

PRAWNY ASPEKT WPŁYWU NA FORMOWANIE OPTIMALNEGO PARADYGMATU FILOZOFICZNEGO

Yurii Paida

Doktor nauk prawnych, docent

Institut Podatkowy w Kamieńcu-Podolskim, (Kamieńcu-Podolskiy, Ukraina)

e-mail: vovo4ka23@ukr.net

ORCID ID: 000-0002-6424-6419

Streszczenie. Artykuł poświęcony jest ujawnianiu różnych aspektów wzajemnego oddziaływania filozofii i religii, ponieważ przeomyślenie wartości religii, jej treściowego, znaczeniowego elementu jest konieczne i ma oczywisty wymiar praktyczny, który wpływa na tworzenie optymalnego paradygmatu filozoficznego.

Słowa kluczowe: filozofia religijna, kultura, podejście teologiczne, podejście filozoficzne, światopogląd, społeczna funkcja religii, religia, materialistyczna dialektyka, świadomość społeczna, indywidualna świadomość, zjawisko religijne.

LEGAL ASPECT OF THE INFLUENCE ON FORMING OPTIMAL PHILOSOPHICAL PARADIGM

Yurii Paida

Candidate of Law, Associate Professor,

Professor of the Department of Economics, Humanities and Law

Kamianets-Podilskyi Tax Institute, (Kamianets-Podilsk, Ukraine)

Abstract. The article deals with the analysis of various aspects of the mutual influence of culture and religion, because reinterpretation of religion values, a meaningful, semantic element of religion is necessary and has evident practical dimension that affects forming of the optimal cultural paradigm.

Keywords: religious philosophy, culture, theological approach, philosophical approach, worldview, social function of religion, religion, materialistic dialectic, social consciousness, individual consciousness, religious phenomenon.

ЮРИДИЧНИЙ АСПЕКТ ВПЛИВУ НА ФОРМУВАННЯ ОПТИМАЛЬНОЇ ФІЛОСОФСЬКОЇ ПАРАДИГМИ

Юрій Пайда

кандидат юридичних наук, доцент, Кам'янець-Подільський податковий інститут, (Кам'янець-Подільський Україна)

Анотація. Стаття присвячена розкриттю різних аспектів взаємовпливу філософії та релігії, адже переосмислення цінностей релігії, її змістовного, значеннєвого елементу є необхідним та має очевидний практичний вимір, що впливає на формування оптимальної філософської парадигми.

Ключові слова: релігійна філософія, культура, теологічний підхід, філософський підхід, світогляд, соціальна функція релігії, релігія, матеріалістична діалектика, суспільна свідомість, індивідуальна свідомість, релігійний феномен.

Formulation of the problem. Questions of the essence of religion have long been controversial. As a result of controversy, several basic approaches to understanding and defining religion, namely, theological, philosophical, sociological, psychological, and others, were formed. They mainly differ in the explanatory principle. At the same time, all approaches are interconnected and, first of all, due to the influence of one on another, the use of one or another ideological tradition of the specific ideas of their opponents, and so on.

Analysis of researches and publications. Such foreign and domestic scientists as S. Aleksieiev, V. Babkin, G. J. Berman, M. Koziubra, O. Kostenko, V. Nersesiants, A. Sukhov, D. Uhrynovych, S. Tokariev, M. Andrianov, A. Kolodnyi, A. Poleshko and others made significant contributions to the research of various aspects of this problem.

The purpose of the article is to investigate the possibilities, which religion offers for man, for the culture of our era, changes not only the consciousness of people and the conditions of their existence in the world, but also the world itself. Therefore, a detailed analysis of the anthropological and ontological reasons for the existence of religion, its cultural possibilities is required.

Statement of the main material. Unlike theology, philosophy is characterized by a critical attitude to all phenomena of reality, including religion. Theological approach is based on the perception of religious belief as the primary and unconditional truth within the religious experience. However, philosophy demands to go beyond this experience and consider religion in the context of mind and its research methodology developed by it and other sciences.

As we know, one of the main tasks of philosophy is the development of conception of the world that corresponds to the modern level of science, historical practice and intellectual needs of man.

Analyzing the degree of development of the problem, it should be noted that religion was the object of philosophical consideration throughout its existence, its development. The degree of development of its problems in different epochs, in different countries, different philosophers was not the same.

