

**UDC 130.2:355.001.4**V. S. BLIKHAR<sup>1\*</sup>, R. F. GRYNIUK<sup>2\*</sup><sup>1\*</sup>Lviv State University of Internal Affairs (Lviv, Ukraine), e-mail blikharv@ukr.net, ORCID 0000-0001-7545-9009<sup>2\*</sup>Vinnitsia Institute of Trade and Economics of State University of Trade and Economics (Vinnitsia, Ukraine), e-mail grinuk.rf@gmail.com, ORCID 0000-0003-0158-8363**Transformation of Anthropological Legal Values of Human Existence under Conditions of War**

**Purpose.** The main purpose of the article is to study the anthropological and socio-philosophical dimensions of human existence in the context of hostilities by highlighting the aspects of transformation of anthropological legal values of human existence during the war. **Theoretical basis.** The methodological tools are presented in the interaction of axiological, synergetic, socio-legal and comparative methods. The survey method is used to obtain quantitative data on the self-assessment of Ukrainian citizens in relation to the war, changes in their internal intentions as a result of the crisis of social reality. **Originality.** Military actions can act both as a catalyst for the formation of new anthropological legal values, in accordance with the specifics of martial law and the need to adapt legal systems to the challenges arising in wartime, and as a destructor of certain value attributes of society. **Conclusions.** The nature of paradigmatic changes in wartime is represented by the metamorphosis of anthropological legal values, which manifests itself in profound changes in the philosophical understanding of man, the transformation of legal principles and the revision of moral norms in society. Reflections on the legal paradox appear in attempts to balance the need to keep within the law with the requirement to ensure security and defence in the first place. The article highlights the following aspects of changes: revision of the concept of individual rights and freedoms by recognising that individual rights may be subject to restrictions for the sake of the common good or national security; new legal values arise which are related to the protection of human rights in war conditions.

**Keywords:** human being; fear for life; war; anthropological values; legal norms; human rights; modes of human existence; meaning of life

**Introduction**

In all scientific fields today, there is a significant lack of doctrinal analysis of the problems associated with the change in the meaning of human life, including in the context of analysing the problems of the philosophy of war. Philosophical awareness of reality during such a transformation of life is deeply intertwined with the problems of anthropology, ontology, axiology and ethics. This is also because military conflict, as a phenomenon, provokes various philosophical reflections on the nature of human existence and changes the modes of human life. The anthropological aspect consists in considering the impact of war on the essence of man, as various facets of human nature are revealed, from aggressive and destructive aspects to the possibility of showing solidarity and humanitarian qualities. The ontological perspective allows us to consider war as a special kind of existence, where conflict and danger become the defining characteristics of existence. Ethics in the context of military conflict requires careful consideration, given that modern moral philosophy raises questions about justice, humanitarian principles and responsibility in war, the fairness of warfare, the moral duties of soldiers and the value basis of conflict resolution. These areas of philosophical analysis help to better interpret the significant and complex aspects of human existence in the context of military conflict.

Despite the fact that recent years have been characterised by a surge in regional conflicts and wars all over the planet, this issue has been studied very indirectly. We find works by scholars who point to anthropological trends in the situation of persons who have crossed the border, in particular refugees and migrants, and their formation in the host state. For example,

N. El-Shaarawi and M. Razsa (2019) analysed aspects of human identity transformation and the pitfalls of modern anthropological trends in the study of displacement on the example of the migration wave in Europe. Other researchers hold the same opinion (Albahari, 2015; Cabot, 2019; Dobroier, 2023; Raheja, 2024; Ramsay, 2020). A separate area of research is also devoted to the issue of the conflict between state and non-state legal institutions and ethical values during military conflict. N. Petruk and O. Gapchenko (2023) study the dimensions of human existence during the war and emphasize the need for a person to observe moral and ethical norms in the realities of war. A. Huneeus and P. Rueda Sáiz (2021) focus on the territorial problem as a factor in the emergence of military aggression, point out the importance of the arena of armed conflict for human existence, and determine its role for human life and destiny. However, a clear analysis of the change in anthropological determinants during hostilities has not been the subject of scientific analysis. However, the problem is very significant, since the transformation of anthropological legal values of life in war reflects profound changes in the perception and exercise of people's rights and obligations during conflicts. Military actions prompt a rethinking and reformulation of the norms that regulate the interaction between a person and society in a crisis situation, and transform the modes of human life.

Ukraine, under the influence of the military conflict, is facing significant challenges of socio-legal, political and cultural metamorphosis in all spheres of society. The humanitarian problems arising from the war are forcing a rethinking of ideological and legal values, and the study of these changes is becoming a key element in understanding the needs and problems of citizens who have become victims of the conflict.

