He who reads carefully Cicero's *De Legibus* and Martin Luther King, Jr.'s *Stride Toward Freedom* is surprised to find, mutatis mutandis, on how many points these two great men agree. The historical circumstances are different, but the essential ideas are very similar. The purpose of this paper is to show on what precisely they agree and on what they differ.

They most clearly agree on two fundamental and extremely important points: first, that God is an intelligent being, and second, that all men are by nature equal. It logically follows, then, that in a well constituted state, that is, in a state which truly recognizes man as man truly is, all citizens should enjoy the same rights and receive the protection of the same laws.

Any study of the nature of the state starts with a study of the nature of man, for it is man by and for whom the state is constituted.

Not withstanding that the Romans were the masters of the ancient world — domini totius orbis terrarum, as they liked to say — they never thought of themselves as inherently, or to use a more philosophical term, ontologically superior to other peoples, but rather only as being different: more serious (*graves*), for example, more brave (*fortes*), maybe even as more "*pii*", a word which lacks an appropriate English equivalent. Nevertheless, the Romans always thought of themselves as being made of the same substance, of the same "stuff" as the rest of men. It did not occur to the Romans that the color of the skin, or the amount of possessions or any other such an external or somatic
characteristic, that are found in men, make them inherently different.1 A body, as Cicero says, is formed by its parents and consequently varies according to a vaguely perceived law of heredity. It is the soul infused by God into each body on the other hand, the "animus", which makes man to be a man. This "animus", this "mens", this "ratio" identical in all men makes men different from all other living creatures. Whatever may be the accidental differences, all men can reason and think. "Corpora effingunt parentes," writes Cicero, "animum vero immortalem Deus ipse in corporibus ingeneravit."2

Thus, what distinguishes man from beasts is this soul, this "animus", which is the same in all men who possess the same ability to learn, although the actual acquisition of knowledge (doctrina) varies from person to person due to external factors: educational opportunity, health, for example, etc. To quote Cicero again: "Animus sive mens, sive ratio, qua una praestamus beluis ... certe est communis hominibus, doctrina differens, discendi quidem facultas par."3 That some men are more learned than others was a fact that Cicero was too much the true and practical Roman to ignore or to deny. However, he was ready to acknowledge that the capacity for learning (discendi facultas) is "par", that is, equal in all men, a concept that might have prevented the current IQ testing quagmire. Disregarding, therefore, all external and accidental factors, Cicero's discourse on the nature of the law begins with a discussion of the nature of man, that is, from the very rock bottom on which any human law must be based, or as he puts "penitus ex intima philosophia."4


2 De Legibus, 1, 8.

3 De Legibus, 1, 10.

4 De Legibus, 1, 10.
But what is man? The answer to this fundamental question automatically defines what should be the law that governs men. "Nat

"Natura enim iuris," writes Cicero, "explicanda nobis est eaque ab hominis repetenda natura ..."⁵ Later in the first book of the De Legibus, Cicero defines man as the only rational living being who shares with God a sparkle of a divine light, the light of reason, which "in omni caelo atque terra nihil est ratione divinius."⁶ This divine power of thinking makes man and God related and somewhat coequal. "Ratio et in homine et in Deo est, quae prima hominis cum Deo societas est."⁷ Reason enables man to distinguish good from evil, true from false, right from wrong. Therefore, reason is the basis of law. Coexistent with man and coeternal with God, reason, therefore, antedates all written laws. "Constituendi vero iuris ab illa summa lege capiamus exordium, quae saeclis omnibus ante nata est quam scripta lex ulla aut quam omnino civitas constituta."⁸ The only wise and worthy way of living our lives according to Cicero, is to submit to reason and to conform to the reality that reason unfolds. "Ex natura vivere" or "naturam sequi est rectissima et optima vivendi ratio."⁹ Moreover, to Cicero in nature nothing is more alike as one man is to another. "Nihil est enim unum uni tam simile, tam par, quam nos omnes inter nosmet ipsos sumus."¹⁰ Therefore, a well ordered society, founded on this correct and sound premise, will recognize the same basic rights to all its citizens and to all men.

