

Date of publication: 23 May, 2018

Historical Sciences

THE STATE-LEGAL DOCTRINE OF M.T. CICERO

Ashmarov, Igor Anatol'evich¹

¹Candidate of Economic Sciences, Associate Professor of the
Chair of Humanitarian and Socio-Economic Disciplines,
Voronezh State Institute of Arts, 394077, Voronezh, st. General Lizyukov, 42,
Russia, e-mail: dobrinka75@mail.ru, 8-951-851-6-111

Abstract:

In the article, the state legal doctrine of Cicero is stated. He was an unusual politician and an outstanding speaker. His political analysis deserves a special attention to the study of research, to this day, engaged in the study of politics and political science. The legacy of Cicero is very rich and rich in its versatility. The study of the works of Cicero will help us to follow the path to the rule of law and genuine democratic statehood. Cicero is a true Socrates of political science. Political scientists of all universities in the world should study his theoretical legacy.

Keywords: The state-legal doctrine, political relations and the institution of the state, the best and the worse forms of the state in antiquity.

I. INTRODUCTION

The political thought of the ancient world was not limited to Ancient Greece. Significant achievements also characterize ancient Roman political thought. The most prominent political thinker of ancient Rome was Mark Tullius Cicero (106-43 BC). He left behind a vast intellectual heritage. However, in the most complete and systematized form, his political ideas are set forth in the works «On the State», «On the Laws».

Cicero, being an educated man, was very well acquainted with the political teachings of Plato, Aristotle and other thinkers of Ancient Greece. Perceiving many of their ideas, he adapted them to the political realities of Ancient Rome. Cicero understood the state as a common cause, the general condition of the whole people. He, like Plato, and Aristotle, in determining the forms of state government, considered mandatory not only an expression of the general interest of free members of the state, but also their coordinated interaction within the framework of existing laws.

Cicero, like the Greek thinkers Plato and Aristotle, noted the one-sidedness of the «pure» forms of state government. For him, it was equally unacceptable to rule in the form of tyranny, cliques of the rich and noble or the crowd. The best form of government, the gender thinker, is a mixed version of the known forms of government, which is a combination of the best qualities of these forms. The mixed form of government is more stable. Cicero wrote in his work «On the State», stability is guaranteed by the implementation of «a uniform distribution of rights and powers so that the masters have sufficient power, the council suffices influ-

ence of the primitive people and sufficient freedom from the people». In modern language, this means that the theoretical research of Cicero contains a prototype of the theory of separation of powers, as one of the most important principles of the rule of law.

Significant merit of the ancient Roman thinker in substantiating the principle of necessity and binding compliance with treaties in international relations. He laid the foundations of the theory of international law.

Cicero, as a humanist, although not an opponent of the aggressive aspirations of his state, his claims to world domination, advocated the human treatment of prisoners and defeated.

The political doctrine of Cicero had a great influence on the thinkers of his time, the Renaissance and the subsequent historical era.

Mark Tullius Cicero (106-43 BC), unlike the Greek thinkers, was not a true philosopher. He belonged to the commercial and financial aristocracy. Cicero lived in the era of the last period of Rome, when the republic was already moving towards the sunset.

Cicero received an excellent education. He studied Greek philosophy in Greece itself. Education and unique oratorical abilities (he was considered the best orator of his time) helped Cicero make a brilliant political career. He was a quaestor, praetor, proconsul in a small Asia, consul. The ending of life is tragic: the triumvirate included him in the proscription lists (persons considered illegal). He managed to escape, but he was overtaken and killed. Cicero died on December 7, 43 BC at the year 64 of his vivid public life.

The main works of Cicero. His literary heritage is significant: 58 judicial and political speeches, 19 treatises on rhetoric, politics, philosophy, more than 800 letters. Political and legal issues are represented in the works «The State», «Laws», «On Obligations».

The theoretical and legal views of Cicero are under the noticeable influence of ancient Greek philosophers, primarily Plato and Aristotle. However, the creative use of the ideas of predecessors in the teachings of Cicero is combined with the development of a number of new and original provisions in the field of state and law.

II. METHODOLOGY

According to the accumulated world experience, various ways of building and developing of a statehood are refracted in specific models and forms of the state. The formation of this or that model is conditioned by the general typology of state entities, in which the mechanisms of law and democracy function.

