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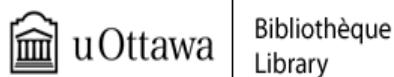
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## **INTERNET AS A FORM OF CIVIL SOCIETY**

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### **Abstract**

An attempt to resolve (or at least to consider) the problem of civil activity sooner or later leads to the issue of civil society. The relation between them is not only etymological, but also essential. The structure of the civil society is so complex that it sometimes makes it impossible to predict the results of the activities performed by certain social forces. The presence of various social movements is an evidence of the developed civil society. In order to prove this idea, it is necessary to consider the problem of the civil society in the historical process.

### **Keywords**

State – Civil society – Internet

### **Para Citar este Artículo:**

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## Introduction

This problem appeared as early as in the ancient Greece and the ancient Rome in the political and legal thought of that time. In his work “Republic” Plato substantiates the idea that the best satisfaction of human needs requires a division of labor among members of a politically organized society. The basic principle of the state structure in his project is the division of labor. Plato divides the population into three classes: rulers-philosophers, guardians-warriors, and producers-artisans and landowners. Defining the classes engaged in labor, Plato singles out the area of labor that later becomes known as “civil society” in contrast to “political society”.

According to the views of the Stoics of the Hellenistic period, the state is a natural association of people that intensifies the role of a free individual in the public life of state laws and regulations corresponding to the common natural law. This position was developed into the theory of the state as a public legal community and gave a grounding of the Roman law. The provision on special rights in the ancient Rome was quite developed. Only a citizen could have them. The citizen was necessarily a free man (not a slave), a subject of the Roman Empire, and not a foreigner, a resident of the Italian peninsula, but not of the colonies. Participation in public meetings and in politics was the citizen’s duty.

According to Cicero, the state is legal not because it complies with its laws, but because by its nature it is a natural right of the people, coordinated and ordered. Therefore, citizens are equal before the law. Cicero was the first to single out the civil society in the area of the human activity. It is based on law, property inequality of its members, and the availability of certain power functions that are independent of the state. The ideas of the civil society were further developed in the 17<sup>th</sup> and 18<sup>th</sup> centuries. At the beginning of the New Age, the representatives of the third class began to strive to play an important role in terms of policy (like the one they played in terms of economy). The word “citizen”, known from the antiquity, acquires a new meaning, and becomes a symbol of the person’s awareness of his rights, freedoms, interests and their correlation with the interests of the society and the state. The ego found its expression in the theory of social contract and natural human rights.

Locke puts the society above the state because it exists “by nature”. Unlike the government that can be removed or destroyed, the society is always preserved with its natural laws and rights. The people are the highest sovereign in the society, and therefore the state cannot fully rise above the society, absorb it, although it assumes the sovereignty of the society. According to Locke, the purpose of the state is to protect public interests in general, rather than to usurp the power by any group<sup>1</sup>. One of the first ideologues of the democracy of the 18<sup>th</sup> century was J.-J. Rousseau who considered the principle of popular sovereignty, supremacy and sovereignty of the people in the state as the core of democracy. The implementation of this principle – the participation of everyone in the management of common affairs – is a guarantee of free and independent people, a community of free and equal citizens. I. Kant makes the conclusion that the freedom of everyone can be combined with the freedom of others only subject to the civil society that operates on a legal basis. He puts forward the following principles of the civil society: a) freedom of every member of the society as a person, b) the equality with any other as a citizen, and c) the independence of each member of the society as a citizen<sup>2</sup>.

<sup>1</sup> J. Locke, Dva traktata o pravlenii. Writings in three volumes (Moscow: Mysl, 1988).

<sup>2</sup> I. Kant. Ideya vseobshchey istorii vo vseмирno-grazhdanskom plane Writings in 6 volumes, Vol. 3, (Moscow: Mysl, 1966).

“The Limits of the State Action”, the work by W. von Humboldt, the German enlightener of the 18<sup>th</sup> century, was a noticeable phenomenon in the development of the theory of civil society. Humboldt focuses on the relationship between a person and a state, and comes to the conclusion that the state system is not a goal, but only a means for the human development.

According to the greatest ideologue of the American bourgeois revolution T. Payne, the state is evil rather than good for the society. However, since it is necessary to conquer human passions and carry out public administration, it is a necessary evil. Payne supports the restriction of the state power in favor of the civil society, which he interprets as the aggregate of free individuals, each of whom has an addiction to the society. As a supporter of the theory of the contractual origin of the state and natural rights of an individual, Payne considers lawful only the state based on the law, constitutionally formalized, that has a solid legislative basis. He considers the violation of the citizens' will in relation to the social contract as despotism. Payne assigns the leading role to the civil society and contrasts it with the state.

