

Abstract: **Approaches to Law amidst Eclectic Criticism in Post-Socialist Russia.**

The collapse of the Soviet Block in 1989 caused profound changes in legal thought both in Central and Eastern Europe. To name but a few: the Marxist legal theory was rejected and bitterly criticised, Western (neo)liberal thinking was enthusiastically embraced and acknowledged as a superior one, the peculiarities of national legal traditions were often downplayed to create and reinvigorate the myth of a common legal past with Western Europe.

Demolition of the old legal order was meant to clear the ground for a non-Marxist and non-dogmatical legal thought. But after a quarter of a century a coherent legal theory in the post-socialist countries is still a noble goal rather than reality.

All that is true with respect to Russia as the major jurisdiction of Eastern Europe. Due to various reasons, it becomes less and less known and understood among jurists from Central Europe. In this presentation I intend to partially fill this gap by reviewing an eclectic pluralism of Russian legal theory since 1991 on the basis of one of its fundamental concepts — an approach to law (*pravoponimaniye*). The presentation is divided into three sections: 1) the eclectic pluralism of contemporary Russian approaches to law, 2) its major causes, and 3) possible ways to reduce the theoretical incoherence.

1) An 'approach to law' or an 'understanding of law' (*pravoponimaniye*) in contemporary Russian legal theory is understood as a coherent answer to the question 'What is law?' from ontological and epistemological perspectives. In the 1990s Russians lived through a rapid transition from one official understanding of law to the pluralism of approaches.

Following the phase of scathing critique of the soviet dogmatism with no clear alternative in the early 1990s, more Russian legal scholars began to criticise such a destructive approach for inconsistency and deconstructive nature with an aim to establish a sound alternative. At the turn of the 20th century several concurrent approaches came under scrutiny. This section of the presentation will deal with the pros and cons of the major competing approaches to law in present-day Russia:

- a) neo-positivism / formalism (Vladimir Isakov, Mikhail Marchenko etc.);
- b) libertarian theory (Vadik Nersesyants, Vladimir Chetvernin);
- c) post-classical theory (Ilya Chestnov);
- d) integrative jurisprudence (Vladimir Grafsky, Valery Lasarev).

2) None of the reviewed approaches to law is regarded in Russia as coherent enough to dominate the academic discourse. Moreover, a significant number of Russian jurists (mostly non-theoreticians) derive their approach to law from several alternatives. This eclecticism could be explained through several major causes:

- lack of an official legal ideology and strategy to overcome the peripheral position of Russian legal system;

- impact of the globalization on the very foundations of Russian legal system and tradition;
- practical turn of Russian jurisprudence at the expense of legal theory and history;
- nihilistic attitude of a significant number of Russians.

3) Is there a way to reduce the eclecticism in Russian legal theory with regard to understanding of law? On the list of possible remedies we tend to name:

- studying of the state and the causes of such eclecticism (including the shortcomings of theoretical concepts and acknowledgement of law as a complex and multilayer phenomenon);

- possible differentiation of approaches for various spheres of law (lawmaking and law-enforcement (normativism), human rights (jusnaturalism), theory and philosophy of law (sociological jurisprudence and historical studies);

- advances of legal theory in a dialogue with other parts of Europe and the world.