

## **HERACLES, RHADAMANTHYS AND JUSTICE: AN INTERPRETATION OF PINDAR'S FR. 169A MAEHLER**

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### **Abstract**

This text sets forth a new interpretation for Pindar's controversial fr. 169a Maehler, a poem widely referred to in Antiquity because of the maxim with which it might have begun: νόμος ὁ πάντων βασιλεύς. After reviewing the main readings so far proposed and revisiting the complex treatment that Pindar gave to the Heracles myth, the text goes on to suggest that Pindar referred to a statute attributed to legendary legislator Rhadamanthus, who was also a character in the hero's myth. It is argued that Pindar states that the order of the world accepts a type of regulated violence that, in spite of appearances, actually promotes justice.

### **Keywords**

Pindar; Heracles; justice; Greek law; archaic melic poetry.

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## **Resumo**

Neste artigo, propomos uma interpretação para o controverso fragmento 169a Maehler de Píndaro, conhecido na Antiguidade pela máxima νόμος ὁ πάντων βασιλεύς. Após rever as principais posições já formuladas e reavaliar o multifacetado tratamento dispensado por Píndaro ao mito de Hércules, sugerimos que, por meio de referência particular a uma lei atribuída ao legislador Radamanto, envolvido no mito de Hércules, Píndaro afirma haver no mundo um espaço regulado para a violência que, a despeito das aparências, realiza a justiça.

## **Palavras-chave**

Píndaro; Hércules; justiça; direito grego; métrica arcaica.

## 1. Introduction

### 1.1. *The discovery of fr. 169a Maehler*

The poem of uncertain genre (Theiler, 1965: 69) known for what appears to be its first verse – Νόμος ὁ πάντων βασιλεὺς – is one of the most frequently quoted of Pindar’s compositions as well as one among the most frequently mentioned poems throughout Antiquity (22 references until the 5th century AD, according to Ostwald, 1965: 109; see a list of the earliest quotes in Gkourogianis, 1999: 198-199). However, for a very long time, it had only known through indirect transmission, and the longest quote, in Plato’s *Gorgias* (484b), is affected by misunderstanding (Boeckh, 2007: 640) or by deliberate alteration by Plato himself (Treu, 1963: 194 and 199; Theiler, 1965: 69).

The publication of P. Oxy 2450, fr. 1, in volume XXVI of the *Oxyrrhynchus Papyri* (here, fr. 169a Maehler), in 1961, was then a major event. This papyrus fragment comprises parts of two columns of text (of 34 and 23 incomplete lines respectively). The first verses of the poem are not preserved, but the text begins with ἐπεὶ Γηρυόνα βόας, which was already known due to a scholion on a text by Aristides Aelius in which the rhetorician referred to the *Gorgias* (Maehler, 2001: 133). No less than 62 verses of the poem could thus be recovered, about 50 of which preserve significant textual elements. Unfortunately, however, as the papyrus only overlaps with the end of what was previously known through indirect transmission, we still do not know for sure whether Νόμος ὁ πάντων βασιλεὺς was in fact the first verse of the poem, which is however very likely the case.

Given the fragmentary state of the papyrus, one of the main efforts in dealing with fr. 169a Maehler has been the attempt to fill in the various gaps, since Lobel himself had only supplied letters that raised little or no doubt. Page proposed his own conjectures in good humour: ‘the certain supplements are all in Loebel’s edition; it is mere *Spielerei* to go beyond them, which is what I do here’ (Page, 1962: 49). In addition to Page, the most significant attempts were made by Ostwald (1965), Pavese (1968, defended in Pavese, 1993) and Lloyd-Jones (1972).

The effort of supplementing a fragmentary papyrus, although very knowledgeable *Spielerei* in Page, precisely because it seeks to go beyond the paleographic and linguistic data, has also entailed a wealth of conjecture based on controversial understandings of what the poem actually meant. Pavese, for example, bases his supplements on rather refined explanations, e.g. rejecting a certain reading because ‘this would

indeed disrupt the train of thought and distort the expected climax' (Pavese, 1968: 67). Now, in a poem in which, as Pike has rightly pointed out, 'the most important part (the conclusion) is missing' (Pike, 1984: 20), I think it is necessary to be extremely cautious, so as to avoid the tautology of supplementing the text because of a preconceived interpretation and then defending that interpretation on the basis of the supplemented version of the poem.

Furthermore, Pindar is not exactly a predictable author. According to Treu, 'in Pindar, the correct supplement is never found by means of conjecture' (Treu, 1963: 199). Conjectures might at most 'communicate a representation of what the poem might have been like' (Treu, 1963: 204). Taking all of this into account, I have proposed a Portuguese translation of the fragment, alongside Race's edition (2012: 400-406), complemented by Maehler for the final verses (2001: 133-136). These editions have been chosen precisely because of their cautious supplementation.

## *1.2. The main interpretations*

The interpretation of fr. 169a Maehler, when the poem was still known only by means of indirect transmission, was already a subject of heated debate. The ancient quotes themselves seem to appropriate the poem, and especially the gnome about νόμος, for very different purposes. An extreme modern example may be found in an 1821 commentary on Pindar's work in which August Boeckh proposed restoring κατὰ φύσιν in what he believed to be the previous verse to Νόμος ὁ πάντων βασιλεύς, as the result of a complex interpretation regarding νόμος as natural law, which he derived from Plato (Boeckh, 2007: 640-643).

Shortly before the discovery of fr. 169a Maehler, Gigante reviewed the existing scholarship, which was centered on extremely diverse interpretations of the gnomic section (Gigante, 1956: 72-102). Lobel's discovery, however, added many verses of mythical content describing aspects of the Heracles myth. From then on, the issue at stake has been understanding how myth and gnome could be associated in a meaningful poem.

Without intending to present a comprehensive review of what has since been written, it is nonetheless possible to identify two main currents of interpretation, which lend themselves to a brief summary (on a third interpretation, formulated by Kyriakou, 2002, see below, section 3). These interpretations can be associated, for the purposes of this exposition, with

different understandings of the third verse, and more specifically of the expression *δικαιῶν τὸ βιαιότατον*.