⁵ De Legibus, 1, 5.
⁶ De Legibus, 1, 7.
⁷ De Legibus, 1, 7.
⁸ De Legibus, 1, 6.
⁹ De Legibus, 1, 21.
¹⁰ De Legibus, 1, 10.
Men strive naturally not only toward justice, but they are also inclined by nature to love one another. This is the precondition of a just, peaceful and harmonious society. "... nihil est profecto praestabilius quam plane intellegi nos ad iustitiam esse natos",¹¹ says Cicero, and elsewhere adds: "natura propensi sumus ad diligendos homines, quod fundamentum iuris est."¹²

Yet, if one examines man more closely, he will find that the first source of every right ultimately rests not in man, but in God, who is the source of man’s soul - "animum esse ingeneratum a Deo."¹³ Since God is immortal, and since the soul, that originates in God, is also immortal, then the law, itself, rooted in God, remains eternal. To quote Cicero: "deorum immortalium vi, natura, ratione, potestate, mente, numine, sive quod est aliud verbum, quo planius significem quod volo natura omnis regitur."¹⁴ The "natura" or "rerum natura" is therefore the proximate, non the ultimate norm of right and wrong. Since right is rooted in nature, all laws, decrees, edicts of various authorities and even the ordinances of various nations - scita populorum - contrary to nature are without any binding force.

True laws get their binding force not "a praetoris edicto",¹⁵ but "a natura".¹⁶ Natural law is the only real law and the natural law is something immutable and eternal: "aeternum

¹¹ De Legibus, 1, 10.
¹² De Legibus, 1, 15.
¹³ De Legibus, 1, 8.
¹⁴ De Legibus, 1, 7.
¹⁵ De Legibus, 1, 5.
¹⁶ Ib.
quiddam,"\textsuperscript{17} as Cicero says. Consequently, just law differs from the unjust law not in words, but in reality, not "opinione" but "natura."\textsuperscript{18} Cicero insists again and again on this fundamental point: law is based on nature and ultimately in God. There is a very good reason for this insistence. On this premise is founded all his theory of law. From a few principles flows all the rest on which the whole structure of human society is based. Furthermore, not only does man know right from wrong, but he is also directed by the inner light of reason to do good and to avoid evil. "Lex est ratio summa insita in natura, quae iubet ea, quae facienda sunt, prohibetque contraria."\textsuperscript{19} It is this voice, not self-interest, that the honest man follows.

In \textit{De Legibus} and in many pagan writings are found rational arguments of man's natural equality at least as cogent as those found in the Bible. Both, Cicero and King, agree that God is the primary source of right and that all men are equal and that there is a bond of love between them. Cicero calls it "benevolentia" and states most clearly that all men are by nature inclined to love other men: are by nature "propensi ad amandos homines", King calls this love "agape", "human brotherhood", "God's love."\textsuperscript{20} However, the two men differ widely in defining the intensity of love and commitment. In Cicero it takes the form of an intellectual brilliance and an elegant presentation of a well reasoned thought; in King it resides in faith coupled with an intense emotional and religious dedication to make all men brothers in the real daily life.

\textsuperscript{17} De Legibus, 2, 4.
\textsuperscript{18} De Legibus, 1, 16.
\textsuperscript{19} De Legibus, 1, 6.
\textsuperscript{20} Stride Toward Freedom, p. 86 et passim.
As Christian and a Baptist minister, of course, Martin Luther King, Jr. drew his inspiration mostly from the Bible. He was, however, a well educated man, broadly read, well acquainted with the classical and modern writers. He had a superior, one would say, a prophetic grasp of moral issues. While Cicero’s writings stressed reason, the stress in King’s writings and work was on faith. King, however, used reasoning anytime he could do so advantageously and he was familiar with the classical concept of equality. King knew that modern man, imbued with science, finds reason appealing, but he also recognized its limit.

