ORCID ID: https://orcid.org/0000-0002-3769-0434
*Pervushyn M. M., Vasyl Stus' Donetsk National University*

# HUMAN RIGHTS IN CYBER-SPACE THROUGH THE PRISM
# OF DEMOCRATIC THEORY

*As cyber-space gradually becomes a fully realized sphere of society and acquires a set of political connotations, the necessity of studying the virtual dimension of policy-making process becomes all the more urgent, including the need to pay more attention to the issue of human rights protection in cyber-space. At the same time, modern scientific research in the sphere of human rights mostly represents a fairly one-dimensional point of view, as they focus on the legal side of the problem, primarily paying attention to the norms of international law. Present article explains and justifies the necessity and relevance of full-scale implementation of tools and methods of political science, particularly the concepts and ideas of pluralistic and deliberative democracy, in the process of studying the Internet as means of political communication, a tool for implementation of fundamental human rights, such as freedom of speech, the right to assembly and freedom of association.*

*Purpose of the research is complex in nature, as it strives to prove that the foundations for studying the ways the Internet influences policy-making process, were laid by classics of political studies in pre-digital and early digital era, while also analyzing the possibility of using the Internet as a tool of implementation of some of the main aspects of democratic theory beyond the boundaries of established democracies.*

*The research presented analysis of modern cyber-space against the background of J. Habermas' concept of «public-sphere» as a space for productive and rational political discussion. Conclusions were also made concerning the possibility of application of communicative capacities of the Internet as the means of practical implementation of R. Dahl and J. Cohen concepts of democratic development. At the same time, presented set of practical proved the ability of online-community to perform the functions of civil society in authoritarian states, thus promoting development of certain aspects of democracy in the absence of traditional democratic institutions.*

***Key words:*** *Democratization, human rights, political communication, public sphere, cyber-space, pluralism, deliberative democracy*

Political science has always paid close attention to the role of communication in the process of decision-making, state governance, interaction within and between governmental institutions, as well as between the government and society. Thus, as any medium of communication, the Internet was bound to obtain significant political connotations and become a subject of political studies. However, the early researches of the Internet in political, social and legal context greatly overestimated and idealized the communicative and unifying capacity of cyber-space. Scientific community was eager to regard the Internet as a basis for creation of something akin to Kantian «perpetual peace», a platform for conducting large-scale discussion, aimed at stimulating emergence of a new way of thinking, new society and new democracy. This attitude was reflected in the works of early Internet theorists, such as J. Perritt [1], I. Hardy [2] and J. Barlow [3]. The human rights field suffered the most from such an approach, being arguably one of the most idealized issues of modern political science and practical politics. However, the Internet can create a basis for counter-productive disagreements as well as rational discussions, and has equally vast potential for creating new means of human rights protection and new ways of putting them in danger. Such a situation calls for an in-depth analysis of outlined issues on the basis of fundamental democratic theories, which were created in pre-digital era and yet can be useful as means of determining the Internet's actual role in the process of political communication and interaction, particularly in the field of human rights protection.

Thus, the article's purpose is two-fold, as it strives to analyze the impact of prominent theories of democracy on studying and protection of human rights of cyber-space, while also proving that the Internet as a medium of communication can be useful for expanding the scope of application of said theories beyond the realm of established democracies.

Indeed, some of the most renowned theorists in the field of political science managed to lay the foundations for studying cyber-space even before actual emergence of the Internet as a global network. In particular, R. Dahl, while developing his pluralistic concept of democracy, stressed the importance of human rights and freedoms, which could serve as the pillars of democratic regime, such as freedom of speech, availability of alternative sources of information, existence of autonomous associations etc. [4, p. 189]. Clearly the Internet can serve as a powerful enhancer of these rights, so when the time came Dahl's concept of democracy was applied by scholars, who studied the Internet in connection with a range of issues, such as political transformation [5], governance [6] and civic engagement [7].