The separation between the civil society and the state became an axiom for the 19<sup>th</sup> century. Most scholars believed that the creation of a real democratic society was impossible without such separation. There was another point of view: the civil society should not be given too much freedom because it is a source of dangerous social conflicts, and therefore the importance of state control should not be reduced.

Hegel followed this view. He shared the idea of the state and the civil society as the battlefield of private interests. According to Hegel, individuals cannot exist outside of the mutual relations, outside the civil society. This connection is universal only formally, and here there is one of the principles of the civil society whose indispensable condition for the development is the freedom of private property. The individual's freedom is impossible beyond the freedom of private property. The individual must fulfill certain obligations in relation to the civil society, and the society must protect the individual's rights, i.e., the individual as a member of the civil society has certain rights to this civil society. Analyzing the history of the European socio-political thought, Hegel came to the conclusion that the civil society had been formed as a result of the historical transformation of the social life, the dialectical movement from the family to the state. This movement is formed into the society that includes the economy, social groups, institutions that ensure the viability of the society and exercising of civil rights. Hegel interprets the civil society a set of separate individuals, classes, groups, and institutions that are independent of the state and whose relationship is governed by the civil law. Components of the civil society are often unstable, which can face social conflicts. Hegel believed that the excessive development of some components of the civil society was fraught with the fact that its other parts would be suppressed; and only under the guidance of the state it was possible to achieve the necessary balance of the constituent parts of the civil society.

According to Hegel who recognizes the primacy of the state over the civil society, the state acts as a guarantor of the freedom of the civil society because it is a more organized structure and integrity as compared to the latter. It is necessary to remember that for Hegel the state personified the idea of divinity and the moral principle: “When thinking about the state, it is necessary to keep in mind not the peculiarities of the state and the institution, but the idea itself, of this real God”<sup>3</sup>. Since the state is an objective spirit, the individual

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<sup>3</sup> G. Hegel. *Filosofiya prava* (Moscow: Mysl, 1990), 365.

himself can be objective, true and moral only insofar as he is a member of the state. Thus, according to Hegel, the civil is of private interest, and the state possessing the power is of universal one<sup>4</sup>.

A particular problem that caused long-term polemic (from Hobbes to Hegel and Marx) is the relation of the civil society and the civil state (“political state” according to Hegel), or to be more exact, that part of the society that is professionally involved in politics and forms members for power.

It is naturally that Marxism also paid serious attention to the civil society. Marx considered the civil society as a historical phenomenon, as a result of historical development, rather than the condition given by the nature. The state and the civil society constitute a historically determined education. Marx understood that when studying the state, it was necessary to rely on the analysis of the civil society. The state is a product of functioning of the family and the civil society. It is a political establishment, form that organizes the civil society, the society of private material interests (i.e., the civil society belongs to the material area, while the state – to the superstructure).

Marx gave great importance to the economic structures of the civil society, but he did not pay attention to numerous associations, mass media, and some other things. Calling for the transformation in the economic basis of the civil society (private property), Marx was convinced that a new political state that would express truly universal interest that was not contrary to the individuals’ interests would correspond to the civil society based on the public ownership by using means of production.

In contrast to Marx, A. Gramsci drew paramount attention to considering the super structural phenomena of the civil society. Analyzing the contemporary society, he identifies its three constituent parts (according to his terminology, “the society”): economic, political, and civil. The “political” part is a set of constituents of the superstructure that fulfill the functions of coercion and domination (military, political, legal). The “political society” that, in fact, is impossible in its pure form, is intertwined with the “civil society” – a set of bodies in the state that allow the bourgeoisie to lead the subordinate classes (ideological superstructure of the society). Gramsci locates the civil society between the economic and political society. The functions of the state will have to change as a result of realizing the historical hegemony of the civil society. In such state, the “ethical” component will prevail, and the main functions will be educational and moral<sup>5</sup>.

According to Lukach, the social life is divided into two opposite poles: on the one side, this is an objectively social totality, and on the other side, an innumerable set of individual life processes. National thinkers of the 19<sup>th</sup> century – A.S. Alekseev, V.M. Hessen, V.A. Goltsev, B.A. Kistyakovsky, N.M. Korkunov, S.A. Kotlyarevsky, N.I. Lazarevsky, S.A. Muromtsev, P.I. Novgorodtsev, B.N. Chicherin and many others – considerably contributed to studying the problems of statehood and the self-organizing civil society. They studied the relationship between an individual and the power, clarified the essence of the institutions of state power, politics and morality.