The choice of the political form of the state is a historical matter and a conscious choice of members of society, which depends on the choice of priorities in national politics based on country characteristics, socio-economic development of a country and the degree of its participation in world politics and economy. Such a methodological approach to studying the political legacy of Cicero will allow us to assess not only its influence on the political thought of our time, but also to forecast promising directions for its further development.

III. RESULTS

1. Views of M.T. Cicero on political relations, the origin of the state and different forms of the state. Cicero, following Aristotle, upholds the idea of the natural divinely-natural origin of the state. The primary form of public association of people recognizes the family, from which the state is subsequently formed. The reasons for the emergence of the state were seen by Cicero in the aspiration of people to realize common interest and the need to protect their own property.

The essence and tasks of the state. The state («respublika») is a matter, the property of the people. However, the people are understood as «the union of many people, connected among themselves by consent in matters of law and common interests». Among the state's tasks is the preservation of the inviolability of the existing property relations, the maintenance of the proper order, the administration of the annexed territories and the maintenance of the functioning of moral and religious norms and values. Like ancient Greek philosophers, Cicero paid much attention to the analysis of various forms of the state, the reasons for their change, the search for the best form, etc.

The criterion for classifying forms into «correct» and «perverted» forms was the «character and will» of those who rule the state. Depending on the number of ruling Cicero distinguished three simple «correct» forms of government: the tsarist power, the power of the optimats (aristocracy) and the people's power (democracy), emphasizing that «by favour of our own we are attracted to kings, wisdom - optima, freedom - peoples «.

Each of these political forms has not only certain advantages, but also drawbacks. So, the tsar's power is fraught with the arbitrary rule of an autocratic ruler and easily degenerates into tyranny. The power of optics in its perverted form becomes the rule of the rich, turning into an oligarchy. The sovereignty of the people leads to «insanity and the production of the crowd» - ochlocracy. However, if we proceed from the definition of the state (business, the property of the people, interconnected by consent in matters of law and common interests), then these «perverted» forms are not states, because there is no agreement on issues of law.

The listed merits, according to Cicero, should be presented in a mixed form of the state, which he followed Aristotle and Polybius as the best. The Roman thinker was troubled by the question of how to maintain a balance between the majority and the minority and guarantee the dominance of the latter. In this, Plato's great influence was felt.

Separation of power. To prevent the degeneration and replacement of one simple form of state of another, according to Cicero, it is possible, provided the introduction of a mixed form of state. As a result, it turned out «something outstanding and royal that one part of the power was given to the authority of the first people, and some cases were submitted to the judgment and the will of the people».

Each of the simple forms complements each other: the monarchy, represented by the power of the consuls, is combined with the aristocracy in the form of a secant and democracy in the form of a people's congregation and the power of the tribunes. Their powers are equivalent.

Ancient Roman political thought continued the Greek tradition of justifying the most correct form of government, but already taking into account the new political and legal practice.

In 509 BC in Rome, a republican form of government is approved. The most prominent representative of political thought of this period and the advocate of republican rule was the famous Roman speaker and politician - Mark Tullius Cicero. He defined the republic as a «matter», «the property of the people», emphasizing that the people themselves are an association of people connected by consent in matters of law and common interests. Turning to the problem of a properly organized state, he gives preference to a mixed state form, combining simultaneously the royal (monarchic), aristocratic and democratic elements. Idealizing reality, he saw an analogue of such rule in the Roman Republic, in particular in the distribution of power between the magisters and, above all, consuls responsible for general policy and commanders of the army (tsarist principle), the senate (aristocratic beginning), the people's congress and popular tribunes (a democratic beginning). In the ideas of Cicero on the legal union of the citizens of the republic and the legal regulation of state activities, on the distribution of powers among the republican institutions, their mutual balance lies the origins of the theory of the «rule of law».

Mark Tullius Cicero, the speaker, lawyer, statesman and thinker, was the ideologist of the Roman landed aristocracy in the republic. His life began and ended in a crucial for the state history of Rome in the last century of the Republic. This era can be attributed to the «fatal minutes» of history, its crucial stages.

At the same time, it is of fundamental importance that in the given period, Rome actually turned into a world power. Such a transformation would be impossible without profound changes in social relations, without a transition to their qualitatively new forms. In the Roman state, this transition was a change in the communal, polis system with republican ideals to the totalitarian regime of the empire. The main reason for this transition was the contradiction between the political form of the Republic of I century BC and its social-class content. Within the narrow framework of the ancient polis, with its people's congress, the Senate, which showed the interests of a relatively small group of free populations, enormous and complex content was encroached. The wide Mediterranean market, new groups of provincial slaveholders, complex relations between citizens and non-citizens, free and slaves insistently demanded a new management system. The old population groups, whose interests were expressed by the Roman republic, - to the nobility and equestrians, came new - the lumpen proletariat and the military colonists. They were in no way connected with the old

republic, and their existence, on the contrary, was closely connected with the military empire.

