him from the rostra while he was delivering some tirade or other, and broke his chair into pieces.[19]

Even though Caelius was furious, he could not do anything as the Senate an equal number of troops in the city. He departed the city to join Milo's rebellion but was killed in Bruttium (Cass. Dio 42,24–5). The same incident is also mentioned by Quintilian (*inst.* 6,3,25) *M. Caelius praetor, cum sellam eius curulem consul Isauricus fregisset, alteram posuit loris intentam.* The main point in this narrative is that the powers of the consul and the Senate could not remove a praetor elected by the people, but the power of the consul could be used to physically prevent him from utilizing the office of the praetor. The breaking of the chair was just one of these extrajudicial means of preventing a magistrate from acting, comparable to not giving him any cases or not allowing him access to address either the Senate or the People. At the same time, it can be seen as a sign of how the situation appeared difficult to approach through the conventional playbook of the aristocracy, where access to the podium and the rostra were exclusive to the upper classes. Now these tools of privilege and status were being lawfully occupied by insurgents wishing to deny the senatorial elite's exclusive position. The question was how to repel that challenge without diminishing the status of the official system itself.

The stories by Aurelius Victor contain similar narrative arcs. The first example (*Vir. ill.* 3,72,6) took place in 115 BC. In it, the consul M. Aemilius

[19] Cass. Dio 42,23,3 περὶ αὐτῆς εἴρηται, παρέδοσαν. Καὶ ὁ μὲν οὐδὲν ἐκ τούτου τῷ Καιλίῳ ὡς καὶ στρατηγοῦντι πρᾶξαι ἐφῆκεν, ἀλλὰ τά τε προσήκοντα τῇ ἀρχῇ αὐτοῦ ἄλλῳ τῳ τῶν στρατηγῶν προσέταξε, καὶ αὐτὸν ἐκεῖνον τοῦ τε συνεδρίου εἶρξε καὶ ἀπὸ τοῦ βήματος καταβοῶντά τι κατέσπασε, τόν τε. Translated by Cary – Foster 1916.

Scaurus punished the praetor P. Decius, who had remained seated while the consul had passed:

> When he had passed in front of the praetor P. Decius who was seated, he ordered him to rise, tore his clothes and broke his chair. He published an edict prohibiting anyone from addressing the issue in a process.[20]

The background of the incident probably referred to the conflicts between the *optimates* and the *populares*. Scaurus was one of the champions of the optimates and was known to be very sensitive of authority, both his own and that of the Senate. Again, the case demonstrates how while the consul could not prohibit the praetor, he could prevent him from doing his duty, in this case by prohibiting everyone else from approaching his tribunal and destroying the chair upon which he would sit.[21]

The second example by Aurelius Victor (*Vir. ill.* 3,73,2) is also about the conflict between the *optimates* and the *populares*. In 100 BC the famous demagogue and tribune of the plebs L. Appuleius Saturninus destroyed the *sella curulis* of praetor C. Servilius Glaucia in order to appear as a defender of the people.[22] This is quite strange, because Glaucia and Saturninus were otherwise allies. Schäfer is hesitant about the dating of the event and the identification of the praetor,[23] but they are not a decisive factor here.

Schäfer maintains that the destruction of the chairs was primarily an attack on the magistrate's power and *imperium* and only secondarily an attack on their personal *dignitas* and *auctoritas*.[24] However, as he himself maintains that the destruction of the *sella curulis* did not prevent the magistrate from exercising his power, this may be too limited an interpretation. What these conflicts primarily revolved around were the political conflicts behind them. They were perhaps a surrogate stage to the real issues at hand, bloodless reenactments of

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[20] *Vir. ill.* 3,73,2 *P. Decium praetorem transeunte ipso sedentem iussit assurgere eique uestem scidit, sellam concidit; ne quis ad eum in ius iret edixit*.

[21] Stewart 2010, 131; Schäfer 1989, 65; David – Dondin 1980, 203–4.

[22] *Vir. ill.* 3,73,2 *Glauciae praetori, quod is eo die, quo ipse contionem habebat, ius dicendo partem populi auocasset, sellam concidit, ut magis popularis uideretur*.

[23] Schäfer 1989, 65.

[24] Schäfer 1989, 66.

conflicts that could turn violent. They were, in their basic form, ritual battles about the symbols of power where the objective was to prevent the opposition from utilizing them to their own benefit.

Frolov reads the situations, especially that regarding Caelius, as a result of a dispute between the Senate and the magistrates, where the breaking of chairs is in line with the *senatusconsultum ultimum* issued against the magistrates. According to Frolov, the Senate could not take away the *imperium* of a magistrate, but rather stop him from using it. In a sense, the magistrate was degraded into an intermediate position between a magistrate and a private person. In contrast, in 62 BC Caesar was suspended of his magistracy and abandoned its insignia, including *sella curulis*, but when he told his supporters to calm down, he was praised by the Senate and reinstated.[25]

A curious issue is the repetition of these passages by such later historians as Cassius Dio or Aurelius Victor, as they have little bearing to the lived experience of the third or fourth centuries where such contestations over the symbols of republicanism had few comparisons. While Lintott writes how Dio's late republic is his own, not following anyone else, he also underlines how alien the political realities and values of the republic are.[26] Nevertheless, he records these events faithfully and as part of a major development.

