

Rustam Atadjanov

A Common Theory of Law

Textbook on New Legal Approaches
for Post-Soviet States



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Foreword

It was 2008, and I still remember that my first class in law school was a subject described as the foundation for all the courses I was about to take: *Theory of State and Law*. Like in other countries shaped by the Soviet tradition of law, in Ukraine it was also a tapestry of the post-Soviet political science, the *Rechtsstaat* doctrine, and other sophisticated legal theories, served with a generous sauce of *étatisme*. It was no secret that most students despised this class.

However, times have changed. In many law schools, “Theory of *State* and Law” slowly evolved into “Theory of *Law* and State”, and eventually became “*Theory of Law*”. It was not merely a transformation of a discipline’s title; such an onomastic “revolution” reflected the social and political shifts in many post-Soviet countries, as well as changes in academic approaches to the study of law.

It is, therefore, a rare privilege to introduce the monumental work “A Common Theory of Law” by Dr. Rustam Atadjanov, a researcher from Central Asia. Dr. Atadjanov has undertaken a truly Herculean task: to summarise the existing post-Soviet legal theory and present it in a language that offers a different perception of legal realities.

As a scholar of public law and a long-time colleague of the author, I have witnessed his firsthand dedication and intellectual rigor with which this textbook has been developed. This work fills a critical void in legal education within the post-Soviet region, offering an innovative and comprehensive exploration of the theory of law as an autonomous and unifying discipline. I must say that it is, without exaggeration, a landmark contribution to the region’s legal academic literature.

Since the dissolution of the Soviet Union, the post-Soviet states have faced significant challenges in reconstructing their legal and educational systems. Legal thought in these countries has often been confined to the dualistic framework of the above-mentioned “Theory of State and Law”, dominated by statist and positivist paradigms. This approach, rooted in the Soviet legacy, prioritizes the state as the central axis of legal theory while neglecting the broader societal, individualistic and humanistic dimensions of law. Dr. Atadjanov’s textbook boldly breaks away from this tradition, presenting a refreshingly holistic and anti-statist perspective that views law not

merely as an instrument of state power but as a much wider societal phenomenon, a means of regulation, and a value in its own right.

This textbook is the first of its kind to be written in English, a decision that carries profound significance for legal education in the post-Soviet region. English, increasingly the lingua franca of global academia, serves as a bridge for connecting regional legal thought to the broader international discourse. By situating the theory of law within a global context while addressing the specific challenges and realities of post-Soviet states, Dr. Atadjanov has created a work that is both locally relevant and internationally significant. The textbook promises to be an indispensable tool for professors, instructors, scholars, and students of public law, as well as for legal practitioners and experts who engage with the theory of law in their work.

What sets this book apart is its comprehensive and inclusive approach. It meticulously examines a wide range of legal theories, from classical and positivist traditions to alternative schools of thought such as natural law, libertarian theory, and psychological theory. By doing so, it provides readers with a balanced and nuanced understanding of the diverse intellectual currents that have shaped the development of legal theory. The book also addresses the practical implications of these theories, demonstrating their relevance to contemporary legal and societal challenges in the post-Soviet region. This integration of theory and practice is a testament to the author's commitment to making legal education both meaningful and applicable.

Another commendable feature of this textbook is its innovative methodology. Dr. Atadjanov employs a pluralistic approach, combining historical, analytical, and comparative perspectives to provide a rich and multi-dimensional exploration of legal concepts. He emphasizes the dynamic interplay between law, society, and the state, challenging the rigid and often reductive frameworks that have dominated the region's legal scholarship. By treating the state as one of several key legal concepts—alongside society, power, human will, and regulation—the book repositions the theory of law as a discipline that transcends narrow doctrinal boundaries.

