

Essentiality of Democracy and Civil Society.

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Introduction

A large number of different concepts are included in the idea of democracy. They are essentially very different and often they are even contrapositions of each other (starting from philosophical-political and ethical views of Isocrates, Eshkines, to Aristotle and Plato, from Pobedonoscev to modern politics, from Marxism to Liberalism). Naturally, “democracy appears as a difficult and multiform phenomenon materialized in different spheres and having a huge number of ways and forms of being expressed... and we do not consider democracy, excitingly, in an only sphere of the social life”¹. ***This just means that we are imposing too much values in what is called democracy.*** A “phenomenon” can not be valorized ***in occasional way***, and the “*telic*” factor should also be taken into consideration.

Socrates differs from others in what describes him as Socrates, and the idea of democracy differs from others in what describes him as democracy.

So we have to find out what describes democracy as democracy.

For this purpose it is supposed to abstract from all, which can be abstracted without losing the concept of democracy in it. ***This means lustration of the notion of democracy.***

The ideology in it should be differed from the ***political system***... For example, liberalism (or any other one), as an ideology, can give a liberal shade to social life. Analogically, it can give democracy the quality of liberality. But democracy will stay an ideology so, that it will be valorized ideologically. Subsequently, this should also be abstracted until its nature is not observed. This does not mean to discuss democracy as an ideology, but as an essentiality, so, to answer the question; ***what is democracy in it?*** Notwithstanding we can not “survive” without the idea of “what should be done”, without “ideological” views on the welfare of the society, without valorizing the society and social relations. Consequently, when finding the “matter of fact” with its important problems, we need to evaluate these problems in order to evaluate solutions.

This paper has the objective to research these questions and to find several social phenomena and theoretical aspects of the idea of democracy and to find out its main outlines and to describe it in context of civil society existence; ***how it is and how should it be (an ideological aspect)***...

¹ See М. Г. Анохин, Е. А. Ануфриев, А. Г. Бережнев, Н. В. Витрук, Е. А. Воротилин, К. С. Гаджиев, И. А. Гобозов, А. А. Дегтяров, А. В. Дмитриев, В. В. Ильин, А. А. Кененов, А. М. Ковалев, В. И. Коваленко, В. С. Коморовский, А. И. Костин, В. В. Латынов, О. Э. Лейст, Л. С. Мамут, А. С. Манькин, М. Н. Марченко, В. В. Смирнов, М. Х. Фарушкин, Е. Б. Шестопал, И. Н. Яблоков. Политология. Курс лекций / Под ред. М. Н. Марченко. Издательство “Юристъ”, Москва, 2003. page 267.

Thesis on Classes and Democracy. Teleological Approach.

“Democracy thus implies the existence of individuals, classes and the State; with the result that it is simultaneously a mode of government, a mode of domination by one class, and a mechanism of union and conciliation²”.

The *idea* of democracy firstly appears in a class society. This is a historical phenomenon.

In such situation democracy is a **supposed** political reality, where all the classes will be able to participate in “management of the society,” subsequently; democracy appears as a social essentiality, where “everyone” *wants* the right to participate in political power. This “everyone” is the embodiment of individuals and their collectives (based on property)—classes. *Class is a juridical category; it* (pay attention) *has legal “frontiers” (these “frontiers” are recognized formally)*. Without these outlines, *without recognizing the class as a juridical one, the sense*, (that it is a politically active unit, that it expresses interests, exactly, its political interest), *will fade*³. Such recognition exists nowadays as well as ideological outlast of class struggle, which has not reached the equality among the classes, (or one class has killed the opponent one and has imposed its *formal* priority)*.

Accordingly, it should be mentioned, that in *such* democracy individuals take part in the political interrelations so that they are representatives of a class. In class society the individuals exist *exceptionally* as parts of a class, as bearers of class-member role in the society. This is the factor of *identification*, when “*each knows his place*”⁴ in the socio-political life; and it is *right* by the mentality of such class historical period. When everyone knows his place, and the place of the others: this means, that *everybody recognizes the stratification*, subsequently, he (the individual) can think of the interest of the class he belongs to, and can recognize that interest, as his own one (the factor of internalization)...