Change, accompanied by wars, some enriched and exalted, and others knocked out of the usual rut. The consequence of the expansion of Rome was devastation, the influx of slaves, money and trade speculation, civil unrest, political intrigue. All this disturbed not only the normal rhythm of economic life, but also shaken the state apparatus. Civil wars prepared the final triumph of monarchical order. They were accompanied by murders, confiscations of lands, the flight of slaves and the lack of personal security. Especially from this suffered the population of Italy.

The thirst for peace, the rejection of active political struggle contributed to the formation of a totalitarian imperial regime. However, in Rome, in the aristocratic environment, there were still many adherents of the republican form of government. They were convinced that it was necessary to return to the old order. Their outstanding representative was Mark Tullius Cicero.

Of course, these processes did not proceed in a peaceful atmosphere, but in a tense, sometimes deadly struggle. In addition, the life of Cicero is one of the best illustrations of this statement.

Cicero's state activity as consul fell on the period of the largest civil wars and the collapse of the republican political order, which he valued as the highest achievement of the state wisdom of the people. The new form of government that replaced the Republic - a semi-military, semi-bureaucratic monarchy, did not cause political sympathy for the aristocrat Cicero. Therefore, he was a participant in the political struggle against dictators, his contemporaries - Julius Caesar, Pompey and others. At the same time, this struggle was connected with Cicero's personal ambitions, his desire for power.

The success of this figure as an orator, lawyer and politician who rose not from the most noble, rich and influential family to the top of Roman society, is due primarily to his personal qualities, purposefulness and the objective reality that developed in the II-I centuries BC in the Roman state.

The emergence of Rome as a superpower was closely related to the intensive and productive development of law. Rome as a world centre perceived the legal systems of other nations. Recycling their original civil law, Roman lawyers, Cicero among them, used the methods of Greek rhetoric and tried to comprehend the main legal issues, based on the conclusions of Hellenistic philosophy. Having achieved success in this activity, as a speaker and a lawyer, Cicero rushed into politics, where he entered into a dangerous struggle for power.

Therefore, his personal destiny was not easy either. Cicero was expelled and returned to Rome by a special law, however, without fitting himself into a new alignment of political forces, he was executed on another wave of political struggle.

The Roman Republic fell silent with Cicero (the severed head and arms of Cicero were nailed to the very podium with which he had once spoken his brilliant speeches). This interesting, stormy, tragic fate and life impressions unconditionally affected the political and legal reasoning and the ideal of statehood, which follow from the works of the thinker.

Cicero is the author of several dozen tracts: published during his life of judicial and judicial-political speeches, treatises on philosophy, rhetoric, ethics and politics.

It should be noted that the philosophical works of Cicero were written in the late period of his activity. They refer to the time when the thinker was excluded from active political life. This happened twice: during the reign of the first triumvirate - the union of Pompey, Crassus and Caesar (60-59 BC) and the dictatorship of Caesar (48-44 BC).

Two small treatises devoted to questions of the state system, politics and law: «On the state» («De republica») and «On the laws» («De legibus»), which were written in the first of these forced breaks, namely between 54 and 55 years BC. A number of political and legal problems are also considered in his other works, for example, in the work «On Obligations».

Cicero's theoretical views in the field of state and law were under the noticeable influence of ancient Greek thinkers, and above all Plato, Aristotle, Polybius and Stoics. Cicero as a patriot of Rome and a practical politician sought to unite and harmonize this «foreign» influence with the Roman traditions proper in the field of state legal practice, political and legal thought, with the original history of the Roman state and law, with the real situation and actual tasks of modern social and political reality.

In general, the creative use of the ideas of predecessors in political and legal doctrine of Cicero is combined with the development of a number of original and new provisions in the field of theory of state and law. Cicero in the form of Socratic dialogues, which echoed the Greek tradition, wrote the main political treatises. However, in his dialogues there is always a figure of a particularly significant interlocutor (he is given the name of the famous Roman politician and commander, the winner of Scipio's Carthaginians), whose judgments represent the judgments and ideals of Cicero himself. Dialogue is conducted during the Latin festivities in 129 BC. e., that is, in the very era when the Roman state, according to Cicero, flourished.

