

Research on the Technical Ethics of Cyber Violence in "Social Death"

Lishan Xing, Yizhi Deng*

National Center for Science&Technology Evaluation, Beijing, China

*Corresponding Author: Yizhi Deng

ABSTRACT

Violent behavior can be "tangible" or "intangible", the "lethality" of intangible violence is no less than tangible violence to some extent, in the network information society to enhance peoples distance today, how to better regulate the network violence and non-invisible violence in the network space has become the urgent demand of the society. The public cannot punish arbitrarily instead of morality or law. By discussing the moral representative value of the public, exploring the ethical value of technology and deconstructing the legal factors in network violence, this paper causes the morality and law to perform their own duties and strengthen the condemnation of network violence.

KEYWORDS

Social Death; Social Violence; Cyber Violence; Technical Ethics.

1. INTRODUCTION

As a new topic, "social death" appears in the public view, and is endowed with its important characteristics- -the social behavior. The means of "social death" can be used by many "scheming social people" to achieve the effect of "killing" by the hand of society. Even if not used, can this way of social death be respected safely in the social evaluation system? Is a social death a condemnation or a punishment? What behavior of the perpetrator leads to this punishment? According to the theory that right and responsibility are corresponding, people who survive in the society have the right to enjoy the rights granted by the society. So does it mean that those who violate the social evaluation and judgment standards should be punished by the society? In this way, the existence value of the law. This involves the consideration of law and morality. As the minimum law, the internal condemnation of morality / ethics can still play a role even if it does not have the punishment value of law. In the era of information technology, technology ethics can be used as a field of examination and correction, and to restrain the occurrence of network violence from the construction of external order.

2. THE TECHNICAL AND ETHICAL CONTENT CONTAINED IN THE TERM "SOCIAL DEATH"

2.1. The Phenomenon of "Social Death"

The behavior that causes "social death" of course has a social nature. "Social death" is not a negative word. It was originally written from American writer Thomas Lynch. He believed that there are three types of human death: physical death measured by stethoscope and radiograph; metabolic death based

on the activity of nerve ends and molecules, and death known to be, social death, by relatives and neighbors.[1] But the "death" for the real sense of physiological death, as a new vocabulary, in the modern sense of "social death" in death is not a physical death, but after the public actor information cannot normal social, more contain social stagnation, forced to terminate social, out of their own social, the implication of "forced death".

What is society? Why can it decide or lead to human "death"? Hayek thought, "I was sure that, although most reading the author does not exactly understand the meaning of the word social, but they will largely believe that the word does mean a kind of all the good people should be according to adjust the behavior of ideal", after some research, he thought that although social the word is a great power and magic, but incredibly, it is an empty word, but also not trying to solve the problem to provide any answer ".[2] In Hayeks view, society is not an independent individual, it does not have subjectivity, but it can become a behavioral ideal, that is, an abstract concept of behavior, which we can understand as an environment or atmosphere. The cause of the "death" of social people is not the society itself, but the social atmosphere composed of individual people. The social atmosphere inevitably appears in the public domain, and here a new concept with sociality appears- -the public domain, that is, the occasion where the individual gives up the subjectivity and tends to become a passive object. Arendt sees this public sphere as the group characteristic nature of man, "all human activities depend on the fact that people live together, but people living together is just an action that cannot be imagined without human society".[3] To live in a normative domain "means deciding everything through words and persuasion rather than through coercion and violence".[4] Habermas also addressed the public sphere, which he said "means, first and foremost, a part of our social life, in which things like public opinion can be formed".[5] Arendt and Habermas have a different understanding of the public domain. The public domain to which Arendt refers to is a public interest field that follows the principle of negotiating consensus, while the private sphere is a field full of violence and autocracy for the sake of life. The public sphere referred to by Habermas should be a field of free criticism of public power based on the public interest, while the private sphere is a space for citizens to conduct activities in order to live.[6] Whether it is compromise after reaching consensus or self-sacrifice after abandoning freedom, the public domain is the dependent space for social interests, and the measurement of moral standards and the maintenance of legal order play a role in regulating public order and protecting social interests to a certain extent.