According to the first position, *δικαιῶν τὸ βιαιότατον* would mean 'making the most violent acts just'. Thus, *νόμος* (whose precise meaning in this passage is also part of the interpretative disagreement) justifies violent acts. A version of this conception is rooted in Plato himself, updated by Ostwald by incorporating the recently discovered mythical section:

In other words, taking our poem in this sense, we should have to say that Heracles was right in robbing Geryon of his cattle and Diomedes of his mares simply because he was stronger, and, because he was the stronger, *νόμος*, as the law of nature, sanctioned his violence by making it just (Ostwald, 1965: 122).

For Ostwald, Pindar would thus find a justification for Heracles' violence in Zeus' plan, 'and he accepts the deeds of Heracles as just, when he sees that *νόμος*, the traditional attitude which rules as king over mortals and immortals, makes them so' (Ostwald, 1965: 131). Bowra had already proposed that Heracles 'cannot act otherwise than he does, and in his order of being it is right. He can justify the most violent actions because he is moved by an inborn *δύναμις* which belongs to this order and cannot be escaped' (Bowra, 1964: 75). See also Demos, 1991: 56, and Gkourogianis, 1999: 199; with some peculiarities to which I shall return to in section 4, below, see Treu, 1963: 211. This view leaves room for much variation, mainly because the *νόμος* that would justify Heracles' violence could mean different things, such as custom, positive law, natural law, etc. (see Lloyd-Jones, 1972: 55-56; Gkourogianis, 1999: 200-201).

The second position, in its turn, understands that *δικαιῶν τὸ βιαιότατον* means to 'punish (and not justify) the most violent acts'. For Pavese, for instance, 'in the few instances where the verb governs a noun as an object, it always means "to bring to justice", i.e., "to punish"' (Pavese, 1968: 58). In this sense, Pindar would imagine 'Nomos sitting on its throne and dispensing its decrees in the attitude of a king' (Pavese, 1968: 59). The poem would depict Heracles as a true vigilante, who brings about *νόμος* by enforcing justice on especially violent men:

The mythical tale restored by the papyrus develops an incident of Heracles' career, framed within the famous theme in which the hero, guided by the will of Zeus, succeeded in chastising many hateful brutes for their insolence toward men and gods (Pavese, 1968: 86).

It is clear that Pavese conceives of *νόμος* as equivalent to Zeus' plan.

In this light, since an interpretation of the poem must simultaneously account for the gnome and the myth, the true issue lies in deciding whether

Hercules should be viewed as an agent of justice ('punishing violent acts') or as someone who suffers the action of justice ('making violent acts just'). See, with different arguments, Hummel, 1993: 219.

One of the most conspicuous examples of this interpretative crux is to be found in the corresponding *LSJ* entry. In the dictionary's ninth edition, the first meaning of *δικαίω* (section I), is 'set right', and the example is precisely our Pindaric verse. In the 1996 supplement, however, the instruction was for that section to be deleted, and for the Pindaric passage to be displaced to section III.1, as an example of the meaning 'punish'.

In the following section, I propose a reading of the myth, suspending all consideration of the gnomic section, so as to avoid contamination. Only after that do I propose two global interpretations that, as far as I am aware, have not been considered up until now. It will become clear that each of them is somehow related to the two currents outlined above, but only partially so. I believe that it will thus be possible to clear the ground and reconsider the gnome with greater certainty.

## 2. The myth

### 2.1. *Heracles' labors in fr. 169a Maehler*

Between the gnomic (ll.1-4) and the mythical section (ll.5-62), *τεκμαίρομαι* (l.4) serves as a means of transition and identifies the logical connection between one and the other: the myth – just as sometimes also ritual action – serves as evidence or proof of the gnome. The structure is actually very similar to the opening of the sixth Nemean. Indeed, in that poem, the transition between an initial gnomic section (ll.1-7), starting with *Ἐν ἀνδρῶν, ἐν θεῶν γένος* (l.1), is made precisely by the verb *τεκμαίρει* (l.8), referring to the achievement of an athlete named Alcimida.

As previously stated (item 1.2), I shall, however, leave aside the gnomic section for now and briefly investigate the structure of the mythical section per se, whose general framework is given in 1.5. After all, in spite of the more difficult reading of the last verses in the papyrus, the mythical section, at least as it has reached us, dealt with Heracles' labors (*ἔργοισιν Ἡρακλέος*).

In a first, rather short, section (ll.6-8), the poem refers to Geryon's cattle (about this story, esp. its representation in visual culture, see Davies & Finglass, 2014: 230-243), which, in the later narrative of the pseudo-Apollodorus, are the object of Heracles' tenth labor (Apollod.2.5.10;

already occupying the same position in Eur.*Her.*422-424). There is some difficulty in reconstructing the beginning of l.8, usually read as ἀνατεί τε, but which, according to Pavese, could also be ἀπριάτην (Pavese, 1968: 65, see below, item 3). In any case, the sequence of the verse leaves no doubt about the general meaning of the statement: Heracles took Geryon's cattle unjustly, and in so doing ended up enriching Eurystheus.

Commenting on the corresponding episode in the *Theogony* (ll.287-294), which provides the first known record of the story, West suggests that cattle theft 'was common in the Greek heroic age, and reflected no discredit on the hero who did it, on the contrary testified to his prowess' (West, 1966: 248). It is possible, however, that fr. 169a Maehler records Pindar's reinterpretation of Hesiod (Treu noted that both share the epic verb ἔλασεν: Treu, 1963: 202). In the *Theogony*, Heracles is referred to by the formula βίη Ἡρακληεῖη, which is also found in fr. 190.11 West, and shared with Homer, see *Il.*2.658. It is worthwhile noting that Lloyd-Jones, 1972: 49, proposed a connection between the use of the formula in the *Iliad* and in fr. 169a Maehler, but failed to point to its occurrence in the *Theogony*, where it refers precisely to Geryon's cattle. If βίη can be taken to mean 'bodily strength' (Mader, 1991: 61-62), one should note that Pindar had just written βιαίωτατον, thus pointing not to mere force, but to violence, which is further emphasized by the fact that the cattle were taken away without payment, that is to say, stolen.

