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Cicero's universal law: a timeless guide to reproductive justice

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Abstract: Marcus Tullius Cicero's concept of "ius gentium," or universal law, provides a timeless framework for understanding and defending fundamental human rights, particularly in the context of reproductive freedom. Cicero distinguished between "ius gentium" and "ius civile," emphasizing that while civil law governs specific communities, universal law, rooted in natural reason, applies to all humanity. This philosophical foundation resonates with modern discussions on reproductive rights, where universal principles of justice and bodily autonomy are at stake. Enlightened by Immanuel Kant's notion of innate freedom, Cicero's philosophy challenges present day's US states' restrictive reproductive laws, which often contradict the universal principles of justice. Applying these concepts to contemporary issues, such as abortion rights, underscores the need to align civil laws with universal ethics, ensuring that individual freedoms are upheld against arbitrary state interventions. By advocating for policies that promote equitable access to reproductive healthcare, Cicero's vision of universal law remains a powerful tool for advancing human dignity and autonomy in modern society.

Keywords: universal law; reproductive freedom; individual autonomy; justice and rights; public health; cicero

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Introduction

Marcus Tullius Cicero [1], commonly known as Cicero, a renowned Roman statesman and philosopher, posited a concept of universal law that has echoed through centuries of legal and ethical discourse. His statement, "Ius gentium est recta ratio naturae congruens; est enim universale, immutabile, et aeternum." Translated to: "The law of nations (Ius Gentium) is right reason in agreement with nature; it is of universal application, unchanging and everlasting," presents a compelling framework for considering fundamental and universal human rights especially in defending reproductive freedom today. Ciceronian universal law "ius gentium" which translates into English to "law of nations" or "international law" refers to the concept of a universal law or code of justice derived from natural reason, which is shared by all human beings and governs the relations between nations and individuals across different cultures [2-5].

He distinguished "ius gentium" from "ius civile", translated into English as "civil law," which refers to the legal system and set of laws specific to a particular state or society. It embodies the rules and statutes governing the rights and obligations of Roman citizens, distinguishing it from the universal "ius gentium" that applies to all human beings.

Cicero's achievements include uncovering the Catiline conspiracy and producing influential works on philosophy, rhetoric, and politics. Cicero was exiled in 58 BCE for executing citizens without trial but returned the following year. After Julius Caesar's assassination, Cicero opposed Mark Antony, leading to his assassination in 43 BCE. His life, marked by intense political turmoil, provides invaluable insights into Roman law and politics.

Cicero's philosophy of law

Cicero's philosophy, rooted in Stoic tradition, sought to identify universal principles that could guide human behavior and governance, much like Aristotle's exploration of natural law and virtue ethics aimed to uncover the fundamental truths that govern moral conduct and political

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life [2=6] His concept of universal law (ius gentium) was not merely a set of rules, but a rational understanding of the fundamental nature of human beings and their place in the cosmos. This perspective offers a unique lens through which to view contemporary issues, particularly those as complex and contentious as reproductive rights.

In Cicero's philosophy, "lex" (law) refers to specific statutes created by human authorities, while "ius" (justice) represents a broader concept rooted in principles of justice. Cicero argued that "ius" supersedes "lex," meaning that for a law to be legitimate, it must align with justice. If a law contradicts this inherent justice, Cicero considers it a form of tyranny rather than true law. Therefore, to uphold its moral authority, 'lex' must embody 'ius'.

According to Cicero, Ius Gentium refers to the laws common to human societies, encompassing universal principles such as justice [6]. In contrast, Ius Civile is specific to a particular locale, governing its citizens' legal relationships and obligations, such as the Roman civil law applicable only to Roman citizens. While Ius Gentium represents a broader, more universal legal framework, Ius Civile is narrower, tailored to the customs and needs of a specific community.

It is acknowledged that in Cicero's philosophical views women's rights were subjugated to "paterfamilias" (father of the family). The Roman empire's view of women rights is akin to the misguided paternalistic view that a women's choice is subject to societal control.

In the context of modern medicine and ethics, the Cicero's philosophy invites us to examine its application to today's women's reproductive rights and laws regarding abortion – a topic of ongoing debate and significant importance in healthcare policy and practice. Cicero's dual concept provides a framework for considering how fundamental rights and principles (universal law or ius gentium) intersect with and sometimes conflict with specific legal statutes and regulations (civil law or ius civile) in the realm of reproductive healthcare.