Political treatises of Cicero take a special place also because unlike Plato and Aristotle, many other historians and philosophers of antiquity. He was interested in practical politics and, accordingly, aimed to construct a state and legal ideal. Its deliberate and holistic state-legal doctrine is designed in such a way that it can and should be applied to state practice.

This is the special role of Cicero in the social philosophy of antiquity. Therefore, it is no coincidence that it is precisely with Cicero's reflections that the intellectual evolution of major state-legal and political-legal problems characterizing the teachings of the New Age begins and does not lose its significance in our days.

2. Views of M.T. Cicero on the state and politics. All the theories of the state in antiquity developed, in essence, in rather limited limits between two problems: about state forms and about the best of these forms. Their decision, crowning the development of political and philosophical views, was the doctrine of a mixed form of state structure.

The first person who set forth the doctrine of the mixed form of the state was Polybius. Continuing the thoughts of Plato and Aristotle about the correct (monarchy, aristocracy, democracy) and the corresponding wrong forms (the «tyranny», «oligarchy», «ochlocracy») of the state, he refused to evaluate any one of them.

According to Polybius, all these forms follow the natural aspirations of people, and being subordinate to their power relations gradually degenerate into one another. «Such is the cycle of the state hostel, this is the order of nature according to which the forms of government change, pass into each other and again return... Any state system, since it is simple and formed according to a single beginning, suffers instability, because it quickly degenerates into an irregular form, which is appropriate and accompanying by its very nature».

The ideal form of government, therefore, is the one in which: «All the advantages of the best (that is, correct) forms of government are united, so that not one of them is vaccinated beyond measure and through that is not distorted into a related form. So that they all they were restrained in the manifestation of properties by mutual opposition, and neither one would pull in their direction, would not outweigh the others, so that in this way the state would invariably remain in a state of uniform oscillation and equilibrium, like going against the wind of the ship».

Thus, Polybius's argument about the merits of a mixed form of government political thought owes to the design of a «system of checks and balances». Cicero, in turn, developed this concept in his teaching and made the idea of a mixed government as the best form of statehood.

For Cicero, the main cause of the cycle of forms lies deeper than for Polybius, which explained it as the instability of these forms. Cicero also saw the main cause of instability in the moral foundations of the state. The thinker therefore evaluates such a positively mixed device, since only one, from his point of view, is able to express the idea of justice.

In this he departs from Polybius's «biological schematism», especially in those cases when he speaks about the possibility for a politician to influence the change of state forms and even, to some extent, direct it.

In Polybius, the strength of the mixed state structure is correlated only with the natural time of its prosperity, whereas Cicero allows in principle the eternal existence of a state with a mixed device. Such a state can not be shaken or destroyed, unless it is not some fatal errors of its leaders.

If we compare the views of Cicero and Plato with the state, we can conclude that their approaches are fundamentally different in the general notions of the state. If the ideal state of Plato has the meaning of absolute norm, then the perfect state of Cicero is a construction suitable for Rome and even associated with a certain historical epoch. The state of Plato is an idea, and the state of Cicero is a historical reality. Since for

Cicero his perfect state is by no means an abstract ideal norm, but a historical fact, then the mixed device was, in his opinion, embodied in the life in the history of Rome. This embodiment belongs to the thinker to the past, to the time of his ancestors. If we talk about the chronological framework of this period of prosperity, then obviously one should keep in mind a segment of Roman history from the end of the struggle between patricians and plebeians and before the movement of the brothers Gaius and Tiberius Gracchus.

The main political slogan of Cicero, his political credo, whose loyalty he retained throughout his life and political activity, was the slogan of «the consent of all classes», in which, like harmony in the field of music. «A state, with a sense of proportion composed by a combination of higher, middle and low estates harmoniously sounds due to the coordination of the dissimilarities themselves».

It should be noted that the slogan of «concord of estates» appeared in Cicero not immediately, but at a certain moment of his political activity. Initially, Cicero acted as a denunciator of the nobility. However, later, in 66 BC in his speeches there appears the idea of an alliance between senators and horsemen. In the future, this slogan becomes the leitmotif of almost all political speeches of Cicero. Especially he propagandizes him during his consulate, speaking about the need for unity of all «honest people».