However, due to their close linkage to the political struggle between the parties, it is possible to see the chairs equally as symbols of the authority and dignity of class, a symbol of the preeminence of the aristocratic dominance over Rome. As such the chair would be a symbol of the constitutional order that produced this dominance and attacks on chairs were both attempts at delegitimizing the order, or in the case of plebeian officers holding them, of the usurpation by plebeians of the power of the aristocracy. In order to assess the significance of the *sella curulis* to the Roman observers, we need also to examine how it was used in self-representation.

Sella curulis as a symbol

There are numerous depictions of Roman magistrates acting, for instance, as

[25] Frolov 2017, 988–91.

[26] Lintott 1997, 2520.

judges, in a way that resembles the symbolism of kings or autocratic rulers. In iconography, the common feature is their position on a podium, with the *sella curulis* either as their seat or otherwise in the scene as a symbol of jurisdiction and power (figs. 1 and 2). These settings were later utilized by emperors in their self-representations, for instance by Augustus in the famous Boscoreale cup.[27]

The symbolic value of the *sella curulis* appeared to some degree self-evident to Roman observers. For instance, in a relief block possibly from a funerary monument from via Labicana (figs. 1 and 2), the role of the magistrate is communicated only with the chair and *capsa*, the container for documents. The relief itself is in the shape of a *sella curulis*. Between the legs of the chair is the *capsa*, but above the seat there is a panel with a smaller relief. At the centre of this relief is a *togatus*, presumably the magistrate, and beside him on the other side a gigantic *sella curulis*, roughly twice the actual size, and on the other side a



Fig 1: Funerary monument with a sella curulis. Museo Nazionale Romano, Palazzo Massimo alle Terme, inv. 124483. Copyright 2012 Fotosar - MIBAC - Soprintendenza Speciale per il Colosseo, il Museo Nazionale Romano e l'Area Archologica di Roma.

[27] On these imaginaries and their ancient contexts, see Gabelmann 1984; Alföldi 1970. On the Boscoreale cup, see Kuttner 1995.



Fig. 2: Denarius of Q. Pompeius Rufus, Rome, 54 BC, with sella curulis on both sides. Crawford 434/2. Image Bertolami Fine Arts, at https://www.coinarchives.com/a/lotviewer.php?LotID=1694481&AucID=3796&Lot=963&Val=3e757e6a03e4b3f217d3cd65a5e78a5f.

group of lictors.[28] If there is a way to centralize the *sella curulis* more, it would be difficult to imagine.

Whereas the lictors were the symbol of *coercitio*, the physical power of the magistrate included in the *imperium*, it may be said that the *sella curulis* symbolized the civil jurisdiction of the magistrate. Whether or not this was a conviction that was legally relevant or simply a folk belief is immaterial here. What is true is that for the actors in these descriptions this was a relevant proposition that informed their actions.

This authority linked to the *sella curulis* is apparent in Plutarch's (*Vit. Marc.* 5,23) description of M. Claudius Marcellus being charged by the Syracusans in 215 BC. Marcellus as consul sat in his *sella curulis* conducting the business of the day. Then he came down and placed himself in the place reserved for the accused, waiting to be charged. The Syracusans found it hard to present a credible accusation against a man who was wearing the purple toga of the consul and still had the dignity and authority of the magistrate about him.

The authority of the chair could be used to display status and to force others to accept it. In 304 BC the famed Gnaeus Flavius brandished the *sella curulis* to cow disrespectful patricians. Livy (9,48,8–10) mentions how Flavius had been elected curule aedile despite being plebeian. This break with tradition had caused great resentment among the senatorial elite. The tensions became

[28] Rome at the Museo Nazionale (inv. 124.483), currently at the Palazzo Massimo; Schäfer 1989, 238–40.

visible when Flavius went to visit a colleague who was bedridden at his home. The colleague was at the time entertaining a group of young patrician friends. When Flavius entered the *cubiculum*, they did not rise as would have been customary but stayed seated in bed. In what could be considered a power move, Flavius ordered his *sella curulis* to be brought and sat on it to force the issue with his resentful opponents.

