

The *Nomophylakes* and the Plynteria Procession

The *Lexicon Cantabrigiense* describes the Athenian *nomophylakes*: "Nomophylakes: they are different from the *thesmothetai*, as Philochorus says in his seventh book. For the archons went garlanded to the Areopagus, but the *nomophylakes*, with white headbands, sat in the theatre opposite the nine archons, and conducted the procession to Pallas. They compelled the magistrates to follow the laws and sat in the assembly and *boule* with the *proedroi*, preventing things disadvantageous to the city. There were seven and they were instituted, as Philochorus says, when Ephialtes left to the Areopagus only its competence for homicide" (trans. by O'Sullivan 2001).

The debates over this passage have largely focused on whether the office of *nomophylakes* was first created by Ephialtes in the 460s BCE, or by Demetrius of Phaleron in the late 4th century BCE (Bearzot 2007, O'Sullivan 2001, Cawkwell 1988). The role of the *nomophylakes* as the organizers of the Plynteria procession is virtually ignored by recent scholars. An exception to this is Gaetano De Sanctis, who argued a century ago that the Areopagites had always overseen the procession, and that appointing the *nomophylakes*—who were perhaps drawn from the ranks of the Areopagus Council—did not significantly alter existing practice (De Sanctis 1913).

Why should the *nomophylakes* have jurisdiction over the Plynteria procession? The duties of the *nomophylakes* were not created out of thin air by Demetrius of Phaleron in the late 4th century BCE; someone else must have overseen the procession before that time. The antiquity of the Plynteria festival, its character as an "impure day," and the restrictions it probably placed on Athenians' behavior form a link between the Plynteria festival and the archaic Areopagus Council. The *nomophylakes* in turn may have inherited, directly or indirectly, some of the Areopagites' duties. Even if scholars are correct to assume that the

office of *nomophylakes* was first created by Demetrius of Phaleron, assigning these officials to oversee the Plynteria may not have represented a noteworthy change in practice.

The procession for Pallas must be the venerable Plynteria procession, in which the ancient statue of Athena was escorted by night from the Acropolis to Phaleron and bathed in the sea. The day before was *apophras*, “impure,” a difficult term otherwise reserved for the days on which courts considered homicide trials. The Plynteria is the only Athenian festival treated in this way, perhaps because the statue of Athena was considered to be polluted and required her annual purification. The *apophras* day was a day of ill omen and dissolution when Athenians considered it unlucky to undertake business. The Areopagus Council was also an archaic institution, and moreover it was the original homicide court at Athens, already associated with *apophras* days and extreme ritual pollution. It is thus plausible that they had jurisdiction over the procession for Athena, a ritual which marked the transition from *apophras* to newly-purified statue (and city).

In its passage on Ephialtes’ reforms, the *Athenaion Politeia* speaks of the Areopagus Council “guarding the laws” (*Ath.Pol.* 25.3; *Plut.Sol.*19.2). Cawkwell observed that, when the *Athenaion Politeia* discusses archaic times, the *nomophylakia* of the Areopagus Council refers rather to oversight of Athenians’ behavior, an alternate meaning of *nomos* (*Ath.Pol.*3.6, 8.4; Cawkwell 1988). The reforms of Ephialtes might have removed this power from the Areopagus, ensuring that Athenians could be punished only for violating the laws.

The *apophras* nature of the Plynteria curtailed Athenians’ behavior in unusual ways which, in Archaic times, might have warranted scrutiny from the Areopagus Council. Also during the Plynteria, Athena’s usual *peplos* dress was removed, and her statue was carried to the sea wearing only a white *chiton*—a state of relative undress that must have been carefully circumscribed. Thus it is plausible that respected elders with the authority to dictate correct behavior might have jurisdiction over this important ritual.

Even after their powers of *nomophylakia* were removed by Ephialtes, the Areopagus Council might have retained authority over the Plynteria. In the time of Demetrius, perhaps the newly-created *nomophylakes* were themselves Areopagites, as De Sanctis suggested. Or perhaps they merely inherited enough of the former duties of the Areopagus that the oversight of the festival was also transferred to them.

Bibliography

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