However, influence of democratic theory on studies of cyber-space extends far beyond R. Dahl and those inspired by his body of work. Yet another useful concept, that places heavy emphasis on both political communication and human rights protection, is that of deliberative democracy. Particularly, J. Habermas provided the basis for studying of cyber-space through deliberative lenses by way of introducing the concept of *public sphere*, which serves as an intermediary between various groups and institutions throughout all the levels of political system [8, p. 415] as well as by stressing the importance of *communicative action,* which shapes everyday communicative practice [9, p. 360]. Other prominent scientists, who developed the deliberative democracy theory before also contributed to studies in the sphere of political communication, such as J. Cohen [10], J. Fishkin [11] and J. Bohman [12], while the concept of public sphere itself and its relation to the Internet received particular attention from some of the modern scholars, such as Y. Benkler [13], R. Geiger [14] and E. Laidlaw [15].

Still, some of the relevant issues remain unresolved, as the outlined topics are mostly studied from the perspective of international law, while attempts to apply concepts and methods of political science to the field of digital rights have been quite unsystematic so far. Consequently, the discourse of virtual space as a tool of political communication remains underdeveloped. Presented article provides a general overview of the way political development and deliberation can be promoted by the Internet. Theoretical considerations are reinforced by several practical cases, which serve to prove the point that the possibility for fruitful political communication and emancipation in the virtual space is firmly rooted in political science.

As it stands, the most prominent scholars at all times were eager to construct a set of pre-conditions necessary for conducting pluralistic political discussion on national and global scale, so as to project their theories on the real world and evaluate the available means and methods for implementation of their ideals in practice. Human rights always occupied a prominent place in these concepts, particularly the rights directly related to freedom of communication and congregation. Upon careful studying of scientific output of the above-mentioned R. Dahl, one shall discover that the esteemed scholar's views on the subject of human rights extended far beyond some ever-present general musings on importance of the freedom of speech. Among other things, Dahl directly considers the subject of developing innovative and interactive means of communication, which would play vital role as tools of increasing awareness of the citizens on the relevant issues and problems of society, while also enhancing the dialogue between the public, expert groups and government organs. However, he also recognizes that such new technologies could easily become a subject of malevolent manipulation by the elite [16, c. 514-515]. Nonetheless, as J. Bohman stated several years later, the issue of citizens' involvement in political discussion on equal terms retains its utmost importance [12].

At the same time, early proponents of deliberative democracy continued in parallel with the pluralists, expanding upon the political discussion and communication by steadily conjuring an image of a certain space, constructed specifically for public deliberation and enhancement of political discourse. In that regard, J. Cohen described democratic deliberation as a process that implies and requires: a). formal freedom of participation in discussion with equal opportunity for all participants to propose, criticize and extend their support and b). substantive freedom, which means absence of limitations, connected to distribution of power and resources [10]. Clearly, the Internet can be of significant use in that regard, as it is essentially an egalitarian tool, which does indeed mitigate some of the effects of hierarchical arrangements and dispositions within society. Similar considerations were later developed by J. Habermas in the context of public sphere. Among the key components of such a sphere Habermas listed a self-regulating media-system, which functions independently of the social environment that produced it and provides anonymity for the audience within it. Anonymous audience should perform the mediating function in the dialogue conducted between the informed elite and civil society [8, p. 412]. The Internet shares some of the most important traits of the outlined vision, although, by all means, does not replicate it completely. In Habermas own words, the Internet cannot serve as a full-scale autonomous media-system or a fully realized public