They have a certain scientific and cognitive value, the right to life and the conclusions on religion, which are contained in many philosophical writings of Democritus, T. Hobbes, B. Spinoza, P. Holbach, I. Kant, G.W.F. Hegel, L. Feuerbach, J. Meunier, Voltaire, V. Soloviov, M. Berdiaiev, S. Frank, K. Marx, F. Engels, H. Plekhanov and other thinkers.

In Ukraine, the origin of the philosophical foundations of religious knowledge falls on the 19th century. It is associated with the names of M. Drahomanov, O. Potebnia, I. Franko, P. Yurkevych, M. Hrushevskiy and others. H. Skovoroda turned his mind to his assessments of the religious phenomenon. It is clear that these prominent creators of philosophy do not complete their list.

As L. Mytrokhin states, there are at least two reasons explaining the interest of philosophy to religion:

- firstly, it is impossible to understand the specifics of religion, its social functions and the mechanism of their activity without having carried out the study of "concluding" (i.e., socio-ontological) foundations of religious worship, behavior, and faith. And it is the prerogative of philosophical science. It is no coincidence that the attention of the greatest creators of "science of science" was invariably attached to religion;

- secondly, in religious conceptions and in their generalized theological concepts, a centuries-long moral and psychological experience is imprinted, which represents a special value for philosophical reflections of the human problem. That is why a number of philosophical schools were closely associated with the Christian doctrine and a little later separated from it (*Mitrohin L. N. 1989, p. 25*).

Scientists can consider a religion in the context of subjective-idealist, objective-idealist, dialectical-materialist and other positions.

The main thing in religious philosophy is the doctrine of the relation of man to God and God to man. In practice, it differs little from the theological concepts. If the latter undoubtedly interpret the dogmas of the sacred writings, then the religious philosophy submits them to analysis, exercises its interpretation.

Along with religious philosophy there is a philosophy of religion, in which the positive tendency in the assessment of religion in the life of man and society prevails. Within the philosophy of religion, deism has been developed, which states that although God exists in the world in the form of the root cause, however, after its creation, the movement of the universe is carried out without the participation of God, as well as pantheism, which defends the identity of God and the universe.

The philosophy of religion should highlight the works of Hegel (*Gegel' G. V. 1976*) and a German philosopher L. Feuerbach, a vivid representative of the materialist tendency. In his writings "The Essence of Christianity" and "Origin of Religion" (*Gegel' G. V. 1976*), the latter tried to prove that man is the beginning, middle and end of any religion and God is a perfect and mighty man.

A more developed form of materialism, rather than the anthropology of L. Feuerbach, stands for dialectical materialism.

Significant progress in understanding the essence of religion from the standpoint of materialist dialectics has been made by representatives of the so-called Marxist school. For example, in the paper "To the critique of the Hegelian philosophy of law" K. Marx gives an appropriate philosophical characterization of this phenomenon, saying that "religion is self-consciousness and self-control of a person who has either not yet found himself or has lost his life again. But man is not an abstract creature that lives somewhere outside the world. Man is the world of man, state, society. This state and this society generate religion, a false worldview, because they themselves are a false world. Religion is the general theory of the whole world, its encyclopedic compendium, its logic in a popular form, its spiritualistic point d'honneur (the point of honor), its enthusiasm, its moral sanction, its solemn addition, its universal basis for comfort and justification" (*Marks K., Enhels F. 1964, p. 384*).

From this and other definitions of religion by the classics of Marxism it is possible to distinguish a number of socio-philosophical principles of the analysis of this phenomenon, by which the sciences of social science are also guided today. Namely:

- there is no "personal" in religion. Its origins are in real life. In order to overcome religiosity, it is necessary to create an existential situation that would not give rise to any illusions. K. Marx wrote, "The abolition of religion as illusory happiness of the people is a requirement of their true happiness" (*Marks K., Enhels F. 1964, p. 385*);

- religion is a part of the social and individual consciousness, a fantastic form of reflection of reality;

- religion, as a social phenomenon, has a historical nature. This means that this phenomenon is a product of not eternal, but of transient social conditions;

- as a result of religiousness, the earthly forces, which take the form of the unearthly, are reflected in the minds of people;
- in the religious consciousness, the world surrounding the person has a real, terrestrial and unreal, unearthly basis;
- religion is a certain system of knowledge, ideology, moral and legal code, a stratum of culture, a sphere for the satisfaction of people during the period of their alienation from real life, etc.

