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Legal and Political Rights in Demosthenes

Many important modern political and legal concepts can be traced back to the ancient Greeks, but controversy continues over whether they anticipated the idea of rights. In *Nature, Justice, and Rights in Aristotle's Politics* (Oxford University Press, 1995) I argued that Aristotle used various Greek locutions corresponding to the four main senses distinguished by the influential modern legal theorist, W. N. Hohfeld:

Hohfeld	Greek Locutions
just claim	to dikaion
liberty, privilege	exousia
authority, power	kurios
immunity	akuros, adeia, ateleia

I shall argue here that this vocabulary of rights was prevalent in 4th B.C. century Athenian legal discourse, as illustrated in Demosthenes' speeches. I will analyze these locutions in turn, and then consider their place in his democratic ideology.

to dikaion (just claim) in some uses denotes the core concept of a right, because it implies that others have correlative obligations to the right holder. *Exousia* and related verb forms (liberty or privilege) concern actions which an individual is legally able or permitted to perform. To say that one does not have the liberty to do something implies that it is unlawful to do it. *Kurios* connotes one person's authority over another, e.g. a master over a slave; and it also applies to laws, contracts, officials, sovereigns, and the people collectively. Finally, the idea of immunity is expressed by different terms: *adeia* is used for protection from punishment or relief from debt; *ateleia* for exemption from taxes, duties, liturgies, etc.; and *akuros* indicates disability or lack of authority, applying to officials, private individuals, laws, contracts, wills, etc.

Demosthenes uses these locutions to express political ideals such as popular sovereignty, equality before the law, natural law, and individual property rights. Although Demosthenes accepted slavery and would not have endorsed universal human rights, the concept of rights had an important role in his thought.