While the magistrate's *sella curulis* was the same for all, there were special versions. Allied foreign kings were given ivory *sellae curules* as gifts, which underlines their status as regalia.[29] *Sella curulis* played a central part in the controversial accumulation of public honours to Caesar. As dictator he was first granted the right to sit on a *sella curulis* with the consuls, and upon being given the title of dictator for life, he was also given a golden *sella curulis*, a *sella aurea*. Wanscher suggests that the *sella aurea* was a gilded version of the *sella curulis*. The Roman authors grouped the *sella aurea* among the kingly or even divine honours that were heaped on Caesar and it plays a crucial role in the famous scene of the Lupercalia of 44 BC, where Mark Antony repeatedly attempts to place the royal diadem on Caesar's head.[30]

Foreign kings, to some of whom a *sella curulis* was given, would sometimes emulate the Romans. For example, according to Polybius, Antiochus IV Epiphanes, the second century BC Seleucid king, often dressed in a toga and sat at the agora in a *sella curulis* to give judgment. Antiochus was known for his eccentricity, as noted by Polybius, who calls him mad.[31] To make matters more confusing, there is another Antiochus IV Epiphanes, namely Gaius Iulius Antiochus IV Epiphanes, who was the last Roman client king in Commagenia from 38 to 72 AD. In the so-called Philopappus monument in Athens, Antiochus is depicted wearing a toga and seated on a *sella curulis*. Wu has even suggested that this was a reference to the fact that Antiochus himself defined his office as Roman. In fact, in the accompanying inscription (*CIL* III 552), his grandson is styled as consul and a *frater Arvales*, and his *adlectio inter praetorios*, to the

[29] These were given to King Masinissa of Numidia during the second Carthaginian war (Liv. 30,15,11, 31,11,11–12) and to King Antiochus of Syria in 163 BC (Diod. Sic. 29,32).

[30] Cic. *Phil*. 2,34,85; Suet. *Caes*. 76; Cass. Dio 44,6,3, 44,17,3. On Caesar and the sella aurea, see Wanscher 1980, 130–36; Schäfer 1989, 114–22.

[31] Polyb. 26,1; See also Liv. 41,20; Ath. 10,439a. On Antiochus, see Mittag 2006.

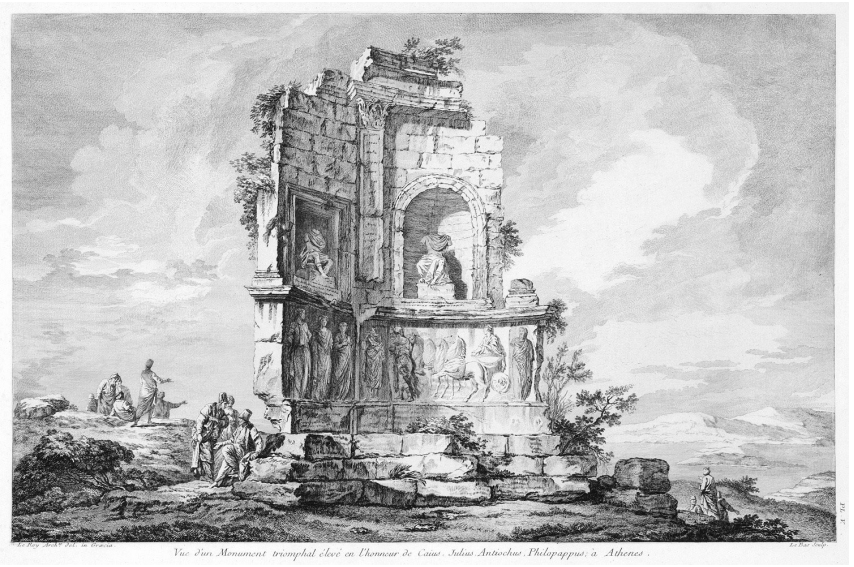


Fig. 3: Engraving by Julien-David Le Roy (1770) of the triumphal monument to Caius Julius Antiochus Philopappus in Athens. Image Public Domain, https://commons.wikimedia.org/w/index.php?curid=66475441.

praetorian rank.[32] Here, the use of Roman nomenclature and specifically the names Gaius Iulius normally signifies citizenship gained during the reigns of Caesar or Augustus. This means that Philopappus saw himself as both Roman and as king of Commagenia.

The *sella curulis* was the property of magistrates and it remained in their house, a sign of their rank and dignity, and much like the other insignia it was displayed in their funeral. In the case of Caesar, the golden *sella* was part of the funeral procession and was displayed publicly with a golden image of him and a golden crown.[33]

The symbolic authority of the *sella curulis* and its linkage with its owner was utilized in magisterial self-representation, for example in coins and

[32] Wu 2016.

[33] Cass. Dio 53,30, 56,29.

monuments. The minters of coins were most often aediles during the Republic, while later they were associated with emperors. The reliefs with *sella curulis* are most often parts of funerary monuments. In both, the usage of the depictions of the *sella curulis* are similar, showing most often just the *sella*, sometimes with another object.