From the perspective of different roles of social "social death" phenomenon, can be divided into two types, the first type of "self-awareness" of "social death", namely on the basis of the actor self conscience judgment, that others will on the moral evaluation or condemnation that cannot establish social ties with others in the future. The second type is "social death" under the "evaluation of others", that is, others who have a social connection with the actor assume the role of moral evaluation, which has influence in a certain social scope, makes the actor unable to carry out normal social communication, and then achieve the purpose of moral condemnation. The first type of phenomenon completely exists in the moral level, because of its inner conscience and moral "intrinsic" homology between, the second type of phenomenon is not completely by moral regulation, beyond the scope of moral regulation "evaluation" easily into another behavior-social "violence" behavior, beyond the moral bottom line, disturb the legal order. However, both "self-cognition" and "the evaluation of others" have the moral nature of the dual effects of internal thoughts and external behavior. Therefore, the social violence contained in the content of "social death" is the behavior that disturbs the social order in the public domain and breaks through the constraints of moral constraints.

2.2. Ethics and Technical Ethics

In essence, ethics is "a social relationship, reflecting the concern and concern for life, the command to restrain peoples behavior, the ruler to correct the direction of life, and the spirit of human self-discipline". Technology ethics is a sub-discipline of ethics. The object of technology ethics is not the technology itself, but the ambiguity related to norms and principles in the process of developing and

developing technology and the use of technology. Amin Grenwald believes that it is not a pure and simple ethics of technology, but an ethical reflection related to technology, which can criticize the consequences and adverse conditions of technology, which can be a future conception or a controversy and debate about human image and social model. And with the progress of The Times, technology upgrading, technology ethics also gradually rich, it from the initial "problem oriented ethics" pay attention to practice application and knowledge correction application ethics category, gradually breakthrough limit to speculative scientists, the responsibility of the responsibility to specification orientation, to people, technology and nature of value orientation and the specification of ethics category. At present, the research scope of technology ethics is very broad, including ecological ethics, nuclear ethics, artificial intelligence ethics and other research issues on human life and traditional moral conceptsA typical branch of a branch with ethical reflection. The current social phenomenon of "social death" interprets its definition and concept, such as O Patterson in Slavery and Social Death, "not accepted by the broader society as a complete person". The origin lies in the increasing development of information technology, the thinking and debate of technology and morality, the questioning of new technology and new theories at the philosophical level, and the completion of the exploration of the origin of value and the inheritance of scientific methods is a reasonable interpretation and standardization of the promotion or incentive of technological change or upgrading in the current environment.

2.3. Inheritance of "Reason"

In Chinese traditional culture, technology ethics is manifested as "reason", and the persistence of Chinese morality and ethics construction is long. Influenced by Confucian culture, ethics has played the effect of regulating ordinary human behavior from the beginning."If the modern European natural law attempts to use natural science against Gods transcendental dominance over nature, so as to establish the natural order of man, then in China, because the character of reason is non-transcendental and non-independent to nature, so there is no need for man and nature against reason in any era."The "reason" in this is the representation of principles and norms, but this representation can not be regarded as law, but more as moral color. Traditional Chinese thought holds that law must be established on the basis of the rule of etiquette, and ethics is the criterion of law.[7] However, "ritual" is not exactly equal to morality, its deterrent power is greater than morality, and for the standardization of "ritual", it is just like the essence of law. Therefore, in the traditional Chinese thought, the nature of "ritual" integrates the internality of morality and the externality of law, both inside and outside the ritual, and the purpose is to maintain a stable group relationship. Although the traditional cultural thought of "benevolence, righteousness, propriety, wisdom and faith" has some influence on the legal order, it is more attributed to the pure moral level, and has become the "inner magic weapon" and "social weapon" for ordinary people to restrain themselves. What should not be ignored is that the complicated influence of morality and law in peoples "internal correction", as a factor for testing moral standards and legal prevention, has become the "silt" that hinders the protection of social interests, which needs to be faced up to and dredged.