To apply Cicero's concepts to the U.S. legal system, we draw parallels. The U.S. Constitution and its foundational principles of inalienable rights could be seen as an attempt to codify elements of universal law (ius gentium), while state and local statutes more closely resemble Cicero's notion of civil or jurisdictional law (ius civile) [7–9].

Cicero defined universal law as the highest form of law, rooted in reason and aligned with nature, applicable to all humans regardless of civil laws. He described it as "Ius gentium est, quo gentes humanae utuntur," meaning "The law of nations is that which human societies use." This suggests that universal principles, derived from reason and nature, transcend human-made legal systems and ensure

individual freedom. Although Cicero did not specifically address reproductive rights, he acknowledged the occurrence of abortion and the need for universal laws.

Cicero's enduring principles, rooted in reason, underscore the significance of universal rights – including reproductive freedom – that transcend cultural, religious, and political boundaries. Today we have the benefit of the enlightenment espoused by Immanuel Kant who stated that the only innate right is the right to freedom, specifically the freedom from being constrained by another's choice [10, 11]. He believed that each person has the inherent right to act according to their own will, as long as it does not infringe on the freedom of others.

By viewing reproductive rights through the lens of Ciceronian universal law and enlightened by Kant, we argue for a concept of reproductive freedom that is both universal and deeply rooted in human nature [12–14]. This freedom, while manifesting in modern healthcare practices, draws its legitimacy from timeless principles of human dignity and autonomy, offering a powerful philosophical foundation for defending and advancing reproductive rights in contemporary society. In reproductive rights, this principle supports policies that promote health, autonomy, and well-being. It challenges us to question whether restrictions on these rights align with our understanding of human nature and progress.

Applying Cicero's universal law, when further enriched by Kant's rigorous deontological ethics, offers a nuanced and timeless framework for navigating modern ethical and legal dilemmas in reproductive healthcare. Cicero's emphasis on natural law and justice finds a complementary perspective in Kant's categorical imperative, both asserting the primacy of duty and moral obligation. This synergy not only broadens the interpretive scope but also fortifies the ethical foundations upon which contemporary reproductive healthcare decisions can be made with greater moral clarity.

Paterfamilias cannot obscure the universal right of all genders to autonomously determine procreative decision-making.

The evolving landscape of women's reproductive rights

Women's reproductive rights encompass a broad spectrum of issues, including access to contraception, abortion services, fertility treatments, *in vitro* fertilization (IVF), and maternal healthcare. The landscape of these rights has undergone significant transformation since Cicero's time, influenced by advancements in medical science, changing social norms, and evolving legal frameworks.

In recent years, especially after the 2022 Supreme Court Dobbs decision striking down the right to an abortion, the United States Dob [15, 16] has witnessed a notable shift in the legal landscape surrounding reproductive rights. particularly concerning abortion access. After the removal of federal protections established by Roe v. Wade, several states have enacted legislation that significantly restricts abortion services [17, 18]. These new state laws vary in their approach, ranging from "heartbeat" bills that prohibit abortions as early as six weeks into pregnancy to near-total bans with limited exceptions. Some have argued that U.S. abortion restrictions violate the Convention Against Torture (CAT) [CAT Reference] under a developing understanding of cruel, inhuman, and degrading treatment (CIDT) [19, 20].

The implementation of such restrictive laws has sparked intense debate within the medical community and broader society. Proponents of the restrictive laws, emboldened by religious zealotry, argue that these measures protect fetal life, aligning with their interpretation of universal law and human rights [21-23]. Professional societies contend that these restrictions infringe upon women's bodily autonomy, potentially endangering their health and well-being. Universal removal of societal subjugations of procreative rights is supported by Cicero's concept of universal law and Kant's concept of freedom.

US state's legislative changes of restricting reproductive freedom raise significant medical concerns, including restricted access to abortion services for low-income and rural individuals, limitations on physicians' ability to provide appropriate care, and the potential increase in unsafe procedures, heightening maternal health risks such as increasing maternal mortality [24-26]. Additionally, these impact medical education, limiting the training and future capabilities of obstetrics and gynecology residents. As the legal landscape shifts, healthcare providers, especially those in states with restrictive laws, find themselves navigating complex ethical and legal terrain [21, 24, 25, 27].