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<sup>4</sup> G. Hegel. *Filosofiya prava...*

<sup>5</sup> A. Gramsci, *Izbrannye proizvedeniya*, Vol: 3 (Moscow: Publishing House of Foreign literature, 1959).

As a rule, the Russian scientists were representatives of the natural school of law and at the end of the 19<sup>th</sup> and the beginning of the 20<sup>th</sup> centuries laid the foundations of the Russian constitutionalism. The ideas of the constitutional (legal) state were especially popular in the university environment. Russian researchers “put a premium on the problem of freedom and human rights” and dealt with such problem – which philosophical, legal laws do meet the current needs of people (i.e., are universal) and which ones are related to the overstrain of repressive institutions”.

They treated the state itself with great respect, and considered it as the result of a centuries-old history, traditions, and customs. Nevertheless, according to the Russian thinkers, the inner world of an individual, his ideas, aspirations, habits, and customs should be understood and recognized by the state as social, political, and civil rights that are not alienated under any circumstances. This inner world of an individual is inaccessible to the claims of any state. Therefore, the constitutional state is sublegislative and limited in its power. Strictly speaking, Russian thinkers were concerned on how to make politics and law moral.

Recently, the interest in the civil society has increased considerably. This is related to the democratic changes of the world community. The following points of view are the most common: the civil society is the protective structure of the individual from the state. The ideal is the maximum freedom and independence of individuals and institutions of this society. Liberal democrats have the same view. According to another point of view, the civil society is the core of the social and political life. The society can be democratic if it has the opportunity to form the power structures that define the contours of the civil society. This view is shared by the social democrats who strive to create a system of social equilibrium. They agree to certain interference in the life of the civil society in order to prevent the expansionism of any part of it. For example, these are some modern Russian scientists: K.S. Gadzhiev, A.A. Galkin, Yu.A. Krasin, S. Peregudov, A.M. Salmin, et al.

The report of I. Shapiro, the American political analyst, made at the conference in Moscow in 1992, can be considered as an evidence of the joint scientific study for the future path of the human development and the role of the civil society in this process. The main idea of this report is that the democracy is not the only or highest good of the state. It is the most efficient when it “structures the human activity without determining its course thereby”<sup>6</sup>.

There is no clear definiteness in identifying the civil society. This is an indisputable fact that it includes the totality of social relations outside the political structure of the state the civil society has serious impact on.

Thus, it is possible to note the increased interest of political scientists to the civil society that coexists with the state without being it, and has a number of characteristics that cause various opinions. However, one thing is certain – there are the “state” and the “society”, and this “society” more closely matches the ideals of the country’s population. The civil society is a product of the historical development of the humanity associated with the emergence of the state where the third class appears and the legal aspect is strengthened.

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<sup>6</sup> I.Shapiro, “Demokratiya i grazhdanskoe obschestvo”, Politicheskie issledovaniya, Vol: 4 (1992).

## Methods

The main method used in the study was the analysis of documents. The authors selected sources and divided them into types and level of their reliability. The sources (articles from scientific journals, monographs, statistical material) were grouped. The first group included the articles published in scientific peer-reviewed journals in English. The second group consisted of the monographs and studies of famous scientists. The third group was made up of the dissertations. The fourth group contained the empirical material obtained during various studies of official organizations. The facts used in the work were verified by the authors for accuracy.

## Results

An indispensable condition for the civil society is the possibility for citizens of the state to acquire economic independence based on the private property. The civil society always exists in the dialectical unity with the state. The category of the civil society reflects the civil consciousness of significant groups of the society, the desire for independence from strictly institutionalized and bureaucratic forms of the superstructure. The civil society is the guarantor of the fact that the personal life of a citizen is insured against any public interference. The legislation of this right is an evidence of the civil society.

The structure of the civil society is very complex. It includes a number of parameters, including various social forces. Their development can be often unpredictable, especially if these forces are few, but focused on important points of the social life, or if they cover large sections of the population. Besides, this situation may be also complicated by the fact that often these forces appear to be carrying an advanced idea or are represented by promising movements from a historical point of view.