3. CLASSIFICATION OF "VIOLENT" BEHAVIOR CAUSED BY "SOCIAL DEATH"

The word "violence" is not new, but in different times, "violence" is easily assigned to different meanings. In the new era, violence is endowed with a broader interpretation and meaning, from the form and content classification, can be divided into language violence, spiritual violence, from the situation of different categories, can be divided into domestic violence, school violence, network violence, etc. Violence, as defined by an authoritative entry, is a definite or symbolic act that causes or may lead to physical, sexual, or psychological harm.[8] However, if a thorough concept analysis, violence is the strong force under the control of the will, and the act of violence is the act of exerting

this force, and this act may cause harm to the objects or people. Social "violence" includes not only the tangible "armed violence" and the friction and conflict between people, but also the "abstract violence" formed by the invisible moral constraints, evaluation and judgment. The core of judging social violence should not only focus on the behavior itself, but also start from the influence brought by the behavior for the other party. Both tangible and intangible violence should belong to the social violence discussed in this paper. However, the social violence that can cause "social death", because it involves social evaluation and moral constraints, is mostly in the network public space and the invisible violence in reality.

3.1. Reality and Invisible Violence

The word "violence" because of its strong social harmfulness and criminal illegality, by criminal law "visit", therefore, "social death" caused serious consequences of social violence, not only has broken through the ethics, and has violated the legal order, and as the last line of defense of legal norms, criminal law should remove its social appearance, hit its illegal lifeblood.

In the scope of criminal law, the "invisible" violence of non-network platform media can be answered to some extent in terms of specific rules. For example, the term "soft violence" in the process of criminal punishment of the evil forces. The Supreme Peoples Court, the Supreme Peoples Procuratorate, the Ministry of Public Security, the Ministry of Justice on April 9, 2019, "about the implementation of" soft violence "criminal case opinions on the definition of" soft violence ", the soft violence usually applicable specific charges, including black evil forces usual implementation of forced trading crime, stir-up-trouble crime, illegal detention, crime of residential, extortion, etc. Specifically covering "threat", "intimidation", "other methods" and other related behaviors, all include soft violence methods. The "soft violence" in speech is usually manifested as "threat", "threat" and other ways, and the "soft violence" in behavior includes one way, that is, simple disturbing behavior. Some people believe that simple disturbance behavior does not belong to the objective behavior or means of specific crime made by criminal law, and usually belongs to the scope of adjustment of the public security administration punishment law. If no other conditions are attached, it is difficult to identify as soft violence means, and naturally it is difficult to identify as a crime constituted by soft violence.[9] Some scholars have also made a similar classification of soft violence, that is, soft violence in routine loan cases is divided into two types: nuisance nature and coercion nature, but the typed judgment between the concept definition and the behavior mode is not realized. For example, the behavior of many people tracking the victim for many times is judged as coercive soft violence.[10] The provisions of the definition and standard of "soft violence" can be applied to the scope of the "invisible" violence in this paper.

Another kind of invisible violence can be another charge of the criminal law, "criminal law of the criminal law of the Peoples Republic of China" article 293, one of the following disturbance, destroy social order, sentenced to fixed-term imprisonment of less than five years, criminal detention or public surveillance... (2) chase, intercept, abuse others, the circumstances are bad... (4) in public places, cause serious disorder of public order. Social violence of one of the behavior of language violence, but pure language violence such as abuse, because of the limitations of space (or network space or real space) did not involve the behavior such as beating action, so the pure language violence "attack" directly included in the stir-up-trouble behavior "aggression", can cause imbalance. If the pure verbal violence is directly attributed to the act of picking quarrels and provoking trouble, it is difficult to find the causal "connection" in the chain of causal relationship. Making the relationship with it becomes the "block" to judge the result of verbal violence, and also making the verbal violence behavior become the crime of picking quarrels and provoking trouble, or making the crime of picking quarrels and provoking trouble increase the risk of becoming a "pocket crime".

3.2. Acts of Cyber Violence

In the network platform, the behavior of violence, is not in the sense of physics, but in the spiritual stimulation or the relative person, usually network defamation, "human flesh search" behavior, network language violence due to network violence, network violence force mostly as language attack, or pictures, influence data attack. Libel behavior to promote the network violence behavior, and this way is not only include libel, including insult, collect personal information, candid, steal intrusion network behavior, these behavior prompted the occurrence of network violence, and directly on the victim, caused to the victim himself psychological "violence". Intrusion of citizens 'personal information behavior limited in "sell", "provide", "steal" or "other methods of illegal access", such as illegal behavior, on the basis of infringement of citizens' personal information network violence behavior commonly known as "human flesh search", "human flesh search" behavior has violated citizens 'personal information, in practice, the network "human flesh search" violated citizens' personal information crime specification.