International humanitarian law and human rights protection become critical in the context of military conflict. Modern law demonstrates its significant conflict and ineffectiveness, and established international institutions are ineffective in protecting the rights and freedoms of citizens both in actual hostilities and in the context of hybrid warfare, migration, energy, environmental, cultural and mental health crises. Research in this area contributes to the development of effective protection mechanisms and the implementation of standards in the military environment, and promotes the understanding of the existential aspects of human existence, such as life, death, freedom, destiny, fear, despair, etc.

Political and social institutions are undergoing reformatting to ensure stability and recovery from war. Studying these processes helps to develop strategies for building a resilient society in the post-war period. National identity is undergoing significant changes, and studying this process allows us to understand how war affects the collective consciousness and shapes new socio-cultural realities.

Therefore, the declared problem is relevant for the epistemology and praxeology of socio-legal reality, and the study is necessary not only for theoretical understanding of the evolution of philosophical and legal concepts, but also for practical adaptation of legal norms to changes in society.

### **Purpose**

The purpose of the article is to study the anthropological and socio-philosophical dimensions of human existence in the context of hostilities by highlighting the aspects of transformation of anthropological legal values of human existence in the context of war. To this end, it is envisaged to solve a number of tasks, among which the following should be highlighted: 1) to study the essence of paradigmatic changes in the anthropological legal values of life; 2) to analyse the

transformation of the cultural landscape and legal ideology during the war; 3) to consider the reflection of the legal paradox in the context of military reality.

### **Statement of basic materials**

#### *The nature of paradigmatic changes in anthropological legal values of being*

In the era of rapid socio-cultural and technological development, deepening globalisation processes and evolution of legal doctrine, the issue of transformation of philosophical and legal values is becoming a key aspect for understanding the essence of modern society. The core of the transformation of philosophical and legal values can be expressed through the prism of the concept of "paradigm shift", as this term indicates a radical transformation of the basic ideas, concepts and value orientations that determine the philosophy and legal system of society. Paradigm shift reflects the transition from the dominant philosophical and legal approach to a new one that takes into account modern socio-cultural, technological and global realities, which means not only superficial changes in legislation, but also a revision of fundamental principles and approaches to understanding the legal order, involving not only individual modifications, but also profound changes in the modes of human life, values and basic paradigms that dictate the development of social and legal science and practice.

Observing the dynamics of legal concepts, we face challenges that raise profound questions about the core values that underpin our legal systems as a factor in the "variation of the multilinearity of social development" (Nowak, 2022).

This process of transformation of philosophical and legal values may be caused by a number of factors. Representatives of Chinese philosophical anthropology point out that the requirements of social transformation of universal characteristics of people are manifested through "citizenship, full autonomy and individuality, respect for ideas, and the ability to process information quickly" (Chu, 2022). In turn, scholars of the Belgian philosophical school reduce the social transformation of human rights to a "transformation of the role of the state" (Damay & Delmotte, 2021). However, in our opinion, transformational changes should be understood more broadly, highlighting socio-cultural and technological changes, political and economic transformations, as well as global trends in the universalisation of social norms that play a key role. Sociocultural transformations are determined by the growth of individualism, the expansion of the information space, and cultural diversification. They have a significant impact on philosophical approaches to law and the understanding of freedom, necessitating the adaptation of the legal system to new realities, including the activation of civil society and diversity of values.

Technological progress, in particular information progress, gives rise to new legal challenges, such as privacy protection, intellectual property, cybersecurity, etc., which creates the need to revise traditional legal concepts and principles and adapt them to modern technological realities. After all, as L. Osadcha (2022) rightly observes, "the actor of the current culture is being formed according to the communicative frames of a digital environment" (p. 90).

International and global challenges require a rethinking of traditional legal concepts and the introduction of new approaches due to the growing importance of international cooperation and the emergence of global issues (climate change, cyber threats, new generation human rights, etc.). This stimulates the development and implementation of new legal strategies to solve modernist anthropocentric problems.

In general, it can be stated that paradigmatic changes in society are continuous in nature, as they are characterised by continuity, determining its evolution and reflecting "understanding of the mental and cultural causes and factors of human existence" (Aitov, 2022, p. 112). Tangible transformations of modes of human life, such as social relations, technological progress, economic models and cultural paradigms, are sometimes imperceptibly reformulated without obvious discontinuities or drastic changes. This continuous nature determines the gradual development and adaptation of society to new realities arising from the growing individualisation, the expansion of the information space and the constant changes in the socio-cultural landscape.