In such way the *class interest recognition appears*.

Now appears the possibility to say, that a class recognizing his interest has the tendency for the political power, for having the power and the state as a mechanism of realization of its interests. *Classes tend to save their interests*. This arises the *political struggle* and allies and enemies (opposite sides) in the class society.

In such conflict, as it was mentioned above, democracy is supposed to appear as *an ability of all classes* to take part in managing, and, all of them *to be formally equal* according to their tendency to the political power. So, *the factor of formal equality is supposed to appease the contradicting sides*⁵ (*the classes in this case*).

² See Jacques Camatte. *The Democratic Mystification*. London, 1977. 5.1.5.

³ *It need to be mentioned, that the recognition (even without any legal recording; recording in form of any law) by those who has the political power—those, who has not it, mean formalization of interrelations between them (because one side has the “legislative” power: he is the embodiment of political power in the society); this mean, giving to opposites formal outline, which in this case is recognition (figuration) of one class by another; recognition by “governing” class the “being governed” one.*

⁴ This kind of ideas can be seen in Plato’s works. That is he, who founded the idea sensing the justice as a reality, “*when everybody does his business*; when everybody can have his own and does his own; when nobody takes the others’ and does not loose his own”, subsequently, everybody knows his place (authors interpretation). See В. С. Нерсесянц. *Философия права*. Издательство «НОРМА», Москва, 2005. page 410.

⁵ Those who have the priority want to save their priority, but those who does not have it, struggle for it, or (and) want equal rights. Here democracy appears as a cooperative solution. And that solution is instead of competitive one. The result is the equalization. See about the conflict resolution in М. Г. Анохин, Е. А. Ануфриев, А. Г. Бережнев, Н. В. Витрук, Е. А. Воротилин, К. С. Гаджиев, И. А. Гобозов, А. А. Дегтяров, А. В. Дмитриев, В. В. Ильин, А. А. Кененов, А. М. Ковалев, В. И.

As Camatte truthfully notices, *democracy becomes a form of reconciliation of political enemies, the best form of “reunion of what was separated”*.

Notwithstanding, *democracy is exactly appeasing* the classes (the opposite strata) in the political struggle.

That is the telic factor (the aim) of democracy.

“The social significance of democracy is displayed not only as contribution to stabilization of political system of the society and its particular elements, but also promotes their future consummation, organizational and socio-political development⁶”.

Well, it should be noticed, that the class democracy is *just a historical display* of a goal, “*teleology*” that we call democracy.

After realization of the formal equality according to the political power among the classes the class society changes (no matter how). *Exactly, the classes fade* (a phenomenon being spoken higher). The class removal imposes civil society and the civil society imposes forms to social life in order to finish the way to realization of democracy, to finally realize it.

In this way the ideological basis of democracy is the “formal equality”, and the nature is the goal to appease the contradicting sides.

However, the main outline of the “new system” is the phenomenon that **the individual interests are no more interposed by classes⁷**, but they can be interposed by groups, collectives of such individuals (mentioned higher). In this case the class *can “act in time as a historical being, when it constitutes itself as party⁸”*. Anyway, it (as a class) again loses its meaning⁹.

Notwithstanding, after such a class removal and equality implementation in conditions of civil society “somehow” we do not pass the next level of democracy. Something seems less and not achieved in meaning that we are not pleased with the existing democracy.

The problem should be researched in its effluxes; it means that the civil society should be looked through in order to find the “missing link” to democracy promotion. So what is that “missing link?”

However, it can not be given any answer without studying another not less important phenomenon, which is called civil society and its essential attributes.