The coin types which have representations of *sella curulis* typically have the chair in the middle with texts either under, over or around the chair (see fig. 2). They can be dated both to the last decades of the Republic, from the 80s BC down to the triumvirs and the early Principate. In these coins other features are also honorary symbols, such as laurel wreaths and *litui*, sometimes sceptres and diadems. Weapons and helmets are other additions. In most examples, there is just the chair or the chair with some other objects, but there are some instances, for example Sulla and Augustus, where a person is placed sitting on a *sella curulis*. The obverse sides of these coins usually depict a head. The main message of these coin types is the magistracy, the curule rank achieved by the author. As such, they were a tool for political discourse or even propaganda, advertising the leadership, responsibility and authority of the honoured person. Schäfer estimates that during the late republic, most of them were aligned with the optimates. Of course, the uses of Sulla or Octavian/Augustus were even more politically motivated.[34]

In statues and reliefs, *sella curulis* is generally a feature of funerary monuments. There are just two statues of a *togatus* seated on a *sella curulis*.[35] Much more common are reliefs of the type of the Palazzo Massimo relief block, where the whole relief is one large *sella curulis* supporting a smaller vignette relief. There are less than ten of these, and at least seven have a *togatus* seated on a *sella curulis* in the vignette, with some lictors on the side.[36] There are also two larger reliefs of emperors seated on *sellae curules*, one is the Torlonia relief of Antoninus Pius and the other is the Anaglypha Traiani. According to Schäfer, the surge in popularity of the *sella curulis* in the early Principate was a reflection

[34] On the coinage, see images in Schäfer 1989, tables 9–13, text 70–74. On the uses of *sella curulis* in coinage, see Puglisi 2019.

[35] Now at Villa Massimo and Palazzo Falconieri, Rome. Image in Schäfer 1989, tables 16–18, analysis in Schäfer 1989, 238–41.

[36] Images in Schäfer 1989, tables 16–31.

of the return to normalcy and stability by Augustus. For the senatorial class, the loss of political and social power was compensated by the emphasis on the civil and sacral attributes of the offices.[37]

This use of the *sella curulis* as the sign of dignity and authority by former magistrates was emphasized in Livy's narrative of early Roman history. In the description of the Gallic sack, the self-sacrifice of the old curule magistrates features the *sella curulis* prominently. According to Livy (5,41), the old magistrates sat on their chairs in front of their houses, dressed in the full regalia of their offices while the Gauls entered the otherwise empty city unopposed. What Livy's description illustrates through the moving depiction of old men waiting for death is the role of the *sella curulis* as a placeholder, which recalls the notion of honour.[38]

In the historical examples of magistrates invoking the power of the *sella curulis*, the chair acted as a sign and symbol of the authority given by the magistracy. In late republican iconography, the chair was a symbol of the constitutional order and the power and authority of the Roman people. Within these examples, because the curule magistracies were initially reserved for the senatorial class, the chair operated equally as a symbol of senatorial privileges, explaining its use in, for instance, Sulla's propaganda.

The changing notions of jurisdiction

What was then the legal significance of the chair to the jurisdiction of the magistrate? In theory, the jurisdiction of the republican magistrate was straightforward: the Roman magistrate gained jurisdiction from the people. The curule magistrates were elected and had their own field of jurisdiction that they were free to administer with considerable independence. Each magistracy was collegial, meaning that they could each veto the other's decision. While all magistrates had *potestas*, only the highest magistrates, the consuls and the praetors, had *imperium*, perhaps a reflection of the initially military nature of these offices. As stated, the lictors were only given to magistrates with *imperium*, but the *sella curulis* was given first to them and the censors, but later they were

[37] Schäfer 1989, 193–95.

[38] On this episode, see also Flor. *epit.* 1,13,10; Val. Max. 3,2,7.

granted to other, even local magistrates. A magistracy was an honour, which meant that republican magistrates were not paid a salary.[39]

Even though Gaius (*inst*. 1,7,20) clearly says that a magistrate can perform official acts wherever he may wish, there have been discussions whether this irrelevance of space extended to all official acts.[40] Perhaps this has emerged in reference to later public law doctrines which often maintained that an official may make decisions only under certain circumstances. In many modern jurisdictions an elected official's decisions may be made only as a response to another official's proposal.

These debates have revolved around two particular conditions. The first is that of the use of a *consilium*, a panel of advisers, in the deliberations. The second is that the decision should be made on a tribunal. Thus, for example Max Kaser, in his influential work states that the praetor was placed in the *comitium* at the Forum on his tribunal under the open sky. He is dressed in the *toga praetexta*, and sits on the *sella curulis* surrounded by his *consilium*. For Kaser, the difference was that in contested legal matters the praetor (or the aedile) has to be at his regular location, but in matters of voluntary jurisdiction, such as the manumission mentioned by Gaius, these may be done *in transitu* or out of the tribunal (*de plano*).[41] While scholars such as Kaser have approached the issue from a formal perspective, others such as Francesco de Angelis have suggested that there is a sacral component in the conception that the judge needs to sit at a tribunal under the open sky.[42]

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[39] On the nature of Roman magistracies and the Roman administration, see Kunkel and Wittmann 1995; Lintott 1999.

[40] Düll 1932, with extensive discussion on the Roman sources. See also Gaius *Dig*. 40,2,7–8. on manumissions not being bound to courts.