The objective meaning and political strength of the slogan was that, under the conditions of modern Cicero, the Roman reality, under the tense struggle of political groups and their leaders. Finally, in the conditions of civil war, could sound like the slogan «supra-party» rising above private interests and quarrels, in the name of the interests of the «fatherland» as a whole. Of course, and this is quite well known, the concept of «fatherland» for Cicero is identified with the notion of «Senate Republic». Moreover, when he mourns «the death of the fatherland», he means the death of the traditional senate regime, which, however, did not at all reduce the political attractiveness of this slogan in the eyes of many contemporaries of Cicero.

Not without reason, in the crowd that filled the streets of Rome after the assassination of Caesar, calls for freedom were heard, and often the name of Cicero was heard. Although he did not belong to the conspirators who overthrew the «tyrant» - Caesar, his name at that time was a symbol of the republic, and not of one or the other «party». It was reminiscent of the welfare and interests of the «fatherland» as a whole.

When they say that Cicero was a supporter of the Senate or «Senate regime» this should not be understood in the sense that he expressed the interests of the degenerate Senate oligarchy, which occupied the most conservative, reactionary positions. In the understanding of Cicero, the Senate Republic is the system that existed during the era of prosperity, when the elements of «democracy» reasonably combined with the leading role of the senate. Therefore, we can conclude that Cicero acted as a representative of the moderately conservative, intellectual circles of Roman society.

Like most ancient authors, Cicero did not know and did not use the term and concepts of «state». In his works, the term and the term «republic» («respublica») is used.

Cicero «Republic» is not a special state structure or social institution that has torn itself away from most of the country's population.

Cicero «Republic» is itself a special state, a special quality of the community of the people, which it attains by obeying both the necessity of life and the internal, moral qualities. The state is the property of the people, and the people are not any combination of people gathered together in any way, but the union of many people, connected by their consent in matters of law and common interests.

The first reason for such a combination of people is not so much their weakness, as, so to say, the innate need to live together. For man is not inclined to an isolated existence and a solitary wandering, but is created in order that, with an abundance of everything necessary, one should not move away from oneself like himself «.

Thus, the origin of the state in the interpretation of Cicero is explained by natural premises, including the development of the human community from small, family, to larger ones. The state appears not only as an expression of the general interest of all its free members, which was also characteristic of the ancient Greek concepts, but at the same time as the coordinated legal communication of these members, as a certain legal entity, the «general legal order». Therefore, Cicero stands at the roots of the legalization of the concept of the state, which later had many adherents, right up to modern supporters of the idea of a «rule of law». Sharing the position of Aristotle, Cicero rejected widespread in his time of the notion of the contractual

nature of the emergence of the state. The influence of Aristotle is also noticeable in Cicero's interpretation of the role of the family as the initial unit of society, from which the state gradually and naturally emerges. He noted the initial connection between the state and property and shared Stoic Panetii's position that the reason for the formation of the state is the protection of property. Violation of the inviolability of private and public property Cicero describes as a desecration and violation of justice and law.

One of the fundamental conditions for the formation of the state is consent in matters of law. The right, in turn, expresses the main social and ethical goal of the state - life based on justice: «If there were no seeds of justice for a person, there would not be other virtues or the state itself».

The role of law in the formation of the state is decisive for Cicero and underlies the construction of his legal doctrine.

In line with the traditions of ancient Greek thought, Cicero paid much attention to the analysis of various forms of state structure, the emergence of certain forms from others, the «cycle» of these forms, the search for the «best» form, etc. For Cicero, the main criterion of the «quality» of the state form is the promotion of freedom people, because «... only in such a state where the people's power is greatest, freedom can live; after all, more pleasant than she, there can be nothing; and she, if she is not equal for all, is no longer freedom «.

In the dialogue «State» Cicero in the person of Scipio identifies three basic forms of government, three simple forms of government: the tsarist power (monarchy), the power of the optimal (aristocracy) and the people's power (democracy). It should be noted that the treatment of aristocratic government in Cicero has changed: he considers any representative government, which differs from direct government of the people.

He does not consider any of these forms perfect: «When the supreme authority is in the hands of one person, we call this one the king, and also the state structure - the tsar's power. When it is in the hands of the elected, it is said that this civil community is governed by the will of the optimats. The people's community is such a community in which everything is in the hands of the people. And each of the three kinds of state - if only the connection that firstly firmly united people due to their common participation in the creation of the state - is true, is not perfect, and, in my opinion, not the best, but it is still tolerable, although one of them may be better than another. For the position of both the just and wise king, and the elected, that is, the primitive citizens, and even the people, nevertheless, unless unjust deeds or passions prevent it, - apparently, it can be quite solid «.