King’s arguments, based on self evidence and on American tradition, are also intensified by a deep religious feeling, that made him not only a philosopher, but also a crusader and a leader in the strife for racial equality. Cicero talks, King acts. Cicero and his learned and refined friends, group of well-to-do Romans, leisurely discuss the ideal state with such subtlety and elegance that it is easy to forget how far removed they are from the real concern of the common Roman citizen, not to mention the Roman slave.

Martin Luther King, Jr., himself a Black and one of the millions wronged, dedicated himself to putting an end to the segregation, daily injustice, the everyday humiliations suffered by all minority Americans. Inspired by an intense concern for others, King seemed driven by a superhuman will. Nothing comparable is to be found in Cicero. It seems that it never entered Cicero’s mind that injustice demeans as much as him who suffers it as him who perpetrates injustice. Nor did occur to him that he who suffers injustice has the duty to do all he can to thrust aside injustice not only for his own sake, but for the sake of those

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21 Stride Toward Freedom, p. 71 seqq.
who suffer with him. Not only did King clearly see his duty, but he also did everything he could to bring about the day when oppressed and oppressor might live in mutual harmony. He understood that there can be no freedom unless all enjoy it. By freeing the oppressed, ultimately one frees the oppressor too. This point was not even vaguely perceived by Cicero, and I am afraid that even today, it is understood only by very few, for behind it lies hidden a moral truth too deep to be grasped quickly and easily. "The Negro, writes Martin Luther King, Jr., must love the white man, because the white man needs his love to remove his tensions, insecurities, and fears."\(^{22}\) It is well known that between slaves and masters existed a deep mutual distrust, that made each fear the other, but there was nothing to be done. The Romans considered slavery as an unavoidable condition. Only in freedom could master and slave become neighbors. Freedom generates love, that makes people part of one "community". "Therefore, if I respond to hate with a reciprocal hate I do nothing but intensify the cleavage in broken community",\(^{23}\) writes King. While the characteristically Christian need for forgiveness is one of King's basic tenets, Cicero did not regard slavery as a problem. Consequently, the natural equality of men, as it was so eloquently propounded in De Legibus, remained only at the level of philosophical speculation.

For Cicero, the Roman republic under which he attained the highest office of the state in 63 B.C., was the ideal state. For King, the American republic of the 1960's was a republic evolving toward a community that somehow for too long had been sidetracked, when the "most sublime principles of American democracy - imperfectly realized for almost two centuries -

\(^{22}\) Stride Toward Freedom, p. 87.

\(^{23}\) Ibidem.
began fulfilling themselves".\textsuperscript{24} Dr. King understood far better than Cicero the evolving nature of man and society. Yet he also understood very well man's weakness. Rarely does a man freely renounce his privileges. He also understood that once freedom and justice are achieved there is a constant danger of reverting or issuing into new forms of slavery, injustice, and inequality. "What is more, he says, the wronged person, once righted is inclined to wrong others."\textsuperscript{25} There is indeed a wide chasm between knowing what is right and doing what is right. We hate our own exploitation and injustice, but once free, we tend to exploit our fellow men.

There is indeed a sublime wisdom in this deep insight into the human heart. Notwithstanding, nonviolence assures the possibility that people, who are basically honest and decent, will reluctantly, yet freely, renounce their privileges and genuinely move toward a more just society. The philosophy of nonviolence alleviates the fears of the privileged and generates good will and allows the time necessary for social change to pass. "It recognizes the need for moving toward the goal of justice with wise restraint and calm reasonableness,"\textsuperscript{26} as Dr. King writes. This element of action is completely missing in \textit{De Legibus}.

