The Foundations of Human Rights in Ancient Greek Thought

The concept of human rights, the idea that all individuals are entitled to a certain respect simply because they are human, has taken on greater importance since the end of World War II, with the founding of the United Nations in 1945, and its adoption of the *Universal Declaration of Human Rights* in 1948 (Ishay 3). Nonetheless, the widespread and continuing violations of these standards indicate that our understanding of what human rights are and how the concept has developed leaves much to be desired (Robertson and Merrills 1). In a much-discussed book, *The Invention of Human Rights* (2007), the historian Lynn Hunt claims that human rights were first "invented" in the late 18th century, with the publication of the American *Declaration of Independence* (1776) and the French *Declaration of the Rights of Man and Citizen* (1789). Although Hunt sometimes backtracks, claiming only that there was "a sudden crystallization of human rights claims at the end of the 18th century" (Hunt 20), elsewhere she argues that human rights and related ideas were entirely "new concepts" that arose from the "new social contract" of the revolutionary period (Hunt 33). This claim is misleading as it obscures the ancient origins of the concept and its associated ideas, such as freedom of speech, equality before the law, empathy, and human dignity.

Few classicists have explored these concepts. In *The Ancient Greek Roots of Human Rights* (2021), written in direct response to Hunt's book, Rachel Hall Sternberg argues that human rights were actually invented in Athens in the late 5th and 4th centuries BCE, with the development of Greek tragedy. While Sternberg does an excellent job of showing how ancient Greek tragedies fostered respect for human beings, she does not question Hunt's faulty premise that human rights were invented in a particular time and place (Shapiro). Richard Bauman, in *Human Rights in Ancient Rome* (2000), falls into a similar trap, since he limits his discussion to specific words (such as *humanitas*) rather than exploring the concept in a broader sense.

This paper takes a fresh approach, arguing that human rights were not "invented" in any one time or place, but that the concept has its beginnings in the earliest literature we possess and that our

understanding of it continues to develop. Thus, if we wish to truly understand human rights and its implications, we need to consider a nexus of related concepts as well as a broader time frame. This paper contributes to this discussion by exploring two key concepts in early Greek literature: empathy across class and gender lines and *themis* (both the goddess and the abstract concept).

Hunt points out that empathy across the lines of class and gender is an essential prerequisite to the concept of human rights (Hunt 68), although she mistakenly claims that this did not fully develop until the 18th century (Hunt 38). But early Greek literature frequently encourages such empathy. In the *Odyssey*, Homer displays empathy for the enslaved swineherd, Eumaeus, by speaking to him fifteen times in direct address, although he does not address any other character even once (Allan). Homer also refers to Eumaeus with heroic epithets, such as "brilliant" (δῖος), "leader of men" (ὄρχαμος ἀνδρων), and "noble" (ἐσθλός). While Penelope's noble suitors behave selfishly and viciously, Eumaeus fights bravely at Odysseus' side to help him regain his kingdom. Not only does Homer himself show empathy for Eumaeus, he clearly expects his well-born audience to do so as well.

Similarly, Herodotus encourages his audience to feel empathy for Spako (whose very name means "dog"), the wife of an enslaved Median cowherd, whose quick thinking and brave actions saved the life of Cyrus the Great, soon after he was born, when his royal grandfather, King Astyages, and his noble courtier, Harpagus, tried to kill him (*Histories* 1.107-114).

As these stories show, empathy for marginalized people was deeply ingrained in ancient Greek thought, but this paper also demonstrates that the Greek word *themis* (referring to both the goddess of justice and the abstract noun) implies the existence of the concept of human rights when Odysseus challenges the Cyclops to respect the universal right to hospitality (*Odyssey* 9.268-9).

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