In a second and much more extensive segment (ll.9-36?), the poem deals with the theft of Diomedes' horses, or mares, a labor that was the eighth in the pseudo-Apollodorus (Apollod.2.5.8; the fourth in Eur.*Her.*380-388, but the third in Eur.*Alc.*503). The characterization of Diomedes as someone who acts virtuously (ἀρετᾶ, l.15), when fighting with Heracles, draws attention to the maxim that 'it is better to die when goods are being taken than to be worthless' (ll.16-17). Aelius Aristides paraphrased this maxim as follows: οὐ γὰρ εἰκός, φησὶν, ἀρπαζομένων τῶν ὄντων καθῆσθαι παρ' ἔστια καὶ κακὸν εἶναι, καίτοι τὸ γε πρὸς νόμον καὶ ταῦτα ἀνθρώπων καὶ ἅμα θεῶν βασιλέα μάχεσθαι οὐκ ἦν ἐπαινεῖν πρὸς Πινδάρου οὐδὲ συμβουλεύειν πρὸς κέντρα λακτίζειν (Treu, 1963: 197).

Heracles, in his turn, takes the path of violence (βίας ὁδόν, l.19) and violently (στερεῶς, l.29) strikes the mares. There is even a marginal gloss on the papyrus itself, which, according to Lobel's restoration, reinforces the meaning that one can gather from the verses: οὐκ ἐπὶ ὕβρει ἀλλ'ἀρετῆς ἔνεκα. τὸ γὰρ τὰ ἑαυτοῦ μὴ προϊέσθαι ἀνδρείου ἐστὶ... ἀλλ' οὐχ ὕβριστοῦ. Ἡρακλῆς δὲ ἠδίκηκε ἀφελόμενος ('not out of ignorance, but out of courage.

For not delivering what is his is the sign of a courageous man, not of an insolent man. But Heracles acted unjustly in taking them away’).

We possess an interesting fragment by Stesichorus (fr. 15 Davies & Finglass), connected with Geryon’s story, with a similar understanding (as noted by Davies & Finglass, 2014: 275). Geryon states that it is nobler to face destiny than to try to escape death (with Campbell’s supplements):  
νῦν μοι πολὺ κάλλιον ἔστι παθῆν / ὅ τι μόρσιμ[ον ἢ θάνατον προφυγῆν /  
καὶ ὀνειδε[α παισὶ φίλοισι / καὶ παντὶ γέ[νει καταχευέμεν ἐξ-/οπίσω  
Χρυσ[άο]ρο[ς υἱ]όν (fr. 15 Davies & Finglass, ll. 20-24). Thus, Geryon and Diomedes are not necessarily the absolute opposite of virtue.

This account is, however, quite conspicuously different from what can be gleaned from other sources. Thus, for example, in Euripides’ *Alcestis*, the coryphaeus stresses the immensity of the labour and emphasises how well Heracles performed it. He gave proof of his bravery and will never be seen trembling before an enemy’s arm: ἀλλ’ οὔτις ἔστιν ὃς τὸν Ἀλκμήνης γόνον / τρέσαντα χεῖρα πολεμίαν ποτ’ ὄψεται (Eur.*Alc.*505-506). In fr. 169a Maehler, the ἔργον might thus have been treated in a very special way, by shedding light on Heracles’ violence and even contrasting it with Diomedes’ virtue, who merely reacts to the theft performed by the hero.

The mythical elements in the second column are less readable, which has entailed different reconstruction proposals. It is however certain that Heracles is still the subject (l.42), and that Eurystheus, named Sthenelus’ son (l.44-45), directs him to a labor he must perform alone (ll.45-46). Moreover, Heracles’ nephew, Iolaus, meanwhile remains in Thebes and erects a tomb for Amphitryon (Ἀμφιτρύωνι τε σᾶμα χέω [v, l.48). It is not certain that the son? (παῖδα, l.41) is a son of Heracles (Ἡρακλ [ε] ος, l.42). In any case, there is not sufficient material, as for the two previous labors, to significantly advance the understanding of the poem. I shall however return to a few points in sections 3 and 4 below.

As suggested above, the order of the labors (Geryon’ cattle and then Diomedes’ mares), insofar as the other, later, sources may shed some light on this, may be inverted, making it uncertain whether Pindar was telling a story in chronological order. It should be noted, however, that the poet is elsewhere concerned with the idea of an order in Heracles’ ἔργα. Thus, the death of the lion of Nemea was the very first feat (πᾶμπρωτον ἀέθλων, l.6.47). The mention of Amphitryon’s tomb, who died before the beginning of the labours (Apollod.2.4.11), the fact that that Heracles must perform them alone (l.46) and further that Eurystheus is guided by the orders of Hera (Ἡρας ἐφεταῖς, l.44) may even mean that at this point we are dealing with the first labor, and that Pindar moved from the end to the beginning.

It is also possible that l.43 should be supplemented with δωδέκτον, and that the fragments in the second column actually have to do with the two additional labors that Eurystheus requested of Heracles, turning the original ten into twelve (Theiler, 1965: 76). This could explain the (new) instructions, as a means to guarantee that these would not fail as two of the original ten had done. Ostwald does not consider these possibilities and therefore expresses surprise that the name of Hera could be associated with any specific work (Ostwald, 1965: 116).

## 2.2. *Heracles in Pindar*

Several of the studies mentioned in 1.2 above are based on the premise that Pindar would necessarily devote his poem to praising Heracles. Thus, for Ostwald, 'that the violence described in the preserved parts pervaded the entire poem at the expense of the glory conventionally attributed to Heracles is unthinkable' (Ostwald, 1965: 126). For Pavese, for whom Pindar dissolves his violence in action that is eventually approved of, Heracles is 'both just and violent (a kind of moral oxymoron)' (Pavese, 1993: 146). Hernandez goes so far as to state that 'the poet [Pindar] carefully avoids the most truculent and violent aspects of his [Heracles'] character' (Hernandez, 1993: 77); divergent points are conveniently packed in a footnote. See also Gigante, 1956: 56-71.