sphere. Instead it presents a large set of separate discussions, a tool for generation of an anarchic wave that consists of fragmented circles of communication [17]. In a similar vein, E. Laidlaw argues that the Internet should be viewed not as a singular public sphere, but rather numerous spheres, which can be both public and private [15, p. 23] Such considerations prompted some other researchers to reach pessimistic conclusions on the role of cyber-space as a tool of political communication. For instance, K. Sunstein argued that the Internet will not emerge as a tool for unification of the society, but instead will be a factor of its polarization, fragmentation into small, mutually insensitive groups of like-minded people [18]. J. Fishkin shares this critical stance, arguing that the Internet may be used for creating an impression of translating opinion of the public in general, while in reality broadcasting a point of view that benefits a certain group of interests [11, p. 1]. Habermas himself, however, is cautiously optimistic about the Internet, acknowledging some of its positive traits, which could enhance its ability to contribute to the process of protection of human rights and freedoms. As Habermas points out, the Internet can serve as a tool that counterbalances impersonal and asymmetrical character traditional media and undermines the censorship of authoritarian regimes that try to control and repress public opinion [9, p. 423]. Thus, it seems reasonable to argue that the Internet can be considered at least as a form of the public sphere, if not in classic Habermasian sense, than in accordance with interpretation of Y. Benkler, in whose view the public sphere primarily constitutes a possibility for achieving personal autonomy and freedom, a space where members of society can exchange their views on political issues and collaborate to perform supervision and control over the activities of influential social institutions [13, p. 11]. It shall be noted, that human rights discourse in general envisages proactive position not only within civil society, placing the same requirements on governing bodies. Thus, the state's involvement into promoting digital rights should not be confined solely to the negative aspect of protection, but also to the positive one. Plainly speaking, the state should not only refrain from placing significant obstacles on common users' ability to use the Internet for their own benefit, but also to actively support and enhance access of its citizens to the cyber-space [19, p. 40]. Such proactive stance can be summarized as the state's obligation to create appropriate social conditions and legal norms that would provide its citizens with an opportunity to arrange either permanent or temporary access to the Internet for themselves when they need it. Such conditions include existence of free and dynamic market of digital services within the country's borders, flexible and liberal legal environment, development of the necessary network infrastructure etc.

At the same time, both pluralistic and deliberative concepts of democracy share certain characteristics that to some extent hinder the possibility of their practical appliance in the digital space. First of all, results of democratic studies often emerge in the form of idealistic and highly abstract concepts. That notion pertains to Habermasian public sphere as well, for Habermas critics often point out that his concept seems to be constructed in such a way that it could properly function only in conditions of an ideal discourse, which is shaped exclusively by rational and open-minded participants [14, p. 14]. This seems to be a part of general problem with theories of democracy, as their creators were scarcely able to imagine implementation of their ideas anywhere outside the established democratic states. In our opinion, the Internet represents a possibility to break those boundaries and consider practical introduction of at least some aspects of democracy theories in conditions of authoritarian states. In that regard, the global network shall be perceived first and foremost not as a realm where power of state censors is limited, but as a space that can support meaningful social and political discourse even in countries, where any attempts at civic activity are controlled and suppressed by governmental agencies.

Indeed, as D. Souter claims, the Internet has created an opportunity to enjoy the benefits provided by freedom of speech not only for mass media, but also for the most active and responsible citizens, forced the governments to take public opinion into account and provided free of charge or inexpensive methods for expressing said opinion on-line [20, p. 17]. To a certain extent these notions can apply to the authoritarian states as well, if they are sufficiently technologically advanced.

Already a sufficient number of practical cases exist, proving the Internet's efficiency when it comes to coordination and mobilization of opinion leaders and socially conscious people even in authoritarian states, where civil society as a fully realized and influential entity simply does not exist. However, even in China, where censoring mechanisms are strongly embedded into the digital infrastructure, the vocal and well-organized online-community demonstrates its ability to function as a sort of substitute for full-scale civil society, as it gradually becomes a valid participant of policy-making process and serves as a medium for articulating problems and needs of the people and turning the government's attention to issues that otherwise could have been easily ignored. This fact is even reflected in a proverb: «If all the netizens yell together, there will be three earthquakes in China» [21, p. 1290]. That is why Chinese governing bodies are

becoming progressively less effective in covering their own misdeeds, such as abusing of people's rights by the police [22] or putting the environment in danger [23].

Such vitalizing effect of cyber-space on civil engagement in authoritarian states is not limited to China alone. Particularly, in Thailand the Internet is frequently used as a platform for discussing the political issues, including the most sensitive and most censored topics, such as the state of Thai monarchy [24, c. 112], even after the military coup of 2006, which resulted in most stringent repressions against civil rights and freedoms in most spheres of public activities. Despite all the obstacles, the active part of Thai society proved its ability to uphold the right to access the information online and resist the government efforts to censor, filter or block content. Quite an illustrative example of that is the case of blocking the Midnight University online-resource, which provided free of charge access to a large body of scientific papers with prior consent of their authors. The government's decision to block the access to online-library was motivated not by copyright infringement, but rather by a suspicion that the site may contain the information, which «was not constructive and could potentially provoke conflicts within the society» [25]. Nonetheless, vocal protests of scientists and cyber-activists lead to restoration of access to the site by decision of court [24, c. 114].