"Network defamation" and "human flesh search" behavior belongs to the behavior related to network violence, and such behavior and the direct effect of network language violence, "slander" premise for "false information", in front of fabricated information, for the victims force has violated the criminal law rules, and this rules of criminal law provides the victim with a "security", namely certainty can rights and can resist, the threat of violence is not big. The behavior of "human flesh search" is a effectively protected behavior. Before the next cyber attack, the perpetrator may be punished for infringing on citizens personal information, and the threat of violence can also be used as legal weapons to resist. However, the irresistible psychological "violence" formed by the network abuse and the groundless condemnation of others "standing on the moral high ground" belongs to the network violence in the narrow sense. In the narrow sense, cyber violence excl "online defamation" and "human flesh search" from the punishment scope of violence. In this sense, cyber violence includes "violent suppression" caused by "libel", but not all online libel are online violence; "personal attack" in cyber violence is online violence after the perpetrator conducts "human flesh search", Not all "human flesh search" acts are online violence. However, the "human flesh search" behavior itself violates the privacy of citizens personal information, and violates the legal interests of infringing on citizens information. In the authors opinion, it cannot be attributed to the network violence behavior

For network defamation and "human flesh search" behavior, the criminal law specification is not only for "network defamation" behavior, but the provisions of insult defamation, the criminal law of the Peoples Republic of China in the second paragraph of article two hundred and forty-six, defamation, refers to deliberately fabricated and spread fictional facts, enough to derogatory others personality, destroy the reputation of others, if the circumstances are serious behavior. In 2013, the Supreme Peoples Court, the Supreme Peoples Procuratorate issued "about the use of information network defamation criminal cases explain some issues of applicable law, the judicial interpretation also for network language violence and network rumor behavior made provisions respectively, included in the" defamation, stir-up-trouble crime " two charges for specification.[11] Here, it needs to be emphasized that the network language violence in the judicial interpretation should reach the standard of constituting the crime of picking quarrels and provoking trouble, that is, the degree of bad circumstances can be punished. Although the judicial interpretation of the network made the insult defamation, and determine the punishment standard, but not to insult defamation and network violence in detail, so that caused as long as the insult defamation in cyberspace is insult, defamation inclusive, directly to insult, defamation as punishment. However, other online violence that does not fabricate information or directly insult words, pictures, film and television materials is not involved.

At the same time, in the regulation of network governance activities, the crime stipulated in the criminal law is, refusing to fulfill the obligation of information network security management crime, the crime of illegal use of information network crime, helping information network crime crime all play a certain role in the punishment of network violence. Use network media or help network media

to spread personal information or carry out illegal activities should be liable. Released in 2019, the two houses about the illegal use of information network, help information network criminal criminal cases of the interpretation of some issues of applicable law further explains the related subject of network crime, objective content and results of the standard, the same in the punishment effect of network violence play the added value.

4. THE GOVERNANCE MODE OF NETWORK VIOLENCE FROM THE PERSPECTIVE OF TECHNICAL ETHICS

4.1. Grasp the Relationship between Morality and Law

The only thing that can determine the moral value is their own conscience, and the illegal order, which has important consequences in practice: violating the law shall not be punished for damaging the reputation.[12] The difference between morality and law in source, content, nature and mode of responsibility has always been concerned by western method philosophers. In the epistemology of natural law school led by Socrates, morality is the basis of law. In order to maintain the city-state civic order, law is the tool representing justice, and the evaluation of justice mostly involves moral factors. Socrates, a faithful practitioner of the authority of legal justice, was sentenced to death for the ideological crimes of the Athens court, but refused to violate the legal judgment made by procedure. Aristotle's philosophy of law still has the shadow of morality, "the city-state takes justice as the principle. Justice derived from justice can be judged to judge the [human] right and wrong, justice is exactly the basis of establishing social order." [13] The law should be based on the good and evil requirements of the city people, give full play to the value of justice and show the essence of morality. The law must be a good law that can bear the test of morality. Kant regards law as an accessory to morality, which is the "order" of the state, but it is also the protection of individual moral rights in legislation. "The law of freedom, unlike the law of nature, is the law of morality. As far as these free laws merely involve external acts and the legality of these acts, they are called the laws of law. But if they, as laws, require them in themselves to be the principles that determine our actions, then they are also called the laws of ethics. If an act coincides with the law it is its legitimacy; if an act is consistent with the ethical law it is its morality." [14] "Morality and law assume the social role of maintaining order together, and the confusion of the two will pose the danger of threatening the law itself, and inevitably there will replace the legal punishment with morality.