[41] Kaser 1966, 145. On the physical locations, see Bablitz 2007. The main source given by Kaser, *Dig*. 1,16,9,1, 50,17,71 is about proconsuls and what matters they can resolve by letter and which should be resolved by a decree in court. The expression *de plano* is mentioned by Ulpian in *Dig*. 37,1,3,8, where he argues that a *bonorum possessio* may be granted only in court, not outside it, and in *Dig*. 1,16,9,3. However, Ulpian in *Dig*. 38,15,2,1 mentions a *bonorum possessio* that can be granted *de plano.* Similarly, *Dig*. 48,5,12,6 is about how a claim presented via letter (*libellus*) can be accepted *de plano.* See Düll 1932, 171–7 on further mentions of *de plano* and *pro tribunali* juxtaposition in Roman sources.

[42] De Angelis 2010, 7.

With regards to the proposition that the judge needs to sit at a tribunal, the main corroborating source has been the text of Suetonius on Claudius acting as judge in the Forum. Suetonius (*Claud*. 15,3) writes that Claudius had declared the day's business over, when several pleaders attempted to keep him seated and prevent him from leaving the tribunal. However, similar references may be found elsewhere. Cicero mentions how an official decision was made on the *sella curulis* and on the podium (Cic. *Verr*. 4,40,86 *agebantur in conventu palam de sella ac de loco superiore*).[43] Dionysios of Halicarnassus mentions how Coriolanus had in his camp a tribunal to administer justice to his troops and in it a *sella curulis* (Dion. Hal. 8,45).

Beyond Gaius, in the legal sources the role of place followed the juxtaposition between the *pro tribunali* and *de plano*. In many specific cases Roman jurists declare that a certain procedure is possible only in court, *pro tribunali,* not *de plano*. For example, Marcian (*Dig.* 48,16,1,8) writes how the annulment of charges may only be sought in a private capacity from the provincial governor in court, not outside it (*non de plano*). Another action that may only be sought *pro tribunali* was *bonorum possessio*, which may according to Ulpian (*Dig.* 37,1,3,8) only be given after it has been investigated (*causa cognita*) and only before the court, not *de plano.* In contrast, persons who are held in criminal trial can be both heard and tried *de plano* (*Dig.* 48,18,18,10). The proconsul can, according to Ulpian (*Dig*. 1,16,9,3, 48,2,6), issue minor commands and orders such as warnings about proper behaviour towards parents, as well as hear charges of minor crimes. As Düll remarks, following Pernice and Wlassak, that the discussion regarding *pro tribunali* and *de plano* focuses mostly thought not exclusively on *cognitio* procedure used by the governors and imperial courts.[44] There are no mentions of the praetor's jurisdiction exercised *de plano* (however, Vat. fr. 112 talks simply of magistrates). Marcellus (*Dig.* 4.1.7.pr) quotes an imperial rescript to the praetor Marcius Avitus regarding summons: if someone who is summoned does not appear in court, but immediately afterwards appears while the praetor is still seated, he may be given *restitutio in integrum* should it appear that he did not hear the summons of the court officer. Here, being seated is the sign that the same session is still ongoing.

[43] See also Cic. *Verr*. 2,42,102 *palam de loco superiore dixerat*.

[44] Düll 1932, 178–9.

Republican jurisprudence and law have been described as formalistic. This formalism meant that in numerous instances legal acts had to follow a certain strict procedure, either in acts or words, for the desired legal effect to be created. Thus, for example, Gaius (*inst*. 4,11) notes that in the *legis actio* procedure, one had to use the exact words of the formula in order to produce the required effect. According to Gaius, this could mean that if a person who was seeking damages over the cutting of vines might lose his case if he used the word vines, because the formula in the XII Tables used the word trees. A similar instance was sale using *mancipatio*, where there were even more elaborate formulas to be uttered, gestures to be made, and witnesses to be present. In all of these instances, references are to early Roman law or to archaic institutions which had been preserved. There has been a lively debate over this kind of formalism and its linkages to sacral law, as well as Roman conceptions of religion and magic.[45]

Was the belief in the relevance of the *sella curulis* an extension of the formalism typical of early Roman law? Furthermore, was it a valid legal proposition or a reflection of the popular conception of law? Both of these are of course relevant because what interests us here is what the actors believed to be right and just.

There are instances where the Roman sources give us some extremely flexible examples of the spatial arrangements of jurisdiction. For example, Caesar (*civ*. 3,20,1) reports how in 48 BC the praetor peregrinus M. Caelius Rufus, the same Caelius mentioned above by Dio, would court public favour by promising relief through appeal to those convicted unpaid debts by bringing his *sella* next to the tribunal of *praetor urbanus* G. Trebonius:

> About the same time the praetor M. Caelius Rufus, espousing the cause of the debtors, at the beginning of his magistracy placed his tribunal close to the chair of G. Trebonius, the city praetor, and promised to assist anyone who should appeal about the valuation and the payments to be fixed by an arbitrator, in accordance with Caesar's arrangements when present in Rome.[46]

[45] MacCormack 1969. On mancipatio and the supernatural, see Tuori 2008. On ritual and magical elements in the Roman legal documentary practices, see Meyer 2004. On the formulary process, see Mantovani 2003. Both formalism and the supernatural are equally present in the XII Tables.