Even though he still states that 'Pindar is almost obsessively eager to justify all the actions of Heracles in terms of high moral standards' (Pike, 1984: 15), Pike introduces a great deal of nuance and realises that Heracles' violence 'escapes into the light despite Pindar's vigilance' (Pike, 1984: 15). In support of this idea, he quotes *O.10.27-44* ('the story is firmly rooted in bloodshed, and Heracles appears as a grim and vengeful figure', Pike, 1984: 16). In this perspective, fr. 169a Maehler's main intent would be 'a reconciliation of his admiration for Heracles with his abhorrence for some of Heracles' traditionally accepted "crimes", and to vindicate as far as possible his favourite hero' (Pike, 1984: 20).

This premise, which is strongly rooted in a rather naïve biographical paradigm (Pindar would intimately - i.e., psychologically - nurture an admiration for Heracles), should perhaps be reconsidered. A few passages in which Pindar dealt with the myth of Heracles might serve as relevant warnings. After all, for the poet, in order to please cultivated ears, it is necessary to make small parts of a rich matter shine (βαιὰ δ' ἐν μακροῖσι ποικίλλειν / ἀκοὰ σοφοῖς, *P.9.77*). Sometimes, this means extracting an old story from a very rich mythology (ἐν κορυφαῖς ἀρετῶν μεγάλας, ἀρ-/χαῖον

ὄτρωνων λόγον, *N.1.33-34*). There is, therefore, an imperative of selection (Ἔμοι δὲ μακρὸν πᾶ-/σας <ἀν>αγήσασθ' ἀρετάς, *I.6.56-57*), which obviously also means an imperative of adequacy.

It is thus only to be expected that, in the epinicia, especially in the Olympians – as tradition goes, and as Pindar often recalls, founded by Heracles himself (e.g., *O.3-11-40*) – Heracles should be treated under very favorable light, as a mirror for the athletes' achievements. One could however recall, besides the already mentioned *O.10.27-44*, fr. 140a Maehler, whose genre is uncertain, telling the story of Heracles' revenge against Laomedon, who refused to pay him the agreed prize after the hero saved the king's daughter. Although, as far as can be ascertained, Heracles' action is depicted as just, against a king who does not respect the rules of ξενία, Heracles gets angry (κοτέω[ν], l. 57) against him. This is a reference to one of the most violent episodes in the myth of Heracles (the murder of Laomedon's children).

In *O.9.29-40*, this very episode gives rise to the poet censuring himself, so as to avoid singing how Heracles wielded his club against Poseidon and Apollo (at Laomedon's request). In all likelihood, Pindar is thus subtly reproaching what was an insult to the gods. The interpretation preserved in the *scholia*, according to which Pindar would actually be on the verge of praising Heracles for being better than the gods appears to be mistaken. Pindar does not wish to relive the memory of a particular impious action: διότι ἄνδρα τὸν Ἡρακλέα τριῶν θεῶν ἀπέδειξεν ὄντα βελτίονα, Drachmann, 1997: 280). In censoring himself, it seems that Pindar is actually censoring Heracles (similar passages in *O.13.91*; *N.5.14-18* and fr. 81).

Another instance, to which I shall return (in item 3), is the allusion, in *I.4.107-108*, to the episode in which, taken by anger, Heracles killed his own children. One can finally recall *O.10.15-17*, dealing with the battle between Heracles and Cycnus, in which, although mighty, Heracles had to retreat (τράπε), a point explained and developed by a scholion: ὅτι τὸν Ἄρεος Κύκνον Ἡρακλῆς φυγὼν αὐτὶς ἀνείλε, Στησίχορος ἐν τῷ ἐπιγραφομένῳ Κύκνῳ φησὶν (Drachmann, 1997: 315).

As noted by Gentili and Catenacci, Pindar manipulates the episodes of the myth according to the occasion's 'practical convenience'. An example in point is the myth of Bellerophon, now leaving aside what is unfavorable to the hero (in *O.13*, in front of a Corinthian audience, which worshipped Bellerophon as a hero), now emphasizing his exemplary punishment (in *I.7*, in front of a Theban audience) (Gentili & Catenacci, 2007: 313). One should therefore not presuppose constant uncontrasted praise of Heracles

across Pindar's entire output. It is actually possible that, exploring the hero's many contradictions, Pindar followed his own advice (see above) and worked on different stories (λόγον), different small segments (βαιὰ), depending on the specific purposes that he had in mind for each composition. He could even, one might add, explicitly explore such contrasts and contradictions.

### **3. Hera's command: first hypothesis (rejected, but incorporated by the second)**

In item 1.2, I proposed to discuss two global interpretative hypotheses, each related to one of the two possible meanings of δικαίων τὸ βιαιότατον. The first is in line with understanding this expression as 'punishing violent acts'.

The fundamental premise is that the poem should be taken seriously as regards its portrayal of Heracles' actions as violent and unjust – and therefore that the unjust acts punished by the νόμος are those of Heracles himself. The interpretation is therefore different from the one summarized above (item 1.2), according to which Heracles is the one who punishes unjust acts. As seen above, in the preserved section of the poem, there are no references to Diomedes' injustices (but rather to his virtues) nor to Geryon's misdeeds. In this reading of fr. 169a Maehler, Heracles is the one who had to be or actually was punished.

Clearly, no punishment inflicted on Heracles exists in the remaining sections of the poem, so that this reading is necessarily speculative. It is wise to remember that 'the most important part (the conclusion) is missing' (Pike 1984: 20). However, in addition to the clearly negative characterization of Heracles' actions and the positive or neutral portrayal of his opponents, who were wronged by him – injustice requiring punishment – some further elements may provide a glimpse as to how such a development might have taken place.

