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Anthropological justification of the modern change of axiological determinants under the influence of religious factors

Антропологічне обґрунтування сучасної зміни аксіологічних детермінант під впливом релігійних чинників

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Abstract

The purpose of the article is a comprehensive analysis of the change of axiological determinants of a globalized society under the influence of religious factors. It was established that the most noticeable among the changes in society and the state are the changes of the axiological basis at the level of individual identity. The tendencies of change of religious values that directly influence the consciousness, legal culture of the individual and the legal system of the individual state were summarized. The motivational core is the interpretation of the multifunctionality of religion. The authors substantiated the need for scientific analysis of changes of axiological determinants of a globalized society under the influence of religious factors, which is also due to the fact that the internal system of each country needs to unify it with international legal standards and to preserve national ethical, mental and legal values. The authors have identified the following tendencies in the change of religious values that influence the consciousness of the individual and the legal system of the individual state: democratic and humanistic values begin to dominate the world's law and order; local traditions and religious values are changing, there is the "interconnection" between global and

Анотація

Метою статті є комплексний аналіз зміни аксіологічних детермінант глобалізованого суспільства під впливом релігійних чинників. Встановлено, що найбільш помітними з-поміж змін у суспільстві та державі є зміни аксіологічної основи на рівні окремої ідентичності, оскільки деформуються традиційні форми культурної та правової свідомості особи. Узагальнені тенденції видозміни релігійних цінностей, що безпосередньо здійснюють вплив на правосвідомість, правову культуру особи та правову систему окремої держави на основі компаративного аналізу міжнародних наукових джерел та практики трансформації правової системи сучасності. Релігія загалом, відповідно до своєї онтологічної суті, ґрунтується на потребах особистості як індивідуальності з одного боку, та як структурної складової соціуму з другого боку. Відтак мотиваційним стрижнем для нас є трактування поліфункціональності (керуюча, настановна й об'єднуюча її функції) релігії у межах імплементації сукупності морально-етичних норм, догматів, детермінант у систему правових норм. Сьогодні актуалізується необхідність наукового аналізу змін аксіологічних детермінант глобалізованого

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religious values of different cultures; personal freedom acts as a dominant value; evident diversity of religious norms as a basis for legal regulation; the significant influence of the age factor on the perception of the latest globalization values and the importance of religious norms as a regulator of subjective behavior, etc.

Key Words: civil society, globalization, personality formation, philosophy of law, religion.

суспільства під впливом релігійних чинників, що зумовлено також і тим, що внутрішньодержавна система кожної країни потребує уніфікації її із міжнародно-правовими стандартами – з одного боку, а з іншого – потребує збереження національних етично-моральних і ментально-правових цінностей. Стрижневі тенденції видозміни релігійних цінностей, що безпосередньо здійснюють вплив на правосвідомість, правову культуру особи та правову систему окремої держави наступні: демократичні та гуманістичні цінності, що починають займати домінуючу роль в світовому правопорядку; змінюються місцеві традиції та релігійні цінності, проходить «взаємопереплетення» глобальних та релігійних цінностей різних культур; особиста свобода людини проектується як домінуюча цінність; простежується виражена різнополярність релігійних норм як підґрунтя правового регулювання; формуючий вплив вікового фактору на сприйняття новітніх глобалізаційних цінностей та значення релігійних норм як регулятора суб'єктивної поведінки.

Ключові слова: глобалізація, громадянське суспільство, релігія, філософія права, формування особистості.

Introduction

The standards of human coexistence and legal communication under the influence of historical and civilizational factors, are constantly transforming. Legal reality is also a variable category. Globalization is a modern phenomenon that has a dominant influence on the legal, political, economic and religious and cultural system. This phenomenon cannot be reduced solely to global social and economic ties. It affects all spheres of life of an individual, group, collective, nation, state and world society. Globalization has variable factors. On the one hand, it destroys the constant axiological determinants, and on the other, it forms modern approaches to value phenomena, it can go along with the process of enriching axiological determinants, thus introducing new ideas and experiences, and transforming universal values. The historically formed geographical position of Ukraine unites the state with European socio-cultural spaces and mentality, thus building a geopolitical interplay. The emergence of Europe was made possible in the context of its influence on the process of formation of Christianity as the religion, especially as regards the influence of religious factors of Christian moral teaching on

state-building and law-making processes in the context of the pro-European orientation of Ukrainian statehood. All this again proves the importance of religious determination of the directions of formation of civil society and democratic state in Ukraine, taking into account above all their anthropological and socio-philosophical dimensions. Although it should be taken into account that not every state bases its development on the ethical-moral or anthropological-ideological foundation of Christian doctrine, at the same time this kind of foundation is found in every religion. Moreover, we are inclined to believe that man is the core of the ontological sense of society, religion, state and law. It is the reliability of the interpretation of human identity, above all its axiological component, that directly determines the functioning of society and the state.