[46] Caes. *civ*. 3,20,1 *Eisdem temporibus M. Caelius Rufus praetor causa debitorum suscepta initio*

This was, of course, an exceptional circumstance of civic strife, and Caelius would continue his attack by throwing Trebonius off his tribunal.[47] From there, the disagreement would only go downhill, ending in the shattering of the offending chair reported above and ultimately Caelius' death. This conflict appears to have similar roots as those of the breaking of the *sellae curules*, the confusion that had emerged about the social and legal order among the elite, of who were the legitimate holders of jurisdiction. These movements of chairs and tribunals were about who took centre stage in the Roman commonwealth.

The concept of the magistrate on his *sella curulis* being the ultimate authority in his court was also overshadowed by the rise in imperial power and jurisdiction. While the Roman magistrates had in principle independent authority, there was an exception and that was the emperor. Thus, for instance, while a proconsul has in his province the most complete jurisdiction, comparable to that of magistrates and judges *extra ordinem* in Rome (*plenissimam iurisdictionem*, *Dig*. 1,16,7,2), his *imperium* in the province is second to the emperor (*Dig*. 1,16,8). To Ulpian, writing in the early third century, this was naturally clear. Ulpian's famous statement about the word of the emperor being law included not only formal decrees but also statements given *de plano* (*Dig*. 1,4.1,1 *statuit vel congnoscens decrevit vel de plano intercolutus est*). In the early Principate, such a common agreement was not yet reached. Thus, when Tiberius took the habit of sitting beside the presiding magistrate as an assessor or member of the *consilium*, the situation may have baffled observers (such examples are reported by Tacitus, *ann*. 1,75; Suet. *Tib*. 33; Cass. Dio 57,7,6). Claudius sat between the consuls on his own *sella curulis* (Suet. *Claud*. 12,2).[48]

What did it mean that a magistrate would sit on a *sella curulis* in a tribunal? Seneca (*dial*. 2,12,2) remarks that when children were playing magistrate, they would have the fasces and the tribunal as signs of the magistracy. According to Färber, there were no specific requirements for a podium or a tribunal, it should simply be big enough to have room for the magistrate, the *consilium* and the scribes. It had, of course, a great symbolic significance of the power, authority

magistratus tribunal suum iuxta C. Treboni, praetoris urbani, sellam collocavit et, si quis appellavisset de aestimatione et de solutionibus, quae per arbitrum fierent, ut Caesar praesens constituerat, fore auxilio pollicebatur. Translated by Peskett 1914.

[47] Caes. *civ*. 3,21; Cass. Dio 42,22; Färber 2014, 37; David 1995, 376.

[48] Tuori 2016, 126–95; Färber 2014, 74–75.

and jurisdiction of the magistrate. This meant that the *sella* and the lictors could also be abused as sources of power.[49] In a similar way, Tacitus gives an account of Tiberius attending a trial at the praetor's court *in cornu tribunalis* (Tac. *ann*. 1,75). The phrase is used precisely to suggest that he did not want to displace the magistrate from his *sella curulis*. In that, the *sella curulis* is in itself a synonym for jurisdiction.

The various legal and symbolic implications of the *sella curulis* are obvious from the numerous references to it in relation to various effects. Plutarch mentions how the curule chair or the magistracy that gives one the curule chair confers such power that it relinquishes the holder from his dependency on his patron (Plut. *Vit. Mar.* 5). There are numerous examples of how the *sella curulis* was not used in times of mourning, but no indication of why this was the case.[50] In addition to the podia, the chairs were used in the Senate by consuls and emperors (Liv. 2,28,9; Cass. Dio 43,14,5, 50,2,5; App. *B Civ*. 2,117), which indicates that its use was not restricted to jurisdiction. Of course, Isidorus (Isid. *diff*. 1,108) writes how the *sella curulis* is a chair in which a magistrate gives justice (*in quibus magistratus sedentes iura reddunt*), implying that it represented justice.

Ulpian writes (*Dig*. 49,4,1,9) about the possibility of legal recourse by appealing to a magistrate that if a magistrate makes himself available at a public place, that should be considered an opportunity to appeal. However, a litigant is not required to go to a judge's private house (*domus*) or his villa (*horti, villa suburbana*) to see if he would be open to an appeal.[51]

Thus, it is evident that the formal legal requirement of being on a *sella curulis* hardly existed, but from the Roman perspective this was clearly the customary form of action. For them, it was what the magistrate did and what they expected him to do. What this means is that for the acts of the magistrate to be perceived as lawful, there was an expectation that they be given on a *sella curulis*. Although most of the legal sources are from the principate and discuss imperial jurisdiction, it is evident from them that a judge may act outside the tribunal (and thus *sella curulis*) mainly in granting and receiving applications

[49] Färber 2014, 188, 212, 221–23; Bablitz 2007.