The idea that justice means repaying evil with evil is recurrent in Pindar. It is even found in a gnome, in *N.4.32-33*: ἐπεὶ / ῥέζοντά τι καὶ παθεῖν ἔοικεν. In two explicit statements, Pindar describes Heracles as someone who protects the just and punishes the unjust. Thus, according to *N.10.54*, the Dioscuri, Hermes and Heracles μάλα μὲν ἀνδρῶν δικαίων περικαδόμενοι. In *N.1.64-66*, Heracles punishes those who have gone astray with a terrible fate: καὶ τινα σὺν πλαγίῳ / ἀνδρῶν κόρῳ στείχοντα τῷ ἐχθροτάτῳ / φᾶσέ νιν δώσειν μόρῳ.

In these two instances – in which Heracles is clearly the agent enforcing justice –, Pindar mentions a divine rule that applies to the case. In *N.10.54*, protection of the just (ἀνδρῶν δικαίων) is related to the trustworthy nature of the gods: καὶ μὲν θεῶν πιστὸν γένος. In *N.1.72*, Heracles' fate results from his actions, including punishing men who deviate from the right path (according to a scholion: unjust men, ἄνδρα ἄδικον, Drachmann, 1998: 26). This is closely related to the leading idea in fr. 169a Maehler, for Heracles praised the νόμος of Zeus: δ' αἰσάντα παρ Δι Κρονίδῃ, σεμνὸν αἰνήσειν νόμον; as paraphrased in a scholion, εὐαρεστήσειν τῷ παρὰ θεοῖς νόμῳ (Drachmann, 1998: 28).

In this sense, νόμος is semantically related to its cognate verb νέμω (which Pindar uses in connection with the dispensation of good and bad fates by the gods, see Slater, 1969: 347). After all, the νόμος incorporates a divine criterion for determining the consequences of men's actions (as well as those of heroes and of gods: βασιλεύς / θνατῶν τε καὶ ἀθανάτων, *Il.1-2*). In the slightly later terms of Aeschylus' *Suppliants*: ἀμφοτέρους ὁμαίμων τάδ' ἐπισκοπεῖ / Ζεὺς ἑτερορρηπής, **νέμων εἰκότως / ἄδικα μὲν κακοῖς, ὅσια δ' ἐννόμοις.** / τί τῶνδ' ἐξ ἴσου ῥεπομένων μεταλ-/γεῖς τὸ δίκαιον ἔρξας; (Aesch.*Sup.*402-406).

Thus, in *N.10.54*, Heracles brings about the νόμος (the distribution of justice, it could be said) by protecting the just, as he also brings it about in *N.1.64-66*, by punishing the unjust. Since he is just precisely because he punishes the unjust, the νόμος also applies to him in *N.1.69-72*, as he is rewarded with eternal peace (ἐν εἰρήνῃ ἅπαντα χρόνον, *N.1.69*). It therefore seems logical, in this tightly arranged system for distributing consequences to individual actions, that in fr. 169a Maehler, the νόμος must deal with an unjust Heracles and punish him accordingly. At this point, I would like to introduce three sets of considerations.

Firstly, I will briefly consider the interpretative hypothesis proposed in Kyriakou, 2002, as announced in item 1.1. Unlike the two main interpretations, which understand δικαίων τὸ βιαιότατον as either 'punishing the most violent', or 'making the most violent actions just', Kyriakou explains this crucial expression as 'claiming as their right to carry out the most violent actions' (Kyriakou, 2002: 200):

Nόμος, the sovereign power, claims extreme violence as its prerogative, reserves it as its right in order to fulfill its ends. The labors of Heracles exemplify this truth on a grand scale because of the magnitude of the hero's achievements and especially of the violence involved. (...) Νόμος empowers or perhaps forces Heracles to act violently, i.e. unjustly. It does not make violence just, it only makes use of violence (Kyriakou, 2002: 200).

This is a clearly amoral understanding of νόμος, but, according to Kyriakou, 'not markedly at odds with views expressed in other poems' (Kyriakou, 2002: 206). Based on the many passages discussed in this item, however, such a view is in complete disagreement with what can be inferred from the remaining Pindaric corpus, in which the νόμος is related to the distribution of positive consequences to just actions and negative consequences to unjust actions. There is no parallel in the entire Pindaric corpus to a supposed indifference as to the justice of men's (and hero's) actions. I believe that any potential conflicts between this view and what can be gleaned from the contents of fr. 169a Maehler should preferably be disentangled without suppressing this general framework (see item 4 below). Doing away with it would require much more evidence than is available.

Here is the second consideration: supposing the unjust Heracles of fr. 169 should be punished, what could this punishment have been? Ostwald has understood the elements of ll.41-42 as part of the same phrase (παῖδα[~ ] / Ἡρακλ[έ]ος). Pindar would be dealing with 'Heracles' slaughter of his children by Megara' (Ostwald, 1965: 115). According to this reading, some elements of the previous verses could relate to the same story (Ostwald, 1965: 116). In fact, mention of this event would not be isolated in Pindar's work, see I.4.62-64: αὔξομεν / ἔμπυρα χαλκοαρᾶν ὀκτὼ θανόντων, / τοὺς Μεγάρᾳ τέκε οἱ Κρεοντίς υἱοῦς. The story, which provides the plot for Euripides' *Heracles*, is reported by the pseudo-Apollodorus as a result of the insanity instilled in him by Hera (Apollod.2.4.12), but could have been reread by Pindar as a punishment for his unjust actions, within the overall structure of νόμος as conceived of by Pindar.

It might be possible to speculate a bit further. It has been seen that in l.48, fr. 169a Maehler deals with the tomb of Amphitryon, which Iolaus built in Thebes after Heracles left: Ἀμφιτρώωνί τε σᾶμα χέω[v. This tomb is a recurring topos in Pindar. It appears in P.9.81-82 (Ἀμφιτρώωνος / σάματι), as the place where Iolaus buried Eurytheus' head after severing it, and in N.4.20 (Ἀμφιτρώωνος ἀγλαὸ ... τύμβον), as a monument next which to which Timasarchus was crowned (Treu, 1963: 209, suspected that the building of Amphitryon's tomb was an important time reference for the events narrated in this section of the poem). According to the account in the pseudo-Apollodorus, Amphitryon died in the battle against the Minyans, and it was soon afterwards (μετὰ δὲ τὴν πρὸς Μινύας μάχην, Apollod.2.4.12), that a maddened Heracles killed his children and then engaged in the labors for Eurystheus. It is therefore possible that the now badly mutilated verses contained a narrative that involved the murder of

the children and the actions immediately following: the construction of a tomb for Amphitryon and the beginning of the labors.