In view of this, the need for a scientific analysis of the synergistic level is determined, which would allow an anthropological justification for the change of the axiological determinants of modern society and legal reality.

Theoretical framework

Recent scientific studies on the problem of changes of axiological determinants under the influence of various factors, including religious ones, are again actualizing the topics chosen for the study and declared in scientific research. In particular, Christopher D Ives and Kidwell Jeremy, while discussing the importance of social values in the context of social and state development, actualize the level of scientific attention to the role of religion and spirituality in defining and understanding social values, referring to the new emphasis of culture as defining and forming relationships between people and nature. These scholars have therefore explored the comparative dimension of the relationship between religion and social values in the context of its impact on sustainable development (Christopher & Kidwell, 2019, p. 1355). Even more, some scholars focus on the extent to which the social structure influences the choice of party, which is transmitted through the value orientations of the individual, and to what extent the value orientation influences the causal consequences of party choice, and so on (Knutsen O., 2018). Or emphasize the importance of social values as central in human life, which directly control behavior and judgments, determining the identity of the person (Eda Gurel-Atay & Lynn R. Kahle, 2019). Therefore, research in the field of the influence of religious values on people, society and the state is relevant (Blikhar & Zharovska & Lychenko, 2019, p. 58-72; Dowland Seth, 2019; Kenneth & Routledge, 2020, 502 p.).

The following authors should be especially noted: Bandura O. (2019), Hoian I. (2019), Derzhko I. (2015), Karas A. (2018), Trebin M. (2019), Tsymbaliuk M. (2019) etc.

Today, not only social philosophy, or philosophical anthropology, but also legal science, need renewed approaches, since legal science is incapable of bypassing the problems of globalization changes that exist in law-making and state-building processes. It is characteristic that today world development does not have a clear vector, the science should set the optimum possible direction and warn against the negative factors caused by globalization. Considering that there are no systematic studies of the problems of the influence of transformation of religious factors on the contemporary legal reality in theoretical and legal science, we state the need for a scientific search in this field.

Finally, the problems of globalization are studied by specialists in various fields, including sociologists, lawyers, political scientists, theologians, international communication specialists, and others. However, it should be noted that there is no comprehensive analysis of the scientific problem under study.

Methodology

The article uses a systematic approach to the anthropological substantiation of changes in the axiological determinants of a globalized society under the influence of religious factors. In particular, we used analysis as a method of scientific research, which allowed to state that in theoretical and legal science there are no systematic studies of the impact of transformation of religious factors on humanized legal reality, we state the need for scientific research in this area. The logical-semantic method is also used in the formation of the thesis, according to which the most noticeable among the changes in society and the state are changes in the axiological basis at the level of individual identity, as deformed traditional forms of cultural and legal consciousness. In addition, at the interdisciplinary level of the study, we take into account the anthropocentric factor, and in the context of achieving the goal set in the article relied on the following scientific methods: comparative analytical method, methods of hermeneutics and interpretation.

Results and discussion

The purpose of the article is a comprehensive analysis of the change of axiological determinants of a globalized society under the influence of religious factors. The stated goal involves the solution to a number of problems, among which are as follows: to establish that the most noticeable among the changes in society and the state are the changes of the axiological basis at the level of individual identity, since the traditional forms of cultural and legal consciousness of the person are deformed; to generalize the tendencies of change of religious values that directly influence the consciousness, legal culture of the individual and the legal system of the individual state on the basis of comparative analysis of international scientific sources and practice of transformation of the legal system of the present time.

The impact of the transformation of social reality is noticeable in both traditional and post-industrial states. Value determinants of both society and state are changing. Cognition of the

mentality of any community is impossible without the study of its religious component: just as a person, according to the teachings of ap. Paul is composed of spirit, soul and body, the "public soul" is always enlivened by faith (regardless of whether it is faith in God or in His absence). Thus, it is religion (or ideology in a non-religious society) that defines those values that in different ways affect social life, including the legal one. Hence the need for a careful study of the spiritual foundations of law and the state, understanding of the values that have developed historically and prevailed in society: this should allow not only external factors (economy, politics, etc.) but also the internal motivation of behavior of subjects to be taken into account in the course of state-building, to anticipate the possible consequences of certain reforms and to predict the future effectiveness of the law in drafting (Oborotov, 2008, p. 171).