[50] Tac. *ann*. 4,8. See also Tac. *ann.* 3,4 *sine insignibus magistratus.*

[51] Färber 2014, 152.

and other minor issues, but never adversarial deliberations where this may have prevented the other party to be present.

The space and memory of a magistrate

What was, then, the meaning of a *sella curulis*? I began with the three levels that may be observed regarding the altercations over the *sella curulis*, 1) the symbolic, 2) the legal, and 3) that of memory and honour. We may observe these levels or aspects in the cases at hand.

The symbolic level is most clearly associated with the political conflicts of the late republic. The narratives of Dio and Aurelius Victor are not politically neutral, for example Dio's tendency of following the senatorial point of view is commonly recognized. Thus, Glabrio's attack on the praetor and his lack of respect is portrayed as an attack on senatorial supremacy. Their response was one of unabridged smugness of pointing out that their institutional and socioeconomic privilege was not dependent on a piece of furniture. Dio's other story about Caelius was likewise one with the Senate's advantage, in this case of the Senate having troops to physically prevent a demagogue from attending to the duties of his magistracy. In Aurelius Victor, the background is equally that of the struggle between the *populares* and the *optimates*, where both Scaurus and Saturninus seek to prevent a magistrate of the opposing side from performing his duties. Far from mere occasional conflicts, these can be seen as fundamental strategic choices in the political discourse, where the occupation of public space meant equally the domination of the discourse, not only in words, but also through images and physical objects.

On the symbolic level, the *sella curulis* is shorthand for the dignity and authority of the magistrate and through him, the *mos maiorum* or the constitution. When a *sella curulis* is being destroyed, it is not merely a chair but the position of its holder in the constitutional order; it represents his authority. As is evident from the references where *sellae curules* are given to foreign kings, it is regalia. Similar symbolic usages may be seen in the coinage issued with *sella curulis*; they convey the idea that their author not only supports the constitution and the status quo but also has the respect of the state in the form of the magistracy.

The legal level pertains mainly to the issue of jurisdiction and the popular or even legal belief that a *sella curulis* was necessary for a magistrate to have jurisdiction. All the acts of blockage were aimed at both the prevention of a magistrate from exercising his duties and the annulment of the magistrates'constitutional authority. As the senatorial praetors in the case of Dio demonstrated, the magistrates did not need their chairs in a purely legal sense to give judgments that were valid. However, a popular view that considered the chair to be the key to jurisdiction is quite likely.

Within the development of Roman law, there is a gradual movement from the formalism of early law to the consensuality of classical law. While there were clear rules that a magistrate could have jurisdiction anywhere, the acts relating to oppositional situations, such as cases with opposing parties, should be given a verdict publicly, meaning on a podium with a *consilium*. Whether the destruction of the chairs reflects either an earlier or simply a popular idea that jurisdiction would also be dependent on the magistrate's chair is not clear, but there are notable indications in that direction.

The level of historical and cultural memory and the politics of honour may be seen as tied to the symbolic and legal levels. The example given by Plutarch about Marcellus is a reflection of this. Marcellus steps down from his podium, but his podium and the *sella curulis* were still there, reminding one of the honour that he had attained and the respect that was his due. Like a throne, the furniture made him bigger than he was. In a similar way, the act of Gnaeus Flavius sought to use the *sella curulis* as a statement of authority, forcing opponents to respect the chair that has been given to him, if not the man sitting on it. While the aristocracy had previously enjoyed dominance over historical memory and the definition of tradition, the emerging popular leaders sought to contest the aristocracy's privileged position by using the same symbols to their own advantage.

In a similar way, the *sella curulis* of the deceased family member is presented by the family, sometimes in conjunction with other memorabilia such as the wax images of ancestors. Polybius recounts how in the public ceremonies such as sacrifices the representatives of the family don the masks of their hallowed *maiores*, with the insignia of their offices and sit in their curule chairs.[52] Such

[52] On the use of the *sellae curules* and wax images in funerals and public sacrifices, see Polyb. 6,53,6–9; Flower 2001. See Cass. Dio 45,6,5; App. *B Civ.* 3,28 on the placement of Caesar's golden *sella* at

relics were sometimes the object of actions and incidents, such as when during Augustalia, a disturbed person seated himself on Caesar's *sella curulis* and put on his crown. However, Dio points out that this reflected badly on Augustus, which appears strange (Cass. Dio 56,29,1).