This reading leads me to the third and last consideration I wanted to make in connection with the hypothesis put forward in this section. If one accepts what has just been said, the placement of the Geryon and Diomedes stories stands as being at least curious, since they are placed before such decisive events. Should we suppose that the labors from l.44 onwards are a means of atonement for the evils previously committed, as tradition would have them and thus that the episodes of Geryon's cattle and Diomedes' mares are excluded from the canon? Or should we suppose that the connection between labors and atonement is not dealt with in the poem, so that Heracles is punished repeatedly for his unjust actions?

The correct reading of ll.6-8, as it related to the preceding section, seems to be decisive in solving this riddle. In the previous two verses, Pindar had announced the subsequent mythological development, but particularly the immediate sequence of events, by saying that he would prove the gnome of ll.1-4 through Heracles' labours. As Ostwald has rightly noted, the ἐπεὶ at the beginning of l.6 cannot be taken in a temporal sense, and 'the causal meaning [is] almost imperative' (Ostwald, 1965: 114). This means that what is introduced in Geryon's brief story proves (τεκμαίρει) the gnome.

A proper understanding further demands attention to the gap at the beginning of l.8. It is supplemented from Aelius Aristides' scholia, who glosses ἀναρῆται (the Pindaric word, according to the scholia), with οὔτε ἀπήσας οὔτε πριάμενος (Boeckh, 2007: 642). Since οὔτε πριάμενος refers to ἀπριάτας (l.8) in the text, since καὶ preceding it naturally presupposes another qualifier before, and, especially, since ἀναρῆται cannot be paraphrased by οὔτε ἀπήσας, Boeckh had already supplemented the beginning of the verse with ἀναπήτας τε] (Boeckh, 2007: 642). With the discovery of papyrus P. Oxy. 2450, making it possible to calculate the space available for supplementation, Page (1962, 50) and Mette (1962 42-43) proposed ἀνατει, 'without punishment', with several parallels in the tragedies (Mette, 1962: 43).

The meaning of the sentence that proves (ἐπεὶ) the gnome of fr. 169a Maehler can thus be understood as follows: 'for [Heracles] took Geryon's cattle to Eurystheus' Cyclopean portal [without punishment] and without payment'. Now, if what νόμος does by δικαιῶν τὸ βιαϊότατον results in Heracles' taking away cattle for which he did not pay and in his not being punished for it, the hypothesis of punishment that would occur at a later point in the poem must be altogether excluded. Even if we did away with the supplement, the conclusion would remain the same. After all, if

Heracles' leading away Geryon's cattle without paying for it is a manifestation of the νόμος, it simply cannot, from a merely logical point of view, also be an act contrary to the νόμος, requiring later punishment.

Mere relativism or relativity of justice cannot be the point here. After all, there is a general assumption in the Pindaric corpus that just acts deserve rewards, just as unjust acts must be punished. A second hypothesis must therefore be put forward to explain what is going on in the poem.

#### 4. The law of Rhadamanthys: second hypothesis (accepted, incorporating elements from the first)

I now move on to a second possible interpretation, which, as announced, gets us back to understanding δικαίων τὸ βιαιότατον (1.3) as 'making the most violent acts just'. A passage in the pseudo-Apollodorus is of central importance here and, as far as I could ascertain, it has not been considered in the interpretation of fr. 169a Maehler yet. In the table below, I highlight the relevant lexical and/or semantic points of contact between the pseudo-Apollodorus and the gnomic section in fr. 169a Maehler:

fr. 169a Maehler, ll.1-5	Apollod.2.4.9	Apollod.2.4.9 <sup>2</sup>
<p><b>Νόμος</b> ὁ πάντων            βασιλεύς            θνατῶν τε καὶ            ἀθανάτων            ἄγει <b>δικαίων</b> τὸ  <b>βιαιότατον</b>            ὑπερτάτα <b>χειρί.</b>            τεκμαίρομαι            ἔργοισιν Ἡρακλέους·</p>	<p>οὗτος δὲ ἦν ἀδελφὸς            Ὀρφέως· ἀφικόμενος            δὲ εἰς Θήβας καὶ            Θηβαῖος γενόμενος            ὑπὸ Ἡρακλέους τῇ            κιθάρᾳ πληγείς            ἀπέθανεν·            ἐπιπλήξαντα γὰρ            αὐτὸν <b>ὀργισθεῖς</b>            ἀπέκτεινε. δίκην δὲ            ἐπαγόντων τινῶν αὐτῷ            φόνου, παρανέγνω  <b>νόμον</b> Ῥαδαμάνθους            λέγοντος, ὃς ἂν            ἀμύνηται τὸν <b>χειρῶν</b>  <b>ἀδίκων</b> κατάρξαντα,            ἀθῶον εἶναι, καὶ οὕτως            ἀπελύθη.</p>	<p>This Linus was a            brother of Orpheus; he            came to Thebes and            became a Theban, but            was killed by Hercules            with a blow of the lyre;            for being struck by            him, Hercules flew            into a rage and slew            him. When he was            tried for murder,            Hercules quoted a law            of Rhadamanthys,            who laid it down that            whoever defends            himself against a            wrongful aggressor            shall go free, and so he            was acquitted.</p>

<sup>2</sup> Translation by FRAZER, 1921: 177.