However, today, not everything that is cultivated by Marxist science is the truth in the last instance.

For example, Marxist doctrine came from the fact that religion, as a historical phenomenon, has its beginning and its end, it will die with its natural death (*Il'in H. A. 1993, p. 112*). You can argue with the author of this idea. After all, K. Marx noted that religion itself is devoid of sense; its origins are not in heaven, but on earth. This is also confirmed by Karl Marx's thesis that the "religious feeling" is a social product, the totality of all social relations (*Marks K. 1976, p. 265*). To destroy the distorted reality, the expression of which is religion, is impossible. Difficulties, contradictions, due to the presence, removal, solution of which any society is always developed, nourish religion. It should also be noted that, in addition to social, it has gnoseological (due to the complexity of the process of knowing reality itself) and psychological (as individual for each person, and characteristic of society in general) basis. It is the eternal companion of man, society. The "eternity" of religion proved the German scholar D. Goldschmidt who wrote: "Religion existed and will exist in all societies at all times ... People need God to ritualize their way of life. God will never die. Man will not let him die" (*Bilko T. 2005, p. 8*). It is impossible to deny this conclusion, since the best symbol, the ideal, than God, humanity has not yet been found for itself.

Religious phenomenon has long been considered by many specific sciences of the so-called secular religious studies direction – sociology, psychology, history of religion, etc. It was not easy to approach such a consideration. Indeed, religion, in contrast to other objective phenomena (objects), in connection with its particular "divine nature," was considered "irrational", inaccessible to scientific analysis. But the revolution happened and it was successful.

A German sociologist M. Weber began studying the role of Protestant ethics in the genesis of Western European capitalism. His fundamental work "Protestant Ethics and the Spirit of Capitalism" (*Weber M. 1990*) brought to life a number of investigations related to the analysis of the "economic role" of world religions, the identification of social functions of religion, its place in culture, and modern forms of religiosity. The importance of the emergence of a sociological approach to religion lies in the fact that modern theology is not detached from sociology, but, on the contrary, tries to put it into service. There is sociologization of theology. Consequently, there is an opportunity for a world-view and theoretical dialogue between secular humanistic thought and different trends of theology, as well as corresponding joint practical actions.

In his papers, M. Weber elaborated ideas and conclusions of the French thinker E. Durkheim (*Djurkgejm Je. 1991*). The latter considered religion as a social phenomenon. The great scientist regarded the general beliefs, values and practical life orientations of religion as the basis of the social organism, allowing the functioning of society as certain integrity. That is why the purpose of religion is the same as morality and law. Religion should ensure social balance, which is constantly disturbed by various social

impulses and shifts. If religion is not able to maintain such a balance, it, according to the sociologist, is replaced by other religious entities. We should note that this conclusion is obviously more acceptable and important for a democratic society. In an antagonistic society, religion, or rather the church often acts as a "maid" of exploiting classes and may restrain progressive changes in their favor. In general, E. Durkheim's conception of religion as an integrating force and a stimulator of social development (it also found justification in his papers) is a significant contribution to the treasury of academic religious studies and philosophical science in general.

Religion is not only a social but also a psychological phenomenon. This is an important component of the inner emotional-volitional and spiritual life of a believer. The representatives of the psychology of religion make an emphasis on this side of religion in their researches.

In the psychology of religion, an important place occupies a psychoanalytic direction, represented by the works of Z. Freud, K. Jung, and E. Fromm (*Frejd Z. 1991*). Thus, Z. Freud's scientific works highlighted the important questions of constructing the inner world of the individual, of his motives and experiences, of conflicts between desires and sense of duty, the causes of mental stresses, and the illusory conceptions of man about himself and his environment. In religion, Z. Freud saw "a store of conceptions" generated by the need to make human helplessness less painful for both man and society.

In our opinion, the theoretical elaborations of psychologists of religion are of great importance in the aspect of knowing the mechanism of psychological influence of this phenomenon on society and man. It is well-known that certain spiritual, moral and psychological principles are needed for stabilization and evolutionary development of society. In the difficult time for Ukraine – the crisis period in the economy, political differences, the break-up of the old and the lack of a new ideology, there is a tendency to increase the asthenic state of society, which manifests itself in the spread of crime, drug addiction, neurological disorders of health, etc. In such circumstances, religion can perform a "medical" mission, dissolve personal neuroses, and soften or "remove" social hardship.