The main and main drawback is that each of these forms, taken separately, is unstable and easily degenerates into its corresponding distorted form: «Of these types of devices there is none, in which the state would not seek a steep and slippery path to that or other misfortune».

The tsar's power, fraught with the arbitrary rule of an autocratic ruler, easily degenerates into tyranny. The power of the optimats from the power of the best (by wisdom and prowess) turns into the rule of the clique of the rich and noble. Although such power continues to be called the rule of optimats. But in fact, Cicero observes, «there is no more ugly form of government than that in which the richest people are considered the best».

Accordingly, the sovereignty of the people, according to Cicero, leads to disastrous consequences, to the «madness and arbitrariness of the crowd» to its tyrannical power.

These ugly types of domination (the tyranny of the individual ruler or crowd, the domination of the clique) are no longer, according to Cicero, forms of the state, since in such cases the state itself, understood as a common cause and the property of the people, lacks common interests and is universally binding for all.

So there are cycles of successive state forms, from which only a certain fourth form of insurance is insured, which, as it were, is mixed out of three forms. However, the definition of this most stable form is not given. Another participant in the dialogue Lelia asks Scipio to inform him which of the above simple forms he still considers to be the best. The question of Lelia gives Scipio an opportunity to present the views of supporters of each of the state forms. At last, Scipio expresses his own point of view: «I do not approve of any of the state devices alone, taken individually, and prefer to each of them, that, as it were, all of them taken together are fused. But if it were necessary to choose any one system in its pure form, then I would approve the tsarist power and put it first «Then Scipio, based on various examples, tries to convince Lelia of the cor-

rectness of this idea and only at the very end of the first book of the dialogue gives a detailed definition of the mixed state system. This device should unite elements of monarchy, aristocracy and democracy in such a way «that in the state there was something outstanding and royal that some part of the power was given and handed over to the authority of the first people, and some cases were given to the judgment and the will of the people».

The advantages of this mixed device should be considered, firstly, «great equality», and secondly, strength, because «there are no grounds for a coup or degeneration where everyone firmly occupies a proper place for him».

As a path to a mixed form of government, Cicero (following Polybius) interpreted the evolution of Roman statehood from the original royal power to the Senate Republic. At the same time, he saw the analogy of royal power in the authority of magistrates (and, above all, consuls), the authorities of optimats - in the powers of the senate, the people's power - in the authority of popular assemblies and people's tribunes. In this regard, Cicero admired the foresight and wisdom of the «ancestors» who created such a reasonable form of the state, and called for a firm adherence to their political covenants. Therefore, Cicero can be fully justified in the historical beginning of the political conservatism of world political thought.

Stressing the dangers of bankruptcy towards one or another principle of mixed statehood and advocating their mutual balance, he stressed the need for «a uniform distribution of rights, duties and powers - so that the magistrates have enough power, the council of the primacy people have sufficient influence and sufficient freedom people». To restore the former prosperity of the state, Cicero, first, needs moral reform, which can only be carried out by some leading figure able to perform such a task due to his own civic and moral virtues. Partly, therefore, in the dialogue, he prefers the monarchical ideal of a statesman and political leader. At the same time, the thinker does not mean monarchy as such, but some form of «aristocratic leadership», which in the past of the Roman state (and «the state of ancestors» - the ideal for Cicero) was repeatedly embodied in personal leadership.

IV. CONCLUSION

Cicero requires a statesman to have his mind triumph over low-lying passions, demands such virtues as wisdom, justice, forbearance, eloquence. He must be well versed in the teachings of the state and possess the foundations of law, without the knowledge of which no one can be a public official.

This manifests the social content of government - the final criterion for all political institutions. And the realization of the idea of justice is for Cicero the main condition for the existence of the state irrespective of its form, that is, the condition for the existence of statehood.

Cicero's concept of mixed rule and, in general, his judgments about the state as a matter of people were clearly at variance with the then socio-political realities and the actual trends in the development of Roman statehood. As a theoretician and practical politician, in the midst of a struggle for power, Cicero could not help but see the tendency of the regrouping of forces and power, the outflow of real forces from former republican institutions and their concentration in the hands of individuals, especially those who relied on the army. This was eloquently evidenced by the examples of Sulla, Caesar, Octavian Augustus.