Applying Cicero's and Kant's concepts to reproductive rights

Cicero's concept of "ius gentium" and Kant's concept of freedom can be interpreted as a powerful universal endorsement of personal freedom, particularly in the context of bodily autonomy as it related to reproductive healthcare.

The universal state of human beings, as Cicero might argue, inherently includes the freedom of self-determination. And it should not be restricted by individual laws of US states

as this is not a matter of "ius civile". This fundamental freedom aligns closely with the right to make decisions about one's own body and reproductive choices. By viewing bodily autonomy through the lens of Ciceronian universal law "" which translates into English to "law of nations" or "international law". refers to the concept of a universal law or code of justice derived from natural reason, which is shared by all human beings and governs the relations between nations and individuals across different cultures.

We argue that reproductive freedom is not merely a modern construct, but a timeless expression of human nature and justice. The freedom to control one's own body. including reproductive decisions, can thus be seen as an inalienable right derived from the very essence of human existence and reason. This interpretation of Cicero's philosophy, enlightened by Kant, provides a robust philosophical foundation for defending reproductive rights as an essential aspect of human freedom, transcending cultural, religious, or political constraints.

Immanuel Kant espoused morality within a deontological perspective. Rational beings follow a categorical imperative and have a duty to be moral agents regardless of consequence. The categorical imperative is also applied universally and from a Kantian perspective each individual has the right to control their bodies. Utilizing Kant, a rational pregnant person has intrinsic dignity and any use of their body contrary to their desires would violate societal norms regardless of the consequence. Kant suggests in *The Doctrine* of Right, that a pregnant unmarried woman may ethically have an abortion as this event is beyond societal domain, rather a state of nature, that cannot be called murder [28]. Reproductive choice and justice follow universal law of inherently respecting dignity. Rational persons determine their morality, free from bias and judgment. Unjust societal rules allow for the usurpation of a rational individual's moral authority.

Prioritizing the health and well-being of the patient is paramount and is reflected in the contemporary ethical principle of beneficence [29-33]. Restricting reproductive rights leads to adverse health outcomes and bias, including increased maternal morbidity and mortality, especially among vulnerable populations [34, 35]. Supporting comprehensive reproductive rights, including access to safe abortion services, contraception, and maternal care, is consistent with the medical ethical principle of beneficence, as well as respect for autonomy [32, 33].

Societies thrive when all of its members enjoy the full freedom to control their reproductive choices. This reproductive freedom catalyzes a cascade of societal benefits, including enhanced educational attainment, increased economic participation, and improved public health.

The freedom to make informed reproductive decisions empowers all to shape their lives and contribute more fully to society [36, 37]. Thus, supporting reproductive justice and freedom aligns harmoniously with both individual liberty and collective societal interests, embodying Cicero's vision of universal law as a force serving the greater good. This perspective underscores that reproductive freedom is not at odds with societal welfare; rather, it is a fundamental driver of social progress and human flourishing, resonating deeply with Cicero's conception of universal law as a universal guide for human betterment.

Reproductive justice applies to all individuals, regardless of gender, as it encompasses the right to make autonomous decisions about one's reproductive health, including contraception, family planning, and access to reproductive healthcare. However, it is often more directly associated with women due to their unique biological role in pregnancy and childbirth, making the issue particularly critical in the context of women's rights.

Cicero's concept of universal application supports the principle of rights and virtues resting with a universal standard. Reproductive rights are fundamental to achieving gender equality, as they enable women to have equal opportunities in education, career, and personal development [38–40]. Restricting these rights disproportionately affects women, particularly those from marginalized communities, which contradicts the universal and non-discriminatory nature of universal law.

Savita Halappanavar was a 31-year-old Indian dentist who died in 2012 in Ireland due to complications of a septic miscarriage after being denied an abortion [41]. Her death sparked international outrage and brought attention to Ireland's strict abortion laws, which at the time only allowed the procedure if the mother's life was at immediate risk. The tragic case of Savita Halappanavar became a catalyst for change, not only leading to the repeal of Ireland's Eighth Amendment in 2018, effectively legalizing abortion in the country, but also sparking discussions and reviews of abortion laws in other countries around the world.