The same is true for Iran, surpassed only by China and Saudi Arabia in terms of scope and scale of state censorship in the Internet. Moreover, not only Iranian citizens, but also the government and clergy of the country used to share sympathetic stance towards cyber-space, hailing it as a way to reach the goal of establishing the balance between religion and modern technologies, which was originally one of the slogans of 1979 revolution, while also perceiving it as «A gift from God to spread the word of Prophet» [26]. For a while such an attitude created a fertile ground for large-scale online campaigns, which covered some of the most sensitive topic for a Muslim country. One of the relatively recent cases includes Internet-campaign «One million signatures», designed to promote and amplify the call for equal rights of men and women, freedom for imprisoned female activists as well as possibility to apply for Iranian citizenship for children born of Iranian mother and a father of different nationality [27]. At the same time, this particular case highlighted one of the significant setbacks that emerge as a consequence of the opportunity to widely publicize one's own opinion by means of digital communication. Usage of the Internet by feminists and human rights activists prompted traditionalist to mobilize their own forces within the society in a similar fashion. Thus a reactionary counter-campaign emerged in both virtual and physical plains, leading to outbursts of violence. Proponents of traditional Islamic values actively harassed protesting women who, in their opinion, were improperly dressed, with active involvement of the police on the traditionalists' side [28]. As can be seen, reactionary and ultra-conservative forces are able to use the cyber-space for communication and mobilization as well as the more progressive and open-minded representatives of the society in an authoritarian state.

Yet another important problem that affects the Internet's potential as human rights enhancer, is a certain imbalance in global mass communication. Back in the 60s this problem was articulated by a group of Third World countries, which publicly stated that there exists an imbalance between the wealthier and the poorer countries in terms of access to the means of communication, while also calling upon the international community to take heed of the issue [19, p. 35]. This problem persists in the digital age. Most of the content that is preserved and distributed online is published in English, while American sites and social networks remain as the most popular far beyond the USA borders. Thus, further spread of digital technologies threatens to enforce dominance of the West by way of establishing the so-called «media-imperialism» [29, c. 19]. Taking into account the fact that most of the human rights organizations that are actively present online also originate in the West, the same can be true for human rights discourse. In light of this situation the Internet presents itself as a kind of double-edged sword, which can certainly be a powerful tool for promoting civil rights and freedoms even beyond the boundaries of cyber-space, but in the worst-case scenario digital technologies can also be used for establishing «human rights imperialism» ([30, c. 20]), which implies enforcement of Western understanding of rights and freedoms, without taking into account cultural context and needs of non-western countries.

Presented analysis allows us to conclude that the grounds for studying the Internet in political context were indeed created even before its emergence, as theorists in the field of democracy studies firmly embedded such concepts as «argument», «discussion» and «deliberation» into the general discourse of political science. At the same time, the Internet possesses the necessary potential for expanding the area of practical implementation of the most important principles of both pluralistic and deliberative democracy even in the most unfavorable conditions, created by authoritarian and oppressive regimes. Such an opportunity presents itself mainly thanks to a set of prominent characteristics of cyberspace, such as

the Internet's ability to shorten the distance between the governed and those who governs, the capacity of Internet-community to take upon itself certain functions of civil society in authoritarian states, present the population with the much needed alternative sources of information, as well as tools for mobilisation and organisation of active and responsible citizens. Thus, it seems useful to expand the usual paradigm of human rights studies in cyber-space and beyond, which presently remains confined to exploration of purely legal context of the issue, such as norms of international law. More active engagement of classic political theories would certainly enrich and highlight positive influence of digital technologies on human rights discourse, while also mitigating some of the negative effects, such as Western-centric bias of the said discourse.