But it should be emphasized that in the psychology of religion there is also the "reverse side of the medal" – religion cannot only stabilize but also destabilize the psyche of church parishioners, which is clearly evident in the examples of the activities of separate confessions, totalitarian sects, and newest non-traditional church structures. All this requires a profound objective scientific study of this aspect of religion, the elaboration of appropriate legislative and organizational recommendations.

Z. Freud noted that in the process of his life, man develops a sense of fear and guilt with the inevitable appearance of neurosis under the influence of a social environment, which constantly monitors the individual giving him certain taboos. He compares this illness with individual religiosity, and defines religion as "universal collective neurosis." That is, Z. Freud deduced the idea of God, referring to the so-called Oedipus complex, to the suppressed desires of man displaced in the subconscious sphere of the soul (*Frejd Z. 1991*).

Theologians and clergy try to use Freud's psychoanalysis as a theoretical justification of the need for religion in the life of man and society, as well as in practical religious psychotherapy. There is a paradox: freethinker and rationalist Z. Freud, with

the help of representatives of theological tradition, himself, not wanting this, took the place of "the apostle of the psychoanalytic gospel".

According to the theory of the psychoanalyst K. Jung, religion helps people who are in need of access to the secret and symbolic, that is, plays an important role, first of all, in artistic creative work. According to the representative of the psychoanalytic direction E. Fromm, religious experience may not necessarily be related to theism. He considers the idea of God as symbolic and creates his concept of "new theology" (*Frejd Z. 1991, p. 3*). Religion is in any service of ideals, regardless of whom the person worships: whether idols, gods and saints, or leaders, class, nation, party or his success, wealth and power.

There are several other approaches to the definition of religion. For example, a German philosopher I. Kant considered religion to be a person's awareness of his moral duties; Hegel instead of the concept of God introduced the concept of "absolute idea" into the scientific circle, giving decisive importance of intellectual moment in religion; an English ethnographer E. Tylor considered the most important sign of religion to believe in spiritual beings, and a French historian of religion Reinak, understood religion as the system of prohibitions (taboos), and everything related to religious phenomena was forbidden.

There is the concept of "evolutionary-cosmic Christianity" of Tayar de Chardin. Based on the recognition of the universal "spirituality" of matter, Tayar de Chardin exercises the traditional division of Christianity into two substances – spiritual and material, divine and earthly. During the creation of the evolutionary-cosmic picture of the world, he applies a number of principles of dialectical methodology and, above all, the principle of development (*Tjejar de Sharden P. 1987*).

Religious consciousness of people, religious phenomenon in our society, is a fact, or rather, a mass phenomenon, which requires not only more or less correct definition, but also its further study.

In general, from a socio-philosophical point of view, religion is a multidisciplinary category. It can be considered in the broad and narrow sense of the word.

Such a twofold approach to the consideration of religion was substantiated by E. Fromm. He understands religion as "any system of views and actions, which is followed by a certain group of people and provides the individual with a system of orientations and object of worship" (*Frejd Z. 1991, p. 236*). From the standpoint of E. Fromm, each person is religious, and religion is inherent in all historical epochs.

In our opinion, religion is not only a manifestation of piety, entering man in the transcendence. History knew the communist, Nazi and other totalitarian ideologies, which represented a kind of secular religion with its obligatory attributes (doctrine, emotional and psychological treatment of the population, ritualism, the presence of certain organizational structures). According to M. Berdiaev, any totalitarianism prefers to be a church itself, and the ideological myth that is perceived by faith is essentially reinterpreted by religion (*Berdjaev H.A. 1989*).

According to Aristotle, man by nature (among other things) is ideological, has the inherent need for his own beliefs (convictions) serving as a reliable protection of his private interest, of his rights to a place in earthly existence. It proceeds from the definition of ideology given by K. Jaspers. According to his vision, ideology is a system of ideas or conceptions, which is "absolute truth" for the thinking subject and which

forms a one-sided interpretation of the world and his place in it (*Jaspers K. 1994*). Thus, his personal faith with signs of ideological frustration, even fantastic, constantly permeates the psychic life of every person. Faith allows the invisible (the expected), potential, and perspective to perceive as the real, visual, not necessarily turning to God or entering into the so-called beyond.