In order to prevent moral punishment from occupying the due position of legal punishment and reshaping the status and influence of rules, the school of analytical law believes that morality and law should be defined with clear standards and boundaries, and law should not have legitimate value because of the existence of morality. Bentham and Austin advocated the utilitarian principle to legal rule value judgment, "in the absence of clear constitution and law, only from a rule in violation of the moral standards, not to say the rule is not a rule of law, on the contrary, not just from a rule in moral is commendable, said it is a rule of law". [15] Evil laws are also laws. Even if the rules do not meet the moral evaluation standards, they should be considered strictly in strict accordance with the procedures or the orders of the sovereign. Therefore, legal punishment is based on rules and norms, and the basis of moral condemnation is only the general cognition and habits of the public. However, in the effect of social interests and social adjustment, the two cannot be completely separated. There is an inseparable internal relationship between morality and law, and morality can be infiltrated into the law through appropriate procedures. [16] Starting from the origin characteristics of legal order, Pound advocates the socialization characteristics of law and emphasizes social interests. In the socialization stage of law, the purpose of law is to meet social interests as much as possible, "through law and morality It is wrong to separate the bottom and equate the two." [17] Morality and law cannot be completely separated, ignore the social connection between the two, and also cannot be completely equivalent. Replacing moral condemnation with legal punishment will weaken the influence of legal rules and undermine the prevention of rules.

However, if the finger of group relationship turns to the vulnerable interests, it is easy to be "social death". Because of the "massiness" of moral evaluation in the traditional society, such moral condemnation can even deprive the living space of the vulnerable interests. For moral deviation and legal violation, should be linear according to the initial standard, namely moral problems to moral, legal problems, the two are not necessarily separated, moral condemnation cannot meet the legal standard for standard punishment, and legal punishment can have moral condemnation, both are mutually irreplaceable, the law only meet the requirements of the specification can be with moral harmony. As famous French philosopher radbruhe said, "the relationship between morality and law is a kind of tension, like strange and different between means and purpose, law and morality is so strange and different, and may be relatively side by side, so that as a means of moral value realization, penetrate into the value of legal purposes, and under the condition of keeping its own inherent regularity, and moral integration".[18]

4.2. Learn from the Preventive Regulations of Other Countries

In the norms of existing charges, that is, in the written law that disturbing the legal order is not only regulated by morality, the legislation of social violence includes two parts: network violence and real violence. Due to the universality of tangible violence in reality, various national legislation is involved, and will not be described here.

With the development of network information technology, the punishment legislation of network violence has attracted much attention, and countries also regulate the network environment through special legislation. In 2008, the CyberBullying Prevention Act, passed in 2008, was the first time to include preventive regulations in written law. In this precautionary alert, "anyone who commits electronic malice with coercion, intimidation, harassment or causing a lot of mental torture will face a fine and up to two years in prison". Currently, 22 out of the 52 US states have stipulated criminal laws on cyber violence, with sentences ranging from three months to more than a decade.[19]

Britain enacted the felony prevention, whether for cyberspace or real felony in the public space, should stop the behavior subject will implement serious crime, the effect of the prevention is mainly constraint and warning behavior main body, issued for the peoples court, the verdict to limit behavior subject of personal freedom, reduce the personal risk. The Crime and Disorder Act of 1998 provides for a ban with social preventive value- -antisocial behavior order. The decree is mainly used to limit acts that may harm others or adversely affect the public, with the aim to prevent the occurrence of similar antisocial behavior in the future.[20] This has some reference significance for the prevention of social violence behavior.