### *Бібліографічний список:*

1. Perritt H. The Internet as a Threat to Sovereignty? Thoughts on the Internet's Role in Strengthening National and GlobalGovernance. *Global Legal Studies Journal.* 1998. Vol. 5, № 423 P. 423-442

2. Hardy I. T. The Proper Legal Regime for 'Cyberspace. *College of William & Mary Law School. Faculty Publications.* Vol. 55:993. 1994. P. 994-1053.

3. Barlow J. P. A Declaration of the Independence of Cyberspace. *Electronic Frontier Foundation.* URL: https://www.eff.org/cyberspace-independence (Дата звернення: 02.02.2020).

4. Dahl R. A. What Political Institutions Does Large-Scale Democracy Require? *Political Science Quarterly.* 2005. Vol. 120, № 2. P. 187-197.

5. Bimber B. The Internet and Political Transformation: Populism, Community, and Accelerated Pluralism. *Polity.* 1998. Vol. 32, № 1. P. 133-160. DOI: 10.2307/3235370

6. De Nardis L., Raymond M. Thinking Clearly About Multi-stakeholder Internet Governance. *GigaNet: Global Internet Governance Academic Network, Annual Symposium 2013.* 18 p. DOI: 10.2139/ssrn.2809780.

7. Scammell M. The Internet and Civic Engagement: The Age of the Citizen-Consumer. *Political Communication.* 2000. Vol. 17, № 4. P. 351-355. DOI: 10.1080/10584600050178951.

8. Habermas J. Political Communication in Media Society: Does Democracy Still Enjoy an Epistemic Dimension? The Impact of Normative Theory on Empirical Research. Communication Theory. 2006. Vol. 16, № 4. P. 411-426. DOI: 10.1111/j.1468-2885.2006.00280.x.

9. Habermas J. Between Facts and Norms Contributions to a Discourse Theory of Law and Democracy. Transl. from German by W. Rehg. Cambridge, The MIT Press, 1998. 676 p.

10. Cohen J. Deliberation and Democratic Legitimacy. *The Good Polity. Normative Analysis of the State* / Edited by Alan Hamlin and Philip Petit. Basil Blackwell Ltd., 1989. P. 17-35.

11. Fishkin J. S. When the people speak. Deliberative Democracy and Public Consultation. Oxford University Press, 2009 – 236 p.

12. Bohman J. Deliberative Democracy And Effective Social Freedom: Capabilities, Resources And Opportunities. *Deliberative Democracy: Essays on Reason and Politics* / Edited by James Bohman, William Rehg. Cambridge, The MIT Press, 1997. P. 321-349.

13. Benkler Y. The wealth of networks: How social production transform markets and freedoom. New Haven, CT: Yale University Press, 2006, 528 c.

14. Geiger R. S. Does Habermas Understand the Internet? The Algorithmic Construction of the Blogo/Public Sphere. *Gnovis: A Journal of Communication, Culture and Technology*. 2009. Vol. 1, № 10. P. 1-29. URL: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2734947 (Дата звернення: 02.02.2020).

15. Laidlaw E. B. Internet Gatekeepers, Human Rights and Corporate Social Responsibility : A thesis submitted to the Law Department of the London School of Economics and Political Science : The London School of Economics and Political Science, 2012. 304 p.

16. Даль Р. Демократия и её критики. Пер. с англ. под ред. М.В.Ильина. М.: «Российская политическая энциклопедия» (РОССПЭН), 2003 – 576 c.

17. Jeffries S. A Rare Interview With Jurgen Habermas. *Financial Times*. 2010. URL: https://www.ft.com/content/eda3bcd8-5327-11df-813e-00144feab49a (Дата звернення: 02.02.2020).

18. Sunstein C. The Daily We: Is the Internet Really a Blessing for Democracy. *Boston Review*. 2001. URL: http://bostonreview.net/cass-sunstein-internet-democracy-daily-we (Дата звернення: 02.02.2020).

19. Penney J. W. Internet Access Rights: A Brief History and Intellectual Origins. *William Mitchell Law Review*. 2011. Vol. 38, № 1, Article 11. P. 9-42. URL: https://open.mitchellhamline.edu/wmlr/vol38/iss1/11/?utm_source= open.mitchellhamline.edu%2Fwmlr%2Fvol38%2Fiss1%2F11&utm_medium=PDF&utm_campaign=PDFCoverPages (Дата звернення: 02.02.2020).