In such a progressive, evolutionary stage of reality change, rapid radical threats bring about an essential transformation, the nature of evolution changes to revolutionary deformation. War is just such an attractor. The metamorphosis of paradigmatic changes in anthropological legal values that occurs in the context of war transforms not only the legal system, but also activates deep philosophical ideas about human existence, the manifestation of human fear, will, and understanding of life and death. Moreover, this catastrophic event causes radical shifts in the worldview and political system, contributing to changes in the fundamental aspects of existence. During war, anthropological conceptions of man are transformed. Increased levels of threat and stress, significant levels of stress and fear for life, often trigger new approaches to understanding human nature and the role of the individual in society. Anthropological paradigms previously defined by stability and harmony may shift to the notion of adaptability, solidarity and survival in times of crisis.

Legal values are undergoing a profound transformation. By the way, this is pointed out by many international scientists (Annavarapu & Levenson, 2021; Ekardt, 2020; Lazarev, 2019). Traditional principles may be modified or temporarily suspended in the interests of martial law, and the rewriting of the legal order is taking place in a rapidly changing temporal context. The latter respond to the specific challenges of armed conflict, including changes in human rights, relations between the state and citizens, and the definition of exceptional situations to ensure security and order. In addition, war can affect the perception of justice and ethics in society, and the origins of legal systems are redefined under the influence of the unpredictable circumstances of military conflict.

Thus, the metamorphosis of anthropological legal values during war is manifested in profound changes in the philosophical understanding of man, transformation of legal principles and revision of moral norms that determine the meaning of human life.

#### *Transformation of the cultural landscape and legal ideology in times of war*

"War – coalition aggression between groups of individuals – is one of the significant features of the human race" (authors' transl.) (Gat, 2017, p. 33). In the context of military conflicts, there is a remarkable transformation of the cultural landscape and legal ideology, which is accompanied by a number of philosophical aspects. Military conflict, as a reality, initiates profound changes in the socio-cultural environment, society faces challenges and is in a state of increased stress due to fear for life, which require a rethinking of cultural paradigms and legal foundations. This process can be compared to the Hegelian dialectic, where the conflict itself is a thesis that generates the antithesis of needs and values, which, in turn, contributes to the birth of a synthesis of new cultural forms.

Military conflict also introduces an element of contingency into society, where unforeseen circumstances are reflected in changes in cultural and legal standards, a factor that can be seen as a test for a society that faces the need to respond to extreme situations and adapt its values.

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The anthropological dimension of the reflection on military conflicts allows us to analyse changes in the mentality and perception of society's own identity. Military events give rise to modernist norms of behaviour and perception of cultural values that emerge in the context of military conflict. Established routine social relations put meta-anthropological values of an ethno-national nature on the agenda. In times of military conflict, patriotism and love for the homeland are recognised by society as important axiological values; these concepts grow out of a deep sense of belonging to one's own country and become guiding principles for many people. Patriotism, as a sense of pride in one's nation and a willingness to act for its benefit, becomes an important factor in uniting society during a military conflict. This is manifested in the readiness of citizens to perform duties in the defence of the country, to provide assistance and support to those who suffer losses or injuries during military operations.

Love for the homeland is a moral essence that provides an additional incentive for interaction and mutual support, and is revealed in the willingness to sacrifice one's own interests to ensure the well-being and security of the country. People feel a primary need to define the meaning of their lives by protecting their roots and preserving the principles of freedom. All these axiologemes in this period contribute to the formation of a common moral code that defines the priorities and values of society. The latter become the basis for collective efforts to ensure unity and endurance, allowing society to overcome the challenges of wartime.

The results of our survey based on the author's questionnaires demonstrated a significant increase in the patriotism of citizens after the military invasion of the aggressor state. The results of the authors' survey showed a significant (56 %) increase in patriotism, and only 6 % of respondents indicated a decrease in the level of love/respect for the homeland.

At the same time, the national consciousness of the public represents the destruction of axiological value concepts, in particular, such as deformation of social communication, morality, tolerance and altruism. Charles Mullon and Laurent Lehmann (2022) point out that war "leads to an overall structure of interactions involving in-group solidarity and out-group hostility". It should be noted that the level of belligerence in Ukrainian society has increased since the beginning of the military aggression, which indicates a tendency to hostility, hostile attitudes and active manifestation of aggression in the context of the conflict, by members of the aggressor state's society "without any political compromise" (Pant, 2022).

Ukrainians have always been known for their peacefulness and tolerance, but the situation has changed since the start of the full-scale invasion. Openly hostile (aggressive) attitudes towards Russia are expressed by 37 % of respondents, while 51 % of respondents feel a strong sense of hatred, and 17 % of respondents indicated less strong but negative emotions.