There is a little more context in Diodorus Siculus' account, from whom we learn that Heracles was struck by Linus with his lyre in an educational setting. Heracles was learning to play the instrument and was punished by his master for his carelessness; in response, Heracles became angry and killed his teacher: τούτων δὲ τὸν μὲν Ἡρακλέα κιθαρίζειν μανθάνοντα διὰ τὴν τῆς ψυχῆς βραδυτῆτα μὴ δύνασθαι δέξασθαι τὴν μάθησιν, ἔπειθ' ὑπὸ τοῦ Λίνου **πληγαῖς ἐπιτιμηθέντα διοργισθῆναι** καὶ τῇ κιθάρα τὸν διδάσκαλον **πατάξαντα ἀποκτεῖναι** (D.S.2.67.2, I have highlighted lexical correspondences with the pseudo-Apollodorus). The episode clearly alludes to one of the various instances of Heracles' disproportionate use of violence (one of his βιαιότατα). One could sense an implicit disapproval of the hero's actions in the story. It is however overcome by the existence of a law (νόμος), attributed to the legendary Cretan lawgiver who, after Amphitryon's death, married Alcmena, Heracles' mother (Apollod.2.4.11). Rhadamanthys' law, which allows Heracles to be absolved in the lawsuit he faced for murdering Lino, did not therefore apply to an intrinsically (or clearly) just act, but, so to speak, justified an act of extreme violence (δικαιῶν τὸ βιαιότατον).

It should be noted that the idea of νόμος at stake here is not opposed to the notion of retribution discussed in section 3 above; it is, after all, retribution, albeit of a very violent sort.

It is beyond the point to discuss whether Pindar was referring to statutory or to customary law. In *N.10.28*, for example, Pindar refers to the Nemean games as Ἀδραστείῳ νόμῳ, that is to say as a scheme or model (of practices) founded by Adrasto (as explained by a scholion, τρις δὲ τὰ Νέμεα κατὰ τὴν Ἀδράστου δοίκησιν καὶ **νομοθέτησιν** τελούμενα, Drachmann, 1998: 172). In *I.2.38*, Pindar refers to the Panhellenic horsebreeding tradition by the same word, but without mentioning who instituted it: ἵπποτροφίας τε νομιζῶν ἐν Πανελλάνων νόμῳ (still according to a scholion, ἢ τὸ ἵπποτροφεῖν ἐν Ἑλλήσιν αὐτὸς **νομοθετῶν**, ἢ νόμινον ἐν Ἑλλήσιν εἰδὼς τὸ ἵπποτροφεῖν. ἀπὸ κοινοῦ δὲ τὸ ἦν, Drachmann, 1998: 220). The νόμος thus comprises creation of the rule (the νομοθέσις), its validity through custom and its application for distributing punishment and reward.

I therefore conclude, since it refers to Heracles' act of extreme violence (like those narrated in the mythical section of fr. 169a Maehler), further alluding to a gnome that can be taken as a paraphrase of fr. 169a Maehler, ll.1-4, with relevant lexical and semantic coincidences with those verses, that the pseudo-Apollodorus' narrative must be regarded as a very likely explanation for the meaning of the gnome in fr. 169a Maehler. Thus

understood, the poem is in line with other Pindaric passages in which Heracles' violence is viewed in an overall positive light, since it is aligned with the νόμος, which might be here understood as a law (Rhadamanthys' law) that delimits a space for admissible violence and absolves Heracles (Gkourogiannis, 1999: 206).

It is worthwhile noting that Rhadamanthys holds a special place in Pindar's odes (as already in Homer, *Od.*4.564; 7.323). According to the second Olympian, mortals refraining from all injustice (ἀπὸ πάμπαν ἀδικῶν ἔχειν / ψυχάν, *O.*2.69-70), who have thus lived three entire lives, will achieve eternal bliss, 'under the just orders of Rhadamanthys, whom the great father [Cronus] always keeps seated beside him' (βουλαῖς ἐν ὀρθαῖσι Ῥαδαμάνθου, / ὄν πατὴρ ἔχει <μέ>γας ἐτοῖμον αὐτῷ πάρεδρον, *O.*2.75-76). The scholia may assist in understanding this passage: one scholion glosses βουλαῖς... ὀρθαῖσι as βουλαῖς δικαίαις (Drachmann, 1997: 94), while another explains that Rhadamanthys dispenses justice to those in Hades (δικαιονομεῖ τοῖς ἐν Ἅιδου, Drachmann, 1997: 95).

Rhadamanthys is therefore an archetypical legislator, who came to marry Heracles' mother and who continued dispensing justice in the otherworld. The mention of the fact that Rhadamanthys is sitting next to Cronus might be especially relevant for the interpretation of fr. 169 Maehler. Rhadamanthys' law can therefore be conceived of as both a specific law that delimits a space for admissible violence and as an expression of a divine law, fully justifying the relations between νόμος and Zeus' (and, according to *O.*2, Cronus') just order.

It seems that it is precisely because νόμος alludes – not randomly, but systematically – to multiple layers of phenomena in fr. 169a Maehler, that different ancient writers understood the gnome in diverse ways. Furthermore, the fact that both Herodotus and Plato quote the gnome more than once and in different senses at each time strongly suggests that such polysemy is inherent to the poem, and not, as many interpreters imagine, the result of a misunderstanding. Thus, for example, in Herodotus, the Pindaric νόμος is both customary (*Hdt.*3.38) and statutory law (*Hdt.*7.104), both of them meanings in which Pindar actually uses the word νόμος (see section 3 above); in Plato, it is as much positive law (*Ep.*8, 345b), contrary to nature (*Prt.*, 337d), as well as natural law (*Lg.*, 690b, 714e), the latter certainly extending Pindar's idea (see section 1.1 above and Guthrie, 1971: 131-134).

Expressing a very fine perception of the fragment, especially since not referring to the fundamental passage in the pseudo-Apollodorus, Gkourogiannis came close to the hypothesis I am presenting here:

While clashing with the Greek belief that the initiator of aggression is unjust, Heracles is acting justly by delivering his unprovoked attack because he is carrying out Zeus' will. (...) To act in accordance with Zeus' will is to act justly, *in all cases*, and this is a primordial 'fundamental of law and morality' truth Pindar accepts and is not willing to contest. (Gkourogiannis, 1999: 202)

The statement requires, nevertheless, some qualification. It is true that Pindar seems to place Heracles' labors under the general aegis of a command from Zeus. Thus, in O.3.50, one reads that it was Heracles' father (Zeus) who made the hero obey Eurytheus' command and go after the Ceryneian hind: εὐτέ νιν ἀγγελίαις Εὐρυσθέος ἔντυ' ἀνάγκα πατρόθεν. It might even be that it is the hind's golden horns (χρυσόκερων, O.3.51) that the final part of fr. 169a is referring to (καλλικέρας, l.50). But precisely in this section Eurytstheus' orders are placed under the aegis of a higher divine order, in this case of Hera: Ἥρας ἐφετμαῖς· Σθενέλο[ι]ό μιν / υἱὸς κέ[λ]ευσσε<ν> (ll.44-45). It should be noted that Pindar associates ἐφετμά mainly with commands of the gods (P.2.21; I.618).