20. Souter D. Human Rights and the Internet: a review of perceptions in human rights organizations. Association for Progressive Communication, 2012. 55 p.

21. Luo. Yu. The Internet and Agenda Setting in China: The Influence of Online Public Opinion on Media Coverage and Government Policy. *International Journal on Communication.* 2014. № 8. P. 1289-1312. URL: https://pdfs.semanticscholar.org/921e/3905572662c6c73b814887e6c7e8b0753213.pdf?_ga= 2.66531373.209446323.1580624449-1312827507.1568150147 (Дата звернення: 02.02.2020).

22. Beijing policemen fired over death of activist. *Deutsche Welle*. 2016. URL: https://www.dw.com/en/beijing-policemen-fired-over-death-of-activist/a-36951906 (Дата звернення: 17.02.2019).

23. Kay S., Zhao B., Sui D. Can Social Media Clear the Air? A Case Study in the Air Pollution Problem in Chinese Cities. *The Professional Geographer*. 2014. Vol. 67, № 3. P. 351-363. DOI: 10.1080/00330124.2014.970838.

24. Brooten L., Klangnarong S. People's media and reform efforts in Thailand. *International Journal of Media and Cultural Politics*. 2009. Vol. 5, № 1-2. P. 103-117. DOI: 10.1386/macp.5.1-2.103_1.

25. Thailand: Midnight University Website Shut Down in Wake of Protest. *Open Net Initiative*. 2006. URL: https://opennet.net/blog/2006/10/thailand-midnight-university-website-shut-down-wake-protest
(Дата звернення: 02.02.2020).

26. Rahimi B. Cyberdissent: Internet in Revolutionary Iran. *Middle Eastern Review of International Affairs*. 2003. Vol. 7, № 3. P. 101-115. URL: https://pdfs.semanticscholar.org/0d47/94fc2eb1e075729bd2bc5761ff2a57 f22ad6.pdf?_ga=2.153123003.209446323.1580624449-1312827507.1568150147 (Дата звернення: 02.02.2020).

27. Osanloo A. The Politics of Women's Rights in Iran. Princeton, NJ: Princeton University Press, 2009. 282 p.

28. Iran steps up policing of Islamic dress – report. *Reuters*. 2008. URL: https://in.reuters.com/article/idINIndia-35632520080924. (Дата звернення: 02.02.2020).

29. Matheisen K. The Human Right to Internet Access: A Philosophical Defense. *New ICTs and Social Media: Revolution, Counter-Revolution and Social Change* \ Edited by Christopher Coenen, Wolfgang Hofkirchner and José María Díaz Nafría, *International Review of Information Ethics*. 2012. Vol. 18, № 12. P. 9-22. URL: https://pdfs.semanticscholar.org/1544/0aa7ce6e1668d4ce9bb34680d03155df0b13.pdf?_ga= 2.133592845.209446323.1580624449-1312827507.1568150147. (Дата звернення: 02.02.2020).

*References:*

1. Perritt H. The Internet as a Threat to Sovereignty? Thoughts on the Internet's Role in Strengthening National and GlobalGovernance. *Global Legal Studies Journal*. 1998. Vol. 5, № 423 P. 423-442.

2. Hardy I. T. The Proper Legal Regime for 'Cyberspace.' *College of William & Mary Law School. Faculty Publications*. Vol. 55:993. 1994. P. 994-1053.

3. Barlow J. P. A Declaration of the Independence of Cyberspace. *Electronic Frontier Foundation*. URL: https://www.eff.org/cyberspace-independence (Date of access: 02.02.2020).

4. Dahl R. A. What Political Institutions Does Large-Scale Democracy Require? *Political Science Quarterly*. 2005. Vol. 120, № 2. P. 187-197.

5. Bimber B. The Internet and Political Transformation: Populism, Community, and Accelerated Pluralism. *Polity*. 1998. Vol. 32, № 1. P. 133-160. DOI: 10.2307/3235370

6. De Nardis L., Raymond M. Thinking Clearly About Multi-stakeholder Internet Governance. *GigaNet: Global Internet Governance Academic Network, Annual Symposium 2013*. 18 p. DOI: 10.2139/ssrn.2809780.