The most noticeable are the changes of the axiological basis at the level of individual identity, since the traditional forms of cultural and legal consciousness of the person are deformed. Emancipation theory indicates that evolution has endowed humans with the ability to recognize life's capabilities, as this ability is important for success. Thus, the objective enhancement of opportunities does not avoid people's awareness and, therefore, leads to an adaptive change of subjective values, which generates emancipation orientations that support universal freedoms. This communal value link is the key to human functioning because it supports our lives in reality.

A Polish scholar proposes five scenarios for reacting of the legal and cultural phenomena to the impact of globalization. The first is full acceptance of global culture, that is, simple method. However, this applies mainly to young people. The second possibility is complete deviation that is the lack of perception. Generation rate is important here because elderly people are more persistent. The third is a form of selective adaptation, partial acceptance and partial deviation. The fourth possibility is hybridization, adaptation of cultures. It is a compromise between nationality, ethnicity, localities and the universality of consumer culture. The last option is cultural duality, that is, two-level culture. According to the scientist, this is the most desirable effect of the influence of world culture, which will not lead to the destruction of cultural identity. People can participate in national and ethnic coexistence of cultures while remaining within the global culture (Krzysztofek, 2002, p. 27). Thus,

individual identities have a dominant influence on the implementation of global moral and legal values. The axiological nature of the personality is ideally based, is in the deepest and most stable layer of legal reality, so the person setting the value priorities emphasizes not only legal norms, but also other social norms, including religious ones. The latter, like all legal phenomena, are transformed under the influence of the latest tendencies such as informatization of space, modern types of communication, domination of the knowledge society, global challenges and global crises.

The analysis of international scientific sources and the practice of transformation of the legal system of the present day make it possible to generalize the following tendencies of change of religious values, which directly influence the consciousness, legal culture of the individual and the legal system of the individual state. We can state some of them.

North American and European values are beginning to play a dominant role in the global law and order (Swadźba, U. 2008), including democracy, freedom of speech, citizens' rights and freedoms, equality and social justice. For example, such a legal institute as public participation in the exercise of state power is extraterritorial, even authoritarian regimes have the capacity to liberalize. The worldwide tendency is to increase the mass requirements for the legitimacy and democracy of the legal system. In the next two decades, values such as democracy and humanism will become universally recognized at the level of the constitutional provisions of almost every country in the world. As a result, there will be a change of legal and state values.

Local traditions and religious values are changing, there is the "interconnection" between global and religious values of different cultures. In this case, the Global Engagement Index directly influences the change of moral and legal values. To some extent, every society is influenced by its international environment, but this influence is undoubtedly stronger for societies more involved in international exchanges (Parekh, B. 1999, p. 449-460). For example, global discourses that stand for good values have a greater impact on societies that are more amenable to such discourses through higher rates of international exchanges. Thus, the prevalence of emancipatory values in society may reflect its degree of exchange with the international environment.

For example, M. Robinson (2002) points out that values, morality, ethics, law and human rights are all linked into a complex regulatory cluster. By promoting a coalition between religious believers of very different traditions, nonbelievers and religious agnostics, in search of a moral consensus on a number of fundamental issues, he has furthered the prospects of the global conversation that is essential to a globalising ethics – if one may use the phrase, – and to the global ethos that will make human rights more comprehensible, complete and defensible around the globe (Robinson, 2002, p. 4). Thus, it is the interreligious communicative field that creates in a globalized society a common legal field of proper quality.

In the conditions of globalization of world coexistence, personal freedom acts as the dominant social value, therefore the rights of the person, their guarantees and the possibility of effective realization occupy a leading position. In a globalized society, there is a change from survival to self-development, that is, people move from materialistic values of survival to post-materialistic values, preferring priority of self-expression, freedom of choice and quality of life, rather than economic and physical security. The transition of an industrial society to a knowledge society is connected with the transition of appreciation of personal potential. In the knowledge society, there is an increasing proportion of the population that refuses the overwhelming emphasis on economic and physical security and focuses on subjective well-being, self-expression and quality of life. Self-expression as a value gives priority to environmental protection, tolerance to foreigners, LGBT minorities, gender equality, and civic demands for the state in the sphere of participation in economic and political decision-making. The legalization of abortion and same-sex marriage, along with the laws on discrimination against homosexuals, mark the emancipatory breakthroughs among modern civilized society.

The diversity of religious norms as a basis for legal regulation. In support of this statement, we should turn to the results of a survey conducted by WVS (World Values Survey, which studies the change of values and their impact on socio-political), and covering 97 countries, which are home to almost 90 percent of the world's population. As a result of the poll, reputable sociologists concluded that the traditional/secular-rational measurement of values reflects a contrast between a society in which religion is very important and a society

where its role is not so significant. Societies of traditional polarity uphold the importance of parent-child ties, respect for power, and traditional family values, in the case of the refusal of divorce, abortion, euthanasia, and suicide. These societies have a high level of national pride and nationalistic outlook. Societies with secular-rational views have opposite preferences. In almost all industrial societies, the outlook has shifted from traditional to worldly rational values (Values change the World).