**In order to clearly understand the class recognition phenomenon it is better to bring several analyses on this idea.*

In the science of constitutional law it is well known that constitution (or any law) “can express and write down the principal, vital interests of dominant social stratum in the society, coinciding interests of several social strata, compromise among different strata by their social origin, coinciding

Коваленко, В. С. Коморовский, А. И. Костин, В. В. Латынов, О. Э. Лейст, Л. С. Мамут, А. С. Манькин, М. Н. Марченко, В. В. Смирнов, М. Х. Фарукишин, Е. Б. Шестопал, И. Н. Яблоков. Политология. Курс лекций / Под ред. М. Н. Марченко. Издательство “Юрист”, Москва, 2003. page 437.

⁶ *Ibidem.* page 273.

⁷ After class appeasement a new problem exists in interest expression. As there are no political classes, the individuals are bearers of individual interests.

⁸ See Jacques Camatte. *The Democratic Mystification. London, 1977.* 5.1.7. This can also be clearly seen in history of French revolution. Then, it can be said, that the parties were embodying the classes. For example *Felians* were embodying the constitutional-monarchical bourgeoisie and liberal nobility; *Girondists* were embodying the middle bourgeoisie; *Jacobinians* were presenting the petty bourgeoisie. (See К. И. Батыр, И. А. Исаев, Г. С. Кюпов, С. Ю. Седаков, Т. А. Селиверстов, Т. П. Филиппова, З. М. Черниловский. История государства и права зарубежных стран. «ПРОСПЕКТ», Москва, 2005. page 286).

⁹ Well, classes can hardly be considered as prototypes of modern political parties nowadays.

interests of all the people taking into consideration the priorities of the dominant strata in the society...¹⁰

*It is truly mentioned that a priority can be legally written down; subsequently **a class can be recognized**.*

It can be recognized directly, when just naming the class. An example is the Magna Charta.

*Or, another (more interesting) example the USSR constitution (1977) recognizes the expression of the will and interests of the workers, peasants, and intelligentsia (Article 1)... Then the Article 19 recognizes “the social basis of the USSR is the unbreakable alliance of the workers, peasants, and intelligentsia”. Another example is the DPRK Constitution where “the sovereignty of the DPRK resides in the workers, peasants, working intellectuals and all other working people” (Article 4) and “the DPRK bases itself on the political and ideological unity of the entire people based on the worker-peasant alliance in which (pay attention) **the working class plays a leading role**” (Article 10)¹¹. Or, the China Constitution imposes that “the People's Republic of China is a socialist state under the people's democratic dictatorship **led by the working class** and based on the alliance of workers and peasants...(Article 1)¹²”. Another social (and in this case class) priority reflection is, accordingly, the fact, that most of such countries have “recognized” the principle of **centralized democracy**¹³ (and this is one of most noticeable facts).*

The other way of class recognition is the indirect recognition. The class-figuration can be expressed by writing down several special qualifications of property (or another intrinsic one) for the participation in the political power (for example the Le Chapelier Law in France or the Canadian Constitution of 1867).

However, such recognition is always “noxious”.

Notwithstanding, this should be never mixed with the recognition of protection of the workers (for example) or any other collectives' rights by the laws. Here there is no domination subsequently; nothing can be seen on recognition of the existence of the classes¹⁴.

¹⁰ See *Т. Я. Хабриева, В. Е. Чиркин. Теория современной конституции. Издательство “НОРМА”, Москва, 2005. page 40. Anyway I do not agree with the term «middle class» (spoken about in that book): in this expression the term «class» is used as a synonym of the term «stratum». The letter is less of the juridical meaning I am speaking in this essay. Accordingly we can speak about the “middle stratum” but not about the “middle class”.*

¹¹ *From the view the domination of a class makes the recognition of formal equality futile.*

¹² See the cited constitutions.

¹³ Well, this term is just called this way.

¹⁴ See for example the Italian Constitution.

On The Civil Society.

When saying “civil society” we use to impose several following ideas into it.