Antagonistic attitudes towards citizens of the Russian state are also on the rise, arising from the defence of opposing interests and values, in this case. Negative emotions arise from the incompatibility of the beliefs and actions of the states involved in the conflict. The increase in the level of hatred also reflects social distancing, when society becomes less tolerant of other cultures, values, freedoms or political views represented by the aggressor state. The results of the survey showed that Ukrainians have virtually identical feelings towards the aggressor state and its citizens, with little or no distinction between the two. While, as we have already mentioned, 56 % of respondents feel hatred towards the aggressor state, 49 % feel the same way towards its citizens, and another 29 % feel aggression. A favourable attitude was reported by 6 % of Ukrainians.

Therefore, while analysing the transformation of the cultural landscape and legal ideology in the context of a military conflict, it is important to take into consideration philosophical aspects

that contribute to a deep understanding of the processes taking place in society during martial law. Thus, in the context of war, patriotism and love for the homeland become moral pillars that unite people and stimulate their willingness to serve the country and protect its values. At the same time, hatred, reduced tolerance for citizens of another state, antagonism and social distancing reflect the opposite value attributes of the modern identity of citizens of the belligerent state.

*Reflections on the legal paradox in the context of military reality*

In the context of a military conflict, there is a dynamic that generates an internal conflict between the preservation of legal stability and the need to adapt to the challenges that arise in a military environment. This dynamic defines the essence of "legal metamorphosis", where changes in legal norms occur in accordance with the exceptional circumstances of a military conflict and the desire to balance legal values with the needs of justice, freedom and humanism in wartime. This dynamic is determined by the ambiguity and paradox of legal relations in wartime.

On the one hand, there is a need to preserve some basic legal principles and human rights even in wartime, as the "role of trust in building resilience" is important (Castro-Correa, Aldunce Ide, Wyndham Vásquez, Mena Maldonado, & Pérez Tello, 2020). On the other hand, there is a need to amend legal norms to take into account the specifics of the military situation and ensure the effective functioning of law and order in the context of an escalated conflict.

Let us consider in more detail certain changes in legal norms during wartime.

Firstly, war leads to a revision of the concept of individual rights and freedoms, in particular, in situations of military conflict, individual rights may be subject to restrictions for the sake of the common good or national security. The transformed understanding of personal freedom may change when it becomes necessary to impose extraordinary controls and restrictions to maintain stability. It should be noted that such restrictions are legitimate and have a legitimate purpose. According to Art. 8 of the Law of Ukraine "On Legal Regime of Martial Law", the authorised bodies in Ukraine may "introduce and exercise, within the limits of temporary restrictions, constitutional rights and freedoms of a person and a citizen" ("Pro pravovyi rezhym", 2015). From the point of view of general theoretical jurisprudence, the absolute of human rights is limited in accordance with the needs of society for protection.

Secondly, war can lead to the need to find new additional institutional guarantees for the protection of human rights. To illustrate this, let us turn to the experience of Ukrainian public authorities. Thus, on the first day of the full-scale invasion, realising that civilian institutions could not fully ensure the protection of the population, the President of Ukraine issued a Decree "On the Establishment of Military Administrations", which established military administrations in each region to provide leadership in the field of defence, public security and order ("Pro utvorennya viiskovykh administratsii", 2022).

Sometimes the guarantee mechanism needs to be transformed in a particular part, for example, access to justice in the context of military operations is limited, so it is not possible to fully protect the legitimate interests of citizens. According to Article 26 of the Law of Ukraine "On Legal Regime of Martial Law", any reduction or acceleration of court proceedings during wartime is prohibited ("Pro pravovyi rezhym", 2015), but in practice, ensuring the continuous operation of courts in times of war proves to be a very difficult task. The conditions of military operations often require rapid response and effective law enforcement mechanisms, which may

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lead to the adoption of temporary rules and structures that reflect the specifics of wartime. In particular, the legislative body adopts the Law of Ukraine "On Amendments to Part Seven of Article 147 of the Law of Ukraine "On the Judiciary and the Status of Judges" regarding the determination of territorial jurisdiction of court cases", which states that

If it is impossible for a court to administer justice for objective reasons during martial law or a state of emergency, due to a natural disaster, military operations, measures to combat terrorism or other extraordinary circumstances, the territorial jurisdiction of court cases heard in such a court may be changed. (authors' transl.) ("Pro vnesennia zminy", 2022)

Thirdly, military conflicts contribute to the emergence of new anthropological legal values related to the protection of human rights in conditions of war. International humanitarian law and human rights law recognise the need to protect civilians and ensure the decent treatment of prisoners of war. Recognition of these values in the context of military conflicts is an important aspect of the development of legal standards and their implementation in practice. In the context of hostilities, where the threat to life and security is high, there may be a real need to rethink ethical and legal norms, and new legal paradigms may emerge in situations of military conflict aimed at ensuring the protection of citizens, humanitarian aid and conflict resolution. At the same time, a tense balance between rights and obligations may arise, requiring new legal approaches.