Significant influence of age factor on the perception of the latest globalization values, priority of religious norms as a regulator of social behavior. The marital and family sphere of social life is the most influential in changing the religious and moral values of a globalized society. Let's turn to statistics.

According to the analysis by the Pew Research Center, the marriage rate of Americans at the age of 18 and older dropped to 50.3% in 2013, as compared to 72.2% in 1960. Incidentally, 182,000 households are among gay couples (Bedard, 2014). The attitude towards the latter has also changed radically. A survey conducted in 2014 has found that 49% of American adults believe that same-sex sexual activity has the right to exist, compared to 11% in 1973 (Twenge, Sherman, & Wells, 2016, p. 1713). There has also been an increase in the number of people who believe that premarital sex in the adult population is inappropriate behavior, in the early 1970s it was 29%, in the 1980s and 1990s – 42%, in the 2000s – 49%, and in the period from 2010 to 2012 – 58%. (Twenge, Sherman, & Wells, 2015, c. 2273). Therefore, the younger generation is more inclined to perceive global values, able to more quickly reject established religious and moral attitudes than the older age group.

Dualistic interaction between the globalized state power and the religious sector of public relations. On the one hand, there is the modernization of legal relations, an increase in the level of security of people, which causes a decrease in the levels of religious participation, together with a more skeptical view of religion, which influences the realization of one's legal status. On the other hand, the scholars of religious changes have also recently pointed out that modernization brings an increasing level of cultural diversity, which in its turn leads to an increase in the level of religious involvement and more positive views of religion, which have an impact on the social and legal role of the individual. Thus, we emphasize that religious

and legal values are influenced by two different dimensions of modernization in opposite directions, with one component causing religious decline and the other causing religious exaltation.

Significant religious and moral opposition to certain social groups in the area of human rights promotion and the latest tendencies in family and sexual behavior, in the sphere of disposing of one's own body, etc. Under the influence of religion, traditional norms in almost every culture emphasize the bonding of family ties, family size, and high fertility in male control of female sexuality. The opposition of a globalized society, according to Amy C. Alexander, Ronald Inglehart, Christian Welzel, testifies to the change of values in the field of sexual freedoms, is a signal of an evolutionary breakthrough in the development of moral systems (Amy, Inglehart, & Welzel, 2016, p. 909). This tendency began to intensify in the spheres of life in which religious norms were, until recently, able to oppose emancipatory achievements.

Researchers indicate that a decrease in the religiosity of a person directly influences his or her positive attitude to the latest globalized tendencies in the field of wide human rights (Baez, S. 2016, p. 206-207; Predko, O. 2019, p. 33-34; Ogneviuk, H. 2018, p. 62-64). An analysis conducted in 2015 by Twenge et al shows a pronounced increase in sexual tolerance among American residents. The authors emphasize that this tendency coincided with a similar pronounced decrease in religiosity (Twenge, Sherman, & Wells, 2015, p. 10).

Growth of protest sentiment among members of society. Ascetics of classical religious and legal values are protesting against the modern variables of axiologists, which quite often have radical manifestations. Among them are manifestations of terrorism generated by a religious factor that has particularly intensified over the last few years. The struggle for emancipation is regularly resisted by reactionary forces, including right-wing extremism, armed terrorism and religious fundamentalism.

The authors substantiated the need for scientific analysis of changes of axiological determinants of a globalized society under the influence of religious factors, which is also due to the fact that the internal system of each country needs to unify it with international legal standards – on the one hand, and on the other – to preserve national ethical and moral as well as mental and legal values.

Conclusions

The change of social reality generated by globalization processes transforms legal reality and moral and religious values. Such transformations are typical both at the state level and at the level of the individual. The following tendencies of the change of religious values that directly influence the consciousness, legal culture of the individual and the legal system of the individual state are determined: democratic and humanistic values start to dominate the world's law and order; local traditions and religious values are changing, there is the "interconnection" between global and religious values of different cultures; personal freedom acts as a dominant social value; the diversity of religious norms as a basis for legal regulation; the significant influence of the age factor on the perception of the latest globalization values and the importance of religious norms as a regulator of subjective behavior; the dualistic interaction of a globalized state power and the religious sector of public relations in which one component causes religious decline and the other causes religious exaltation; significant religious and moral opposition to certain social groups regarding the promotion of human rights and the latest tendencies in family and sexual behavior, in the sphere of disposing of one's own body, etc.; the growth of protest sentiment among members of society, including right-wing extremism, armed terrorism and religious fundamentalism.

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