Cicero lists the privileges of the curule office as the right to address the senate, to wear the *toga praetextatus*, the curule chair and the *ius imaginum*, the right to leave a portrait for his descendants.[53] In this way, the right to a chair is parallel to the right to inhabit the historical memory. The contestations of power were in part contestations over authority and to gain authority one had to gain access to defining historical memory. As Walter has pointed out, one of the main claims to privilege of the Roman aristocracy was their monopoly over the historical memory and its definition. The "big names" promoted and reproduced ceaselessly traditions and their way of remembering the deeds that made them who they think they are. Much of the strategies of the elite revolved around preserving and enhancing status, including adoptions and marriages.[54]

Cicero's attacks on Caesar and the golden chair, the *sella aurea*, in both the Philippics and elsewhere, are juxtaposed with the crown he wore as a sign of the regal powers that he sought. As is obvious from the innumerable references to the events, the diadem and the golden chair were very effective in conveying how far Caesar had come from being a regular Roman magistrate.[55]

Where all of these levels meet is the spatial politics of Rome and its republic. From Sulla onwards, each of the contenders for power from Caesar to Octavian/Augustus had sought to remake the topography of the Roman forum. Sulla rebuilt the curia to fit his larger Senate, while Caesar planned to rebuild the whole forum anew. When we talk about object agency and the spatial dimension, it is important to remember how they operate in a dynamic environment. In a

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the theatre as a source of contention. Augustus put Marcellus' *sella curulis*, his golden image and golden crown on display at the theatre after his death (Cass. Dio 53,30,6). *Sedes curules sacerdotum Augustalium* dedicated to Germanicus (Tac. *ann*. 2,83).

[53] Cic. *Verr*. 5,14,36 *antiquiorem in senatu sententiae dicendae locum, togam praetextam, sellam curulem, ius imaginis ad memoriam posteritatemque prodendae*.

[54] Walter 2004, 86.

[55] Cic. *Phil*. 2,34,85, Cic. *Div*. 1,52,119; Plut. *Vit. Caes.* 61; App. *B Civ.* 2,109; Cass. Dio 44,11,2; Nic. Dam. *Vit. Caes*. 21 repeats these stories of the Lupercalia events. Val. Max 1,6,13; Plin. *Nat*. 11,186 also mention Caesar's *sella aurea*.

changing landscape such as the late republic, where all appears to be in motion, appeals to tradition, stability, and the constitution all gain increased significance. In such a situation, objects such as chairs become a shorthand for power and ruling.[56] They were part and parcel of the political discourse, much like the words spoken and the texts written.

Of course, Roman activities when in contact with the outside world reinforced the notion that the *sella curulis* was to be seen as a seat of power. For instance, when King Ariobarzanes of Cappadocia gave power to his son in 62/3 BC, this took place in the tribunal of Cn. Pompeius. The king had risen to Pompey's tribunal and was seated on the curule chair. The king and Pompey had the son rise to the tribunal, gave him a diadem and seated him on the *sella curulis* (Val. Max 5,7(ext),2). In short, the tribunal of the Roman magistrate and his *sella curulis* is made equal to a king's throne. While it may appear that the king would have been simply delusional, as was suggested by some Romans, it is possible that he understood the Roman mechanics and optics of power quite astutely, even more clearly than the Romans themselves.

Conclusions

Anthropologist Bronislaw Malinowski famously criticized the antiquated notion of custom in primitive societies, which claimed that tribal custom would be automatically followed by all of its members. Instead, he maintained that the content of custom should be seen more as a claim, a way of asserting authority and a locus of contention.[57] In a similar way, Roman *mos maiorum* may be seen either as an immutable custom that all accepted and followed or a contentious idea of past authority. Regardless of whether this is true or not, it is evident that during the late republic, many of the shared convictions and accepted truths about the Roman state and how it should be run are being challenged. The *sella curulis* as a venerable and old symbol of authority becomes enmeshed with contestations about power, memory and law between the aristocratic elite and the *populares*. Due to the way that the constitutional definition of the Roman political and administrative structure was rooted in history, that history defined

[56] On this, see Favro 1996; Russell 2015.

[57] Malinowski 1926, 2–4.

Roman constitutionalism. The constitutional and political crises of the late republic were also battles of who had the authority to redefine the constitution through a redefinition of history.

Like the lictors and the fasces, the *sella curulis* was a symbol of power and authority entrusted to the magistrate. The Roman magistrates had jurisdiction while seated on the chair and the magistrate's authority became organically linked with the chair itself. The possession of the chair was a symbol of the status attained, meaning that its permanent possession meant that whoever gained it was elevated as equal to the aristocrats who had previously had a near monopoly over the higher offices. Thus, a chair in the hands of a plebeian could be seen as an affront to the accepted order and the position of the aristocracy.

What the cases of the destruction of the *sellae curules* demonstrate is a constitutional battle and symbolical discord rolled into one. While lawyers and the magistrates themselves were the whole time clear in maintaining that the magistrate's jurisdiction was not dependent on the chair itself, in the popular imagination these two became joined. By destroying his chair, opponents could demonstrate the loss of both real and symbolic power by the magistrate.

More importantly, the destruction of furniture may be seen as necessary in the battle over public space, both physical space and the space of the republic. By the public destruction of the opponent's chair, one could establish one's dominance over the public sphere.

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