The International Academy of Perinatology (IAPM), an international organization encompassing over 50 countries, issued the New York 2024 declaration on professional responsibility and abortion [42]. This declaration exemplifies the application of 'ius gentium' in modern healthcare, transcending national boundaries and asserting abortion as a universal right. This stance, grounded in professional ethics and human rights principles, aligns with Cicero's concept of universal law by advocating for globally consistent abortion access, thus promoting gender equality and public health across diverse legal jurisdictions and cultures represented within the IAPM's expansive membership.

Implications for medical practice and policy

The universal application of law supports equitable access to reproductive healthcare, addressing disparities in access to essential services like contraception and prenatal care. Medical education that includes discussions of universal rights can deepen the understanding of the ethical foundations of reproductive rights. Addressing biases in healthcare is essential to realizing true reproductive freedom, as systemic barriers undermine equitable access. By promoting patient-centered, evidence-based care, healthcare providers can challenge outdated practices and advance Cicero's vision of universal, just law, aligning with modern ethical standards of equity and non-discrimination. Supporting reproductive freedom and eliminating healthcare bias exemplifies the practical application of Cicero's universal law, upholding universal human rights and individual autonomy in health decisions.

Challenges in applying Cicero's principles

The concept of universal, unchanging law faces challenges in a diverse global society where cultural and religious beliefs shape perspectives on reproductive rights. These rights can align with universal human rights principles, as enshrined in international treaties, emphasizing health, bodily autonomy, and freedom from discrimination. Despite religious and cultural differences, shared values like compassion and human dignity can support reproductive freedom across various traditions. Religious zealotry, however, can pose significant obstacles, as rigid interpretations often resist any compromise on reproductive issues [43, 44].

While some interpret Kantian ethics as supporting a universal law against killing, reproductive decisions are complex medical events with profound personal impacts. The balance between necessary medical interventions and individual reproductive choices doesn't equate to intentional death. Nevertheless, the principle of religious freedom underscores individual choice, allowing personal health decisions based on one's beliefs rather than imposing a single interpretation on all. As cultures evolve, many societies, including those dominated by religion, increasingly support women's rights, recognizing the broader benefits to individual and community well-being. From a public health perspective, reproductive rights are human and fundamental rights and reduce maternal mortality and improve

overall health outcomes, aligning with Cicero's concept of universal law serving the common good [45, 46]. The primacy of Cicero's principle (Ciceronian universal law "ius gentium") refers to the concept of a universal law or code of justice derived from natural reason, which is shared by all human beings and governs the relations between nations and individuals across different cultures) as expressed in universal human rights remains crucial, ensuring that individual freedom is upheld within varying cultural contexts. Modern society's approach to reproductive rights should move beyond paternalistic control. Denying pregnant individuals their choices misinterprets both the Kantian view of freedom and the Ciceronian view of justice.

Conclusions

In conclusion, Cicero's concept of ius gentium, or universal law, enlightened by Kant, offers a timeless framework for understanding and defending reproductive rights. By emphasizing the universal applicability of reason and justice, Cicero's philosophy can be seen to assert that fundamental human freedoms, such as bodily autonomy, are intrinsic to our nature and should be protected regardless of cultural or legal variations. The application of universal law (ius gentium) to reproductive rights underscores the importance of aligning civil laws with these universal principles, ensuring that individual rights are upheld even in the face of religious zealotry or cultural resistance. Laws created by ius civile or state laws on the other hand that impose restrictions on reproductive rights contradict Cicero's philosophy of universal law, as they subject fundamental human freedoms to the arbitrary will of individual states rather than to universal principles of justice. This approach is not only inconsistent with Cicero's ideals but also ethically problematic, as it undermines the universality of rights that should transcend local legal frameworks.

In a modern context, Kantian ethics supports the right of autonomous pregnant individuals to make their own reproductive decisions. This view recognizes their capacity to navigate morally complex choices, honoring both their duty to themselves and their personal values.

Cicero's vision of universal law serves as a guide for modern legal and ethical discussions. It advocates for policies that prioritize equitable and universal access to healthcare and the elimination of bias. As societies evolve, the principles of universal law (ius gentium) remain crucial in safeguarding these rights, ensuring that the freedom to make informed reproductive choices is recognized as a universal human right, essential for individual and societal well-being.

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Use of Large Language Models, AI and Machine Learning

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