Germany for personal information protection in cyberspace is more avant-garde, passed in 1997, the law in the Internet space legislation, and established the principle of free entry, responsible for the principle of communication content classification, the principle of protecting citizens; personal data and the principle of protecting minors such as the basic principles of Internet legislation.[21] Not only for personal information protection, article 186 of the German criminal law for slander, article 192 of the authenticity of insult, for the reputation protection involves all aspects, and the existence of real prove or not responsibility to the actor, make the person in the authenticity of the information edit self prevention and alert. France's legislation on online violence and behavior prevention is more direct. It clearly stipulates in its criminal law norms that spiritual bullying can be punished.[22]

Japan in the process of economic and commercial trade set up the duty of care of personal information protection, personal information processing industry in violation of the relevant provisions of the personal information law, it is necessary to protect personal rights and interests, for the personal information processing industry, can take the necessary measures to stop the violation or other violations, as a regulation of administrative guidance, if do not comply with such guidance or advice may receive orders (administrative sanctions), in violation of the order of personal information infringer will be sentenced to 6 months or a fine of less than 300000 yen.[23]

4.3. Introduce the Environmental Ethical Prevention Theory

Professor Chen Xingliang believes that the criminal law that is indifferent and inaction in a risky society is not available.[24] This therefore shows the responsibility of the law in the current risk crisis situation. Although the criminal law is different from other departmental laws, the prevention effect of the law is the same in front of the risk society. The theory of risk society was originally proposed by German scholar Ulrich Baker in his book Risk Society. The evaluation of any behavior must predict the social risk and the social impact after the evaluation, especially within the scope of legal evaluation. Today, with the increasing development of information technology, the network transmission speed is accelerated, and the work efficiency is improved. However, in the network society, people are facing risks all the time, and the aggravation of social risks will inevitably lead to people's urgent desire to seek security and stability. It is science and technology that is increasingly becoming the biggest source of risk in contemporary society." [25] Of course, the introduction of risk society theory into the category of prevention and restraint of environmental ethics has also been questioned by some scholars, such as the concept of "label theory". [26] This theory holds that some behaviors are not the product of "environment" and "quality", but the product of social interaction. When an individual is posted by others (such as teachers, a police officer, a neighbor or their parents) On the label, think that it is a criminal or a deviant person, the criminal is produced. [27] The label demarcation of the criminal perpetrator denies the essential criminal behavior and advocates the relativity of crime, but at the same time, it is also considered to cause the result of extreme understanding, and ignores the environment and causes of crime, which is one-sided to a certain extent. The concept of "situational criminology" is more sublimated on the basis of "label theory". situational criminology inherits the basic purpose of label crime that anyone can commit crimes, and there is little difference between criminals and non-criminals, only in the presence of crime; even good citizens will commit crimes with proper environment and opportunity. [28] The key point is that the conditions and opportunities should not be provided for the criminal actor, and the possibility of his behavior should be eliminated in the social environment. No matter from the perspective of external evaluation or their own awakening, every possible behavior living in the social environment does not have the risk of infringing the rights of others. Under the theory of situational criminology, the crime opportunities in cyberspace are more than the real space, and the cost of crime is less for the public, especially in the public who form the social environment from the perspective of "third party", the evaluation of others And recognize the lack of external threats and self-norms. Therefore, the social prevention and ethical constraints in cyberspace should play their due role and price.

Network violence in social death should bear the corresponding consequences due to the innumerable "connection" between it and the consequences caused by the behavior. For example, the causal relationship between the result of information leakage and the result of the infringement of citizens; personal information and the theft of information and privacy rights, that is, the behavior has touched the infringement of legal interests and damaged the rights and interests under the protection of the law. The "violence" of the victim and the insult and defamation of the victim, Because of its own secret, cannot really dig out the direct harm law causality chain, so from the original "force", from the perspective of environmental ethical prevention, to the social public to the victim of harmful speech and evaluation, conform to the facts of causal education or punishment.

5. SUMMARY

The public is a concept in a general sense, which is different from a certain person and has no unique characteristics, but because of this, everyone's consciousness should not "follow what others say" vigilance, only in this way can reduce the risk of a single person to bear the public malicious evaluation, and will not be easily judged as "death" by the society. The formation of such vigilance requires the constraint of technical ethical theory and the construction of environmental prevention system. Therefore, ethical evaluation or preventive legislation should be carried out.

Online violence needs more moral evaluation, and should pay attention to the fact and causality of behavior. We should grasp the "connection" and "connection" of introducing social violence to play a role in the field of ethics and prevention. Because of its indirect harmfulness and hidden danger in cyberspace, this factual and causal relationship should be included in the scope of control in the construction of environmental prevention system, so as to make the ethical constraints "flesh and blood".

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