The essence of the civil society is public and political organizations that resist the state pressure. Sociologists note that the level of the civil society development can be characterized by the following indicators: “the political and ideological diversity of various political parties”, “freedom of speech – the ability to express one’s opinion without restrictions”, “the possibility of free acquisition of property and possessions by citizens”, “openness and accessibility of information on the state of affairs in the country”, “democracy, freedom of choice”, “the rule of law – the law everyone is equal to and that protects your rights, freedom and safety dominates in the country”, etc.<sup>7</sup>.

One of the features of the civil society is the ability to freely express one’s opinion. The main platform for this is the Internet. According to the All-Russian Public Opinion Research Center, 60 % of the Russians actively use the Internet<sup>8</sup>. Today, the Internet and social networks are mechanisms to efficiently use the civil activity, mobilize civil activists and movements, in general. The activity on the Internet is characterized by anonymity, heterogeneity and dynamism, and has better dimensions and adaptability.

The method of manifesting the civil activity on the Internet is the most rapid one because it is possible to immediately spread one’s point of view to a multimillion audience

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<sup>7</sup> I. S. Shushpanova, “Grazhdanskoye obshchestvo v sotsiologicheskoy izmerenii”, *Socis*. num 11 (2008): 59-63.

<sup>8</sup> WCIOM: 60% of the Russians actively use the Internet (n.d.). Available at: <http://www.dailyismi.net/news/192782/>

without coordinating actions with any authorities. The authorities also began to give great importance to the information obtained from the Internet, especially if it deals with the topics that are relevant and important for citizens and requires a reaction.

One of the most popular forms of the civil activity on the Internet is the collection of signatures. Electronic signatures do not have a legal force, but, despite this, they attract the attention of the general public. One of the most popular websites where each user can create a petition is [www.petitions24.com](http://www.petitions24.com). The petitions published on this website are often mentioned in the mass media. The overwhelming majority of actions on collecting signatures are aimed at drawing attention to a certain problem.

## Discussion

The Runet users have repeatedly shown their active citizenship. One of the most notorious projects is the *StopHam* nonprofit organization [<http://www.stophampspb.com>], whose goal is to fight against rudeness and violation of traffic rules by drivers of vehicles. The project is considered to have been founded in 2010, but it became widely known in 2012 after the incident near the *Evropeyskiy* Shopping Center with Madina Mingaeva, the wife of Tamerlan Mingev, the Deputy Ambassador of Chechnya under the RF President. “Video of the conflict that gained a great resonance among the public was published on the Internet on May 1. The recording shows the members of the *StopHam* movement approaching Mingeva near the *Evropeyskiy* Shopping Center. They pointed out that the woman had parked the car incorrectly, and threatened to put a sticker with the words “I don't care about anyone, I park where I want” on the windscreen. When she noticed that she was videoed, Mingaeva threatened physical violence against the members of the movement and their families<sup>9</sup>. Despite this, the video was published on the Internet, and was viewed by more than seven million YouTube users. In 2013 and 2014, *StopHam* obtained four and six million rubles of presidential grants.

The global network has already become a place for various discussions, including social and political ones<sup>10,11</sup>, the space for expressing views of representatives of various social groups, which makes it possible to overcome the hierarchism of social structures.

## Conclusion

Today most informal social groups express themselves through Internet technologies. This is in the public Internet space where the civil society is manifested. The Internet is based on its main principle – openness. At any time, any person can witness events anywhere in the world, and know the people's opinion around the world. The civil society has not yet known such instrument, and its future lies in this fact. The Internet space provides full freedom of speech and improves the civic engagement in general. The Internet is not yet accessible to everyone, but the economically active urban population is literate in terms of PCs. The Internet provides the necessary conditions for the formation of

<sup>9</sup> Lenta.ru. (May 5, 2012). Kadyrov fired an official because of a conflict with the StopHam movement. Available at: <https://lenta.ru/news/2012/05/05/stop1>

<sup>10</sup> E. A. Kirillova; S. G. Kamolov; T. E. Zulfugarzade y G. V. Fedulov, “E-Government: The Role of Legally Significant Messages on the Internet”, *Revista Amazonia Investiga*, Vol. 8 num 20 (2019): 616-625.

<sup>11</sup> S. V. Shaitura; K. V. Ordov; I. G. Lesnichaya; Y. D. Romanova y S. S. Khachaturova, *Services and mechanisms of competitive intelligence on the Internet*. *Espacios*, Vol: 39 num 45 (2018): 24.

the civil society because it cannot exist without the free exchange of information, and access of every citizen to its various sources.

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