The textbook's structure is thoughtfully designed to guide readers through a logical progression of topics, from the foundational principles of legal theory to its application in specific legal systems and practices. Each chapter is a self-contained unit, yet they collectively form a cohesive narrative that underscores the unifying theme of law as a public good and a societal value. The inclusion of cross-disciplinary insights further enriches the text, making it relevant not only to legal scholars but also to those in related fields such as political science, sociology, and philosophy.

For the post-Soviet region, this book is more than a textbook—it is a manifesto for rethinking legal education and scholarship. It challenges entrenched paradigms and calls for a more open, critical, and innovative approach to understanding the role of law in society. At a time when many countries in the region are grappling with issues of legal nihilism, low legal culture, and the over-instrumentalization of law, this work serves as a beacon of hope and a source of inspiration. It underscores the potential of law to promote not only state interests but also individual rights, societal well-being, and the ideals of justice and constitutionalism.

As someone who has had the honor of knowing (and befriending) Dr. Atadjanov for over a decade, I can attest to his passion for advancing legal scholarship and

education in the region. Since 2016, our professional collaboration has been marked by mutual trust, respect, and a shared commitment to the transformative power of law. This textbook is a culmination of his years of academic rigor, practical experience, and unwavering dedication to the field of law.

In conclusion, “A Common Theory of Law” is a groundbreaking contribution that will undoubtedly shape the future of legal education and scholarship in the region. It is a must-read for anyone engaged in the study, teaching, or practice of law, and it deserves a place on the desk of every legal scholar, instructor, and practitioner. I have no doubt that this book will become a foundational text for generations to come, inspiring new approaches to understanding and teaching the theory of law. And I believe students will find studying the theory of law much more engaging with this handbook.

Dr. Atadjanov’s work stands as a testament to the power of inclusive ideas to transcend borders and paradigms. It is a privilege for me to recommend this book to readers, and I am confident that it will have a lasting impact on the legal academic landscape of the post-Soviet region and beyond.

Kharkiv, Ukraine
July 2025

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Preface

This book is the culmination of years of contemplation, teaching and research into the profound and multifaceted relationship between law and society, particularly in the unique context of the post-Soviet region. Its primary aim is to offer a comprehensive theoretical framework that transcends the conventional and state-centric approaches to legal theory. Instead of viewing law as a mere instrument of state power, this book proposes a more holistic perspective, positioning law as a societal phenomenon and a value in its own right—essential (without exaggeration) for human civilization to thrive and endure.

The need for such a work, I feel, stems from persistent challenges faced by legal education and practice in the post-Soviet states. Despite the passage of decades since the dissolution of the Soviet Union, many of these countries continue to grapple with legal nihilism, underdeveloped legal awareness, and a tendency to reduce law to a tool for serving state interests. By addressing these gaps, this book seeks to provide students, educators, and practitioners with a richer understanding of law as an integral part of societal life, capable of promoting justice, cohesion, and the rule of law.

At its core, this textbook is intended to hopefully and “well-wishingly” fill a critical void in legal education by presenting a unified theory of law that bridges theoretical abstraction and practical application. It draws on diverse traditions and methodologies, ensuring its relevance for a wide range of readers, from undergraduate students to seasoned legal professionals. The book is written in English, recognizing its growing importance as a medium for instruction and academic discourse in the region, and aiming to make its insights accessible to a broader audience.

The guiding principle of this work is the conviction that law is not only a mechanism for regulating behavior but also a cornerstone of human civilization itself. The survival and flourishing of societies depend on their ability to institutionalize and respect the rule of law. In an era of increasing populism and a declining regard for critical thinking, this message resonates more urgently than ever.

It is my sincere hope that this textbook will serve as a meaningful resource for students, scholars, and practitioners alike, fostering a deeper appreciation of legal values and inspiring new approaches to the challenges facing the legal systems of

the post-Soviet states. Through a more nuanced understanding of law, I believe we can contribute to building a more just and equitable society.

Almaty, Kazakhstan
July 2025

Rustam Atadjanov

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