7. Scammell M. The Internet and Civic Engagement: The Age of the Citizen-Consumer. *Political Communication*. 2000. Vol. 17, № 4. P. 351-355. DOI: 10.1080/10584600050178951.

8. Habermas J. Political Communication in Media Society: Does Democracy Still Enjoy an Epistemic Dimension? The Impact of Normative Theory on Empirical Research. Communication Theory. 2006. Vol. 16, № 4. P. 411-426. DOI: 10.1111/j.1468-2885.2006.00280.x.

9. Habermas J. Between Facts and Norms Contributions to a Discourse Theory of Law and Democracy. Transl. from German by W. Rehg. Cambridge, The MIT Press, 1998. 676 p.

10. Cohen J. Deliberation and Democratic Legitimacy. *The Good Polity. Normative Analysis of the State /* Edited by Alan Hamlin and Philip Petit. Basil Blackwell Ltd., 1989. P. 17-35.

11. Fishkin J. S. When the people speak. Deliberative Democracy and Public Consultation. Oxford University Press, 2009 – 236 p.

12. Bohman J. Deliberative Democracy And Effective Social Freedom: Capabilities, Resources And Opportunities. *Deliberative Democracy: Essays on Reason and Politics* / Edited by James Bohman, William Rehg. Cambridge, The MIT Press, 1997. P. 321-349.

13. Benkler Y. The wealth of networks: How social production transform markets and freedoom. New Haven, CT: Yale University Press, 2006, 528 c.

14. Geiger R. S. Does Habermas Understand the Internet? The Algorithmic Construction of the Blogo/Public Sphere. *Gnovis: A Journal of Communication, Culture and Technology*. 2009. Vol. 1, № 10. P. 1-29. URL: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2734947 (Date of access: 02.02.2020).

15. Laidlaw E. B. Internet Gatekeepers, Human Rights and Corporate Social Responsibility : A thesis submitted to the Law Department of the London School of Economics and Political Science : The London School of Economics and Political Science, 2012. 304 p.

16. Dal' R. Demokratija i ejo kritiki. Per. s angl. pod red. M.V.Il'ina. M.: «Rossijskaja politicheskaja jenciklopedija» (ROSSPEN), 2003 – 576 s.

17. Jeffries S. A Rare Interview With Jurgen Habermas. *Financial Times*. 2010. URL: https://www.ft.com/content/eda3bcd8-5327-11df-813e-00144feab49a (Date of access: 02.02.2020).

18. Sunstein C. The Daily We: Is the Internet Really a Blessing for Democracy. *Boston Review*. 2001. URL: http://bostonreview.net/cass-sunstein-internet-democracy-daily-we (Date of access: 02.02.2020).

19. Penney J. W. Internet Access Rights: A Brief History and Intellectual Origins. *William Mitchell Law Review*. 2011. Vol. 38, № 1, Article 11. P. 9-42. URL: https://open.mitchellhamline.edu/wmlr/vol38/iss1/11/?utm_source= open.mitchellhamline.edu%2Fwmlr%2Fvol38%2Fiss1%2F11&utm_medium=PDF&utm_campaign=PDFCoverPages (Date of access: 02.02.2020).

20. Souter D. Human Rights and the Internet: a review of perceptions in human rights organizations. Association for Progressive Communication, 2012. 55 p.

21. Luo. Yu. The Internet and Agenda Setting in China: The Influence of Online Public Opinion on Media Coverage and Government Policy. *International Journal on Communication*. 2014. № 8. P. 1289-1312. URL: https://pdfs.semanticscholar.org/921e/3905572662c6c73b814887e6c7e8b0753213.pdf?_ga= 2.66531373.209446323.1580624449-1312827507.1568150147 (Date of access: 02.02.2020).

22. Beijing policemen fired over death of activist. Deutsche Welle. 2016. URL: https://www.dw.com/en/beijing-policemen-fired-over-death-of-activist/a-36951906 (Date of access: 17.02.2019).