Thus, military conflicts can act as a catalyst for the formation of new anthropological legal values, given the specifics of martial law and the need to adapt legal systems to the challenges that arise in wartime.

### Originality

Military actions can act both as a catalyst for the formation of new anthropological legal values, in accordance with the specifics of martial law and the need to adapt legal systems to the challenges arising in wartime, and as a destructor of certain value attributes of society.

### Conclusions

The study of the essence of paradigmatic changes in anthropological legal values of life emphasises the continuous and evolutionary nature of social change, but war causes radical deformations in anthropological concepts and legal values, leading to significant shifts in the worldview, political system and anthropological manifestations. The nature of paradigmatic changes in wartime is represented by the metamorphosis of anthropological legal values, which manifests itself in profound changes in the philosophical understanding of man, transformation of legal principles and revision of moral norms in society.

The analysis of the transformation of the cultural landscape and legal ideology during the war points to the dual nature of the change: on the one hand, there is an increase in anthropological values of society, such as public support, patriotism and love for the homeland, which become

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moral pillars that unite people and stimulate their willingness to serve the country and protect its values; on the other hand, hatred, a decrease in tolerance towards citizens of another state, antagonism and social distancing indicate the devaluation of certain value constants for a belligerent society.

Reflections of the legal paradox are manifested in attempts to balance the need to keep within the law with the requirement to ensure security and defence, as well as to take into account humanitarian aspects in the context of military operations. This requires a deep understanding and consideration of the context in which the rules of law are to be applied, and overcoming the paradoxes arising from the confrontation between the requirements of justice and the need to take measures in the extraordinary circumstances of war. The following aspects of the changes are singled out: revision of the concept of individual rights and freedoms by recognising that individual rights may be subject to restrictions for the sake of the common good or national security; the legal system forms additional institutional guarantees for the protection of human rights; new legal values arise which are related to the protection of human rights in wartime.

Prospects for future research are the problems of identifying the existential aspects of human existence, such as fear, freedom, death and their rethinking during war. Also, the conditions of war determine the need to study the manifestation of anthropological values in the lives of such war participants as prisoners of war, since their lives are completely dependent on the moral and ethical values of the opposing side. At the same time, wartime necessitates reflection on the life and fate of refugees who were forced to live outside the state, to analyse their fears, identity changes and modifications of the meaning of life after experiencing the horrors of war.

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## Трансформація антропологічних правових цінностей буття людини в умовах війни

**Мета.** Основна мета статті полягає в дослідженні антропологічних та соціально-філософських вимірів існування людини в умовах воєнних дій через виокремлення аспектів трансформації антропологічних правових цінностей її буття під час війни. **Теоретичний базис.** Методологічний інструментарій репрезентовано у взаємодії аксіологічного, синергетичного, соціоправового та компаративістського методів. Метод опитування використано для отримання кількісних даних щодо самооцінки громадян України у ставленні до війни, зміни їх внутрішніх інтенцій унаслідок кризи суспільної реальності. **Наукова новизна.** Воєнні дії можуть виступати і як катализатор для формування нових антропологічних правових цінностей, відповідно до специфіки воєнного стану та необхідності адаптації правових систем до викликів, що виникають у воєнний період, і як деструктор окремих ціннісних атрибутів соціуму. **Висновки.** Природу парадигмальних змін у воєнний час репрезентовано метаморфозою антропологічних правових цінностей, що виявляється у глибоких змінах у філософському розумінні людини, перетворенні правових принципів та

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перегляді моральних норм у суспільстві. Рефлексії юридичного парадоксу виявляються у спробах збалансувати необхідність дотримання законів із вимогою гарантування безпеки та оборони передусім. Виокремлено такі аспекти змін: перегляд уявлень про права та свободи особи шляхом визнання, що індивідуальні права можуть піддаватися обмеженням заради загального блага або гарантування національної безпеки; виникають нові правові цінності, які пов'язані із захистом прав людини в умовах війни.

*Ключові слова:* людина; страх за життя; війна; антропологічні цінності; правові норми; права людини; модули існування людини; сенс життя

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