“In constitutional law theory civil society is an accumulation of citizens, and which is described firstly by the liberty of the private life of these citizens; it is a society, where conditions are guaranteed for self-determination in political, economic and social spheres¹⁵”.

The *formal equality, plurality and rule of law* are added to this definition¹⁶.

Classes can no longer exist in civil society, because it is impossible in such conditions and because they have been removed in historical progress of democracy coming. If a society can not be considered a civil one in conditions of the absence of formal equality and plurality and liberty, also it can not be considered as a democratic one.

It is obvious from the following:

The formal equality is the “peace and tolerance” in the society; the liberty is the non-oppression and the non-possibility of such oppression; the plurality is an expression of liberty; the plurality is the self-determination of the individuals in social life; and this is already democracy in meaning, that everybody has those opportunities. The self-determination is also a struggle; a struggle between the individuals. It is supposed by the idea of democracy and that idea is imposed in the reality.

The essence of the problem is the question: how to reach the appeasement of contradicting sides in such society, where there are no classes (which, as it was thoroughly explained higher, were active units and participated directly in social interrelations), but instead of them there are a lot of *egocentric individuals*. It means that the “interest centers” are multiplied to a horrible number equal to the number of individuals in the society. The possibility of existence of exceptionally similar interest groups has no effect in such a society, because each individual is closely “touched” to his own ones. Well, there are parties, but they impose “party interests” anyway. “Only the interests of the party are real¹⁷”. Classes and any other collectives no more represent individuals and individuals no longer represent them; they represent themselves...

“The two individuals who like the soup form a **false** group. To be properly organized and susceptible to passionate equilibrium a group must include at least three members. It must be arranged like a set of scales which consists of three forces of which the middle one keeps the two extremities in balance. In short no group can be composed of less than three people sharing a common inclination for the performance of a particular function.

One might object: “Although these three men are in discord about the trifling matter of the soup, they are in agreement about the main purpose of the get-together which is friendship. They are close friends.” In this case I would answer that the group is defective because it is simple; the only tie that binds it is a spiritual one. To make it into a compound group, a sensual bond would have to be added, a soup liked by all three members of the group.

“Bah! If the three are not in agreement about the soup, they will have shared preferences for other kinds of food. In any case the group actually does have two bonds. Besides the bond of friendship, these three men are united by the bond of ambition; they are in cabalistic league.

¹⁵ See А. Ф. Никитин. Юридический словарь. Издательство «ОЛМА-ПРЕСС Образование», Москва, 2005. page 129. «Гражданское общество».

¹⁶ Ibidem. See also А. Б. Барехин. Большой юридический энциклопедический словарь. 2-е издание. Издательство «КНИЖНЫЙ МИР», Москва, 2006. page 132. «Гражданское общество».

¹⁷ See Г. Радбрух. Философия права. Издательство «МЕЖДУНАРОДНЫЕ ОТНОШЕНИЯ», Москва, 2004. Философско-правовое учение о политических партиях. page 74.

They have gotten together for dinner in order to hatch an electoral intrigue. So there's the double link, the compound bond that you require.¹⁸ ...

Moreover even if there can be found any general interest and the majority and minority is formed, this will neither be a resolution. Let us suppose that the group includes four more persons. Imagine a situation, where three are active (two against one) and the others does not take part in the "quarrel"; they express their apathy or nihilism to the disagreement in their environment or they have essentially much different interests or positions according such disagreement¹⁹ being passive. **Who is the majority hear and what a majority it is?** The following can be concluded: or there is no any group, which is anyway impossible, because the individuals in it somehow identify themselves to that group (this is factitious), or the groups shall be so transitive and diffusive or, in other words—not stabile, which factitiously is also impossible because it is unrealizable in practice according the interest expression; however the exceptional meaning of the idea of the group devaluates. Moreover, group is a short-time unity with unexpected duration of life. "After collectively eating the soup, everybody goes home".