In this light, it is possible that the less well-preserved section of the fragment (ll.41 and following) is not in fact dealing with some other labor of Heracles, simply giving sequence to a narrative of the hero's many βιαιότατα, but rather reflecting on the relationship between the deeds already narrated and the gnome placed – as far as we can tell – at the beginning of the poem. It is quite likely, I propose, that these verses were actually explaining the apparent paradox according to which actions that are not only violent, but are also clearly put in a negative light by the poem (see item 2.2 above), actually embody the νόμος (see item 3 above).

Heracles' βιαιότατα are in any way actions carried out under the command of the gods. One must therefore not put aside the idea of justice, which is prominent in Pindar (see item 3 above), but seek to understand in what sense the (apparently) excessive and unjustified violence has been made just by a νόμος that infuses human law with divine justice.

This is the point at which I believe what has been said in item 3 must be incorporated in the discussion and not simply dispensed with. Except for a phenomenal discovery that might in the future complete what we have in fr. 169a Maehler, some speculation is unavoidable, but one can obviously try and make guesses as well educated as possible. Another quote by Aristides Aelius – who once again appears as a refined interpreter of the poem (against, Kyriakou, 2002: 202) – can be put to service. After quoting ll. 4-5 of fr. 169a Maehler (τεκμαίρομαι / ἔργοισιν Ἡρακλέος) a second time, Aelius states that Pindar mentions Heracles' labours in a

dithyramb, and goes on to reproduce three verses: σὲ δ' ἐγὼ παρὰ μιν / αἰνέω μὲν, Γηρυόνα, τὸ δὲ μὴ Δι' / φίλτερον σιγῶμι πάμπαν (fr. 81 Maehler).

This fragment is usually interpreted as a sign of a conflict between Pindar's intimate conviction (favorable to Geryon) and Zeus' outlook, with which Pindar disagrees, therefore deciding to remain silent (Gkourogiannis, 1999: 217). This reading is, however, problematic. In fr. 81, Pindar states that he praises Geryon in comparison with Heracles (παρὰ μιν) and that he will remain silent regarding what is not pleasing to Zeus (τὸ δὲ μὴ Δι' φίλτερον). Is this not rather an expression of two criteria for judging Geryon, a positive one, in relation with the violence inflicted on him by Heracles (as already evident in fr. Maehler 169a, ll.15-17, regarding Diomedes), and a negative one, in relation with an overall disapproval on the part of Zeus?

If this is so, then Heracles' βιαιότατα against Geryon and Diomedes might be immediately disproportionate, because they did nothing against Heracles (παρὰ μιν) to justify that violence. These βιαιότατα, however, are fully justified on a broader scope, beyond the individual relationship of each of these figures with Heracles. Both Geryon and Diomedes previously perpetrated a series of violent acts against men, so that, according to Rhadamanthys' law, violence is inflicted on them, not as a first violence, but as a response to their previous acts of violence, even though they had not been committed against Heracles specifically. Gkourogiannis remembers that Geryon and Diomedes 'are themselves unjust, prior to Heracles' attack, because they defy the universal moral order of Zeus' will' (Gkourogiannis, 1999: 202). In Lloyd-Jones' words: 'Geryones and Diomedes live outside the *themistes*; they are outlaws, monsters, whom any man valiant enough to challenge them can earn glory by killing' (Lloyd-Jones, 1972: 55).

In this light, Gkourogiannis' statement that the poem's plan clashes 'with the Greek belief that the initiator of aggression is unjust' (Gkourogiannis, 1999: 202) must be reconsidered. Quite possibly, the poem's overall plan was precisely showing that violence was actually justified to the extent that, in accordance with Rhadamanthys' law, the νόμος was fully enforced: dispensing reward and punishment to just and unjust actions.

Treu came close to this when he proposed to see in fr. 169a Maehler an 'opposition of concepts... between the old thought based on the *areté*, on the one hand, and the religious-legalistic thought of retribution (*Rechtfertigung*), on the other' (Treu, 1963: 197). According to him, there would be a kind of tragic opposition (Treu, 1963: 205) between different rights (disagreeing, Kyriakou, 2002: 201-202: 'this duplication or multiplication of νόμοι has no support in the fragment'). Without adhering

to all the unfoldings one has imagined to stem from the opposition between two types or two phases of thought in Greek history, it is nonetheless probably by means of an opposition between an individual (Heracles/Geryon and Diomedes) and a collective (the order of Zeus/Geryon and Diomedes) perspective, that Pindar's poem associates the mythological account and the gnome. Geryon and Diomedes were not directly unfair to Heracles, but their previous deeds justify that Heracles, although violently, gave them the just punishment on behalf of the affected community.

For the reasons discussed in this section, I believe that Pindar developed this argument by referring to Rhadamanthys' law as it appears in Apollod.2.4.9. He would thus have conceived the νόμος as an interface between positive law and law as divine order, an association facilitated by resorting to a very special νομοθέτης. However, even if the specific reference to Rhadamanthys is dispensed with, the opposition between two dimensions for the evaluation of justice remains. Therefore, proposing that δικαίων τὸ βιαιότατον is better aligned with the meaning 'making the most violent actions fair', does not entail that there is no fundamental justice imposed by a human and/or divine νομοθέτης. It actually means that the νόμος, in distributing punishment and reward, delimits, for that very purpose, a space for just violence; it is not equivalent to arbitrarily justifying any kind of violence.

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