Religion is one way or another connected with popular creeds and beliefs. All mythological and demonological conceptions, magic rites, customs and rituals belong to science fiction, religious philosophy. They play an important role in human life, form spirituality, reflect the rich experience of people, and sometimes recreate their age-old aspirations, have not only historical-cognitive but also practical interest (*Ukrainci: narodni viruvannia, poviria, demonolohiia, 1992, p. 21*). The process of national revival of Ukraine can be accelerated, in particular, through the adoption the spiritual wealth of the people accumulated by many generations.

Religion, any faith or belief for a person, including signs of mysticism, is a means of asserting the personality, seeking his sense of his being, expressing his confidence in his plans and expectations.

An analysis of various philosophical approaches to understanding religion, knowledge of many provisions of the Scriptures, theological and religious-philosophical literature, communication with clerics and believers allows us to explain our vision of the essence of this phenomenon.

Man, who associates itself with religion, changes not only ideological orientations, but also is renewed spiritually, rebuilt psychologically (sensibly), deliberately chooses a verbally prescribed, and often ascetic way of life. The righteous, just and true thoughts and actions become an indisputable rule for true believers.

Conclusions. Summing up, we can state that religion is a special sphere of the spiritual life of the individual and society, a social phenomenon characterized by a deeply conscious high-spiritual mission, psychological mood and the corresponding practical actions of the individual or the human community associated with their attitude to the transcendental and the supernatural. Therefore, it is necessary to remember that the essence of the knowledge of religion is to consider it from different worldview positions in the light of social life and consciousness of the individual in the context of social space and time.

References:

1. Mitrohin L. N. (1989). *Filosofy i religija* [Philosophers and Religion]. *Voprosy filosofii* [Questions of Philosophy], no. 9, pp. 16–35. [in Russ.]
2. Gegel' G. V. F. (1976). *Filosofija religii* [Philosophy of religion]. Moscow: Mysl', vol.1, 532 p.; Gegel' G. V. F. (1976). *Filosofija religii* [Philosophy of religion]. Moscow: Mysl', vol. 2, 573 p. [in Russ.]
3. Marks K., Enhels F. (1964). *Tvory* [Works]. Kyiv: Publishing House of Political Literature of Ukraine, vol. 1, pp. 384–397. [in Ukr.]
4. Il'in H. A. (1993). *O protivlenii zlu siloju* [On opposition to evil by force]. *Put' k ochevidnosti* [Way to the obvious]. Moscow: Mysl', pp. 5–132. [in Russ.]
5. Marks K. (1976). *Tezisy o Fejlerbahe* [Theses on Feuerbach]. Marks K., Jengel's F. *Sochinenija* [Selections]. Moscow: Mysl', vol. 42, pp. 264–266. [in Russ.]
6. Bilko T. (August 04, 2005). *Molod stavyt pered tserkvoiu vichni zapytannia* [The youth poses perpetual questions for the church]. *Uriadovi kurier* [Government Courier], no. 139, pp. 8–9. [in Ukr.]

7. Veber M. (1990). Izbrannye proizvedeniya [Selected Works]. Ju.N. Davydova (Ed.). Moscow: Progress, 808 p. [in Russ.]
8. Djurkgejm Je. (1991). O razdelenii obshhestvennogo truda. Metod sociologii [On the division of social labor. The method of sociology]. Moscow: Nauka, 575 p. [in Russ.]
9. Frejd Z. (1991). Vvedenie v psihoanaliz: lekcii [Introduction to psychoanalysis: lectures]. Moscow: Nauka, 472 p.; Jung K. (1998). Izbrannoe [Selected Works]. Minsk, 443 p.; Fromm Je. (1990). Imet' ili byt'? [To have or to be]. V.I. Dobren'kov (Ed. and transl.), 2nd ed. Moscow: Progress, 215 p. [in Russ.]
10. Tjejar de Sharden P. (1987). Fenomen Cheloveka [The Man's Phenomenon]. Moscow: Nauka, 239 p. [in Russ.]
11. Berdjaev H.A. (1989). Filosofija svobody. Smysl tvorchestva [The philosophy of freedom. The meaning of creativity]. Moscow: Pravda, 607 p. [in Russ.]
12. Jaspers K. (1994). Smysl i naznachenie istorii [The meaning and purpose of the history]. Moscow: Politizdat, 527 p. [in Russ.]
13. Ukraintsi: narodni viruvannia, poviria, demonolohiia [Ukrainians: people's beliefs, creeds, demonology (1992). Kyiv: Lybid, 640 p. [in Ukr.]