There should be established a new view on the society, which is divided into those actives, who has "conquered" mostly or generally the political power; those actives, who have lost the "battle" but continues struggling for the "war" (those in face of opposition); and finally, those passives, who do not struggle anyhow. This is the primitive recognition of the society.

Those majority and minority could be ideologically accepted in class society where the latter were "little" politicians involved in the political "everyday" and the passiveness of individuals had no value.

It is a fact that the non-participating individuals also have their interests and goals to achieve. When expressing passiveness in the social life they also express their will and their interest in such society saying "***I do agree neither with A, nor with B: I am of my opinion***". This is the phenomenon of the will, which "feels" what it wants, subsequently; it expresses its interest. The fact is that the society ought to take them into consideration, because they are a large part of it. Several western countries just make them participate, implementing sanctions for non-participation. Such countries like Italy (1947)²⁰, Australia, Greece, Turkey etc. adopting the "enforced" participation²¹ influence compulsorily on their citizens. However, this is not a solution to problem from axiological point of view...

Well, the problem on achieving democracy exists. That problem is imposed by the civil society. The struggle for life and for well-fare becomes crueller and crueller for each individual. In any case the interests of one meet the opposition of the other; consequently the legitimacy (referred not only to the power but also to its "method") can not be considered to have been achieved. ***So the problem exists in the society, which anyway, is whittled to the power on the people***: it is typical historically. In this case not meme the civil society, but its expedient organization is the momentum to democracy promotion. That expediency is a value that we impose on things and define its future. *Eo ipso*²² everything is whittled to the ***ideology of the power...***

¹⁸ See *Charles Fourier*. The Utopian Vision of Charles Fourier. Selected Texts on Work, Love, and Passionate Attraction. Translated, Edited and with an Introduction by Jonathan Beecher and Richard Bienvenu. Published by Jonathan Cape, 1972. The Study of Groups.

¹⁹ It should be said that if the proportion of the latter is much little, the problem is not so important, but in this case we are obliged to pay attention on it in conditions of large inactivity in the society all over the world. See *Б. А. Страшун* Конституционное (государственное) право зарубежных стран. Общая часть: Учебник для вузов. Издательство "НОРМА", Москва, 2005. page 426.

²⁰ Though only morally

²¹ This enforced participation is on voting and in constitutional theory is called obligatory voting. See the cited literature.

²² Latin-Accordingly

Neo-Democratic Ideology. (Conclusion)

If the problem is whittled to the power, well, who is the governor and whose interests are going to be imposed, subsequently; the power should be expediently evaluated.

People can be used as instruments only to achieve their own goals: it is a “moral” imperative that defines the legitimacy. The tolerance and the appeasement in the society happen in realization of the choice between the “best” and the “worst” and between the maximum and minimum. The “worst” is anyway to survive, and the “best” is the welfare. The life of an individual flows in the large spectrum of possibilities between this two “extremities”, where he realizes his ability to express his interests. The same is with the goal of the power is becoming, consequently, to guaranty this ability and mobility and to heighten the minimal worst to a level, where the individual will not feel miserable. This level is described by objective conditions of such a society. And here it becomes valueless that “who has taken the power”, if he is making any effort to achieve this goal. The problem “who participates” and “who does not participate” loses its importance, because the social justice is equally dispersed among all the individuals which are called citizens. What about all kinds of other interests: they are given a chance to be realized in the spectrum of own initiative of an individual.

This way the high level of civilization is achieved where people interrelate with each other and with the power as an instrument to a goal which acquit the “status of the instrument”. It also means that the power imposes its “method” according the presumption of minimum welfare and that he meme, is an instrument to a highest goal which is called democracy.

Eo ipso the interrelation between the individuals transforms to a civil one, subsequently; they interrelate with the “expedient culture”. This arises the “pleasure” on those, who have taken the power, and democracy, as a goal to appease the contradicting sides in high level of social relations, is achieved.