23. Kay S., Zhao B., Sui D. Can Social Media Clear the Air? A Case Study in the Air Pollution Problem in Chinese Cities. *The Professional Geographer*. 2014. Vol. 67, № 3. P. 351-363. DOI: 10.1080/00330124.2014.970838.

24. Brooten L., Klangnarong S. People's media and reform efforts in Thailand. *International Journal of Media and Cultural Politics*. 2009. Vol. 5, № 1-2. P. 103-117. DOI: 10.1386/macp.5.1-2.103_1.

25. Thailand: Midnight University Website Shut Down in Wake of Protest. *Open Net Initiative*. 2006. URL: https://opennet.net/blog/2006/10/thailand-midnight-university-website-shut-down-wake-protest (Date of access: 02.02.2020).

26. Rahimi B. Cyberdissent: Internet in Revolutionary Iran. *Middle Eastern Review of International Affairs*. 2003. Vol. 7, № 3. P. 101-115. URL: https://pdfs.semanticscholar.org/0d47/94fc2eb1e075729bd2bc5761ff2a57 f22ad6.pdf?_ga=2.153123003.209446323.1580624449-1312827507.1568150147 (Date of access: 02.02.2020).

27. Osanloo A. The Politics of Women's Rights in Iran. Princeton, NJ: Princeton University Press, 2009. 282 p.

28. Iran steps up policing of Islamic dress – report. *Reuters*. 2008. URL: https://in.reuters.com/article/ idINIndia-35632520080924. (Date of access: 02.02.2020).

29. Matheisen K. The Human Right to Internet Access: A Philosophical Defense. *New ICTs and Social Media: Revolution, Counter-Revolution and Social Change* \ Edited by Christopher Coenen, Wolfgang Hofkirchner and José María Díaz Nafría, *International Review of Information Ethics*. 2012. Vol. 18, № 12. P. 9-22. URL: https://pdfs.semanticscholar.org/1544/0aa7ce6e1668d4ce9bb34680d03155df0b13.pdf?_ga= 2.133592845.209446323.1580624449-1312827507.1568150147. (Date of access: 02.02.2020).

***Первушин М. М. Права людини в кібер-просторі крізь призму теорії демократії***

*Поступове набуття віртуальним простором характеристик повноцінної площини суспільної життєдіяльності та його наповнення політичним змістом зумовлює необхідність вивчення віртуального виміру політичного процесу і, зокрема, проблеми захисту прав людини в Інтернеті. Втім сучасні дослідження в сфері захисту прав людини мають дещо односторонній характер, адже вони концентруються на вивченні юридичного аспекту проблеми, в першу чергу звертаючи увагу на норми міжнародного права. Представлена стаття аргументує та обґрунтовує необхідність і доцільність повноцінного застосування інструментарію політичної науки, зокрема ідей та концепцій плюралістичної і деліберативної демократії, до вивчення Інтернету як засобу політичної комунікації, інструмента реалізації фундаментальних прав людини, таких як свобода слова, право на зібрання та свобода об'єднань.*

*Мета дослідження є комплексною, адже воно являє собою спробу довести, що основи для вивчення впливу Інтернету на політичний процес, зокрема і в контексті захисту прав людини, були закладені класиками політичної науки ще до повноцінного впровадження цифрових технологій, водночас також аналізуючи можливість використання Інтернету як засобу впровадження основних аспектів теорій розвитку демократичного суспільства за межами усталених демократій.*

*В результаті дослідження були зроблені висновки про ступінь відповідності віртуального простору концепції «публічної сфери» Ю. Габермаса, як простору продуктивної політичної дискусії, а також можливість застосування Інтернету як засобу практичної реалізації концепцій Р. Даля та Дж. Коена щодо розвитку демократії. Водночас наведені практичні кейси доводять спроможність онлайн-спільноти виконувати функції громадянського суспільства за неможливості його повноцінного розвитку в умовах авторитарної держави, таким чином сприяючи розвитку певних аспектів демократії за відсутності традиційних демократичних інститутів.*

***Ключові слова:*** *Демократизація, права людини, політична комунікація, публічна сфера, віртуальний простір, плюралізм, деліберативна демократія*