Cicero insisted that laws against nature are no laws - nullae leges. Dr. King took it a step further. "We will not obey unjust laws or submit to unjust practices"\textsuperscript{27} not by violence, but by refusing to cooperate and will calmly accept the "unearned

\begin{itemize}
\item \textsuperscript{24} Ibidem.
\item \textsuperscript{25} Stride Toward Freedom, p. 197.
\item \textsuperscript{26} Ibidem.
\item \textsuperscript{27} Stride Toward Freedom, p. 193.
\end{itemize}
suffering", because "unearned suffering" is "redemptive". Dr. King thus invented a new way of moving from the field of thought to the field of action, and thus uniting the sound philosophical doctrine of the natural human equality and the strength of active Christian love. This inspiration of resisting unjust law, King found in Thoreau's *Essay on Civil Disobedience*, and the idea of soul force, of "non violent resistance" to evil, of "noncooperation" with evil, so that the victory would be without harm to anyone and for the good of all, King accepted from Mahatma Gandhi.

Thus, the superiority of King's belief in change through "nonviolence" and his concern for the salvation of both parties, is revealed in the final fate of the two republics. The Roman republic continued on its fatal way toward more slavery, the American on the other hand has made substantial strides toward a more just and free society and by so doing achieved a new cohesion and a renewed vitality. This progress is due not to an automatic historical process, but to the clear vision and firm leadership of Martin Luther King, Jr., and to the maturity of Americans, both Black and White, who understood that only through social justice and racial equality can a nation prosper. Reason indeed can see the justice, but cannot by itself do justice. Only love has the power to move people. This essential active love is lacking in Cicero.

Nevertheless, both men, Cicero and King, reasoned that men shared an innate equality. This is indeed the starting point, sine qua non, for any movement toward true equality of all men. Without such a philosophical basis and without the acceptance of the principle at the theoretical level, no practical realization of this aspiration would be possible. Ideas work so slowly

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28 Ibidem. p. 156.
and, one might dare to say, inexorably, that Cicero's ideas become relevant and effective, at least for minorities in America, only during the last few decades.

In conclusion, we may say that Cicero and Dr. King contributed substantially to the betterment of all mankind: one by formulating clearly the concept that all men are by nature equal and making it a widely accepted tenet in the West through his book *De Legibus*, the other by transforming the idea into reality in America in the racial and social context.

**Povzetek**

**CICERONOV SPIS O ZAKONIH (DE LEGIBUS)**
**IN KINGOVA POT K SVOBODI (STRIDE TOWARD FREEDOM)**

Ciceronov spis *De legibus* in knjiga Martina Luthra Kinga *Stride Toward Freedom* vsebuje ta zanimive paralele v mišljenju, ki so važne ne le za zgodovino idej, ampak tudi za boljše razumevanje gibanja za popolno enakopravnost črncev in belcev v Združenih Državah Amerike.

Enotnost človeškega rodu temelji na dejstvu, da je vsak človek razumno bitje. Razum je tista luč, ki vodi do spoznanja dobrega in slabega. Razum mora biti zato temelj slehernega zakona. Razum je del narave, zato je zakon, ki ni usklajen z naravo, brez vsake veljave. Protinaravnim zakonom se človek ne sme pokoravati, še več, mora se jim celo upreti.

Toda kako naj se posameznik upre državi, kadar le-ta temelji na protinaravnih zakonih? Ne more se ji upreti s fizično silo, temveč s "silu duše". Človek se upre človeku iz ljubezni do sočloveka, kajti resnica osvobaja tako tistega, ki dela krivico, kot tistega, ki krivico trpi, in oba združuje v bratstvu ljubezn.  

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Teoretična osnova enotnosti človeškega rodu, kot je podana v Ciceronovem spisu De legibus, se uresničuje v aktivni moči lju­bezn, ki je začrtana v Kingovi knjigi Stride Toward Freedom in ki je bila kot taka izvedena v osvobodilnem gibanju ameriških črncev. King dopolnjuje Cicerona v tem smislu, da to, kar je Cicero samo teoretično zasnoval, tudi aktivno uresničuje v življenju.