The concept of a mixed state was partially realized in the Roman Republic at a time when Cicero succeeded in uniting in single political bloc representatives of the estates of senators and equestrians against the conspiracy of Catalina in 63 BC.

Thus, the idea of justice directly connects the state and legal philosophy of Cicero: the state only then the state when its activity is fair, and that which corresponds to the «true law» is justified. Under the latter, Cicero understood, in fact, an abstract idea of the original «natural law» that subordinates any human community and all the aspirations of people. Such, in general terms, is the political teaching of the Roman writer Cicero on the best state system. Cicero as the famous Roman thinker and public official argued that all persons without exception must be subject to the law. Cicero was a supporter of the rule of law, which in the era of the ancient world was almost impracticable.

REFERENCES

- Cicero M.T., (1999) About the state. About the laws. About old age. About friendship. About duties. Speeches. Letters. Pp. 740-742.
- Ashmarov, I.A., (1999) Domestic science on the formation of early class society and the state among the ancient Greeks // *Uchenye zapiski. Release 1. Voronezh: Publishing house of college «Nomos»*. Pp. 10-18.
- Ashmarov, I.A., (2001) Archaic tyranny // *Proceedings of young scientists: a scientific journal. Issue 1. Voronezh: Voronezh State University*. Pp. 244-248.
- Ashmarov, I.A., (2001) Tyranny of the 4th BC // *Proceedings of young scientists: a scientific journal. Issue 1. Voronezh: Voronezh State University*. Pp. 249-252.
- Ashmarov, I.A., (2004) The Genesis of Tyranny in Ancient Greek Society / *Nortia: Inter. collection of scientific works. Issue 4. Voronezh: Publishing house of the college «Nomos», 2004*. Pp. 172-177.
- Ershov, B.A., Ashmarov, I.A. (2018) Ancient Roman Thinkers about Politics, Power, the State. // *Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2018-04-20*. URL: <https://doi.org/10.3886/E102761V1>
- Ershov, B.A., (2012) The Russian Orthodox Church in the system of public relations in the XIX – early XX centuries. (on materials of Central-Black earth Provinces) dissertation for the degree of Doctor of Historical Sciences / *Kursk State University*. 412 p.
- Ershov, B.A., (2012) Historiographical aspects of the relationship between the Russian Orthodox Church and state structures in the provinces of the Central Chernozem region in the XIX -early XX centuries. *Bulletin of the Voronezh State Technical University. Series «Humanities»*. Pp. 188-192.
- Ershov, B.A., (2012) State legal regulation of the activities of the Russian Orthodox Church in the provinces of the Central Chernozem region in the XIX - early XX centuries Historical, philosophical, political and legal sciences, culturology and arthistory. Questions of theory and practice. Pp. 75-78.
- Ershov, B.A., (2013) Russian Orthodox Church in the structure of public administration in the XIX – early XX centuries: Monograph. «Voronezh State Technical University. 245 p.
- Grimal P. (1991) Cicero. - Tom. 717. Moscow: «Molodaya Gvardiya», 1991. 544 p.
- Marshalok N.V. (2011) Winged phrases of Cicero // *Russian justice. № 8 (64)*. Pp. 100-101.
- Nersesyants V.S. (2010) History of political and legal doctrines: a textbook / V.S. Nersesyants. – Moscow: «Norma» Publishing. – 944 p. URL: <http://library.khpg.org/files/docs/1380635715.pdf> (reference date: 20.04.2018)
- Omelchenko O.A., (2010) History of political and legal doctrines (History of the doctrines on the state and law): a textbook for universities / O.A. Omelchenko. - Moscow: «Exmo» Publishing. 576 p.
- Panevin K.V., (1998) History of Ancient Rome. - Moscow: Polygon. - 896 p.
- Perevozchikova L.S., Ershov B.A., Ashmarov I.A., Volkova E.A. (2017) Role of Russian Orthodox Church in life of peasants in Russia in XIX - the beginning of the XX-th centuries // *Bylye Gody. Russian Historical Journal. № 43 (1)*. Pp. 121-128.
- Political theory and political practice / Ed. A.A. Migolatiev. - Moscow: «GITIS», 1994. – 406 p.
- Utchenko S.L., (1986) Cicero and his time / Editor N. Kalashnikova. Moscow: «Mysl» Publishers. 352 p.